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# THE USE OF COURTROOMS AT THE TIRANA AND DURRES DISTRICT COURTS



FINAL STUDY REPORT



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PATRICIA LOMBARD & DONNA STIENSTRA

*Tirana, 2011*

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## PREFACE

In early 2011, the USAID-funded JuST Project engaged the services of Patricia Lombard and Donna Stienstra<sup>1</sup>, two well-known experts from the Federal Judicial Center in the United States, to conduct a courtroom usage study in the District Courts of Tirana and Durrës.

The purpose of the study was to examine the usage of courtrooms in the two largest courts of Albania. The practice of holding hearings in judge's offices rather than in courtrooms is well known and frequently criticized. The study documents the extent of this practice and suggests court management approaches for addressing this chronic problem within existing constraints, primarily the shortage of courtrooms. Gathering empirical data as well as surveying the views of judges and court secretaries was the first step in JuST's program of assisting court leaders in changing these practices to bring greater transparency to the judiciary. The second phase, currently underway, consists of embedding a seasoned court manager from the United States to work with court leaders and practitioners to develop and implement solutions to these long-standing problems.

The study that follows provides an empirical basis for understanding current court scheduling practices. The findings underscore a paradox. The number of courtrooms is clearly insufficient for the heavy caseloads of the Tirana and Durrës District Courts. This is beyond dispute and is frequently cited as the primary reason requiring the use of private offices to conduct "public" hearings. The study revealed, however, that the real picture is both more complicated and more promising for implementing substantial improvements in the short term. The courtrooms that are available remain, for the most part, completely unused or (at best) under-utilized. Moreover, hearing times are short, meaning that many more hearings could be scheduled within existing working hours. Thus there is a real opportunity to make significant and immediate improvements by utilizing proven case management and scheduling techniques employed in courts everywhere.

Specific findings documented in the study found:

- The total amount of time spent in sessions held in the seven courtrooms in the Tirana civil courthouse was 2.1 hours per day, on average, or 18 minutes per day per courtroom.
- Information about session length is necessary for designing more efficient procedures for scheduling courtrooms. The median duration of a session in all Tirana cases was 13 minutes. In Durrës, it was slightly longer.
- Only 2% of scheduled Tirana civil sessions are held in courtrooms. For Tirana criminal cases, almost 93% are tried in offices. In Durrës, 76% of all cases are tried in judges' offices, with only 24% in courtrooms.
- On any given day in the Tirana courthouse, there is never a time when all courtrooms are in use. Usually five or six are available.

The study also examined the number of and reasons for postponements. The data revealed that a very large number of cases are continued.

- Depending on the location, as many as a third to a half of sessions are postponed.
- In another quarter to a half of all cases, a key player is missing – the judge, an attorney, a party, or other participant. As a result, much time is wasted just waiting for the next session.
- Judicial time management is a factor in poor courtroom utilization and generally inefficient practices. The average number of cases per judge handled per day is six, and the average length of each case is about 18 minutes. Thus only two hours per day are devoted to court sessions.

The most important element in any well-managed system is the strength of its leadership. Effective leaders personify the larger mission of the organization. They know how to build support for common objectives. They are receptive

*1. At the time of the study, the authors were both senior research associates at the Federal Judicial Center, the research and education agency for the U.S. federal courts. Prior to conducting the courtroom use study in Albania, they had completed two studies of courtroom use for the U.S. federal courts, a study of courtroom use in the district (or trial) courts (2007-2008) and a study of courtroom use in the bankruptcy courts (2009-2010).*

to new ideas and open to change. It is clear that both the Tirana and Durrës District Courts benefit from good leadership provided by their chief judges, Mr. Artan Zeneli and Mr. Ervin Metalla. Both were instrumental in facilitating the data gathering process in their respective courts, as well as the surveys of judges and secretaries. Both carefully reviewed the initial drafts, embracing the findings and expressing resolve to implement improvements. Judge Zeneli has moved quickly to establish a consultative process with his judicial colleagues to improve practices in the Tirana District Court. He has set an ambitious, measurable, yet realistic goal of having six of the seven Tirana courtrooms continuously in use from 9:00 am to 3:00 pm five days per week. If achieved, this will represent a significant improvement in the quality and the delivery of justice.

Assisting the two largest courts in Albania in achieving better, more efficient, and more transparent practices remains a key element of USAID assistance. Assisting all courts in adopting technologies that produce a verbatim record of court proceedings is another “building block” in creating a justice system that is valued and supported by the citizens. Much remains to be done, but I remain optimistic that these initial small steps will eventually lead to significant progress.

John A. Carver  
Chief of Party, JuST  
Tirana, 2011

## INTRODUCTION

In early 2011, we conducted a study of the use of courtrooms in the Tirana and Durrës (Albania) District Courts.<sup>2</sup> The need for the study arose from a widespread belief that courtrooms in the Tirana and Durrës courthouses are underused, reflecting a practice on the judges' part of holding hearings in their offices instead of in courtrooms. Such a practice, if true, would not conform to the principle and expectation that courts in a democratic society should be open and transparent to the public.

At the same time, it is widely acknowledged that the district courthouses in Tirana and Durrës have too few courtrooms for the number of judges assigned to the courthouses, thus limiting the number of matters that can be heard in a publicly-accessible setting.

The task for the courtroom use study was to determine how much the courtrooms are currently used and whether the potential use is greater than the current use.

To answer these questions, the study documented the supply of courtroom space, the number of court sessions judges schedule, and the location and duration of the sessions held.

We did the study at the request of JuST, the Albanian Justice Sector Strengthening Project funded by USAID.<sup>3</sup> During two weeks on site we held a series of meetings at the courts and developed data collection procedures that were then implemented by staff in the courts and the JuST office. This report describes the current configuration of courtrooms in the Tirana and Durrës District Courts, summarizes the methods we used to collect courtroom data, and presents our findings on the use of the courtrooms. We also present data from a survey of judges in the Tirana and Durrës District Courts.

## COURT OVERVIEW

In the Tirana and Durrës courts, civil and criminal cases are resolved through a series of court events, or “sessions”, beginning with the preliminary session, when the parties appear before the judge to state their claims and defenses, and ending with the final session, in which the judge announces the court’s judgment. Between these two sessions, the parties appear before the judge to be assisted by the judge in developing evidence and to present evidence. For the great majority of cases, a single case is scheduled to be heard during session time slot.

The court locations vary in the methods used for reserving courtroom space. A common feature, however, is that judges are not permanently assigned to particular courtrooms. Thus, over the course of a day or week, a

judge may hold sessions in different courtrooms based on the availability of courtrooms at the time.

### NUMBER OF COURTROOMS, NUMBER OF JUDGES, AND COURTHOUSE HOURS

In Tirana, the civil and criminal division judges are located in separate courthouses several miles apart. In Durrës, the civil and criminal division judges share a courthouse and the courtrooms in that courthouse. Table I summarizes the number of courtrooms, number of judges, and hours the courthouses were open at the time of data collection for the study.

As this table shows, the Tirana and Durrës District Courts have limited courtroom capacity, especially when

2. We especially would like acknowledge the support of Chief Judges Artan Zeneli of the Tirana District Court and Ervin Metalla of the Durrës District Court. They encouraged their colleagues to complete our surveys, providing invaluable insight into the workings of both courts. Likewise the Chancellors of both courts, and the session secretaries were enormously helpful in our data collection efforts, and we could not have assembled the data without them.

3. We want to thank John Carver, JuST Chief of Party, and his staff for their superb support for this study. There would have been no data to analyze or report to write if it were not for their efforts. We especially thank Ota Lolo, who helped us understand the Albanian court system, guided us through our on-site meetings, directed data collection, negotiated with the courts, and generally directed the project. We are also grateful to Lisina Mano, who translated our documents and was at our side during all the meetings to help us understand the discussions.

**Table I**  
**Number of Courtrooms, Number of Judges, and Hours Courthouse is Open**  
**Tirana and Durrës District Courts**  
**April 2011**

Court and Division	Number of Courtrooms	Number of Judges	Number of Judges Per Courtroom	Hours Courthouse is Open
Tirana District Court, Civil Division	7	44	6	8:00 a.m. to 4:00 p.m.
Tirana District Court, Criminal Division	8	17	2	8:00 a.m. to 4:00 p.m.
Durrës District Court, Civil & Criminal Divisions	4	24	6	8:00 a.m. to 4:00 p.m.

measured as a ratio of judges per courtroom in the Tirana civil division and in Durrës. The table may make it appear that all courtrooms and all time slots are equally available and usable for all court sessions, but, in fact, there are various constraints—physical and operational—on the use of the courtrooms that alter their availability and thus the total capacity for holding sessions of court. For example:

- Although the Tirana criminal division courthouse is open from 8:00 a.m. to 4:00 p.m. and has eight courtrooms, only three of those courtrooms have holding cells. Therefore, for security reasons, only those three courtrooms can be used for sessions with defendants who are in custody, estimated at approximately 40% of the criminal sessions.<sup>4</sup> Also because defendants in custody must be transferred to and from their detention facilities, sessions for these defendants typically are scheduled between 9:00 and 2:30 only, to allow for transfer time.
- The five Tirana criminal division courtrooms that do not have holding cells can be used throughout the day for non-custody defendants and administrative matters that do not require the presence of the defendant. However, these courtrooms also lack computers, making them a less attractive space for holding sessions than the judge's office.
- In the Tirana civil division courthouse, administrative meetings and administrative work by the session

secretaries is typically done between 8:00 and 9:30 a.m.; therefore, most case sessions are not scheduled before 9:30 a.m.

- In the Tirana civil division courthouse, one courtroom is designated for criminal arraignments and, at the time of the study, was also used for regularly scheduled sessions in a particular on-going case (the Gërdec trial); together these uses reduce its availability for sessions in other civil cases.
- In Durrës, there are four courtrooms, but three are designated for civil matters and one, which has a holding cell, for criminal matters.
- In all of the courthouses, sessions that require a full panel in attendance are typically scheduled on Tuesdays, Wednesdays, and Thursdays.

The impact of these various constraints and practices is reflected in the data analyzed below.

### SCHEDULING PRACTICES IN THE TIRANA CIVIL DIVISION

In the Tirana civil division, sessions are scheduled in advance for a specific date and time but typically not for a specific courtroom. Thus, a judge who wants to hold a session in a courtroom must identify an available courtroom and let other judges know the courtroom

<sup>4</sup> Estimated by the court's session secretaries during a focus group meeting.

will be used. This is typically done by the judge's session secretary<sup>5</sup>, who looks for a courtroom at the moment it is needed and then either stays in the courtroom, or asks the parties to remain in the courtroom, to claim it until the judge's arrival.

### SCHEDULING PRACTICES IN THE TIRANA CRIMINAL DIVISION

In the Tirana criminal division, sessions for defendants in custody and defendants not in custody are handled differently. For defendants in custody, the session secretaries give a member of the staff of the prison directorate, who is on site at the court, a list of sessions to be held the following day. The prison directorate staff member then arranges for the defendants' transfer to court the next day.

To accommodate transportation and transfer logistics, sessions for defendants in custody are normally scheduled between 9:00 a.m. and 2:30 p.m. Once a defendant is at the court and the session time has arrived, the prison directorate staff member identifies an available courtroom for the session and informs the judge's session secretary where the session will be held. The judge and the session secretary proceed to that location, and the defendant is then transferred to that courtroom<sup>6</sup>.

Only the three courtrooms on the first floor of the courthouse have holding cells and only those courtrooms can be used for sessions for defendants in custody. If the time for a scheduled session has arrived but none of the three courtrooms is available, the session is delayed until a courtroom becomes free.

Sessions for defendants who are not in custody are not handled by the prison directorate staff. These sessions, which may be scheduled between 8:30 a.m. and 4:00 p.m., are normally held in the courtrooms on the second floor

of the courthouse, which do not have holding cells, or in the judges' offices. These sessions may also be held in one of the first floor courtrooms if a judge requests and a courtroom is available.

### SCHEDULING PRACTICES IN THE DURRËS CIVIL AND CRIMINAL DIVISIONS

In Durrës, both the civil and criminal divisions are resident in the same courthouse. Three courtrooms are designated for civil sessions and one courtroom, which is equipped with a holding cell, is designated for criminal sessions.

The chief judge in Durrës has established a general system for sharing the available courtroom space among the court's judges. All of the judges are assigned to one of the court's standing panels of three judges each. These panels are assigned specific days on which the judges of the panel can use a specific courtroom (e.g., the judges of Panel A can use Courtroom 2 on Tuesdays). The judges on the panel can then sign up to use some of the allotted courtroom time either for a case to be heard by the entire panel or for a session to be held by just one of the panel's judges. Judges may also use courtrooms other than the one allocated to them when those courtrooms are free.

Regardless of the scheduling mechanism used by each of the courts, the current courtroom space is not sufficient to hold all scheduled sessions - on average, between five and seven per judge per day<sup>7</sup> - in a courtroom. There are no plans at this time to build new courthouses for the Tirana or Durrës District Courts.<sup>8</sup>

Thus, the capacity, at least in terms of courtroom space, is fixed. The chief judge of the Tirana District Court civil division is currently trying to make better use of courtroom space in the civil division by asking the judges to submit weekly lists of matters suitable for courtrooms, which the chief judge can then use to allocate sessions to courtrooms.

5. Each judge has a session secretary, who shares the judge's office, manages the case file, ushers parties in and out of court sessions (whether held in the judge's office or a courtroom), and records dates and session outcomes in the court's electronic case record system.

6. Judges cannot request a particular courtroom at a particular time because the scheduler does not know how long any session already assigned to a courtroom will last.

7. See discussion in the data analysis section below.

8. We were told that the ratio of judges to courtrooms is two to one in new courthouses built in other locations.

## STUDY METHODOLOGY

Table I, in the preceding section, provides a picture of capacity—i.e. the number of courtrooms available and the hours during which they are available. To plan for use of that capacity, the courts also need to know the potential demand for courtrooms, which requires information about (1) the number and duration of sessions scheduled for courtrooms and judges' offices and (2) the number and duration of sessions actually held in courtrooms and judges' offices. Below we describe how we collected the scheduling data and actual use data needed to understand the demand for courtroom space. We collected data for all court sessions scheduled for and held during the three-week period April 4 through April 22, 2011.

### COLLECTION OF SCHEDULING DATA

Scheduling data capture the number of events that are scheduled, the date on which each event is scheduled, and the expected start time of each event—or “session”, as it is called in the Tirana and Durrës courts. Ideally, scheduling data also capture the expected length of the event and the location where the event will be held, but these data were not available for this study.

We collected the scheduling data as follows:

*Tirana District Court, civil and criminal divisions:* When a judge schedules a case for a session of court, the judge's session secretary enters the case and session into the court's electronic case management system (the ARK IT system<sup>9</sup>). Parties and any other interested persons can view this information, which is essentially the calendar of hearings to be held, at the court's public website ([www.gjykatatirana.gov.al/](http://www.gjykatatirana.gov.al/)). The information recorded into this system provided the scheduling data we needed, including the case number for the case scheduled to be heard, the date and time it would be heard, the judge's name, the case name, and the type of matter. We initially planned to have the JuST project staff extract this information directly from the web site, but that approach proved to be technically difficult and time consuming. Instead, the JuST office entered into a contract

to have the required information extracted directly from the case management system.

*Durrës District Court, civil and criminal divisions:* The District Court in Durrës uses an electronic case management system (the ICMIS system<sup>10</sup>) to report the scheduling and outcome of case sessions. This system provides information internally for the court but not externally for public use; further, the information in the court's system cannot be easily extracted. Therefore, in Durrës we asked the session secretaries to record the case and session data needed for the study, including the case number for the case that would be heard, the date and time it would be heard, the judge's name, the case name, and the type of matter. The session secretaries recorded the data on forms provided by the JuST office. See Attachment I for the data collection form.

### COLLECTION OF ACTUAL USE DATA

Actual use data capture the actual use of courtrooms. The critical information needed for measuring actual use are (1) the start and end time of each event and (2) the location of the event. To measure actual use, we collected data on the location where each scheduled event was actually held, the duration of the event, and the outcome of the event. For each of the three courthouses, we were able to use some information that is regularly recorded by the session secretaries, but we had to collect original data as well.

We collected the data as follows:

*Tirana District Court, civil and criminal divisions:* In the ARK IT case management system used in the Tirana District Court, the session secretaries routinely record, for each session of court that is scheduled, the outcome of the hearing and the date and hour for the next hearing in the case. For the period of data collection for the study, we asked the session secretaries to also record the start and stop time for every session held, the number of judges who participated in the session, and, if the session was held in a courtroom, the courtroom number. At the

9. The system was designed and implemented by ARK IT ([www.arkit.info](http://www.arkit.info)).

10. The ICMIS, or Integrated Case Management Information System.

end of the data collection period, this information was extracted from the ARK IT system and linked to the data on scheduled sessions.

*Durrës District Court, civil and criminal divisions:* As part of the special reporting that the sessions secretaries did for the study, we asked them to also record, for each scheduled session, the outcome of the session, the date and hour for the next hearing in the case, the start and stop time for every session held, the number of judges who participated in the session, and, if the session was held in a courtroom, the courtroom number. The session secretaries recorded the data on forms provided by the JuST office. See Attachment I for the form.

In addition to the session data collected by the session secretaries, we created a second set of actual use data by asking each court to complete a form on which either a bailiff or a security officer could mark whether each courtroom was used in each half hour of the day between 8:00 a.m. and 4:00 p.m. (see Attachment 2 for an example form). Our intention was to use these data - the “time period” data - to provide an independent source of courtroom use information against which we could verify the data recorded by the session secretaries - the “session” data. We received independent time period data from the court bailiff for the Tirana civil division, but we received no data for the Tirana criminal division. In the Durrës District Court, session secretaries filled out the time period forms by marking each period during which they were in a courtroom each day. Because the session secretaries recorded both the time period data and the detailed session data, the time period data are not the independent comparative data source we had hoped for. These data do, however, provide a different look at courtroom use.

## DEVELOPMENT OF DATA COLLECTION PROCEDURES

To understand how the courts schedule court sessions and use the courtrooms, we met separately with the judges, the chancellors (or chief administrators), and the session secretaries in each of the three courthouses. We asked about scheduling practices, designation of courtrooms for special uses, and other matters to obtain information that would help us develop the data collection procedures and forms.

After we developed the forms, procedures, and instructions, staff in the JuST office in Tirana instructed the session secretaries in all three courthouses on how to record the information needed for the study. A copy of the instructions provided to the session secretaries in Tirana is enclosed at Attachment 3. Similar instructions were provided to the Durrës session secretaries. When data collection ended, the JuST staff forwarded the data to us in Excel spreadsheets.<sup>11</sup>

## DATA ANALYSIS

When we prepared the data for analysis, we found that we had both scheduling and actual use data for the Tirana courthouses, but for the Durrës courthouse we received data only for sessions that were actually held (i.e., we received no data for sessions that were scheduled but not held - assuming there are such sessions; see Findings for Durrës Courthouse for a fuller explanation).

We analyzed the data separately for each of the three courthouses and separately for scheduling and actual use of the courtrooms.

## SURVEY OF JUDGES

To complement the quantitative analysis of courtroom use and to further assist the courts in planning for future courtroom use, we asked the Tirana and Durrës District Court judges to complete a short questionnaire.<sup>12</sup> The questionnaire gave the judges an opportunity to provide their views on the use of courtrooms, including their views on which types of proceedings should have priority given the small number of courtrooms and high number of scheduled sessions.

Staff from the JuST office hand-delivered the questionnaires to the three courthouses and returned on a specified date to pick up the completed questionnaires. There were no names on the questionnaires, and the introductory text promised confidentiality. We had a good response to the questionnaire, with 73% of the Tirana civil division judges responding, 71% of the Tirana criminal division judges responding, and 83% of the Durrës judges responding. The questionnaire for the Tirana civil judges is enclosed at Attachment 4.

11. We produced the various data collection forms in English, and then staff in the JuST office translated the forms and instructions into Albanian. Similarly, the session data were reported in Albanian and were then translated into English before being transmitted to us for analysis.

12. We developed the questionnaire in English, and the JuST staff translated it into Albanian and managed the logistics of administering it. They then translated the responses into English and provided them to us in an Excel worksheet.

## FINDINGS FOR THE TIRANA CIVIL COURTHOUSE

### SCHEDULING

During the data collection period, 4085 sessions were scheduled to be held in the Tirana civil division courthouse.<sup>13</sup> Table 2 shows the number of sessions scheduled by type of civil case.<sup>14</sup>

Sessions were scheduled for every day of the analysis period and were generally spread throughout the day from 8:30 a.m. through 3:30 p.m., as shown in Table 3.

Noticeably fewer sessions were scheduled, however, before 9:30 a.m. and after 2:30 p.m. All of the scheduled times were directly on the hour or half hour mark, which may be a function of the controls set in the computerized scheduling program used by the court. Rarely did a judge schedule more than one case for the same time slot (i.e., “stack” multiple cases); this happened for 3.5% of the scheduled sessions.

**Table 2**  
**Number of Sessions Scheduled by Type of Case**  
**Tirana District Court, Civil Division**  
**April 2011**

Case Type	Number	Percent
Administrative	1172	28.7
Basic Civil	2346	57.4
Civil Petitions	33	0.8
Commercial	88	2.2
Family	446	10.9
Total	4085	100

*13. One additional session was scheduled in a Family case on Saturday April 16, 2011. The session was held in the judge's office for twenty minutes. Because this session was scheduled outside normal courthouse hours, we did not include it in any analyses presented in this report.*

*14. To make the analysis manageable, the many different types of civil cases heard by the court are collapsed into the five case type categories shown in the table.*

Although the number of sessions that a single judge scheduled for a single day during the study period ranged from zero to fourteen, most commonly judges scheduled between six and nine sessions per day (both the mean and median were approximately seven sessions). The number of judges with at least one session scheduled during the day ranged from 36 to 44.

The scheduling data do not include information about whether a session of court was scheduled for a courtroom

or for the judge’s office, which reflects the typical practice of moving a session into a courtroom at the time the need arises (see Court Overview for the description of scheduling practices in the Tirana civil division).

The data make it clear, however, that for most periods of the day the judges schedule substantially more sessions than the existing number of courtrooms would be able to accommodate.

**Table 3**  
**Number of Sessions Scheduled by Time of Day**  
**Tirana District Court, Civil Division**  
**April 2011**

Session Date	Scheduled Hour															Total	
	08:30	09:00	09:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30		16:00
4/04/2011	2	10	29	29	23	31	27	30	29	29	27	25	13	8	1	0	313
4/05/2011	2	12	24	24	20	24	18	28	19	21	30	21	15	6	0	0	264
4/06/2011	0	10	27	27	24	20	27	25	24	28	28	25	18	6	1	0	290
4/07/2011	2	11	27	23	25	22	25	25	25	28	34	27	16	10	2	0	302
4/08/2011	0	9	17	24	14	23	14	23	15	19	15	9	3	3	1	0	189
4/11/2011	2	9	27	25	17	28	25	27	19	27	28	31	13	10	0	0	288
4/12/2011	0	11	25	24	19	21	19	24	18	24	20	25	14	5	2	0	251
4/13/2011	1	3	28	20	19	23	19	24	18	24	23	20	11	5	0	0	238
4/14/2011	1	6	26	23	16	19	20	20	24	25	27	28	12	4	1	0	252
4/15/2011	1	8	24	30	23	30	24	25	22	27	22	23	4	4	2	0	269
4/18/2011	3	14	33	26	25	30	29	35	28	29	31	26	11	6	1	0	327
4/19/2011	2	8	29	26	18	23	22	26	28	30	31	29	16	9	0	0	297
4/20/2011	2	12	25	25	23	24	22	25	20	25	27	24	13	4	1	1	273
4/21/2011	2	9	26	22	21	19	22	21	26	28	27	23	9	2	0	0	257
4/22/2011	0	9	28	26	25	29	24	28	25	28	25	18	7	3	0	0	275
Total	20	141	395	374	312	366	337	386	340	392	395	354	175	85	12	1	4085

## ACTUAL USE

For sessions of court that were held, we asked the session secretaries to record the time the session started and the time it ended, as well as the location of the session. Start and stop times are essential for determining whether a scheduled session was held and how much courtroom time it consumed.

Table 4 shows that of the 4085 sessions scheduled during the study period in the Tirana civil courthouse, about a

third, or 1394 (34%) sessions, had no start time or stop time recorded for the session. Another 329 sessions (8%) had only one of the two time values entered, or the values entered for the start and stop time of the session resulted in a negative computed time; we could not find other information in these records to help us to correct the entered values. Altogether, 2362 of the 4085 scheduled sessions (58%) had valid time information entered.<sup>15</sup>

**Table 4**  
**Number and Percent of Actual Use Sessions**  
**With Valid and Invalid Start and Stop Times, By Case Type**  
**Tirana District Court, Civil Division**  
**April 2011**

Case Type	No Time	Valid Time	Invalid Time	Total
Administrative	395 33.7%	691 59.0%	86 7.3%	1172 100%
Basic Civil	821 35.0%	1328 56.6%	197 8.4%	2346 100%
Civil Petitions	13 39.4%	16 48.5%	4 12.1%	33 100%
Commercial	25 28.4%	52 59.1%	11 12.5%	88 100%
Family	140 31.4%	275 61.7%	31 7.0%	446 100%
Total	1394 34.1%	2362 57.8%	329 8.1%	4085 100%

In the absence of an actual start time and stop time for a session that had been scheduled, we looked to other information in the data record to determine whether the scheduled session had been held<sup>16</sup>. Using this information,

we determined the outcomes of the 4085 scheduled sessions and coded them into a small set of outcome categories. Table 5 shows these outcome categories.

<sup>15</sup> We also classified as valid the records in which the actual start time for the session was missing but the scheduled start time was present and the stop time was later than the scheduled start time. For these records, we substituted the scheduled start time for the missing actual start time and computed the session length from scheduled start time to actual stop (which may slightly overstate the session length).

<sup>16</sup> We primarily used information recorded in the Outcome field and the Notes field as guides to understanding the outcome of each session.

**Table 5**  
**Number and Percent of Scheduled Sessions By Type of Outcome**  
**Tirana District Court, Civil Division**  
**April 2011**

Outcome	Number	Percent
Absent: Judge or Panel	477	11.7
Absent: Party, Attorney, Other	370	9.1
Decision was Made/Announced	932	22.8
Held: Other	76	1.9
Outcome Missing	230	5.6
Postponed: At Request of Party/Attorney/Other	1050	25.7
Postponed: For Judge/Party/Other To Prepare	446	10.9
Postponed: Other	504	12.3
Total	4085	100

“Postponed” was the term used most frequently to describe the outcome of the sessions. The word was used so often, in fact, that we had to find other descriptors in the outcome text to create more meaningful sub-categories. When reading the analysis tables presented below, note that the categories now labeled “Absent” were originally part of the sessions with a “Postponed” outcome. Even with this sub-division, however, the remaining “Postponed” sessions account for nearly half of the session outcomes (49%). For some sessions, the word seems to indicate that the session was not held (e.g., where a party requested the postponement). For other sessions, the word seems to indicate that a partial session was held, which was then continued to another date (e.g., sessions where the hearing was postponed for the judge or a party to prepare something to be presented at the next session, such as a response by a party or a decision by the judge).

For about a quarter of the scheduled sessions (23%), a decision was made or announced, but for another fifth (21%) one of the participants, such as an attorney or the judge, was absent. The number of sessions where the presiding judge was absent or the panel could not be convened (12%) was probably larger than is typically the case, however, because almost all of the sessions scheduled for Friday April 8, 2011 fell into this category. On that date, most of the judges were participating in the National Judicial Conference. From the outcome data,

we can be certain only that about 25% of the scheduled sessions were held - those classified as Decision Made/Announced or Held: Other.

The outcome categories are not, however, sufficient in themselves for determining whether a session was held in all situations. But that information, coupled with the reporting of session time, does provide a way to evaluate whether a session actually occurred. The formula we used was as follows. If the judge or panel was absent, we considered the session not held. If a decision was made/announced or there was another indication the session was held, we considered it held. For all other sessions, if there were valid start and stop times for the session, we considered it held. If there were no start or stop times, we considered the session not held. If one of the session times was missing or the session time computation resulted in a negative session duration and no courtroom identification was provided, we simply could not determine whether the session was held. If, however, these records included courtroom identification, we considered the session held.

Using this approach, we determined that 2855 (70%) of the scheduled sessions were - most likely - held (see Table 6). This group of sessions is the population we use in most of the analyses of courtroom use reported in the remainder of this section.

**Table 6**  
**Number of Sessions Held As Determined By Combining Information About**  
**the Session of Court and the Outcome of the Session**  
**Tirana District Court, Civil Division**  
**April 2011**

Outcome	Was the Session Held?			Total
	No	Yes	Unknown	
Absent: Judge or Panel	477	0	0	477
Absent: Party, Attorney, Other	140	217	13	370
Decision was Made/Announced	0	932	0	932
Held: Other	0	76	0	76
Outcome Missing	207	13	10	230
Postponed: At Request of Party/Attorney/Other	142	884	24	1050
Postponed: For Judge/Party/Other To Prepare	18	414	14	446
Postponed: Other	170	319	15	504
Total	1154 28.2%	2855 70.0%	76 1.9%	4085 100%

**Table 7**  
**Number of Sessions Held in a Courtroom by Type of Outcome of the Session**  
**Tirana District Court, Civil Division**  
**April 2011**

Outcome	Was the Session Held in a Courtroom?		Total
	No	Yes	
Absent: Party, Attorney, Other	213	4	217
Decision was Made/Announced	922	10	932
Held: Other	76	0	76
Outcome Missing	13	0	13
Postponed: At Request of Party/Attorney/ Other	863	21	884
Postponed: For Judge/Party/OtherTo Prepare	394	20	414
Postponed: Other	313	6	319
Total	2794 97.9%	61 2.1%	2855

As noted earlier, we asked the session secretaries to provide the courtroom identification number for each session held in a courtroom. Table 7 shows that a courtroom number was provided for only sixty-one sessions (2%) of the 2855 sessions that were held.<sup>17</sup> This number may indicate that courtroom use is extremely rare or, more likely, that the courtroom identification number is missing from the data record for an unknown number of sessions that were actually held in courtrooms.

Use of courtrooms is not evenly distributed across the seven courtrooms in the Tirana civil courthouse, as Table 8 shows. Three courtrooms, Numbers 2, 3, and 4, show markedly more use than the other courtrooms. This pattern may be due to reporting errors, or it may reflect differences in courtroom characteristics or judge preferences. This pattern also brings into focus the comment, made by a judge on the survey, who said that only four courtrooms were available for all the judges, which may suggest that the judges consider only a subset of the seven courtrooms functional for court sessions.

We note in particular the low reported use of Courtroom 1. When we spoke with the Tirana civil staff during our visit we asked whether the court had any special arrangements for use of courtrooms and learned that Courtroom 1 was regularly used for criminal arraignments held in the civil division courthouse. In addition, staff told us that the court scheduled a specific high visibility criminal case for multiple sessions each week in Courtroom 1. Consequently, we expected heightened use of that courtroom. We do not know what explains the low use numbers for Courtroom 1 but can make some educated guesses. Because of the way the data were extracted from the case management system, it is possible that criminal arraignments are not included in the data set for the Tirana civil division. It is also possible that criminal arraignments are not reported in the case management system the same way as civil sessions. As for the high visibility case, it is certainly possible that the time of our study coincided with a period of low activity in the case. It is also possible that information for the special case is handled differently in the case management system, leaving the case absent from our data set. If any of these conditions are true - and at least some very likely are - we have an undercount of the use of Courtroom 1.

**Table 8**  
**Number of Sessions Held By Location of Session and Type of Civil Case**  
**Tirana District Court, Civil Division**  
**April 2011**

Courtroom Number	Case Type					Total
	Administrative	Basic Civil	Civil Petitions	Commercial	Family	
Not In a Courtroom	811	1614	19	52	298	2794
Courtroom 1	0	1	0	0	0	1
Courtroom 2	2	7	0	1	0	10
Courtroom 3	1	15	0	5	0	21
Courtroom 4	8	7	0	0	2	17
Courtroom 5	5	0	0	0	0	5
Courtroom 6	2	0	0	0	1	3
Courtroom 7	0	2	0	1	0	3
Courtroom Number Unknown	1	0	0	0	0	1
<b>Total</b>	<b>830</b>	<b>1646</b>	<b>19</b>	<b>59</b>	<b>301</b>	<b>2855</b>

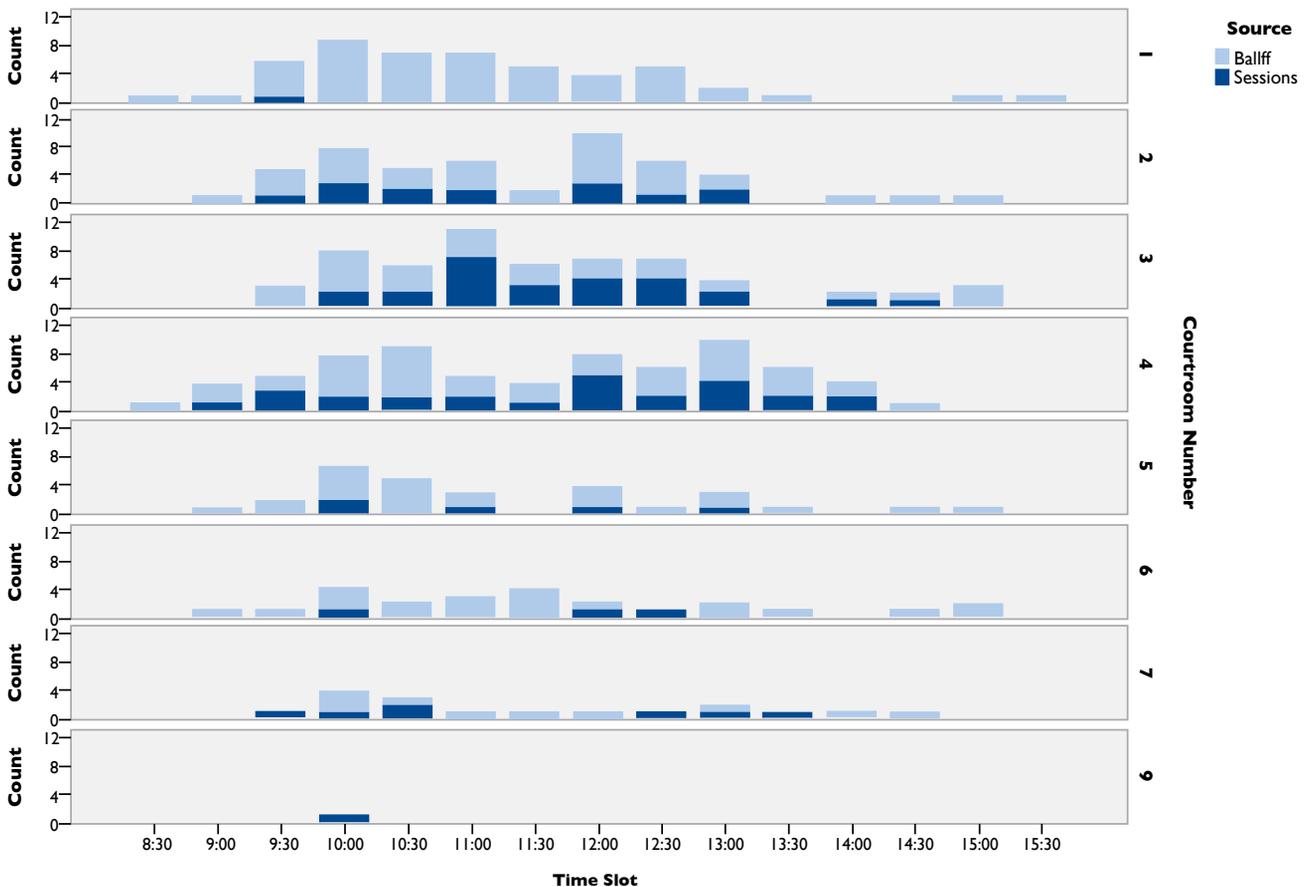
<sup>17</sup>A courtroom number outside of the expected range of numbers was entered for all of the sessions for two judges in Tirana, one in the Civil courthouse and one in the Criminal courthouse. An inquiry into what the correct courtroom numbers might be revealed that the numbers used in reporting the data were the numbers of the respective judges' offices. Based on this information, we assumed that all of these sessions were held in the judges' offices and not in courtrooms.

Chart I gives some support to a conclusion that the session data undercount the amount of courtroom use. The chart is based on the data recorded by the bailiff in the Tirana civil courthouse. Overall, these data suggest a greater level of courtroom use than is suggested by the session data. In particular, the bailiff's data show greater use of Courtroom 1 - use that is more in line with our original expectations for that courtroom - compared with the session data, which show virtually no use.

For each courtroom (the separate horizontal panels) and for each half-hour time period (the horizontal axis), the chart presents the number of days (height of each colored portion of the vertical column) on which the session data (blue portion) reported that a session was held in the

courtroom during that time period. The stacked light blue portion of the columns reflects the number of days that the room was used at some time during that half-hour based on the observations of the bailiff. For most courtrooms and most time slots, the bailiff values are greater than the session values, suggesting that the session data may be understating the use of the courtrooms. The divergence is especially noticeable for Courtroom 1, where the column heights are almost exclusively based on bailiff observations. The general pattern of greater use for Courtrooms 2-4, as compared to Courtrooms 5-7 remains. Keep in mind that in this analysis use is measured in days, not hours; on any given day, the hours of use may be small or substantial.

**Chart I**  
**Comparison of Courtroom Use Reported by the Bailiff and Recorded in the Session Data**  
**Tirana District Court, Civil Division**  
**April 2011**



We collected the second type of use data - the bailiff, or "time period", data - to permit us to do a check on the accuracy of the session data. With substantial discrepancy between the time period data and the session data, we can only note the discrepancy. We cannot determine which is more accurate than the other.

In the end, however, session data are the only data with enough detail to calculate statistics on the length of time for sessions held in the courtrooms. Information

about typical session length is necessary for scheduling courtrooms efficiently and, in conjunction with data about the number of sessions held, for planning future courtroom needs. For all sessions held during the study period for which a valid session length could be computed (N=2327)<sup>18</sup>, the median length of time for a session was fifteen minutes, as shown in Table 9. Civil petitions had a slightly shorter median time (thirteen and a half minutes), while family and commercial cases had a somewhat longer median time (twenty minutes).

**Table 9**  
**Number of Sessions Held in Courtrooms, Number Not Held in Courtrooms,**  
**And Median Duration of Sessions in Minutes, By Case Type**  
**Tirana District Court, Civil Division**  
**April 2011**

Case Type	Session Held in a Courtroom	Session Not Held in a Courtroom	All Sessions
Administrative			
No. of Sessions	17	659	676
Median Duration (mins.)	18.0	15.0	15.0
Basic Civil			
No. of Sessions	30	1285	1315
Median Duration (mins.)	25.0	15.0	15.0
Civil Petitions			
No. of Sessions	0	16	16
Median Duration (mins.)	0.0	13.5	13.5
Commercial			
No. of Sessions	7	44	51
Median Duration (mins.)	35.0	18.5	20.0
Family			
No. of Sessions	3	266	269
Median Duration (mins.)	20.0	19.5	20.0
All Case Types			
No. of Sessions	57	2270	2327
Median Duration (mins.)	22.0	15.0	15.0

The median duration for sessions held in a courtroom was longer than for sessions held in non-courtroom locations - twenty-two minutes and fifteen minutes,

respectively. This was true for every type of case, although the difference for family cases was negligible. Of the various case types, basic civil cases and

<sup>18</sup>Among the 525 cases we classified as held but that did not have a valid session length, 522 were missing either a start time or stop time, and three had a negative computed session length. As explained above, we classified these sessions as held because the outcome information indicated that some decision was made during the session.

commercial cases consumed the most courtroom time - twenty-five and thirty-five minutes, respectively. Commercial cases lasted nearly twice as long when held in a courtroom compared to a non-courtroom location.

The total amount of time spent in sessions held in the seven courtrooms in the Tirana civil courthouse was 2.1 hours per day, on average, or eighteen minutes per day per courtroom. For non-courtroom locations, the total amount of time was 49.9 hours per day, on average, or

an hour and eight minutes per day per non-courtroom location.<sup>19</sup> On any given day, there was never a time when all seven courtrooms were in use; that is, during the twelve half-hour sessions available in each of the seven courtrooms each day, at least one, and usually five or six, courtrooms were available for use.<sup>20</sup> If Courtroom 1 is viewed by the court as reserved for criminal matters, the number of courtrooms available for civil matters is, of course, reduced by one.

## FINDINGS FOR THE TIRANA CRIMINAL COURTHOUSE

### SCHEDULING

During the data collection period, 1329 sessions were scheduled to be held in the Tirana criminal division courthouse. Table 10 shows the number of sessions scheduled by type of criminal case.<sup>21</sup>

Sessions were scheduled for every day of the analysis period and were generally spread throughout the day from 9:00 a.m. to 3:00 p.m., as shown in Table 11. Noticeably fewer sessions were scheduled, however, before 9:30 a.m. and after 1:30 p.m. The scheduling pattern may, to some

extent, reflect the availability of defendants who are in custody, who typically do not arrive at the courthouse before 9:00 and usually are returned to their institution by 3:00.

All of the scheduled times were directly on the hour or half hour mark, which may be a function of the controls set in the computerized scheduling program used by the court. Rarely did a judge schedule more than one case for the same time slot (i.e., “stack” multiple cases); this happened for 3.9% of the scheduled sessions.

**Table 10**  
**Number of Sessions Scheduled by Type of Case**  
**Tirana District Court, Criminal Division**  
**April 2011**

Case Type	Number	Percent
Criminal	938	70.6
Criminal Petition	391	29.4
Total	1329	100

19. These numbers are the result of summing the elapsed time for all sessions held during the reporting period, for courtroom and non-courtroom locations respectively, and dividing by fourteen (the number of reporting days). We excluded information for April 8, 2011, the day of the National Judicial Conference. The daily average for single non-courtroom locations is based on our assumption that there were forty-four such locations - one per judge.

20. We defined “use” as any activity, even lasting only a minute, during twelve half-hour time slots each day (9:00 a.m. to 3:00 p.m.). Altogether, there were potentially 168 half-hour time slots during the fourteen-day period in the Tirana civil courthouse. There were no time slots when all seven courtrooms were in use; the highest level of simultaneous use was three courtrooms, which occurred twice.

21. To make the analysis manageable, we collapsed the many different types of criminal cases heard by the court into the two case type categories shown in the table.

**Table 11**  
**Number of Sessions Scheduled by Time of Day**  
**Tirana District Court, Criminal Division**  
**April 2011**

Session Date	Scheduled Hour													Total
	09:00	09:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	
4/04/2011	3	13	11	8	11	9	10	12	14	8	5	1	0	105
4/05/2011	4	13	10	11	10	10	13	13	11	10	7	0	0	112
4/06/2011	4	10	9	8	11	8	10	9	10	9	4	2	0	94
4/07/2011	2	13	9	13	10	10	9	10	10	8	3	1	0	98
4/08/2011	0	3	4	3	1	2	2	3	1	0	0	0	0	19
4/11/2011	1	12	11	11	10	11	10	12	10	8	4	0	0	100
4/12/2011	3	9	11	7	10	12	8	6	10	8	6	0	0	90
4/13/2011	6	9	9	9	10	9	8	8	10	8	4	2	1	93
4/14/2011	4	9	13	13	13	9	11	10	11	8	4	2	0	107
4/15/2011	3	10	10	8	13	8	12	8	8	6	0	0	0	86
4/18/2011	0	9	12	9	8	8	10	9	8	9	5	1	0	88
4/19/2011	1	7	10	9	12	10	12	9	7	6	5	1	0	89
4/20/2011	1	8	14	10	11	10	8	8	8	6	5	0	0	89
4/21/2011	1	10	9	8	11	8	7	9	9	2	5	0	0	79
4/22/2011	1	11	13	8	9	10	8	7	6	5	2	0	0	80
Total	34	146	155	135	150	134	138	133	133	101	59	10	1	1329

Although the number of sessions that a single judge scheduled for a single day during the study period ranged from zero to twelve, often judges scheduled only one session per day, though five to seven sessions per day was also common. The mean and median number of sessions per day was approximately five. The number of judges with at least one session scheduled during the day ranged from ten to twenty-one. The date on which the lowest number of judges (ten) scheduled sessions was April 8, the day of the National Judicial Conference. The dates on which more than seventeen judges scheduled sessions most likely reflect the fact that some magistrates, in addition to the seventeen district judges, scheduled matters in the criminal division courthouse.

The scheduling data do not include information about whether a session of court was scheduled for a courtroom or for the judge's office, which reflects the judges' typical practice of moving a session into a courtroom at the

time the need arises (see Scheduling Practices for Tirana Criminal Division for the description of scheduling practices in the Tirana criminal division). The data make it clear, however, that during the prime hours of the day the judges schedule more sessions than the present number of courtrooms would be able to accommodate.

#### ACTUAL USE

For sessions of court that were held, we asked the session secretaries to record the time the session started and the time the session ended, as well as the location of the session. As we noted previously, start and stop times are essential for determining whether a scheduled session was held and how much courtroom time it consumed. Table 12 shows that of the 1329 sessions scheduled during the study period in the Tirana criminal division courthouse, 154 sessions (about 12%) had no start time or stop time recorded for the session. Another nine sessions (less than 1%) had only one of the two time values entered, or the

values entered for the start and stop time of the session resulted in a negative computed time. There was not enough other information on these records to correct the

entered values. Altogether, 1166 of the scheduled sessions (about 88%) had valid time information (compared to 58% for the Tirana civil division courthouse).<sup>22</sup>

**Table 12**  
**Number and Percent of Actual Use Sessions With Valid and Invalid Start and Stop Times, By Case Type**  
**Tirana District Court, Criminal Division**  
**April 2011**

Case Type	No Time	Valid Time	Invalid Time	Total
Criminal	84 9.0%	848 90.4%	6 0.6%	938 100%
Criminal Petition	70 17.9%	318 81.3%	3 0.8%	391 100%
Total	154 11.6%	1166 87.7%	9 0.7%	1329 100%

As with the civil data, in the absence of an actual start time and stop time for a scheduled session we looked to other information in the data record to see if we could determine whether the session had been held.<sup>23</sup> This information permitted us to determine the outcomes of the 1329 scheduled sessions and to code them into a small set of outcome categories. Table 13 shows these outcome categories.

The most common outcome of a scheduled session was that a judge, party, attorney, or other non-judge participant

was absent; this outcome accounts for 49% of the scheduled sessions. The next most common outcome, "postponed", accounts for 33% of the scheduled sessions (compared to 48% of sessions with this outcome in Tirana civil division, where "postponed" was the most common outcome). For some sessions, "postponed" seemed to indicate that no session was held; for others, it seemed to indicate that a partial session was held, which was then continued to another date.

**Table 13**  
**Number and Percent of Scheduled Sessions By Type of Outcome**  
**Tirana District Court, Criminal Division**  
**April 2011**

Outcome	Number	Percent
Absent: Judge or Panel	63	4.7
Absent: Party, Attorney, Other	592	44.5
Decision was Made/Announced	132	9.9
Outcome Missing	105	7.9
Postponed: At Request of Party/Attorney/Other	113	8.5
Postponed: For Judge/Party/Other To Prepare	274	20.6
Postponed: Other	50	3.8
Total	1329	100

22. We also classified as valid the records in which the actual start time for the session was missing but the scheduled start time was present and the stop time was later than the scheduled start time. For these records, we substituted the scheduled start time for the missing actual start time and computed the session length from scheduled start time to actual stop (which may slightly overstate the session length).

23. We primarily used information recorded in the Outcome field and the Notes field as guides to understanding the outcome of each session.

For sixty-three of the scheduled sessions (or about 5%) the presiding judge was absent or the panel could not be convened; of these sixty-three sessions, nineteen were scheduled for Friday April 8, 2011, when the judges were attending the National Judicial Conference. From the outcome data, we can be certain only that about 10% of the scheduled sessions were held—those classified as Decision Made/Announced.

The outcome categories are not, however, sufficient in themselves for determining whether a session was held in all situations. But that information, coupled with the reporting of session time, does provide a way to evaluate whether a session actually occurred. The formula we used was as follows. If the judge or panel was absent, we considered the session not held. If a decision was made/announced or there

was another indication the session was held, we considered it held. For all other sessions, if there were valid start and stop times, we considered the session held. If there were no start or stop times, we considered it not held. If one of the session times was missing or the session time computation resulted in a negative session duration and no courtroom identification was provided, we simply could not determine whether the session was held. If, however, these records included courtroom identification, we considered the session held.

Table 14 shows that 1150 (87%) of the scheduled sessions were, most likely, held (as compared to 70% for Tirana civil division). This group of sessions is the population we use in most of the analyses of courtroom use reported in the remainder of this section.<sup>24</sup>

**Table 14**  
**Number of Sessions Held As Determined By Combining Information About**  
**the Session of Court and the Outcome of the Session**  
**Tirana District Court, Criminal Division**  
**April 2011**

Outcome	Was the Session Held?			Total
	No	Yes	Unknown	
Absent: Judge or Panel	63	0	0	63
Absent: Party, Attorney, Other	4	584	4	592
Decision was Made/Announced	0	132	0	132
Outcome Missing	105	0	0	105
Postponed: At Request of Party/Attorney/ Other	0	113	0	113
Postponed: For Judge/Party/Other To Prepare	0	272	2	274
Postponed: Other	0	49	1	50
Total	172	1150	7	1329
	12.9%	86.5%	0.5%	100%

As was the case in the Tirana civil division, session secretaries for the Tirana criminal division provided a courtroom identification number for only a small number of the held sessions. Table 15 shows a courtroom number for only 79 sessions (7%) of the 1150 sessions that were held

(compared to 2% in Tirana civil division). This number may indicate that courtroom use is very rare or, more likely, that the courtroom identification number is missing from the data record for an unknown number of sessions.

*24. Because we use the best set of cases in each analysis and there are several factors that determine the “best set”, the number of cases vary slightly at different steps in the following analysis. The number of cases with a valid time was 1166, but twenty of these were identified as “Not Held” because the judge was absent, leaving 1146 cases that were held and had valid time. But four cases that did not have valid time values were identified as “Held” because a decision was made or announced at the session. So 1150 “Held” sessions are the basis for most of the actual use analysis that follows, but only the 1146 with valid time can be used for computing session length statistics.*

**Table 15**  
**Number of Sessions Held in a Courtroom by Type of Outcome of the Session**  
**Tirana District Court, Criminal Division**  
**April 2011**

Outcome	Was the Session Held in a Courtroom?		Total
	No	Yes	
Absent: Party, Attorney, Other	550	34	584
Decision was Made/Announced	119	13	132
Postponed: At Request of Party/Attorney/Other	103	10	113
Postponed: For Judge/Party/Other To Prepare	254	18	272
Postponed: Other	45	4	49
Total	1071 93.1%	79 6.9%	1150

Use of courtrooms is not evenly distributed across the eight courtrooms in the Tirana criminal division courthouse, as shown in Table 16. Three courtrooms, Courtrooms 1, 2, and 3, show markedly more use than the other courtrooms. In fact, Courtrooms 4, 5, and 6 appear not to have been used at all, and Courtrooms 7 and 8 were each used only once. This pattern is consistent with

the fact that Courtrooms 1, 2, and 3 are the only ones with holding cells and thus are the only ones used for sessions with defendants in custody. Even so, the incidence of sessions held in courtrooms is unexpectedly low, which may be due to reporting errors or may reflect such factors as judge preferences for certain courtrooms and avoidance of others.

**Table 16**  
**Number of Sessions Held By Location of Session and Type of Criminal Case**  
**Tirana District Court, Criminal Division**  
**April 2011**

Courtroom Number	Criminal	Criminal Petitions	Total
Not In a Courtroom	779	292	1071
Courtroom 1	14	5	19
Courtroom 2	14	11	25
Courtroom 3	17	9	26
Courtroom 4	0	0	0
Courtroom 5	0	0	0
Courtroom 6	0	0	0
Courtroom 7	1	0	1
Courtroom 8	1	0	1
Courtroom Number Unknown	7	0	7
Total	833	317	1150

Unfortunately, we do not have independent comparison data - i.e., time period data recorded by the bailiff - for the Tirana criminal division courthouse, and therefore we have no data against which to compare the data recorded by the session secretaries. Time period data might reveal greater use of the courtrooms or tell us more about Courtrooms 4-8. In their absence, we can conclude only that the data we do have reveal limited use of the criminal division courtrooms, especially those without holding cells and computers.

That said, only the session data have enough detail to calculate statistics on the length of time a session

consumes in a courtroom. As we have noted previously, information about session length is necessary for scheduling courtrooms efficiently and, in conjunction with data about the number of sessions held, for planning future courtroom needs. As shown in Table 17, for all sessions held during the study period for which a valid session length could be computed (N=1146), the median duration of a session was thirteen minutes (compared to fifteen minutes in the Tirana civil division courthouse). The median time differed for criminal cases as compared to criminal petitions, with criminal cases using more courtroom time (fifteen minutes) than criminal petitions (ten minutes).

**Table 17**  
**Number of Sessions Held in Courtrooms, Number Not Held in Courtrooms,**  
**And Median Duration of Sessions in Minutes, By Case Type**  
**Tirana District Court, Criminal Division**  
**April 2011**

Case Type	Session Held in a Courtroom	Session Not Held in a Courtroom	All Sessions
Criminal			
No. of Sessions	54	777	831
Median Duration (mins.)	20.0	15.0	15.0
Criminal Petition			
No. of Sessions	24	291	315
Median Duration (mins.)	15.0	10.0	10.0
All Case Types			
No. of Sessions	78	1068	1146
Median Duration (mins.)	16.0	12.0	13.0

Sessions that were held in courtrooms had longer median durations than sessions not held in courtrooms—sixteen minutes and twelve minutes respectively. This was the case for both criminal cases and criminal petitions, each of which lasted five minutes longer when held in a courtroom than when held in a non-courtroom location, suggesting perhaps that judges schedule more demanding cases for the courtrooms than for their offices.

The total amount of time spent in sessions held in the eight courtrooms in the Tirana criminal courthouse was

2.4 hours per day, on average, or eighteen minutes per courtroom per day. For non-courtroom locations, the total amount of time was 20.5 hours per day, on average, or about an hour and thirteen minutes per day per non-courtroom location.<sup>25</sup> As in the Tirana civil courthouse, on any given day in the Tirana criminal courthouse there was never a time when all the courtrooms were in use; that is, during the twelve half-hour sessions available in each of the eight courtrooms each day, at least one, and usually five or six, courtrooms were available for use.<sup>26</sup>

25. These numbers are the result of summing the elapsed time for all sessions held during the reporting period, for courtroom and non-courtroom locations respectively, and dividing by fourteen (the number of reporting days). We excluded information for April 8, 2011, the day of the National Judicial Conference. The daily average for single non-courtroom locations is based on our assumption that there were seventeen such locations - one per judge.

26. We defined “use” as any activity, even lasting only a minute, during twelve half-hour time slots each day (9:00 a.m. to 3:00 p.m.). Altogether, there were potentially 168 half-hour time slots during the fourteen-day period in the Tirana criminal courthouse. There were no time slots when all eight courtrooms were in use; the highest level of simultaneous use was three courtrooms, which occurred three times.

## FINDINGS FOR THE DURRËS COURTHOUSE

For the Durrës courthouse, it appears that we received data only for sessions in which something occurred. If the court schedules some sessions in which nothing occurs - i.e., the scheduled session does not take place in any form - we did not receive data for those sessions. Or perhaps

the court does not have such sessions - i.e., something occurs in every scheduled session. Either way, the data are limited to sessions in which something occurred. This may be a function of how the data were collected in this court.

**Table 18**  
**Number of Sessions Scheduled by Type of Case**  
**(for sessions in which something is reported to have occurred)**  
**Durrës District Court**  
**April 2011**

Case Type	Number	Percent
Administrative	304	20.9
Basic Civil	396	27.2
Civil Petitions	143	9.8
Commercial	22	1.5
Criminal	339	23.3
Criminal Petitions	79	5.4
Execution Order	42	2.9
Family	133	9.1
Total	1458	100

### SCHEDULING INFORMATION FOR SESSIONS IN WHICH SOMETHING OCCURRED

During the data collection period, 1458 sessions were scheduled and reported as having occurred in the Durrës courthouse.

Table 18 shows the number of sessions by type of case.<sup>27</sup> About a third of the cases were criminal cases. A little over a quarter were basic civil cases. Only a very small portion involved commercial litigation.

<sup>27</sup>To make the analysis manageable, the many different types of civil and criminal cases heard by the court are collapsed into the eight case type categories shown in the table.

As Table 19 shows, sessions were scheduled for all but one day of the data collection period, the exception being the day of the National Judicial Conference (perhaps sessions were scheduled for this date but did not occur and therefore are not included in the database). Significantly fewer cases were scheduled on the last day of data collection, April 22, for reasons we do not know. Sessions were generally scheduled throughout the day from 8:30 a.m. through 3:30 p.m. but noticeably fewer sessions were scheduled before 9:00 a.m. and after 2:30 p.m. The session secretaries scheduled sessions on most of the five-minute points of each hour (which the software in Durrës permits),

but they scheduled the great majority of sessions on either the hour or half hour.<sup>28</sup>

Although the number of sessions that a single judge scheduled for a single day during the study period ranged from one to fourteen, most commonly judges scheduled between four and six sessions per day. The mean and median were approximately six sessions because substantial numbers of judges also scheduled seven or eight sessions per day. Most judges scheduled at least one session on most days. The number of judges with at least one session scheduled during the day ranged from seven to twenty-two.

**Table 19**  
**Number of Sessions Scheduled by Time of Day**  
**(for sessions in which something is reported to have occurred)**  
**Durrës District Court**  
**April 2011**

Session Date	Scheduled Hour																Total
	8:00	08:30	09:00	09:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	
4/04/2011	0	3	20	12	14	4	15	6	18	10	12	6	8	5	0	0	133
4/05/2011	0	1	12	8	9	6	12	8	12	2	8	2	7	4	1	0	92
4/06/2011	0	1	11	5	11	3	7	2	12	6	7	4	5	4	1	0	79
4/07/2011	0	0	14	8	15	6	18	9	12	7	14	11	7	3	1	0	125
4/11/2011	0	2	14	8	15	5	9	5	13	8	16	10	10	6	3	1	125
4/12/2011	0	1	17	9	19	6	17	8	18	8	17	13	8	4	2	0	147
4/13/2011	0	0	15	9	14	9	15	7	12	6	9	5	7	2	1	0	111
4/14/2011	0	0	13	12	17	4	18	5	16	7	11	7	4	2	0	0	116
4/15/2011	1	1	12	8	10	8	10	6	10	7	9	3	5	6	0	0	96
4/18/2011	0	0	12	7	13	7	13	4	16	6	14	9	6	5	1	1	114
4/19/2011	0	1	12	8	9	7	11	7	11	3	13	5	7	2	1	1	98
4/20/2011	0	1	13	8	13	6	11	4	12	3	8	1	2	3	3	0	88
4/21/2011	0	0	13	10	14	2	12	7	14	6	12	5	6	3	1	0	105
4/22/2011	0	0	2	5	5	2	2	2	3	3	3	2	0	0	0	0	29
Total	1	11	180	117	178	75	170	80	179	82	153	83	82	49	15	3	1458

28. Because by far most sessions were scheduled on the hour and half hour, we collapsed all scheduled sessions to those times, as shown in Table 19. In the un-collapsed data, only 2% of the time slots involved more than one case - or "stacked" cases; in the collapsed data, 6% of the time slots involved more than one case. The table does not include April 8, 2011, the day of the National Judicial Conference because no sessions were held that day.

## ACTUAL USE

Of the 1458 sessions that were scheduled and in which something occurred during the study period in the Durrës courthouse, only twelve sessions (less than 1%) had no start time or stop time recorded for the session, as shown in Table 20. Another six sessions (again, less than 1%) had only one of the two time values entered, or the values

entered for the start and stop time resulted in a negative computed time. These records did not provide enough information to correct the values. Altogether, 1440 of the scheduled sessions (nearly 99%) had valid time information entered (compared to 58% for Tirana civil division and 88% for Tirana criminal division).

**Table 20**  
**Number and Percent of Actual Use Sessions With Valid and Invalid Start and Stop Times, By Case Type**  
**Durrës District Court**  
**April 2011**

Case Type	No Time	Valid Time	Invalid Time	Total
Administrative	0 0.0%	301 99.0%	3 1.0%	304 100%
Basic Civil	8 2.0%	388 98.0%	0 0.0%	396 100%
Civil Petitions	0 0.0%	143 100.0%	0 0.0%	143 100%
Commercial	0 0.0%	22 100.0%	0 0.0%	22 100%
Criminal	0 0.0%	337 99.4%	2 0.6%	339 100%
Criminal Petitions	1 1.3%	78 98.7%	0 0.0%	79 100%
Execution Orders	0 0.0%	41 97.6%	1 2.4%	42 100%
Family	3 2.3%	130 97.7%	0 0.0%	133 100%
Total	12 0.8%	1440 98.8%	6 0.4%	1458 100%

Although the data for the Durrës courthouse are essentially for cases in which something occurred - i.e., cases we might call “held”- and although nearly all of the sessions have valid start and stop times, we examined the outcome data to determine what happened during the sessions.<sup>29</sup> As Table 21 indicates, the most common outcome of these sessions was a postponement (38% of

the scheduled sessions, compared to 48% for the Tirana civil division and 33% for the Tirana criminal division). For some sessions, “postponed” seems to indicate that no session was held. For other sessions, it seems to indicate that a partial session was held, which was then continued to another date. The next most common outcome is that a decision was made or announced, which accounts for 31%

<sup>29</sup> We primarily used information recorded in the Outcome field and the Notes field as guides to understanding the outcome of each session.

of the scheduled sessions. Judges and parties were absent in 23% of the sessions (compared to 21% for the Tirana civil division and 49% for the Tirana criminal division). Using outcome data alone, we can be most certain that the 31%

of sessions involving a decision, along with the 7% reported as Held: Other, are the sessions that were actually held - i.e., 38% of the sessions (compared to 25% for the Tirana civil division and 10% for the Tirana criminal division).

**Table 21**  
**Number and Percent of Scheduled Sessions By Type of Outcome**  
**Durrës District Court**  
**April 2011**

Outcome	Number	Percent
Absent: Judge or Panel	15	1.0
Absent: Party, Attorney, Other	327	22.4
Decision was Made/Announced	452	31.0
Held: Other	98	6.7
Outcome Missing	7	0.5
Postponed At Request of Party/Attorney/Other	93	6.4
Postponed: For Judge/Party/Other To Prepare	402	27.6
Postponed: Other	64	4.4
<b>Total</b>	<b>1458</b>	<b>100</b>

As we know from discussion of the Tirana civil and criminal courthouses, however, the outcome data are not necessarily determinative of whether a session was actually held. When we couple outcome information with the reporting of session time, we can determine more reliably whether a session actually occurred. If the judge or panel was absent, we considered the session not held regardless of whether time was reported. If a decision was made/announced or there was another indication the session was held, we considered it held. For all other sessions, if there were valid start and stop times, we considered the session held. If there were no start or stop times, we considered it not held. If one of the session times was missing or the session time computation resulted in a negative session duration and no courtroom identification was provided, we simply could not determine whether the session was held. If,

however, these records included courtroom identification, we considered the session held. The formula we used for the Durrës data is the same as for the Tirana data, with one notable exception.<sup>30</sup>

Table 22 shows that 1434 (98%) of the sessions reported as held were, most likely, held (as compared to 70% of the sessions scheduled for the Tirana civil division courthouse and 87% of the sessions scheduled for the Tirana criminal division courthouse). This set of sessions is the population we use in most of the analyses of courtroom use reported in the remainder of this section.

As was the case for the Tirana courthouses, the session secretaries in Durrës provided a courtroom number for each session that was held.

*30. After applying these rules, we decided to handle two sessions differently. Both were in criminal cases where the outcome information seemed to indicate that the panel could not be convened, so we initially categorized the sessions as "Absent: Judge or Panel" and classified them as not held. Other information about the sessions, however, showed that they were held in a courtroom and took a substantial amount of time (more than 3.5 hours each). It is unclear what happened in these sessions, but it seems likely that a substantive matter was held, and thus we re-classified the sessions as held and included them in the analyses.*

**Table 22**  
**Number of Sessions Held As Determined By Combining Information About the**  
**Session of Court and the Outcome of the Session**  
**Durrës District Court**  
**April 2011**

Outcome	Was the Session Held?		Total
	No	Yes	
Absent: Judge or Panel	13	2	15
Absent: Party, Attorney, Other	2	325	327
Decision was Made / Announced	0	452	452
Held: Other	0	98	98
Outcome Missing	0	7	7
Postponed: At Request of Party / Attorney / Other	0	93	93
Postponed: For Judge / Party / Other To Prepare	1	401	402
Postponed: Other	8	56	64
<b>Total</b>	<b>24</b> 1.7%	<b>1434</b> 98.3%	<b>1458</b> 100%

Table 23 shows that 345, or 24%, of the held sessions were held in a courtroom (as compared to 2% for the Tirana civil division courthouse and 7% for the Tirana criminal division courthouse). We do not know whether, in fact, more sessions are held in the courtrooms in Durrës than in Tirana, or whether the session secretaries simply captured the information more completely. If the data are

correct for each of the courthouses, we cannot explain the difference by the ratio of judges to courtrooms, as the ratio is the same for the Tirana civil courthouse and the Durrës courthouse. Again, if the data are correct, the difference may have to do with scheduling practices, or perhaps commitment to using courtrooms, but we cannot be sure without further examination of each court's practices.

**Table 23**  
**Number of Sessions Held in a Courtroom by Type of Outcome of the Session**  
**Durrës District Court**  
**April 2011**

Outcome	Was the Session Held in a Courtroom?		Total
	No	Yes	
Absent: Judge or Panel	0	2	2
Absent: Party, Attorney, Other	245	80	325
Decision was Made / Announced	385	67	452
Held: Other	84	14	98
Outcome Missing	5	2	7
Postponed: At Request of Party / Attorney / Other	79	14	93
Postponed: For Judge / Party / Other To Prepare	244	157	401
Postponed: Other	47	9	56
<b>Total</b>	<b>1089</b> 75.9%	<b>345</b> 24.1%	<b>1434</b>

Table 24 shows that the use of courtrooms is not evenly distributed across the four courtrooms in the Durrës courthouse. Courtroom 1 is used substantially more than the other courtrooms, while Courtroom 4 is used significantly less. Although Courtroom 4 is the designated criminal courtroom, Courtroom 3 is actually used for more criminal matters than is Courtroom 4.

The fact that criminal matters are heard in two courtrooms conforms to information the session secretaries reported during our focus group meeting with them, which is that the court has more criminal matters than can be accommodated in the single designated

criminal courtroom, and therefore criminal matters are often scheduled in one of the civil courtrooms as well. It appears that Courtroom 3 has become, de facto, a second criminal courtroom.

The use of two courtrooms for criminal matters may partially explain why Courtroom 1 is the most heavily used courtroom—i.e., civil cases that might have been scheduled in Courtroom 3 are now scheduled in Courtroom 1. Courtroom 1 is also the only courtroom located on the first floor, which likely elevates its use over that of Courtroom 2.

**Table 24**  
**Number of Sessions Held By Location of Session and Type of Case**  
**Durrës District Court**  
**April 2011**

Courtroom Number	Case Type								Total
	Admini - strative	Basic Civil	Civil Petitions	Commer - cial	Criminal	Criminal Petitions	Execution Order	Family	
Not In a Courtroom	199	312	139	19	213	42	42	123	1089
Courtroom 1	67	17	0	1	22	8	0	3	118
Courtroom 2	36	42	1	0	4	0	0	1	84
Courtroom 3	1	4	1	0	49	18	0	1	74
Courtroom 4	0	0	0	0	46	7	0	0	53
Courtroom Number Unknown	0	10	0	1	2	3	0	0	16
<b>Total</b>	<b>303</b>	<b>385</b>	<b>141</b>	<b>21</b>	<b>336</b>	<b>78</b>	<b>42</b>	<b>128</b>	<b>1434</b>

Chart 2 provides another way to look at the actual use of the Durrës courtrooms. The chart is based on forms completed by the session secretaries, in which they recorded simply whether or not something occurred in each courtroom on each half hour of the day. The time period data they recorded on these forms show somewhat less courtroom use than the more detailed data they recorded at the conclusion of each session, particularly for Courtrooms 1 to 3.

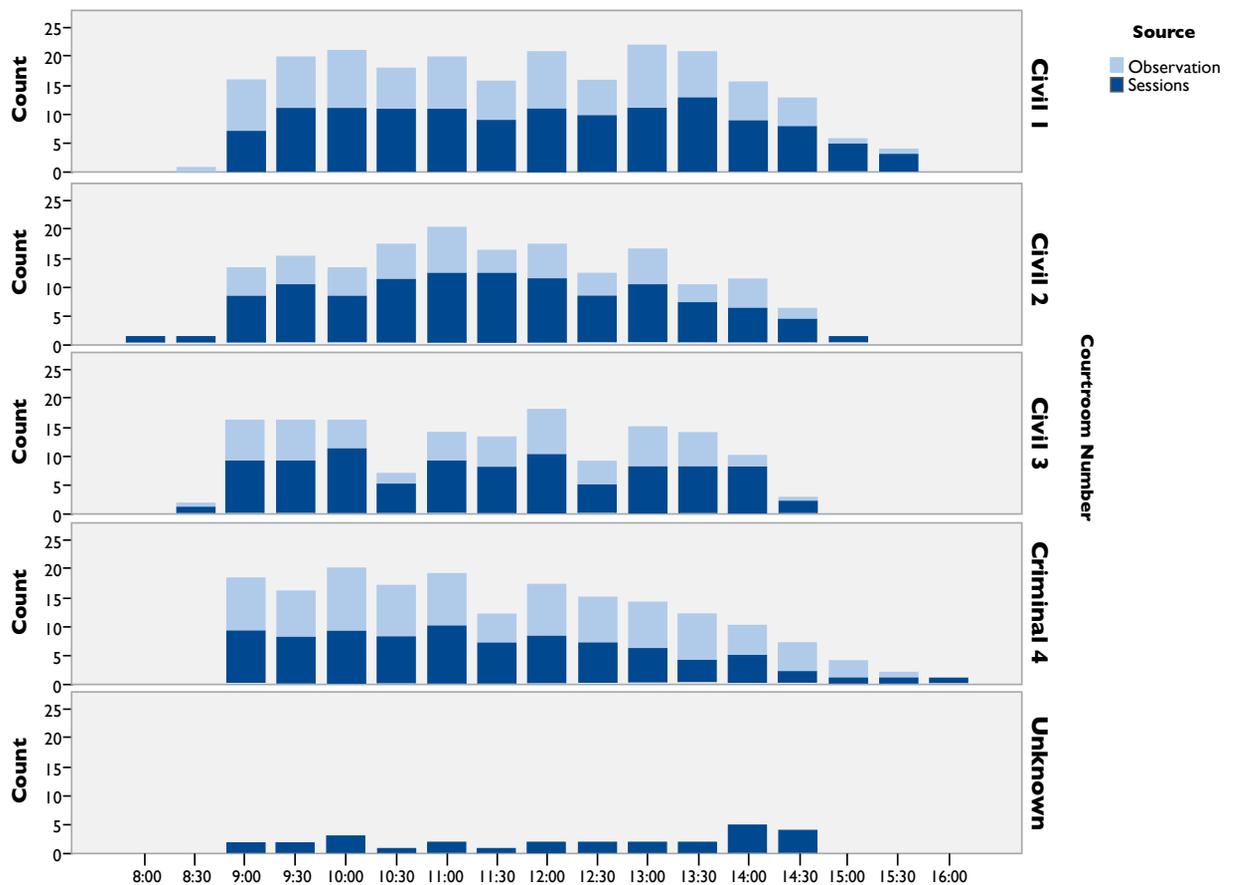
For each courtroom (the separate horizontal panels) and for each half-hour time period (the horizontal axis), the

chart presents the number of days (height of each colored portion of the vertical column) on which the session data (blue portion) reported that a session was held in the courtroom during that time period. The stacked light blue portion of the columns reflects the number of days that the room was used at some time during that half-hour based on the separate recording of the session secretaries. Keep in mind that in this analysis use is measured in days, not hours; on any given day, the hours of use may be small or substantial. (Table 25 shows the number of sessions held or not held in courtrooms and the median duration of sessions in minutes, by case type.)

We asked the courts to collect both kinds of data so we could compare them to each other and thus assess how accurate the session data were. We cannot do so in this instance, however, because the two sets of data were both recorded by the session secretaries and thus are

not independent of each other. The time period data and session data each provide information about courtroom use, but we cannot know, from the data themselves, whether one or the other provides a more accurate picture of courtroom use in the Durrës courthouse.

**Chart 2**  
**Comparison of Courtroom Use Reported by the Session Secretaries**  
**and Recorded in the Session Data**  
**Durrës District Court April 2011**



In the end, however, in Durrës as in Tirana, the session data are the only data with enough detail to calculate statistics on the length of time for sessions held in the courthouse. As shown in Table 25, for all sessions held during the study period for which a valid session length could be computed (N=1429), the median length of time for a session was twenty minutes (compared to fifteen minutes in the Tirana civil courthouse and thirteen minutes in the Tirana criminal courthouse). The median was longest for family cases (twenty-seven minutes) and shortest for civil petitions and execution orders (fifteen minutes). The median duration of sessions involving the other case types fell within two or three minutes of the overall median.

Sessions held in the courtrooms in Durrës lasted on average five minutes longer than did sessions held in non-courtroom locations - a median of twenty-five minutes compared to twenty minutes, respectively. (In Tirana civil division, the median duration for courtroom sessions was twenty-two minutes and for Tirana criminal division it was sixteen minutes). Most types of cases lasted longer when held in the courtroom, except family cases, which took on average eighteen minutes when held in a courtroom but twenty-seven minutes when not held in a courtroom, even though we might expect that the few family cases held in a courtroom were held there because they were in some way unusual. For two case types - civil petitions and commercial cases - too few sessions were held in the courtroom to rely on the median disposition time.

**Table 25**  
**Number of Sessions Held in Courtrooms, Number Not Held in Courtrooms,**  
**And Median Duration of Sessions in Minutes, By Case Type**  
**Durrës District Court**  
**April 2011**

Case Type	Session Held in a Courtroom	Session Not Held in a Courtroom	All Sessions
Administrative			
No. of Sessions	102	198	300
Median Duration (mins.)	24.5	21.5	22.5
Basic Civil			
No. of Sessions	73	314	387
Median Duration (mins.)	20.0	16.0	20.0
Civil Petitions			
No. of Sessions	2	139	141
Median Duration (mins.)	---	15.0	15.0
Commercial			
No. of Sessions	2	19	21
Median Duration (mins.)	---	15.0	17.0
Criminal			
No. of Sessions	120	213	333
Median Duration (mins.)	25.0	20.0	20.0
Criminal Petition			
No. of Sessions	36	42	78
Median Duration (mins.)	20.0	15.0	20.0
Execution Order			
No. of Sessions	0	41	41
Median Duration (mins.)	0.0	15.0	15.0
Family			
No. of Sessions	5	123	128
Median Duration (mins.)	18.0	27.0	26.5
All Case Types			
No. of Sessions	340	1089	1429
Median Duration (mins.)	25.0	20.0	20.0

The total amount of time spent in sessions held in the four courtrooms in the Durrës courthouse was 11.1 hours per day, on average, or two hours and forty-seven minutes per courtroom per day. For non-courtroom locations, the total amount of time was 27.3 hours per day, on average, or a little more than an hour and eight minutes per day

per non-courtroom location.<sup>31</sup> Although there were many times during the day when courtrooms were free for use, concurrent use of all four courtrooms in the courthouse during a single half-hour period was more common in Durrës than in Tirana. During 22% of the time slots, all four courtrooms were in use.<sup>32</sup>

31. These numbers are the result of summing the elapsed time for all sessions held during the reporting period, for courtroom and non-courtroom locations respectively, and dividing by fourteen (the number of reporting days). We excluded information for April 8, 2011, the day of the National Judicial Conference. The daily average for single non-courtroom locations is based on our assumption that there were twenty-four such locations - one per judge.

32. We defined "use" as any activity, even lasting only a minute, during twelve half-hour time slots per day (9:00 a.m. to 3:00 p.m.). Altogether, there were potentially 168 half-hour time slots during the fourteen-day period. During thirty-seven of these time slots - or 22% of them - all four courtrooms were in use.

## FINDINGS FROM THE JUDGE SURVEY

We asked the Tirana and Durrës judges to answer a short set of questions to learn why they prefer to hold sessions in their offices, their reasons for using a courtroom when they schedule a matter there, conditions that would make it easier to use a courtroom, and which kinds of matters should have priority for the courtrooms.

### JUDGES' REASONS FOR USING THEIR OFFICES INSTEAD OF A COURTROOM

When judges schedule a matter for their offices instead of a courtroom, why do they prefer their offices? The questionnaire listed nine possible reasons and provided a way for respondents to write in other reasons. The judges could check off as many reasons as they wished.

Table 26 shows that more than half (56%) of the sixty-one judges who responded said they use their office because they cannot easily see whether a courtroom is available. The next most frequent reason, selected by 41% of the judges, is that the office is more appropriate than the courtroom for some matters. About a third of the judges (30%) said they use their office because the matter does not need to be held in a courtroom, and a fifth said they use their office because the court does not have a method for reserving courtrooms (21%) or the computers do not function properly (20%). Fewer judges said they use their office because parties cannot find the courtroom (16%) or sessions often do not go forward, making it wasteful to tie up a courtroom (12%). Only a handful said they use their office because the courtroom is uncomfortable (8%) or it is burdensome to carry files to the courtroom (7%).

**Table 26**  
**Judges' Reasons for Using Their Offices When Scheduling a Matter for the Office Instead of a Courtroom**  
**Tirana and Durrës District Courts**  
**April 2011**

Reason	Judges Selecting Reason (N=61)	
	Number	Percent
I cannot easily see whether or not a courtroom is available for the time I need it.	34	55.7
My office is more appropriate for some types of matters (e.g., family reconciliation).	25	41.0
The matter before me does not need to be held in a courtroom.	18	29.5
The court does not have a method for reserving a courtroom.	13	21.3
The computers in the courtrooms do not function properly.	12	19.7
It is difficult for the parties to find me if I schedule a session in a courtroom.	10	16.4
Sessions often do not go forward, and it makes no sense to tie up a courtroom.	7	11.5
The courtroom is not a comfortable space (too cold, etc.).	5	8.2
It is burdensome to take the case files and other required items to a courtroom.	4	6.6
Other	31	50.8

As Table 26 shows, thirty-one judges provided additional reasons when asked whether there were any reasons, other than those listed in the question, for preferring their offices over a courtroom. By far the greatest number of these judges - twenty-six, or 84% of those offering another reason - said they use their offices because there are not enough courtrooms. This answer seems incongruous with the courtroom use findings reported above, which show that only a small number of sessions are held in courtrooms and that one or more courtrooms are always available for use in the Tirana courthouses and are available most of the time in the Durrës courthouse. Perhaps this incongruity is explained by the most frequently cited reason for preferring to use one's office - that it is difficult to see whether a courtroom is available.

Another useful way to look at the judges' reasons for preferring their offices is to examine their responses when asked to identify the first, second, and third most important reasons for using their offices instead of the courtrooms. As Table 27 shows, the greatest number

of judges (fourteen) said the most important reason for using their offices is that there are not enough courtrooms. When the first, second, and third most important reasons are combined, however, the inability to easily see whether a courtroom is available emerges as the single most important reason for using their offices instead of the courtrooms, cited by twenty-nine judges.

The next most important reason for using their offices instead of a courtroom, cited by twenty judges as the first, second, or third most important reason, is that an office is more appropriate than a courtroom for some types of matters. A closely related reason, that the matter at hand does not need to be held in a courtroom, was chosen by fourteen judges as either the first, second, or third most important reason. And closely related to the inability to see whether a courtroom is available, twelve judges said the first, second, or third most important reason is that the court has no method for reserving courtrooms.

**Table 27**  
**Judges' First, Second, and Third Most Important Reasons for Using Their Offices**  
**When Scheduling a Matter for the Office Instead of a Courtroom**  
**Tirana and Durrës District Courts**  
**April 2011**

Reasons for Using Their Offices Instead of a Courtroom	Number of Judges Selecting Reason			
	Most Important Reason (N=46)	Second Most Important Reason (N=42)	Third Most Important Reason (N=36)	Total Number Selecting Reason
I cannot easily see whether or not a courtroom is available for the time I need it.	12	9	8	29
My office is more appropriate for some types of matters (e.g., family reconciliation).	8	4	8	20
Other: There are not enough courtrooms.	14	2	1	17
The matter before me does not need to be held in a courtroom.	3	8	3	14
The court does not have a method for reserving a courtroom.	3	8	1	12
The computers in the courtrooms do not function properly.	2	4	3	9
It is difficult for the parties to find me if I schedule a session in a courtroom.	2	1	5	8
Sessions often do not go forward, and it makes no sense to tie up a courtroom.	0	1	6	7
The courtroom is not a comfortable space (too cold, etc.).	1	3	1	5
It is burdensome to take the case files and other required items to a courtroom.	1	2	0	3

Altogether, these responses reveal three principal reasons why, as reported by the judges, they hold matters in their offices instead of courtrooms: they do not know and cannot determine whether a courtroom is available when they need one; they have many matters on their calendars that they consider unsuited to a courtroom; and they believe the courthouses they work in do not have enough courtrooms for all the matters the judges handle each day.

The judges' reasons for using their offices instead of a courtroom appear to vary by where a judge is located and the kinds of cases a judge hears.<sup>33</sup> As Table 28 shows, the greatest number of judges in the Tirana civil and criminal divisions (63% and 58% of the respondents, respectively) say they use their offices instead of a courtroom because they cannot see whether a courtroom is available when they need it. Fewer than half the judges selected the other reasons.

**Table 28**  
**Judges' Reasons for Using Their Offices When Scheduling a Matter for the Office Instead of a Courtroom, By Location and Type of Judge**  
**Tirana and Durrës District Courts**  
**April 2011**

Reason	Number and Percent of Judges Selecting Reason							
	Tirana Civil N = 30		Tirana Criminal N = 12		Durrës Civil N = 10		Durrës Criminal N = 9	
	No.	%	No.	%	No.	%	No.	%
I cannot easily see whether or not a courtroom is available for the time I need it.	19	63.3	7	58.3	3	30.0	5	55.6
My office is more appropriate for some types of matters (e.g., family reconciliation).	14	46.7	2	16.7	6	60.0	3	33.3
The matter before me does not need to be held in a courtroom.	6	20.0	3	25.0	6	60.0	3	33.3
The court does not have a method for reserving a courtroom.	8	26.7	4	33.3	1	10.0	0	0.0
The computers in the courtrooms do not function properly.	9	30.0	3	25.0	0	0.0	0	0.0
It is difficult for the parties to find me if I schedule a session in a courtroom.	8	26.7	1	8.3	1	10.0	0	0.0
Sessions often do not go forward, and it makes no sense to tie up a courtroom.	5	16.7	1	8.3	0	0.0	1	11.1
The courtroom is not a comfortable space (too cold, etc.).	3	10.0	2	16.7	0	0.0	0	0.0
It is burdensome to take the case files and other required items to a courtroom.	4	13.3	0	0.0	0	0.0	0	0.0
Other	7	23.3	5	41.7	5	50.0	9	100

33. There are too few cases in most cells in Table 28 to permit a test for statistical significance; thus the discussion of findings reported in this table is based on what appear to be differences across location and judge type and not on a statistical foundation. Note, as well, the small number of responses from the Tirana criminal court and the Durrës civil and criminal judges. These small numbers are not necessarily representative of all judges' views, nor are percentages meaningful when based on such small numbers.

The greatest number of civil judges in Durrës (six judges, or 60% of the respondents) cited two related reasons for using their offices: the office is more appropriate for some types of matters and the matter does not need to be held in a courtroom. Five Durrës civil judges, or half the Durrës civil respondents, cited an “other” reason; all five of these judges cited the lack of courtrooms in the courthouse.

For Durrës criminal judges, the greatest number (100%) selected “other” rather than the options offered by the question; all nine of these judges cited a lack of courtrooms as the reason they use their offices instead of a courtroom. (Recall that of the four Durrës courtrooms, only one has a holding cell for criminal defendants in custody.) Just over half said they use their offices because they cannot see whether a courtroom is available. Durrës judges were less likely than Tirana judges to say they could not see whether a courtroom was available, perhaps because they work in a small courthouse, or that the court has no method for reserving courtrooms, perhaps because of the chief judge’s method of assigning courtrooms.

Perhaps the more interesting story in Table 28 is the greater number of reasons selected by the Tirana judges, especially the civil judges, including not only the inability to see whether a courtroom is available and the greater suitability of the office for some matters, but also such reasons as poorly functioning computers and party difficulties in finding the courtroom. Durrës judges, in contrast, and especially Durrës criminal judges, cited just a few reasons - inability to see whether a courtroom was available, greater suitability of the office for some matters, and lack of courtrooms - to the near-exclusion of other reasons.

### JUDGES’ REASONS FOR USING A COURTROOM INSTEAD OF THEIR OFFICES

We have seen in the analysis of the courtroom data that judges hold few sessions in courtrooms. When they do, why do they use a courtroom instead of their offices? The questionnaire listed nine possible reasons and the judges could check off as many reasons as they wished. There was also an opportunity for the judges to add other reasons.

Of the sixty-one judges who answered the questionnaire, forty-nine (80%) said they use the courtroom because they want the dignity and solemnity it confers on the

proceedings. As Table 29 shows, other reasons for using a courtroom cited by more than half judges are the presence of a large number of people (72%), the authority the courtroom confers on the judge (62%), hearing a case of significance to the public or press (54%), and hearing a case with a three-judge panel instead of a single judge (51%). Close to half (46%) said they also use the courtroom when it is the more appropriate location for the matter at hand. Many fewer judges said they use a courtroom because of security concerns (23%) or because a courtroom is more accessible (8%). And none said they use a courtroom when a party is appearing without a lawyer.

The judges’ answers reveal that a large number of judges use a courtroom for quite practical purposes - i.e., there are many people attending the session or the session is being conducted by a three-judge panel (which generally indicates a larger or more serious case). An even larger number of judges use a courtroom because the courtroom conveys a message to participants - a message of the dignity and solemnity of the proceedings and a message that the judge has authority.

We asked the judges to indicate which of these reasons is the first, second, and third most important reason for using a courtroom instead of an office. The results are shown in Table 30 and reveal that many judges find a courtroom important for conveying a message of dignity, solemnity, and authority. Forty-two judges (of the fifty-two who answered the question) said the message of dignity and solemnity is the first, second, or third most important reason for using a courtroom. Twenty-two judges said the message of authority is the first, second, or third most important reason for using a courtroom. Practical considerations - a large number of parties or presence of a three-judge panel - are important, too, cited as the first, second, or third most important reason by twenty-nine judges and eighteen judges, respectively. The reason that clearly stands out above the others, however, is the message of dignity and solemnity conveyed by the courtroom.

Few or no judges cited security, appropriateness for the matter at hand, accessibility, and presence of a non-represented party as important reasons for using a courtroom instead of an office.

**Table 29**  
**Judges' Reasons for Using a Courtroom Instead of Their Offices When Holding a Session**  
**Tirana and Durrës District Courts**  
**April 2011**

Reasons for Using Their Offices Instead of a Courtroom	Judges Selecting Reason (N=61)	
	Number	Percent
I want the dignity and solemnity the courtroom confers on the proceedings.	49	80.3
There are a large number of people (parties, attorneys, etc) attending the session.	44	72.1
I want the authority the courtroom confers on the judge.	38	62.3
The case is of significance to the public or the press (e.g., a case involving the government).	33	54.1
The case is being heard by a three-judge panel rather than a single judge.	31	50.8
A courtroom is more appropriate for some types of matters (e.g., witness testimony).	28	45.9
I am concerned about my personal security or the security of a party.	14	23.0
The courtroom is more easily found or more accessible (e.g., to parties or the handicapped).	5	8.2
One or more of the parties is proceeding without a lawyer.	0	0.0
Other	8	13.1

**Table 30**  
**Judges' First, Second, and Third Most Important Reasons for Using a Courtroom**  
**Instead of Their Offices When Holding a Session**  
**Tirana and Durrës District Courts**  
**April 2011**

Reasons for Using Their Offices Instead of a Courtroom	Number of Judges Selecting Reason			
	Most Important Reason (N=50)	Second Most Important Reason (N=52)	Third Most Important Reason (N=50)	Total Number Selecting Reason
I want the dignity and solemnity the courtroom confers on the proceedings.	21	12	9	42
There are a large number of people (parties, attorneys, etc) attending the session.	9	14	6	29
I want the authority the courtroom confers on the judge.	8	12	2	22
The case is being heard by a three-judge panel rather than a single judge.	6	6	6	18
The case is of significance to the public or the press (e.g., a case involving the government).	3	5	13	21
I am concerned about my personal security or the security of a party.	2	1	4	7
A courtroom is more appropriate for some types of matters (e.g., witness testimony).	0	1	7	8
The courtroom is more easily found or more accessible (e.g., to parties or the handicapped).	0	0	2	2
One or more of the parties is proceeding without a lawyer.	0	1	0	1
Other	1	0	1	2

The judges' reasons for using their offices appear to vary to some extent by location and the kinds of cases a judge hears.<sup>34</sup> As Table 31 shows, the general pattern we have already seen holds, for the most part, for Tirana and Durrës civil and criminal judges - i.e., judges in both locations and of both types use a courtroom instead of an office when they want to send a message of dignity or authority; have practical needs, such as a large number of participants or a three-judge panel; or are hearing a case of significance to the public.

Nearly all the judges in Durrës, however, compared to three-quarters of the judges in Tirana, use a courtroom for the dignity and solemnity it confers. Over three-quarters of civil judges (in both Tirana and Durrës), compared to two-thirds or

fewer of the criminal judges, use a courtroom when a session involves a large number of people. Many more Durrës civil judges (90%) use a courtroom to confer authority on the judge than do Tirana civil (53%), Tirana criminal (67%), and Durrës criminal (56%) judges. More Durrës civil judges, in fact, support nearly every reason for using a courtroom, compared to Tirana civil judges and Durrës and Tirana criminal judges, including a much higher proportion who use a courtroom because of security concerns (60% compared to 17%, 17%, and 11%, respectively). Two reasons for using a courtrooms - .e., that a courtroom is more accessible than an office and that a party is unrepresented - are supported by few or no judges of either type and at either location.

**Table 31**  
**Judges' Reasons for Using a Courtroom Instead of Their Offices When Holding a Session**  
**By Location and Type of Judge**  
**Tirana and Durrës District Courts**  
**April 2011**

Reason	Number and Percent of Judges Selecting Reason							
	Tirana Civil N = 30		Tirana Criminal N = 12		Durrës Civil N = 10		Durrës Criminal N = 9	
	No.	%	No.	%	No.	%	No.	%
I want the dignity and solemnity the courtroom confers on the proceedings.	23	76.7	9	75.0	9	90.0	8	88.9
There are a large number of people (parties, attorneys, etc) attending the session.	23	76.7	7	58.3	8	80.0	6	66.7
I want the authority the courtroom confers on the judge.	16	53.3	8	66.7	9	90.0	5	55.6
The case is of significance to the public or the press (e.g., a case involving th e government).	17	56.7	7	58.3	6	60.0	3	33.3
The case is being heard by a three-judge panel rather than a single judge.	16	53.3	4	33.3	8	80.0	3	33.3
A courtroom is more appropriate for some types of matters (e.g., witness testimony).	14	46.7	7	58.3	6	60.0	1	11.1
I am concerned about my personal security or the security of a party.	5	16.7	2	16.7	6	60.0	1	11.1
The courtroom is more easily found or more accessible (e.g., to parties or the handicapped).	4	13.3	1	8.3	0	0.0	0	0.0
One or more of the parties is proceeding without a lawyer.	0	0.0	0	0.0	0	0.0	0	0.0
Other	2	6.7	4	33.3	1	10.0	1	11.1

34.As with Table 28, there are too few cases in most cells in Table 31 to permit a test for statistical significance; thus the discussion of findings reported in this table is based on what appear to be differences across location and judge type and not on a statistical foundation. Note, as well, the small number of responses from the Tirana criminal court and the Durrës civil and criminal judges. These small numbers are not necessarily representative of all judges' views, nor are percentages meaningful when based on such small numbers.

### CONDITIONS THAT WOULD MAKE IT EASIER TO USE A COURTROOM

To assist with future planning for courtroom use, we asked the judges what conditions would help them use courtrooms for more sessions. The question listed four options, which are presented in Table 32. The judges could check any or all options they thought would be helpful, and they could also add other options if they wished.

Of the sixty-one judges who responded to the questionnaire, two-thirds said it would be easier to use the

courtrooms if there were a centralized electronic system for reserving courtroom time. Close to half the judges said it would be easier to use the courtrooms if there were criteria agreed upon by all the judges for giving some matters priority over others for use of the courtrooms. About a third of the judges said courtroom use would be easier if they knew the parties could find the courtrooms, and about a quarter said use would be easier if they knew the parties would show up as scheduled. Most of the nineteen judges who offered other ideas said courtroom use would be easier if there were more courtrooms.

**Table 32**  
**Conditions That Would Make It Easier to Use a Courtroom**  
**Tirana and Durrës District Courts**  
**April 2011**

Condition	Judges Responding (N=61)	
	Number	Percent
A centralized electronic system for reserving courtroom time	41	67.2
Criteria agreed upon by the judges that give some matters priority over others for use of the courtrooms	28	45.9
Ensuring that parties can easily find the courtroom	20	32.8
Knowing the parties will show up as scheduled	14	23.0
Other	19	31.1

As Table 33 shows, at least two-thirds of the judges, regardless of location or judge type, say a centralized electronic system for reserving courtroom time would make courtroom use easier.<sup>35</sup> Such a system, it appears, would win wide support among the judges.

More civil judges than criminal judges, especially Durrës civil judges, say courtroom use would be easier if there were agreed upon criteria for giving some matters priority over others for use of the courtrooms. More Durrës criminal judges than other judges think courtroom use would be easier if they knew the parties could find the courtroom,<sup>36</sup> and more Durrës judges of both types (civil

and criminal), compared to Tirana judges, think courtroom use would be easier if they knew the parties would show up as scheduled. Nearly all the judges who added additional ideas said courtroom use would be easier if there were more courtrooms. In addition, three civil judges in Tirana said they would be more likely to use a courtroom if there were sufficient staff to usher parties to the courtroom, notify the judge or panel of the appropriate courtroom, and assist with courtroom proceedings. More Durrës criminal judges and Tirana civil judges, compared to Durrës civil judges and Tirana criminal judges, felt they needed to go beyond the options listed in the question and suggest other conditions for facilitating courtroom use.

<sup>35</sup>As with Tables 28 and 31, there are too few cases in most cells in Table 33 to permit a test for statistical significance; thus the discussion of findings reported in this table is based on what appear to be differences across location and judge type and not on a statistical foundation. Note, as well, the small number of responses from the Tirana criminal court and the Durrës civil and criminal judges. These small numbers are not necessarily representative of all judges' views, nor are percentages meaningful when based on such small numbers.

<sup>36</sup>These findings could be read to suggest that party failure to appear and to appear on time are greater in Durrës than in Tirana, but we have no data or other information to confirm this suggestion.

**Table 33**  
**Conditions That Would Make It Easier to Use a Courtroom**  
**By Location and Type of Judge**  
**Tirana and Durrës District Courts**  
**April 2011**

Condition	Number and Percent of Judges Responding							
	Tirana Civil N = 30		Tirana Criminal N = 12		Durrës Civil N = 10		Durrës Criminal N = 9	
	No.	%	No.	%	No.	%	No.	%
A centralized electronic system for reserving courtroom time	20	66.7	8	66.7	7	70.0	6	66.7
Criteria agreed upon by the judges that give some matters priority over others for use of the courtrooms	13	43.3	4	33.3	8	80.0	3	33.3
Ensuring that parties can easily find the courtroom	9	30.0	4	33.3	2	20.0	5	55.6
Knowing the parties will show up as scheduled	6	20.0	2	16.7	3	30.0	3	33.3
Other	13	43.3	2	16.7	3	30.0	5	55.6

#### KINDS OF MATTERS THAT SHOULD HAVE PRIORITY FOR THE COURTROOMS

If additional courtrooms cannot be provided in Tirana and Durrës and the ratio of judges to courtrooms remains as high as it currently is, how should courtroom time be allocated? We asked the judges to write down the types of cases they think should have priority for courtroom time. The response was clear, as shown in Table 34: The fifty-four judges who answered said priority should be given to cases that have many parties (forty judges, or 74%), to cases being heard by a three-judge panel (forty judges, or 74%), and to cases of public interest (fifteen judges, or 28%). A small number of judges suggested other types of cases, such as contested matters, cases with defendants in custody, and cases with disorderly parties or that for some other reason needed additional security. Three judges said the courts should not have to set criteria for courtroom use but should instead have the capacity to hear all cases in a courtroom.

The general pattern seen for all judges is also found for Tirana civil judges and both criminal and civil judges in Durrës - i.e., a great majority of the judges said priority should be given to cases involving a large number of parties and to cases being heard by a three-judge panel. As Table 35 shows, Durrës judges were particularly in

agreement on giving priority to three-judge panels, and Durrës civil judges were particularly in agreement on giving priority to cases involving a large number of parties. More Durrës judges than Tirana judges (though still a minority) said they would give priority to cases requiring additional security.

The Tirana criminal judges have a somewhat different view from the other judges about where priorities should be placed. Proportionally a much greater number of Tirana criminal judges than other judges would give priority to cases with a defendant in custody only one Durrës criminal judge expressed this view). Proportionally fewer would give priority to cases with a large number of parties or a three-judge panel. On one type of matter, cases of public interest, all four groups fall in about the same range - i.e., a quarter to a third of the judges would do so.

The findings from the survey of judges provide useful information for discussions about how to allocate scarce courtroom space. Because the findings are not necessarily representative, however, the views of all judges should be obtained before priorities are set - if, indeed, the judges and courts decide that setting priorities is a useful method for dealing with courtroom scarcity.<sup>37</sup>

<sup>37</sup>Tables 32 and 33 suggest that this view is not shared by all, or even a majority, of judges.

**Table 34**  
**Types of Cases That Should Have Priority for Courtroom Use**  
**Tirana and Durrës District Courts**  
**April 2011**

Type of Case	Judges Responding (N=54)	
	Number	Percent
Cases involving a large number of parties	40	74.1
Cases being heard by a three judge panel	40	74.1
Cases of public interest	15	27.8
Contested matters	8	14.8
Cases with a defendant in custody	7	13.0
Cases with disorderly parties or that for other reasons require greater security	6	11.1
Other (one each: property distribution, arraignments, cases with unrepresented parties, cases that will be audio recorded)	4	7.4
All cases should be heard, no priorities should be set	3	5.6

**Table 35**  
**Types of Cases That Should Have Priority for Courtroom Use**  
**By Location and Type of Judge**  
**Tirana and Durrës District Courts**  
**April 2011**

Condition	Number and Percent of Judges Responding							
	Tirana Civil N = 26		Tirana Criminal N = 10		Durrës Civil N = 9		Durrës Criminal N = 9	
	No.	%	No.	%	No.	%	No.	%
Cases involving a large number of parties	20	76.9	5	50.0	8	88.9	7	77.8
Cases being heard by a three judge panel	19	73.1	4	40.0	9	100.0	8	88.9
Cases of public interest	7	26.9	3	30.0	2	22.2	3	33.3
Contested matters	6	23.1	0	0.0	1	11.1	1	11.1
Cases with a defendant in custody	0	0.0	5	50.0	1	11.1	1	11.1
Cases with disorderly parties or that for other reasons require greater security	1	3.8	1	10.0	2	22.2	2	22.2
Other (property distribution, arraignments, cases with unrepresented parties, cases that will be audio recorded)	2	7.7	0	0.0	1	11.1	1	11.1
All cases should be heard, no priorities should be set	2	7.7	1	10.0	0	0.0	0	0.0

## SUMMARY AND RECOMMENDATIONS

During the course of our study, we received a substantial amount of information about the scheduling and holding of case sessions in the Tirana and Durrës District Courts. We spoke with dozens of judges and court staff and received responses from the judge survey. The bailiffs reported on courtroom use, and the session secretaries provided information about the holding - or non-holding - of thousands of case sessions.

In this report we have provided the background and setting for our study and a basic descriptive analysis of the data we received. In working with this information, however, it became clear that the data do not always provide the details - for example, a detailed categorization of the outcome of each session - that are necessary for a complete picture of what happens during case sessions and why some are held in courtrooms but many are not. More significantly, the session data almost surely under-represent the true use of courtrooms. The descriptive analysis presented above, therefore, should be considered useful in understanding the general pattern of scheduling and actual use in the courts but not as providing a full picture.

That said, the data do provide us with several insights into the process of scheduling and holding court sessions. We summarize the findings below and then conclude with a number of recommendations.

### SUMMARY OF THE FINDINGS

More court sessions are scheduled to be held each day than can be accommodated by the number of courtrooms available in the courthouses or can be accommodated with the necessary facilities, such as holding cells.

Scheduling of court sessions is different in each of the courthouses in the study. In Tirana civil division, courtrooms are not scheduled in advance; judges' session secretaries find an available courtroom when the parties appear for a session. The Tirana criminal division relies on staff of the prison directorate to schedule courtroom time; after defendants have arrived at the courthouse, the staff assign specific defendants to the courtrooms and then tell judges in which courtroom their session is taking place. In Durrës, standing three-judge panels are assigned to specific courtrooms and have first claim on their courtrooms on specified days; when a panel is not using its courtroom, panel members have first claim on the courtroom.

The session secretaries schedule court sessions for their judges. Sessions are generally scheduled for half-hour blocks starting at 9:30 a.m. and lasting until 3:00 p.m. each weekday. The average number of sessions scheduled per day varies by judge and location, but generally falls between five and seven per judge per day.

Most sessions that are scheduled are actually held. Median duration of the sessions varies by location but is around fifteen minutes. Median duration also varies by type of case. Sessions held in courtrooms last, on average, longer than sessions held in judges' offices.

Many sessions do not result in a substantive hearing, even when some time is spent in the session (e.g., waiting for someone to arrive). Depending on the location, as many as a third to a half of the sessions are postponed, and in another quarter to a half the judge, an attorney, a party, or another non-judge participant is missing (it is difficult to know from the data precisely how many cases have these outcomes). Judges, therefore, spend a considerable amount of time in sessions - on average, fifteen minutes per session, plus fifteen minutes waiting for the next session - with little progress made in many cases.

Judges and parties usually learn that a session will not involve a substantive hearing when they arrive in court at the time scheduled for the session. It is at this time that they learn that a key participant is missing or that the matter must for some reason be postponed. There appears to be no method for alerting parties and judges beforehand that a session will not involve substantive issues. There also appear to be no sanctions for parties who fail to appear or who appear late or unprepared.

Of the sessions scheduled each day, few are held in courtrooms - 2% in Tirana civil division, 7% in Tirana criminal division, and a somewhat greater portion, 24%, in Durrës. On any given day in the Tirana courthouses, there is never a time when all courtrooms are in use, and usually five or six are available. In Durrës, too, a courtroom is usually available, although 22% of the time all courtrooms are in use.

Use of courtrooms is not evenly distributed across all courtrooms in the courthouses. In the Tirana courthouses in particular, a small set of courtrooms are used to the

near exclusion of other courtrooms. It is not clear why some courtrooms are almost never used, although one or two responses from the survey of judges suggest that some courtrooms may be unusable.

The small number of sessions held in courtrooms, together with the brief duration of sessions, result in very limited use of courtrooms - on average, eighteen minutes per courtroom per day in Tirana civil division, eighteen minutes per courtroom per day in Tirana criminal division, and somewhat more in Durrës, two hours and forty-seven minutes per courtroom per day.

Many judges say they hold matters in their offices instead of courtrooms because they do not know and cannot determine whether a courtroom is available when they need one; they have many matters on their calendars that they consider unsuited to a courtroom; and they believe the courthouses they work in do not have enough courtrooms. Few judges said they use their offices instead of courtrooms because it is burdensome to take required items to the courtroom, the courtroom is an uncomfortable place to work, use of a courtroom makes no sense because sessions often do not go forward, or the parties cannot find the courtroom.

When judges use a courtroom instead of their offices, most do so, they say, because the courtroom conveys a message to participants of the dignity and solemnity of the proceedings. Many also say they do so when the session has a large number of participants, the session is being conducted by a three-judge panel, the case is of public significance, or they want the authority a courtroom confers on the judge. Fewer use a courtroom because of security concerns, and almost none use a courtroom because it is more easily found or because a party is proceeding without a lawyer.

Many judges say two conditions would make it easier for them to use courtrooms: a centralized electronic system for reserving courtroom time and criteria agreed upon by the judges that give some matters priority over others for use of the courtrooms.

The types of cases that should have priority for use of a courtroom, in the view of many judges, are those that involve a large number of parties and those that are heard by a three-judge panel. Cases of public interest should also have priority, in the view of some judges.

## RECOMMENDATIONS

One of the most significant findings from the study is that courtrooms are seldom used, yet the judges say a lack of courtrooms is one of the primary reasons they use their offices instead of courtrooms. This incongruity is perhaps resolved by the other significant reason why judges use their offices instead of courtrooms - i.e., they cannot determine whether a courtroom is available. The survey of judges suggests that many judges would find a centralized system for scheduling courtrooms helpful. Where an effort has been made to make courtroom scheduling more predictable - i.e., the court in Durrës - use of the courtrooms is considerably higher than elsewhere.

In the recommendations below, our goal, based on the stated purposes of the study, is to move more sessions into courtrooms, to use courtrooms only for sessions that warrant a courtroom, to assign a session to a courtroom only when participants are sure the event will go forward, to remove attorneys and parties from judges' offices and court hallways, to save time and make schedules more predictable for judges, attorneys, and parties, and to ensure that each session of court moves the cases forward. Using findings from the study, we outline a scheduling procedure that could accomplish these goals (recognizing that other scheduling procedures might do so as well), and we make several additional recommendations that also support these goals. Our recommendations focus on scheduling practices and do not address resources, such as computers, case management software, courtroom scheduling software, and additional courtrooms. The need for these resources is well known.

The procedure we recommend provides a centralized system for scheduling courtroom sessions and identifies sessions that should have priority for courtroom time. This procedure does not pre-schedule sessions into specifically reserved space that might not, in the end be used, but instead assigns sessions to courtrooms when it is clear that the case can go forward in a meaningful way. Our recommended scheduling procedure could profitably be used in Tirana civil division, for non-custody cases in Tirana criminal division, and perhaps in Durrës.<sup>38</sup>

We recommend that the courts in Tirana and Durrës consider using the following procedure to schedule sessions for courtrooms.

*38. Durrës already has a fairly effective scheduling process, at least as reflected in the courtroom use data, but its courtrooms are, nonetheless, underused, and use is not distributed evenly across the courtrooms.*

- Schedule two or three sessions for each judge for each one-hour time slot - e.g., schedule three sessions, all at 10:00 a.m. - instead of the current practice of scheduling one session for each half-hour time slot.
- Ask the parties and attorneys for these two or three sessions to arrive fifteen minutes before the scheduled time for the session - e.g., 9:45 a.m. - and ask them to be prepared to stay for at least one hour and fifteen minutes.
- Set aside a room in the courthouse where all scheduling of courtrooms takes place. Provide staff with a complete list of sessions to be held each day and an indicator of each session's priority (e.g., three-judge panel, case of public significance, etc.). Give staff, as well, a method to monitor use of the courtrooms.
- Instruct all session participants to check in with court staff in the courtroom scheduling room fifteen minutes before their session. Instruct staff to determine whether the parties and judge for each session are present. Require parties to wait for their sessions in this room, not in judges' offices or hallways.
- For sessions ready to go forward, have court staff determine if a courtroom is available, inform the judge and session secretary of the courtroom number, and direct the parties and attorneys to that courtroom. If more than one session for that judge is ready to proceed, have court staff determine the order in which the cases are heard, using a pre-defined priority scheme.
- When a judge has completed the first session, have staff direct the participants of the next session to the courtroom where the judge has heard the preceding session. If the typical session length of fifteen minutes continues to hold true, the judge should be able to hear all three sessions scheduled for the same hour in the same courtroom, even if all three involve substantive matters.
- If a judge is ready to hear a session, but the session is not ready for the judge - for example, someone has not arrived or a party needs to request a postponement - have the judge meet with the case participants in his/her office to make arrangements for a new session date or to deal with the procedural issues. Though these sessions take time, most are probably not of sufficient priority to warrant use of a courtroom.

A process such as this would enhance information flow and predictability, maximize judge time, maximize courtroom use, give priority to cases the court has identified as deserving of priority, and accommodate participants who are late for a session without holding up the judge or parties who are ready on time. Implementing changes of this type might be difficult and unexpected problems could result, which could be eased by having more complete information about how cases are scheduled and by using a computer simulation to evaluate the impact of alternative scheduling schemes before incurring the cost of changing the system. We recommend that the courts consider such a simulation.<sup>39</sup>

In addition to the scheduling procedure outlined above, we recommend that several additional steps be taken

- To make better use of the courtrooms and provide more cases with a courtroom setting, we recommend that sessions of court start earlier than 9:30 a.m. and continue beyond 3:00 p.m., perhaps even until 5:00 or 6:00 p.m. Courthouses are currently open two or three hours longer than the time frame during which court sessions are scheduled. We recognize that the hours before 9:30 a.m. and after 3:00 p.m. are used for, among other things, administrative tasks and that some of these tasks, such as weekly judges' meetings, require attendance by all judges. Other administrative tasks, however, could be scheduled by different judges (or session secretaries) at different times of the day so court sessions could be held before 9:30 a.m. and after 3:00 p.m.
- We recommend better communication between the court and parties so sessions can be rescheduled without parties having to come to the courthouse to find out the session will not be held. The scheduling procedure outlined above will make better use of courtrooms and save judge time, but will not solve the problem of some parties appearing only to find that the other party in the case or the judge are absent. Another procedure, perhaps relying on cell phones and designated scheduling staff, is needed. If more sessions can be held when originally scheduled, there will be fewer follow-up sessions, fewer sessions overall, less demand for courtrooms, and less congestion in the courthouse.
- We recommend that the courts determine why some courtrooms are rarely used. Perhaps these courtrooms

<sup>39</sup> More complete information about scheduling and actual use would include, for example, detailed information about how often substantive sessions are held and how much time is lost between session start and party arrival.

are not in a condition to be used, but whatever the reason the courts need to evaluate the problem and bring any deficient courtrooms to an acceptable level.

- To better understand the outcome of court sessions, we recommend that the courts develop a somewhat more detailed set of outcome descriptions. In particular, we recommend that the description “postponed” be expanded into additional codes. It is possible that some of the postponed sessions involve substantive work, not simply a postponing of the case to another time, but the current outcome descriptions prevent a better understanding of what is happening in a significant number of cases.

The recommendations above would fit into the current legal system and culture in the Tirana and Durrës courts. It is possible to imagine a more extensive change, one in which the development of evidence and the decision on the merits of the case—i.e., the trial—are separated into

two distinct stages in the case. First, parties would develop their evidence, and the judge would hold periodic status conferences to assist them with evidence development and to determine the date and length of trial. Upon completion of the evidence, the parties would try the case in a single continuous trial, which might span multiple, but consecutive, days. This approach would be a very substantial change for the legal culture but could be tested on a pilot basis to determine whether it has any promise for the Tirana and Durrës courts.

Whichever approach is taken, something meaningful should happen at every scheduled court appearance so the cases are advanced, judges and parties no longer lose time waiting for events that serve little purpose, court facilities are better used, court sessions are more dignified, judges can reclaim their private space, and the judicial system is more transparent. The JuST office and the courts are to be commended for requesting a study that provides a factual basis for moving forward to accomplish these goals.

# ANNEX I

## FORM FOR RECORDING SCHEDULING AND ACTUAL USE DATA DURRËS DISTRICT COURT

Date: \_\_\_\_\_ Session Secretary: \_\_\_\_\_ Judge: \_\_\_\_\_ Page: \_\_\_\_ of \_\_\_\_

### **Durrës District Court Scheduling and Actual Use Information**

For All Types of Civil and Criminal Cases and Petitions  
Scheduled for Hearings or Trial Sessions April 4, 2011 through April 22, 2011

Scheduling Information	Session 1	Session 2	Session 3	Session 4
Session Scheduled to Begin Today At (Time)				
Case Number				
Plaintiff				
Defendant				
Case Type				
Actual Use Information				
Session Outcome				
Session Started At				
Session Ended At				
If Held in a Courtroom, the Courtroom #:				
Number of Judges Participating				
Next Session in This Case Scheduled for (Date)				
Next Session in This Case Scheduled To Begin At (Time)				

## ANNEX 2

FORM FOR RECORDING COURTROOM OBSERVATION DATA  
DURRËS DISTRICT COURT**Actual Use of Courtrooms  
Durrës District Court  
April 4, 2011 to April 22, 2011**

This information is being collected in conjunction with a study of courtroom use in the Durres District Court sponsored by the Albanian Justice Sector Strengthening Project. Please enter an "X" in each box to indicate that some session of court was held in the indicated courtroom on this day for at least one minute during the indicated time period. Thank you.

Date: \_\_\_\_\_

Day and Time	Civil Courtroom 1	Civil Courtroom 2	Civil Courtroom 3	Criminal Courtroom 1
8:00 - 8:30				
8:30 - 9:00				
9:00 - 9:30				
9:30 - 10:00				
10:00 - 10:30				
10:30 - 11:00				
11:00 - 11:30				
11:30 - 12:00				
12:00 - 12:30				
12:30 - 13:00				
13:00 - 13:30				
13:30 - 14:00				
14:00 - 14:30				
14:30 - 15:00				
15:00 - 15:30				
15:30 - 16:00				

## ANNEX 3

DATA RECORDING INSTRUCTIONS FOR SESSION SECRETARIES  
TIRANA DISTRICT COURT**Tirana District Court  
Actual Use Information  
To be Recorded by the Session Secretaries**

For All Types of Civil and Criminal Cases and Petitions  
Scheduled for Hearings or Trial Sessions April 4, 2011 through April 22, 2011

When docketing information to the case for the scheduled hearing or trial session:

In the field labeled “**Vendimi i seancës**” indicate the outcome status of the session. For example as in the example entry number 4 “**Shtyhet me kërkesë të paditësit**” shown below for 09.03.2010 at 10:30.

In the field labeled “**Shënime për seancën**” among the other information you routinely report in this space, please make sure that the following information is recorded:

- The actual time the session started
- The actual time the session ended
- If the session was held in the courtroom, note which courtroom it was held in
- The number of judges participating in the session (i.e., 1 or 3)
- The date the next session is scheduled for
- The time the next session is scheduled for

Example Docket Entry:

**Kronologjia e seancave (Gjithsej 14 seanca gjyqësore)**

Nr	Data/Ora	Vendimi i seancës	Shënime për seancën
4.	09.03.2010 10:30	Shtyhet me kërkesë të paditësit	Seanca filloi në orën 10:40. Seanca filloi me vonesë për shkak se gjyqtari ishte në një gjyq tjetër me kryesues gjyqtarin XXXX XXXX). Pranë sekretarisë gjyqësore është depozituar një kërkesë me shkrim për shtyrje të seancës gjyqësore redaktuar nga përfaqësuesi i palës paditëse Av. XXXX XXXX i cili nuk mund të paraqitet në gjykim për shkak se ndodhet në një gjyq tjetër në Gjykatën e Lartë. Sa më sipër kërkon të shtyhet seanca gjyqësore. -Përfaqësuesja e palës së paditur: Dakord me kërkesën e palës paditëse. Vendim: Gjykata pranon kërkesën me shkrim të përfaqësuesit të palës paditëse për shtyrje të seancës gjyqësore i cili nuk mund të paraqitet në gjykim për shkak se ndodhet në një gjyq tjetër në Gjykatën e Lartë dhe njëkohësisht vendos të shtyjë seancën gjyqësore për në datën 08.04.2010 ora 09:30 për t'i dhënë kohë dhe mundësi përfaqësuesit të palës paditëse të paraqitet në gjykim. -Palët ndërgjyqëse prezent morën dijeni. -Tiranë më datë 09.03.2010 ora 10:47, salla gjyqësore nr. 1 (nëse zhvillohet në sallë gjyqi) Trupi Gjykues Gjyqtari XXX XXX, Gjyqtari XXX XXXX, Gjyqtari XXX XXXX (Ose Trupi gjykues i përbërë nga Gjyqtari XXX XXXX) Sekretare e Seancës XXXX XXXX

## ANNEX 4

QUESTIONNAIRE FOR JUDGES  
TIRANA DISTRICT COURT**Survey of Judges in the Civil Division  
Tirana District Court  
March 2011**

This questionnaire asks about the use of courtrooms and judges' offices for holding hearings in civil cases filed in the Tirana District Court. The questionnaire is sponsored by the Albanian Justice Sector Strengthening Project (JuST Project). Your responses to the questionnaire are confidential and will be reported only as part of an aggregated summary of responses. Thank you for your time and your support of this project.

1. When you decide to hold a court session in your office instead of in a courtroom, why do you hold it in your office? Please check all that apply.

- 1 \_\_\_ I cannot easily see whether or not a courtroom is available for the time I need it.  
 2 \_\_\_ The court does not have a method for reserving a courtroom.  
 3 \_\_\_ The matter before me does not need to be held in a courtroom.  
 4 \_\_\_ It is burdensome to take the case files and other required items to a courtroom.  
 5 \_\_\_ The courtroom is not a comfortable space (too cold, etc.).  
 6 \_\_\_ It is difficult for the parties to find me if I schedule a session in a courtroom.  
 7 \_\_\_ The computers in the courtrooms do not function properly.  
 8 \_\_\_ Sessions often do not go forward, and it makes no sense to tie up a courtroom.  
 9 \_\_\_ My office is more appropriate for some types of matters (e.g., family reconciliation).  
 10 \_\_\_ Other. Please add any additional reasons for using your office instead of a courtroom.

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2. Please review your answer to Question 1 and then enter below the numbers that identify the three most important reasons for holding court sessions in your office instead of a courtroom.

- \_\_\_ Most important reason  
 \_\_\_ 2nd most important reason  
 \_\_\_ 3rd most important reason

3. When you decide to hold a court session in a courtroom instead of your office, why do you hold it in a courtroom? Please check all that apply.

- 1  There are a large number of people (parties, attorneys, etc.) attending the session.  
 2  The case is being heard by a three-judge panel rather than a single judge.  
 3  I am concerned about my personal security or the security of a party.  
 4  I want the authority the courtroom confers on the judge.  
 5  I want the dignity and solemnity the courtroom confers on the proceedings.  
 6  One or more of the parties is proceeding without a lawyer.  
 7  The case is of significance to the public or the press (e.g., a case involving the government).  
 8  The courtroom is more easily found or more accessible (e.g., to parties or the handicapped).  
 9  A courtroom is more appropriate for some types of matters (e.g., witness testimony).  
 10  Other. Please add any additional reasons for using a courtroom instead of your office.
- 
- 
- 

4. Please review your answer to Question 3 and then enter below the numbers that identify the three most important reasons for holding court sessions in a courtroom instead of your office.

- Most important reason  
 2<sup>nd</sup> most important reason  
 3<sup>rd</sup> most important reason

5. If you wanted to use the courtrooms more, what would make it easier for you?  
 Please check all that apply.

- A centralized electronic system for reserving courtroom time  
 Criteria agreed upon by the judges that give some matters priority over others for use of the courtrooms  
 Knowing the parties will show up as scheduled  
 Ensuring that parties can easily find the courtroom  
 Other. Please add any additional factors that would make it easier for you to use courtrooms.
- 
- 
- 

6. Would you like to hold more court sessions in a courtroom? Please check one.

- Yes  
 No

7. Given a limited number of courtrooms and a large number of court sessions, what kinds of sessions should have priority for a courtroom (e.g., three-judge cases, sessions with many parties)?

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8. Of the types of court sessions you listed at Question 7, approximately:  
 How many did you have on your calendar last week (March 14-19)? \_\_\_\_\_ sessions  
 How many of these did you hold in a courtroom? \_\_\_\_\_ sessions

9. How long have you been a judge in the Tirana District Court? Please check one.

- \_\_\_ < 1 year
- \_\_\_ 1-5 years
- \_\_\_ 6-10 years
- \_\_\_ 11-15 years
- \_\_\_ > 15 years

10. If you have any additional comments about the use of offices and courtrooms for court sessions, please add them below.

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Please place your completed questionnaire in the envelope provided and seal the envelope. A member of the JuST project will stop by your office to pick up the envelope on or after March 25, 2011. If you have questions, contact Olta Lolo of the JuST Project at +355 672007745 or [ololo@ajssp.org.al](mailto:ololo@ajssp.org.al).

**THANK YOU**



The USAID's Albanian Justice Sector Strengthening Project (JuST) aims at increasing court transparency, fairness and efficiency; bolstering watchdog and anticorruption roles of civil society organizations and media; and strengthening the legal profession and legal education in Albania.

Project duration: October 2010 - October 2015

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