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HIGH JUDICIAL COUNCIL

DECISION

No. 264, date 21.11.2019¹

DECISION

ON THE APPROVAL OF

“SCORING METHODOLOGY AIMED AT DETERMINING A JUDGE’S EVALUATION GRADE”

The High Judicial Council, pursuant to Article 147 paragraph 1, letter “a” of the Constitution, and articles 2, 68-72, 74-78, 84-95, 97 and 171 of the law no 96/2016 “On the status of judges and prosecutors in the Republic of Albania” as amended, article 25 of the law no 48/2019 “On some additions and amendments to the law no 96/2016”, upon the proposal of the Committee of Ethical and Professional Performance Evaluation,

DECIDED

1. the adoption of the scoring methodology aimed at determining the evaluation grade of a judge, according to the text that is attached to this decision and is a constituent part of the “Evaluation scheme for judges”.

This decision enters into force on the date of its publication in the Official Journal.

FOR THE HIGH JUDICIAL COUNCIL

THE COUNCIL CHAIRPERSON

¹ Published on the Official Journal no. 159, date 27 November 2019, <https://qbz.gov.al/eli/fz/2019/140/25721125-df91-4c04-8080-c3f191dbfd1c>



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**SCORING METHODOLOGY
AIMED AT DETERMINING
A JUDGE'S EVALUATION GRADE**

1. The scoring methodology aims to determine a judge's evaluation grade for each criterion and the respective legal indicators, based on a system of scores determined on the merits of the judge, qualification, integrity, skills and efficiency, while abiding to the principle of the independence of the judge.
2. The scoring methodology is a constituent part of the "Evaluation scheme" for judges pursuant to article 2, letter "II", of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", amended.
3. In order to determine the evaluation grade of a judge, the scoring will be made based on the special criteria provided in Articles 68-72, 74-78, 84-95 and 97 of the Law no 96/2016 "On the status of judges and prosecutors in the Republic of Albania".
4. To the extent permitted by the law, the determination of additional indicators for each evaluating criterion and their specific weight shall be made in the scoring table, part of this methodology.
5. The evaluation of a judge is made according to the following criteria:
 - a) professional skills of the judge;
 - b) organizational skills;
 - c) ethics and commitment to professional values of the judge;
 - ç) personal skills and professional engagement.
6. The evaluation of the judge is made according to the following grades:
 - a) The general evaluation "excellent" is made only where the magistrate is evaluated "excellent" for all four criteria.
 - b) The general evaluation "very good" is made only in cases where the magistrate is evaluated "very good" for three criteria and "good" for one criterion. In any case the criteria "professional skills of the judge" and "ethics and commitment to professional values of the judge" should have been evaluated "very good".
 - c) The general evaluation "good" is made in cases where the skills of a magistrate are evaluated "good" for two criteria and "acceptable" for the other two criteria. The same rule applies where there is equality in the evaluation of criteria at the levels of "acceptable" and "incapable". In any case, the criteria of "professional skills of the judge" and "ethics and commitment to professional values of the judge" should be evaluated at least "good".
 - d) The general evaluation "incapable" is made in the following cases:



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- i. when the magistrate is evaluated “incapable” for at least 3 criteria;
- ii. when the magistrate is evaluated “incapable” for the criteria “professional skills of the judge” and “ethics and commitment to professional values of the judge” and not more than “good” for the other two criteria.

For any combination other than those provided above, the general evaluation shall be determined on the basis of the average scores of the four criteria, according to the scoring scale set out in point 9 of this methodology. In any case, the general evaluation grade cannot be higher than the evaluation grade for the criteria of “professional skills of the judge” and “ethics and commitment to professional values of the judge”.

7. The evaluation grade of the judge shall be determined for each of the four evaluation criteria.
8. The evaluation grade for each of the evaluation criteria, shall be determined based on a scoring scale from 1 to 100 points.
9. The scoring scale determining the evaluation grade is:
 - a) 90 to 100 points “Excellent”;
 - b) 70 to 89 points “Very good”;
 - c) 50 to 69 points “Good”;
 - d) 30 to 49 points “Acceptable” and;
 - e) 1 to 29 points “Incapable”.
10. Within each evaluation criterion, the assignment of points shall be made according to the importance of each evaluation indicator, by avoiding conclusions which are not a responsibility for the judge.
11. The scoring table defines the division of the evaluation criteria, the list of aspects for each criterion, the indicators of evaluation and their scoring according to the grade, subject to the scoring and final grading of the judge.



1. PROFESSIONAL SKILLS OF THE JUDGE (100 points)

A. Legal knowledge (50 points)

- a. Skills to identify the nature of the case, the applicable law and/or the conflict of norms (25 points)
- b. Skills to interpret the law for the solution of the case (25 points)

B. Legal reasoning (50 points)

- a. Clarity, conciseness and comprehensibility of the decision (15 points)
- b. Sound and well-organised structure of the decision (10 points)
- c. Quality of analysis and logical argumentation (25 points)

C. ETHICS AND COMMITMENT TO PROFESSIONAL VALUES (100 points)

Ethics at work (35 points)

- a. Commitment and accountability in duty

Integrity (40 points)

- a. Avoidance of indecency, honour and dignity

Impartiality (25 points)

- a. Use or not of discriminatory language (10 points)
- b. Extremely high number of parties' requests for dismissal of judges (15 points)

2. ORGANISATIONAL SKILLS (100 scores)

A. Skills to deal with the work load (50 points)

- a. Compliance with legal deadlines (15 points)
- b. Meeting minimum time standards (5 points)
- c. Average time dedicated to each case (5 points)
- ç. Clearance rate (10 points)
- d. Average time for reasoning a final court decision (15 points)

B Capacity to conduct judicial procedures (35 points)

- a. Average number of hearings per each case and the conduct of the required procedural actions to avoid the non-productive ones (15 points)
- b. Conduct of the required procedural arrangements for the organization of the judicial process (20 points)

C. Capacity to administer judicial files (15 points)

- a. Appropriateness of file documentation (5 points)
- b. Accuracy and completeness of file documentation of the file (10 points)

4. PERSONAL SKILLS AND PROFESSIONAL COMMITMENT (100 points)

A. Communication skills (40 points)

- a. Clear and transparent communication with litigant parties, public, other subjects, third parties (25 points)
- b. Adherence to confidentiality and principles of personal data protection (15 points)

B. Capacity to cooperate with colleagues (25 points)

- a. Communication and cooperation with colleagues and sharing knowledge and professional experience with them (15 points)
- b. Communication and cooperation with judicial administration (10 points)

C. Readiness to be involvement in other activities (35 points)

- a. Participation in the continuous training of the School of Magistrates (20 points)
- b. Availability of the judge to lead future magistrates during the professional



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- intership and/or training of magistrates (5 points)
- c. Participation of the magistrate in inter-institutional activities for the improvement of the justice system, in media and public relations activities of the courts (5 points)
- ç. Legal academic publications (5 points)



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DEFINITIONS

Definitions that should be considered in order to grade a judge according to this methodology:

- 1) “Non-contentious cases”, means any case filed with the court, lodged in the format of a request, where no settlement of a dispute on its merits is being sought. These include civil cases and administrative cases without opposing parties, administrative-criminal cases and security measures.
- 2) “Days” are the calendar days, with the exception of periods of less than 10 days, which are calculated as working days;
- 3) “Rapporteur judge” is a judge assigned by lot to the capacity of a rapporteur for the adjudication of a court case;
- 4) “Minimum time standards” (timeframes) are orientation timelines adopted by the HJC, within which a case should be completed. Timeframes are revised and set out separately for different types of cases, taking into account the nature, complexity and quantity of court cases, and the court infrastructure.
- 5) “Legal documents” are the documents drafted and submitted by the judge, which serve for his/her evaluation.

1. PROFESSIONAL SKILLS OF THE JUDGE (100 points)

In order to score the skills of the judge in connection with the aspects of legal knowledge and reasoning of the decision, the evaluator shall focus on the general methodology of a judge’s work based on the selected files and shall not evaluate the legal merits of individual decisions, which are determined only in the context of an appeal process.

The evaluator shall evaluate the judicial skills but will not examine the accuracy of the decision and merits of the case and will not replace the interpretation or logic of the judge being evaluated.

A. Legal knowledge (50 points)

a. Skills to identify the nature of the case, the applicable law and/or the conflict of norms (25 points)

In order to score this skill of the judge, the evaluator shall focus on the legal documents submitted by the judge, the self-evaluation form and the acts in the files selected by lot. The skill of the judge to specify the facts of the case, to identify its nature and the applicable law and/or the conflict of the norms accordingly shall be evaluated.

Scale of a judge’s skills	No. of points
Poor	5
Below average	10
Average	15



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Above average	20
Very high	25

b. Skills to interpret the law for the solution of the case (25 points)

In order to score the skills of the judge to interpret the law, the evaluator shall focus on the legal documents submitted by the judge, the self-evaluation form and the acts of the files selected by lot, where the judge's ability to interpret the identified law and his reasoning on how to apply the law to the facts under trial shall be evaluated. Only formal reference to the law, without an analysis of the provisions, the relationship between them and the application to the circumstances of the fact, as appropriate, may indicate a lack of the ability to interpret the law.

The skill of the judge to apply the general principles of the material and procedural law, related to the interpretation of the law in the solution of the case, despite being mentioned expressively in the decision, shall also be evaluated.

This indicator shall also evaluate the skill of the judge to analyse the jurisprudence focusing on the skill to research, identify, organise and use the relevant case law for a certain topic. By way of this indicator, it is evaluated to what extent and how the judge identifies the national and international case law, in support of a given decision or interpretation, how he/she uses and compares case law sources from the domestic legal system and from other systems. In particular, it is evaluated whether the judge refers and manages efficiently, at the appropriate place and according to the type and purpose of the act: the unified/consolidated judicial case law; the unified case law of the High Court, the case law of the Constitutional Court, as well as the entire case law, even if it cannot be used as a direct source, but is instrumental to interpreting the law in the framework of legislative approximation.

Scale of a judge's skills	No. of points
Poor	5
Below average	10
Average	15
Above average	20
Very high	25

B. Legal reasoning (50 points)

a. Clarity, conciseness and comprehensibility of the decision (15 points)



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This indicator is scored referring to the clarity, comprehensibility and readability of the legal documents submitted by the judge and the acts of the files selected by lot. The following is evaluated: the simple and direct use of language; the skill to express the opinion clearly and with a few words; the accurate application of grammar and syntax rules; careful selection of language and use of all letters of the Albanian alphabet (ë and ç), paragraphs and structure of the sentence to express the meaning; correct and consistent use of technical terms.

Scale of a judge's skills	No. of points
Poor	3
Below average	6
Average	9
Above average	12
Very high	15

b. Sound and well-organised structure of the decision (10 points)

In order to score this indicator, it is evaluated whether the legal documents submitted by the judge and the acts of the files selected by lot contain a clear, consistent and well-organised structure, to which the judge refers accurately in the course of the introduction of the facts, in the identification of the applicable law and their connection to the conclusions achieved. In particular, it is evaluated whether the judge follows a certain methodology according to the constituent parts of a legal document, to the effect of orientating the reader and facilitating the readability of the contents of the document.

Scale of a judge's skills	No. of points
Poor	2
Below average	4
Average	6
Above average	8
Very high	10

c. Quality of analysis and logical argumentation (25 points)

In order to score this indicator, it is evaluated the quality of the analysis based on a logical development of the legal concepts. Logical argumentation implies the ability of a judge to identify cause-effect relations, and to analyse how new concepts, institutions, provisions relate among themselves, or how they are applied in a certain context. In particular, in the legal documents submitted by the judge and in the acts of the files selected by lot, it is evaluated whether the level of



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the reasoning meets the standard of due legal process and whether the contents is all-inclusive, while providing an answer to all the claims of the parties.

Scale of a judge's skills	No. of points
Poor	5
Below average	10
Average	15
Above average	20
Very high	25

2. ORGANISATIONAL SKILL OF THE JUDGE (100 points)

Although a judge's responsibilities vary between specific jurisdictions and roles, the judge at any level and with any task must have good organizational skills in order to be productive. A judge cannot be effective without the ability to effectively organize, manage and control court proceedings. Productivity is a consequence of time management, which shows how well a judge uses his/her time, both when judging alone and in panel with others.

The judge must make the utmost effort in ensuring effective time management, both in the planning of court hearings and in procedural actions outside them, without creating obstacles to the progress of adjudicating cases in panels/colleges.

A. Skills of the judge to deal with the workload (50 points)

a. Compliance with legal deadlines (10 points)

Compliance with legal deadlines requires that the judge respects the deadlines provided by law, within which the adjudication of a case has to be completed. In order to score this indicator, the evaluation refers to the ratio of cases for which the decision was taken beyond the legal deadline with the total number of cases tried, for which the law provides such deadline. The statistical data, the evaluation made by the judge and the opinion of the chairperson serve as sources of evaluation.

Percentage data is converted to scores according to the scoring table.

Beyond the deadline	No. of points
Above 40%	3
31-40%	6
21-30%	9
11-20%	12



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0 -10%	15
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All statistics are analyzed on a case-by-case basis in order to avoid conclusions on matters that are not the responsibility of the judge. Statistical data analysis is based on the complexity of cases, the volume of cases, the sudden increase in the volume of cases, and other aspects related to working conditions, which may lead to a higher score than the one in the table above up to the maximum scoring.

b. Meeting minimum time standards (5 points)

Meeting the minimum time standards means that the judge observes the orientation deadlines set by the HJC for each category of cases. To score this indicator, the evaluation refers to the ratio of cases for which the decision was made in excess of the minimum time standard, with the total number of tried cases. The total number of tried cases does not include cases for which the law provides time limits. The statistical data, the evaluation made by the judge and the opinion of the chairperson serve as sources of evaluation.

For the purposes of this evaluation, a judge’s scoring starts from the threshold of the maximum percentage of cases tried beyond the minimum time standards set by the HJC.

Percentage data is converted into points according to the scoring table.

Referring to CEPEJ standards		
Beyond the deadline	the	No. of points
Above 10%		1
Above 8-10%		2
Above 6-8%		3
Above 4-6%		4
0-4%		5

Referring to the HCJ	
Beyond the deadline	No. of points
Above 40%	1
Above 30-40%	2
Above 20-30%	3
Above 10-20%	4
0-10%	5

All statistics are analyzed on a case-by-case basis in order to avoid conclusions on matters that are not the responsibility of the judge. Statistical data analysis is based on the complexity of cases, the volume of cases, the sudden increase in the volume of cases, and other aspects related to working conditions, which may lead to a higher score than the one in the table above, up to the maximum scoring.

c. Average time dedicated to each case (5 points)



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To score this indicator, the average time dedicated to each case by a judge is compared to the minimum time standards set by the HJC for each category of cases. Scoring is referred to minimum time standards, by type of cases. The total number of tried cases does not include cases for which the law provides time limits. Average time is determined separately for each category of cases.

The statistical data, the evaluation made by the judge and the opinion of the chairperson serve as sources of evaluation.

The scoring is made according to the following table:

Average time	No. of points
Longer than the standard for all categories of cases	1
Longer than the standard for a majority of categories of cases	2
Longer than the standard for half the categories of cases	3
Shorter than the standard for a majority of categories of cases	4
Shorter than the standard for all categories of cases	5

All statistics are analyzed on a case-by-case basis in order to avoid conclusions on matters that are not the responsibility of the judge. Statistical data analysis is based on the complexity of cases, the volume of cases, the sudden increase in the volume of cases, and other aspects related to working conditions, which may lead to a higher score than the one in the table above, up to the maximum scoring.

c. Clearance rate (10 points)

Clearance rate is the ratio of the number of court cases completed by a judge, despite the time when they were assigned, to the number of court cases assigned to him/her within a calendar year. To score this indicator, the Council refers to the clearance rate (expressed as a percentage) set by the HJC.

The statistical data, the evaluation made by the judge and the opinion of the chairperson serve as sources of evaluation.

Beyond the standard	No. of points
Under 81%	2



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Above 81-87%	4
Above 87-93%	6
Above 93-99%	8
+99%	10

(CEPEJ statistical data for 2018 indicates that the CR for civil, criminal and administrative cases was about 80%).

All statistics are analyzed on a case-by-case basis in order to avoid conclusions on matters that are not the responsibility of the judge. Statistical data analysis is based on the complexity of cases, the volume of cases, the sudden increase in the volume of cases, and other aspects related to working conditions, which may lead to a higher score than the one in the table above, up to the maximum scoring, if the judge has adjudicated within the same calendar year more than 50% of the maximum standard of the workload established by the Council.

d. Average time for reasoning a final court decision (15 points)

The “average time for a judicial decision” assesses the ability of a judge to reason court decisions in a timely manner. This is the average time indicator for the reasoning of all court decisions given by a judge during the evaluation period, calculated from the date the decision was made to the date the decision was filed at the secretariat.

The average time indicator for the reasoning of all court decisions on specific categories of cases is compared with the procedural term provided by law and is scored according to the following table.

Average time	No. of points
Longer than the procedural period for all categories of cases	3
Longer than the procedural period for the majority of categories of cases	6
Longer than the procedural period for half the categories of cases	9
Shorter than the procedural period for the majority of categories of cases	12
Shorter than the procedural period for all categories of cases	15

The statistical data, the evaluation made by the judge and the opinion of the chairperson serve as the source of evaluation.

All statistics are analyzed on a case-by-case basis in order to avoid conclusions on matters that are not the responsibility of the judge. Statistical data analysis is based on the complexity of cases, the



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volume of cases, the sudden increase in the volume of cases, and other aspects related to working conditions, which may lead to a higher scoring than the one in the table above, applying a coefficient of not more than 20%..

B. Capacity of the judge to conduct judicial procedures (35 points)

a. Average number of hearings per each case and the conduction of the necessary procedural actions to avoid the non-productive ones (15 points)

The indicator of the number of hearings per case becomes part of an ethical and professional assessment when statistics are made available electronically. If this is not possible, this indicator for evaluating and delaying judgments shall be identified and evaluated only in relation to the files selected by lot.

To score this indicator, the evaluator shall firstly determine the average number of the court hearings for each category of cases (civil, administrative, criminal and according to the adjudication instances), excluding the ones without litigants. All statistics are analyzed on a case-by-case basis in order to avoid conclusions on matters that are not the responsibility of the judge. Statistical data analysis is based on the complexity of cases, the volume of cases as well as the care demonstrated by the judge to avoid the non-productive court hearings by carrying out with efficiency the following actions:

- supervising the sending the necessary notification acts without delay;
- taking measures to guarantee due notifications for the subsequent hearings;
- planning the hearings in a way to take into consideration the duration of the case, the legal time limits and the opinions of the parties;
- as well as any other measure taken concretely by the judge to avoid non-productive hearings.

The statistical data, the evaluation carried out by the judge and the chairperson’s opinion shall serve as the source of evaluation.

The scoring shall be made according to the following table:

Average number of the hearings and the level of the judge’s skill	No. of points
Above 3 hearings and poor skills	3
Above 3 hearings and average skills	9
1-3 hearings and/or very high skills	15



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b. Conduct of the required procedural arrangements for the organization of the judicial process (20 points)

In order to score this indicator, it is evaluated whether the judge efficiently performs actions such as:

- timely management of the file and in compliance with legal deadlines;
- performance of effective and timely preparatory actions, taking into account the determination of deadlines for shortcomings of the lawsuit, notification of acts or statement of defense;
- planning and conducting effective preparatory sessions;
- documentation of decisions and other procedural actions;
- conducting a fair trial, fairly orientating the debate between the parties, expressing himself/herself clearly, by interim orders and decisions on each of their requests;
- commencement of hearings without delay;
- audio recording of sessions;
- rigorously following the stages of the judicial review;
- orientation of parties to pursue other options for the solution of the conflict such as mediation.

Scoring is made according to the following table:

Scale of a judge's skills	No. of points
Poor	4
Below average	8
Average	12
Above average	16
Very high	20

The evaluator focuses on the acts of the files selected by lot, the evaluation of the judge and the opinion of the chairperson.

C. Capacity of a judge to administer a court file (15 points)

a. Orderly file documentation (5 points)

This indicator is evaluated and scored based on the ordering of the judicial file acts in such a manner that the file is easily accessible, based on the instructions of the HJC.

The scoring is made according to the following table:

Scale of a judge's skills	No. of points
Poor	1
Below average	2
Average	3



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Above average	4
Very high	5

The evaluator focuses on the acts of the files selected by lot and the self-evaluation made by the judge.

b. Accuracy and completeness of file documentation (10 points)

The indicator of the documentation completeness and accuracy is evaluated and scored taking into consideration the judge’s ability to ensure that there are no missing acts in the file and that the documentation included in the file is the appropriate one and that it belongs to the concrete case.

The scoring is made according to the following table:

Scale of a judge’s skills	No. of points
Poor	2
Below average	4
Average	6
Above average	8
Very high	10

The evaluator focuses on the acts of the files selected by lot and on the self-evaluation of the judge.

3. ETHICS AND COMMITMENT TO PROFESSIONAL VALUES (100 points)

The scoring of the indicators of this evaluation criterion is made in a descending order based on the constitutional principle that every judge, because of his status, has ethics, integrity and shows impartiality in function. Each judge begins the evaluation process with a total of 100 points referring to this evaluation criterion. During the evaluation procedure, the number of scores may be reduced depending on the problems encountered in relation to any indicator derived from the sources of evaluation compared to the law, the standards of ethics and the rules of conduct approved by the HJC, which are construed in accordance with the Bangalore Principles on judicial conduct and relevant commentary,² and the principles on judicial ethics developed by the European Network of Judicial Councils (ENCJ).³

² UNODC, Commentary on Bangalore Basic Principles of Judicial Ethics, September 2007, https://www.unodc.org/documents/corruption/publications_unodc_commentary-e.pdf

³ Judicial Ethics Report of the ENCJ Working Group, 2009-2010, <https://www.ency.eu/images/stories/pdf/ethics/judicialethicsdeontologiefinal.pdf>



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A. Ethics at work (35 points)

a. Engagement and conscientiousness in the function (35 points)

Ethics at work, in order to evaluate commitment and accountability in function, implies the judge's careful, objective, self-restraint and prudent behavior in the exercise of his/her duty, correctly, consciously, systematically and in a reasonable time.

Fulfillment of this professional obligation requires that the judge in the exercise of his/her duty must show and prove that he/she consciously and truthfully avoids any conduct that shows lack of respect, self-restraint, sensitivity, attention or inappropriate and offensive approach, without being limited only to avoiding conduct that formally qualifies as contrary to the law.

The scoring is made according to the following table:

Level of a judge's work ethics	No. of points
Poor	7
Below average	14
Average	21
Above average	28
Very high	35

The evaluator focuses on the final decisions on disciplinary measures within the evaluation period, the results of complaints and their verification, and the opinion of the chairperson.

B. Integrity of a judge (40 points)

a. Avoidance of indecent conduct, honour and dignity (40 points)

Integrity of a judge, in the context of his ethical and professional evaluation, implies his immunity from any external influence and pressure in the exercise of his duties.

The Bangalore Principles state that there is no degree of integrity defined as such. Integrity is a characteristic that a judge has or does not have. Integrity is absolute. In the judiciary, integrity is more than a virtue; it is a necessity.

Therefore, in conformity with the circumstances, in determining the scores available under this indicator, the Council may consider the following options:

a) if there is sufficient information that the judge lacks integrity, the Council shall set the minimum possible points.

b) if there is no information available indicating that the judge lacks integrity, the conclusion shall be in favor of the judge and the Council shall determine the maximum number of possible points.



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Level of a judge's integrity	No. of points
Poor	0
Very high	40

The Council assesses whether the judge respects, endorses, and supports the core values of his work, such as avoiding improper appearance, honor and dignity, and responds to public expectations, demonstrating personal qualities of wisdom, honesty, a sense of humanity, courage, seriousness and prudence. The judge should be aware that professional conduct, private life and conduct in society have an impact on the image of justice and public trust.

Avoidance of improper appearance is fundamental to integrity. In making decisions, judges should try to avoid any prejudice that may harm or considered harmful to their judgment. Judges should not show favor or disfavor in relation to cases, parties, or advocates, in cases before the court.

A judge enjoys *honor and dignity* for the public when he transmits personal and professional values and is considered a role model for others.

In evaluating a judge and assigning points the Council may consider whether the sources of evaluation contain information on a judge's conduct such as:

- lack of attention and interest in the respect and dignity of individuals;
- abuse with the working hours, personnel and sources for private purposes;
- use of prohibited substances;
- any other conduct and activity that infringes or threatens to damage the public image and background of the judge, the court and the justice system.

The evaluator focuses on the final decisions on disciplinary measures within the evaluation period, the results of appeals and their verification, on the opinion of the chairperson and on the records of the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest reports.

The data derived from the sources of evaluation will be objectively analyzed by avoiding the subjective attitude of the evaluator or Council member created on the basis of personal acquaintances with the judge.

C. Impartiality of a judge (25 points)

The judge's impartiality implies a lack of prejudice in favor of or against particular parties, or groups. The Council will assess here the immunity from any external influence or pressure, the judge's ability to avoid a potential conflict of interest that may or may not cast doubt on his or her impartiality, as well as the respect for the cases of vulnerable groups, including cases of gender equality and minorities. The judge must be fair and look like that. Presentation and quality of justice are essential.

a. Use or non-use of discriminatory language (10 points)



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Judges should be aware of and avoid using discriminatory language as well as any tendency for prejudice. Personal attitudes should not interfere with a judge's decision-making.

The legal documents submitted by the judge and the acts of the files selected by lot shall serve as sources of evaluation regarding this criterion, including the registration of the hearings with audio tools or video.

The scoring is made according to the following table:

Ability to avoid use of discriminatory language	No. of points
Poor	2
Below average	4
Average	6
Above average	8
Very high	10

b. Extraordinarily high number of admitted requests of parties for recusing the judge (15 points)

The scoring of this indicator is made in descending order based on the constitutional principle that every judge because of his/her status is and should show impartiality in function. Based on such approach, each judge begins the evaluation process with a total of 15 scores referring to this criterion. During the evaluation procedure, if it is found that the number of admitted requests of parties for recusing the judge is extraordinarily high, the judge will be evaluated with the minimum scores.

In order to decide if the number of the parties' accepted requests for recusing the judge is or is not "very high", the evaluator shall, case by case, not concentrate only on the number of the accepted decisions for the exclusion of the judge, but analyzes and compares other indicators taken from the evaluation sources, such as: the ratio between the requests for withdrawal submitted by the judge, and the admitted requests of the parties to recuse the judge. The judge shall not be penalized when before the decision for recusing him/her, he/she has withdrawn from the adjudication of the case, but his/her request has not been accepted by the chairperson of the court.

The scoring is made according to the following table:

Number of admitted requests of parties for recusing the judge	No. of points
Extraordinarily high	3
Inconsiderable	15



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The evaluator focuses on the statistical data, the self-evaluation performed by the judge and the opinion of the chairperson.

4. PERSONAL SKILLS AND PROFESSIONAL COMMITMENT (100 points)

This criterion assesses the judge’s personal capacity and professional commitment, broken down in the following indicators.

A. Communication skills (40 points)

a. Clear and transparent communication (25 points)

The judge should be able to communicate effectively. Effective communication skills include the ability to communicate comprehensively, clearly and concisely with litigants, the public, other entities, and third parties.

The scoring is made according to the following table:

Clarity and transparency of communication	No. of scores
Poor	5
Below average	10
Average	15
Above average	20
Very high	25

The self-evaluation of the judge, the opinion of the chairperson, the legal documents submitted by the judge and the acts of the files selected by lot shall serve as sources of evaluation regarding this indicator.

b. Adherence to confidentiality and protection of personal data (15 points)

The judge must exercise utmost care in maintaining confidentiality and in protecting personal data regarding information and data that he or she is made aware of because of the function, such as the cases with minors, the one of domestic violence, etc. The scoring of this indicator shall be done according to a descending order, presuming that the judge has such qualities. Every judge starts the scoring with 15 points, which shall be deduced according to the following table based on elements that derive from the evaluation resources.

Respect for confidentiality	No. of points
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Poor	3
Average	9
Very high	15

The self-evaluation of the judge, the opinion of the chairperson, the legal documents submitted by the judge and the acts of the files selected by lot shall serve as sources of evaluation regarding this indicator.

B. Ability to cooperate (25 points)

a. Level of communication and cooperation with colleagues, including the exchange of knowledge and professional experience with them (15 points)

The judge must have the ability and availability to cooperate with colleagues without prejudicing his or her independence in decision-making. The judge should contribute to raising attention on certain legal issues, improving legislation, discussing the implementation of unifying decisions, the drafting of the uniform templates of the procedural acts and any other issues related to judicial activity. The judge should show willingness to share with the colleagues the experience gained in the various training activities.

The self-evaluation of the judge, the opinion of the chairperson and the data for verifying the appeals filed against the magistrate during the evaluation period shall serve as sources of evaluation regarding this indicator.

The scoring is made according to the following table:

Level of communication	No. of points
Poor	3
Below average	6
Average	9
Above average	12
Very high	15

b. Level of communication and cooperation with judicial administration (10 points)

Judges of all levels should interact regularly with court staff. Promoting collaborative relationships with court staff creates a harmonious and productive work environment. The Council will assess whether the sources of evaluation show evidence of a lack of respect for judicial administration employees, their progressive and systematic mistreatment through the use of inappropriate vocabulary, gossip, social exclusion, etc.

The scoring is made according to the following table.



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Level of communication	No. of points
Poor	2
Below average	4
Average	6
Above average	8
Very high	10

Evaluation sources related to this indicator consist of the evaluation performed by the judge, the opinion of the chairperson, the data for verifying the complaints filed against the magistrate during the evaluation period.

C. The judge’s willingness to engage in other activities (35 points)

a. Participation of the judge in continuous trainings programs of the School of Magistrates and in other professional trainings (20 points)

One of the objectives of the evaluation of professional activity is to identify training needs, enabling the judge to devote further time to self-improvement in relation to the recognition and application of law, jurisprudence and doctrine. For the purpose of their professional development, judges have the legal obligation to attend the continuous training program of the School of Magistrates. The judge should devote time to the evolution of legal opinion and jurisprudence and pursue training programs that drive his specialization, organized by other training institutions at national or international level, recognized by the Council.

In relation to the scoring of a judge’s ability to engage in other activities, the indicator of participation in the continuous training program of the School of Magistrates is measured based on written information provided by the School of Magistrates confirming participation and involvement of the magistrate in trainings.

The judge’s participation in other trainings shall be evaluated based on the documents submitted by him which indicate the professional growth.

The scoring of this indicator is made by reference to the number of trainings and their cumulative length in relation to a given topic. The Council considers long-term trainings, including specialized short-term trainings in a particular area, organized at interrupted intervals of time, an added value for the professional development.

The scoring is made according to the following table.

Participation of the judge	No. of points	Participation of the judge	No. of points
3-year period	15-120 days: 20 points	5-year period	30-200 days: 20 points



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	<15 or >120 days: 4 points		<30 or >200 days: 4 points
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b. Readiness of a judge to guide judge candidates during internship (professional practice) and/or training of judges (5 points)

By this criterion, the Council considers an added value for the judge his or her willingness to contribute as a leading judge in the internship (professional practice) of judge candidates, and/or as an expert/facilitator in initial or continuous training of the School of Magistrates, or in trainings organized from other institutions.

Given that participation in such activities does not always depend on the judge’s will, all the judges start the evaluation for this indicator with 3 points. Two other points shall be added to the evaluation of the judges that carry out this activity contemporaneously to the judicial activity, independently of the frequency of the engagement.

The source of evaluation for this criterion is the judge’s personal file and written information transmitted by the School of Magistrates or other institutions, which certify the judge’s participation and involvement in training activities.

c. Participation of a judge in inter-institutional activities to improve the justice system and in public relations activities of the courts (5 points)

A judge may dedicate time and effort to improving the judicial system in a variety of ways. These include off-duty activities, with or without pay, such as: public speaking; presentations at national and international scientific conferences; participation in community education programs; cooperation with the Council to improve continuous education programs; engagement as an expert in the affairs of the Council for the preparation of the standard forms for the increase of efficiency; contributions to the drafting of legislation; teaching activities on legal issues; cooperation with various interest groups to enhance the quality of the judiciary and public awareness of the rule of law enforcement, as well as any other similar activity in the legal field.

Taking into consideration the fact that the participation in such activities does not always depend on the judge’s will, all the judges start the evaluation for this indicator with 3 points. One or two other points shall be added to the evaluation of the judges who carry out these activities contemporaneously to the judicial activity taking into consideration the amount and quality of the engagement, the degree of participation of the judge, the impact on the specific activity and the international scope of the engagement, as well as any other data derived from the sources of evaluation of this indicator.

The evaluation performed by the judge, the opinion of the chairperson, the data of the judge’s personal file, and any other data indicating the professional development of the judge shall serve as sources for the scoring.



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c. Academic legal publications (5 points)

By this criterion, the Council considers as an added value for a judge his/her academic legal publications for the purpose of contributing to the development of the doctrine. 1 to 5 scores shall be given for the academic legal publications including articles, chapters, monographs, or other scientific publications, published inside and outside the country, accompanied by identification numbers (ISBN, ISSN).

The personal file of the judge and any other data indicating his professional development, which provide data on the amount and typology of academic legal papers and publications shall serve as a source of evaluation.

SOURCES (ex art. 77 of the Status Law)

Evaluation of judges is based on these sources:

- a) personal file of the judge;
- b) statistical data, according to the stipulations made in Article 90 of this law;
- c) files selected by lot for evaluation, according to Article 91 of this law, including the audio or video recordings of court hearings related to court files, which should fully cover all types of adjudicated and investigated cases;
- ç) the self-evaluation performed by the judge and court decisions selected by him;
- d) opinion of the chairperson;
- dh) data on the verification of complaints filed against the judge during the evaluation period;
- e) written information transmitted by the School of Magistrates or other institutions certifying the participation and involvement of the judge in training activities;
- ë) final decisions on disciplinary measures against the judge given during the evaluation period, independently of whether the disciplinary measure has been terminated;
- f) reports required by the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest or other auditing or controlling institutions;
- g) objections of the judge and any minutes or records of the hearing during the evaluation process;
- gj) any other data indicating the professional development of the judge.