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**REPUBLIC OF ALBANIA**

**THE SCHOOL OF MAGISTRATES**

**STEERING COUNCIL**

**No. 23/3 prot. Tiranë, on 26.01.2023**

**DECISION**

**No. 3, date 26.01.2023**

**ON SOME ADDITIONS AND CHANGES IN THE INTERNAL REGULATION OF THE SCHOOL OF MAGISTRATES**

Based on law no. 96/2016, *on the status of judges and prosecutor in the Republic of Albania,* on law no. 115/2016, *on the organs of the management of the system of justice,* the Steering Council of the School of Magistrates, gathered on 26.01.2023, decided:

1. To be done these amendments in the Internal Regulation of the School of Magistrates, approved by decision no. 1, date 31.1.2017:

1. In Article 10, point 4, letter (d),changes as follows**:**
2. “Has the general average grade over 8 (eight), as well as average grade over 8 (eight) for the group of the main subjects, where are included:
* Civil and Obligation Law and its advanced and special courses;
* Criminal Law, (General and Specific Part) and its advanced and special courses;
* Civil Procedure and its advanced and special courses;
* Criminal Procedure and its advanced and special courses;
* Administrative Law and its advanced and special courses; (and)
* Constitutional Law and special in-depth courses.

The determining of advanced and special courses is foreseen by the VCM no. 41/2018, *on the elements of the study programs provided by the institutions of high education*. For those graduated as "Jurist" in programs in foreign languages, is foreseen a coefficient of difficulty equivalent to 1.2 which will ponderate their factual average grade;

1. In the Article 12, point 6, changes the registration fee as follows, **“**Registered candidates become subjects of the admission test. Registration fee for the participation in the competition is 12 000 (twelve thousand) lekë.”
2. In the Article 48, is added point 1/1 with this content:

1/1 In the application of the Article 272, point 2, of law no. 115/2016, *on the organs of the management of the system of justice*, is formed the Consultative Council for the composition of the Program of Continuous Formation and the creation of conditions for research, study and scientific debate, composed of:

1. Manager of the Department for Continuous Formation;
2. Manager of the Sector of Continuous Formation;
3. A representative from the High Judicial Council (HJC);
4. A representative from the High Prosecutorial Council (HPC); *(and)*
5. A representative from the State Advocacy;

The Council invites also other actors to give contribution in domestic legal system.

1. In the Article 57, at the end of point 5, is added the phrase, *“*through technical secretariat created for this purpose.”
2. In the Article 58, point 5, is changed as follows: The process verbal is kept by the technical secretariat and should be submitted for approval to all members at the beginning of the subsequent meeting. After the approval, the process verbal is signed by all members participating in the meeting, along with the list presence for the participation in the meeting.
3. In the Article 58, is added point 8 with this content: More detailed rules and instructions on the functioning of the technical secretariat are established by the School Director.
4. In the Article 60, is added point 4 with this content*:* The process verbal is preserved by the technical secretariat and should be submitted for approval to all members at the beginning of the subsequent meeting. After the approval, the process verbal is signed by all members participating in the meeting, along with the list presence for the participation in the meeting*.*
5. In the Article 61, is added point 3 with this content*:* The process verbal is preserved by the technical secretariat and should be submitted for approval and signature to members at the end of every meeting.
6. In the Article 66, point 4, is added letter (f) with this content: As well as to contribute with a publication every year in the scientific journal of the School of Magistrates *[Jeta Juridike journal].*
7. After the Article 66, are added Articles 66/1, 66/2 and 66/3 with this content**:**

**Article 66/1**

**Department for Initial Formation**

Department for Initial Formation has the following duties:

1. Direction, formulation, evaluation, consultation, analysis, research and problem solving and issues object of the ground of the activity of the Initial Formation;
2. Providing of experience in the theoretical and practical preparation of candidates for magistrate;
3. Supervision and implementation of the approved education plans and programs, as well as theoretical and practical professional preparation in higher levels of candidates for magistrate, for the three-year program of the Initial Professional Formation;
4. Coordination of the activities of cooperation of the School of Magistrates, with institutions, such as courts and prosecutions of judicial districts, courts and prosecutions of appeal, High Judicial Council, High Prosecutorial Council, as well as other institutions, for reciprocal exchanges for the fulfillment of the functions of the institution;
5. Approval of the draft-budget for the forecast of financial funds in the context of the annual activity of the Initial Formation;
6. Designing of the annual draft program of the activity of the Initial Formation, after being informed regarding the necessities and proposals of the structures of the institution and out of it and proposes this draft to the Director of the School.

**Article 66/2**

**Department for Continuous Formation**

Department for Continuous Formationhas the following duties:

1. Formulation, evaluation, consultation, analysis, research and problem solving and issues object of the ground of the activity of the Continuous Formation;
2. Providing of experience in the theoretical and practical preparation of judges, prosecutors on duty and not only;
3. Coordination of the activities of cooperation of the School of Magistrates, with institutions, such as courts and prosecutions of judicial districts, courts and prosecutions of appeal, High Judicial Council, High Prosecutorial Council, as well as other institutions, for reciprocal exchanges for the fulfillment of the functions of the institution;
4. Takes care of ensuring the highest quality of the Continuous Formation;
5. Engagement in preparation of projects, information, collection of opinions on new topics and other trainings; in different activities as representative of the School in the activities done out of it;
6. Supervision and implementation of the annual program of the activity of the Continuous Formation, as well as the preparation of materials and questionnaires for training sessions;
7. Approval of the draft-budget for the forecast of financial funds in the context of the annual activity of the Continuous Formation;
8. Designing of the annual draft program of the activity of the Continuous Formation, after being informed regarding the necessities and proposals of the structures of the institution and out of it, along with the names of experts, facilitators, and moderators and proposes this draft to the Director of the School and to the Steering Council.

**Article 66/3**

**Department for Scientific Search and Publications**

Department for Scientific Search and Publications has the following duties:

1. Formulation, evaluation, consultation, analysis, research and problem solving and issues object of the ground of the activity of the Department for Scientific Search and Publications;
2. Coordination of the activities of cooperation of the School of Magistrates, with institutions, such as courts and prosecutions of judicial districts, courts and prosecutions of appeal, High Judicial Council, High Prosecutorial Council, as well as other institutions, for reciprocal exchanges for the fulfillment of the functions of the institution;
3. Approval of the draft-budget for the forecast of financial funds in the context of the annual activity in the aspect of scientific search and publications;
4. To encourage the formation of a resource and scientific center on the European Law and Human Rights Law;
5. To make the coordination of the projects that support every type of activity, that is enforced in cooperation with national and international partners in the grounds of the European Law and Human Rights law, for the quality of scientific articles and studies;
6. To encourage and promote articles and qualitative studies in this field that are realized by candidates for magistrate, home and external lecturers of the School, judges, prosecutors, state advocates and legal assistants;
7. To contribute in the aspect of scientific search of publications of the School of Magistrates;
8. Supervision and implementation of the annual program of the academic activity in the direction of projects, scientific search and publications.
9. In the Article 72, is added point (e) with this content:

e)The keeping of documents, the archiving of audio recordings of meetings, talks, etc., their transcription into electronic and hard copies, technical and scientific processing of transcribed materials on topics from different fields, as well as issues certified copies and extracts of audio recordings and process-verbals or notes, when required, respecting the internal regulation for the determining of detailed rules for the keeping, storing and archiving of recordings, process-verbal and of transcription, as well as of the legislation in force for the protection of personal data.

1. In Annex 10, ***“on the evaluations of candidates for magistrate in the initial formation”,* Point V, component B,**
* in point 1, the difficulty coefficient is changed into 2.4 (two point four), and after point 1 is added point 1/1 with this content**:**

1/1 Mock trials of the second year will be evaluated by the group of lecturers. The final evaluation of 100 points, comes by the consensus of the group of lecturers. If there is no consensus among them, the evaluation will be done independently and the final points will come by the calculation of the arithmetic mean.

Candidates receive the final evaluation under the attached table.

* In point 3, the difficulty coefficient is changed into 2.15

The third component of the evaluation is related to formation, attendance, communication, behavior and the respect of ethics – Abrogated.

13. In Annex 11, “Selection criteria of lecturers and trainers/experts of the School of Magistrates ”, point 3.1,  ***letters (b) and (c), change as follows:***

1. **External lecturers of the Initial Formation,** who are involved as part of the group of subjects and courses of the first and second year, by covering a great number of hours, starting at least from 8 hours in one or in some courses;
2. **Specialists of the Initial Formation,** who are involved in courses and themes specified to their close area of study, which is part of courses of the subjects of the first and second year, but for a burden smaller than 8 classes;

14. In Annex 11, “Selection criteria of lecturers and trainers/experts of the School of Magistrates”, point 7, “Specific duties of the trainers/experts/facilitators of the Continuous Formation” after the word “experts” is added the word “facilitators.” In the first sentence, after the word “experts” is added the word “facilitators.” After the third paragraph, are added paragraphs four and five with this content:

* To deposit in the written form to the Sector of Continuous Formation the materials prepared for the training, so that they may be available to the participants in the training.
* The non-delivery of the materials causes the non-recognition of the participation of the trainer/expert/facilitator to the completed training, the participation is not paid, as well as will not be considered for the effect of teaching load for home lecturers.

At the end of point 7, is added the paragraph with this content:

* The Sector of Continuous Formation takes actions for the submission of training materials before its accomplishment, as well as organizes the meeting of experts and facilitators for the realization of the seminar.
1. Is added annex 17, attached, as an inseparable part of this decision.

e) This decision comes immediately into force!

**VICE-HEAD**

**OLSIAN ÇELA**

**ANNEX 17**

**ON THE ESTABLISHMENT OF DETAILED RULES FOR PRESERVING, STORING AND ARCHIVING REGISTRATIONS, MINUTES AND TRANSCRIPTIONS**

**Article 1**

**The object of the Regulation**

This regulation determines obligatory rules on:

1. The transcription process through audio and video recording by means of technological instruments;
2. The operation of audio recording system;
3. The way of the storing of the materials of these audio and video recordings and the preparation, when is necessary, of their transcriptions.

**Article 2**

**Field of action**

The School of Magistrates based on its activity of editorial board meetings in cases of editorial meetings of the Steering Council, of the Pedagogical Council, of training sessions, meetings, talks, etc., when considers it necessary, uses the technological instruments available to do the transcription process.

**Article 3**

**Instruments of information technology**

1. The School of Magistrates uses audio & video recording systems to enable the transmission of high quality sound in order to fulfill this process.
2. Audio & video recording system will be integrated into the meeting hall through audio system with speakers, infrared interpretation system and table microphones, as well as will be accompanied by cameras installed in the hall for the video recording of the meeting.
3. Transcription as process will be considered as an official version and will be stored in hard and electronic copies.
4. Audio & video recording is done by the scientific secretary for publications, under the instructions and supervision of the head of the sector, by using technological instruments available for the recording.
5. For meetings or talks the scientific secretary for publications keeps minutes on the audio & video recording, printed and signed by him/her at the end of the meeting or of talks.
6. Minutes, under the point 5 of this article, as well as transcripts of recordings, (in case there are recordings), are stored in specific files in the Sector of Studies and Publications.
7. In case the audio & video recording is impossible to be done, because of equipment deficiencies, are kept minutes reflecting the reasons of the making of minutes and presenting at the same time a reflection of the complete process that is signed also by the Specialist of Information Technology.

**Article 4**

**Procedure before the beginning of the recording process**

For the progress of the recording process, the scientific secretary for publications has the following duties:

1. The informing of all persons present that the meeting or talks will be recorded electronically;
2. The informing of all persons that they have to speak clearly and avoid gestures or head movements (in cases when is considered necessary), as these gestures cannot be captured by the audio recording;
3. To make sure that the recording is done according to the rules of this regulation and to have the required data;
4. To decide for the keeping of minutes in other forms, in cases foreseen in this regulation;
5. In cases when noticing that during the recording process there are elements of sensitive data, that are part of the legislation for personal data protection, they are eliminated in the transcription process.

**Article 5**

**Responsibilities of the scientific secretary for publications and of theSpecialist ofInformation Technology**

The scientific secretary for publications is responsible for:

1. The complete and correct recording;
2. The signing of summary notes or of minutes kept, attached to audio or video recording;
3. Transcription of recordings, when is required;
4. Archiving of recordings, minutes or transcription in hard copy and electronically;
5. Issuing of certified copies of the original recording, in mp3/mp4 format, as well as of certified copies of original notes after the approval by the superiors of hierarchy.

For the accomplishment of duties established in this regulation, as well as of those assigned by the superiors of hierarchy, the scientific secretary for publications performs even on his/her own initiative, all the actions that guarantee the full and accurate recording of meetings, talks or discussions. The scientific secretary for publications is also responsible for:

1. The keeping under monitoring of recording instruments, to be sure that they function accurately in the time of recording;
2. The notification during meetings, talks and discussions, when is necessary, that persons being present have to raise their voice or to speak more clearly or (when applied) to talk into the microphone, to pronounce words or terms correctly, not to make noises or to use instruments that interfere with recording quality;
3. The notification of the direct superior for every problem with the recording instrument, as well as the Specialist ofInformation Technologyand in case considers that this problem does not have a quick solution, requires the transition to another way of keeping records reflecting the situation;
4. The secure storing of audio or video recording at the end of meetings, talks or discussions, on the platform or in digital archive (external hard disc), where may be accessed the recorded material by its users through relevant passwords;
5. The making of the transcription of recordings, when is required;
6. The inclusion of the materials of the recording, of minutes and transcripts in the electronic and physical file;
7. The issuing of certified copies and extracts.

TheSpecialist ofInformation Technologyis responsible for:

1. The putting into function of recording equipments;
2. The recording instruments so that they may be functional.

**Article 6**

**Problems with equipments of Information Technology**

In certain cases, in the accomplishment of his/her duties, for recording and transcription, if is necessary, the scientific secretary for publications is assisted by the specialist ofinformation technology. In every case, the scientific secretary for publications monitors the recording process and transcription and is responsible for it.

**Article 7**

**Preparatory measures before meetings, gatherings or talks**

1. Before the beginning of meetings, gatherings or talks, the specialist ofinformation technology takes all the necessary measures so that the recording instruments may function properly, as well as takes care of logistical elements by taking preparatory measures, such as:
2. Checks that all devices are plugged in and powered;
3. Checks that all microphones are connected to their respective channels, (if it is applied).
4. The scientific secretary for publications takes care of logistical elements by taking preparatory measures, such as:
5. Takes care so that all people are seated in respective seats, so that to accomplish the audio or video recording;
6. Ensures on the availability of all necessary means for the keeping of minutes alternatively.

**Article 8**

**The start and end of recording**

1. Recording begins at the moment when persons are accommodated and the meeting, gathering or talk is requested to start.

2. The recording ends at the moment when it is declared over.

3. At the declaration of the end of the meeting, gathering or talk, the scientific secretary for publications closes minutes with the recorded material, as well as turns off technological equipments.

**Article 9**

**The saving of original recordings**

1. The complete original recording is stored locally on a USB device or on an external hard drive connected directly to the audio system.

2. Record(s) is (are) destroyed no earlier than 1.5 years after the approval by the head of the institution.

**Article 10**

**Transcription**

1. Transcription is a process that requires specific competences and that involves listening, the understanding of the context in this process and its reproduction for presenting it in the written text.

2. Transcription may be: “word for word complete”, “word for word true” or “accurate" or “word for word intelligent.”

3. Video/audio transcription will be done on the basis of the methodology that is required to be used including technological equipments.

**Article 11**

**Time of transcription**

1. Time needed for the transcription of a recording depends on some elements:

a. In a recording there is also a necessity to search for a specific terminology and spelling,[[1]](#footnote-1) transcription process requires more time since the transcriber has to clarify the terminology so that to avoid spelling errors.

b. The large number of interlocutors – transcription in this case is more demanding and takes more time, since a group of five or more people who speak quickly or who speak at the same time creates difficulties in this process.

**Article 12**

**Types of transcription**

1. Types used for the transcription in the meaning of this regulation, based on the activity of the School of Magistrates, are as follows:

1. “Word for word complete” – includes every single audio sound without any edited detail. Accordingly, includes everything that is said, exactly as it is said. So, besides the spoken word, transcript also includes: pauses, silences, repetitions, stammers and non-verbal ‘filler’ stutters, such as ‘uh’ and ‘um’, noises including coughing and laughter gestures and physical movements, for example the nodding and ambient noise including background noise, the door slamming, redundant and false starts jargon, grammatical errors and non-standard language. In a “word for word complete” transcript, there is no clearing, summarizing or concluding of sentences and there is no attempt to explain the meaning of what has been said.)
2. “Word for word true ” – “word for word true ” does not cut anything from the transcript of the audio file, except for stuttering or pauses, that only serve to make it difficult to read and do not affect the context of what is said. So, it is a ‘cleaned up’ version of what is said. All redundant words or sounds are removed, as well as any non-verbal content. However, when is produced a “word for word true” transcript, the transcriber goes further, for example correcting grammatical errors or paraphrasing speech to make the meaning clearer or more concise. Unlike a “word for word” transcript, an intelligent transcript conveys only the meaning of what was said, now how it was said. The purpose is to be created a transcript that is more readable and easier to be understood.
3. "**Accurate**” or “word for word intelligent”- yet includes every sound, including words, background noise, and verbal communication, while elements such as stuttering or repetition are removed.

**Article 13**

**Transcription content**

1. Transcription includes everything that people present said in meetings, gatherings or talks.
2. The scientific secretary for publications pays a special attention to the identification of every speaker to the transcript.
3. The transcript is signed by the scientific secretary for publications.
4. If meetings, gatherings or talks are conducted with an interpreter, the transcript is signed by the interpreter, to certify the accuracy of translation.

**Article 14**

**Checking and correction of the official transcript**

1. When persons participating in meetings, gatherings or talks have oppositions regarding the accuracy of transcript, they submit a written request, where evidence specifically the parts of recording under discussion.
2. Upon receiving the written request for correction, the scientific secretary for publications checks the recording and makes corrections in transcript, when is the case.
3. When parts discussed in transcription are related to translation, the scientific secretary for publications requires the control by the translator before the making of corrections. When the scientific secretary for publications together with the translator see that there is no place for correction, he/she notifies in the written form on this fact the person who claimed the correction.
4. To the corrected transcription is written a note on the date of the correction being considered the final version of the transcription.

**Article 15**

**Incomprehensible parts of the transcription**

When for the scientific secretary for publications is impossible to listen or to understand any part of the recording, he/she leaves a note in words "incomprehensible” to the text of the transcript.

**Article 16**

**The issuing of a copy of the recording, process – verbal or transcription**

1. In case is required a certified copy of the original recording, process – verbal or transcription, they are issued only after the submission of the reasoned application submitted to the protocol of the School of Magistrates.
2. The scientific secretary for publications issues certified copies of the original of the recording on CD in the *read only* form, as well as certified copies of the original process- verbal or transcriptions, after the approval of the application received by the heads of hierarchy, as long as they are not contrary to the envisages of the legislation in force for the protection of personal data.
3. In the case of the refusal of the application for the receiving of a certified copy of the original of the recording, the head of the institution or the person authorized by him reasons his decision and this reasoning is notified to the applicant.
4. Every additional information that is required is examined under the legislation in force that regulates relations of the institution with the public.

**Article 17**

**Complaints**

Complaints for the violation of deadlines or for the non-giving of the required information are submitted to the protocol of the School of Magistrates.

**Article 18**

**Final provisions**

1. This regulation is a component and indivisible part of the Internal Regulation of the School of Magistrates.
2. For issues that are not included in this regulation, are applied the rules foreseen by the Internal Regulation of the School as well as by the general and specific legislation in force.
3. The Sector of Studies and Publications of the School of Magistrates, has the duty and responsibilities that subjects, part of this regulation, may be recognized and implement its provisions.

***This Regulation has entered into force by decision no. 1 of the Steering Council of the School of Magistrates of 31 January 2017.***

1. Orthography is a group of conventions to write a language, including rules of spelling, hyphenation, capitalization, separation of words, stress and punctuation. [↑](#footnote-ref-1)