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## **Proposal for an IT based system (software solution) concerning appointing of the ex officio lawyers for the Bar Association of North Macedonia**

**General overview of the key principles, objectives, functions,  
requirements and structure of an IT software system**

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## Foreword

The Council of Europe is currently implementing the joint Council of Europe/European Union Project HF II Supporting enhanced access to higher quality Free Legal Aid services in North Macedonia, which aims at supporting the main actors in enhancing the efficiency, quality, scope, accessibility, and awareness of free legal aid provision in the country and addressing identified shortcomings. It supports effective implementation of the new Law on free legal aid, adopted in May 2019.

The Council of Europe's Project Team requested to develop a concise Paper containing proposals for an IT based system (software solution) concerning appointment of the ex officio lawyers for the Bar Association of North Macedonia that provides an overview of the key principles, objectives, functions, requirements and structure of the software and will serve as starting point for developing terms of reference for potential software solution to embed the proposed system.

This document builds upon the recommendations from the *Assessment report on legal aid in criminal proceedings*<sup>1</sup> and of the *Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia* developed previously under the project and the online meeting held with the executive director of the BAR Association that took place on December 02, 2021.

The need for an efficient case management system in processing the data related to the appointment of ex-officio and FLA lawyers is self-evident. Until now, the provisions of the Law on Criminal proceeding (LCP) do not foresee a clear practical mechanism for appointing lawyers in cases under the articles 74 and 75 of LCP and the courts use different practices for appointment of ex-officio and FLA lawyers, i.e. there is no unified system in this regard, subsequently the modality of appointment of ex-officio lawyers is perceived to be unclear and lacking transparency.

With the new draft of the LCP (planned to be adopted in 2022), two key amendments<sup>2</sup> were proposed to the Working Group by the CoE consultants which stipulate the engagement of an innovatory software solution as a mechanism for appointing lawyers that will finally unify the system of appointment of lawyers.

It is a Process tool for regulating the mechanism of appointment of ex-officio and FLA lawyers, but also for regulating the modality of payment of fees to lawyers by the courts (respecting the level of the fees) and correspondingly will increase the interest of lawyers to participate in the system of delivery of legal aid in criminal proceedings. Subsequently, it will contribute to a better quality of provided legal aid in criminal proceedings.

In developing the model for appointment of ex-officio lawyers, there were taken into the consideration some challenges that can impede introducing an IT based software system. The software solution implies costs and resources, and the Bar will need continuous support in implementing the software solution.

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<sup>1</sup> Please see: <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia-mkd-/16809fcd83> and <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82>

<sup>2</sup> Prepared under the Project on supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia.

**This document should serve as a foundation for development of the tender dossier for procurement of the software solution in accordance with CoE procurement rules.**

## **Terms and reference for an IT based software solution**

### **1. Introduction**

The BAR should procure a fully integrated IT solution to effectively manage all of the data related to the attorneys, the expert associates, the trainees and the law firms – all the members of the bar regarding the main items on the status/membership (e.g. active, dormant) of the chamber and the relevant changes such as changes of individual lawyers in law firms, changes of employed lawyers in law firms, enrolment of trainees, transfer of trainees to lawyers or professional associates, transfer of professional associates to lawyers, disciplinary proceedings (including violations and fines), payment of membership fees, trainings (participation in seminars), payment of licenses, changes of address, etc.

This should be done through requesting offers from software vendors for design, development, supply/installation, implementation, training and maintenance. As a minimum, the solution must include case management (individual files), information flow and notification, time recording, billing, document producing, document management and reporting.

The entire solution should be delivered through a web browser, be compatible with the latest and most commonly used browsers and be accessible on a number of different operating systems. In addition, the solution must be able to integrate with the Bars 'web page and the future web page of the Educational center of the BAR, with the call center and the web based mail and calendar providers and applications (e.g. Google Mail and Office 365) without the use of third party email applications.

The system should be hosted internally by the Bar chamber or on a cloud solution using the supplier's infrastructure.

### **2. Key principles**

The software solution should be developed on the following key principles:

- ***Unitary evidence*** of static and dynamic aspects of the activity of members of the BAR (one central location for all information);
- ***Interconnection of legal aid delivery function with other functions of the BAR;***
- ***Differentiated level of accessibility of data*** based on confidentiality of personal, case related and as applicable other sensitive data and clear determination of the level of accessibility (the BAR to adopt a specific regulation on software use and maintenance);
- ***Integrity of the system*** by safety protection levels and backup safeguards.

### 3. Objectives

**The software solution should ensure a uniform and transparent process of appointment of ex-officio lawyers, subsequently the institutions role is to determine the eligibility and to call the centre for appointment of a lawyer, while none of the institutions will have any access to the software operations.**

The software solution should achieve the following objectives for the BAR:

**2.1. Data Storage** - A powerful central database (register) storing every information item related to the attorneys, the expert associates, the trainees and the law firms.

**2.2. Document Production** - Fast and effortless document production.

**2.3. Document Management** - Fully searchable and fully automated central document library.

**2.4. Task Management** - Complete transversal log facility related to all folders/files activities, capable of automated tasks such as update of all pertinent files based on singular inputs, generating reports, generating statistics, and others.

**2.5. Monitor** - To monitor all the activities that the Bar is managing.

**2.6. Call centre** – Fully automated mechanism for appointment of ex officio lawyers.

**2.7. Backup solution** – a primary and secondary backup option for data recovery in case of system failure.

### 4. Core functions of the software solution

The software for appointment of lawyers should be capable to perform the following functions:

**4.1. Data Storage** - Consists of folder files (automatically created by the software) for every member of the bar chamber, regularly updated with every current input and change. Additionally, it should contain the history of every change made into the folder file of every member included in the database.

**4.2. Document Production** - Fast and effortless document production shall be available. The software shall automatically create/generate a variety of documents (e.g. confirmations, decisions etc.) with a click of a button (e.g. lawyers licence, confirmation for trainings etc.). In addition, it should create/generate all the relevant lists of lawyers according the provisions of the relevant laws, such as lists on duty lawyers, on ex-officio lawyers, on FLA lawyers, on lawyers for justice for children, on lawyers for gender-based violence etc. by deploying the data from the central data base.

**4.3. Document Management** - The system shall permit easy finding, identification and ordering of the updated documents (and operated changes) based on specific search/given criteria. For this purpose, it shall maintain and continuously update data, allowing the lawyers' status, progress and activity workload (related to legal aid) be traced. The software shall automatically pull/revert all the relevant data from the central database when an input/change is made in some of the folder files. In addition, it shall be capable to pull/revert all the data to the website of the chamber for the information that should be updated on the website. Also, it shall do the same management function with the Educational centre pulling/reverting data for trainings (continuous and initial).

**4.4. Task Management** – the system shall be capable to generate, based on specific request criteria and pre-established formats, standardized and automated forms (i.e. decisions, notifications, letters of confirmation etc.) based on the inputs/information included in the database.

**4.5. Reporting management information** - The system shall be able to provide generalised and desegregated statistics or other synthesis information on specific items, based on request criteria. Statistics should be an automatic by product of the system. The data shall be presented, while applicable, in pre-established formats of reports (e.g. on specific subject – lawyer, i.e. appeal council, disciplinary court, reports on membership fees payments, professional incurrence policy; on specific category of activity – e.g. number of cases overtaken from Court X; categories such as number of lawyers trained in specific area) and eventually proportions (50 out of 200 lawyers, i.e. 25 %).

**4.6. Call centre<sup>3</sup>** – the system shall be able to redirect automatically the phone calls for appointment of lawyers received on a specific phone number from police, prosecution offices, courts, centres of social affairs, MOJ, MLSP etc. towards specific phone numbers of the lawyers, in the sequence of the alphabetical order of lawyers included in certain lists (lists generated automatically by the system, by districts). The phone call redirected from the call centre (incoming call for lawyers) shall be easily identifiable (e.g. LEGAL AID CALL CENTER)

If a lawyer does not answer a complete call of 6 (or 8) rings, following 2 attempts directed to the same lawyer, the software automatically will transfer the call to the next lawyer on the list and so on.

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<sup>3</sup> The proposed model is already successfully developed and implemented in the Republic of Serbia. The experiences from Serbia in using the call centre are positive and with maximum results. Please see the following link: <https://aks.org.rs/aks/wp-content/uploads/2019/02/SAJT-PO%C4%8CETAK-RADA-KOL-CENTRA-AKS.pdf>

Additionally, the functionality of the Call Centre of the Bar association of Serbia depends on a human factor, meaning that the Bar chose a specialized agency that provides information exchange services through call centres and trained the operators who were hired to work in the Call Centre. The Serbia model is generating additional costs on a long-term which impacts on the sustainability of the whole system. A fully automated call centre integrated into the software and guided by the software might imply lower costs.

It is to underline that **the proposed software solution derives from the actual context of management of the legal aid system in criminal proceedings in North Macedonia, where the Bar has an active role. In the case a Legal Aid management entity will be created (feasibility of which for North Macedonia to be yet determined), the function of appointment of lawyers (and corresponding the software solution) might be overtaken by the Legal Aid Management entity.**

In case the lawyer picks up the call but does not accept to represent the case, then the caller (judge, prosecutor, police etc.) will dial again (and the software will continue with the calling order from the list).

So, the system shall ensure that the redirection of the next incoming calls (from stakeholders) continues the started order (i.e. if last 2 complete unpicked or 1 picked up phone call to a specific number were diverted to lawyer Netkova which is number 5 on the list, the following call shall be diverted to Zaharia, which is number 6 on the list for a specific district).

It is to be reminded that the lists are generated by the system. The system shall also include the possibility when a phone call to a particular phone number (i.e. from a particular region) is not overtaken by the lawyers in that region (e.g. in case none of the lawyers is available from this region) to extend the redirection to the lawyers of neighbouring region (alternatively, the lists can have category “suppliants from neighbouring region”).

The phone number (one) for specific district will be made available and known to the relevant stakeholders in advance and they have the possibility to call this number whenever legal aid is necessary.

Overall, the call centre will have at least 3-7 phone numbers per appellate district.

For appellate district Bitola, there shall be 5 phone numbers (one for every basic court district as follows Bitola, Krusevo, Ohrid, Prilep, Resen and Struga).

For appellate court district Gostivar there shall be 3 phone numbers (one for every basic court district as follows Gostivar, Tetovo, Kicevo and Debar).

For appellate court district Skopje, there shall be 7 phone numbers (one for every basic court district, as follows Skopje, Veles, Gevgelija, Kavadarci, Kratovo, Kriva Palanka, Kumanovo, Negotino).

For appellate court district Stip, there shall be 5 phone numbers (one for every basic court district, as follows Stip, Berovo, Vinica, Delcevo, Kocani, Radovis, Sveti Nikole, Strumica).

After overtaking a legal aid case (appointment through call centre), the lawyer, in a period regulated by the BAR, shall input the main data on the case in the software (through his/her personal cabinet). Categories of the main data and details to be included in the database shall be determined by the BAR (e.g. case overtaken; specific details on procedural actions performed with involvement of the lawyer; obligation to upload pertinent documents for confirmation of the performed actions and counting fees, not/or for the purpose of monitoring; as applicable, option to include dropdown list). This will permit to control the flow of the cases (including for statistical purpose; eventually to monitor and regulate the workflow for a particular lawyer if a limit of workload is decided) and their corresponding registration.

**4.7. Backup solution** – A primary backup solution is a server located in the premises of the bar association storing data continuously. Secondary backup is a cloud service where the data from the primary backup will be sent monthly.



## 5. Organizational structure of the IT software system

The central database and the software solution should be managed only by the Bar association. Only the relevant employees of the BAR should/will have specific user names and, depending of the authorizations, be able to feed the system with data and to give an order to the system to generate variety of documents. Additionally they should have access to order the system to generate statistics reports when needed.

## 6. Types of data that the software system should process

The software will process, store and export all kind of data related to every member of the bar chamber such as personal data, work related data and activity related data.

### Personal (sensitive) data

- Identification number
- Name and Surname
- Gender
- Certificate of non-conviction
- Nationality
- etc.

### Work related data

- Licence number
- Affiliation (e.g. law firm)
- Status (active, dormant)
- Work address and work contact details
- Specialisation, if so (lists)
- Payment of BAR membership fees
- Pending payments and category
- Participation in trainings (seminars)
- Disciplinary procedures and fines
- Etc.

### Activity (cases) related data

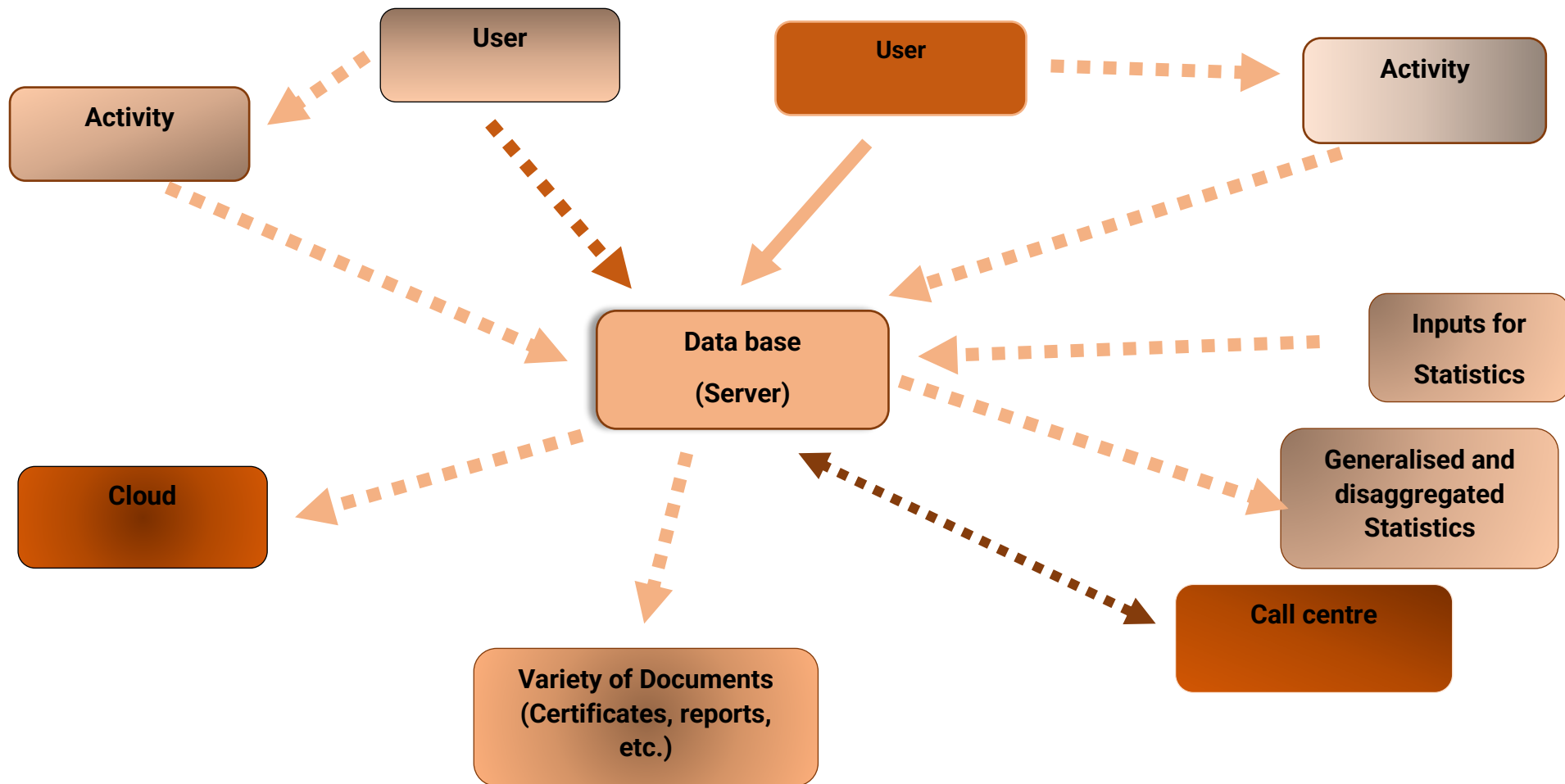
- Requesting/calling authority (district, from call Center)
- Name, surname, identification number and contact data of the beneficiary
- Number, category and status of the case
- Documents received
- Procedural actions performed with involvement of the lawyer
  - Fees
  - Cumulative costs
  - Etc.

ments:

- One central location (database) for all information related to all members of the BAR and all legal aid cases;
- The same central location (database) for recording, document assembly, management and reporting for all legal aid cases;
- Technical advanced user friendly options, i.e. email integration; optional app for the iPad® and iPhone®, Samsung and other android platforms;
- Uniformity of rules for input and extracting data to/from the system (data categories and elements are clearly defined and coherent and consistent throughout the database; new documents for cases are placed accurately and in a timely manner in the folder);
- Updated information transversally in all folders to the date/moment of use; registers ease tracking;
- Full data security and differentiated level of access.
- All modules/elements of the software are predetermined by the BAR. E.g. module on training lawyers to include: generalised list of trainings (with details: name, dates, provider, nr. of hours, topics, participants) and at the same time in each folder of individual members of the BAR there is a category: training and list of trainings is dropdown lists (to choose).

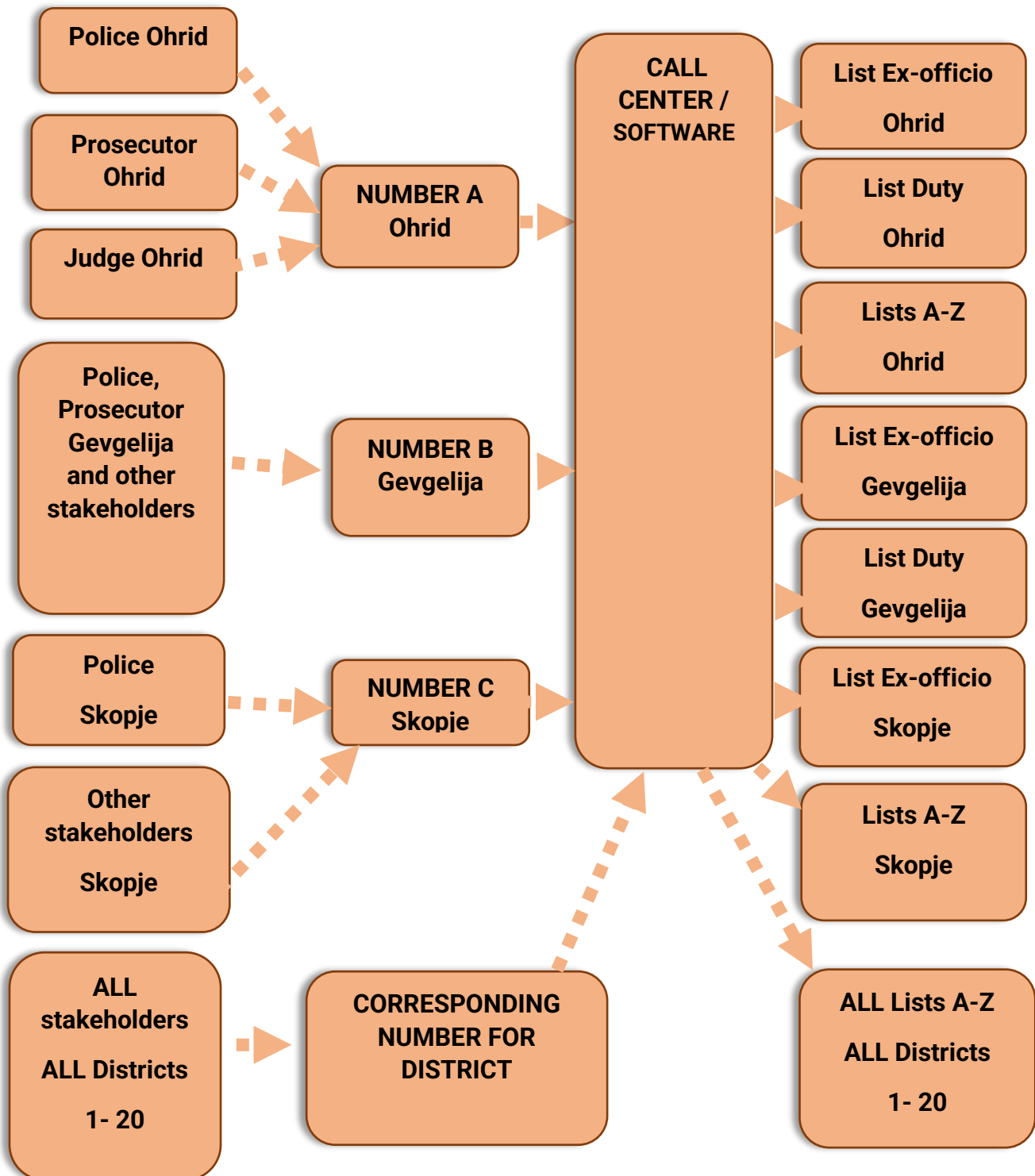
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GENERAL SCHEME OF THE SOFTWARE SOLUTION CORE FUNCTIONS



ANNEX 02

GENERAL SCHEME OF THE CALL CENTRE



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