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UKRAINE NEW JUSTICE MIDTERM PERFORMANCE EVALUATION REPORT

JULY 2020

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This New Justice Activity Midterm Performance Evaluation in Ukraine was conducted by a team of international and local consultants fielded and managed by The Cloudburst Group, namely Neil Weinstein (Evaluation Co-Lead and Qualitative Fieldwork Specialist), Nancy Hite-Rubin, (Evaluation Co-Lead and Academic Expert), Andriy Meleshevyh (Senior Local Rule of Law Expert), Kate Marple-Cantrell (Tasking Coordinator and Evaluation Specialist), Natalia Pavliuk (Translator), Kostiantyn Gieser (Research Assistant), and Graeme Robertson (Subject Matter Expert).

This document was produced for review by the United States Agency for International Development, Democracy, Human Rights and Governance Center under the Learning, Evaluation and Research Activity II (LER II) contract: GS10F0218U/7200AA18M00017.

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ABBREVIATIONS

AJIC	Access to Justice Innovation Center
AMCU	Anti-Monopoly Committee of Ukraine
BPA	Business Process Analysis
CJC	Community Justice Center
COJ	Council of Judges
COVID-19	Coronavirus disease of 2019
CRC	Citizen Report Card
CSO	Civil society organization
DEJURE	Democracy, Justice, Reforms Foundation
EQ	Evaluation Question
EUAM	European Union Advisory Mission
FAIR	Fair, Accountable, Independent, and Responsible Judiciary Program in Ukraine
FGD	Focus group discussion
GBV	Gender-based violence
GoU	Government of Ukraine
HACC	High Anti-Corruption Court
HCJ	High Council of Justice of Ukraine
HQC	High Qualifications Commission of Judges of Ukraine
IRB	Institutional Review Board
KII	Key Informant Interview
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
MEISEE	Mandatory, external, independent, standardized entrance exam
MoE	Ministry of Education and Science of Ukraine
MoJ	Ministry of Justice of Ukraine
NAHEQA	National Agency for Higher Education Quality Assurance
NGO	Non-governmental organization
NJ	New Justice
NSJ	National School of Judges
PIC	Public Integrity Council
POC	Point of contact
RPR	Reanimation Package of Reforms
SJA	State Judicial Administration of Ukraine
TOT	Training of trainers

UofSC	University of South Carolina
UROL	Combating Corruption and Strengthening Rule of Law in Ukraine Program
USAID	United States Agency for International Development
USQE	Unified State Qualifications Exam
YMNLU	Yaroslav Mudryi National Law University

EXECUTIVE SUMMARY

EVALUATION PURPOSE AND QUESTIONS

The purpose of the evaluation is to assess the relevance and effectiveness, as well as efficiencies and unintended effects, of New Justice activities focused on: 1) advancing judicial reform; 2) building public confidence in the judiciary and sector reform processes; and 3) strengthening judicial self-governance, in particular judicial discipline. The evaluation identifies New Justice approaches, tools, and/or methodologies, applied in the three focus areas, that have significant potential for advancing Ukraine's judicial reforms in the current Zelenskyy administration context.

BACKGROUND AND CONTEXT

New Justice is a four-year and four-month program (October 1, 2016–February 7, 2021) that is designed to create the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and fights corruption in Ukraine. To achieve the project's goals, New Justice focuses on five key objectives: 1) Strengthening judicial independence and self-governance, 2) Increasing accountability and transparency of the judiciary to citizens and the rule of law, 3) Enhancing the administration of justice, 4) Strengthening the quality of legal education, and 5) Expanding access to justice and protecting human rights.

EVALUATION METHODS

The evaluation engages methods that minimize bias while providing strong evidence to respond to each of the five evaluation questions (EQs) for the purpose of determining whether New Justice made progress toward achieving its anticipated results. The evaluation used a mixed-methods design that incorporates quantitative and qualitative data collection and analysis methods. The qualitative data collection included in-depth key informant interviews (KIIs) with beneficiaries, partners, and stakeholders in New Justice's activities, as well as focus group discussions (FGDs) with New Justice's beneficiaries. The quantitative data collection included a mini survey with New Justice beneficiaries and potential beneficiaries.

EVALUATION FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

EQ1: HOW DID THE NEW JUSTICE ACTIVITY CONTRIBUTE TO ADVANCING JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE? WAS NEW JUSTICE'S APPROACH AND BALANCE OF EFFORT EFFECTIVE?

New Justice actively engaged in wide-ranging activities related to judicial independence and self-governance, effectively and timely responding to opportunities to advance its objectives while also fulfilling requests for engagement by stakeholders. Key achievements include implementation of the 2016 Constitutional amendments and promoting amendments to key laws affecting the judicial sector, analysis of the regulations of the High Qualifications Commission of Judges (HQC), and supporting the development of e-justice tools. However, New Justice expanded its activities to include work with non-core partners that do not work specifically on the judiciary or legal education, potentially taking resources from core partners that work on judicial independence and self-governance.

New Justice's focus has been appropriate, but legislative reform recently stalled, making it difficult for New Justice to progress with key partners. Although the project contributed to the establishment of the High Anti-Corruption Court (HACC) and implementation of the June 2016 Constitutional amendments, both of which should have a long-term impact on judicial reform, the impact of its other efforts on judicial

reform is unclear. There are numerous examples of New Justice's efforts not yielding their anticipated results for reasons largely outside its control. By design, New Justice is very focused on the development of institutions. The project also worked to change the political/legal culture in Ukraine, but this is not a major focus. It may be that the project should have allocated more of its resources from the national level to activities in the regions, such as Community Justice Centers (CJC) and grantees. These entities may have accomplished more with additional resources than national judicial institutions.

Going forward, New Justice should continue core work on reform of constitutional and legislative frameworks to advance judicial reform and support the activities of HQC including implementation and monitoring of the judicial evaluation/selection process when resumed (but conditioned on internationals having a meaningful role). New Justice should also finalize existing activities (e.g., e-justice tools), unconditionally support orientation of the new HQC composition, and reduce activities with non-core partners. For future programming, or if an extension is considered, it may also be appropriate to modify the project approach. Options include focusing more on regional institutions, professional associations, and/or civil society. Future activities should increase the attention given to shaping the democratic political/legal culture among both judicial professionals and the general public.

EQ2: HOW DID THE NEW JUSTICE ACTIVITY CONTRIBUTE TO IMPROVING JUDICIAL DISCIPLINE? WAS NEW JUSTICE'S APPROACH AND BALANCE OF EFFORT EFFECTIVE?

New Justice supported the development of both formal and informal processes to increase judicial discipline, including enhancing the legislative framework through drafting improved regulations to standardize procedures and increase the role of High Council of Justice's (HCJ's) Service of Inspectors, supporting the monitoring of HCJ judicial disciplinary decisions and HQC selection decisions, and supporting the Public Integrity Council (PIC) to conduct its evaluation of judges and judicial candidates. New Justice's approaches and balance of efforts to improve judicial discipline were generally appropriate. New Justice received praise for its work reviewing the disciplinary procedures at the HCJ and HQC, but it was suggested that New Justice could have provided HQC with more useful assistance in certain areas. Overall, improvements were achieved, but judicial discipline did not significantly advance despite New Justice's efforts and there remains an unwillingness to report corruption.

New Justice should continue work on legislative changes to improve enforcement of ethical rules and strengthen the legal status of HCJ's Service of Inspectors, efforts to implement practical tools for judges to report improper or illegal interference through standardized forms and guidelines for judges and court staff, and training of HCJ inspectors. The United States Agency for International Development (USAID) could consider additional U.S. Embassy diplomacy to stimulate enactment of pending legislation. Given the prevalence of concerns that legal system actors who report corruption jeopardize their careers, future programming should assist the Government of Ukraine (GoU) to develop additional mechanisms to protect whistleblowers so they will trust in those mechanisms. Future work should also support further transparency and accountability of the judiciary to the media, civil society, and citizens without compromising judicial independence (e.g., support civil society to monitor HCJ disciplinary practices).

EQ3: HOW DID THE NEW JUSTICE ACTIVITY CONTRIBUTE TO ENHANCING LEGAL EDUCATION? WAS NEW JUSTICE'S APPROACH AND BALANCE OF EFFORT EFFECTIVE?

With respect to tertiary education, New Justice effectively supported systemic reform of law school education, key elements of which are likely to be sustained. The evaluation team was impressed by New Justice's efforts to affect systemic changes in law school education; the establishment of mandatory entrance exams for master's programs to eliminate corruption in the admissions process and legal education standards for bachelor's degrees in law are notable successes. New Justice is also supporting the development of legal education standards for master's degrees in law, the Unified State Qualifications

Exam (USQE), the Legal Education Reform Concept Paper, Honor Codes, and a Model Anti-Corruption Compliance Policy for law schools. Finally, New Justice also supported the adoption of interactive teaching methods and improved professors' skills, but the sustainability of these efforts is unclear.

Regarding judicial education, New Justice fostered the development of judicial skills and professionalism in a variety of ways, including supporting the National School of Judges (NSJ) to conduct orientation programs for new HACC and Supreme Court judges, develop varied syllabi for the NSJ training schedule, increase the capacity of its faculty, and build its capacity to conduct distance learning. These efforts helped to bring the NSJ to where it can sustain most of its operations without international support—a significant accomplishment. New Justice also worked with the University of South Carolina (UofSC) and Yaroslav Mudryi National Law University (YMNLU) to establish a two-week Rule of Law Certificate program aimed at providing judges, prosecutors, attorneys, and other practicing lawyers with the tools to apply rule of law concepts in their work. The program has been delivered in 2018 and 2019 to a total of 59 participants. The evaluation team was told it will take three to five years for the program to be sustainable.

The project's efforts in legal education have been very successful, and the majority of approaches and balance of efforts were appropriate. The evaluation team believes the project could have improved its approach to introducing interactive teaching methods to law schools by developing a cadre of professors with sustained training who could serve as agents of change at their law schools. The project could have improved its approach toward ensuring sustainability of its interventions by requiring its partner schools to commit to utilizing the materials/methods introduced after USAID ends its support. The evaluation team also believes New Justice's support to the National Agency for Higher Education Quality Assurance (NAHEQA), which is responsible for ensuring the quality of universities generally and not only law schools, consumed resources that might have been better utilized with core education partners such as law schools.

Going forward, New Justice should conclude or limit its assistance to NAHEQA unless there are also sufficient resources to first fully support core partners. The team believes New Justice should continue its legal education reform activities and Rule of Law Certificate program, pursuing any opportunities that arise to bolster the sustainability of these interventions, including follow-up studies to assess the extent to which interactive teaching methodologies, clinical programs, and new courses are integrated in the learning process. Regarding judicial education, New Justice should provide only limited support to NSJ to assist it in becoming fully sustainable. Looking into the future, the development of legal education will continue to be essential for the improvement of Ukraine's judicial system and legal profession. Significant work remains to change the philosophy of those who currently control the system and to educate the next generation of lawyers to understand the function of the legal system in a democratic society and the roles of the professionals who comprise that system. Focusing on leading law schools, creating and championing a group of innovative and open-minded instructors on interactive teaching methods as agents of change in their law schools, and increasing public support for education reforms through an information campaign will help achieve these goals. Finally, it is necessary to grow linkages between legal professionals and educational institutions through the use of Boards of External Advisors to increase interface between legal professionals and law schools, involving bar-related associations in the legal education reform process, and working with bar-related associations to build their capacity to provide quality continuing legal education for legal professionals.

EQ4: THE ACTIVITY IS HIGHLY COLLABORATIVE WITH THE EMBASSY, INTERNATIONAL DONORS, AND OTHER USAID EFFORTS/ACTIVITIES. WHAT OUTCOMES ARE RELATED TO THESE COLLABORATIONS?

New Justice is a driving force behind donor collaboration efforts through monthly donor meetings and promoting topic-specific coordination efforts. This coordination is substantial and productive. Close coordination by rule of law donors has resulted in significant outcomes that likely would not have been

possible otherwise; these include establishment of the HACC, implementation of selection processes for new Supreme Court and HACC judges, establishment of private enforcement officers, implementation of the independent entrance exams for master's degrees in law, and amendments to justice sector legislation such as the Law on Judiciary and Status of Judges. While New Justice's monthly rule of law coordination meetings are highly popular, they have drifted from their original purpose and serve more as opportunities to share information, so they are supplemented by *ad hoc* thematic coordination meetings.

Going forward, New Justice should work with other donors and implementers to further share the lead responsibility for convening the *ad hoc* thematic coordination meetings. All donors should also strive to jointly resist pressure from stakeholders for unnecessary activities. If the successor project to New Justice is of a smaller scope or budget, USAID should consider transferring ownership of segments of New Justice's work to other trusted donors.

EQ5: WHAT NEW JUSTICE TOOLS AND APPROACHES HAVE BEEN MOST EFFECTIVE IN ADVANCING ACTIVITY OBJECTIVES, IN PARTICULAR ACROSS CHANGING POLITICAL ENVIRONMENTS AND REFORM PRIORITIES? HAVE THERE BEEN ANY UNINTENDED EFFECTS, EITHER POSITIVE OR NEGATIVE?

New Justice drew upon Protocols of Cooperation/Action Plans, monthly donor coordination meetings (discussed in EQ4), expert mentorship, sub-awards and trainings, study visits, and its skilled team as tools with which to pursue program objectives.

Protocols of Cooperation appropriately formalized relationships with counterparts and established the obligations of the project and its counterpart, but the Protocols do not ensure the sustainability of USAID investments or provide for the eventual transferring of activities to the state budget. New Justice's extensive use of foreign institutions and experts is highly valued by beneficiaries, though on certain issues counterparts expressed a preference for Ukrainian or European institutions and experts. In addition, at least three KIs and some FGD participants, as well as survey respondents, said some recommendations and trainings from experts were either too academic or not practical for Ukraine.

The sub-awards program appears to have been largely effective in accomplishing the goals of the awards. However, over \$334,000 of the \$3,180,023 locally expended for grants and sub-contracts were procurements for government institutions, including over \$113,000 for computer equipment for three government institutions, two of which (the Access to Justice Innovation Center (AJIC) and NAHEQA) were non-core partners. Some or all of these procurements should have been made through the state procurement system. The training program also appears to have been largely effective, although the evaluation team would have preferred if the project focused its efforts on a select group of professors to establish a skilled cadre of educational leaders who would serve as agents of change at leading law schools.

The New Justice-supported study tours were highly valued by participants. But the evaluation team views the number and size of the study tours—particularly the number of international trips for conferences (30 international visits, 21 of which were for conferences or workshops, for 142 individuals totaling \$699,788)—as high even if each individual trip had merit.

The New Justice team's highly responsive nature and quality work are valued by state and non-state counterparts, with the Chief of Party and Deputy Chief of Party being singled out for praise.

This evaluation considered the project design, civil society organizations' (CSO) belief that the project plays a dual role as a USAID implementing mechanism and advisor to USAID/U.S. Embassy, innovative approaches, and gender goals as key approaches developed and implemented during the project.

The New Justice project scope is broad, and several KIs felt the project architecture created unrealistically high expectations of what could be accomplished during the project's term, causing some intermediate accomplishments to be rejected by civil society and possibly contributing to the claims that almost no New Justice activities could be transferred to the state budget. New Justice has done well covering the many elements of the project design despite the challenges it has faced due to lack of political will and political fluidity, including the Zelenskyy administration's desire to distinguish itself from the judicial reforms initiated by its predecessor. Going forward, the evaluation team believes that a strong focus on developing Ukraine's democratic political/legal culture would strengthen the effectiveness of USAID's efforts. At times, the project expanded beyond what was anticipated at the outset, such as supporting the NAHEQA and Anti-Monopoly Committee of Ukraine (AMCU), which may have taken resources from activities more central to New Justice's mission.

At least two civil society representative KIs believe the project serves both as the implementing mechanism of a USAID project and an advisor to the U.S. Embassy/USAID on the status of judicial reform in Ukraine and the government's commitment to those reform efforts, creating a conflict of interest. USAID reports that the project does not play a dual role.

With respect to gender, men fill the majority of leadership positions in the judiciary and legal education spheres. However, the percent of women chief judges increased somewhat during the project, the chief judges of the Supreme Court and HACC are women, and a slight majority of judges in Ukraine are women.

New Justice has pursued innovative activities that are relatively low-cost but have the potential to yield significant returns.

There have been both negative and positive unintended effects of the project. On the negative side, these include: 1) the judicial selection process has been stalled since November 2019, after New Justice and others recommended the HJC be reconstituted and the government did not follow recommendations from USAID and the European Union (EU) on how that should be done; 2) New Justice's relationship with a segment of civil society was damaged by the termination of grant support to PIC; and 3) unrealistic expectations and a culture of passivity may have been created in stakeholders. On the positive side, these include: 4) New Justice interventions have assisted legal education and the judiciary during the coronavirus disease of 2019 (COVID-19) pandemic; and 5) the support of New Justice and other donors for mandatory entrance exams for master's programs in law led to the inclusion of a foreign language exam requirement for admission to numerous additional graduate programs, independent of USAID funding.

Going forward, the evaluation team recommends that New Justice ensure that mentors/experts are appropriate for the specific issue and that experience can be readily applied locally, increase remote use of foreign experts and virtual conferences, and bring more experts to Ukraine in person or remotely as an alternative to study trips. Study trips should be reduced to those necessary for specific results with monitoring on how knowledge is applied, and the project should curtail equipment purchases for counterparts. The evaluation team recommends that for future programming USAID consider taking a broader view of the justice system that reduces the focus on specific judicial institutions in favor of cross-cutting efforts such as e-justice, and increase the focus on developing Ukraine's democratic political/legal culture. Finally, further efforts will be required by both USAID-funded programs and the GoU for gender parity to be achieved in the judiciary and law schools and for the rights of gender-based violence (GBV) victims and sexual minorities to be fully respected.

1.0 EVALUATION PURPOSE AND QUESTIONS

The purpose of the evaluation is to assess the relevance and effectiveness,¹ as well as efficiencies and unintended effects, of New Justice activities focused on 1) advancing judicial reform, 2) building public confidence in the judiciary and sector reform processes, and 3) strengthening judicial self-governance—particularly judicial discipline. The evaluation identifies New Justice approaches, tools, and/or methodologies, applied in the three focus areas, which have significant potential for advancing Ukraine’s judicial reforms in the current Zelenskyy administration context. Five core questions developed by USAID guide the evaluation:

- 1) How did the New Justice activity contribute to advancing judicial independence and self-governance? Was New Justice’s approach and balance of effort effective? Why or why not?
- 2) How did the New Justice activity contribute to improving judicial discipline? Was New Justice’s approach and balance of effort effective? Why or why not?
- 3) How did the New Justice activity contribute to enhancing legal education? Was New Justice’s approach and balance of effort effective? Why or why not?
- 4) The activity is highly collaborative with the Embassy, international donors, and other USAID efforts/activities. What outcomes are related to these collaborations?
- 5) What New Justice tools and approaches have been most effective in advancing activity objectives, particularly across changing political environments and reform priorities? Have there been any unintended effects, either positive or negative? These tools and approaches include but are not limited to:
 - Memoranda of Understanding with key government stakeholders;
 - Monthly rule of law sectoral coordination meetings;
 - Mentorship for judicial leadership from U.S. and European counterparts; and
 - Study tours for judges and judicial sector counterparts.

During the preparatory phase for this evaluation, the evaluation team developed a set of sub-questions following each of these core questions.²

2.0 PROJECT BACKGROUND AND CONTEXT

Political corruption has been a major topic of concern among the population of Ukraine since its independence in 1991. According to all public opinion polls released by the International Republican Institute since 2011,³ corruption within state bodies represents the greatest national issue for Ukraine. Consequently, the level of public trust in state institutions, and above all institutions that represent the

¹ For the purpose of this evaluation, “relevance” is a measure of the ability of a particular project intervention being pertinent to project objectives, and “effectiveness” is a measure of the ability of a particular project task/intervention to produce a planned effect or result that can be qualitatively measured.

² Please refer to Annex F for the full list of sub-questions under each EQ.

³ IRI. (2011). *Public Opinion Survey Residents of Ukraine October 30–November 11, 2011*.

<https://www.iri.org/sites/default/files/2012%20January%2026%20Survey%20of%20Ukrainian%20Public%20Opinion%2C%20October%2030-November%2011%2C%202011.pdf>

IRI. (2013). *Public Opinion Survey Residents of the Ukraine May 14–28, 2013*.

http://ratinggroup.ua/files/ratinggroup/reg_files/rg_iri_public_opinion_ukraine_072013.pdf

IRI. (2015). *Public Opinion Survey Residents of Ukraine November 19–30, 2015*.

https://www.iri.org/sites/default/files/wysiwyg/2015_11_national_oversample_en_combined_natl_and_donbas_v3.pdf

IRI. (2017). *Public Opinion Survey of Residents of Ukraine June 9–July 7, 2017*.

https://www.iri.org/sites/default/files/2017-8-22_ukraine_poll-four_oversamples.pdf

IRI. (2019). *Public Opinion Survey of Residents of Ukraine June 13–23, 2019*. https://www.iri.org/sites/default/files/july_2019_ukraine_poll.pdf

judicial sector in the nation (courts, public prosecution, law enforcement), has traditionally been extremely low in independent Ukraine.⁴

Political corruption destroys the nascent democratic fabric of the society, impedes economic development, destroys the trust of the general public in governmental bodies, and prevents the institutionalization and legitimization of emerging democratic institutions. Corruption in the “least dangerous branch of government”⁵ and other judicial bodies is particularly visible and harmful to society since it destroys the belief and hope of the Ukrainian population in justice. Without curtailing political corruption in the judicial bodies, democratic transition will not bring tangible successes.

The international community, including the United States, EU, as well as other democratic nations, urged the Ukrainian government to pay close attention to reforming the national judicial sector with little success. Early on, USAID began funding judicial reform support, and the two most direct predecessor projects to New Justice are the Combating Corruption and Strengthening Rule of Law in Ukraine (UROL) project (2006-2011) and the Fair, Accountable, Independent, and Responsible Judiciary (FAIR) program in Ukraine (2011-2016), whose goals were to support legislative, regulatory, and institutional reform of judicial institutions to build the foundation for a more accountable and independent judiciary.

After the Euromaidan and Revolution of Dignity in 2014, the political situation in Ukraine drastically changed. A strong and active civil society that requested sweeping and radical reforms of the judiciary, the political will of the Ukrainian president and government in 2015 and 2016, and the willingness of international donors to intensify their assistance to Ukrainian reforms all created a realistic window of opportunity for profound reforms in the country, including judicial institutions.

Within this context, New Justice was created as the successor to the USAID/Ukraine FAIR program, which concluded September 30, 2016. New Justice is a four-year and four-month program (October 1, 2016-February 7, 2021) that is designed to support the Ukrainian judiciary,⁶ government, Parliament, bar, law schools, civil society, media, and citizens to create the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and fights corruption in Ukraine. The project’s additional goals include promoting gender and women’s empowerment and inclusion of vulnerable groups.⁷

To advance progress in addressing the most pressing problems that the Ukrainian justice sector has faced since the nation gained its independence—weak judicial institutions, lack of autonomy and independence, and corruption—New Justice seeks to: reform the legislative and regulatory framework; promote the establishment and use of judicial performance standards for merit-based testing, recruitment, and performance evaluation; strengthen rules regarding corruption, judicial ethics and illegal conduct; increase independence of judges and courts, including budget authority; strengthen the HCJ and train HCJ inspectors; and increase citizen and CSO participation in the judicial reform process.

⁴ USAID. (2015). *National Public Opinion Survey on Democratic, Economic and Judicial Reforms, Including Implementation of the Law on the Purification of Government 2015*.

https://newjustice.org.ua/wp-content/uploads/2018/05/2015_FAIR_July_Public_Survey_Lustration_ENG.pdf

USAID. (2016). *National Public Opinion Survey Regarding Democratic Development, Judicial Reform and the Process of Purification of Government 2016*.

https://newjustice.org.ua/wp-content/uploads/2018/05/fair_gfk_eng.pdf

⁵ Hamilton, A. (1788, May 28). *The Federalist* (No. 78). New York: The Judiciary Department.

⁶ Please refer to Annex M: List of Key Judicial System Actors for an overview of key program partner institutions.

⁷ To achieve the project’s goals, New Justice focuses on five key objectives and expected results, which are outlined in Annex D: Evaluation Desk Report. This evaluation does not cover all five objectives and their associated activities, but rather project activities focused on advancing judicial reform, building public confidence in the judiciary and sector reform processes, enhancing legal education, and strengthening judicial self-governance and discipline. A fifth project objective—Objective 5: Access to Justice Expanded and Human Rights Protected—is not discussed here as it was not under the purview of this evaluation.

New Justice also seeks to address factors contributing to low levels of public trust in judicial institutions, including the lack of openness of the national judicial system. To accomplish this, New Justice supports transparency of judicial proceedings to encourage the accountability of judicial bodies through internal and external accountability mechanisms. The project also creates formal linkages between the judiciary, GoU, Parliament, and CSOs to improve the judiciary's accountability to media, civil society, and citizens.

To advance modernization of the Ukrainian justice system—which was inherited with little change from the Soviet past, has been archaic and ineffective, and lacked a system of proper training—New Justice seeks to: instill and disseminate international best practices; provide technical assistance to implement Ukraine's justice reform priorities, including improvements to case management, e-justice tools, workflow analysis and management, budget and financial planning, and human resources; and support the development of an improved court performance curriculum training program to ensure judges and judicial personnel have access to high quality and professional development services.

New Justice also supports the large number of Ukraine's higher education institutions to provide quality legal education, which has been weak in some schools, through development of a comprehensive legal education strategy to: ensure uniformity and quality of legal education; establishment of effective quality assurance systems; removal of corruption at the entry to master's programs in law; and development of improved instructional methods and tools that prepare law graduates for successful entry into the legal profession.

For the first time since Ukraine gained its independence, the landslide victory of President Zelenskyy and his Servant of the People (*Sluha Narodu*) party in the May 2019 presidential and July 2019 parliamentary elections created a strong one-party government that holds a majority controlled by the president in the Rada, the President's Office, and the Cabinet. To expeditiously pursue its political agenda, the new parliamentary majority, supported by the executive branch, does not formally need to get involved with the coalition-building and bargaining that naturally slows the process of legislation drafting and implementation. While this political climate should enable more streamlined legislative activity implementing the president's political priorities, it also raises potential challenges for New Justice should past reforms not be valued, and it raises questions about new reform priorities and strategy going forward.

3.0 EVALUATION METHODS AND LIMITATIONS

The methodology for this Evaluation is based upon a combination of desk-based research, KIIs, FGDs, and an online survey conducted among individuals associated with justice sector organizations that benefited from New Justice program activities.

As part of the background research, the team conducted a desk review of relevant policy and background documents and considered project documents, prior evaluations of USAID programming, other donor studies and analysis, and project and other polling data.⁸ After the desk phase of the evaluation, field research was conducted over four weeks, approximately from March 2 to March 31, including field site visits to Kharkiv (completed in-person) and Odesa (completed virtually). The evaluation field team consisted of Neil Weinstein (Evaluation Co-Lead and Qualitative Fieldwork Specialist), Nancy Hite-Rubin (Evaluation Co-Lead and Academic Expert), Andriy Meleshevyh (Senior Local Rule of Law Expert), Kate Marple-Cantrell (Tasking Coordinator and Evaluation Specialist), Natalia Pavliuk (Translator), Kostiantyn Gieser (Research Assistant), and Graeme Robertson (Subject Matter Expert).⁹

⁸ Please refer to Annex D: Evaluation Desk Report for the full list of documents included in this desk review.

⁹ Please refer to Annex C: Description of Evaluation Team Member Qualifications for the full description of the evaluation team and member qualifications.

Field research involved qualitative semi-structured interviews (individual and group) and FGDs¹⁰ with 101 interlocutors from 58 interviews/discussions.¹¹ The interviewees and group discussants were selected to gather the views of key players and stakeholders within the judiciary. This list includes representatives from the following:¹²

- USAID, relevant USAID partners, bilateral and multilateral donors, and donor funded projects (6);
- Courts (Constitutional Court of Ukraine, High Anti-Corruption Court, Supreme Court, local and appellate courts) (6);
- Judicial Institutions (High Council of Justice, High Qualifications Commission of Judges, State Judicial Administration (SJA), National School of Judges, Council of Judges) (7);
- PIC and Reanimation Package of Reforms (RPR) (2);
- Verkhovna Rada (Parliament) of Ukraine (2);
- Executive Branch (Ministry of Justice of Ukraine, Ministry of Education and Science, President's Office) (9);
- Administrators and professors of law schools (8); and,
- Civil society, including professional, anticorruption, educational, and other CSOs (14).

Interviews and discussions were conducted in the respondents' preferred language (Ukrainian, Russian, or English). Where needed, an interpreter was used during conversations. Group discussants were grouped by respondent type to ensure participants felt comfortable speaking openly. See Annex D: Evaluation Desk Report for an illustrative guide of interview and small group discussion themes and anchor points. The methodology in this evaluation called for four weeks of qualitative fieldwork in Ukraine. However, after two weeks, in-country fieldwork ended due to travel and movement restrictions caused by COVID-19 within Ukraine and globally. At that time, the evaluation team shifted fieldwork approaches in this evaluation and completed the remaining two weeks of field interviews remotely through web-based telecommunications technologies.

Additionally, we conducted an online survey of judges, leadership/members of judicial institutions, prosecutors, lawyers, institution and court staff, elected officials, government, legal educators, and legal students on perceptions of Ukraine's judicial legitimacy. Additional information about the methods and findings of the online survey is available in the following section.

CHALLENGES AND LIMITATIONS¹³

While this evaluation draws upon the most rigorous methods feasible given logistical and methodological constraints, the evaluation cannot conclusively attribute observed changes to the New Justice program. To mitigate this limitation, the evaluation considers other contributing factors to observed phenomena, in addition to or even in spite of New Justice activities, and considers if and how New Justice activities may have contributed to that change. Additionally, conclusions are premised on the context as it presently exists and may not be as relevant should there be substantive shifts.

For the interview-based fieldwork, as with any primarily qualitative analysis, the primary limitation is that the analysis and conclusions may be skewed by the biases and experiences of the interviewees. Additionally, interviewee data is generally limited to three field sites (Kyiv, Kharkiv, and Odesa) and not guaranteed to be representative of the nation as a whole. We sought to mitigate this limitation by interviewing key interlocutors in other locations unreachable in person via Skype. Furthermore, we also

¹⁰ For more information about the focus group discussions, please refer to Annex E: Focus Group Discussion Summaries.

¹¹ Please refer to Annex D: Evaluation Desk Report for the full list of interviewees and small group discussions.

¹² Breakdown total does not add up to 58 interviews because some interviews were conducted with individuals who do not fall within a priority category (e.g. inbrief at US Embassy, Anti-Monopoly Committee) and because select individuals were interviewed more than once.

¹³ This subsection presents only key perceived challenges and limitations faced by the evaluation. For a full discussion of evaluation limitations, please refer to Annex D: Evaluation Desk Report.

responded to the major challenge imposed by travel and movement restrictions due to COVID-19 by concluding qualitative fieldwork remotely, resulting in a higher number of interviews than planned being conducted remotely. The potential exists that there are qualitative differences in conducting some interviews in person and some virtually. It is also important to note that as data collection in this evaluation was taking place as the initial pandemic crisis unfolded, we cannot speak to potential changes in the context and government priorities and limitations in response to the ongoing health and economic impacts of COVID-19.

For the online survey, the main limitation is that we were not able to offer the survey to a random sample of beneficiaries and potential beneficiaries because we did not have access to full beneficiary contact lists and followed a dissemination strategy and survey methodology that safeguards complete anonymity. The online survey is not representative of judicial system actors in Ukraine as a whole, since we sampled purposively from a list of organizations and individuals known to the New Justice program rather than from the full population of actors relating to Ukraine's judicial system.¹⁴

4.0 JUDICIAL LEGITIMACY SURVEY

This section presents findings from the online Judicial Legitimacy Survey collected as part of this evaluation. Overall, survey results show that the attitudes of New Justice program participants differ significantly from non-participants in a number of key ways: they are more concerned about threats to judicial independence, less tolerant of corruption, and more supportive of the work of female judicial system actors. The survey's priming experiment also reveals potential opportunities for the New Justice program in positive messaging about progress on judicial reform.

4.1 BACKGROUND AND METHODS

Of central importance to this evaluation is the capacity and commitment of Ukrainian judges, lawyers, civil society, legal educators, staff of national justice sector institutions, and court staff to promote judicial independence and discipline. The interviews address these issues in a qualitative manner, but another critical tool in assessing capacity and commitment is through systematic quantitative surveying. The Judicial Legitimacy Survey was engineered to enhance the New Justice's performance evaluation by providing data and insights that are complementary to the core methodology. Whereas the KIIs and FGDs yield deep and nuanced insight on the effectiveness of New Justice approaches, the online survey methodology affords a bird's-eye view.

The Judicial Legitimacy Survey assists investigation of the effectiveness of New Justice program activities in advancing judicial reform, building public confidence in the judiciary and sector reform processes, and strengthening judicial self-governance. A considerable challenge in meeting this aim is to distill the multifaceted, conceptual focus of the evaluation into a brief questionnaire that is viable for statistical inference. The Attitudinal Index (Table 13 in Annex F: Survey Results) was thus developed as an instrument to empirically gauge perceptions of Ukraine's judicial legitimacy and the degree that attitudes are conducive to New Justice goals of promoting judicial independence and discipline. The index consists of twelve statements, each uniquely addressing interrelated concepts of judicial independence, judicial discipline, corruption, and judicial legitimacy. These index components were informed by prior New Justice surveys on the impressions of judges, lawyers, justice sector professionals, jurors, and the public regarding the state of Ukraine's judicial system, judicial independence, reforms, and corruption. In addition to the Attitudinal Index, the survey consists of questions regarding individual experiences, demographic and

¹⁴ Our sampling methodology was designed to survey persons with varying degrees of familiarity and experience with New Justice program activities. By doing so, we gained insight into how association with the New Justice program corresponds to sentiments that are in line with New Justice program goals. We were able to attain a high response rate among a diverse set of respondents within this relevant sample frame.

programmatic features, and open-ended opinion queries soliciting respondent feedback on the program.¹⁵ The survey provides insights into the perceptions and experiences of a larger group of legal system actors, and over a broader geography, than can be reached by qualitative fieldwork.

We built our survey sample of Ukrainian judges, lawyers, civil society, legal educators, staff of national justice sector institutions, and court staff using a multi-pronged email dissemination approach to ensure a maximal response rate to the survey.¹⁶ The anonymous web-based survey took about 5–15 minutes to complete¹⁷ and reached 1,507 respondents overall. For additional information about survey methods, analysis strategies, and sample characteristics, please refer to Annex F: Survey Results.

4.2 FINDINGS¹⁸

In this section we present overall results of the Attitudinal Index perception questions of the Judicial Legitimacy Survey relating to respondents' perceptions of independence of the judiciary and the judicial system (courts), judicial legitimacy, their views of different institutions in the fight against corruption, and their own personal values and opinions. We then discuss results on how the attitudes of New Justice program participants differ from non-participants, results of a survey experiment embedded to explore how positive or negative priming may affect these attitudes, and key insights from subgroup analysis by gender and professional category. All results in this section, except for the priming experiment results, are based only on the 487 respondents who did not receive any specific framing before answering these questions because this group provides the best measure of respondents' true unprimed attitudes.

4.2.1 OVERALL

Overall, survey respondents were divided on their assessment of how the state of the judiciary is trending over time. While 35 percent of respondents (N=169) agree that the judiciary has significantly improved in recent years, 39 percent (N=188) disagree and 22 percent (N=106) are neutral. With respect to judicial independence, most respondents felt that legal considerations matter most in making judicial decisions (56 percent, N=271). Nonetheless, many still agreed that judges bow to influence (28 percent, N=137), whether from politicians or from the public, though more respondents (35 percent, N=168) disagreed. Overall, one-third felt that the judiciary is not independent (34 percent, N=164), compared to a little over one-quarter (27 percent, N=132) who felt that it is. The numbers for the court system overall were the same.

There was much more consensus on the notion that the judicial system represents a strong foundation for the fight against corruption, with some 62 percent of respondents (N=301) agreeing. However, other questions revealed perceptions of significant institutional weaknesses—just over one-third of respondents believed that the PIC plays a useful role (36 percent, N=175) and just under half felt that anti-corruption rules and reporting procedures are weak (47 percent, N=227). According to 39 percent of respondents (N=191), CSOs fighting corruption are worth supporting further, but some 28 percent (N=138) disagree. Finally, respondents were highly unified in agreeing that they personally would immediately report corruption if they came across it (63 percent, N=305) and that there are no circumstances in which corruption can be excused (75 percent, N=363). Similarly, a large majority (73 percent, N=355) view female lawyers as just as competent as their male counterparts (however, 15 percent, N=72, do not).¹⁹

¹⁵ See Annex D: Appendix 4 for complete listing of the survey instrument and additional details.

¹⁶ Annex F: Survey Results summarizes this dissemination approach.

¹⁷ Discounting case entries wherein the survey was left in idle (such as overnight), the average interval of time spent on the survey is 9.99 minutes with a standard deviation of 4.69 minutes. In other words, most respondents took between only 5 and 15 minutes to respond to our brief survey.

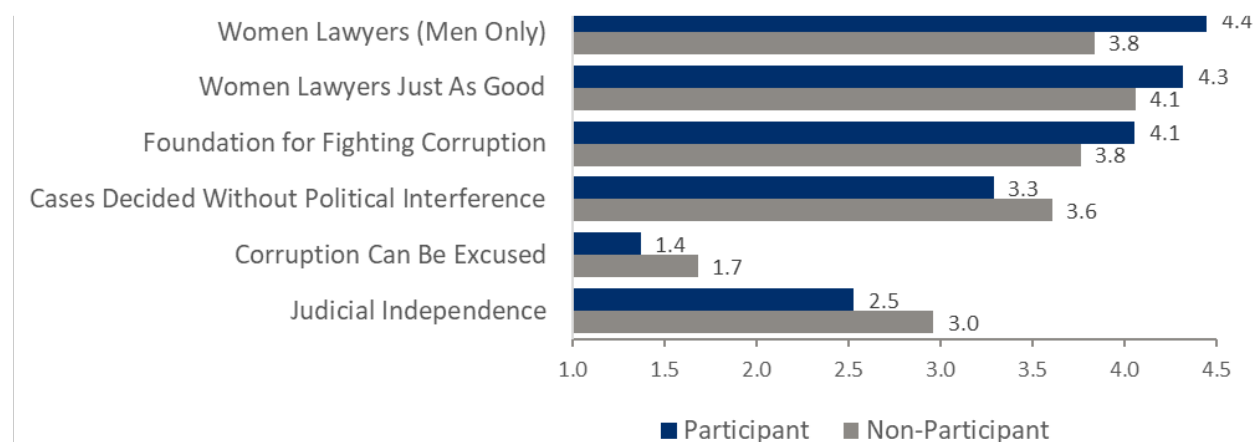
¹⁸ Full results are graphically presented in Annex F: Survey Results.

¹⁹ One way to evaluate the findings of this survey is to compare the results with the New Justice Program Surveys of Justice Sector Professionals Regarding Judicial Reform and Corruption, which has had four waves since 2017. Although the sample, timing, and questions are somewhat

4.2.2 NEW JUSTICE PROGRAM PARTICIPANTS

When we compare respondents who have actually participated in New Justice programming—25 percent of all survey respondents (N=399)—with those who have not, some fascinating differences emerge. We use difference in means tests to identify questions on which the scores reported by program participants are statistically different from the rest of the respondents. Figure 1 presents those questions on which the differences were statistically significant at the 90 percent confidence level or better.²⁰

Figure 1: Attitudes of New Justice Program Participants and Non-Participants



The results are intriguing. On two key questions about the independence of the judicial system—whether the judiciary is independent of external pressure and whether cases are decided independent of pressure from political organs of the state—program participants were actually *more* skeptical on average than non-participants. Moreover, the differences were substantively quite large: 0.4 and 0.3 points respectively.²¹ While being more skeptical in their assessment of the current state of the judiciary, program participants arguably held more proactive sentiments regarding the possibility of the kinds of changes that New Justice seeks to promote. New Justice program participants were more likely to think that the courts could be a good platform from which to fight against corruption (0.3 points).²² Indeed, program participation appears to correspond to a more critical view of the judiciary's status, while being more receptive to the prospects of positive changes. We do not view this as contradictory, but rather, in line with the skeptical tradition of democratic theory.

different, there are some interesting parallels. In both surveys, the expressed willingness to report corruption is very high, even in the presence of concerns about the judicial system overall. However, in this survey the proportion agreeing that corruption can sometimes be excused (ten percent) was somewhat lower than in the Corruption Surveys, where around 18 percent in each wave agreed that sometimes corruption can be excused. Another common element between the surveys is a sense that while some things are going right in the judicial system, worries about corruption, transparency, and the selection and behavior of judges remain significant—and may even be getting more acute, according to the New Justice Survey. Given relatively small-sample size issues and the challenges of surveying in this sector, it is not wise to draw strong conclusions from individual numbers or questions, but the consistency both across questions within this survey and across the two different surveys is striking and worth bearing in mind.

²⁰ Note that for reasons previously stated, these results reported in Figure 1 are taken only from the survey respondents assigned to the control group for the corruption priming experiment (N=487) as opposed to the total survey sample (N=1,507).

²¹ The points refer to the difference between the mean responses of groups on a five-point scale.

²² While not statistically significant for the control portion of the sample which received zero informational priming (N=487), program participants overall were significantly more inclined to believe that the judiciary was trending in a positive direction (N=1,507). For the control portion of the sample the average percentages are 0.2 points different, whereas for the full sample the difference between participants versus non-participants is 0.3. This latter difference is significant at the 99 percent confidence level, where participation corresponds to believing the judiciary is improving in recent years.

Participants seem to express more progressive attitudes in terms of gender equity—they were more likely to agree that female lawyers are just as good as men. Interestingly, this statistically significant difference was driven entirely by male participants who assessed the competence of female lawyers 0.6 points higher than male non-participants did. Participants also take a more reactive and skeptical stance with regards to tolerating corruption—they were less likely to think that corruption can sometimes be excused (0.3 points). Taken together, these attitudinal differences across program participants and non-participants indicate that program participation corresponds to a greater degree of “engaged skepticism,” which is arguably more democratic.²³ These differences between participants and others also held when we compared participants with those who did not participate themselves but knew colleagues who had. Simply knowing about the possibility of participation does not seem to be equivalent to actually participating.²⁴

It is not possible to ascertain the degree to which these statistically significant differences across participants and non-participants are a result of program participation or systemic differences across the type of people who opt to participate in the program. Are participants more skeptical of judicial independence because of what they learned in the program, or were people who were more skeptical of judicial independence and more Western-oriented more likely to sign up? One possible alternative explanation might be that the composition of participants is different from the group as a whole. For example, although broadly balanced across the regions, 29 percent of New Justice program participants (N=106) are based in Kyiv, compared to only 16 percent (N=230) of our survey respondents.²⁵ Indeed, Kyiv-based respondents were also more skeptical of the independence of the judicial system (0.6 points) and the courts (0.6 points), less likely to think corruption could be excused (0.3 points), and more likely to think female lawyers were just as good as male ones (0.3 points). However, the relative concentration of participants in Kyiv is not enough to explain the results, because even within Kyiv, New Justice program participants were more skeptical about judicial independence and more supportive of women lawyers. This suggests that we are not just picking up a capital effect.²⁶ This leaves the possibility that either the New Justice programming is attracting more skeptical people in the first place or that the programming helps to focus attention on remaining problems, making participants more skeptical. It would be helpful going forward to try to identify which is the case, because the two alternatives seem to have different implications for programming. If the programming is selectively attracting more skeptical people, then an effort should be made to broaden its reach to take in those who may be somewhat complacent about the nature of the judiciary in Ukraine. Alternatively, if people are learning to be more skeptical as a result of the programming, then this might be interpreted as a sign of success in that participants become not just more skeptical but less tolerant of corruption and more likely to report it. Administering entrance and exit surveys to program participants involving the perception questions of the Attitudinal Index would be one way to understand which is the case.

4.2.3 SURVEY EXPERIMENTS

As part of the survey, we tested to see how responses were shaped when asked in the context of either positive or negative information about the state of corruption performance in Ukraine. In doing so, we sought to gather evidence on messaging strategies. Ample research in social science demonstrates that

²³ In comparative politics canon on political trust, for example, Cleary and Stokes purport that regions with a higher degree of “engaged skepticism” are more “democratic.” Through survey analysis within Argentina and Mexico, they show skepticism of politicians and the state of political institutions also corresponds with seeking out more information, voting regularly, and participating in political discourse. Cleary, Matthew and Stokes, Susan. (2006) *Democracy and the Culture of Skepticism*. New York: The Russell Sage Foundation Series on Trust.

²⁴ We see a weaker trend comparing people who have colleagues who have participated in the program versus people who do not where people who have colleagues who have participated in the program hold skeptical views about the state of judiciary and proactive views regarding change on some indicators.

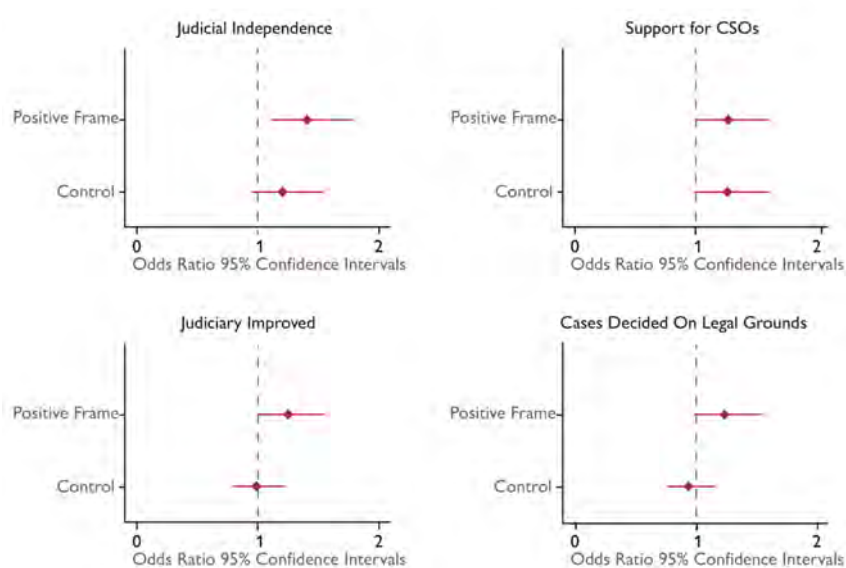
²⁵ Program participants also skewed slightly older than non-participants with 29 percent of non-participants versus 17 percent of participants being under 30, though it is not clear why older people would hold more skeptical and liberal positions.

²⁶ Another important caveat is that program participation and degree of awareness are not balanced across professions. For example, court staff are about twice as likely to have no awareness of the program than they are to be participants. Whereas judges surveyed are about three times more likely to be a participant than unaware.

people are more likely to agree with a sentiment or participate in an activity if they believe others are doing so.²⁷ There is some research in political science, for example, that suggests that people are more forgiving of corruption (and so perhaps more willing to participate in it) when they see it as pervasive rather than rare.²⁸ If this is true, then the kinds of messages that are promoted would be likely to make a difference to attitudes and perhaps, ultimately, to behavior, and efforts to mitigate corruption must be mindful of how communication regarding corruption is framed.

To test for the effect of informational priming on corruption sentiments, we embedded a survey experiment into the online survey. Survey respondents were randomly allocated to receive either positively framed, negatively framed, or non-framed messages regarding corruption within the judicial system. The ‘positive’ group were told that “most survey respondents believe that judges render justice in an impartial manner (91 percent),” while the ‘negative’ group were told that a “survey of Ukrainian judges on judicial independence and accountability finds that most survey respondents (66 percent) believe that corruption is the biggest problem in Ukraine.”²⁹ Following this randomized information ‘priming,’ all respondents were then asked our 12 questions about the judiciary.

Figure 2: Effect of Corruption Framing



The results show that the way we frame anti-corruption efforts does indeed seem to make some difference to perceptions.³⁰ Figure 2 illustrates the effects of framing on the four variables with statistically significant effects: judicial independence, support for CSOs in the judicial sector, whether the judiciary has significantly improved in recent years, and whether legal considerations are the grounds used to decide cases.

In each of the graphs, the effects are shown relative to the negative framing. The results are odds ratios, indicating the probability of responding more positively to the prompt if the respondent was in the positive

²⁷ In the voting literature, for example, Bartels (1985) showed how bandwagoning occurs in U.S. presidential primaries. Bartels, Larry M. (1985). Expectations and Preferences in Presidential Nominating Campaigns. *American Political Science Review*, 79, 804-815. In medicine, bandwagon effects have been shown to be a significant source of dangerous misdiagnoses. See, for example, Howard, Jonathan. (2019) Bandwagon Effect and Authority Bias In: Cognitive Errors and Diagnostic Mistakes (pp. 21–56). Springer International Publishing. https://doi.org/10.1007/978-3-319-93224-8_3.

²⁸ For example, Klačnja and Tucker (2013) use survey experiments to show that voters in high corruption countries are less likely to punish corrupt politicians at the polls than voters in low corruption countries. Klačnja, Marko, & Tucker, Joshua A. The economy, corruption, and the vote: Evidence from experiments in Sweden and Moldova. *Electoral Studies* 32.3 (2013): 536-543. Evidence from field experiments is mixed, though the effect of corruption information campaigns is often null and sometimes negative. See Dunning, Thad, Grossman, Guy, Humphreys, Macartan, Hyde, Susan D., McIntosh, Craig, & Nellis, Gareth, eds. Information, Accountability, and Cumulative Learning: Lessons from Metaketa I. Cambridge University Press, 2019.

²⁹ These vignettes were constructed using survey statistics from prior New Justice surveys. The remaining one-third received no treatment. Crucially for the success of the experiment, there were no differences between the positive and the negative groups in the extent to which respondents believed the messages.

³⁰ The results are derived from ordered logit regressions with no controls to see if the frames had an effect on any of the answers. “Don’t Know” and “No Answer” options are excluded.

frame (or control group) relative to the negative frame.³¹ A score of one means there is no difference—the odds of a respondent giving any one of the five responses on the Agree/Disagree Likert scale are the same. The tails represent 95 percent confidence intervals. For example, on the question of whether the judiciary acts independently from external pressure coming from members of government, the President's Office, Parliament, citizens, or firms (judicial independence), respondents receiving the positive frame were 44 percent more likely to give a higher evaluation than respondents receiving a negative frame. Respondents in the control group were 20 percent more likely to rate judicial independence higher than those receiving the negative frame, though the effect was only marginally significant ($p=0.15$).

Framing had similar effects on support for CSOs in the judicial sector and for assessments of whether the judiciary has improved or not. Compared to the negative frame, respondents receiving positive information were 28 percent more likely to express higher levels of agreement with CSO involvement in reform, and respondents in the control group 20 percent, though the latter result was again only marginally significant ($p=0.09$). For assessments of whether the judiciary had improved, respondents receiving the positive frame were 27 percent more likely to rate this improvement more positively (in a higher category) than those receiving the negative frame. There was no difference between the negative frame and the control group. Finally, there was a marginally significant effect ($p=0.07$) of positive framing relative to the negative frame for the degree to which respondents felt that legal grounds are what is mainly used to decide cases.

These experiments suggest that how we talk about corruption does matter, at least somewhat, for opinions. Highlighting successes and positive facts as opposed to highlighting negative facts regarding corruption changes perceptions to an extent, though the effect is certainly far from transformative. Moreover, if it is true (as some research suggests) that positive perceptions of efforts to reduce corruption lead to less corrupt behavior, it is possible that how we craft messaging might also affect how people act.³² In fact, it is well known that people's behavior—and especially bad behavior—is conditioned by what they perceive to be the norms prevalent around them. It is important that corruption messaging is comprehensive, accurate and relevant, but an abundance of negativity may push the dial from a healthy degree of informed skepticism towards cynicism and complacency. Consequently, it makes sense to think of framing anti-corruption messages in ways that stress that corrupt behavior is on the way out and that the new norm is one of honesty and vigilance against corruption. Creating a sense of unity of purpose and conduct in this area is an important part of achieving results.

4.2.4 SUBGROUP ANALYSES³³

Gender, perhaps not surprisingly, makes a difference to perceptions. Women in our sample were more likely to think that the judicial system (0.3 points) and the courts (0.5 points) are independent.³⁴ They were also less skeptical of the value of the rules in preventing corruption and promoting reporting (0.3 points) and more likely to think female lawyers are just as good (0.2 points).

If female respondents are different, the group that most stands out from the rest in our survey are judges and leaders and members of judicial institutions. Some 14 percent of respondents ($N=225$) were either judges ($N=139$) or held leadership positions ($N=86$). Compared to other survey respondents, they were more likely to feel that the judiciary has improved significantly (0.4 points), and more likely to say that judicial considerations are usually paramount (0.8 points), court decisions are not politicized (0.5 points),

³¹ Strictly, the odds ratio shows the likelihood of being one category higher and is assumed to be proportional across categories.

³² That said, it is important to note the circumscribed nature of the effects. For most of the questions relevant to corruption—five of nine—there was no effect of framing and significant effects are only consistently found by contrasting positive and negative framing, not positive and neutral. Simply speaking positively will not make corruption go away.

³³ Headline findings within the subgroups are presented here. Please refer to Annex F: Survey Results for additional findings of subgroup analyses.

³⁴ The points refer to the difference between the mean responses of groups on a five-point scale.

the courts are a good platform for anticorruption policies (0.5 points), and the rules are not too weak (0.2 points). They also were more likely to agree that there is never an excuse for corruption (0.4 points) and express the intention to report corruption immediately (0.2 points). By contrast, they did not much care for outside groups being involved in judicial reform. Judges/leaders were much more skeptical of the role of non-governmental organizations (NGOs) in promoting anti-corruption in the courts (0.6 points) and were extremely skeptical of the value of the PIC, rating its usefulness a full 0.9 points lower on average than other respondents. It is clear from these results that judges and leaders in the judiciary are much more skeptical of outside involvement and have a higher impression of the judiciary than others—a result that is hardly surprising but is, nonetheless, impressive in its consistency.

5.0 JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE

This section presents findings, conclusions, and recommendations on judicial independence and self-governance. The evaluation finds that New Justice has been highly active in a variety of areas to advance judicial independence and self-governance. However, New Justice took on activities with partners that do not work specifically in the justice sector or on legal education (“non-core partners”), potentially taking resources away from core work on judicial independence and self-governance. Despite New Justice’s hard work and its success in achieving the milestones set out for it, the long-term impact of its efforts is unclear, largely because of either a lack of political will or the fluidity of political life in Ukraine. Going forward, it may be appropriate for the project to modify its approach and balance of effort to seize opportunities where progress can be made among core stakeholders/beneficiaries. Future activities should also increase the attention given to shaping the democratic political and legal culture among both judicial professionals and the general public.

5.1 FINDINGS

5.1.1 NEW JUSTICE SIGNIFICANTLY CONTRIBUTED TO IMPROVING THE REGULATORY FRAMEWORK AND JUDICIAL PERFORMANCE STANDARDS, AND WAS ACTIVE IN MANY OTHER AREAS RELATED TO JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE

New Justice’s activities related to judicial independence and self-governance can be divided into six general areas.

Reform of the regulatory framework: Among these activities, New Justice supported implementation of the 2016 Constitutional amendments and jury trial provisions, supported development of the concept for the HACC, and promoted amendments to laws such as the Law on the Judiciary and Status of Judges, Law on the High Council of Justice, Law on the High Anti-Corruption Court, and the Law on the Constitutional Court. New Justice also supported development of a draft legislative framework for mediation and arbitration.

Establishment of judicial performance standards: Among the activities supported in this area were development of selection procedures for Supreme Court and HACC judges, analysis of the regulations of the HQC and building HQC capacity, the evaluation of judicial candidates and judges by the PIC, establishment of the HACC, orientation programs for new Supreme Court and HACC judges, and implementation of a Court Performance Evaluation Framework.

Strengthening rules regarding corruption, judicial ethics, and illegal conduct: These activities included supporting the Council of Judges (COJ) to develop guidelines on ethical issues and new ethics rules for court stakeholders, and preparing infographics on judicial ethics and conflict of interest to guide judges.

Increasing independence of judges and court personnel. New Justice assisted in the development of an e-filing system that allows the electronic filing of cases. New Justice also supported both a Business Process Analysis (BPA) of HCJ activities and a case-weighting study to determine the proper number of judges needed in Ukraine, and trained both HCJ and court staff.

Improvement of the system of enforcement of judgments. New Justice supported the establishment of the Association of Private Enforcement Officers of Ukraine.

Increasing citizen and CSO participation in the judicial reform process. As part of this effort, New Justice supported the development of e-justice tools that ease citizens' filing and tracking of cases and submission of court documents. In addition, New Justice: provided crucial support to the PIC (through which CSO representatives and others provide the HQC with evaluations of the ethics and integrity of judges and judge candidates); assisted in the introduction of jury trials, mediation, and online dispute resolution in Ukraine; provided grants for CSO monitoring of judicial processes including the HCJ's judicial discipline practice; conducted surveys of legal professionals; and continued funding for Citizen Report Cards (CRCs) to ascertain court users' satisfaction level and recommendations for reform.³⁵ The project also supported the development of three Community Justice Centers (CJCs) and built the capacity of court public information officers.

5.1.2 NEW JUSTICE EXPANDED ITS ACTIVITIES TO INCLUDE WORK WITH NON-CORE PARTNERS, POTENTIALLY TAKING RESOURCES FROM CORE PARTNERS AND POSSIBLY DISCOURAGING OTHER DONORS FROM SUPPORTING CERTAIN ACTIVITIES

In addition to the many activities to advance judicial independence and self-governance described above, New Justice took on activities with “non-core” partners (i.e., institutions that do not work specifically in the justice sector or on legal education) at the request of USAID.³⁶ These activities were clearly within the project's very broad Scope of Work, but potentially consumed resources that could have been used for the project's core activities.³⁷ Two core counterparts in this area, including the HCJ, said activities had been confirmed and then cancelled because of lack of funding, but New Justice reports no confirmed activities were cancelled for lack of funding.³⁸ At least two KIs, including a parliamentarian and a donor, also felt the project potentially too responsive—that it occasionally agreed to take on activities requested by counterparts that it should have declined to undertake, or that it jumped so quickly into a new area of work that other donors who might have assumed or shared responsibility for the work decided not to engage in the activity.³⁹

³⁵ Although court leadership valued the results of the CRCs, they noted that many of the recommendations resulting from the effort could not be implemented without either an increase in budget or legislative changes. Also, one survey respondent criticized the methodology of the most recent CRCs, stating: “the latest study...presupposed a survey with the usage of courts' resources. In such circumstances, the value of its results is completely offset because the questionnaires were filled out by court staff and no real survey of visitors was made.”

³⁶ Examples of these include the project's assistance to the newly formed NAHEQA and the AMCU.

³⁷ Please refer to Section 7.0 Findings: Legal Education and Section: 9.0 Findings: Tools and Approaches for an expanded discussion of this conclusion. Additionally, numerous KIs representing very different stakeholders/beneficiaries suggested that New Justice be more focused in its efforts, though the interviewees often differed as to what that focus should be.

³⁸ Two examples specifically mentioned by the HCJ were: 1) Research on general presumptions of law, including presumption of guilt, and 2) Research on why survey results indicated that the level of trust in the judiciary differs between those who participated in court proceedings and those who did not. New Justice reports that both activities are part of ongoing discussions with the HCJ.

³⁹ For example, a member of Parliament's Legal Policy Committee stated that New Justice's presentation on bar ethics was “quite poor,” but because New Justice moved so fast into the area, other donors stayed away from it.

5.2 CONCLUSIONS

5.2.1 NEW JUSTICE EFFECTIVELY RESPONDED TO NEW OPPORTUNITIES TO ADVANCE ITS OBJECTIVES AND MEET STAKEHOLDER NEEDS, BUT IN THE PROCESS EXPANDED ITS ACTIVITIES INTO NON-CORE PARTNERS

New Justice utilized its highly competent staff to actively engage in wide-ranging activities related to judicial independence and self-governance, effectively and timely responding to opportunities to advance its objectives while also fulfilling requests for engagement by stakeholders. However, project objectives and the perceived needs of stakeholders are sometimes not synonymous and balancing those competing demands can be challenging. For the most part New Justice competently balanced those demands, but there were instances where New Justice's desire to be responsive to either USAID or stakeholder requests caused the project to expand into activities with non-core partners that potentially took resources and focus away from core partners.

5.2.2 THE PROJECT'S APPROACH AND BALANCE OF EFFORT HAS BEEN APPROPRIATE BUT SHOULD BE FLEXIBLE GOING FORWARD

The great majority of New Justice's focus related to judicial independence and self-governance has been on judicial institutions and the regulatory framework. This focus has been appropriate for the political situation and state of judicial reform in Ukraine, and its support for the judicial selection process was praised by four former GoU officials and a CSO representative. However, important legislative reform has recently stalled, making it difficult or impossible for New Justice to progress with key partners such as the HQC and HCJ Service of Inspectors. It may therefore be appropriate for the project to modify its approach and balance of effort going forward to seize opportunities where progress can be made, particularly if an extension of the project is considered. Options include focusing more on regional institutions,⁴⁰ professional associations, and civil society. Such changes in emphasis would not require a modification of the contract as the project design includes both supply and demand components, which provide New Justice with the flexibility to adjust its assistance to the judiciary and CSOs according to the changing political environment.

5.2.3 TERMINATION OF GRANT SUPPORT FOR THE PUBLIC INTEGRITY COUNCIL CAUSED TENSION WITH A SEGMENT OF CIVIL SOCIETY

After the HQC was disbanded in November 2019, New Justice terminated its grant support to the Democracy, Justice, Reforms (DEJURE) Foundation CSO, the mechanism through which remuneration for PIC members was provided. There were multiple reasons for that termination and New Justice reports that PIC was notified well in advance that termination might be necessary; additionally, New Justice continued to provide in-kind communications and other capacity-building support to the PIC. Nonetheless, those who were a part of PIC at the time feel the termination was inappropriate, that there were multiple reasons the support should have continued, and that the formal termination took place with only days' notice. These individuals represent some of the major judicial reform CSOs in Ukraine, including the influential RPR, and several report they now prefer to deal directly with USAID instead of New Justice. The evaluation and New Justice survey data demonstrating resistance by judges and judicial institution members and leaders to the role of the PIC in confirming judicial qualifications reinforce New Justice's efforts to support the PIC in improving its communications and public outreach, but fulfilling this need going forward will require New Justice to first rebuild these relationships.

⁴⁰ Numerous survey respondents requested that New Justice's activities in the regions be expanded so they had an opportunity to participate.

5.2.4 CERTAIN EXISTING METRICS MAY NOT ACCURATELY MEASURE IMPACT

The New Justice Statement of Work is wide-ranging; it encompasses five program objectives, 16 program sub-objectives, 88 Expected Results, 70 output and outcome indicators, and 344 Milestone Statements. In a few instances, the project objectives are so ambitious and broad that the chosen Milestone Statements cannot meaningfully measure progress toward them. One example is Expected Result 1.4.1: “Judicial decisions are based solely on the facts and law and reversed only through the appellate process.” The corresponding Milestone Statement is “Judicial opinion writing manual and curriculum updated.” Although such an output is connected to the Expected Result, it is neither necessary nor sufficient to achieve the Result and does not indicate whether progress towards the Expected Result was actually made. Where necessary, Expected Results and Milestone Statements should be restructured to better reflect each other. Additionally, the evaluation team has not seen evidence that it was reasonable to assume that this objective could be met in five years. While goals such as this have benefits in terms of focusing New Justice program efforts to the desired ends, stating them as Expected Results within this timeframe can decrease morale if they are not measurable and attainable.

5.2.5 EFFECTIVENESS MIGHT HAVE BEEN INCREASED IF A LARGER PORTION OF THE PROJECT’S FOCUS HAD BEEN AT THE REGIONAL LEVEL

Although the project had significant success working with judicial institutions at the national level, it also encountered significant challenges through no fault of its own.⁴¹ In this situation it may have been advantageous for the project to reallocate more of its resources from the national level to activities in the regions and work with regional entities that are interested in cooperating with New Justice to advance legal reforms at the regional/local level. The evaluation team was impressed by the activities New Justice undertook with both CJs and grantees in the regions, including the Ukrainian Academy of Mediation and those who conducted court user satisfaction surveys.⁴² Entities such as these may have accomplished more with additional resources than could be accomplished by using those resources with national judicial institutions, as such regional activities would likely not be impacted by the challenges at the national level. Regional judges, court staff, and professional associations are an additional area of potential support and, based on the Judicial Legitimacy Survey responses, very interested in increased attention from the project.⁴³

The survey provides additional justification for further work in the regions. Although only 16 percent of survey respondents were from Kyiv, they made up 29 percent of program participants in the survey sample, indicating the current overweighting of activities for those in the capital. The attitudes of Kyiv respondents toward judicial reform are also more progressive on several measures than in the regions.⁴⁴ Of course the capital city is very important, but the lessons learned in Kyiv should serve as examples that can be replicated in other areas, including those outside of Ukraine’s traditional four legal and educational centers.⁴⁵ Oblasts that are not centers for legal activity and learning but nonetheless have their own judicial

⁴¹ In addition to the pre-existing challenges confronting Ukraine’s judiciary and the country’s conflict with Russia, Ukraine has had a rapidly changing political landscape during the project period that required New Justice to interact with changing counterparts. The political will to enact significant judicial reforms has also often been lacking.

⁴² CJs serve as a bridge between communities and justice providers, delivering much-needed legal advice and counseling to individuals far from Kyiv, and have become a platform where locally important justice sector reforms are produced and implemented. The Ukrainian Academy of Mediation had significant achievements with a limited budget—it increased awareness of mediation in the regions among lawyers and court users; developed and disseminated a course, textbook, and teaching guide on mediation for law students; and arranged for volunteers to provide mediation services at courts. Court user satisfaction surveys are now conducted in 613 courts across Ukraine after regional NGOs provided technical assistance to courts, gathering important data from court users and leading to implementation of recommendations for improvement.

⁴³ USAID’s Country Development Cooperation Strategy (CDCS) for 2019-2024 confirms the importance of regional activities, stating on p. 20 that USAID’s investments will not put Ukraine on a path to self-reliance unless the capacity and commitment of local systems – including regional and even community-level incentive structures, political-economic ecosystems, and attitudes and viewpoints – are developed.

⁴⁴ For example, Kyiv respondents were less likely to think corruption could be excused and more likely to think women lawyers as good as men.

⁴⁵ Kyiv, Kharkiv, Lviv and Odesa.

institutions, law schools, and millions of people are important, but largely not reached by the project. Survey data reveals that there are gains yet to be realized in the perceptions of legal actors through additional focus on work in the regions, since higher percentages of respondents from regions agreed corrupt actions may be excused (11 percent, N=41, versus four percent, N=3) and disagreed that female lawyers are equally competent (25 percent, N=98, versus 15 percent, N=11) compared to Kyiv.

5.2.6 DESPITE HARD WORK AND SIGNIFICANT SUCCESSES, THE ACTUAL IMPACT ON LONG-TERM JUDICIAL REFORM IS OFTEN UNCLEAR BECAUSE OF LACK OF POLITICAL WILL AND POLITICAL FLUIDITY

Despite New Justice's hard work and its success in achieving the milestones set out for it, the actual long-term impact of its efforts is often unclear and "judicial systems remain broken" because of either a lack of political will or the fluidity of political life in Ukraine.⁴⁶ Despite New Justice accomplishing the large majority of milestone targets set out for it, its efforts often do not yield the anticipated outcomes and impact for reasons largely outside its control.

For example, New Justice expended significant resources supporting the development and training of the HQC. In November 2019 the HQC was disbanded by Law 193-IX, and as of submission of this report the HQC has not been reconstituted and no further evaluations of judges have taken place.⁴⁷ If and when the HQC is reconstituted, many of New Justice's prior training and other efforts will need to be repeated even if other products generated by the project can be used to support the new institution. Similarly, despite the project's efforts to increase judicial independence, discipline, and transparency, trust in the judiciary remains low⁴⁸ and the willingness to report corruption appears stagnant.⁴⁹ In addition, the current government's judicial reform efforts, which included cutting the number of Supreme Court justices in half and reducing the number of HQC members, were largely invalidated by a March 12, 2020 decision of the Constitutional Court.⁵⁰

Another issue that New Justice encountered is skepticism within the judiciary about oversight from civil society. New Justice has also tracked these perceptions through their annual surveys, which found broad skepticism in Ukrainian judges' perception of PIC but noted recent improvements. In 2017 and 2018, New Justice asked Ukrainian judges to what extent they agree (or disagree) with the statement "The activities of the Public Integrity Council, which are related to the competitive selection of Justices of the Supreme Court, are efficient." In 2017, only 17 percent of respondents agreed with this statement and 57 percent disagreed, but by 2018, 23 percent of respondents agreed that PIC's activity is efficient and 49 percent disagreed. These findings align closely with this evaluation's survey data, which found that only 22 percent of judges and judicial institution leaders/members (N=15) agree that PIC opinions are valuable during judicial selection, compared to 54 percent of other legal system actors (N=175). Similarly, New Justice survey data in 2017 found legal professionals working in courts who are not judicial employees (e.g. advocates and prosecutors) expressed much greater receptiveness to PIC: 41 percent of them agreed

⁴⁶ The print version of the Kyiv Post on February 21, 2020 included a Page 3 article titled "Zelenskyy's law enforcement cleanup going the wrong way." The article continued on Page 12 with the headline "Presidents come and go, but judicial systems remain broken."

⁴⁷ The U.S. and EU supported reconstituting the HQC but their recommendations on how that should be accomplished were not followed. This episode is discussed in further detail in Section 9.0 Tools and Approaches (Unintended Effects).

⁴⁸ In New Justice's *Second National Public Survey Regarding Trust in the Judiciary, Judicial Reform and Perception of Corruption* (October 2018), only 16 percent of the public expressed trust in the judiciary (p. 12). But in its July 2019 *Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption*, 44 percent of legal professionals who are not court staff had trust in the judiciary, an increase from 41 percent in the September 2018 survey of legal professionals (p. 32). However, only 21 percent said courts are not influenced by politicians, government, or oligarchs; only 37 percent had confidence in the process used to select judges; and only 39 percent felt judges always issue fair and lawful decisions. (pp. 36-37)

⁴⁹ In the July 2019 survey of legal professionals who are not court staff, only 15 percent said they would report corruption to the National Anti-Corruption Bureau, and only 12 percent said they would report corruption to other institutions (p. 46).

⁵⁰ <https://kyivpost.com/ukraine-politics/constitutional-court-cancels-most-of-zelenskys-judicial-reform.html>. The Constitutional Court is a separate institution, distinct from the Supreme Court.

with the statement “Operations of the Public Council of Integrity in the process of competitive selection of Supreme Court Justices is efficient.”

To a point, this dynamic is to be expected—no one wants scrutiny from outsiders. To the degree these attitudes are rooted in a specific objection, there are several possible explanations for this skepticism. It may be based in part on disapproval of the way that PIC carried out some actions. PIC initially did not allow judges to respond to negative opinions before making them publicly available, and there were perceptions that the Council treated judges aggressively. Some PIC members also had conflicts of interest when evaluating judges before whom they had pending cases. However, the conflicted attitudes of judiciary insiders to oversight from civil society can also be interpreted as an indicator that civil society is performing their function well. The PIC has made valuable contributions during an unprecedented era of judicial selection where the majority of chosen judges have no identified corruption risks. It is not necessarily a negative reflection on them that this work has made some insiders uncomfortable.

A number of challenges persist. The online survey in this evaluation contains key indicators that actors fear that reform progress has stagnated. In fact, more judicial system actors feel that the judiciary has *not* been significantly improving in recent years (39 percent, N=190) than agree that it has (35 percent, N=169), and about one-third of respondents believe that fear of crossing political and popular will still influences judicial decisions (36 percent, N=138). Indeed, the March 2020 U.S. State Department’s Human Rights Report recognized “endemic” corruption among judges and prosecutors and a weak separation between the executive and judiciary. It further described the judicial system for civil matters as “inefficient and corrupt,” and noted that the right to redress remains limited.⁵¹

The difficulty in impacting long-term judicial reform is further demonstrated by New Justice’s reported progress against targets. Of the 59 indicator targets reported on in the project’s September 2019 Annual Report, only 37 percent were met or exceeded.⁵² The difficulty in impacting long-term judicial reform is further reflected in the Performance Data Table within the December 2019 Quarterly Report, which indicates that despite the project’s hard work and competent staff, a majority of the indicator targets related to Components 1, 2 and 3 have not been met.⁵³ Although by its own metrics the project has not met many of its outcome targets, the evaluation team believes that fact alone does not tell the whole story and that this is partially due to the difficulty of the work and changing environment and partially a design lesson. As discussed in 5.2.3 above, the project design had two shortcomings that affect the project’s ability to meet and measure target outcomes: 1) in some instances it is not clear whether it was reasonable to assume that an Expected Result could be met in five years, and 2) perhaps because some Expected Results were so ambitious, some milestones are not able to meaningfully measure progress towards them.

5.2.7 TO INCREASE THE IMPACT ON LONG-TERM JUDICIAL REFORM, EXPAND EFFORTS AT REFORMING UKRAINE’S POLITICAL/LEGAL CULTURE

New Justice is, by design, very focused on the development of political and judicial institutions. The focus on these institutions is extremely important, even though they are the most vulnerable in periods of political fluidity. The project has also worked to change the political/legal culture in Ukraine, but this is not a major focus of the project design. However, the fact that almost two-thirds of legal system actors surveyed (62 percent, N=303) believe that the judiciary of Ukraine can be the foundation for combatting corruption in all branches of power suggests that additional effort may be wise here.

⁵¹ U.S. Department of State. (2020). *2019 Country Reports on Human Rights Practices*. Ukraine, pp. 12, 14. <https://www.state.gov/wp-content/uploads/2020/03/UKRAINE-2019-HUMAN-RIGHTS-REPORT.pdf>.

⁵² *Annual Performance Report*, October 2018–September 2019, p. 42.

⁵³ Of the 53 performance indicators covering Objectives 1, 2 and 3, only 14 of the 2019 targets were met. *Annual Performance Report*, October 2018–September 2019, Annex C. Performance Data Table, pp.67-87.

Although changing the political/legal culture presents its own challenges,⁵⁴ the evaluation team believes that an increased effort to do so should complement the focus on institutions. This is because without a change in the political/legal culture, long-term impactful reform will be elusive; the institutions USAID seeks to reform will not have the democratic values necessary for real reform. The team therefore believes that the reform of political/judicial institutions and the reform of political/legal culture should be approached in concert, and that only by tackling those two goals simultaneously will long-lasting tangible and sustainable outcomes be achieved. Accordingly, New Justice should find ways to use agents of political socialization to shape a new political/legal culture to supplement the creation of new, and reformation of existing, political and legal institutions. This fits squarely with the views and approaches set out in USAID's Country Development Cooperation Strategy (CDCS) for 2019-2024.⁵⁵

The evaluation team specifically recommends New Justice's future activities increase the attention given to shaping the democratic political and legal culture among both judicial professionals and the general public. Possible activities include using the media to publicize stories of successful reforms, organizing print media and TV articles features on judges who went through the judicial selection process and are working to improve the system, and preparing materials to combat public opinion that the judicial sector is corrupt. These materials should be strongly grounded on truthful and convincing evidence, and many should have an emotional and informal focus. The potential impact of such activities is supported by the evaluation's survey experiment results, which show that celebrating positive trends (as opposed to negative messaging on persistent corruption issues) could help build the legal culture and increase the buy-in for reform. In addition, legal and civic education are important instruments in this regard. For example, "street law" training—through which students are educated on topics such as human and civil rights, democratic principles, conflict resolution, the advocacy process, family law and consumer rights—is one possible activity.⁵⁶

5.3 RECOMMENDATIONS

Table 1: Judicial Independence and Self-Governance Recommendations by Priority Level

High
Continue work on reform of constitutional and legislative frameworks to advance judicial reform
Reduce activities with non-core partners to focus on core objectives
Finalize existing activities (e.g., e-justice tools)
Strongly support implementation and monitoring of the judicial evaluation/selection process when resumed
Expand efforts at reforming Ukraine's political/legal culture

⁵⁴ It requires modifying both the process of political/legal socialization and the agents of socialization (family, school, mass media, university, peer groups, etc.), and such changes cannot take place as quickly as changes in the political/legal process.

⁵⁵ The CDCS notes that both attitudes and viewpoints must be changed even at the community level, and that "USAID's investments will not set Ukraine on a path to self-reliance if they do not strengthen the capacity or commitment of **local systems** to develop, resource, and implement solutions to the country's development challenges," CDCS, p. 20 (emphasis in original). The CDCS commits USAID to addressing "citizen-level 'practices,' such as a general acceptance of petty corruption in daily life" and employing "a behavior change and accountability-based approach...cultivating a new public consciousness that views corruption as corrosive to society, immoral, and unacceptable." *Ibid.*, p. 37. In addition, the CDCS states that USAID will "increase public awareness of the high costs of corruption," "broaden citizen awareness of ongoing reforms...[and] support civic education activities to reduce tolerance for corruption and create a culture of lawfulness." *Ibid.*, p. 38. The CDCS also notes: "USAID will focus on strengthening the enabling conditions, scope, and sophistication of broad civic participation in good governance, defined as that which is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law." *Ibid.*, p. 55-56.

⁵⁶ These recommended approaches also comport with the CDCS, which states that "USAID will invest in civic education (especially among youth) and objective sources of information in order to raise awareness of and to strengthen advocacy around key reforms...[and] will empower citizens (including women, youth, IDPs, ex-combatants, LGBTI persons, and PWD) with the information, networks, and resources needed to engage in good governance." CDCS, p. 56. It also states that "USAID will support efforts to raise public awareness of how to become engaged in democratic reforms and self-governance at the local and national levels...employ[ing] a range of awareness-raising and communication tactics, including civic education, mass media campaigns, social networking, and other awareness-raising approaches to communicate relevant messages about ongoing reforms." *Ibid.*

Medium
Intensify support for reform-minded professional associations
Support new composition and activities of HQC as soon as selected • Unconditional support for orientation of new HQC composition • Support for activities conditioned on internationals having a meaningful role
In coordination with the EU's Pravo-Justice project, resume assistance to PIC when new composition of HQC is in place
Particularly if judicial reform activities stall, reallocate a greater portion of resources to civil society and regional activities, including the possible establishment of additional CJs
Low
Consider support for regional judges' associations

6.0 JUDICIAL DISCIPLINE

This section presents findings, conclusions, and recommendations on judicial discipline. There are two primary ways to affect judicial discipline: 1) through formal disciplinary investigations and proceedings after violations of judicial ethics are alleged, and 2) through the development of measures that make courts and judges more transparent, accountable, and self-disciplined without affecting judicial independence and impartiality, such as through monitoring by civil society. New Justice was involved in supporting the development of both approaches.

New Justice support to increase judicial discipline used appropriate approaches and balance of efforts. However, the HCJ's failure to timely investigate complaints against judges or to instill confidence in potential whistleblowers that they will be protected has significantly limited the impact of the project's many outputs related to judicial discipline. Through diplomatic pressure, coordinated donor pressure, and the diversion of resources to areas showing greater political will, the HCJ must be encouraged to vigorously investigate disciplinary complaints and initiate disciplinary proceedings where appropriate, and the Verkhovna Rada must be encouraged to consider New Justice's draft legislation to standardize procedures for judicial discipline and increase the role of HCJ's Service of Inspectors.

6.1 FINDINGS

6.1.1 NEW JUSTICE WORKED TO INCREASE JUDICIAL DISCIPLINE THROUGH BOTH FORMAL AND INFORMAL PROCESSES

New Justice's support to increase judicial discipline included:

Formal processes: New Justice enhanced the legislative framework through drafting improved regulations governing judicial discipline to standardize procedures and increase the role of HCJ's Service of Inspectors. It also developed a sample disciplinary complaint form that is now used by approximately 70 percent of those submitting disciplinary complaints. New Justice also strengthened the capacity of the Service of Inspectors through the initial training of newly appointed inspectors, a well-regarded study visit to Romania for 22 inspectors, and supporting updating and expansion of a Manual on Disciplinary Proceedings Against Judges.

Informal processes: These efforts included surveys of legal professionals and court users to determine trust in the judiciary and satisfaction with court processes, preparing a report to the HCJ with the results of monitoring HCJ judicial disciplinary decisions and HQC selection decisions, supporting PIC to conduct its evaluation of judges and judicial candidates, and establishing CSO projects that monitor judicial reform and financial asset declarations submitted by judges and courts. New Justice also supported the

development of tests for judges and candidates, and attempted to mediate a divisive dispute between HQC and PIC regarding the procedures for evaluating judges and judge candidates.

In addition, New Justice conducted a two-day judicial ethics workshop with the COJ that improved the COJ's skills in preparing advisory ethics opinions and assisted the COJ in developing guidelines for judges in conflict of interest situations—those guidelines were then translated into infographics now available on the COJ website. New Justice is also working to implement tools for judges to report improper or illegal interference through standardized forms and guidelines for judges and court staff.

6.2 CONCLUSIONS

6.2.1 THE APPROACHES AND BALANCE OF EFFORTS UTILIZED BY NEW JUSTICE WERE APPROPRIATE

New Justice utilized a variety of formal and informal approaches in its effort to improve judicial discipline in Ukraine, working with both state and non-state actors. New Justice utilized its relationships with state actors to develop the legislative framework governing judicial discipline, improve the process for filing disciplinary complaints, develop the skills of those responsible for investigating those complaints, and provide ethics guidance for judges. It also worked outside the state structure to assess public sentiment, monitor the activities of the HCJ and HQC, and support PIC, and tried to maintain PIC's involvement in the judicial selection process by attempting to resolve differences of opinion between the HQC and PIC.

The approaches used and balance of efforts were generally appropriate for the circumstances. New Justice received praise for its work reviewing the disciplinary procedures at the HCJ and HQC, with a member of the Legal Reform Commission describing this work as “very, very useful” assistance on a very important topic. On the other hand, a former HQC member said the Commission expected New Justice to provide more useful assistance on the application of “reasonable doubt” to the evaluation of judges and candidates, and that the project could have provided more assistance on risk assessment, such as how to evaluate psychological test results to determine their prospective risks. HQC members did not have sufficient expertise in these realms, and stronger practical examples would have been better received by the judicial sector. Going forward, the evaluation team recommends New Justice provide unconditional support for the orientation of the new HQC composition, but that it condition further support for HQC activities on a demonstrated commitment to a vigorous selection process.

6.2.2 DESPITE NEW JUSTICE'S EFFORTS, JUDICIAL DISCIPLINE HAS NOT SIGNIFICANTLY ADVANCED

Each year, approximately 10,000 disciplinary complaints are filed against Ukraine's judges, and as of 2017 there was a backlog of over 20,000 cases.⁵⁷ As in any country, the vast majority of these complaints have little or nothing to do with alleged violations of judicial ethics, but instead complain about the outcome in a case; such complaints are appropriately dismissed without investigation by a judicial disciplinary body. Nonetheless, at least some percentage of disciplinary complaints allege violations of ethical standards, and they must be promptly investigated even if those allegations eventually are revealed to be without merit. As stated by a representative from the HCJ's Inspectorate, “the quality of the Inspectorate's work is based on the number of judges [appropriately] brought to disciplinary responsibility.” A member of the Legal Reform Commission noted the importance of the prompt handling of complaints, stating “there must be quick disciplinary action by the HCJ” where there is merit to an allegation.

There also remains an unwillingness by stakeholders to report corruption even though they recognize corruption is wrong. In New Justice's July 2019 survey of legal professionals who are not court staff, 70

⁵⁷ March 2, 2020 meeting with New Justice staff.

percent said corruption was the major problem in Ukraine, 66 percent (N=264) said that a prosecutor must immediately report corruption, and 64 percent⁵⁸ (N=254) said that a judge must immediately do so.⁵⁹ Yet, nearly the same proportion also responded that a judge or a prosecutor who reports corruption jeopardizes their career (61 percent (N=242) and 60 percent (N=239), respectively).⁶⁰ In addition, only 15 percent (N=61) said they would report corruption to the National Anti-Corruption Bureau, and only 12 percent (N=48) said they would report corruption to other law enforcement agencies.⁶¹ Further, 65 percent (N=259) of this population expressed a belief that being a whistleblower is dangerous, the same percentage that held this view in both July 2017 (N=260) and September 2018 (N=260).⁶² Only 15 percent of this population (N=61) believed that those who report corruption receive protection from the state, a slight decrease from 18 percent (N=73) in September 2018.⁶³ These project statistics over time generally align with our evaluation data on this question from the online survey,⁶⁴ which shows that while 83 percent (N=305) of respondents indicate they will immediately report corrupt actions, 58 percent (N=227) also agree that rules regarding corruption, judicial ethics, and illegal conduct are very weak and procedures for reporting misconduct are infeasible. If potential whistleblowers in the justice system are not willing to report corruption, disciplinary actions that should take place will not happen.

Also, although New Justice developed draft legislation that would standardize procedures for judicial discipline and increase the role of the Inspectorate, and a working draft of that legislation was provided to the Verkhovna Rada Legal Policy Committee in December 2019,⁶⁵ there is no indication as to if or when that legislation might be acted upon. However, on January 1, 2020, a new law that New Justice supported the development of came into effect that increases the protection for whistleblowers⁶⁶ and could somewhat reassure potential whistleblowers. To the extent possible, New Justice should assist the GoU to develop additional mechanisms to protect whistleblowers and to ensure that potential whistleblowers know of and trust these protections.

The overall lack of improvement in judicial discipline is further indicated by the progress against targets reported by New Justice. Indicator 9 shows that although New Justice continues to work with experts to develop recommendations regarding effective mechanisms for incentives and protection of individuals who report corruption, as of December 2019 no improved tools had been established.⁶⁷ Indicator 15 reports

⁵⁸ Please note that this differs slightly from the percentage reported by New Justice in their summary documents that included results of this survey, which was 63 percent. This appears to be a small rounding error, since the raw percentage is 63.5 percent.

⁵⁹ *Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption* (July 2019), p. 40. Also USAID, *New Justice Program Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption, Waves I-IV*. 2017-2019.

⁶⁰ *Ibid.*, p. 40, p. 76. Also USAID, *New Justice Program Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption, Waves I-IV*. 2017-2019.

⁶¹ *Ibid.*, p. 46. Also USAID, *New Justice Program Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption, Waves I-IV*. 2017-2019.

⁶² *Ibid.*, p. 42. In December 2017, 61 percent (N=245) believed it dangerous to be a whistleblower. Similarly, in 2019, 61 percent of court staff agreed with the statement that it is dangerous to be a whistleblower in Ukraine because there is no effective system of protection (*Ibid.*, p. 76). Also USAID, *New Justice Program Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption, Waves I-IV*. 2017-2019.

⁶³ *Ibid.*, p. 44. Also USAID, *New Justice Program Surveys of Justice Sector Professionals and Jurors Regarding Judicial Reform and Corruption, Waves I-IV*. 2017-2019.

⁶⁴ Includes only the 487 respondents who did not receive any specific framing before answering these questions.

⁶⁵ A complete draft of the comparative table and explanatory note was formally provided to the Committee on March 20, 2020.

⁶⁶ Employers are now obligated to prevent retaliation for disclosing information about corruption or corruption-related offenses, and if terminated, the whistleblower must be immediately reinstated. In addition, the person reporting the corruption now has the right to receive a portion of the funds recovered and free legal and psychological counseling. <https://www.bakermckenzie.com/en/insight/publications/2020/02/new-rules-whistleblowers>

⁶⁷ *Quarterly Performance Report, October-December 2019*, Annex C. Performance Data Table, p. 53. The evaluation team considers deficiencies in whistleblower protections relevant to judicial discipline because potential whistleblowers do not report violations of judicial ethics if they feel they will not be protected, and judges cannot be effectively disciplined if violations are not reported. "Tools" include standardized forms and online petitions for reporting corruption and unethical or illegal conduct by judges and others.

that no new disciplinary sanctions, such as warning, reprimand, or dismissal, have been established by either the judiciary or bar since September 2016.⁶⁸

There were, however, some improvements related to judicial discipline, including increased public access to disciplinary hearings, greater use of the judicial misconduct complaint form, some improvement in the quality of disciplinary decisions despite inconsistencies between the different chambers, and the launching of a searchable database of disciplinary decisions at the HCJ website.

6.3 RECOMMENDATIONS

Table 2: Judicial Discipline Recommendations by Priority Level

High
Continue work on legislative changes to improve enforcement of ethical rules and strengthen legal status of HCJ's Service of Inspectors
Continue efforts to implement practical tools for judges to report improper or illegal interference through standardized forms and guidelines for judges and court staff
Assist the GoU to develop additional mechanisms to protect whistleblowers
Medium
Continue training of HCJ inspectors
Support further transparency and accountability of the judiciary to the media, civil society, and citizens without compromising judicial independence (e.g., support civil society to monitor HCJ disciplinary practices)
Consider additional U.S. Embassy diplomacy to stimulate enactment of pending legislation

7.0 LEGAL EDUCATION

This section presents findings, conclusions, and recommendations on legal education. The development of both tertiary and continuous professional legal education in Ukraine is essential for the improvement of the judicial system and legal profession. New Justice has been very successful in its interventions related to both tertiary and professional legal education, with a significant portion of those successes having a likelihood of being sustained. However, the sustainability strategy for law school interventions should be strengthened. New Justice should curtail its support to the NSJ as that institution is largely able to sustain its operations without major donor support; it should also conclude or limit its support to the NAHEQA unless there are also sufficient resources to first fully support core partners. The project should also pursue efforts to make the Rule of Law Certificate program sustainable.

7.1 FINDINGS

7.1.1 TERTIARY EDUCATION

7.1.1.1 NEW JUSTICE EFFECTIVELY SUPPORTED SYSTEMIC REFORM OF LAW SCHOOL EDUCATION, KEY ELEMENTS OF WHICH ARE LIKELY TO BE SUSTAINED

At most law schools in Ukraine, legal education remains rooted in the Soviet system, where the legal system was a tool of state enforcement. To change legal education at the conceptual level, it is necessary to change the philosophy of those who control the system and to educate the next generation of lawyers so they understand that a legal system should instead structure interactions between citizens and resolve disputes between parties. New Justice's efforts effectively supported the systemic reform of law school

⁶⁸ *Ibid.* at p. 55.

education in ways that help to accomplish these goals, and significant portions of its accomplishments are likely to be sustained.

The most significant reform in tertiary legal education during the project is the establishment of mandatory, external, independent, standardized entrance exams (MEISEE) for master's degree programs in law. The combination of two exams, one on legal knowledge and critical thinking and the other on a foreign language, serves as an objective basis for determining who should be admitted to a master's degree in law program, and has been administered to over 46,000 candidates since its first use in August 2017.⁶⁹ The development of such independent testing is a significant step in Ukraine's legal education system and effectively eliminates corruption in the master's degree admissions process. New Justice was actively involved in the development and institutionalization of these tests, which supplement the entrance exams for bachelor's degree programs.

New Justice also worked to establish legal education standards for bachelor's degrees in law, which were adopted by the Ministry of Education and Science (MoE) and is supporting the MoE to develop draft legal education standards for master's degrees in law. In addition, New Justice supported both the conceptualization of the USQE and the development of a framework regulation on the USQE that was adopted by the Council of Ministers in July 2019. The USQE is designed to be administered after completion of a master's program in law and is a component in the transition to a continuous master's degree in law that eliminates the bachelor's degree in law.

In addition, New Justice assisted in the development of the Legal Education Reform Concept Paper and an Action Plan for the Concept Paper's implementation. Although the Concept Paper has not yet been adopted, it likely will be, and the process of developing the Concept Paper allowed progressive educators and state actors to join together in an effort to move legal education in Ukraine forward.

New Justice has also worked with six law schools to develop honor codes and rules of procedure for honor code violations and has produced a report and workshop on investigation procedures for such violations. In addition, New Justice developed a model anti-corruption compliance policy for law schools, supported the independent, external assessment of selected law schools, and supported the development of quality assurance frameworks for law schools.⁷⁰

Significant portions of these systemic interventions are likely to be sustained even if USAID does not continue its support for tertiary legal education. Most notably, the mandatory entrance exams for master's programs in law and the legal education standards for bachelor's degrees in law have become a part of the legal education environment in Ukraine—a significant accomplishment. Also significant: both were identified as activities that could be transferred to the state budget. It also seems likely that the Legal Education Reform Concept Paper will be adopted, but even if it is not, the process by which it was developed was important for the development of legal education in Ukraine.⁷¹

The sustainability of some of New Justice's other systemic interventions is less clear. Although the project took a long-term approach to institutionalization and some of its efforts (such as the MEISEE and

⁶⁹ *New Justice December 2019 Quarterly Report*, pp. 157-159.

⁷⁰ New Justice's efforts at systemic reform were generally well-received but were not without criticism. Three of the four law school administrator KIs positively reviewed New Justice's activities, but one criticized some events as "one-offs" that would not result in significant change, specifically several "useless" conferences in Kharkiv and "endless" conferences and roundtables on reforming legal education that were "unproductive." However, the same administrator considered other New Justice activities useful, including training on how to design tests, training on interactive methods of teaching, and New Justice's support for the MEISEE.

⁷¹ As one government official stated, "More important than the text itself is the common work that law schools and legal professionals are doing on the development of the Concept Paper...Eventually all will understand the objectives and principles of the new law education in Ukraine; the process is more important than the adopted document." Another official said, "What is more important [than the Concept Paper] is to have a strong core of allies. It is like with church—you spread your religion to get more newcomers. We are in the situation where everyone is in the church. We just need to create a strong core of allies to ensure the stability and sustainability of the process."

educational standards for bachelor's programs) had time to take root, others have not. Because of this, the priorities of the next Minister of Education and Science will be important.⁷² If legal education reform is not a priority, relatively nascent efforts such as the USQE may not be sustained. In addition, it is unclear whether law schools will continue anti-corruption efforts, external assessments, and quality assurance frameworks unless supported by a donor until they fully become part of the law school culture.

7.1.1.2 NEW JUSTICE DESIGNED AND IMPLEMENTED DIVERSE ACTIVITIES TO IMPROVE TRAINING AT LAW SCHOOLS, BUT THE SUSTAINABILITY OF THOSE INTERVENTIONS IS UNCERTAIN

In addition to its efforts at systemic reform of legal education, New Justice designed and implemented activities to improve the quality of law school education. These activities include the development of a modern teaching toolkit, an interactive course on professional responsibilities, an online course on anti-corruption, and a model law school curriculum.⁷³ New Justice also worked to support the adoption of interactive teaching methods and improve professors' skills by conducting workshops on a variety of subjects, such as the development of experiential courses, interactive teaching methods, and how to use the modern teaching toolkit and model law school curriculum.

The sustainability of these efforts, however, is unclear. Even the top law schools in Ukraine⁷⁴ struggle financially, and introducing model curricula, interactive teaching methods, and new skills-based courses will require a commitment of both time and money that may not be forthcoming. In addition, only two professors from each university were able to attend trainings on interactive teaching methods, limiting their impact.

7.1.2 PROFESSIONAL EDUCATION

7.1.2.1 NEW JUSTICE'S INTERVENTIONS WITH THE NATIONAL SCHOOL OF JUDGES IMPROVED CONTINUING LEGAL EDUCATION FOR JUDGES AND HELPED BRING THEM TO THE POINT OF SUSTAINABILITY

New Justice supported the development of judicial skills and the professionalization of judicial education in a variety of ways. These efforts included supporting the NSJ to conduct highly regarded orientation programs for new judges: a three-week program for newly appointed HACC judges and both an eight-day and a five-day program for newly appointed Supreme Court judges.

In addition, the project supported the NSJ to develop varied syllabi which were incorporated into the NSJ training schedule. These included updating the judicial opinion writing manual and curriculum, finalizing a curriculum on case-flow management for appellate and Supreme Court judges, and developing courses on adjudicating domestic violence cases and communicating with individuals with intellectual and psychological disorders. New Justice also supported the NSJ to increase the capacity of its faculty, supporting the training of trainers (TOT) on courses such as leadership for chief judges and court administrators and international humanitarian law.

New Justice also supported the NSJ to develop its capacity to conduct distance learning, a capacity that is practical, cost-effective, and allows professional education to be brought to remote courtrooms and varied participants. This support included conducting faculty training on how to teach online courses and providing the NSJ with the hardware and software to support those programs. With project support, the

⁷² As of the submission of this report, the MoE has been without a Minister since March 4, 2020.

⁷³ One of four law school deans severely criticized the model curriculum, saying nobody likes it, takes it seriously, or uses it.

⁷⁴ The evaluation team considers the following to be the top or leading schools in Ukraine: Kharkiv Law Academy, Kyiv National University, Lviv National University, Odesa Law Academy, and Kyiv-Mohyla Academy. It considers these law schools the leading ones because they are influential educational centers that serve as trendsetters in the field, have "Scientific Councils" that grant Ph.D. and Doctoral degrees, and have many faculty included in committees that decide whether to accredit smaller law programs.

NSJ developed online courses on judicial ethics, court communications, judicial administration, and human rights and environmental protection, which are currently being offered online. New Justice also intends to work with the NSJ in conducting an online program on the role of judges and court staff in a pandemic, based on materials developed by the National Judicial College in Reno, NV.

These efforts have helped to bring the NSJ to where it is able to sustain most of its existing operations without international support—a significant accomplishment. Although the NSJ reports it will still require assistance to utilize international experts, it emphasized that these experts need not be brought to Ukraine, which will contribute to cost savings. The NSJ also hopes to receive international assistance so it can develop additional courses, as technical assistance has not made NSJ self-sufficient in course development.

7.1.2.2 THE RULE OF LAW CERTIFICATE PROGRAM BROUGHT TOGETHER DIVERSE STAKEHOLDERS TO LEARN RULE OF LAW CONCEPTS

In addition to its work with the NSJ, New Justice worked with the UofSC and YMNLU in Kharkiv to establish a two-week Rule of Law Certificate program aimed at providing judges, prosecutors, attorneys, and other practicing lawyers with the tools to apply rule of law concepts in their work. Topics covered include the history and theory of the rule of law, human rights and mechanisms of their protection, lawyers' ethical obligations, legal reasoning, legal consulting and interviewing, and dispute resolution. The Rule of Law Certificate program has been delivered twice to a total of 59 participants,⁷⁵ in November/December 2018 and October/November 2019.⁷⁶

However, unlike New Justice's work with the NSJ, according to an educator closely involved with the Rule of Law Certificate program, it will take another three to five years for the program to be sustainable as curricula is prepared jointly by UofSC and YMNLU and a selling point is that it is a joint U.S./Ukrainian program. If USAID ends its financial support for the program, YMNLU said it may be able to find other partners, but it would still be important to receive logistical and moral support from USAID.

7.2 CONCLUSIONS

7.2.1 THE APPROACHES AND BALANCE OF EFFORTS UTILIZED BY NEW JUSTICE FOR LEGAL EDUCATION WERE LARGELY APPROPRIATE

The majority of approaches and balance of efforts New Justice used for both tertiary and professional education were appropriate, and the project has been effective in contributing to improved legal education in Ukraine. However, the evaluation team believes that the project could have improved upon its approach toward introducing interactive teaching methods to law schools and its approach towards ensuring sustainability of its interventions with law schools.

The evaluation team was impressed by New Justice's efforts to affect systemic changes in law school education, with the establishment of the mandatory entrance exams for master's programs in law and legal education standards for bachelor's degrees in law being notable successes. The evaluation team also considers significant the project's support in bringing the NSJ to the verge of sustainability. There are,

⁷⁵ Participants were selected through a competitive selection process that involved New Justice, UofSC and YMNLU. The application process took into consideration gender, regional representation, and diversity of legal professions to ensure a mix of participant professions.

⁷⁶ The evaluation team coordinated its visit to Kharkiv so it could meet with the certificate program's second set of graduates and observe their capstone presentations during a graduation ceremony scheduled for March 2020. That ceremony was cancelled because of COVID-19, and it was not possible for the evaluation team to meet the graduates. The evaluation team did, however, receive reports from Supreme Court judges and others that the participants of the program were very pleased with it.

however, two aspects of New Justice’s work with law schools where the evaluation team believes other approaches would have been more effective.

One aspect is New Justice’s work to introduce modern interactive teaching methods into law schools. The team recognizes that New Justice needed to introduce these concepts to a broad audience to build both awareness of and support for these teaching methods. However, the team believes that the lasting impact of some interventions, such as a single workshop for 20 representatives from ten law schools on developing experiential courses, is limited. Professors can only absorb so much in a single workshop, and few will be likely to change their teaching methodology based on a single intervention. The evaluation team would have preferred to see New Justice adopt an approach closer to that used for the Rule of Law Certificate program, carefully selecting a group of progressive-minded professors at leading law schools for an extended training program that would establish a skilled cadre of educational leaders who would serve as agents of change at these schools. These professors should be taught as trainers, with the obligation to conduct a series of methodological seminars on interactive teaching methods at their school, multiplying both the effect of the activity and its sustainability.

The other aspect relates to New Justice’s efforts to ensure the sustainability of its current law school interventions. The first Milestone Statement under Expected Result 4.3.6 states that New Justice will conclude Memorandums of Understanding with key legal education reform stakeholders to ensure the smooth implementation of activities and the “sustainability of USAID investments after the end of the program executed.”⁷⁷ Although New Justice concluded Protocols of Cooperation with six law schools, none address the sustainability of USAID investments after the end of the program or the transferring of activities to the state budget. While it is hard to enforce obligations after the conclusion of a project, the evaluation team believes New Justice should have required its partner law schools to commit to utilizing the materials and methods introduced by New Justice even after USAID ends its support to those schools. Considering the limited budgets these law schools face, such a psychological commitment—plus the recognition that compliance could impact support from a future USAID project—would have been worthwhile.

Finally, the evaluation team believes New Justice’s support to the NAHEQA consumed resources that might have been better utilized with core partners. Although the team recognizes the relationship between New Justice’s Objective 4 and its work with NAHEQA, the team believes activities with NAHEQA should be concluded or limited unless there are also sufficient resources to first fully support core partners. At minimum, the team believes support to NAHEQA should be limited to activities specifically related to testing standards for the accreditation of law programs.

Despite these recommended changes, the project’s overall efforts in legal education have been very successful. This is further indicated by the relatively high percentage of performance targets met by the component.⁷⁸

7.2.2 DEVELOPMENT OF LEGAL EDUCATION IS ESSENTIAL FOR THE IMPROVEMENT OF UKRAINE’S JUDICIAL SYSTEM AND LEGAL PROFESSION

For Ukraine’s judicial system and legal profession to truly and permanently develop, it is necessary to change the philosophy of those who control the system and to educate the next generation of lawyers to understand the function of the legal system in a democratic society and the roles of the professionals who

⁷⁷ *New Justice December 2019 Quarterly Report*, p. 160.

⁷⁸ *Ibid.*, pp. 69-72.

comprise that system. This will only be accomplished through sustained support by international donors for the sorts of legal education reform efforts begun under the New Justice project.

Future interventions should focus on the leading law schools that influence other schools, with the interventions extending to other law schools through the establishment of regional hubs by the leading schools. Future interventions should also bolster skills-based courses and opportunities in law schools, either through competitive grant proposals or multi-law school collaborative projects that involve both schools in major centers of legal education (Kyiv, Kharkiv, Lviv, Odesa) and schools outside those legal centers. In addition, New Justice should involve lawyers' associations more substantively in its efforts to reform legal education; three Ukrainian lawyers' associations have established legal education committees, and these committees could potentially play a greater role in supporting New Justice's reform efforts. As one association leader put it: "As legal education is being reformed, the professional community should play an important role in that process so that it is closer to [legal] practice." In addition to helping law schools determine the skills graduates need to enter the profession, association members could serve as adjunct professors and sources for student internships.

The project should also consider working with bar-related associations to build their capacity to provide quality continuing legal education for legal professionals.

7.2.3 SUSTAINABILITY STRATEGY FOR LAW SCHOOL INTERVENTIONS SHOULD BE STRENGTHENED

It can be hoped that, by introducing reform-minded law school administrators and faculty to modern approaches to legal education, interactive teaching methodology, and skills-based curricula, these efforts will be continued even if donor support for the efforts ends. Nonetheless, the sustainability of New Justice's efforts should be strengthened by formalizing the law school's commitment to continue and expand upon these interventions after the conclusion of the project.

In addition, it would be useful to conduct follow-up studies that include performance assessments or thematic evaluations of partner law schools to assess the extent to which interactive teaching methodologies, clinical education programs, and new courses are integrated in the learning process. Although New Justice currently monitors the activities of its partner law schools, such follow-up studies would provide an objective assessment of the impact of the project's interventions and would serve to guide future interventions.

As part of the sustainability strategy, New Justice should garner public support for its education reform efforts. As one Ministry of Education official stated: "The trick is to show the usefulness of the reforms for ordinary Ukrainians. We need to explain that a person with good skills and morals will be a good judge, lawyer, or prosecutor. The broader audience currently does not see the connection between legal education and the poor quality of the justice system." The official urged a campaign to educate the public, saying: "That is what is lacking now—how to ensure sustainability of the process... We need to work with a broader audience and get their support." The official said this was how external testing at law schools was implemented: "It was successful because society supported it and saw the possibility to avoid bribes in admission to law schools."

7.2.4 NSJ IS NOW ABLE TO SUSTAIN MOST OF ITS OPERATIONS WITHOUT USAID SUPPORT

All but one of the government counterparts interviewed by the evaluation team said that few or none of the activities funded by New Justice could be transferred to the state budget. The one exception was the NSJ, which said it was able to sustain most of its operations without USAID support. New Justice should provide only limited support to NSJ going forward, assisting it in taking those final steps to full sustainability. According to NSJ, such limited support should focus on such topics as the policy of professional integrity

in court activities, unity of legal practice, and alternative dispute resolution. Other activities and projects launched and completed with the assistance of New Justice can be continued and sustained by NSJ.

7.3 RECOMMENDATIONS

Table 3a: Tertiary Legal Education Recommendations by Priority Level

High
Continue efforts toward a continuous master's degree in law with a unified state exit exam
Continue efforts to develop legal education standards for master's degree in law programs
Continue work with law schools to develop their academic integrity policies
Future interventions should create a group of innovative and open-minded instructors on interactive teaching methods as agents of change in their law schools
Strengthen the sustainability strategy for law school interventions, including follow-up studies to assess the extent to which interactive teaching methodologies, clinical programs, and new courses are integrated in the learning process
Ensure conferences and other activities are more results-oriented through additional advance consultations with intended beneficiaries
Continue focus on top law schools as engines to drive reform, but expand their influence through establishment of regional hubs involving other schools
Conclude or limit assistance to NAHEQA
Medium
Support inclusion of interactive teaching methods in national standards for legal education
Continue development and training of skills-based syllabi and related opportunities
Increase public support for education reforms through an information campaign
Low
Future interventions should bolster skills-based courses and opportunities in law schools with the involvement of major national hubs of legal education and regional law schools
When law school Boards of External Advisors are established, foster the use of these Boards to increase interface between legal professionals and law schools to ensure law school education meets the needs of the profession
Consider further involving bar-related associations in the legal education reform process

Table 3b: Professional Legal Education Recommendations by Priority Level

High
Provide orientation programs to newly selected judges
Curtail assistance to judicial education/NSJ
Medium
Pursue efforts to make the Rule of Law Certificate program sustainable
Low
Consider working with bar-related associations to build their capacity to provide quality continuing legal education for legal professionals

8.0 DONOR COLLABORATION

This section presents findings, conclusions, and recommendations on New Justice's role in donor coordination. We find that New Justice is a driving force behind the substantial and productive donor coordination efforts in the rule of law sector. That strong coordination has resulted in numerous significant outcomes that likely would not have been possible without close donor coordination. The monthly rule of law coordination meeting hosted by New Justice remains very popular but has drifted

away from its initial purpose; the monthly meeting should continue to be supplemented by *ad hoc* thematic donor/implementer-only meetings, but with a division of coordination responsibilities among the participants. Encouraging other donors/implementers to assume ownership of segments of New Justice's work should be considered if a successor USAID project is of smaller scope or budget.

8.1 FINDINGS

8.1.1 NEW JUSTICE IS A DRIVING FORCE BEHIND DONOR COORDINATION EFFORTS; THIS COORDINATION IS SUBSTANTIAL AND PRODUCTIVE

Numerous donors and implementers are active in the rule of law sector in Ukraine; one donor described the sector as “crowded.” New Justice and the European Union’s Pravo Justice project are the two largest donor-funded projects, with others active in the sector including the Organization for Security and Co-operation in Europe, the Canadian Support to Judicial Reform project, the Council of Europe, and the EU-Support for Rule of Law and Fight Against Corruption.

New Justice’s predecessor project began organizing monthly rule of law coordination meetings to coordinate efforts by donors/implementers, thereby reducing the likelihood of overlaps, gaps, or missed opportunities. Since then, these coordination meetings have expanded to include government partners, and the meetings typically include a presentation by either an implementer or government counterpart. In addition to the monthly meetings, New Justice actively promotes topic-specific coordination efforts. As an example, New Justice was the driving force behind the brainstorming and coordination efforts that led to establishment of the HACC, organizing and hosting multiple meetings of implementers, experts, and others. New Justice also organized thematic coordination efforts on topics such as anti-corruption and legal education, and regularly updates other implementers on important judicial reform issues. Although one donor reported some friction with New Justice in the past related to judicial governance, it said coordination between the projects had worked well for the past 1.5 years, and implementers reported they were happy with the New Justice team and had very good cooperation with the project.

Through these coordination efforts, donors/implementers informally divide the rule of law sector, but also partner or share expenses on specific activities such as conferences. The donors/implementers also strive to present a common front to the GoU on legal reforms. New Justice has initiated joint letters from donors to ministers and others presenting a unified position on sensitive issues and reforms.

8.2 CONCLUSIONS

8.2.1 THE STRONG COORDINATION OF DONORS/IMPLEMENTERS HAS RESULTED IN SIGNIFICANT OUTCOMES

The close coordination by rule of law donors/implementers has resulted in significant outcomes. It reduced the likelihood of overlaps, gaps, and missed opportunities by donors in the sector. It also resulted in specific achievements that likely would not have been possible without active donor coordination.

The conceptualization and establishment of the HACC is an example of what would not have been possible without a concerted effort by donors.⁷⁹ The development and implementation of selection processes for new Supreme Court and HACC judges, both large undertakings, also would not have been possible

⁷⁹ New Justice served as the platform for meetings of international donors and Ukrainian legal experts where the concept of the HACC was developed, was actively involved in discussions at the meetings, and drafted documents that put forth the common understanding of donors, which were then used in discussions with the GoU to encourage establishment of the HACC. However, one former official from the Office of the President criticized the establishment of HACC as driven by donors and CSOs, saying the priority of the government was local judges.

without coordination and shared funding by donors. In addition, the orientation programs for newly appointed HACC and Supreme Court judges were successfully accomplished through donor-coordinated efforts.

New Justice also coordinated with other donors/implementers to achieve a variety of additional successes. These include establishment of private enforcement officers, implementation of the MEISEE, development of standards for legal education, preparation of training modules for the NSJ, and delivering trainings for law faculty on interactive methods of teaching law. New Justice also worked with other implementers to support the development of both the USQE and Legal Education Reform Concept Paper. In addition, New Justice coordinated with other implementers to advocate for amendments to justice sector legislation such as the Law on Judiciary and Status of Judges to ensure its compliance with international and European standards. Donors/implementers also jointly prepared assessments of and papers on the judicial sector in Ukraine and submitted joint recommendations for reforms to the GoU.

One donor suggested that since New Justice has a long institutional memory it should increase its donor coordination efforts in one regard: some implementer teams serve shorter terms than the teams on USAID-funded projects. The donor suggested that when a new team arrives for another donor, the USAID-funded project hold a team-to-team meeting to provide the arriving team with background information.

The U.S. Embassy and USAID supported New Justice in many of its efforts, especially the establishment of HACC and in presenting consolidated recommendations to the GoU. The evaluation team encourages New Justice to continue to leverage the influence of the Embassy and USAID with the GoU to support New Justice's efforts when necessary in the face of recalcitrant elements, and where possible to coordinate the USG's efforts with other embassies and donors to maximize the impact of this diplomacy.

8.2.2 THE MONTHLY RULE OF LAW COORDINATION MEETING HAS DRIFTED AWAY FROM ITS INITIAL PURPOSE AND SHOULD BE SUPPLEMENTED

New Justice's monthly coordination meetings are highly popular. As one donor stated, "No one wants to miss David's meetings." However, this same donor stated: "The meetings are not the best place for pure coordination. We do not coordinate details at those meetings, we have other channels where we discuss details." Another major donor described the monthly meetings as "broad," as opposed to detail-oriented. This is because the monthly meetings have drifted away from their original purpose; they are no longer used to actively coordinate the details of donor efforts, but serve more as opportunities for donors, implementers, and stakeholders to share information and network.

This is not a negative development—and it is possibly a positive one. First, some donor coordination still takes place before or after the monthly coordination meetings. Second, it is supplemented by thematic coordination meetings that take place on an *ad hoc* basis to ensure there is adequate opportunity for donors and implementers to strategize outside the presence of other stakeholders. Currently, New Justice assumes the lead in coordinating these meetings. The evaluation team believes New Justice should work with other implementers to further share this responsibility so that the lead coordinating role for the *ad hoc* meetings is played by the implementer who takes the most prominent financial and organizational responsibility for a particular sector of reforms.

8.2.3 UTILIZE STRONG DONOR RELATIONSHIPS TO PRESERVE NEW JUSTICE'S ACCOMPLISHMENTS IF SUCCESSOR PROJECT IS REDUCED

If the successor project to New Justice is of a smaller scope or budget, USAID should consider encouraging other trusted donors to assume ownership of segments of New Justice's work to ensure their

sustainability. This was suggested by one donor, and it would be a way of continuing progress on any aspects of New Justice’s current portfolio that may not be sustained in a future USAID project.

8.2.4 DONORS/IMPLEMENTERS SHOULD COORDINATE TO RESIST STAKEHOLDER PRESSURE TO SUPPORT UNNECESSARY ACTIVITIES

One donor reported that donors/implementers are under huge pressure from counterparts and beneficiaries to support conferences, some of which are not worthwhile. Currently, a common response to this pressure is for implementers to share the cost of these conferences so that each can preserve more of its funds for more useful activities. Although the evaluation team recognizes that implementers must carefully choose the instances where they decline to support requests from stakeholders, donors should strive where possible to jointly resist pressure from stakeholders for unnecessary activities.

8.3 RECOMMENDATIONS

Table 4: Donor Coordination Recommendations by Priority Level

High
Continue current monthly rule of law coordination meetings
Encouraging other donors to assume ownership of segments of New Justice’s work should be considered if a successor USAID project is of smaller scope or budget
Medium
Continue high-level diplomacy between U.S. Embassy/USAID and GoU counterparts, as well as joint diplomatic efforts by U.S. Embassy/USAID and other rule of law donors, as appropriate
Work with other implementers to divide the responsibility for convening <i>ad hoc</i> coordination meetings so that the lead coordinating role is played by the implementer with the most prominent financial and organizational responsibility for a particular sector of reforms
Low
Resolve with other implementers to resist stakeholder pressure for unnecessary activities
Organize team-to-team meetings when a new implementer team enters the sector or country

9.0 TOOLS AND APPROACHES

This section presents findings, conclusions and recommendations on the tools and approaches employed by the New Justice project, broadly defined. We discuss what tools and approaches have been most effective in advancing activity objectives—particularly across changing political environments and reform priorities—and any unintended effects of these efforts. The evaluation finds that New Justice has utilized a variety of tools and approaches as part of its efforts to achieve its Expected Results and targets. These tools and approaches have generally been used appropriately and successfully, although some modification of these tools and approaches is urged.

9.1 FINDINGS

9.1.1 TOOLS

Protocols of Cooperation⁸⁰/Action Plans: New Justice entered into Protocols of Cooperation with nine state institutions⁸¹ and six law schools,⁸² and a Protocol of Intention with one CSO.⁸³ It also develops detailed annual Action Plans with the Ministry of Justice (MoJ). These Action Plans set out the specific activities that New Justice and MoJ will work on during the period of the action plan, and for each activity, they set out both the tentative timeframe for the activity and the persons responsible for the activity at both MoJ and New Justice.

Monthly rule of law sectoral coordination meetings: As discussed, New Justice's predecessor project initiated the practice of monthly rule of law sectoral meetings so that donors/implementers working in the sector could coordinate their activities, and New Justice continues to host the well-attended monthly meetings. In addition, New Justice coordinates with other donors/implementers through *ad hoc* thematic meetings and informal communications.

Mentorship from U.S. and European counterparts/experts: A major element of New Justice's support to judicial leadership, judicial institutions, and educational institutions has been mentorship and expert input; this has been provided by European and U.S. institutions and by Ukrainian, European, and American experts. These institutions and experts have provided input on virtually every aspect of New Justice's work. A sample of the areas in which they contributed includes: HCJ rules of procedure, disciplinary liability of judges, case-flow management, psychological testing of judges, best practices for anti-corruption courts, mediation and online dispute resolution, court mapping, case weighing, modernization of law school curriculum, interactive teaching methodology, educational standards for law degrees, law school assessments, and lawyers' professional responsibilities.

Sub-awards and trainings: New Justice has an extensive sub-awards program. As of December 2019, the total amount of sub-award expenditures is \$3,180,023.⁸⁴ Over \$334,000 of the funds locally expended for sub-awards were procurements for government entities.⁸⁵

Major sub-awards include funding for: a BPA of the HCJ, the Rule of Law Certificate program, PIC operations, design of a training program for chief judges and court staff, and mentorship training for the NSJ. Smaller sub-awards include funding CSOs to administer CRCs, an association of investigative judges to facilitate access to justice and legal aid, an association of mediators to increase public awareness of mediation and develop a mediation handbook for law schools, and a CSO to conduct an acceleration program for legal tech startups.

New Justice also supported training programs, both conventional and TOT programs. Trainings for judges and court staff were conducted in conjunction with the NSJ and include orientation trainings for new Supreme Court and HACC judges, trainings for HCJ staff on management skills, and initial training of HCJ Inspectors. Other trainings supported by New Justice include the Rule of Law Certificate program, TOTs for CSOs who provide CRC training to courts, workshops on modern methods of interactive teaching for law school faculty and administrators, and trainings on implementation of the model law school curriculum.

⁸⁰ In the Ukrainian context, "Protocol of Cooperation" is used to describe what is typically referred to as a "Memorandum of Understanding."

⁸¹ HACC, NAHEQA, Supreme Court, MoE, HCJ, MoJ, NSJ, HQC and the State Judicial Administration.

⁸² Taras Shevchenko Kyiv National University, National University "Odesa Law Academy", National University of Kyiv-Mohyla Academy, Yurii Fedkovych Chernivtsi National University, Ukrainian Catholic University and Yaroslav Mudryi National Law University.

⁸³ Podilska Human Rights Foundation.

⁸⁴ *Quarterly Performance Report, October-December 2019*, Annex D, p. 86; e-mail from David Vaughn, April 28, 2020.

⁸⁵ Procurements for equipment or services for government entities include: \$113,121.88 (AJIC, NAHEQA and HACC), \$95,951.02 (MoJ), \$44,876.05 (HCJ), \$38,567.68 (MoJ), \$16,134.87 (MoJ), \$14,780.87 (MoJ), \$8,236.51 (MoJ), and \$3,117.66 (MoJ). *Annual Performance Report, October 2017-September 2018*, Annex D, pp. 83-88; *Annual Performance Report, October 2018-September 2019*, Annex D, pp. 99-100; *Quarterly Performance Report, October-December 2019*, Annex D, p. 77.

Study tours: New Justice has made extensive use of international study visits. Between November 2016 and October 2019, New Justice supported 30 international visits for 142 representatives of partner institutions. Twenty-one of these trips were for conferences or workshops, and nine were observational study trips where participants interacted with government officials, judicial institutions, mediation centers, or law schools. Twenty-three of the trips were to Europe or Eurasia (79 participants), six were to the U.S. (57 participants), and one was to Singapore (three participants). Eight of the 142 participants traveled to both the U.S. and Europe.⁸⁶ According to the FY2019 Annual Report, planned travel and transportation expenditures were \$272,334 and actual expenditures were \$699,788.⁸⁷

New Justice team: New Justice's 26-member team includes an American Chief of Party and a Ukrainian Deputy Chief of Party, both of whom have worked on USAID's rule of law projects in Ukraine since 2006. Much of the other project staff worked on at least one of New Justice's predecessor projects.

9.1.2 APPROACHES

Project design and scope: The New Justice project scope is very broad but well-designed, particularly for the situation in Ukraine when it was conceived. It encompasses five program objectives, 16 program sub-objectives, 88 Expected Results, 70 output and outcome indicators, and 344 Milestone Statements. New Justice has done well covering the many elements of the project design despite the challenges it has faced due to lack of political will and political fluidity. However, at least four KIs, representing educators, parliamentarians and government officials, felt the project should be more focused in its activities.

New Justice did not need to introduce significant changes to the project design after the Zelenskyy administration took power but took steps to adapt to the administration's changed reform agenda and the revised political landscape. This included working to safeguard progress made through the 2016 Constitutional amendments and the establishment of the HACC, supporting the new Parliament with analyses of draft laws, and working with the EU's Pravo Justice project to present joint recommendations on draft laws to the Verkhovna Rada's Legal Policy Committee. New Justice also supported President Zelenskyy's new Legal Reform Commission, worked with MoJ to develop an action plan adapted to its revised priorities, and began cooperation with the Verkhovna Rada's Education Committee after MoJ decided not to lead the legal education reform process.

Dual roles: CSO representatives claimed that because of the competence and long-term tenure of the New Justice team members, the project has assumed an atypical dual role and serves both as a USAID implementing mechanism and an advisor to the U.S. Embassy/USAID on both the status of judicial reform in Ukraine and the government's commitment to those reform efforts. They also claimed the project is so invested in judicial reform that it does not objectively assess the progress made or the government's commitment to judicial reform and is not sufficiently critical of the government's failures. In response, USAID informed the evaluation team that, although some CSO representatives may have that impression, New Justice does not perform the role of advisor to either USAID or the U.S. Embassy; instead, New Justice informs USAID of justice sector developments and the opinions of its staff and other experts through scheduled updates and in response to requests.

Gender: New Justice worked to increase the representation of women in judicial governance bodies and courts and to support the rights of victims of GBV and sexual minorities, but it has not been a major focus

⁸⁶ According to information provided by New Justice, the average duration of New Justice-supported trips to the U.S. was 11 days for study visits and 6.5 days for participation in conferences. The average number of New Justice supported delegates for U.S. trips was 11 persons for study visits and seven persons for conferences. The average duration of trips to European countries supported by New Justice was 5.6 days for study visits and four days for conferences. The average size of delegations to Europe was seven persons for study visits and three persons for conferences.

⁸⁷ *New Justice Annual Report, October 2018-September 2019*, p. 55.

of the project. Activities include developing a training program on leadership and gender for women judges and lawyers that was delivered in the regions, and funding development of a course for law schools on gender equality. New Justice also helped establish a working group on gender issues in the judiciary, though meetings are not held regularly. It also issued a grant to support the rights of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community and funded development of courses for judges on adjudicating GBV cases.

9.2 CONCLUSIONS

9.2.1 TOOLS

Protocols of Cooperation/Action Plans: New Justice appropriately used Protocols of Cooperation to formalize its relationships with government counterparts and law schools, and to establish the obligations and expectations of the project and its counterpart. Typical of such instruments, the Protocols are relatively general in terms of the obligations of the implementer and recipients during the project period, and this is understandable considering the circumstances and purpose of the instrument. The evaluation team was impressed by the number of counterparts with whom the project entered into Protocols, as well as by the specificity of responsibilities set out in many Protocols, which speaks to the breadth of the project and its high activity level. The project's Action Plans with the MoJ are also to be commended for setting out in detail the specific activities to be accomplished, the timeframe for those activities, and the parties to be responsible.

However, none of the Protocols ensure the sustainability of USAID investments after the end of the program or provide for the eventual transferring of activities to the state budget. Particularly with partner law schools, the evaluation team believes New Justice should have required the law schools to commit to utilizing the introduced materials and methods after USAID ends its support to those schools.

Monthly rule of law sectoral coordination meetings: As noted, New Justice's monthly meetings are both popular and useful—they allow donors and stakeholders an opportunity to update each other on their activities and to network. However, the meetings have drifted from their original purpose and are no longer used by donors to coordinate the details of their cooperation. *Ad hoc* donor-only thematic meetings are used for this purpose and should be continued, dividing the coordination responsibility for those meetings so that the donor with the most prominent responsibility for a particular sector of reforms has the coordinating responsibilities.

Mentorship from U.S. and European counterparts/experts: New Justice's extensive use of foreign institutions and experts to mentor Ukrainian state and non-state counterparts is highly valued by those in both sectors. In KIs and FGDs, the evaluation team was repeatedly told how important these experts had been and how important it is that New Justice continue to provide expert support. At the same time, numerous KIs and survey participants suggested that New Justice could save money by increasing the remote use of foreign experts and conducting virtual, as opposed to in-person, trainings and conferences. Many survey participants requested that New Justice increase its penetration into the regions and that more "ordinary" and "local court" judges and court staff be able to participate in New Justice events, and virtual events would increase this possibility.⁸⁸

Many of the institutions and experts from the U.S. were very well-regarded, but on issues related to judicial and educational systems, counterparts sometimes expressed a preference for Ukrainian or European institutions and experts. KIs, FGDs and survey respondents said the U.S. systems were

⁸⁸ This would also counter the complaint of one survey respondent that "activities involve mainly the same people."

sometimes too different from what exists in Ukraine, and the input received from U.S. experts was “interesting” but neither relevant nor applicable in Ukraine. U.S. institutions and experts were viewed as most relevant on topics such as court administration, judicial independence, public communication skills, justice centers, court security, interactive teaching methodology, judicial discipline, and professional ethics. U.S. mentors were viewed as less relevant regarding institutional reform, the structure of judicial and educational institutions, the accreditation standards, curriculum and entrance exams for law schools, and common law legal principles such as tort law. The regional and local experts retained by New Justice were uniformly praised.

At least three KIIs and FGD participants, as well as survey respondents, said there were instances where the recommendations from New Justice’s experts were either too academic and complicated or not practical for Ukraine, and that trainings sometimes focused on activities or approaches that could not be implemented.⁸⁹ They reported that recommendations sometimes aspired to ideal standards that were unobtainable, at best long-distance goals considering the political and financial situation in Ukraine. They stated it would have been more useful if the recommendations were more appropriate for the current Ukrainian reality, if some experts had been better prepared on the Ukrainian context in advance of assignments, and more specialists in national law were involved.⁹⁰

Sub-awards and trainings: The evaluation team’s ability to meet with grantees was limited, but the team was impressed by those with whom it met. The New Justice sub-awards program appears to have been largely effective in accomplishing the goals of the awards, which covered a wide range of topics and supported a significant number of grantees in the regions. However, the evaluation team notes that over \$334,000 in locally expended sub-contracts were procurements for government institutions, including over \$113,000 for computer equipment for three government entities: the AJIC (which was then cancelled by MoJ), NAHEQA, and HACC. The evaluation team suggests that some or all of this equipment, particularly equipment that was not for the HACC, a New Justice core partner, should have been purchased through the state procurement system despite the inevitable delays it would have entailed so that the New Justice funds could have been used for the project’s core purposes.⁹¹

The New Justice training programs also appear to have been largely effective at accomplishing their goals. The project’s work with the NSJ was particularly effective, and the Rule of Law Certificate program was positively reviewed.

The evaluation team recognizes that New Justice’s other trainings may have varied purposes, with some designed to build skills and others designed to raise awareness of new principles or techniques. Nonetheless, the evaluation team would have preferred New Justice to adopt an approach closer to that used for the Rule of Law Certificate program, selecting a group of progressive-minded professors for an extended training program that would establish a skilled cadre of educational leaders who would serve as agents of change at leading law schools.

Study tours: The New Justice-supported study tours were highly valued by participants; all whom were interviewed in both KIIs and FGDs said the trips were very worthwhile and that the same impact could

⁸⁹ For example, one KII stated: “The documents provided by experts on the results of our cooperation were too academic and too complicated. When talking about very important procedures, the algorithms should be simple, transparent, and clear. The experts analyzed and described the problem too deeply, making it impossible to implement the recommendations in practice. It was good for a conference discussion, for example, but impossible to apply in practice.” The KII provided two specific examples: draft guidelines developed by the HQC for the qualifications evaluation of judges and draft regulations governing PIC’s activities. The drafts were sent to experts from international organizations including New Justice, but the feedback received was too theoretical and not practically oriented, making the recommendations difficult or impossible for HQC to implement.

⁹⁰ Typical of these comments, one survey respondent wrote recommendations should “meet the specifics of the national legal system, rather than to impose distant, unrealistic, and often imperfect models created under fundamentally different conditions.”

⁹¹ Related to sub-awards, FGD and survey respondents suggested that New Justice provide training for grantees via webinars on project requirements to reduce the money and time spent complying with those requirements.

not have been derived from bringing an international expert to Ukraine.⁹² There were positive outcomes from study trips to the U.S., but participants reported that shorter trips to European counterparts were often viewed as more productive than trips to the U.S. because the European judicial and educational systems are far more similar to Ukraine's.

Nonetheless, the evaluation team views the number and size of the study tours as high, even if each individual trip had merit. In particular, the team considers the number of international trips for conferences to be high, particularly where the participant is not presenting, as the impact of those trips is often difficult to measure. Further, the average number of participants sent to U.S. conferences seems high as those who attend a conference can, and should be required to, share the key lessons learned with colleagues upon their return. It is also noted that several participants said that study tours, while useful, were considered a reward for active participation in project activities. Even though this seems not to be the case,⁹³ it is significant that multiple participants viewed it as such; to the extent possible, the selection processes should be made more transparent so as to eliminate this impression.

One former HCJ official suggested that there should be more monitoring after study trips to determine whether they were designed to achieve predetermined goals, what reinforcing activities were planned afterwards, and how institutions applied the knowledge received. The official said such an evaluation would be useful to the institution so it can understand why some approaches that work elsewhere do not work in Ukraine and how they can be modified to work in Ukraine. The official also suggested that study trips should be aimed at particular results and that there should be an evaluation as to whether that result was achieved.

New Justice team: The New Justice team received consistently high praise from both state and non-state counterparts in KIs, FGDs, and the survey. In particular, the Chief of Party and Deputy Chief of Party were singled out for regular and significant praise in both KIs and FGDs.

The New Justice leadership and much of the project staff have been a part of USAID's rule of law efforts in Ukraine since as early as 2006. Through the years, the project leadership and staff developed strong relationships and a positive reputation with both state and non-state actors who work on judicial reform. The team brings credibility and institutional memory given its long experience that, combined with the oft-repeated opinion that USAID does not "play politics," allowed New Justice to establish and maintain effective working relationships with its changing counterparts. These relationships facilitated the project's success using Protocols of Cooperation and Action Plans to formalize its relationships with and secure commitments from key counterparts.

Throughout the KIs and FGDs, counterparts gave positive reviews to the assistance received from New Justice and the speed at which that assistance was delivered. The New Justice team is viewed as very professional and efficient, providing high quality support and doing so very quickly. Many KIs said the project is more effective than others in the sector, and that the advice and opinions received from New Justice were valued more than those received from other implementers. As one government official put it, "The New Justice team has the desire to understand the problem deeply and find the best way to solve it." KIs also praised the flexibility of the project team. There were instances where some disappointment

⁹² FGD participants who traveled to observe U.S. CJs felt it very helpful to see the different approaches used by centers instead of hearing about their approaches but said some of what was observed could not be applied. Study trips to the U.S., Moldova and Austria regarding e-justice practices, to Portugal and Italy for the HCJ, to Romania for disciplinary inspectors, and to Germany for legal education were also singled out as useful.

⁹³ New Justice has established policies and procedures for selecting participants for international opportunities. For observational study trips, Ukrainian partners propose participants based on requirements established by New Justice. For conferences, either delegates apply to the conferences themselves and, if accepted, request New Justice support for their participation, or the project holds a competitive selection process in which a selection committee evaluates the applicants.

or room for improvement was noted,⁹⁴ but in general the reviews of New Justice's assistance were highly positive, which we see in the survey results: 80 percent of program participants (N=321) reported they were satisfied with their experience.⁹⁵

Although several KIs indicated they would like to see some “new blood” at the project's mid-level, the majority of those interviewed value the team's expertise and institutional memory amidst Ukraine's changing governments and political fluidity. This opinion was shared by other implementers, who said they rely on the institutional memory of USAID's rule of law project as their teams rotate in and out. The evaluation team saw no indication that the New Justice team had become complacent as a result of its long tenure⁹⁶ or had stopped looking for innovative approaches. In addition, the project's heavy use of outside experts and institutions provides an additional element of “new blood.” However, one CSO KI and several survey respondents suggested that USAID consider a change in project management so that its attitudes and thinking do not become “too localized.”

9.2.2 APPROACHES

Project design and scope: The project design, with its focus on political and judicial institutions, was certainly correct when the project began in 2016. Ukraine had just experienced the Revolution of Dignity, which profoundly influenced the political culture towards anticorruption, active civil/political participation, and transparency. There was a demand from society to design new political and legal institutions, and the design of New Justice appropriately focused on those institutions. New Justice's design also included activities to develop Ukraine's democratic political culture, but it was not a major focus of the project.

By 2019, the society's demand for change somewhat receded, but a mechanism to promote the country's democratic political/legal culture was not developed. In addition, the Zelenskyy administration has shown a desire to distinguish itself from the judicial reforms initiated by its predecessor. In view of these societal changes and the volatility of the political and judicial reform environment, the evaluation team believes that a strong focus on developing Ukraine's democratic political/legal culture would strengthen the effectiveness of USAID's efforts going forward. Such an added focus is recommended if there is an extension of New Justice or a successor project is planned.⁹⁷

Even without this potential new focus, New Justice's project scope is very broad. Despite this fact, the New Justice scope at times expanded beyond what was anticipated at the outset. All of those activities were clearly within the project's Statement of Work, but by expanding into these activities resources were taken away from activities more central to New Justice's mission and the project's focus dissipated. The two most notable examples of this are the project's support for the newly formed NAHEQA (which is responsible for ensuring the quality of universities generally and not only law schools), and the AMCU (which focuses on antitrust and public procurement). The evaluation team has no objection to these activities if sufficient human and financial resources exist to first fully support the project's core partners, but notes that two core counterparts, including the HCJ, are under the impression that confirmed activities had been cancelled because of lack of funding.⁹⁸ In addition, to the extent that the project looked for new and more potentially responsive partners or activities after encountering difficulties with its

⁹⁴ See Section 9.2.1 Tools and 9.2.2 Approaches, *infra*.

⁹⁵ Of the remaining respondents, ten percent (N=41) reported that they are ‘Neither satisfied nor unsatisfied’, eight percent (N=32) reported that they are ‘Partially satisfied’, one percent (N=2) reported that they are ‘Dissatisfied’, and one percent (N=4) selected ‘Don't know’.

⁹⁶ Forty-three percent of New Justice's current team leaders joined during UROL, 43 percent during FAIR, and 14 percent during New Justice.

⁹⁷ A rule of law donor expressed a similar opinion: “The whole design of the New Justice program is concocted on the presumption that the judicial system is primary. But it is not anymore. Whatever impact the New Justice program could achieve was constrained by this...For the future, USAID should take a broader view of the justice system and look at alternative aspects...The project needs more cross-cutting components, such as e-justice, that could guide the work with each beneficiary institution...Institution-centric elements should be deemphasized.”

⁹⁸ New Justice reports no confirmed activities were cancelled for lack of funding.

existing partners, the evaluation team believes it may have been more effective to instead expand the geographical reach of activities in which the project was already engaged.

As noted, numerous KIs suggested that New Justice be more focused in its efforts. In addition, several KIs felt the project architecture created unrealistically high expectations of what could be accomplished during the project's term, causing some accomplishments to be rejected by civil society because they were not perfect. The expectations created by the project architecture may be a contributing factor to the claim by virtually all counterparts other than the NSJ that no New Justice activities could be transferred to the state budget.⁹⁹

During the project, New Justice purchased equipment for various counterparts. Several judicial officials reported that although the state budget is not abundant, it does have sufficient resources for equipment purchases. Accordingly, depending on COVID-19's impact on the judiciary's budget, further equipment purchases by New Justice for judicial counterparts may not be necessary.

Dual roles: The CSO representatives who claimed that the New Justice team's long tenure has caused it to assume dual roles raised the prospect that it puts the project in a conflicted position—that it is so invested in judicial reform that it does not objectively assess the progress made and is not sufficiently critical of the government's failures. The evaluation team notes that if New Justice were to serve in dual roles it could put the project in a conflict of interest situation, and also that USAID reports that New Justice does not serve dual roles. The team recommends that USAID and New Justice clarify with CSOs the project's more limited role, and that they ensure the project continues to objectively assess the progress made and government's commitment to judicial reform.

Gender: A slight majority of judges in Ukraine are women, and most legal system actors believe that female lawyers and judges are capable of equal contributions to their male counterparts (73 percent, N=355). However, only 36 percent of the chief judge positions have been filled by women since 2018.¹⁰⁰ In addition, although the chief judges of the Supreme Court and HACC are both women, KIs stated that the majority of power in the judiciary is held by men. KIs reported that women hold a reasonable percentage of professorships at law schools, but that women are rarely department heads or deans. Further efforts will be required by both USAID-funded programs and the GoU for gender parity to be achieved in the judiciary and law schools and for the rights of GBV victims and sexual minorities to be fully respected.¹⁰¹

Openness to innovation: New Justice has been willing to pursue innovative activities that are relatively low-cost but have the potential to yield significant returns. These include its piloting of a platform for online dispute resolution, Access to Justice Hackathons with programmers, lawyers and officials, and the Social Boost “seed program” to accelerate legal tech startups. The evaluation team believes such innovative activities should be continued.

Interactions with Verkhovna Rada: A representative of the HCJ Inspectorate suggested that New Justice should have had more contact with members of the Verkhovna Rada Legal Policy Committee when it was considering amendments to the Law on Judiciary and Status of Judges so that the Committee better understood the situation at the Inspectorate, which would have facilitated amendments to the law.

⁹⁹ Other than NSJ activities, juror fees, law school entrance exams, and the standards for a bachelor's degree in law were identified as exceptions that could be transferred to the state budget.

¹⁰⁰ *Quarterly Performance Report, October-December 2019*, Annex C. Performance Data Table, p. 52. According to New Justice, this is an increase from 30 percent in 2015.

¹⁰¹ As a survey respondent stated: “It would be advisable to continue activities aimed at reducing the gender stereotypes of judges and court employees, ensuring that women are not discriminated against in access to justice, including when considering cases of violence against women and gender-based violence.”

Unintended effects: The evaluation team identified five possible unintended effects, three negative and two positive, from the tools and approaches utilized by the project.

Negative unintended effects:

1) The judicial selection process has been stalled since November 2019: Although the HQC effectively moved the process of judicial selection and evaluation forward, it had flaws. A primary flaw was its difficult relationship with the PIC and its frequent disregard of PIC's judicial evaluations, significantly constraining the public's input into the evaluation process. As a result, New Justice and others recommended the restructuring and reconstituting of the HCJ and HQC. In November 2019, the HQC was disbanded pursuant to Law No. 193-IX. To date, the HQC has not been reconstituted and the judicial selection process has stopped. This is a serious matter as there are currently approximately 2,000 judicial vacancies in Ukrainian courts.

When the government disbanded the HQC, it did not follow recommendations from USAID and the EU on how the HQC could be reconstituted without having a gap in the judicial selection process. It is unclear whether USAID and the EU could or should have anticipated that the government would not follow their recommendations and that judicial selection would come to a halt. It is also unclear whether the government's decision was substantially informed by USAID and EU recommendations. However, the stalled judicial selection process is an unintended effect of this development.

2) New Justice's relationship with a segment of civil society was damaged by the termination of the grant to DEJURE to support the PIC: The dissolution of the HQC caused New Justice to terminate its support to PIC; there were multiple reasons for that termination and New Justice reports that PIC was notified in advance that termination might be necessary. Nonetheless, those who were a part of PIC at the time feel the termination was inappropriate, that there were multiple reasons the support should have continued, and that the formal termination took place with only days' notice. These individuals, who represent some of the major judicial reform CSOs in Ukraine, told the evaluation team that since the termination they choose to interact with USAID directly instead of New Justice. The evaluation team does not take a position on whether the termination was appropriate or handled properly; it only notes this unintended consequence of the termination. Given the existing tensions with PIC, HQC, and New Justice, this was a high-stakes decision that had to be made in the context of many unknowns. Going forward, it will be important for New Justice to rebuild its trust with these actors to continue as an effective partner in judicial reform.

3) Unrealistic expectations and a culture of passivity may have been created in stakeholders: As discussed, several KIs believe that the project architecture set unrealistic expectations of what could be accomplished during the project, causing positive judicial reforms to be rejected by civil society because they were not perfect. Similarly, the level of support provided and equipment purchased by New Justice seem to have created an unrealistic expectation of future support in stakeholders, including for even basic institutional infrastructures in state institutions.

Positive unintended effects:

4) New Justice interventions have assisted during the COVID-19 pandemic: New Justice helped develop the capacity of the NSJ and law schools to support distance learning and supported the judiciary with electronic case management functionalities such as e-filing. These and other efforts have been of unanticipated benefit during the current pandemic.

5) Foreign language testing became a requirement for numerous additional graduate programs: The support of New Justice and other donors for mandatory entrance exams for master's programs in law

that include a foreign language component led the Ministry of Education to expand the foreign language exam requirement for admission to most other graduate programs, independent of USAID funding.¹⁰²

9.3 RECOMMENDATIONS

Table 5: Tools and Approaches Recommendations by Priority Level

High
For the remaining project period, refocus on core activities
Continue support for legislative drafting activities and the drafting of conceptual documents and policies by GoU
Continue heavy use of mentors/experts, but: - o Ensure the selection of mentors/experts is tailored to the specific issue and that institutions/experts are from countries whose experience can be readily applied locally - o Ensure mentor/expert recommendations are practical and account for Ukrainian realities - o Ensure trainings focus on what can be implemented - o Increase remote use of foreign experts and virtual conferences, and consider bringing more experts to Ukraine in person or remotely as an alternative to study trips - o Continue to prepare foreign experts in advance of assignments so they are aware of the Ukrainian context
Medium
For the next project, consider: - o Taking a broader view of the justice system that reduces the focus on specific judicial institutions in favor of cross-cutting efforts such as e-justice - o An increased focus on the development of a democratic legal culture among judicial process stakeholders
Reduce study trips to those necessary for specific results and monitor how knowledge is applied
Continue support for gender mainstreaming, particularly for leadership positions in the judiciary and law schools
Continue openness to innovative activities that may yield significant cost-effective results
Curtail equipment purchases for counterparts
To the extent possible, increase efforts to inform parliamentarians of expert recommendations to increase their likelihood of adoption
Clarify with CSOs that the project serves only as an implementing mechanism, and ensure that it continues to objectively assess the progress made and the government's commitment to judicial reform
Low
Increase work with professional associations

¹⁰² Two additional unintended positive effects could arguably be attributed to the approaches adopted by New Justice and other donors: 1) A goal of the evaluation process established for judges was to remove judges with questionable ethical standards, but the mere establishment of an evaluation process caused many such judges to leave the bench without undergoing an evaluation; and 2) Anecdotal evidence indicates that the legal reasoning component of the entrance exam for master's degrees in law may have resulted in applicants not suited for the profession choosing to pursue other professions.

ANNEX A: EXECUTIVE SUMMARY IN UKRAINIAN

ЕКСПЕРТНИЙ ВИСНОВОК

МЕТА ОЦІНЮВАННЯ І ПИТАННЯ

Мета оцінювання – визначити актуальність і ефективність, а також продуктивність і неочікувані результати діяльності програми «Нове правосуддя» за такими напрямками: 1) просування судової реформи; 2) розбудова суспільної довіри до судової системи і реформ, що відбуваються у судовому секторі; 3) зміцнення суддівського самоврядування, зокрема дисципліни суддів. У висновку визначені підходи, інструменти, та/або методології, що застосовує «Нове правосуддя» у цих трьох напрямках своєї діяльності, які мають значний потенціал для просування правової реформи в Україні зараз, за часів адміністрації Зеленського.

ЗАГАЛЬНА СИТУАЦІЯ І КОНТЕКСТ

Програма «Нове правосуддя», що розрахована на чотири роки і чотири місяці (з 1 жовтня 2016 року по 7 лютого 2021 року), повинна створити умови для розбудови в Україні незалежної, підзвітної, прозорої і ефективної судової системи, яка керується принципами верховенства права і боротьби з корупцією. Для досягнення мети проекту «Нове правосуддя» зосередилося на виконанні п'яти основних завдань: 1) зміцнення суддівської незалежності та самоврядування; 2) підвищення підзвітності та прозорості діяльності судів перед громадянами, дотримання ними принципів верховенства права; 3) зміцнення адміністрування правосуддя; 4) покращення якості юридичної освіти; 5) розширення доступу до правосуддя і захист прав людини.

МЕТОДИКА ОЦІНЮВАННЯ

В ході проведення оцінювання використовувалась методика, яка дозволила мінімізувати можливі похибки шляхом отримання переконливих доказів щодо кожного з п'яти питань оцінювання (ПО), щоб визначити, чи дійсно діяльність «Нового правосуддя» розвивалася у напрямку отримання бажаного результату. Комісія з оцінювання застосовувала комбінований підхід, який поєднує кількісні та якісні методи збору даних та їх аналізу. Збір якісних даних відбувався шляхом проведення глибоких фокусованих інтерв'ю з ключовими респондентами (ІКР), а саме з бенефіціарами, партнерами та учасниками заходів «Нового правосуддя», а також дискусій у фокус-групах (ДФГ) бенефіціарів програми «Нове правосуддя». Збір кількісних даних проводився шляхом міні-опитування бенефіціарів та потенційних бенефіціарів програми «Нове правосуддя».

ВИСНОВКИ І РЕКОМЕНДАЦІЇ ЕКСПЕРТНОЇ ГРУПИ

ПО 1: ЯКИЙ ВНЕСОК ЗРОБИЛА ПРОГРАМА «НОВЕ ПРАВОСУДДЯ» У РОЗВИТОК СУДОВОЇ НЕЗАЛЕЖНОСТІ ТА САМОВРЯДУВАННЯ? ЧИ БУЛИ ЕФЕКТИВНИМИ ЗАСТОСОВАНІ ПІДХОДИ І ДОКЛАДЕНІ ЗУСИЛЛЯ?

Програма «Нове Правосуддя» брала активну участь у широкому спектрі заходів, пов'язаних з судовою незалежністю і самоврядуванням, ефективно і своєчасно реагувала на можливості для виконання своїх завдань, і в той же час відкликала на запити від стейкхолдерів. Основні

досягнення включали імплементацію поправок до Конституції 2016 року, просування поправок до найважливіших законів, що визначають діяльність судової системи, аналіз положень про Вищу Кваліфікаційну Комісію (ВКК), підтримка розвитку інструментів електронного правосуддя. В той же час, «Нове Правосуддя» також поширило свою діяльність на співпрацю з неосновними партнерами, діяльність яких прямо не пов'язана з судовою системою або юридичною освітою, використовуючи ресурси, які можна було б застосувати у співпраці з основними партнерами для розвитку незалежності та самоврядування суддів.

Діяльність «Нового правосуддя» була спрямована належним чином, але законодавча реформа останнім часом призупинена, що ускладнює прогрес «Нового правосуддя» у співпраці з основними партнерами. Хоча проект зробив внесок у створення Вищого антикорупційного суду (ВАКС) та імплементацію в червні 2016 року конституційних змін, що повинні мати вплив на правову реформу у довгостроковій перспективі, вплив інших елементів програми на правову реформу залишається невизначеним. Існує багато прикладів того, що зусилля «Нового правосуддя» не досягали очікуваного результату через обставини, що не залежать від програми. Від початку програма «Нове правосуддя» значною мірою сфокусована на створенні та розбудові інститутів. Програма також працювала над зміною політичної/правової культури в Україні, але це не було її основною метою. Можливо, більше зусиль треба було спрямувати на розвиток ініціатив у регіонах, таких як Громадські центри правосуддя, а також на роботу з грантоотримувачами. Отримавши додаткові ресурси, такі організації могли продемонструвати кращі результати, ніж державні юридичні установи.

У майбутньому «Нове правосуддя» має продовжувати свій основний вид діяльності у галузі реформ у конституційному і законодавчому вимірах для сприяння втіленню правової реформи та підтримувати діяльність ВКК, включаючи впровадження і моніторинг процесу оцінювання/добору суддів, коли ця комісія відновить свою роботу (за умови участі міжнародних представників, які відіграватимуть важливу роль). «Новому правосуддю» необхідно завершити розпочаті проекти (наприклад, роботу над інструментами електронного правосуддя), безумовно підтримувати утворення нового складу ВКК, а також скорочувати співпрацю з неосновними партнерами. Стосовно майбутнього програми, або якщо розглядатиметься продовження її діяльності, можливо, є доцільним переглянути підходи проекту. Наприклад, більше зосередитись на регіональних установах, професійних асоціаціях та/або організаціях громадянського суспільства. У майбутньому треба більше уваги приділяти формуванню демократичної політичної/правової культури серед представників юридичної професії та широкого публічного загалу.

ПО2: ЯКИЙ ВНЕСОК ЗРОБИЛО «НОВЕ ПРАВОСУДДЯ» СВОЄЮ ДІЯЛЬНІСТЮ У ПОКРАЩЕННЯ СУДОВОЇ ДИСЦИПЛІНИ? ЧИ БУЛИ ЕФЕКТИВНИМИ ПІДХОДИ І ДОКЛАДЕНІ ЗУСИЛЛЯ?

Програма «Нове правосуддя» підтримувала розвиток формальних та неформальних процесів, спрямованих на покращення судової дисципліни, включно зі сприянням покращенню законодавчої бази, а саме шляхом підготовки вдосконалених положень зі стандартизації процедур і підвищення ролі Служби інспекторів Вищої ради правосуддя (ВРП), підтримки моніторингу рішень ВРП щодо суддівської дисципліни, рішень ВКК стосовно добору суддів, підтримки Громадської ради доброчесності (ГРД) під час оцінювання суддів і кандидатів на посаду судді. Підходи команди «Нового правосуддя» та докладені зусилля у напрямку посилення судової дисципліни були загалом прийнятними. «Нове правосуддя» отримало схвальні відгуки стосовно роботи з огляду дисциплінарних процедур ВРП і ВКК, хоча і прозвучала думка, що «Нове правосуддя» могло надавати ВКК більш корисну допомогу з певних питань. В цілому, визнаючи позитивні досягнення

програми «Нове правосуддя», визначного розвитку у напрямку зміцнення судової дисципліни не спостерігається, а також залишається відсутність бажання викривати факти корупції.

«Новому правосуддю» потрібно продовжувати роботу над змінами у законодавстві з метою покращення впровадження правил етики і зміцнення правового статусу Служби інспекторів ВРП, надалі спрямовувати зусилля по впровадженню практичних інструментів для суддів для викривання фактів неналежного і незаконного втручання в їхню діяльність шляхом використання стандартних форм і інструкцій для суддів і членів апарату, а також здійснювати підготовку інспекторів ВРП. Можливо, USAID варто розглянути можливість додаткової участі Посольства США для стимулювання введення в дію законодавчих актів, які очікують на розгляд. Враховуючи занепокоєння, які висловлювалися стосовно ризиків, яким піддається кар'єра представників юридичного середовища, якщо вони доповідають про факти корупції, то майбутня програма має надати підтримку українському уряду у створенні додаткових механізмів захисту викривачів корупції аби вони повірили у дієвість цих механізмів. У подальшому також варто підтримувати прозорість і підзвітність діяльності суддів перед засобами масової інформації, представниками громадянського суспільства і громадянами, не порушуючи принципів незалежності суддів (наприклад, підтримувати моніторинг представниками громадянського суспільства дисциплінарних практик ВРП).

ПОЗ: ЯКИЙ ВНЕСОК ЗРОБИЛО «НОВЕ ПРАВОСУДДЯ» СВОЄЮ ДІЯЛЬНІСТЮ У РОЗВИТОК ЮРИДИЧНОЇ ОСВІТИ? ЧИ БУЛИ ЕФЕКТИВНИМИ ПІДХОДИ І ДОКЛАДЕНІ ЗУСИЛЛЯ?

У галузі вищої освіти програма «Нове правосуддя» ефективно підтримувала проведення реформи вищої юридичної освіти, основні елементи якої, скоріш за все, продовжать застосовуватись і надалі. Експертна група була вражена тим, скільки зусиль «Нове правосуддя» доклало для того, щоб сприяти запровадженню змін у системі вищої юридичної освіти. Впровадження обов'язкового вступного іспиту до магістратури з метою викорінення корупції під час прийому, а також введення стандартів юридичної освіти на бакалаврській програмі з права – це значні досягнення. «Нове правосуддя» також підтримує розробку стандартів юридичної освіти для магістерської програми з права, Єдиного державного кваліфікаційного іспиту, Концепції реформи юридичної освіти, Кодексу доброчесності і Моделі відповідності антикорупційній політиці для вищої юридичної освіти. Нарешті, «Нове правосуддя» також підтримувало введення інтерактивної методики навчання і покращення професійних навичок викладачів права, хоча зараз важко визначити наскільки ці результати будуть довготривалими.

Що стосується системи професійної правничої освіти, «Нове правосуддя» сприяло розвитку підвищення професійної кваліфікації та практичних навичок суддів у декілька способів, таких як підтримка Національної школи суддів (НШС), а саме: проведення орієнтаційних навчальних програм для суддів Вищого антикорупційного суду (ВАКС) і Верховного Суду; розробка різноманітних навчальних програм за навчальним планом НШС; підвищення кваліфікації кадрів НШС; а також налагодження дистанційного навчання. Ці зусилля дозволили НШС достатньо розвинути ці напрямки, щоб продовжувати їх підтримувати самостійно без міжнародної підтримки, що є значним досягненням. «Нове правосуддя» також співпрацювало з Університетом Південної Кароліни і Національним університетом імені Ярослава Мудрого у розробці двотижневої сертифікатної програми «Верховенство права», спрямованої на те, щоб надати інструменти для застосування у практичній діяльності принципів верховенства права суддям, прокурорам, адвокатам та іншим юристам-практикам. Ця програма проводилася у 2018 та 2019 роках, у ній взяли

участь 59 правників. Експертній групі повідомили, що потрібно ще від трьох до п'яти років, щоб програма набула стабільності.

Діяльність програми у напрямку правничої освіти дуже успішна, більшість підходів та докладених зусиль були доречними. Експертна група вважає, що проект можна було би покращити, якщо запровадити інтерактивні методи навчання у правничих школах шляхом створення групи викладачів, які б проходили навчання, а потім виступали агентами змін у своїх правничих школах. Проект міг би бути більш удосконаленим шляхом спрямування зусиль на забезпечення довготривалого ефекту від діяльності «Нового правосуддя» та зобов'язуючи партнерські правничі школи і надалі використовувати інтерактивні матеріали/методи після закінчення підтримки USAID. Експертна група також вважає, що підтримка «Новим правосуддям» Національного агентства з забезпечення якості вищої освіти (НАЗЯВО), яке відповідає за забезпечення якості освіти в університетах в цілому, а не лише в правничих школах, відібрало ресурси, які можна було би використати більш продуктивно, а саме – спрямувати їх на співпрацю з основними партнерами у галузі освіти, такими як правничі школи.

У подальшому програмі «Нове правосуддя» варто припинити або обмежити допомогу НАЗЯВО якщо не вистачає необхідних ресурсів на підтримку, перш за все, основних партнерів. Експертна група також вважає, що програмі «Нове правосуддя» потрібно продовжувати підтримувати заходи з імплементації реформи юридичної освіти та сертифікатної програми «Верховенство права», використовуючи всі можливості для забезпечення стабільності результатів співпраці, включно з проведенням дослідження щодо подальшої роботи з метою оцінки впровадження інтерактивних методів навчання, програм створення юридичних клінік, розробки нових курсів, що будуть інтегровані навчальними закладами у навчальний процес. Що стосується професійної освіти та підвищення кваліфікації, «Нове правосуддя» має надавати лише обмежену підтримку НШС з метою забезпечення стабільного функціонування. Зазираючи у майбутнє, можна сказати, що розвиток правничої освіти буде і надалі суттєвим компонентом покращення української судової системи і правничої професії. Значних зусиль ще потребує зміна філософії тих, хто контролює систему, виховання нового покоління правників із розумінням функцій юридичної системи у демократичному суспільстві та ролі професіоналів, які складають цю систему. Зосереджуючись на провідних правничих школах країни, варто створити та надати підтримку групі викладачів з відкритими поглядами до запровадження інноваційних підходів, які б опановували інтерактивні методики навчання і виступали агентами змін у своїх правничих школах. Така підтримка могла би бути у формі організації інформаційних кампаній, що спрямовані на підвищення підтримки суспільством реформи освіти. Нарешті, необхідно сприяти налаштуванню зв'язків між професійними юристами і навчальними закладами шляхом створення Консультативних рад з метою посилення співпраці правничих шкіл з правниками-практиками, долучаючи професійні асоціації юристів до процесу реформування системи освіти, співпрацюючи з професійними асоціаціями юристів у плані запровадження якісної юридичної освіти протягом життя для професійних правників.

ПО4: ВИСОКИЙ РІВЕНЬ СПІВПРАЦІ ПРОГРАМИ З ПОСОЛЬСТВОМ, МІЖНАРОДНИМИ ДОНОРАМИ ТА ІНШИМИ ЗАХОДАМИ/НАПРЯМКАМИ USAID. ЯКІ РЕЗУЛЬТАТИ ПОВ'ЯЗАНІ З ЦЬЮ СПІВПРАЦЕЮ?

«Нове правосуддя» відіграє ключову роль в організації скоординованої діяльності донорів. Це здійснюється шляхом проведення щомісячних зустрічей і розподілом зусиль за тематикою. Така координація роботи є дуже важливою та продуктивною. Щільна співпраця донорів у царині верховенства права мала значні успіхи, що ймовірно було би неможливо за інших умов. Це

стосується створення Вищого антикорупційного суду, процесу відбору нових суддів Верховного Суду та ВАКС, створення приватної виконавчої служби, впровадження незалежного вступного іспиту на магістерську програми за права, а також внесення змін до законодавства, що стосується судового сектора, а саме Закону України «Про судоустрій і статус суддів». Оскільки щомісячні координаційні засідання з верховенства права, організовані «Новим правосуддям» набули значної популярності, то вони переросли у щось більше, ніж планувалося, і стали платформою для обміну інформацією, а також доповнилися *ad hoc* тематичними координаційними нарадами.

У подальшому «Нове правосуддя» має працювати з іншими донорами і програмами, розділяючи з ними обов'язки по координації *ad hoc* нарад з узгодження дій за різними напрямками підтримки судової реформи. Усі донори повинні також прагнути об'єднувати зусилля, щоб протистояти тиску стейкхолдерів у здійсненні заходів, які не є необхідними. Якщо наступний проект, який розпочнеться після закінчення програми «Нове правосуддя» матиме менший бюджет, USAID необхідно буде передати частину роботи «Нового правосуддя» іншим надійним донорам.

ПО5: ЯКІ МЕТОДИ ТА ПІДХОДИ ПРОГРАМИ «НОВЕ ПРАВОСУДДЯ» НАЙБІЛЬШ ЕФЕКТИВНІ У ДОСЯГНЕННЯ ЦІЛЕЙ ПРОЕКТУ, ЗОКРЕМА У ПЛИННОМУ ПОЛІТИЧНОМУ СЕРЕДОВИЩІ ТА ПРІОРИТЕТНОСТІ РЕФОРМ? ЧИ БУЛИ НЕОЧІКУВАНІ РЕЗУЛЬТАТИ, ПОЗИТИВНІ ЧИ НЕГАТИВНІ?

«Нове правосуддя» спиралося у своїй діяльності та досягненні цілей програми на Протоколи про співпрацю/Плани дій, щомісячні координаційні засідання донорів (див. вище), експертну підтримку, систему субгрантів, навчальні тури і на досвід своєї висококваліфікованої команди. Протоколи про співпрацю належним чином формалізували відносини з партнерами і визначали зобов'язання «Нового правосуддя» і партнерів, хоча Протоколи і не гарантують подальший сталий розвиток напрямків, у які інвестує USAID, або поступовий перехід цих напрямків діяльності на баланс державного бюджету. Бенефіціари високо оцінюють широке долучення «Новим правосуддям» іноземних установ і експертів, хоча з певних питань партнери висловили перевагу українським або європейським інституціям та експертам, а дехто з ключових респондентів зазначив, що рекомендації та тренінги деяких експертів були або занадто академічними, або не мали практичного значення для України. Програма субгрантів виявилась здебільшого ефективною для досягнення цілей їх фінансування. У той же час, більше \$334,000 долларів США із загальної суми \$3,180,023 наданих проектом грантів і субпідрядів пішло на закупівлі для державних установ, включно із закупівлею комп'ютерного обладнання на загальну суму, що перевищує \$113,000, для трьох урядових установ, дві з яких не є основними партнерами проекту (Центр інновацій в правосудді та НАЗЯВО). Частково або повністю це обладнання потрібно було закупити через державну систему закупівель. Учасники високо оцінили навчальні тури за підтримки «Нового правосуддя». В той же час, експертна група вважає, що кількість навчальних турів та кількість учасників, які взяли в них участь, (30 міжнародних візитів, 21 з яких – це конференції і семіари, у яких взяли участь 142 людини, загальна вартість \$699,788), особливо кількість міжнародних поїздок на конференції, є занадто високою, хоча кожний з цих турів має своє обґрунтування. І державні, і недержавні партнери проекту високо оцінили швидкість реагування і розуміння проблем, а також якісну роботу команди програми «Нове правосуддя».

Аналіз програми показав, що дизайн та структура проекту, його очевидна подвійна роль, яка полягала як у виконанні самого проекту, так і у виконанні ролі консультатнта USAID/Посольству США, а також розробка гендерного напрямку – це основні підходи у імплементації та вирішенні завдань проекту. Спектр діяльності «Нового правосуддя» широкий, і дехто з респондентів вважав, що архітектура проекту мала нереалістичні масштаби, що створювало занадто високі очікування

від того, що дійсно могло реалізуватися протягом строку дії проекту. Це було причиною того, що деякі проміжні досягнення не були належним чином сприйняті громадянським суспільством, і, можливо, стали причиною деяких стверджень, що майже жоден з видів діяльності «Нового правосуддя» не може бути переданий на баланс державного бюджету. Програма «Нове правосуддя» добре впоралася з великою кількістю складових компонентів проекту, незважаючи на виклики, які виникали через брак політичної волі та політичну нестабільність, включно з бажанням адміністрації Зеленського відмежуватись від правових реформ, що були ініційовані його попередником. Проект час від часу розширював зону своєї діяльності поза встановлені від початку межі (наприклад, підтримка НАЗЯВО або Антимонопольного комітету), можливо забираючи необхідні ресурси від напрямків діяльності, які були центральними для місії «Нового правосуддя» на момент його започаткування. Програма включає у себе як імплементацію самого проекту USAID, так і виконання ролі консультанта Посольству США/USAID щодо статусу правової реформи в Україні та виконання українським урядом зобов'язань за цією реформою. Що стосується гендерних питань, більшість керівних посад у судовій системі та юридичній освіті обіймають чоловіки. В той же час, кількість жінок на посадах керівників судів дещо зросла протягом виконання проекту, голови Верховного Суду і Вищого антикорупційного суду, а також незначна більшість суддів в Україні – жінки.

Проект мав як негативні, так і позитивні неочікувані результати. Так, 1) процес добору суддів призупинився з листопада 2019 року після рекомендацій «Нового правосуддя» та інших, що ВКК потребує реструктуризації, а уряд не дослухався рекомендацій «Нового правосуддя» і ЄС щодо того, як це треба зробити; 2) відносини «Нового правосуддя» з сегментом громадянського суспільства погіршились через припинення ним підтримки ГРД; 3) серед стейкхолдерів, можливо, створились культура пасивного ставлення та нереалістичні завищені очікування від проекту; 4) діяльність "Нового правосуддя" допомогла юридичній освіті та судовій системі протягом пандемії COVID-19; (5) підтримка проектом «Нове правосуддя» та іншими донорами успішного запровадження обов'язкового вступного іспиту на магістерську програму з права стало причиною запровадження також обов'язкового вступного іспиту з іноземної мови на численні додаткові магістерські програми, що було втілено без фінансування в боку USAID.

У подальшому експертна група рекомендує «Новому правосуддю» забезпечувати відповідність наставників/експертів заходам в рамках проекту так, щоб отриманий бенефіціарами проекту досвід міг активно втілюватися ними на місцях, збільшити віддалену участь іноземних експертів, організовувати віртуальні конференції, а також більше долучати іноземних експертів особисто або дистанційно як альтернативу навчальним турам. Потрібно скоротити кількість навчальних турів і залишити тільки ті, які необхідні для досягнення конкретних результатів з подальшим моніторингом того, як застосовується здобутий досвід на практиці; проект також має припинити закупівлю обладнання для партнерів. Експертна група рекомендує розглянути для майбутньої програми USAID більш широкий підхід, приділяючи увагу всій правовій системі, і змістити фокус з окремих судових установ на наскрізні проекти, що стосуються всієї правничої галузі, таких як система електронного правосуддя. І нарешті, подальші зусилля треба докласти з боку і програм, що фінансуються USAID, і з боку уряду України, для досягнення гендерної рівності у судовій системі і правничих школах, а також для захисту прав жертв гендерного насильства і сексуальних меншин.

ANNEX B: STATEMENT OF WORK NOVE PRAVOSUDDYA JUSTICE SECTOR REFORM PROGRAM (NEW JUSTICE) PERFORMANCE EVALUATION

I. INTRODUCTION

This is a Statement of Work (SOW) for a performance evaluation of USAID's Nove Pravosuddya Justice Sector Reform Program (New Justice) implemented by Chemonics International under the Task Order (TO) AID-121-TO-16-00003 in Ukraine. New Justice runs from October 1, 2016 through February 7, 2021 with a total estimated cost of \$21,193,693. The award is administered by USAID/Ukraine's Office of Democracy and Governance (ODG).

II. EVALUATION PURPOSE

The purpose of this evaluation is to assess the relevance and effectiveness¹⁰³, as well as efficiencies and unintended effects, of New Justice activities focused on 1) advancing judicial reform, 2) building public confidence in the judiciary and sector reform processes, and 3) strengthening judicial self-governance, in particular judicial discipline. The evaluation will identify New Justice approaches, tools, and/or methodologies, applied in the three focus areas, which have significant potential for advancing Ukraine's judicial reforms in the current Zelenskyy administration context.

III. USE OF EVALUATION FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

The Mission will use the findings, conclusions, and recommendations of this evaluation to determine what, if any, adjustments to this activity and/or its broader portfolio are necessary to more effectively achieve USAID and U.S. government strategic objectives in Ukraine. It will also inform the Mission in planning any follow-on programming beyond the current end date of New Justice. Other U.S. government stakeholders, including USAID/Washington and Embassy Kyiv counterparts, will gain a better understanding of how well the activity has contributed to democratic development and reform in Ukraine. Additionally, USAID may elect to share the evaluation and/or select findings with GOU and other international development partners (including but not limited to the EU Delegation to Ukraine, Council of Europe, Organization for Security and Co-operation in Europe (OSCE) together with Canadian, British, and Danish Embassies) in order to further coordinate and strengthen USAID's judicial reform technical assistance in Ukraine.

IV. BACKGROUND

New Justice is a 4.5 year, \$21 million contract designed to support Ukraine's judiciary, government, parliament, bar, law schools, civil society, media, and citizens in creating the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and fights corruption in Ukraine. In achieving this overarching goal, New Justice focuses on the following five key objectives:

- I. Judicial independence and self-governance strengthened.
- II. Accountability and transparency of the judiciary to citizens and the rule of law increased.

¹⁰³ For the purpose of this evaluation, "relevance" is a measure of the ability of a particular project intervention being pertinent to project objectives; and "effectiveness" is a measure of the ability of a particular project task/intervention to produce a planned effect or result that can be qualitatively measured.

- III. Administration of justice enhanced.
- IV. Quality of legal education strengthened.
- V. Access to justice expanded and human rights protected.

New Justice contributes to USAID's *Corruption Reduced in Target Sectors* and *Democratic Governance Strengthened* Development Objectives under the Mission's Country Development Cooperation Strategy for 2019-2024.

V. SCOPE OF WORK

The Contractor will assess the relevance and effectiveness of New Justice interventions in advancing the project's purpose of supporting the judiciary, government, parliament, bar, law schools, civil society, media, and citizens in creating the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and fights corruption in Ukraine. In particular, the Contractor will answer the following questions (numbers do not reflect priority):

1. How did the activity contribute to **advancing judicial independence and self-governance**? Was New Justice's approach and balance of effort effective; why or why not?
2. How did the activity contribute to **improving judicial discipline**? Was New Justice's approach and balance of effort effective; why or why not?
3. How did the activity contribute to **enhancing legal education**? Was New Justice's approach and balance of effort effective; why or why not?
4. The activity is highly collaborative with the Embassy, international donors and other USAID efforts/activities. What outcomes are related to these collaborations?
5. What New Justice tools and approaches have been most effective in advancing activity objectives, in particular across changing political environments and reform priorities? Have there been any unintended effects¹⁰⁴, either positive or negative? These tools and approaches include but are not limited to:
 - Memoranda of Understanding with key government stakeholders
 - Monthly rule of law sectoral coordination meetings
 - Mentorship for judicial leadership from U.S. and European counterparts
 - Study tours for judges and judicial sector counterparts

At least half of the Contractor level of effort should be focused on answering Question 1 and its sub-sections. The Contractor will ensure that the evaluation of the above-mentioned activity is consistent with USAID Automated Directive System (ADS), particularly ADS 201.3.5.15, 320, 578, 579, and associated mandatory references, and USAID's Evaluation Policy¹⁰⁵ requirements and recommendations. When planning and conducting the evaluation, the Evaluation Team (ET) will make every effort to consult with key activity stakeholders from the host government (where appropriate), judicial institutions, civil society, mass media, and other private sector organizations, other donors, and USAID and non-USAID implementing partners. The Contractor will conduct evaluation fieldwork primarily in Kyiv with visits to activity partners in at least two additional regions (such as Kharkiv, Lviv, or Odesa).

For the evaluation purposes, "relevance" is a measure of the ability of a particular project intervention being pertinent to project objectives and "effectiveness" is a measure of the ability of a particular project intervention to produce a planned effect or result that can be qualitatively measured. In answering

¹⁰⁴ "Unintended effects" here means effects that extend beyond the results identified in the Program Description.

¹⁰⁵ Available at <https://www.usaid.gov/evaluation/policy> (last updated in 2016).

evaluation questions, the ET should highlight gender-specific approaches promoted by the New Justice and practiced by its partners and related outcomes, as appropriate.

The Contractor should plan to conduct field work in January-February 2020 and submit a draft Evaluation Report (ER) no later than March 30, 2020.

VI. EVALUATION DESIGN AND METHODOLOGY

It is anticipated that a mix of methodological approaches including quantitative and qualitative will be required to meet the requirements outlined above and ensure multiple levels of triangulations. The emphasis will be on collecting reliable empirical data and/or objectively verifiable evidence, as opposed to anecdotal evidence.

SUGGESTED DATA SOURCES INCLUDE:

(a) Desk Review: The ET will conduct a desk review of the available documents including background documents, New Justice work plans, performance monitoring plans, and reports, relevant GOU legislation and policy documents, and third-party research reports (Attachment A).

(b) Key Informant Interviews (KIIs): Interviews with key informants should be done in-person. The evaluation team will conduct in-depth interviews with key stakeholders and partners, and also with people having institutional memory within USAID. While the exact number of interviews will be determined by the evaluation team based on need and scope, USAID expects 50-80 KIIs to be conducted. The team will develop a structured interview guide that will be used for the interviews. The interviews should use semi-structured tools, following the list of questions in the guide. The interviewer should probe for information and record responses.

(c) Focus Group Discussions (FGDs): The evaluation team will conduct focus group discussions with key stakeholder groups, identified in consultation with USAID. The team will develop a structured and semi-structured interview guide that will be used for the interviews.

(d) Survey of Beneficiaries: The evaluation team may propose to conduct a stratified random sample online survey of activity beneficiaries to maximize the response rate on evaluation questions. Once the stratum has been identified then simple random sampling or systematic sampling should be applied within each stratum. **Process/Management Analysis:** The ET will suggest a substantial timeline/process analysis method to review the key sector developments and associated management of activity interventions, reviewing within the context of the evaluation questions and data analysis the appropriateness and effectiveness of the activity's strategic approach and application of resources to realize development outcomes, noting cases of effective and ineffective resource (financial, administrative, human resource, etc.) allocation.

Data Analysis: The ET team will suggest a robust data analysis plan with quantitative and qualitative emphasis and methods that how FGD, KIIs, and survey will be transcribed and analyzed to draw conclusions. The analysis plan should include illustrative versions of the tables and graphs that will be produced. The plan should be comprehensive enough to provide detail for data collection and analysis of each and every question. For example, a discussion of data analysis methods might address how responses in focus groups will be documented and analyzed.

Data analysis plan shall specifically mention disaggregation of data by biological sex and geographic area with the emphasis on how project inputs are benefiting disadvantaged groups differently. The information produced from this report shall be in compliance with ADS 578 quality standards.

Gender Considerations: Evaluation design, methodology, data collection, analysis and report should adequately capture the situations and experiences of both males and females participating in and/or benefitting from New Justice’s activities. The ET should consider methods that are capable of identifying both positive and negative unintended consequences for women. The ET should also consider factors that might influence the likelihood that disproportionate numbers of males and females will participate in data collection for the evaluation. Evaluation data collection instruments and protocols should reflect an understanding of gender roles and constraints in a particular cultural context as well reflect local contexts and norms concerning the conditions under which women (or men) feel empowered to speak freely. Where possible, FGDs and KIs would be designed to reflect the perspective of both the New Justice’s partners and beneficiaries.

TABLE 6: METHODOLOGY

Qu	Evaluation Question	Type of question	Data Collection Method(s)	Data Source(s)
1	How did the activity contribute to advancing judicial independence and self-governance? Was New Justice's approach and balance of effort effective; why or why not?	Descriptive	KII	Kyiv: High Council of Justice, High Qualifications Commission, Council of Judges, President's Office, judges, civil society
2	How did the activity contribute to improving judicial discipline? Was New Justice's approach and balance of effort effective; why or why not?	Number of judicial discipline training/STTA assignments conducted and recommendations delivered, number of judicial discipline decisions delivered	KII, FGDs	Kyiv: High Council of Justice, judges, civil society
3	How did the activity contribute to enhancing legal education? Was New Justice's approach and balance of effort effective; why or why not?	Number of courses offered, KII with judges, or others who trainings are targeted to, what do they think of the materials, the access (geographic access, cost of courses, timing of courses...all things that could be altered to improve legal education)	KII, FGDs, online surveys	Kyiv: Ministry of Justice, Ministry of Education and Science Other Field Site: Kharkiv
4	The activity is highly collaborative with the Embassy, international donors and other USAID efforts/ activities. What outcomes are related to these collaborations?	Descriptive, comparative	KIIs, FGD	- Overseas Professional Development and Training (OPDAT); Int'l Dev Law Organization (IDLO); ABA Rule of Law Initiative (ABA ROLI) - USAID activities: RADA DOBRE, ENGAGE, SACCI, and Human Rights in Action - USEMB PAS, IVLP, POL, DOJ, INL - American Councils - Library of Congress - US Peace Corps Local Capacity Development Program (LCDP)
5	What New Justice tools and approaches have been most effective in advancing activity objectives, in particular across changing political environments and reform priorities? Have there been any unintended effects ¹⁰⁶ , either positive or negative?			Kyiv: TBD depending on tools and approaches assessed

¹⁰⁶ "Unintended effects" here means effects that extend beyond the results identified in the Program Description.

VII. EVALUATION TEAM QUALIFICATIONS AND COMPOSITION

The ET will include a Senior International Evaluation Specialist/Team Leader, a local Senior Rule of Law/Judicial Reform Expert, and an Evaluation Specialist. The contractor is responsible for administrative, logistical, and interpretation support as needed to fulfill the contract.

Senior International Evaluation Specialist/Team Leader (TL): The TL is responsible for coordinating and directing the reporting effort, developing the research methodology and preparing and submitting the draft and final report. The TL must have 7 years of experience using diverse data collection and analysis tools and methodologies, and conducting evaluations. The TL must have some experience in evaluations within the democracy and governance sector. S/he must have at least 5 years experience in leading evaluation teams, interpersonal relations and writing skills. The evaluation team leader must also possess strength in statistical analysis. The TL must have very good knowledge of USAID development policies and practices. Experience in assessing or evaluating justice sector programming in Ukraine is desirable. He/she must possess superior conceptualization skills, strong organizational and team-building skills, excellent communication skills (both verbal and written), the ability to conduct interviews and facilitate discussions, and experience writing evaluation reports. The TL will be expected to:

- Lead evaluation methodology and structure;
- Design, finalize and negotiate with USAID/Ukraine on the evaluation work plan;
- Establish evaluation team roles, responsibilities, and tasks beyond the SOW guidance;
- Manage team coordination meetings in-country and ensure that team members are working to schedule;
- Coordinate and direct team members;
- Facilitate team planning;
- Ensure logistics arrangements in the field are complete;
- Coordinate the process of assembling individual input/findings for the evaluation report and finalizing the evaluation report;
- Lead the preparation and presentation of key evaluation findings and recommendations to USAID/Ukraine team prior to departing Ukraine.

Local Senior Rule of Law/Judicial Reform (RoL/JR) Expert: The Senior RoL/JRE must have detailed knowledge of Ukraine's democratic development issues and reform context. S/he must be familiar with key stakeholders and actors, with 5 years experience in designing, managing, researching, evaluating, or other engagement with RoL/JR activities in Ukraine. Experience in RoL/JR evaluations for USAID or other donors in Ukraine or the Europe/Eurasia region is strongly preferred. S/he must be fluent in Ukrainian and have evidence of strong English language writing and presenting skills. S/he should also have proven experience in conducting evaluations in the Europe/Eurasia region in the areas of democracy and governance, particularly RoL and JR. S/he must have experience in drafting high quality reports. S/he will participate in evaluation activities and may be assigned specific tasks by the Team Leader as appropriate, to include designing and conducting surveys, key informant interviews and guides, and focus group discussions and discussion guides with diverse types of respondents across Ukraine and within Kyiv, including ministries, donors, implementers (local and international), and others. S/he will be key in questionnaire design and all interview guides and subsequent interview analysis.

Evaluation Specialist: The Evaluation Specialist will have a strong understanding of data collection and analysis methodologies and substantial international experience in designing and conducting evaluations of international development activities. The Evaluation Specialist(s) must possess skills and experience in designing a methodology for and moderating key informant interviews and focus groups and must have

good knowledge of USAID programming policies and practices. Experience in designing and conducting comprehensive sector development evaluations for USAID is desirable. Knowledge of democratic development issues and experience in evaluating USAID programs in the Europe/Eurasia region is desirable.

USAID asks that gender balance be considered in the formation of the ET. The ET must also include one or more members with local cultural expertise, including an awareness of gender norms, how gender interacts with other identity elements, and which sub-groups of women may be at risk for exclusion from the project or evaluation.

TABLE 7: LEVEL OF EFFORT

Level of Effort (LOE)	Ukraine			US	Total
	Travel	Kyiv	Field		
Team Leader	3	22	6	29	59
Senior Expert, Rule of Law/Judicial Reform	3	22	6	22	52
Evaluation Specialist	3	22	6	22	52

VIII. EVALUATION MANAGEMENT

The Mission will appoint an Evaluation COR [or Evaluation Manager] to provide technical guidance and administrative oversight of the New Justice evaluation, to approve the ET members, review the Evaluation Work Plan (EWP), and to review and accept the draft and final Evaluation Reports (ER). The Mission may delegate one or more USAID staff members to work full-time with the ET and/or participate in the field data collection. The Evaluation COR will inform the Contractor about any full-time/part-time Mission delegates no later than three working days after the submission of a draft EWP.

USAID/Ukraine Office of Democracy and Governance (ODG) will (1) ensure that partners implementing the New Justice activity are aware of any planned evaluation activities and the timeline and scope of New Justice's expected involvement; (2) ensure that the ET has all relevant background materials detailed in the SOW; (3) provide additional documents, as feasible, upon the request of the evaluation team; (4) provide a minimum of 120 minutes for meetings between technical office staff with the ET while in country to provide Mission views on the New Justice activity; (5) provide technical input during the review of the evaluation design and draft evaluation report; and (6) participate in discussions of post-evaluation action planning.

To facilitate evaluation planning, the managers will make available to the Contractor all necessary documents for the desk review (Attachment A), as well as lists of projects partners, grantees, counterparts, and all associated documents related to civil society development in Ukraine. As warranted, the Contractor will receive additional project-related documentation. The Mission will make available to the Contractor the USAID/Ukraine CDCS (2019), the Ukraine Democracy, Human Rights and Governance Assessment (2015), as well as other assessments and evaluations in related areas upon request.

The Contractor will submit for review all key staff member recommendations for review and COR approval within 5 workdays of contract signature for feedback within 72 hours; no feedback indicating

approval. The Contractor will thereafter submit an electronic version of the draft EWP to the Evaluation Manager within 15 working days following the award and at least 10 working days prior to the proposed ET's departure for field data collection. The plan will highlight all evaluation milestones and include a preliminary list of interviewees and survey participants, a schedule of meetings, visits, and focus group discussions, draft evaluation questionnaires and surveys, and, if appropriate, an updated explanation of the evaluation methodology. The ET will discuss any evaluation barriers/constraints and significant deviations from the original/updated EWP with the Evaluation managers and seek USAID's guidance on those matters.

The ET will conduct weekly briefings for the Evaluation Manager and other relevant Mission personnel, particularly ODG working level staff, in order to keep them informed of the progress of the Evaluation and any issues that may arise/have arisen. The ET shall also be prepared to do an in-briefing for the evaluation managers and other relevant Mission personnel within two working days after their arrival for the field data collection. The ET will invite the Evaluation managers and other relevant Mission personnel to participate in all meetings, group discussions, site visits and other activities planned in conjunction with the evaluation as soon as those events are scheduled. The ET shall be prepared to have USAID staff and other activity stakeholders invited by the Evaluation managers to any meeting, site visit, or other activity planned in conjunction with the Evaluation as observers. The ET will provide two out-briefing sessions to the Mission, IP, and donors before departure.

All modifications to the required elements of the Evaluation SOW, whether evaluation questions, evaluation team composition, or timeline, must be agreed upon in writing by the COR. Any revisions must be reflected in the SOW that is included as an annex to the ER.

IX. DELIVERABLES

The Contractor will submit a clear, informative, and credible ER (up to 30 pages, excluding annexes and references) that reflects all relevant ET findings, conclusions, and recommendations made in conjunction with the New Justice mid-term evaluation. The ER must describe in detail the New Justice evaluation design and the methods used to collect and process information requested in the *Evaluation Purpose*, *Scope of Work* and *Evaluation Design and Methodology* sections. It must disclose any limitations to the evaluation and, particularly, those associated with the evaluation methodology. The ER Executive Summary Section should be three-to-five pages long and reflect the purpose of the evaluation, evaluation methodology and its limitations, key evaluation findings, conclusions, and recommendations.

The ER will individually address each evaluation question, providing findings, conclusions, and recommendations for each. ER conclusions, findings, and recommendations for each evaluation question should consider the approaches, tools, and activities employed by New Justice to achieve project objectives, in particular: thematic sub-grants (thematic grants, coalition grants), mini-grants, institutional sub-grants to core partners, events (such as networking forums, social games, civic forums), study tours, research, and technical assistance.

- Evaluation findings should be based on facts, evidence, and data. Findings should be specific, concise, and supported by reliable quantitative and qualitative evidence [i.e. there should not be words like “some”, “many”, “most” in the report and frequency of responses and absolute number of interviewed respondents should be given, e.g. five out of 11 experts agreed that ...; 30 per cent of survey respondents reported that]. Conclusions should be supported by a specific set of findings.
- Each evaluation conclusion should consider both strengths and weaknesses of project implementation.

- Recommendations should be clear, specific, practical, action-oriented, and supported by a specific set of findings, conclusions, estimates of implementation costs, and suggested responsibility for the action. The Contractor shall ensure that conclusions and recommendations are based on data that are accurate, objective, and reliable.

The ER should represent a thoughtful and well-organized effort that includes sufficient local and global contextual information.

The ER must include an Evaluation Abstract (up to 2,000 characters including space) with the description of the evaluation purpose, expected results of intervention, methodology, key findings, and key recommendations.

ER annexes should include an Executive Summary section in the official local language; the Evaluation SOW; description of the ET and its member qualifications; the final version of the EWP; the tools used for conducting the Evaluation such as questionnaires, checklists, discussion guides, etc.; properly identified sources of information; in-depth analyses of specific issues; and an MS PowerPoint-based presentation of the Evaluation design, findings, conclusions, and recommendations.

The ER will be written in English and submitted in electronic form readable in MS Word 2010 based on MS Word Times New Roman 12 or other legible font of similar size. The ER must follow all USAID Branding and Graphic Standards (see <http://www.usaid.gov/branding/gsm>). In addition, the cover of the ER should provide enough information that a reader can immediately understand that it is an evaluation and what was evaluated.

Any data (at a minimum, raw quantitative data and any code books) used to prepare the ER (except for the data protected by any formal agreements between the Contractor and interviewees and survey/focus group participants) will be presented in the MS Office compatible format suitable for re-analysis and submitted either by e-mail or on a CD or a flash drive to the evaluation managers and COR. The data should be fully documented and well organized for use by those not fully familiar with the evaluated activities or the evaluations. USAID will retain ownership of all evaluation records including interview transcripts or summaries, survey(s), datasets developed, copies of which are provided to the COR.

The ET will present their major evaluation findings and preliminary conclusions in two pre-departure briefings for the Mission, implementing partner, and donors.

The draft ER will be due within 20 days of the pre-departure briefing for the Mission. The draft ER must include all relevant ET findings and conclusions made in conjunction with the Evaluation, as well as preliminary ET recommendations. The draft ER shall be prepared in line with the general requirements (clarity, credibility, length, font size, etc.) set for the final ER. It may include the feedback received from the Mission and stakeholders at the pre-departure briefing). The Mission will have 15 working days to review the draft ER and provide comments to the Contractor. The Mission will decide whether any stakeholders will be invited to comment on the draft ER.

The final ER will be due 10 working days after the receipt of the Mission's comments on the draft ER. The Contractor will use either a cover memorandum or similar format to explain how comments provided by the Mission and other stakeholders (when solicited) were addressed in the final ER if the final ER differs substantially from the draft one.

Both the Mission and the Contractor will have a right to initiate an extension of the ER review or preparation/completion time for up to 10 working days at no additional cost. The Contract must be completed by April 30, 2020.

X. LOGISTICAL SUPPORT

The Contractor will be responsible for all logistical support of the evaluation activities, including translation/interpretation, transportation, accommodation, meeting/visit arrangements, office space, equipment, and supplies, and other contingency planning. The Contractor must not expect any substantial involvement of Mission staff in either planning or conducting the evaluation. Upon request, the Mission will provide the Contractor with introductory letters to facilitate meeting arrangements. USAID requests that any forthcoming American and Ukrainian holidays be considered in scheduling evaluation meetings, surveys, and visits in the United States and Ukraine.

ATTACHMENT A: LIST OF DOCUMENTS FOR THE DESK REVIEW:

- New Justice MELP
- New Justice Indicator data, (70 indicators in MELP) to date (targets vs actuals)
- Implementer's (New Justice) Annual Survey of Ukrainian Judges
- ENCJ Questionnaire (data source in MELP)
- USAID/Ukraine CDCS (2019)
- the Ukraine Democracy, Human Rights and Governance Assessment (2015)
- New Justice Statement of work
- Work Plan
- Reports

ATTACHMENT B: EVALUATION REPORT OUTLINE TEMPLATE

EXECUTIVE SUMMARY

Evaluation purpose and questions
Background and context
Evaluation methods and limitations
Evaluation findings
Evaluation conclusions
Recommendations for current programming
Recommendations for future programming

1.0 EVALUATION PURPOSE & QUESTIONS

2.0 EVALUATION TEAM MEMBERS

3.0 PROJECT BACKGROUND AND CONTEXT

4.0 EVALUATION METHODS AND LIMITATIONS

5.0 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Evaluation Question 1

- 5.1.1 Findings
- 5.1.2 Conclusions
- 5.1.3 Recommendations

5.2 Evaluation Question 2

- 5.2.1 Findings
- 5.2.2 Conclusions
- 5.2.3 Recommendations

5.3 Evaluation Question 3

- 5.3.1 Findings
- 5.3.2 Conclusions
- 5.3.3 Recommendations

ANNEXES

Annex A: Executive Summary in Ukrainian

Annex B: Evaluation Statement of Work
Annex C: Description of Evaluation Team and Member Qualifications
Annex D: Final Evaluation Work Plan
Annex E: List of Documents Reviewed
Annex F: Lists of Key Informants, Focus Group Discussants (if applicable), and Survey Respondents (if applicable)
Annex G: Data Collection Tools
Annex H: Focus Group Discussion Summaries (if applicable)
Annex I: Mini-Survey Results (if applicable)
Annex K: Donors Map
Annex L: List of Relevant GOU Policies and Legislation
Annex M: Table of Evaluation Findings, Conclusions, and Recommendations
Annex N: MS PowerPoint-based Presentation of Evaluation Design, Findings, Conclusions, and Recommendations
Annex O: Sources of Additional Information on Recommended Sustainable Development Opportunities

ANNEX C: DESCRIPTION OF EVALUATION TEAM AND MEMBER QUALIFICATIONS

Personnel	Summary of Specific Evidence of Qualification
Co-Lead and Qualitative Fieldwork Specialist: Mr. Neil Weinstein	• Juris Doctor from Harvard Law School. • Rule of law expert with 23 years of experience in access to justice, human rights, institutional strengthening, capacity development, and project management, including five years working on USAID rule of law programs in senior roles. • Served as the Rule of Law Advisor on USAID/Sri Lanka's Coherent, Open, Responsive and Effective Justice Program, where he supported development and piloting of a court monitoring program to assess the judicial system's compliance with human rights obligations and determine the causes for delays in judicial proceedings. He also supported the Attorney General's Department to develop the plans and funding strategy for a Training and Development Center. • Deputy Chief of Party on the USAID/Georgia Promoting Rule of Law in Georgia Activity, serving as the lead for a new \$2 million judicial exchange and education component, and he also assisted program implementation, focusing on access to justice, strategic litigation and human rights and working with state and non-state actors, including the High Council of Justice, High School of Justice and Judicial Strategy Committee, to strengthen the legal framework and improve organizational capacities. • As Access to Justice Advisor on USAID/Burma's Promoting Rule of Law Project, Mr. Weinstein created the Legal Aid Toolkit that now serves as the basis for USAID's support for legal aid in Burma, and that improves both the management of legal aid offices and practitioner skills. He delivered skills training nationwide to build capacity of attorneys, justice organizations, and paralegals, and he developed model forms and a case management database to standardize legal aid case intake, support analysis of claims and defenses, and enable efficient caseload handling. He also helped establish a civil society-led initiative focused on advocacy, public policy development, and monitoring of court proceedings and facilitated the development of a national paralegal network.
Co-Lead and Academic Expert: Dr. Nancy Hite-Rubin	• Ph.D. in Political Science from Yale University, LL.M. in Law and Economics from the University of Hamburg, Germany. • Prior Assistant Professor of Political Economy at the Fletcher School of Law and Diplomacy, Tufts University (2012-18). • Published research relating to rule of law, corruption, and political risk. • Has technical experience with survey design, implementation, monitoring, quality control, and analysis on large-n surveys in the Philippines, Mexico, Brazil, Iraq, and Palestine. • Has experience evaluating educational programs for policy recommendations. • Was Principal Investigator of multi-site research projects, involving semi-structured interviews of difficult to reach person's in politically unstable, institutionally informal, and logistically complex locations. • Developed and taught graduate courses on Global Political Economy, Corruption, International Law and International Relations, Research and Survey Design, and Comparative Politics and International Relations.
Senior Local Rule of Law Expert: Dr. Andriy Meleshevyich	• Ph.D. in Political Science from the Maxwell School of Citizenship and Public Affairs at Syracuse University and J.D. (equivalent) from Kyiv National University Law School, Ukraine. • Current President of the National University of Kyiv-Mohyla Academy since 2014 and Dean, School of Law, and Professor of Law and Politics, National University of Kyiv Mohyla Academy, since 2005. He has additionally served as a Professor in the Jean

	Monnet Center of Excellence in European Studies (European Commission) at the National University of Kyiv Mohyla Academy since 2011. • He has widely published internationally in the fields of European human rights law, institution-building in the post-Soviet transitional countries including current EU members (Estonia, Latvia, Lithuania), political consequences of electoral laws and executive-legislative arrangements, political parties, comparative constitutional law and constitutionalism, and philosophy of law. • Awarded a visiting fellowship at Stanford University (USA). Served as visiting professor at Heidelberg University, Max Planck Institute for Comparative Public Law and International Law, and Dusseldorf University (Germany) (seminar on the European Neighbourhood Policy and Ukraine), Maxwell School of Citizenship and Public Affairs at Syracuse University (USA) (courses on Post-Soviet Politics and Democratic Transitions and Consolidations), and Yerevan University, Armenia (Summer School for Junior Faculty on Democratization, Political Violence, and Conflict Resolution). • Previously served as Assistant Professor of International Studies and Political Science (1998-2005) and Chair of the International Studies Program (2002-2005), at Allegheny College. He also instructed Political Science courses at Syracuse University (1990-1997). • Attorney at Law, Kyiv District Attorney Office, Kyiv, Ukraine, 1984-1989.
Evaluation Specialist/ Tasking Lead: Ms. Kate Marple-Cantrell	• MA in International Area Studies (focus on Eastern Europe) and Master of City Planning from University of California, Berkeley. • More than ten years of experience in mixed methods research and policy analysis in Eastern Europe, including fieldwork in Ukraine, Armenia, Bosnia, Macedonia, and Serbia. • At Cloudburst, has served as Project Manager on six complex longitudinal evaluations and several field assessments, including managing field teams in NIS and post-Soviet contexts. This work has resulted in authoring more than twenty reports, academic articles, and conference presentations. • Deep knowledge of USAID development policies and practices, including Journey to Self-Reliance and Effective Partnering and Procurement Reform principles, through ongoing work with USAID Washington and Missions on evaluations, assessments, and other knowledge generating activities. • Strong prior experience developing qualitative research tools for focus group discussions and key informant interviews, conducting these exercises, and analyzing results. • Extensive quantitative survey development and deployment experience across a variety of media, including online surveying in Ukraine. • Well versed with all project phases, including design, project and field management, field preparations and coordination, analysis, results workshops, and reporting.

ANNEX D: EVALUATION DESK REPORT, INCLUDING: EVALUATION WORK PLAN; LIST OF DOCUMENTS REVIEWED; LISTS OF KEY INFORMANTS, FOCUS GROUP DISCUSSANTS, AND SURVEY RESPONDENTS; AND DATA COLLECTION TOOLS

INTRODUCTION AND PURPOSE

This Evaluation Desk Report and Work Plan includes research questions, updated explanation of the evaluation methodology, proposed desk review document list, list of proposed stakeholders to interview, survey instruments, and a tentative schedule of milestones that includes an illustrative schedule of proposed meetings, groups, and visits.

The purpose of the evaluation is assess the relevance and effectiveness,¹⁰⁷ as well as efficiencies and unintended effects, of New Justice activities focused on 1) advancing judicial reform, 2) building public confidence in the judiciary and sector reform processes, and 3) strengthening judicial self-governance, in particular judicial discipline. The evaluation will identify New Justice approaches, tools, and/or methodologies, applied in the three focus areas, which have significant potential for advancing Ukraine's judicial reforms in the current Zelenskyy administration context.

PROJECT BACKGROUND

New Justice was created as the successor to USAID/Ukraine FAIR, which implemented activities from October 1, 2011 through September 30, 2016. New Justice is a four-year and four-month program (October 1, 2016-February 7, 2021) that is designed to support the Judiciary, government, parliament, bar, law schools, civil society, media, and citizens to create the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and fights corruption in Ukraine. The project's additional goals include promoting gender and women's empowerment, inclusion of vulnerable groups, and anti-corruption. In achieving the project's goals, New Justice focuses on five key objectives and expected results:

Objective 1: Judicial Independence and Self-Governance Strengthened. Under this objective, New Justice works to strengthen judicial independence and self-governance through activities such as: reform of the constitutional, statutory and regulatory framework; the establishment and use of judicial performance standards for merit-based testing, vetting, recruitment, performance evaluation, transfer, promotion, discipline and lustration; strengthened rules regarding corruption, judicial ethics and illegal conduct; increased judicial independence with regard to judges, personnel, budget authority and other areas; strengthened implementation of ethics mechanisms and training of HCJ inspectors; increased reporting

¹⁰⁷ For the purpose of this evaluation, "relevance" is a measure of the ability of a particular project intervention being pertinent to project objectives; and "effectiveness" is a measure of the ability of a particular project task/intervention to produce a planned effect or result that can be qualitatively measured.

and investigation of corruption, with protections for those reporting corruption; reduced external influence on the Judiciary; and increased citizen and CSO participation in the judicial reform process.

Objective 2: Accountability and Transparency of the Judiciary to Citizens and the Rule of Law Increased. Under this objective, New Justice seeks to support the increased transparency of judicial proceedings to encourage the accountability of judicial leaders through internal and external accountability mechanisms; enhance mechanisms for central oversight of the Judiciary while ensuring that judicial independence is not compromised; create formal linkages between the Judiciary, GOU, Parliament, and civil society to improve the Judiciary's accountability to media, civil society and citizens.

Objective 3: Administration of Justice Enhanced. Under this objective, New Justice: provides technical assistance to implement Ukraine's justice reform priorities, including improvements to case management, e-justice tools, workflow analysis and management, budget and financial planning, and human resources; supports the development of an improved court performance curriculum training program to ensure judges and judicial personnel have access to high quality and professional development services; provides tools and resources based on regional and international best practices to support the development of alternative dispute resolution mechanisms; and supports establishing GOU dispute enforcement mechanisms to strengthen enforcement of judgments and reduce susceptibility to corruption.

Objective 4: Quality of Legal Education Strengthened. Under this objective, New Justice supports: the development of a comprehensive legal education strategy to ensure uniformity and quality of legal education; establishment of effective quality assurance systems in accordance with the country's Law on Higher Education; and the development of improved instructional methods and tools that prepare law graduates for successful entry into the legal profession.

Objective 5: Access to Justice Expanded and Human Rights Protected. Under this objective, New Justices: improves justice pathways for citizens, particularly vulnerable and marginalized populations, to access services and obtain remedies to their unique challenges; and improves knowledge on human rights laws and standards among the Judiciary and advocates to improve referral pathways for services support and empower citizens.

RESEARCH QUESTIONS

The Evaluation Team has identified the following five core questions to guide the Evaluation:

1. How did the New Justice activity contribute to advancing judicial independence and self-governance? Was New Justice's approach and balance of effort effective? Why or why not?
2. How did the New Justice activity contribute to improving judicial discipline? Was New Justice's approach and balance of effort effective? Why or why not?
3. How did the New Justice activity contribute to enhancing legal education? Was New Justice's approach and balance of effort effective? Why or why not?
4. The activity is highly collaborative with the Embassy, international donors, and other USAID efforts/activities. What outcomes are related to these collaborations?
5. What New Justice tools and approaches have been most effective in advancing activity objectives, in particular across changing political environments and reform priorities? Have there been any unintended effects,¹⁰⁸ either positive or negative? These tools and approaches include but are not limited to:
 - Memoranda of Understanding with key government stakeholders

¹⁰⁸ "Unintended effects" here means effects that extend beyond the results identified in the Program Description.

- Monthly rule of law sectoral coordination meetings
- Mentorship for judicial leadership from U.S. and European counterparts
- Study tours for judges and judicial sector counterparts

These questions have been informed by the preparatory phase for this Evaluation. Following each of these core questions, the team has developed a set of sub-questions. Table I, below, lists proposed evaluation questions and sub-questions, data sources, and analysis method to explore each question.

TABLE 9: NEW JUSTICE EVALUATION MATRIX

NO.	EVALUATION QUESTIONS AND SUB-QUESTIONS	DATA SOURCE	METHODOLOGY	DATA ANALYSIS
EQ 1: HOW DID THE ACTIVITY CONTRIBUTE TO ADVANCING JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE? WAS NEW JUSTICE'S APPROACH AND BALANCE OF EFFORT EFFECTIVE; WHY OR WHY NOT?				
I.1	What were the main issues related to judicial independence (independence of judiciary and judges from outside influence) and self-governance (ability of judiciary to exercise its functions without improper external influence) prior to the commencement of the New Justice project?	- Project documentation (annual performance report, M&E plan, performance data table, milestone progress report, explanation on deviations section of project reports, etc.) - USAID staff - New Justice project staff	- Desk review of project and predecessor project documentation, including those related to New Justice's theory of change, baseline indicators, project design, project progress reports, and thematic reports on judiciary - Desk review of relevant literature (e.g. context documents, assessments by other entities)	Analysis through document review of targeted results, outputs, and outcomes of New Justice in establishing judicial independence, strengthening judicial self-governance, increasing judicial independence, and reducing external influences on the judiciary
I.2	Has judicial independence and self-governance advanced since the activity/project commenced?	Key justice institutions that New Justice assists (High Council of Justice, High Qualifications Commission of Judges, High Anti-Corruption Court, etc.)	Review of stakeholder documents relevant to New Justice's streams of works	Coding and qualitative analysis of KIs
I.3	What activities did the activity/partner undertake in order to advance the state of judicial independence and self-governance? Were these activities responsive to observed needs?	Key state partners (e.g. Verkhovna Rada, Legal Reform Commission, Ministry of Justice, Ministry of Education)	KIs with USAID, the New Justice team, leaders of key justice system institutions that New Justice assists, other rule of law donors, and beneficiaries	Triangulation of information obtained through desk review, KIs, FGDs, and on-site visits
I.4	Are there activities or approaches where the activity/partner has been more or less successful in meeting the project's anticipated results?	NJ partner NGOs and other NGOs not actively working with New Justice	- Online survey of project beneficiaries and legal professionals - Relevant secondary datasets, including other New Justice surveys	Statistical analysis of online survey responses, and where relevant, secondary data
I.5	Considering the context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results?	- Law school management and professors - Other international and USAID projects	Complemented by data from: - FGDs with legal professionals (judges and court staff), law school professors, law school students, and other donors - Site visits (Kharkiv, Odesa)	

1.6	Considering the context, were there activities or approaches that the activity/partner should have undertaken but did not?	- working with New Justice or on Rule of Law issues - Online survey of project beneficiaries and legal professionals - Relevant secondary datasets, including other New Justice surveys		
1.7	Considering the context, were there areas where the activity/partner should have focused less efforts or resources?			
1.8	Considering the context, were there areas where the activity/partner activities are no longer needed?			

EQ 2: HOW DID THE ACTIVITY CONTRIBUTE TO IMPROVING JUDICIAL DISCIPLINE? WAS NEW JUSTICE'S APPROACH AND BALANCE OF EFFORT EFFECTIVE; WHY OR WHY NOT?

2.1	What were the main issues related to judicial discipline prior to the commencement of the New Justice project?	- Project documentation (annual performance report, M&E plan, performance data table, milestone progress report, explanation on deviations section of project reports, etc.) - USAID staff - New Justice project staff - Key justice institutions that New Justice assists (High Council of Justice, High Qualifications Commission of Judges, High Anti-Corruption Court, etc.) - Key state partners (e.g. Verkhovna Rada, Legal Reform Commission, Ministry of Justice, Ministry of Education)	- Desk review of project and predecessor project documentation, including those related to New Justice's theory of change, baseline indicators, project design, project progress reports, and thematic reports on judiciary - Desk review of relevant literature - Desk review of stakeholder documents relevant to New Justice's streams of work - KIIs with USAID, the New Justice team, leaders of key justice system institutions that New Justice assists, other rule of law donors, and beneficiaries - Online survey of project beneficiaries and legal professionals - Relevant secondary datasets, including other New Justice surveys	- Analysis through document review of targeted results, outputs, and outcomes of New Justice in improving judicial discipline and social accountability through constitutional safeguards, judicial performance standards, improved institutional competencies, increased transparency and standardization of disciplinary procedures, and CSO monitoring of disciplinary procedures - Coding and qualitative analysis of KIIs - Triangulation of information obtained through desk review, KIIs, FGDs, and on-site visits - Statistical analysis of online survey responses, and where relevant, secondary data
2.2	Has judicial discipline been applied actively, with due regard for human rights and without abuse since the activity/partner commenced?			
2.3	What activities or approaches did the activity/partner undertake in order to improve the state of judicial discipline? Were these activities responsive to observed needs?			
2.4	Are there activities or approaches where the activity/partner has been more or less successful in meeting the project's anticipated results?			
2.5	Considering the context, were there areas where the activity/partner should have focused more efforts or			

	resources to achieve better results?			
2.6	Has the activity/partner been successful in increasing the accountability and transparency of the judiciary to citizens as part of the judicial reform?	• NJ partner NGOs and other NGOs not actively working with New Justice • Law school management and professors	Complemented by data from: • FGDs • Site visits (Kharkiv, Odesa)	
2.7	Considering the context, were there activities or approaches that the activity/partner should have undertaken but did not?	• Other international and USAID projects working with New Justice or on Rule of Law issues		
2.8	Considering the context, were there areas where the activity/partner should have focused less efforts or resources?	• Online survey of project beneficiaries and legal professionals • Relevant secondary datasets, including other New Justice surveys		
2.9	Considering the context, were there areas where the activity/partner activities are no longer needed?			

EQ 3: HOW DID THE ACTIVITY CONTRIBUTE TO ENHANCING LEGAL EDUCATION? WAS NEW JUSTICE'S APPROACH AND BALANCE OF EFFORT EFFECTIVE; WHY OR WHY NOT?

3.1	What were the main issues related to legal education prior to the commencement of the New Justice project?	• Project documentation (annual performance report, M&E plan, performance data table, milestone progress report, explanation on deviations section of project reports, etc.)	• Desk review of project and predecessor project documentation, including those related to New Justice's theory of change, baseline indicators, project design, project progress reports, and thematic reports on legal education	• Analysis of targeted results, outputs, and outcomes of New Justice in developing a national strategy and standards for legal education and accreditation, quality assurance frameworks for law schools, and practice-oriented and skills-based instruction, curriculum, and activities
3.2	Has legal education improved since the activity/partner commenced?	• USAID staff • New Justice project staff	• Desk review of relevant literature	• Analysis of progress made by New Justice and beneficiary law schools in working towards sustainability of enhancements.
3.3	What activities or approaches did the activity/partner undertake in order to improve the state of legal education? Were these activities responsive to observed needs?	• Law school management and professors	• KILs with USAID, the New Justice team, law school deans, professors, and students	• Coding and qualitative analysis of KILs
3.4	Are there activities or approaches where the activity/partner has been more	• Law school students and alumni	• FGDs with students • Mini survey/questionnaires with student and alumni (if possible)	• Descriptive analysis of the quantitative data obtained through

	or less successful in meeting the project's anticipated results?	• Key justice institutions that New Justice assists (High Council of Justice, High Qualifications Commission of Judges, High Anti-Corruption Court, etc.) • Key state partners (e.g. Verkhovna Rada, Legal Reform Commission, Ministry of Justice, Ministry of Education) • NJ partner NGOs and other NGOs not actively working with New Justice • Other international and USAID projects working with New Justice or on Rule of Law issues • Online survey of project beneficiaries and legal professionals • Relevant secondary datasets, including other New Justice surveys	• Site visits/direct observation at the beneficiary law schools • Online survey of project beneficiaries and legal professionals • Relevant secondary datasets, including other New Justice surveys	mini-surveys and questionnaires with students • Analysis and synthesis of notes of impressions obtained through on-site visits/direct observation • Statistical analysis of online survey responses, and where relevant, secondary data
3.5	Considering the context, were there areas where the activity/partner should have focused more efforts or resources to achieve better results?			
3.6	Considering the context, were there activities or approaches that the activity/partner should have undertaken but did not?			
3.7	Considering the context, were there areas where the activity/partner should have focused less efforts or resources?			
3.8	Considering the context, were there areas where the activity/partner activities are no longer needed?			

EQ 4: THE ACTIVITY IS HIGHLY COLLABORATIVE WITH THE EMBASSY, INTERNATIONAL DONORS AND OTHER USAID EFFORTS/ACTIVITIES. WHAT OUTCOMES ARE RELATED TO THESE COLLABORATIONS?

4.1	How effective has the activity/partner been in collaborating with the Embassy, international donors, and other USAID efforts/activities?	• Project documentation (annual performance report, M&E plan, performance data table, milestone progress report, explanation on deviations section of project reports, etc.)	• Desk review of project documentation, including those related to New Justice's theory of change, baseline indicators, project design, project progress reports, and thematic reports • Desk review of relevant literature	• Analysis of targeted results, outputs, and outcomes of New Justice related to its effectiveness in collaborating with Embassy, international donors, and other USAID efforts/activities • Analysis of documents on joint initiatives or fund pooling with other
4.2	What were the most successful methods for collaboration applied during the activity/partner implementation?			

4.3	What outcomes are related to these collaborations?	Embassy and USAID staff	Desk review of documents on New Justice's collaboration strategy or plan, and minutes of monthly rule of law sectoral coordination meetings	donors in furthering project objectives
4.4	Were there methods for collaboration that were applied unsuccessfully during the activity/partner implementation or that were inappropriate for the activity/partner implementation?	- New Justice project staff - Other international and USAID projects working with New Justice or on Rule of Law issues - Key justice institutions that New Justice assists (High Council of Justice, High Qualifications Commission of Judges, High Anti-Corruption Court, etc.) - Key state partners (e.g. Verkhovna Rada, Legal Reform Commission, Ministry of Justice, Ministry of Education)	- Interviews with New Justice on collaborative efforts and leveraging funding of project activities or matching funds with other rule of law donors - KIIs with Embassy, USAID, international donors, and other USAID efforts/activities on their perception of New Justice's collaboration efforts and the outcomes of those efforts	- Coding and qualitative analysis of KIIs for evidence of successful collaboration efforts - Triangulation of information obtained through desk review, KIIs, FGDs, and on-site visits

EQ 5: WHAT NEW JUSTICE TOOLS AND APPROACHES HAVE BEEN MOST EFFECTIVE IN ADVANCING ACTIVITY OBJECTIVES, IN PARTICULAR ACROSS CHANGING POLITICAL ENVIRONMENTS AND REFORM PRIORITIES? HAVE THERE BEEN ANY UNINTENDED EFFECTS,¹⁰⁹ EITHER POSITIVE OR NEGATIVE? THESE TOOLS AND APPROACHES INCLUDE BUT ARE NOT LIMITED TO:

- MEMORANDA OF UNDERSTANDING WITH KEY GOVERNMENT STAKEHOLDERS
- MONTHLY RULE OF LAW SECTORAL COORDINATION MEETINGS
- MENTORSHIP FOR JUDICIAL LEADERSHIP FROM U.S. AND EUROPEAN COUNTERPARTS
- STUDY TOURS FOR JUDGES AND JUDICIAL SECTOR COUNTERPARTS

5.1	What tools and approaches have been used by the activity/partner to advance activity objectives? Were these activities responsive to observed needs?	Project documentation (annual performance report, M&E plan, performance data table, milestone progress report, explanation on deviations section of project reports, etc.)	- Desk review of project documentation - Desk review of relevant literature - Interviews with New Justice on tools and approaches used to advance activity objectives and	Analysis through document review of targeted results, outputs, and outcomes to determine what tools and approaches have been most and least effective in advancing objectives, and whether there have been unintended effects from those tools and approaches
5.2	For each tool or approach used, what have been the effects of that tool or approach?	USAID staff		

¹⁰⁹ "Unintended effects" here means effects that extend beyond the results identified in the Program Description.

5.3	Were any of the effects unintended?	• New Justice project staff	unintended effects of those efforts	• Coding and qualitative analysis of KIs
5.4	If there were unintended effects of a utilized tool or approach, were those effects positive or negative?	• Key justice institutions that New Justice assists (High Council of Justice, High Qualifications Commission of Judges, High Anti-Corruption Court, etc.)	• KIs with Embassy, USAID, international donors and other USAID efforts/activities on tools and approaches used by New Justice to advance activity objectives and unintended effects of those efforts	• Triangulation of information obtained through desk review, KIs, FGDs, and on-site visits
5.5	Considering the context, are there tools or approaches that are no longer needed?	• Key state partners (e.g. Verkhovna Rada, Legal Reform Commission, Ministry of Justice, Ministry of Education)	• Online survey of project beneficiaries and legal professionals	• Statistical analysis of online survey responses

APPROACH

The methodology for this Evaluation will be based upon a combination of desk-based research, key-informant interviews, focus group discussions, and an online survey conducted amongst beneficiaries of the New Justice Program.

BACKGROUND RESEARCH

As part of the background research, the team will conduct a desk review of relevant policy and background documents and consider prior Evaluations, studies and analysis, as well as relevant commentary and analysis. Please refer to Appendix I for the full list of documents included in this desk review.

INTERVIEWS

Field research will be conducted over four weeks, approximately from February 24 to March 20. The research will consist of a minimum of approximately 50 in-depth interviews. In-depth interviews and consultations will occur with key informants and stakeholders, including the main stakeholder groups listed below. The interviewees will be selected to gather the views of key players and stakeholders within the judiciary. This list includes representatives from the following:

- USAID and relevant USAID partners;
- Verkhovna Rada of Ukraine;
- President's Office;
- Legal Reform Commission;
- Constitutional Court of Ukraine;
- High Anti-Corruption Court;
- High Council of Justice;
- High Qualifications Commission of Judges of Ukraine;
- Public Integrity Council and Reanimation Package of Reforms (RPR);
- National School of Judges of Ukraine;
- State Judicial Administration of Ukraine;
- Supreme Court;
- Local and Appellate Courts;
- Council of Judges;
- Ukrainian National Bar Association;
- Ministry of Justice of Ukraine;
- Ministry of Education and Science;
- Administrators and Professors of Law Schools
- Civil society; and,
- Bilateral and multilateral donors, and donor funded projects.

Please refer to Appendix 2 for the full prioritized list of proposed interviewees.

Small group discussions will also be conducted to elicit views of legal professionals (judges and court staff), law school professors, law school students, and other donors. Group discussions will be grouped by respondent type to ensure groups feel comfortable speaking openly. Please refer to Appendix 2 for the full list of proposed small group discussions.

An illustrative guide of themes these interviews and small group discussions will seek to cover is located in Appendix 3.

ONLINE SURVEY

Of central importance to this evaluation is the capacity and commitment of Ukrainian judges, lawyers, civil society, legal educators, staff of national justice sector institutions and court staff to promote judicial independence and discipline. The interviews will address these issues in a qualitative manner, but another critical tool in assessing capacity and commitment will be a systematic quantitative survey.

The New Justice program has already collected rich information about the impressions of judges, lawyers, justice sector professionals, jurors and the public regarding the state of Ukraine's judicial system, judicial independence, reforms and corruption.¹¹⁰ These surveys provide a useful barometer of whether attitudes are conducive to promoting judicial independence and discipline, and if this is improving. The analysis of national level survey data supports New Justice monitoring and evaluation process by providing measures of the complex changes occurring in the justice sector regarding judicial independence and accountability, combatting corruption, administration of justice, access to justice and public trust and confidence in the judiciary. Here, we propose building upon this existing analysis framework with a new online survey design that asks specific questions about benefiting from the New Justice Program. Linking information on New Justice Program awareness and participation to survey responses directly will further inform us on the effectiveness of New Justice programs in promoting judicial independence. As part of the process of planning future activities, it would be extremely useful to have more of a sense of how New Justice activities influenced beneficiaries' mindset. Our brief online survey will contribute new insights along the following five facets:

1. Gather new information about perceptions of Ukraine's judicial legitimacy and whether the surveyed group expresses attitudes that are conducive to improving judicial independence and discipline;
2. Compare whether people who participated in NJ activities express differing attitudes on judicial independence and discipline than those who did not;
3. Gauge level of awareness about the NJ program and whether awareness corresponds to holding attitudes that are in congruence with NJ goals;
4. Provide information on people's satisfaction with the NJ program activities; and,
5. Use embedded survey experiment to test whether informational priming on NJ statistics influences support for judicial independence and combatting corruption.

We are aware that generating systematic information across all five of these levels of analysis is ambitious. The success of this undertaking hinges critically upon our ability to contact the survey population and to ensure maximal response rates from unique individuals. We plan to build our survey sample of Ukrainian judges, lawyers, civil society, legal educators, staff of national justice sector institutions and court staff using a three-pronged approach. First, we will input data from sign-in sheets for NJ events¹¹¹ to construct a database of beneficiaries. Second, the implementing partner will furnish us with a list of organizations that details the total number of employees at each organization, total number of activity beneficiaries and a point of contact (POC) for each organization. We will work with each POC to share our survey link and encourage a high response rate. Finally, we will contact broader professional organizations to distribute our survey to their members. We estimate that by working diligently to maximize survey reach along these three avenues that we will contact as many as 600 persons with a response rate between 100-200. This number could indeed be higher depending upon the cooperation of individual responders and the partner organizations.

¹¹⁰ The NJ survey results are included as items 16, 17, 18, and 32 in the document list.

¹¹¹ New Justice activities and events collect sign in sheets of program beneficiaries who participated in the specific event. By signing their contact information on these forms, they provide consent to USAID to contact them for future USAID research and activities.

The survey will be web-based and will take about 15 minutes to fill. It begins with two sorting questions about people's participation and awareness of NJ program and activities, as well as which professional sector they belong to. This is followed by a series of questions that builds a picture of their orientation towards matters of judicial independence and discipline. The survey respondents who identified themselves as having participated in a NJ program will additionally be asked about their level of satisfaction. The survey will be implemented anonymously¹¹² and thereby in compliance with Ukraine's legislation on Protection of Personal Data Act¹¹³. Survey respondents will be guaranteed confidentiality and will be able to refuse to answer any of the questions. Nobody will be identified by name, and it will be impossible to attribute any responses or finding to an individual person.

The draft survey tool is located in Appendix 4. The evaluation team will follow all ethical practices for human subject research, protecting respondent confidentiality and sensitive information. This includes determining whether Institutional Review Board (IRB) oversight is necessary for this data collection.

LANGUAGE

One-on-one interviews and the survey will be conducted in the interviewee's preferred language (Ukrainian, Russian, or English). Where needed, an interpreter will be used during conversations.

TEAM

The evaluation team consists of Neil Weinstein, (Evaluation Co-Lead and Qualitative Fieldwork Specialist), Nancy Hite-Rubin, (Evaluation Co-Lead and Academic Expert), Andriy Meleshevysh, (Senior Local Rule of Law Expert), Kate Marple-Cantrell, (Tasking Coordinator and Evaluation Specialist), TBD (Translator/Research Assistant), and TBD representatives from USAID/Ukraine PCS and ODG.

RISKS & LIMITATIONS

For the interview-based fieldwork, as with any primarily qualitative analysis the primary limitation is that the analysis and conclusions may be skewed by the biases and experiences of the interviewees, which are limited to three field sites (Kyiv, Kharkiv, and Odesa) and not guaranteed to be representative of the nation as a whole. We will seek to mitigate this limitation by interviewing key interlocutors in other locations unreachable in person via Skype, these interviews will likely by nature be more abbreviated than those conducted in person.

For the online survey, the main challenge or risk hinges on the importance of being able to contact and attain a high response rate amongst a diverse set of respondents within the relevant sample frame.

Furthermore, in addition to general risks such as limited time and the availability of proposed respondents, critical to the quality of the analysis is the willingness of respondents to openly and honestly discuss issues, and to share information and insights. The evaluation team will make every effort to build a strong rapport with respondents by explaining the purpose of the study and choosing a private and comfortable environment to complete the interview—but if respondents are concerned about how results will be used or intimidated by the presence of a multiple member interview team—the risk exists that respondents may limit their answers.

Additionally, while this evaluation draws upon the most rigorous methods feasible given logistical and methodological constraints, the evaluation cannot conclusively attribute observed changes to NJ. For

¹¹² Survey respondents will be recruited via email anonymously. The database of survey beneficiaries will include only email addresses and not personal contact information. The recruitment email will guarantee that it is impossible to link individual survey responses to individuals. The email addresses are aggregated only for the pre-consented purpose of USAID research and activities. The email addresses will be stored in encrypted database that is only accessible to the researchers only for the duration of the evaluation study.

¹¹³ The legal standard for handling personal data was legislated in the On Protection of Personal Data Act, 01.06.2010 with changes occurring 19.10.2017: <https://zakon3.rada.gov.ua/laws/show/2297-17>.

example, the justice system in Ukraine could be improving, but those changes may not be attributable to NJ activities. To mitigate this limitation, the evaluation will consider other contributing factors to observed phenomena, in addition to or even in spite of NJ activity, and consider if and how NJ activities may have contributed to that change.

Finally, the political situation in Ukraine is currently sensitive and fluid. While the assessment team will endeavor to include updated information that develops after the fieldwork has been conducted, there is the risk that some late-breaking developments may not be reflected in the final report.

APPENDIX I: DESK REVIEW DOCUMENT LIST

TABLE 10: DESK REVIEW DOCUMENT LIST

NO.	PROGRAM YEAR (FY)	NAME OF DOCUMENT	WEB LINK	LANGUAGE	KEY PARTNER(S)
NEW JUSTICE PROGRAM DOCUMENTS					
1.	2019	New Justice Program Annual Report 2019	To be published in DEC by end of Nov 2019.	English	ALL
2.	2019	Rule of Law Certificate Program Syllabus	https://newjustice.org.ua/wp-content/uploads/2018/11/0_New-Justice-ROL-Certificate-Course-Syllabus-11-1-2018_ENG-1.pdf	English	National Law Academy
3.	2019	Review of the Regulations of the High Qualifications Commission of Judges of Ukraine, Expert Report, Part 1	New Justice did not publish this report online per GOU (HQC) request. New Justice submitted this report to USAID as Annex 28 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	English	High Council of Justice High Qualifications Commission
4.	2019	Review of the Regulations of the High Qualifications Commission of Judges of Ukraine, Expert Report, Part 2	New Justice did not publish this report online per GOU (HQC) request. New Justice submitted this report to USAID as Annex 28 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	English	High Council of Justice High Qualifications Commission
5.	2019	Report on monitoring of Supreme Court Justices and High Anti-Corruption Court Judges Selection, Expert Report	New Justice did not publish this report online per GOU (HQC) request. New Justice submitted it to USAID as Annex 30 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	High Council of Justice High Qualifications Commission Supreme Court High Anti-Corruption Court
6.	2019	Report on the Review of Ukrainian Bar Members Rules of Conduct Adherence to the European Standards	https://newjustice.org.ua/wp-content/uploads/2019/01/NJ_Bar_RoC_Report-_Wortham_Oct_2018_ENG_-2.pdf	English	Ukrainian Bar Association
7.	2019	Draft Strategic Plan for High Anti-Corruption Court	Not published at this point because it is a draft document. New Justice can submit the draft to USAID/Evaluation Team upon request	English	High Anti-Corruption Court

8.	2019	Recommendations developed based on the outcomes of the Conference “Disciplinary Liability of Judges and Prosecutors in Ukraine” and Workshop “Disciplinary Proceedings against Judges and Prosecutors in Ukraine	https://newjustice.org.ua/wp-content/uploads/2019/03/Annex_03_New_Justice_Recommendations_from_Conference_and_Workshop_on_Disciplinary_Liability_Oct_19-21_2018_UKR.pdf	Ukrainian	High Council of Justice
9.	2019	Report “Disciplinary Liability of Judges in Ukraine: Case Law of the High Council of Justice in 2017-2018 and Outstanding Issues”	New Justice did not publish this report online per GOU (HCJ) request. New Justice submitted this report to USAID as Annex 6 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	High Council of Justice
10.	2019	Findings and Recommendations to the draft Anti-Corruption Program of the High Qualifications Commission of Judges	New Justice did not publish these findings and recommendations online per GOU (HQC) request. New Justice submitted this document to USAID as Annex 22 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	High Qualifications Commission
11.	2019	Report upon Results of Expert Analysis of the Anti-Corruption Program of the Supreme Court 2018-2020	New Justice did not publish this report online per GOU (Supreme Court) request. New Justice submitted this report to USAID as Annex 23 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	Supreme Court
12.	2019	Modern Teaching Toolkit for Ukrainian Legal Educators – Implementation Plan	http://bit.ly/32Pk6kT	English	Ministry of Education Law Schools
13.	2019	Report on High Council of Justice BPA	New Justice did not publish this report online per GOU (HCJ) request. New Justice submitted this report to USAID as Annex 23 to 2019 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	High Council of Justice
14.	2019	Comprehensive Analyses of Current Context, Barriers and Opportunities for Developing Mediation with Recommendation How to Promote and Implement Mediation in Ukraine. Expert Report	https://newjustice.org.ua/wp-content/uploads/2019/11/New-Justice_Comprehensive_Analyses_on-Mediation_-for_-Ukraine_Ales_Zalar_ENG-I.pdf	English	National Association of Mediation of Ukraine
15.	2019	Draft Law on Mediation	Draft in progress, currently not published. Available for review upon request.	Ukrainian	Verkhovna Rada

					National Association of Mediation of Ukraine
16.	2019	Results of 2019 New Justice Program Surveys of Legal Professionals and Jurors Regarding Judicial Reform and Corruption	https://newjustice.org.ua/wp-content/uploads/2019/07/NJ_2019_Surveys_Results_July_2019_ENG.pdf	English	High Council of Justice State Judicial Administration Council of Judges
17.	2019	Results of the Third Survey of Legal Professionals – Participants of Court Proceedings Who Are Not Judicial Employees	https://newjustice.org.ua/wp-content/uploads/2018/11/1_NJ_October_2018_SurveyLegalProfessionals_Results_ENG.pdf	English	
18.	2019	Result of the Second National Public Survey Regarding Trust in the Judiciary Judicial Reform and Perception of Corruption	https://newjustice.org.ua/wp-content/uploads/2018/11/1_NJ_October_2018_SurveyPublic_Results_ENG.pdf	English	ALL
19.	2019	Meeting notes from multi-stakeholders meeting on advancing innovations in access to justice	Meeting notes were not published but available for USAID review upon request any time.	English	Ministry of Justice Justice sector CSOs
20.	2019-2020	CSO Reports on Monitoring of the Supreme Court Case Law	Reports are just finished as of November 15, 2019 and not yet published online. Available for USAID review upon request any time.	Ukrainian	Supreme Court
21.	2019-2020	Expert report on analysis of the moot court training materials on international humanitarian law application in national case law	Report completed in October 2019 (FY2020) but is not yet published online. Available for USAID review upon request any time.	Ukrainian	Ministry of Justice National School of Judges
22.	2019-2020	Training curricular for judges on international humanitarian law and international criminal law application in armed conflict affected cases	This curricular is currently under pilot testing and is not yet published. Available for USAID review upon request any time.	Ukrainian	
23.	2019-2020	Training curricular for judges and court staff and training curricular for lawyers providing legal aid on	Training curricula have been recently piloted and not yet published. Available for USAID review upon request any time.	Ukrainian	State Judicial Administration

		communicating with people with psychological and intellectual disorders			National School of Judges
24.	2018	New Justice Program Annual Report 2018	https://pdf.usaid.gov/pdf_docs/PA00TGNQ.pdf	English	ALL
25.	2018	Baseline Assessment of the New Supreme Court, Expert Report	https://pdf.usaid.gov/pdf_docs/PA00TTRQ.pdf	English	Supreme Court High Council of Justice
26.	2018	Women Leadership for Achieving Gender Equality in Ukrainian Judiciary	https://pdf.usaid.gov/pdf_docs/PA00N5BT.pdf	Ukrainian	High Council of Justice Council of Judges
27.	2018	Assessment Study: Potential Online Disputes Resolution Initiatives in Ukraine	https://newjustice.org.ua/wp-content/uploads/2018/06/NJ_ODR_Ukraine_Assessment_Salter_FINAL_ENG.pdf	English	State Judicial Administration Ministry of Justice Association of Investigative Judges
28.	2018	Selecting Justices for the New Supreme Court: Good Practices, Lessons Learned and the Way Forward. Recommendations developed at the Conference.	https://newjustice.org.ua/wp-content/uploads/2018/08/NJ_SCt_Selection_Conference_Recommendations_ENG.pdf	English	Supreme Court High Council of Justice High Qualifications Commission
29.	2018	Assessment Report with Recommendations for Strengthening Legal Education Quality at the Yaroslav Mudryi National Law University	http://bit.ly/2QnKno2	English	National Law University Ministry of Education
30.	2018	Innovative (Model) Law School Curriculum	http://bit.ly/2NR6otJ	English	Ministry of Education Law Schools
31.	2018	The Consolidation of the First Instance Courts of Ukraine in 2018	New Justice did not publish this report online per GOU (SJA) request. New Justice submitted this report to USAID as Annex 51 to 2018 Annual Report. Document	English	State Judicial Administration

			is available for Evaluation Team review anytime upon request.		High Council of Justice High Qualifications Commission
32.	2018	New Justice Program Year One Surveys of the Public, Judges and Justice Sector Professionals Regarding Judicial Reform and Corruption	https://newjustice.org.ua/wp-content/uploads/2018/09/NJ_2017_Survey_Results_Oct_2017_ROL_ENG.pdf	English	ALL
33.	2018	Curricula on improving communication skills of judges in their work with People with Disabilities	New Justice did not publish this report online per GOU (NSJ) request. New Justice submitted this report to USAID as Annex 53 to the 2018 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	National School of Judges
34.	2017	New Justice Program Annual Report 2017	https://pdf.usaid.gov/pdf_docs/PA00T636.pdf	English	ALL
35.	2017	Common Understanding of the Basic Principles for Establishing High Anti-Corruption Court in Ukraine	New Justice did not publish this policy paper proposal online but submitted it to USAID as Annex 28 to 2017 Annual Report. Document is available for Evaluation Team review anytime upon request.	English	High Anti-Corruption Court High Council of Justice
36.	2017	A Role for Regulations, Standards, Best Practices, and Monitoring in Building Clinical Legal Education Programs	https://pdf.usaid.gov/pdf_docs/PA00N5BM.pdf	English	Ministry of Justice Ministry of Education Law Schools
37.	2017	Report on the Public Integrity Council and the Results Applied by the High Qualifications Commission of Judges of Ukraine, Expert Report	https://pdf.usaid.gov/pdf_docs/PA00N5BN.pdf	English	High Qualifications Commission Public Integrity Council
38.	2017	Respect for Human Rights During the Armed Conflict in Ukraine, Expert Report	https://pdf.usaid.gov/pdf_docs/PA00N5BC.pdf	English	Ministry of Justice
39.	2017	Lessons Learned and Recommendations from the USAID New Justice Program Study Visit to the High Council for the Judiciary of	https://pdf.usaid.gov/pdf_docs/PA00N5BK.pdf	English	High Council of Justice

		Portugal on Judicial Self-Governance Operations			
40.	2017	Corruption Risks in Recent Reforms to the Ukrainian Judiciary, Expert Report	https://newjustice.org.ua/wp-content/uploads/2018/02/NJ_Judicial_Corruption_Risks_Report_2017_ENG-1.pdf	English	High Council of Justice High Qualifications Commission State Judicial Administration Council of Judges Others
41.	2017	Managing Conflict of Interests in Ukrainian Judiciary, Expert Report	https://newjustice.org.ua/wp-content/uploads/2018/02/NJ_Conflict_of_Interest_Judiciary_Report_2017_ENG-1.pdf	English	
42.	2017	Report on the Analysis of the Effectiveness of the Legislation on Corruption Prevention in the Justice Sector Expert Report	https://newjustice.org.ua/wp-content/uploads/2018/02/NJ_Anticorruption_Laws_Judiciary_Report_2017_UKR-3.pdf	Ukrainian	
43.	2017	Report with Recommendations on Amendment of the HCJ Rules of Procedure	Delivered but not published per GOU (HCJ) request. New Justice submitted this report to USAID as Annex 11 to 2017 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	High Council of Justice
44.		Report on Evaluation of Test Battery for Selection of Judges in Ukraine	New Justice did not publish this report online per GOU (HQC) request. New Justice submitted this report to USAID as Annex 64 to 2018 Annual Report. Document is available for Evaluation Team review anytime upon request.	English	High Qualifications Commission
45.	2017	Report on the Results of Analysis of the High Council of Justice Rules of Procedure	New Justice did not publish this report online per GOU (HCJ) request. New Justice submitted this report to USAID as Annex 65 to 2018 Annual Report. Document is available for Evaluation Team review anytime upon request.	Ukrainian	High Council of Justice
46.	2017	Methodology for External, Independent, On Site Assessment of Legal Education Quality	http://onua.edu.ua/downloads/inter/methodology-for-legal-education-quality-assessment_eng_24_05_2017.pdf	English	Ministry of Education

					Ministry of Justice Law Schools
47.	2017	Assessment Report with Recommendations for Strengthening Legal Education Quality at the National University “Odesa Law Academy”	http://onua.edu.ua/index.php?option=com_content&view=article&id=6255:2017-06-22-14-52-39&catid=406:usaid&Itemid=1027&lang=en	English	Ministry of Education Odesa Law Academy Other Law Schools
48.	2017	Comments to the Law on the Bar and Advocates Activity	https://newjustice.org.ua/wp-content/uploads/2017/09/NJ_Report_BAR_Beardsley_ENG.pdf	English	Verkhovna Rada Bar Association
49.	2017	Best Practices for Governing the Legal Profession	https://newjustice.org.ua/wp-content/uploads/2017/09/New-Justice_Report_Bar_Hawley_Feb_2017_ENG_formatted.pdf	English	Bar Association
50.	2017	Draft Model University Anticorruption Policy	http://bit.ly/2NT7dSV	English	Ministry of Education Ministry of Justice Law Schools
51.		International Anticorruption Course Syllabus	https://drive.google.com/file/d/1KXNdMwTSOaEFyImPls_uN4Lb749FQQ6e-/view	Ukrainian	Ministry of Education
52.	2016 ¹¹⁴	Curriculum on Judicial Ethics (in-class format)	NJ supports the Council of Judges of Ukraine to update the Code of Judicial Ethics. After approving by the Congress of Judges a new version of the Code the Curriculum will be updated accordingly. https://newjustice.org.ua/wp-content/uploads/2018/05/Curriculum_Jud_Ethics_print.pdf	Ukrainian	National School of Judges Council of Judges
53.	2016 ¹¹⁵	Curriculum on Judicial Ethics (online format)	NJ supports the Council of Judges of Ukraine to update the Code of Judicial Ethics. After approving by the Congress of Judges a new version of the Code the Curriculum will be updated accordingly.	Ukrainian	National School of Judges Council of Judges

¹¹⁴ 2016: Curriculum developed, currently in use by the National School of Judges. Update is in progress.

¹¹⁵ 2016: Curriculum developed, currently in use by the National School of Judges. Update is in progress.

			https://newjustice.org.ua/wp-content/uploads/2018/05/Curriculum_Jud_Ethics_On-line_Print1.pdf		
CONTEXTUAL DOCUMENTS					
54.	2019	Law on the High Council of Justice	https://zakon.rada.gov.ua/laws/show/1798-19/print Updated in Oct 2019. English version of this law that is available upon request does not include the latest changes.	Ukrainian	Verkhovna Rada High Council of Justice
55.	2019	Law on the Judiciary and the Status of Judges	https://zakon.rada.gov.ua/laws/show/1402-19 Updated in Oct 2019. English version of this law that is available upon request does not include the latest changes.	Ukrainian	ALL
56.	2018	Law on the High Anti-Corruption Court	https://zakon.rada.gov.ua/laws/show/2447-19 English text of this Law is available but not published online. New Justice can provide English text of the law upon request.	Ukrainian	Verkhovna Rada High Anti-Corruption Court International Donors
57.	2018	Venice Commission Opinion on the Draft Law on High Anti-Corruption Court and on the Draft Law on Amendments to the Law on the Judiciary and Status of Judges	https://www.venice.coe.int/webforms/documents/?pdf=C-DL-AD(2017)020-e	English	ALL
58.	2019	Public Integrity Council: Society First Experience in Judicial Selection and Performance Evaluation	https://drive.google.com/file/d/19ylm5noeANgnylPxx2ghMAD9ReyKNw_/view	English	Public Integrity Council High Qualifications Commission High Council of Judges Justice Sector CSOs
59.	2017	Public Integrity Council Annual Report	https://grd.gov.ua/data/files/171208_1916_USAID_A4_PQ_Bleed3mm.pdf	Ukrainian	Public Integrity Council High Qualifications Commission

					High Council of Judges Justice Sector CSOs
60.	2019	European Business Association Court Index	https://eba.com.ua/wp-content/uploads/2019/05/EBA-Court-Index_2019_ENG.pdf	English	ALL
61.	2017	Justice Sector Reform Strategy 2015-2020	http://sudovareforma.org/en/institutes/strategy/	English	ALL
62.	2018	Frontier Justice A New Approach for U.S. Rule of Law Assistance Robert M. Perito and Ambassador Donald J. Planty	https://www.publicinternationallawandpolicygroup.org/s/Frontier-Justice-Final-Rule-of-Law-Report-PILPG_2.pdf	English	
63.	2008	“Judicial Institutions” In the Oxford Handbook of Political Institutions Oxford University Press Gibson, J. L.	https://doi.org/10.1093/oxfordhb/9780199548460.003.0026	English	
64.	2010	USAID Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework A Guide for USAID Democracy and Governance Officers	https://pdf.usaid.gov/pdf_docs/Pnadm700.pdf	English	
65.	2019	“What Prevents Ukrainian Judiciary from Becoming Truly Effective and Independent?” Vox Ukraine	https://voxukraine.org/en/what-prevents-ukrainian-judiciary-from-becoming-truly-effective-and-independent/	English	

APPENDIX 2: LIST OF INTERVIEWEES AND FOCUS GROUP DISCUSSION PARTICIPANTS

PRIORITY LIST OF STAKEHOLDERS TO INTERVIEW IN-COUNTRY

Table II, below, contains the top key informants and focus group discussion respondents that the team will prioritize speaking with through a minimum of approximately 50 interviews and focus group discussions during in-country fieldwork.

TABLE II: PRIORITY LIST OF STAKEHOLDERS TO INTERVIEW IN-COUNTRY

#	NAME	POSITION
NEW JUSTICE PROGRAM		
1.	David Vaughn	Chief of Party
2.	Natalia Petrova	Deputy Chief of Party
3.	Artem Shaipov	Legal Education Specialist
VERKHOVNA RADA, COMMITTEE ON LEGAL POLICY		
4.	Olga Sovgyrya	MP, SN, Deputy Head of the Legal Policy Committee
5.	Roman Babiy	MP, SN
6.	Yaroslav Yurchyshyn	MP, Holos
7.	Igor Kolisnik	Acting Head of the Secretariat of the Legal Policy Committee
OFFICE OF THE PRESIDENT		
8.	Anatoliy Filatov	Deputy Head for Legal Affairs (past)
9.	Kostyantyn Krasovskiy	Department of Legal Affairs (past)
LEGAL REFORM COMMISSION		
10.	Mykhailo Buromenskyi	Co-Chair, President of the NGO Institute of the Applied Humanitarian Research
11.	Nataliya Kuznietsova	Chair, the Working Group on Legal Education Reform of the Commission on Legal Reform under the President
CONSTITUTIONAL COURT OF UKRAINE		
12.	Serhii Holovaty	Deputy Chief Judge
HIGH ANTI-CORRUPTION COURT (HACC)		
13.	Olena Tanasevych	Chief Judge
14.	Yevhen Kruk	Deputy Chief Judge
15.	Bohdan Kryklyvenko	Chief of Staff for the HACC
16.	Markiyan Galabala	Judge
HIGH COUNCIL OF JUSTICE (HCJ)		
17.	Andrii Ovsienko	Chairman
18.	Serhii Pushkar	Head of the Secretariat

19.	Ihor Benedysyuk	Chairman (2015-2019)
20.	Andriy Boiko	Member (2015-2019)
21.	Oksana Lysenko	Head of the Press-Center of the Judiciary
22.	Oleksiy Malovatsky	Deputy Head
HIGH QUALIFICATIONS COMMISSION OF JUDGES OF UKRAINE (HQC)		
23.	Serhii Koziakov	Chairman (2014-2019)
24.	Andriy Kozlov	Member (2014-2019)
PUBLIC INTEGRITY COUNCIL (PIC) AND REANIMATION PACKAGE OF REFORMS (RPR)		
25.	Mykhailo Zhernakov	Coordinator
26.	Galyna Chyzhyk	Member, Coordinator (past)
27.	Roman Maselko	Member
28.	Dariya Kalenyuk	Head, Anti-Corruption Center
NATIONAL SCHOOL OF JUDGES OF UKRAINE (NSJ)		
29.	Mykola Onishchuk	Rector
STATE JUDICIAL ADMINISTRATION OF UKRAINE (SJA)		
30.	Zynovii Holodniuk	Head
31.	Lyudmyla Gizatulina	Deputy Head
32.	Volodymyr Kutsenko	former Head of SJA's Territorial Office in Odessa Oblast, former Head of HCJ's Inspectorate
SUPREME COURT (SC)		
33.	Valentyna Danishevska	Chief Justice
34.	Olga Bulka	Chief of Staff
35.	Anna Bronska	Judge, Commercial Cassation Court of the Supreme Court
LOCAL AND APPELLATE COURTS OF ALL JURISDICTIONS		
36.	Nataliya Bogatska	Chair, Southwestern Commercial Court of Appeals (former Odesa Commercial Court of Appeals)
COUNCIL OF JUDGES OF UKRAINE (COJ) (JUDICIAL SELF-GOVERNANCE BODY)		
37.	Bohdan Monich	Chair, 2019 - present
UKRAINIAN NATIONAL BAR ASSOCIATION		
38.	Lidia Izovitova	Head
MINISTRY OF JUSTICE OF UKRAINE (MOJ)		
39.	Valeriya Kolomiets	Deputy Minister in charge of international cooperation
40.	Serhiy Petukhov	Deputy Minister in charge of international cooperation (past)
41.	Ivan Shemelynets	Acting Director General on Human Rights, Access to Justice and Legal Awareness and Head of Ministry of Justice Expert Group on Legal Education Reform
42.	Vladyslav Vlasiuk	Former Acting Director General on Human Rights, Access to Justice and Legal Awareness (2019)
MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE		
43.	Ganna Novosad	Minister
44.	Yuriy Rashkevych	Deputy Minister in charge of legal education reform (past)

45.	Yegor Stadnyi	Deputy Minister in charge of legal education reform
46.	Oleh Sharov	Director General on Higher Education and Adult Learning
47.	Andriy Boyko (see: HCJ)	Head of the Ministry of Education Committee on Education Standards
CABINET OF MINISTERS		
48.	Kateryna Levchenko	Government Commissioner on Gender Policy
STATE ENFORCEMENT SERVICE, MINISTRY OF JUSTICE		
49.	Andriy Haychenko	Deputy Minister of Justice for State Enforcement Service
ASSOCIATION OF PRIVATE ENFORCEMENT OFFICERS OF UKRAINE		
50.	Oleksandr Syvokozov	Secretary of the Association
NATIONAL AGENCY FOR HIGHER EDUCATION QUALITY ASSURANCE (NAHEQA)		
51.	Serhiy Kvit	Head
52.	Ivan Nazarov	Deputy Head
53.	Andriy Butenko	Deputy Head
54.	Olena Lytvynenko	Council of Europe (COE) Deputy Head of the Council of Europe Office in Ukraine
55.	Nataliia Stupnytska	National Program Manager for the OSCE Project Coordinator
56.	Dovydas Vitkauskas	Team Leader, EU-funded Project “Pravo-Justice”
57.	Anna Adamska	Judicial Reform Expert for the EU Pravo-Justice Project
58.	Ivar Tallo	International Key Expert on E-Justice
59.	Lubomyr Markevych	Field Director “Support to Judicial Reform Project” the Canadian Bureau for International Education (CBIE).
60.	Valeriy Oliynyk	Canadian Embassy to Ukraine, Senior Project Officer; Open World Program nominee in 2015 year
61.	Manfredas Limantas	Sector Manager, Rule of Law/Anti-Corruption, Delegation of the European Union to Ukraine
62.	Fabian Loewenberg	Head of Rule of Law Component, European Union Advisory Mission (EUAM)
63.	Roman Romanov	International Renaissance Foundation in Ukraine, Human Rights and Justice Program Director
CSOs AND GRANTEES		
64.	Oleksandr Pavlichenko	Executive Director, Civic Association "Ukrainian Helsinki Human Rights Union"
65.	Andrii Borovyk	Executive Director, NGO “Transparency International Ukraine” (TIU)
66.	Mykhaylo Buromenskyi (See Legal Reform Commission)	President of the Institute of Applied Humanitarian Research
67.	Serhii Chvankin	Head of the Association of Investigative Judges of Ukraine
68.	Denys Buhai	President, Association of Ukrainian Lawyers
69.	Maksym Sheverdin	Head of the Association of Ukrainian Lawyers’ Commission on Improving Legal Education
70.	Olga Kalashnyk	President, NGO “La Strada Ukraine” (LSU)
71.	Margaryta Stepanyuk	Project manager, NGO “Association for the Development of Judicial Self-Government in Ukraine” (ARSSU)
72.	Volodymyr Kravchuk	Head, SC Judge
73.	Luiza Romanadze	President, Civic Association “Ukrainian Academy of Mediation”
74.	Serhii Riznyk	Director, Center for Constitutional Initiatives (CCI)

75.	Veronika Godlevska	Head of the Student's League of the Association of Ukrainian Lawyers
76.	Mykhailo Protsailo	Head of the Student's League of the Association of Ukrainian Lawyers' Task Force on Legal Education Reform
77.	Yaryna Stefaniv	President of the European Law Students' Association
UNIVERSITIES & LAW SCHOOLS		
78.	Yuriy Barabash	Vice Rector
79.	Olena Kharitonova	Associate Professor of the Criminal Law Department
80.	Viacheslav Tuliakov,	Vice-Rector on International Cooperation, National University "Odesa Law Academy"
81.	Maksym Kutsevych	Deputy Dean of the Taras Shevchenko Kyiv National University School of Law
82.	Ivan Gorodyskii	Director, Ukrainian Catholic University Law School
83.	Iryna Sharovska	Executive Director of the UCU Rule of Law Center
84.	Denys Azarov	Dean, National University of "Kyiv-Mohyla Academy, Faculty of Law Sciences
85.		Association of Legal Clinics of Ukraine (ALCU)
86.	Petro Patsurkivskyi	Dean of the Yuriy Fedkovych Chernivtsi National University School of Law
87.	Serhiy Ishchuk	Director of the Malynovskyi Law Institute of the National University "Ostroh Academy"
88.	Antonina Bobkova,	Dean of the Vasyl Stus Donetsk National University School of Law

ADDITIONAL LIST OF STAKEHOLDERS TO INTERVIEW IN-COUNTRY

The team may also interview selected informants from the secondary list presented in Table 12, below, to be selected based upon remaining time and availability during in-country fieldwork.

TABLE 12: ADDITIONAL LIST OF STAKEHOLDERS TO INTERVIEW IN-COUNTRY

#	NAME	POSITION
NEW JUSTICE PROGRAM		
1.	Tomas Verteletskyy	Monitoring and Evaluation Specialist
2.	Mykola Khavronyuk	New Justice Local Expert
3.	Serhiy Rakov	New Justice Local Test Item Development Expert
4.	Serhiy Mudruk	New Justice Local Test Item Development Expert
VERKHOVNA RADA, COMMITTEE ON LEGAL POLICY		
5.	Andrii Kostin	Chair (MP, SN)
6.	Oleksandr Merezko	MP, SN, Head of International Affairs Committee, formerly Legal Policy Committee
VERKHOVNA RADA, COMMITTEE ON EDUCATION, SCIENCE, AND INNOVATIONS		
7.	Yuliia Hryshyna	Head of the Subcommittee on Higher Education of the Verkhovna Rada Committee on Education, Science, and Innovations
OFFICE OF THE PRESIDENT		
8.	Andriy Smirnov	Deputy Head for Legal Affairs
CONSTITUTIONAL COURT OF UKRAINE		
9.	Stanislav Shevchuk	Former Chief Judge
10.	Viktor Gorodovenko	Judge
11.	Volodymyr Moisiuk	Judge
12.	Mykola Melnyk	Judge (past)
HIGH ANTI-CORRUPTION COURT (HACC)		
13.	Daniila Chornenka	Chief Judge of the Appellate Chamber
HIGH COUNCIL OF JUSTICE (HCJ)		
14.	Vadym Belenevych	Vice-Chair (2017 - 2019)
15.	Anatoliy Miroshnichenko	Member (2015 - 2019)
16.	Svitlana Shelest	Member (2019 - present)
HIGH QUALIFICATIONS COMMISSION OF JUDGES OF UKRAINE (HQC)		
18.	Stanislav Shchetka	Vice-Chairman (2014-2019)
PUBLIC INTEGRITY COUNCIL (PIC) AND REANIMATION PACKAGE OF REFORMS (RPR)		
17.	Roman Kuibida	Member
18.	Andrii Kulibaba	Coordinator
19.	Kateryna Butko	Avtomaidan

20.	Olena Galushka	RPR international cooperation
NATIONAL SCHOOL OF JUDGES OF UKRAINE (NSJ)		
21.	Galyna Yurovska	Justice of the Constitutional Court of Ukraine, NSJ Trainer
22.	Dmytro Tkachenko	Judge, Boryspil City Court, NSJ Trainer (Participant of the New Justice Rule of Law Certificate Program)
23.	Nataliya Shuklina	Vice-Rector
24.	Volodymyr Mazurok	Vice-Rector
SUPREME COURT (SC)		
25.	Olena Kibenko	Judge, Grand Chamber of the SC
26.	Oleksandr Mamalui	Judge, Commercial Cassation Court of the Supreme Court
27.	Viktor Prorok	Judge
28.	Dmytro Hudyma	Judge
COUNCIL OF JUDGES OF UKRAINE		
29.	Oleh Tkachuk	Former Chair
LOCAL AND APPELLATE COURTS OF ALL JURISDICTIONS		
30.	Oleh Khrypyn	Chair, Northern Commercial Court of Appeals (former Kyiv Commercial Court of Appeals)
31.	Yaroslav Golovachev	Chair, Kyiv Appellate Court
UKRAINIAN NATIONAL BAR ASSOCIATION		
32.	Serhii Vylkov	Chair, High Qualifications Disciplinary Commission (HQDC)
MINISTRY OF JUSTICE OF UKRAINE (MOJ)		
33.	Denys Malyuska	Minister
34.	Oleksandr Banchuk	Deputy Minister
MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE		
35.	Lubov Shchitka	Acting Director General on Strategic Planning and European Integration
NATIONAL AGENCY FOR HIGHER EDUCATION QUALITY ASSURANCE (NAHEQA)		
36.	Mykhailo Vynytsky	Head of Secretariat
INTERNATIONAL DONORS / PARTNERS		
37.		USAID “Support to Anti-Corruption Champion Institutions” (SACCI)
38.	Henrik Villadsen	Ambassador, Organization for Security and Cooperation in Europe (OSCE) Project Coordinator in Ukraine
39.	Andy Hunder	President, American Chamber of Commerce in Ukraine (ACC)
40.	Naira Avetisyan	Chief of Child Protection Programme, United Nations Children’s Fund (UNICEF) in Ukraine
41.	Sigall Horovitz	Project Manager for the UNODC Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime/ Education for Justice (E4J) Initiative
42.	Taras Tymochko	Project Coordinator for American Councils Strengthening Academic Integrity Project in Ukraine
CSOs AND GRANTEES		
43.	Viktor Gursky	Executive Director, Social Boost NGO
44.	Iryna Shyba	Executive Director, Foundation DEJURE

45.	Nataliya Chumak	CEO, NGO “Court Management Institute”
46.	Serhiy Nikolaev	Head, Association of Private Enforcement Officers of Ukraine (APEOU)
47.	Oleksandra Drik	Chair of the Board, NGO “Civic Lustration Committee” (CLC)
48.	Luba Maksymovych	Project manager, NGO “Centre Women Perspectives” (CWP)
49.	Natalia Lynnyk	Program Manager, NGO “Committee of Voters of Ukraine” (CVU)
50.	Valeriya Rybak	Director, NGO “Human Rights Vector”
51.	Mykola Stepanov	NGO “Centre for Policy and Legal Reform” (CPLR)
52.	Diana Protsenko	President, NGO National Association of Mediators of Ukraine (NAMU)
UNIVERSITIES & LAW SCHOOLS		
53.	Ivan Hrytsenko	Dean, Taras Shevchenko Kyiv National University, Law School
54.	Tetyana Varfolomeieva	Rector of the Academy of Advocacy of Ukraine

APPENDIX 3: SAMPLE INTERVIEW GUIDE

INTERVIEWS (SEMI-STRUCTURED)

This guide is presented as a sample or illustrative interview protocol. Please note that, as interviews will be semi-structured, these questions will not necessarily be asked verbatim or in this order. Instead, the guide will act as a memory aide or a checklist for the interviewers, to ensure that relevant topics have been covered to the extent possible. Additionally, successful semi-structured interviewing requires interviewer flexibility to pursue useful themes outside of those listed or to focus on a subset of themes where a source is particularly informative. As such, this guide will serve as a “living” document during fieldwork, and questions may be dropped, added, or revised during fieldwork.

INTRODUCTION (ALL)

Thank you very much for taking the time to meet with us. Before we start, I'd like to give you a bit more context for the research. I'm an independent consultant engaged by the Cloudburst Group and an expert in legal assessments. Dr. Andriy Meleshevysh is President of the National University of Kyiv-Mohyla Academy and a Professor of Law. Our Research Assistant, _____, is also here to serve as a language interpreter.

We are conducting a performance evaluation of USAID's New Justice Reform Program, assessing the relevance and effectiveness of New Justice activities focused on 1) advancing judicial independence and self-governance, 2) improving judicial discipline, and 3) enhancing legal education. We also seek to learn about New Justice's collaboration with other efforts funded by international donors and USAID. In addition, we wish to learn what New Justice approaches have been most effective in advancing the program's objectives. We asked to meet with you both to receive relevant background information and to hear your thoughts on the performance of New Justice in these areas.

Your contribution is very important to us and we appreciate your time and input. Results of this interview may be used in assessment reporting, and this report will be made publicly available online. However, we will ask for your permission if we are considering a direct quote and otherwise your responses will be kept confidential. And of course, you do not need to answer every question. Do you have any questions for us before we start?

KIIS WITH USAID AND NEW JUSTICE STAFF

EQ1. JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE

- I. What were the main issues (up to five) related to judicial independence and self-governance in October 2016, prior to the commencement of the New Justice project?
 - Did they vary by:
 - i. Type of court?
 - ii. Politically/economically important cases vs. typical cases?
 - iii. Region?
 - Has judicial independence and self-governance in Ukraine advanced since October 2016?
2. Has public confidence in the judiciary and judiciary reform processes in Ukraine increased since October 2016?

3. If you have seen advances in judicial independence and self-governance in Ukraine or public confidence in the judiciary and judiciary reform processes in Ukraine:
 - i. What do you think is driving them?
 - ii. Have the changes been in: All courts? All regions?
4. What activities or approaches by New Justice worked best to advance judicial independence and self-governance? What activities or approaches worked best to increase public confidence in the judiciary and judicial reform processes? E.g.:
 - i. International expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - ii. Ukrainian expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - iii. Trainings
 - iv. Study visits to third countries
 - v. Study visits to U.S.
 - vi. Conferences/roundtables with experience exchange
 - vii. Meetings and discussions
 - viii. Grant support to CSO projects
 - ix. Facilitation of cooperative efforts between judicial institutions and CSOs
 - x. Information campaigns
 - xi. Pilot projects
 - xii. Other
5. Were there approaches that had to be adapted and why?
6. Were there approaches you would have liked to use but were unable due to external factors (the war, political resistance, etc.)?
7. What New Justice interventions are not yielding anticipated results and why?
8. Have there been advances related to the representation and leadership of women judges? What activities or approaches by New Justice worked best to advance the representation and leadership of women judges?
9. What key factors, events or conditions enabled New Justice's work on judicial independence and self-governance? What key factors, events or conditions impeded this work?
10. Are there issues/stakeholders/approaches related to judicial independence and self-governance where New Justice should have focused more effort or resources in the past due to opportunities for success?
11. Were there activities or approaches related to judicial independence and self-governance that New Justice should have undertaken but did not? If yes, why?
12. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success? If yes, did New Justice anticipate these issues, and if so, how did that factor into decision-making?
13. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
14. Are there new activities New Justice should initiate before concluding in February 2021?

EQ2. JUDICIAL DISCIPLINE

1. What were the main issues (up to five) related to judicial discipline in October 2016?

- Did they vary by:
 - i. Type of court?
 - ii. Judge involved?
 - iii. Region?
- 2. Has judicial discipline in Ukraine advanced since October 2016?
- 3. If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
- 4. What are the primary activities or approaches New Justice undertook to advance judicial discipline? E.g.
 - i. International expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - ii. Ukrainian expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - iii. Trainings
 - iv. Study visits to third countries
 - v. Study visits to U.S.
 - vi. Conferences/roundtables with experience exchange
 - vii. Meetings and discussions
 - viii. Grant support to CSO projects
 - ix. Pilot projects
 - x. Other
- 5. Were there approaches that had to be adapted and why?
- 6. Were there approaches you would have liked to use but were unable due to external factors (the war, political resistance, etc.)?
- 7. What New Justice interventions related to judicial discipline are not yielding anticipated results and why?
- 8. What key factors, events or conditions enabled New Justice's work on judicial discipline? What key factors, events or conditions impeded this work?
- 9. Are there issues/stakeholders/approaches related to judicial discipline where New Justice should have focused more effort or resources in the past due to opportunities for success?
- 10. Were there activities or approaches that New Justice should have undertaken but did not?
- 11. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success? If yes, did New Justice anticipate these issues, and if so, how did that factor into decision-making?
- 12. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
- 13. Are there new activities New Justice should initiate before concluding in February 2021?

EQ3(A). TERTIARY LEGAL EDUCATION

- 1. What were the main issues (up to five) related to tertiary legal education in October 2016?
- 2. Has legal education improved or declined since then? If you have seen advances, what do you think is driving them?
- 3. What are the primary activities or approaches New Justice undertook to advance tertiary legal education?
- 4. Which of New Justice's activities or approaches were successful in enhancing legal education and which were not? What was most useful and why?
 - i. International expert assistance
 - ii. Ukrainian expert assistance
 - iii. Trainings
 - iv. Study visits to third countries

- v. Study visits to U.S.
 - vi. Conferences/roundtables with experience exchange
 - vii. Meetings and discussions
 - viii. Pilot projects
 - ix. Other
5. Were there approaches that had to be adapted and why?
 6. Were there approaches you would have liked to use but were unable due to external factors (the war, political resistance, etc.)?
 7. What are New Justice's plans to ensure the sustainability of its efforts? Are the law schools showing ownership to continue the assistance?
 8. What interventions related to legal education are not yielding anticipated results and why?
 9. What key factors, events or conditions enabled New Justice's work on legal education? What key factors, events or conditions impeded this work?
 10. Are there issues/stakeholders/approaches related to legal education where New Justice should have focused more effort or resources in the past due to opportunities for success?
 11. Were there activities or approaches that New Justice should have undertaken but did not? If yes, why?
 12. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success? If yes, did New Justice anticipate these issues, and if so, how did that factor into decision-making?
 13. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
 14. Are there new activities New Justice should initiate before concluding in February 2021?

EQ3(B). PROFESSIONAL DEVELOPMENT OF JUDGES AND LAWYERS

1. What were the main issues (up to five) related to professional development for judges and lawyers in October 2016?
2. Has professional development for judges and lawyers improved or declined since then? If you have seen advances, what do you think is driving them?
3. What are the primary activities or approaches New Justice undertook to advance professional for judges and lawyers?
4. Which activities or approaches by New Justice worked best to enhance professional development?
 - i. Judges
 - i. Online training tool to promote compliance with ethical standards (ER 1.2.2)
 - ii. NSJ methodologies, curriculum and trainers strengthened so that NSJ can provide high-quality development services (ER 3.2.1, 3.2.5)
 - iii. Orientation program for HACC and S.Ct. judges (ER 3.2.1)
 - iv. Training for judges and clerks on law, ethics, leadership and management, leading to increased competencies, improved self-image and humanitarian law (ER 3.2.2, 3.2.3, 3.2.4)
 - v. Other
 - ii. Lawyers
 - i. Rule of Law graduate certificate program on the rule of law for judges, prosecutors, and legal professionals (Obj. 4)
 - ii. Bar Association Legal Education Committee (Obj. 4)
 - iii. Training for human rights lawyers through grantee (Obj. 4)
 - iv. Manual on communicating with those with disorders being developed by grantee (ER 5.2.5)
 - v. Other

5. Were there approaches that had to be adapted and why?
6. Were there approaches you would have liked to use but were unable due to external factors (the war, political resistance, etc.)?
7. What are New Justice's plans to ensure the sustainability of its efforts? Are the professional associations showing ownership to continue the assistance?
8. What interventions related to professional development are not yielding anticipated results and why?
9. What key factors, events or conditions enabled New Justice's work on legal education? What key factors, events or conditions impeded this work?
10. Are there issues/stakeholders/approaches related to legal education where New Justice should have focused more effort or resources in the past due to opportunities for success?
11. Were there activities or approaches that New Justice should have undertaken but did not? If yes, why?
12. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success? If yes, did New Justice anticipate these issues, and if so, how did that factor into decision-making?
13. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
14. Are there new activities New Justice should initiate before concluding in February 2021?

EQ4. COLLABORATION WITH EMBASSY, INTERNATIONAL DONORS AND OTHER USAID EFFORTS

1. How has the project attempted to coordinate its work with the Embassy, international donors and other USAID efforts/activities? How strategic is this coordination?
2. How effective has New Justice been with these collaborating efforts?
3. What were the most successful methods for collaboration applied by New Justice?
4. Why were they successful?
5. What outcomes are related to these collaborations?
6. What challenges did New Justice face in coordinating with other donors and USAID-funded projects?
7. What could be changed to improve collaboration in the future?
8. Were there methods for collaboration that were unsuccessful or that were inappropriate for New Justice implementation?
9. Is donor coordination formalized?
 - i. If so, are there Memoranda of Understanding or other agreements that acknowledge the division of labor and/or joint implementation of activities?
10. How has donor coordination informed New Justice's programming?
11. To what degree do donors pool their funds and/or expertise?
12. Are there specific synergies with USAID or other donor programming that could be better exploited?
13. Are there notable lessons learned from other donor-funded or USAID-funded projects?

EQ5. EFFECTIVENESS OF TOOL AND APPROACHES

1. What tools and approaches have been used by New Justice to advance activity objectives? E.g.
 - i. memorandum of understanding with government stakeholder
 - ii. monthly sectoral coordination meetings
 - iii. mentorship for judicial leadership from U.S. and Europe
 - iv. study tours for judges and judicial sector counterparts
2. For each tool or approach used, what have been the effects of that tool or approach?
3. Were any of the effects unintended?
4. If there were unintended effects of a utilized tool or approach, were those effects positive or negative?

5. What if any constraints (political, financial, managerial) prevented the project from responding to certain opportunities to advance its stated objectives?
6. Were there tools or approaches that should not have been used?
7. Were there tools or approaches that should have been used differently?
8. Were there tools or approaches that should have been used and were not?

FUTURE ACTIVITIES

1. What activities should New Justice focus on during the remainder of the project?
2. What areas are still the most in need of being strengthened?
3. What capacity building efforts still need to be made?
4. Should New Justice focus more on justice institutions or CSOs?
5. What programmatic changes are necessary to maximize impact in the remaining term?

KIIs WITH GOU AND JUDICIAL LEADERSHIP (HIGH COUNCIL OF JUSTICE, HIGH QUALIFICATIONS COMMISSION OF JUDGES, HIGH ANTI-CORRUPTION COURT, ETC.)

EQ1. JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE

1. What were the main issues (up to five) related to judicial independence and self-governance in October 2016, prior to the commencement of the New Justice project?
 - Did they vary by:
 - i. Type of court?
 - ii. Politically/economically important cases vs. typical cases?
 - iii. Region?
2. Has judicial independence and self-governance in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
3. Has public confidence in the judiciary and judiciary reform processes in Ukraine increased since October 2016?
4. If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
5. What New Justice interventions are not yielding anticipated results and why?
6. Are there issues/stakeholders/approaches related to judicial independence and self-governance where New Justice should have focused more effort or resources in the past due to opportunities for success?
7. Were there activities or approaches related to judicial independence and self-governance that New Justice should have undertaken but did not?
8. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success?
9. What key factors, events or conditions enabled New Justice's work on judicial independence and self-governance? What key factors, events or conditions impeded this work?
10. Have there been advances related to the representation and leadership of women judges? What activities or approaches did New Justice undertake to improve the representation and leadership of women judges? Is there more it should have done?
11. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project? If so, why?
12. Are there new activities New Justice should initiate before concluding in February 2021?

EQ2. JUDICIAL DISCIPLINE

1. What were the main issues (up to five) related to judicial discipline in October 2016?
 - Did they vary by:
 - i. Type of court?
 - ii. Judge involved?
 - iii. Region?
2. Has judicial discipline in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
3. What are the primary activities or approaches New Justice undertook to advance judicial discipline? E.g.
 - i. International expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - ii. Ukrainian expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - iii. Trainings
 - iv. Study visits to third countries
 - v. Study visits to U.S.
 - vi. Conferences/roundtables with experience exchange
 - vii. Meetings and discussions
 - viii. Grant support to CSO projects
 - ix. Other
4. How effective have these efforts have been?
5. What do you consider to be the key recent advances in judicial discipline? What role did New Justice play in these changes?
6. What New Justice interventions related to judicial discipline are not yielding anticipated results and why?
7. What key factors, events or conditions enabled New Justice's work on judicial discipline? What key factors, events or conditions impeded this work?
8. Are there issues/stakeholders/approaches related to judicial discipline where New Justice should have focused more effort or resources in the past due to opportunities for success?
9. Were there activities or approaches that New Justice should have undertaken but did not?
10. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success?
11. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
12. Are there new activities New Justice should initiate before concluding in February 2021?

OTHER

1. Have there been advances related to the representation and leadership of women judges? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
2. What assistance have you received from New Justice to help you achieve your objectives?
3. Was the assistance timely? Of what quality was the assistance?
4. How effective has the assistance been? What was most useful and why?
5. What laws and policies related to judicial independence, self-governance or judicial discipline were drafted and/or adopted with assistance from New Justice?
6. What has New Justice's assistance to justice institutions accomplished?
7. Are there improvements in capacity that can be almost exclusively attributed to New Justice's assistance? How were those improvements accomplished?

8. To what extent are you fulfilling your mandates? What can New Justice do to help?
9. Considering New Justice's major areas of engagement (judicial independence and self-governance, judicial discipline, legal education), are there areas where New Justice has been more or less successful?
10. What is your overall opinion of the project performance?
11. What is the likelihood that the results of the assistance you received will be sustainable? Are you receiving advice on increasing sustainability?
12. What is your opinion on New Justice's cooperation with other donors?
13. Are there issues/stakeholders/approaches where New Justice should have focused more effort or resources due to opportunities for success?
14. Were there activities or approaches that New Justice should have undertaken but did not?
15. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources?
16. Are there issues/stakeholders/approaches New Justice should focus more or less effort or resources during the remainder of the project?
17. Are there new activities New Justice should initiate before concluding in February 2021?
18. What activities should USAID focus on in the coming years?

KIIS WITH NATIONAL SCHOOL OF JUDGES

1. What were the main issues (up to five) related to professional development for judges in October 2016?
2. Has professional development for judges improved or declined since then? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
3. Which of New Justice's activities or approaches worked best in enhancing professional development and which were not? What was most useful and why?
 - i. Online training tool to promote compliance with ethical standards (ER 1.2.2)
 - ii. NSJ methodologies, curriculum and trainers strengthened so that NSJ can provide high-quality development services (ER 3.2.1, 3.2.5)
 - iii. Orientation program for HACC and S.Ct. judges (ER 3.2.1)
 - iv. Training for judges and clerks on law, ethics, leadership and management, leading to increased competencies, improved self-image and humanitarian law (ER 3.2.2, 3.2.3, 3.2.4)
 - v. Other
4. What are New Justice's plans to ensure the sustainability of its efforts? Is the NSJ interested and able to take ownership to continue the assistance?
5. What interventions related to professional development are not yielding anticipated results and why?
6. What key factors, events or conditions enabled New Justice's work on professional development? What key factors, events or conditions impeded this work?
7. Are there issues/stakeholders/approaches related to professional development where New Justice should have focused more effort or resources in the past due to opportunities for success?
8. Were there activities or approaches that New Justice should have undertaken but did not? If yes, why?
9. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success?
10. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
11. Are there new activities New Justice should initiate before concluding in February 2021?

FGDS WITH JUDGES

EQ1. JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE

1. Has judicial independence and self-governance in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
2. Has public confidence in the judiciary and judiciary reform processes in Ukraine increased since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
3. What New Justice interventions related to judicial independence and self-governance are not yielding anticipated results and why?
4. Are there issues/stakeholders/approaches related to judicial independence and self-governance where New Justice should have focused more effort or less effort, or that New Justice should have undertaken but did not?

EQ2. JUDICIAL DISCIPLINE

1. Has judicial discipline in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
2. What New Justice interventions related to judicial discipline are not yielding anticipated results and why?
3. Are there issues/stakeholders/approaches related to judicial discipline where New Justice should have focused either more effort or less effort, or that New Justice should have undertaken but did not?

EQ4. PROFESSIONAL DEVELOPMENT OF JUDGES

1. Has professional development for judges advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change? Which ones?
2. What interventions related to professional development are not yielding anticipated results and why?
3. Are there issues/stakeholders/approaches related to professional development where New Justice should have focused more effort or less effort, or that it should have undertaken but did not?

OTHER

1. Have there been advances related to the representation and leadership of women judges? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in
2. What is your overall opinion of the project performance?
3. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project or that USAID focus on in the coming years?

FGDS WITH COURT STAFF

1. Has judicial independence and self-governance in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
2. Has public confidence in the judiciary and judiciary reform processes in Ukraine increased since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?

3. What New Justice interventions related to judicial independence and self-governance are not yielding anticipated results and why?
4. Are there issues/stakeholders/approaches related to judicial independence and self-governance where New Justice should have focused more effort or less effort, or that New Justice should have undertaken but did not?
5. Has judicial discipline in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
6. What New Justice interventions related to judicial discipline are not yielding anticipated results and why?
7. Are there issues/stakeholders/approaches related to judicial discipline where New Justice should have focused either more effort or less effort, or that New Justice should have undertaken but did not?
8. Have there been advances related to the representation and leadership of women judges? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in
9. What is your overall opinion of the project performance?
10. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project or that USAID focus on in the coming years?

KIIS WITH LAW SCHOOL MANAGEMENT

1. What are the strengths and weakness of the legal education system?
2. What are the obstacles that impede development in legal education?
3. Have you heard about efforts to adopt a national education strategy and standards for accreditation? What are your thoughts on/understanding of the effort?
4. Have you heard about efforts to adopt a quality assurance framework for law schools? What are your thoughts on/understanding of the effort?
5. What are your thoughts on efforts to integrate practice-oriented and skills-based instruction, curriculum and activities? What more needs to be done to prepare students for judiciary and other legal careers?
6. Are there published standards and criteria for admission to law schools?
7. What are the admissions criteria?
 - a. Do institutions require a standardized and transparent entrance examination?
 - b. What other factors might influence ability to get in?
8. What is the perception as to the fairness and impartiality of the admission process?
9. What is the perception as to the fairness and impartiality of exams and grading in law schools?
10. What role has New Justice played in advancing legal education?
11. What assistance has your school received from New Justice? What are the results?

ACCREDITATION

1. How are law schools accredited?
2. Which body is responsible for accreditation?
3. What standards are used to determine accreditation?
4. Are courses in professional conduct and ethics required for accreditation?
5. Are there concerns as to political interference or other influences on the accreditation process?
6. What role has New Justice played in improving the accreditation process?
7. Are there activities related to accreditation that New Justice should have undertaken but did not or that it should have undertaken differently?

QUALITY ASSURANCE FRAMEWORKS

1. What efforts has New Justice made to support the establishment of a quality assurance framework for law schools?
2. To what extent has this effort been successful? What was most useful and why?
3. Does your law school have a QA Unit?
4. What functions does (should) the QA Unit perform?
5. Are there activities related to the establishment of a quality assurance framework that New Justice should have undertaken but did not or that it should have undertaken differently?

PRACTICE-ORIENTED AND SKILLS-BASED INSTRUCTION, CURRICULUM

1. To what extent are interactive teaching methods used in your law school and in Ukraine generally?
2. Are there gaps in the legal education curriculum?
 - a. Does the curriculum include training in professional conduct?
 - b. Does the curriculum include training in legal ethics (including ethics for judges)?
 - c. What skill-based training is provided?
3. What has New Justice done to improve legal education at your school?
 - a. Interactive teaching methods?
 - b. Practice/skills-based instruction?
 - i. legal writing and analysis?
 - ii. professional conduct?
 - iii. legal ethics (including ethics for judges)?
 - iv. judicial independence/discipline?
 - v. combatting corruption?
 - c. Other?
4. Does the school have the capacity to sustain and develop New Justice's interventions in curricula development?
5. Does your school have a clinical legal program?
6. How has New Justice supported clinical education at the law school?
7. Is the legal clinic mandatory or elective?
8. How many students usually enroll?
9. Is the professor an academic or practitioner?
10. Did the professors involved receive training on clinical legal education?
11. Does the school have the capacity to sustain and develop New Justice interventions in clinical education?
12. What else can be done within the project life to ensure the sustainability of these efforts?
13. What more needs to be done to prepare students for the judiciary and other legal careers?

OTHER

1. Have there been advances related to the representation of women in law schools, both as professors and students?
2. What activities or approaches did New Justice undertake to improve the representation of women as professors and students?
3. What components of New Justice's current activities should be expanded, replicated, or scaled up?
4. Which should be discontinued?
5. What measures are being taken to ensure the sustainability of New Justice's activities?
6. What can be done to increase sustainability?

FGDs WITH LAW SCHOOL PROFESSORS

1. What are the strengths and weakness of the legal education system?
2. What factors support or impede the development of legal education?
3. Have you heard about efforts to adopt a national education strategy and standards for accreditation? What are your thoughts on/understanding of the effort?
4. Have you heard about efforts to adopt a quality assurance framework for law schools? What are your thoughts on/understanding of the effort?
5. What are your thoughts on efforts to integrate practice-oriented and skills-based instruction, curriculum and activities?

PRACTICE-ORIENTED AND SKILLS-BASED INSTRUCTION, CURRICULUM

1. To what extent are interactive teaching methods used in your law school?
2. Are there gaps in the legal education curriculum?
3. What skill-based training is provided? Does the curriculum include training in:
 - a. Professional conduct?
 - b. Legal ethics (including ethics for judges)?
4. What has New Justice done to improve legal education at your school?
 - a. Interactive teaching methods?
 - b. Practice/skills-based instruction?
 - i. legal writing and analysis?
 - ii. professional conduct?
 - iii. legal ethics (including ethics for judges)?
 - iv. judicial independence/discipline?
 - v. combatting corruption?
 - c. Other?
5. How has New Justice supported expanding clinical education at the law school?
6. Did the professors involved receive training on clinical legal education?
7. Does the school have the capacity and interest to sustain and develop New Justice interventions in curricula development and clinical education?
8. What more needs to be done to prepare students for the judiciary and other legal careers?
9. What else can be done within the project life to ensure the sustainability of New Justice's efforts?

OTHER

1. Have there been advances related to the representation of women in law schools, both as professors and students? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
2. Are there activities or approaches where New Justice should have focused either more effort or less effort, or that New Justice should have undertaken but did not?

FGDs WITH LAW SCHOOL STUDENTS

1. What is your overall impression of the legal education you are receiving? Does it prepare you for the judiciary or other legal careers after graduation?
2. Is the legal curriculum comprehensive?
3. To what degree do you believe that the curriculum is rigorous and students are motivated to compete based on merit?
4. Are you receiving training on practical skills? What training?
 - a. legal writing and analysis?
 - b. professional conduct?
 - c. legal ethics (including ethics for judges)?
 - d. judicial independence/discipline?

- e. combatting corruption?
 - f. other?
- 5. Are the skills courses taught by practitioners or academicians?
- 6. Does the school have a functioning legal clinic? What is your experience with the legal clinic?
- 7. How would you improve the effectiveness of your law school education?
- 8. Are you aware of assistance New Justice has provided to improve legal education?
- 9. How effective has the assistance been? What was most useful and why?
- 10. What is the perception as to the fairness of the law school admission process?
- 11. What is the perception as to the fairness of examinations and grading?
- 12. To what degree does your educational program prioritize integrity? Specifically, was there adherence to an honor code, anti-corruption policies, procedures for adjudicating misconduct and enforcement of violations?

KIIs WITH LEGAL PROFESSIONALS

- 1. What were the main issues (up to five) related to judicial independence and self-governance in October 2016, prior to the commencement of the New Justice project?
- 2. Did they vary by:
 - a. Type of court?
 - b. Politically/economically important cases vs. typical cases?
 - c. Region?
- 3. Has judicial independence and self-governance in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
- 4. Has public confidence in the judiciary and judiciary reform processes in Ukraine increased since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
- 5. What activities or approaches by New Justice worked best to advance judicial independence and self-governance and to increase public confidence in the judiciary and judicial reform processes? E.g.:
 - a. International expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - b. Ukrainian expert assistance (drafting of regulation/laws, preparation of recommendations, development of curricula/training tools, etc.)
 - c. Trainings
 - d. Study visits to third countries
 - e. Study visits to U.S.
 - f. Conferences/roundtables with experience exchange
 - g. Meetings and discussions
 - h. Grant support to CSO projects
 - i. Facilitation of cooperative efforts between judicial institutions and CSOs
 - j. Information campaigns
 - k. Other
- 6. What were the main issues (up to five) related to judicial discipline in October 2016?
- 7. Has judicial discipline in Ukraine advanced since October 2016? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
- 8. Of these, which activities or approaches were successful? Which were not? What was most useful and why?
- 9. Have there been advances related to the representation and leadership of women judges or lawyers? Are you aware of any activities or approaches that New Justice undertook to

- improve the representation and leadership of women judges or lawyers? Is there more it should have done?
10. Are you aware of assistance New Justice has provided to increase the self-regulation of lawyers' associations and professional standards among members? How effective has the assistance been? What was most useful and why?
 11. Does the current legal education prepare students for the judiciary or other legal careers after graduation? How would you improve the effectiveness of tertiary legal education?
 12. Are you aware of assistance New Justice has provided to improve tertiary legal education? How effective has the assistance been? What was most useful and why?
 13. What were the main issues (up to five) related to professional development for lawyers in October 2016?
 14. Has professional development for lawyers improved since then? If you have seen advances, were New Justice activities conducive/relevant/effective/efficient in ensuring that change?
 15. Which New Justice activities or approaches were successful in enhancing professional development and which were not?
 - a. Rule of Law graduate certificate program on the rule of law for judges, prosecutors, and legal professionals (Obj. 4)
 - b. Bar Association Legal Education Committee (Obj. 4)
 - c. Training for human rights lawyers through grantee (Obj. 4)
 - d. Manual on communicating with those with disorders being developed by grantee (ER 5.2.5)
 16. Are the professional associations showing ownership to continue the assistance?
 17. What key factors, events or conditions enabled New Justice's work on professional development? What key factors, events or conditions impeded this work?
 18. Are there issues/stakeholders/approaches related to professional development where New Justice should have focused more effort or less effort, or that New Justice should have undertaken but did not?
 19. Considering New Justice's major areas of engagement (judicial independence and self-governance, judicial discipline, legal education), are there areas where New Justice has been more or less successful? What was most useful and why?
 20. What is your overall opinion of the project performance?
 21. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
 22. Are there new activities New Justice should initiate before concluding in February 2021?

FGD WITH INTERNATIONAL DONORS AND OTHER USAID ACTIVITIES

1. How has New Justice attempted to coordinate its work with international donors and other USAID efforts/activities?
 - a. Rule of Law donor/implementer meetings
 - b. Other?
2. How effective has each of these efforts been? What was most useful and why?
3. How strategic is the coordination?
4. What were the most successful methods for collaboration applied by New Justice? Why were they successful?
5. What outcomes are related to these collaborations?
6. What challenges have been faced in collaborating with New Justice?
7. What could be changed to improve this in the future?
8. Were there methods for collaboration tried that were unsuccessful or that were inappropriate for New Justice implementation?

9. Are there specific synergies with USAID-funded or other donor programming that could be better exploited?
10. Are there notable lessons learned from your projects?
11. If you were to make suggestions as to how New Justice should modify its programming for the remainder of the project, what would they be?
12. If you were to make suggestions as to how USAID should modify its programming after New Justice, what would they be?

FGD WITH CSOS

1. What role has New Justice played in advancing civil society?
2. Has your organization received assistance from New Justice? If so, what?
 - a. funding to monitor judicial performance evaluation, selection and discipline (ER 2.3.1)
 - b. funding to monitor overall judicial reform processes (ER 2.3.1)
 - c. funding for Citizen Report Cards on courts (ER 2.3.2)
 - d. funding to monitor of judicial financial disclosures (ER 2.3.9)
 - e. funding for LGBTI rights in court (ER 5.1.5)
 - f. funding to advocate for HR protection by courts (ER 5.2.4)
 - g. improved linkages with GOU partner (ER 2.3.3)
 - h. organizational capacity support (ER 2.3.6)
 - i. strategic managements sessions (ER 2.3.6)
3. Was the process of developing normative acts related to judicial independence inclusive? What did New Justice do to support the inclusiveness of that process? Should it have done more?
4. How effective has New Justice's assistance to CSOs been? What was most useful and why?
5. Why was Program Management workshop (June 2019) cancelled (ER 2.3.6)?
6. What are the key successes attributable to New Justice's assistance to CSOs?
7. What interventions by New Justice are not yielding anticipated results and why?
8. What key factors, events or conditions enabled New Justice's work with CSOs? What key factors, events or conditions impeded this work?
9. Are there issues/stakeholders/approaches of work with CSOs where New Justice should have focused more effort or resources in the past due to opportunities for success?
10. Were there activities or approaches that New Justice should have undertaken but did not?
11. Were there issues/stakeholders/approaches where New Justice should have focused less efforts or resources due to barriers to success? If yes, why?
12. Are there issues/stakeholders/approaches where New Justice should focus more or less effort or resources during the remainder of the project?
13. Are there new activities New Justice should initiate before concluding in February 2021?

CONCLUSION (ALL)

1. Do you have any final comments that you wish to share?
2. Are there any questions that you would like to ask me?

APPENDIX 4: JUDICIAL LEGITIMACY SURVEY

This draft survey is presented below for USAID review. Before deployment, the survey will be piloted and refined to ensure survey questions and flow are easily understandable.

Thank you for agreeing to participate in this short survey (10 questions). This questionnaire will take about 15 minutes to complete.

Purpose: The purpose of the study is to investigate and learn more about your knowledge of, and engagement with USAID's New Justice program as well as to collect information on perceptions of Ukraine's justice system. Results of this study are to be used strictly for research. All data and identifying information will be anonymized using codes that will be archived separately from each other making it impossible to reconstruct your answers. Any publications resulting from this project will only describe general trends. Nobody will be identified by name, and it will be impossible to attribute any survey responses or findings to you. If you have any questions or concerns, please feel free to contact [local contact] using the information below.

Right to Withdraw: You understand that you can withdraw from this research study at any time. You can ask to be removed from this study if you feel the confidentiality of the information you provide is not sufficiently guaranteed.

QUESTIONNAIRE

1. Please indicate your level of engagement with the New Justice Program.
 1. I am aware of the NJ program and have participated in NJ Activities.
 2. I am aware of the NJ program. I have not participated in NJ Activities personally but have colleagues who have.
 3. I am aware of the NJ program. I have not participated in NJ Activities personally and am not aware of any of my colleagues having done so.
 4. I am not aware of the NJ Program.
 5. Refuse
2. Please indicate which of the following professional categories you belong to:
 1. Judges and representatives of judicial institutions
 2. Professional Lawyer (participants of court proceedings but not judges or court staff)
 3. Staff of national justice sector institutions or court staff
 4. Civil society
 5. Legal educator
 6. Legal student
 7. Other

SURVEY VIGNETTE¹¹⁶ RANDOMIZED TREATMENT

Treatment 1: Positive social-framing Message

A New Justice survey of Ukrainian judges on judicial independence and accountability, finds that most survey respondents believe that judges render justice in an impartial manner (91%).



Source: Survey Judges – USAID Nove Pravosuddya Justice Sector Reform Program 2017

Treatment 2: Skeptical social-framing Message

A New Justice survey of Ukrainian judges on judicial independence and accountability finds that cases are allocated to their court for reasons outside of established rules or procedures in order to influence the outcome of a case.



Source: Survey Judges – USAID Nove Pravosuddya Justice Sector Reform Program 2017

Control: No Social Framing Message

3. For the following statements please indicate the degree of your agreement on a scale from 1-10, where 1 indicates that you completely disagree and 10 indicates that you completely agree.
 1. The judiciary of Ukraine is independent from external pressure coming from members of government, citizens, or firms.
 2. Civil society organizations that focus on judicial corruption should be supported in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations.
 3. PIC 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges.
 4. Ukrainian judiciary has been significantly improving in recent years.
 5. Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions.
 6. There are situations when corrupt actions may be excused.
 7. The Ukrainian Justice system adjudicates court proceedings in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada.
 8. Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will.
 9. The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.

¹¹⁶ The survey includes a vignette experiment, which according to the Encyclopedia of Survey Research Methods is: “is a sort of ‘illustration’ in words. In survey research, a vignette question describes an event, happening, circumstance, or other scenario, the wording of which often is experimentally controlled by the researcher and at least one of the different versions of the vignette is randomly assigned to different subsets of respondents.” Survey vignettes are used for the explicit purpose of testing for information priming effects on other survey outcomes. This can be particularly beneficial to the survey methodology when random sampling is not feasible as the vignette enables experimental comparison tests. Source: <https://methods.sagepub.com/reference/encyclopedia-of-survey-research-methods/n626.xml>

10. Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible.
 11. If I become aware of corruption in my professional engagements, I will immediately report it.
 12. Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system.
4. What is your gender?
 5. What is your age? (under 30; 31-40; 41-50; 51-60; over 60).
 6. Question for only those who answer “1” to question 1 (to be programmed to skip automatically): Please rate your overall satisfaction with NJ activities you have personally undertaken.
 1. Totally satisfied
 2. Highly satisfied
 3. Satisfied
 4. Partially Satisfied
 5. Dissatisfied
 7. Question for only those who answer “1” to question 2 (to be programmed to skip automatically): Here is a list¹¹⁷ of different activities that you might have done or experienced in the last 12 months. Please read this carefully and enter how many of these things you have done or experienced. Do not indicate which things, only HOW MANY.
 - Attended a work-related meeting
 - Played a game of chess
 - Been unemployed for more than six months
 - Swam in a river or lake

The **treatment** group is shown the same list, but the fifth item is added (item order is randomized for all lists).

 - Received a private gift or benefit in exchange for professional action
 8. Question for only those who answer “2” to question 2: Here is a list of different activities that you might have done or experienced in the last 12 months. Please read this carefully and enter how many of these things you have done or experienced. Do not indicate which things, only HOW MANY.
 - Attended a work-related meeting
 - Played a game of chess
 - Been unemployed for more than six months
 - Swam in a river or lake

The **treatment** group is shown the same list, but the fifth item is added (item order is randomized for all lists)

 - Gave a private gift or benefit to a public official
 9. Please provide your thoughts and suggestions regarding specific NJ Activities or the program in general. (Open-ended)

This concludes the survey. Thank you for participating. We appreciate your valuable time.
If you'd like to provide comments for the researcher, you may do so here. (Open-ended)

¹¹⁷ Questions 7 and 8 are a question type called a *list experiment*, which according to the World Bank is “a questionnaire design technique used to mitigate respondent social desirability bias when eliciting information about sensitive topics.... List experiments present respondents with a list of items, experiences, or statements. Respondents must then report how many items in the list pertain to them. In a list experiment, the sample is randomly divided into two groups: the Direct Response Group and the Veiled Response Group. While the Direct Response Group is presented with a list of neutral and non-sensitive items (length=N), the Veiled Response Group is presented with an identical list plus the sensitive item (length=N+1). With a large enough sample, researchers can estimate the proportion of people to whom the sensitive item pertains by subtracting the average response of the Direct Response Group from the average response of the Veiled Response Group. List experiments provide respondents with an additional level of privacy, as the researcher can never perfectly infer an individual's answer to the sensitive item unless either 0 or N+1 items are true.” Source: https://dimewiki.worldbank.org/wiki/List_Experiments

APPENDIX 5: TENTATIVE SCHEDULE OF EVALUATION MILESTONES, MEETINGS, VISITS, KIIS, AND FIELDWORK¹¹⁸

TASK	TIMELINE	PROPOSED DEADLINE
Evaluation Desk Report submitted	Four business days after planning call	January 23, 2020
USAID provides feedback on the methodology and proposed list of stakeholders to interview	Within one week of receiving the document	January 30, 2020
Final Evaluation Desk Report submitted	Within three days of receiving comments	February 4, 2020
Field work preparations, including translation of the evaluation tools by the local field researcher, survey programming, and making interview requests		February 4-28, 2020
Online Survey pilot and subsequent release		Beginning February 28, 2020
Mr. Weinstein, Dr. Hite-Rubin and Ms. Marple-Cantrell arrive in Kyiv; Team meeting, finalization of interview protocols		March 1, 2020
In-briefing meeting with USAID	Upon arrival in Ukraine	March 2, 2020 (afternoon)
Field interviews in Kyiv begin		March 2, 2020
Dr. Hite-Rubin departs Kyiv		March 7, 2020
Ms. Marple-Cantrell departs Kyiv		March 15, 2020
Field site visit to Kharkiv		March 12-14, 2020
Field site visit to Odesa		March 19-21, 2020
Field interviews in Kyiv conclude		March 26, 2020
Out-briefs with USAID/Ukraine and submission of PowerPoint presentation	At the conclusion of fieldwork	March 27, 2020
Mr. Weinstein departs Kyiv		March 28, 2020
Submit 30-page (plus appendices) draft of report to USAID, including a 3- to 5-page executive summary	20 working days following out-brief	April 24, 2020
USAID provides feedback on draft report	Within three weeks of receiving the document	May 15, 2020
Final report and executive summary submitted	Within two weeks of receiving the document	May 29, 2020
USAID final report approval	Within two weeks of receiving the document	June 15, 2020

¹¹⁸ Please note that as discussed in Section 3 – Evaluation Methods and Limitations, COVID-19 interrupted the schedule of in-country fieldwork. Consequently, the final schedule of milestones was different from this tentative schedule developed during the preparatory phase of the evaluation.

ANNEX E: FOCUS GROUP DISCUSSION SUMMARIES

INTRODUCTION

The evaluation team conducted five focus group discussions with 26 people who represented homogeneous groups of stakeholders who benefitted from program activities; for example, regional grantees in Chuhuyiv. Discussions lasted approximately 1–1.5 hours. These facilitated discussions allowed for the exchange and discussion of experiences and viewpoints and enabled the evaluation team to probe for perceptions of relevance and effectiveness, as well as to identify lessons learned and recommendations for any future activity. Focus group discussions were held, both in person and remotely, at four locations: YMNLU in Kharkiv, Chuhuyiv Community Justice Center, Kyivskyi District Court of Odesa (remote via Skype), and the State Judicial Administration (SJA) office.

FOCUS GROUP WITH STATE JUDICIAL ADMINISTRATION (MARCH 10, 2020, STATE JUDICIAL ADMINISTRATION)

Participants:

1. Zenoviy Kholodniuk, Chair, SJA
2. Iryna Voitiuk, Advisor to Chair, SJA
3. Oleksandr Slonitskyi, Head, Department of Information and Judicial Statistics, SJA
4. Antonina Polishchuk, Deputy Head, Department of Judicial Statistics, Court Filing and Archive, SJA
5. Olena Ignatchenko, Head, Department of Information and Analytics and International Cooperation, SJA
6. Natalia Mokarieva, Chief Specialist, Department of Information and Analytics and International Cooperation, SJA
7. Olha Kakaulina, Chief Specialist, SJA Press Office

The SJA distributes the budget for the court system and is responsible for the organization of the court system at the national and regional level. The SJA has worked with New Justice (NJ) to gather information on the workload of judges and is happy with the results of that effort. Once the report on the workload of judges is received, the SJA will recalculate the number of judges needed. If the SJA had done this work without international support, judges would not trust the results.

NJ also trained over 150 court administrators, and the participants were impressed by the trainings. The SJA plans to continue the effort, which is designed to show the heads of courts and the heads of court administration that they are part of one team.

NJ also created a working group for the Ministry of Justice to introduce jury trials, worked towards creating a unified information system (including e-court), organized surveys of court users, and worked to improve the communication skills of speaker judges. The participants said they were very satisfied with NJ's assistance, that much more must be done, and that it is hard to imagine how this could be done without NJ. The new president's team sees judicial reform requiring another two to three years, and international experience is important during this time.

Specific areas on which the participants would like USAID to focus its efforts include: finalizing administrative reform, reducing the number of courts without reducing accessibility, extending e-court so that more participants can process and follow cases online, finalizing the information and telecommunication system, and educating citizens of their role as jurors.

The most important activity is the information and telecommunication system. However, it is not possible to transfer it to the state until at least 2021. The training of court heads and heads of administration is also very important and needs international support. The state is, however, ready to take over the cost of jury trials.

The major change that can be attributed to NJ is that trust in courts, especially the Supreme Court, has increased. Also, there are now unified court practices in which decisions by the Supreme Court apply to all courts, which has resulted in few cases going to courts of cassation. NJ supported this by assisting in the selection and training of judges.

The participants stated that the NJ team was more stable, practical, effective, and fast than other donors due to the head of the project and the team he created. They felt that the continuity and stability of the NJ team are important. Participants also said that ideas suggested by USAID are viewed more positively than those from other donors.

FOCUS GROUP WITH YAROSLAV MUDRYI NATIONAL LAW UNIVERSITY STUDENTS (MARCH 12, 2020, YAROSLAV MUDRYI NATIONAL LAW UNIVERSITY)

Participants:

1. Vsevolod Marseniuk, bachelor's in law student, member of self-government organization, member of English debate society, member of Jessup team, helped establish Jessup moot court competition
2. Maksim Okolot, master's in law graduate (February 2020), participated in online anticorruption course, received bachelor's and master's degrees from YMNLU

Participants stated that both the bachelor's and master's degree curriculums were freer than before, with students given more freedom to choose elective courses. But they still felt too many courses were mandatory and that there was not enough opportunity to study outside their course of study. The students stated that teaching methodology had improved, with small seminars being used to complement the large lectures in a course. However, they stated that courses are sometimes theoretical and that professors may not have experience working in the field they are teaching (e.g., professors in the prosecution faculty may not have worked as prosecutors or even criminal lawyers). Nonetheless, they described professors as "the best," and said they are easy to communicate with and can be asked questions or for advice.

The number of courses providing training in practical skills was limited. However, practical skills were sometimes included as a component of a course, including training on drafting submissions to court. In addition, there are clubs and other opportunities for students to develop practical skills. The students expressed support for the idea of a continuous master's degree program, but in the interim supported the MEISEE for master's degree programs. The online anticorruption course and university legal clinic were both well regarded, but the opportunities to participate in the legal clinic were limited because of a lack of space.

Although the students had heard rumors of corruption involving specific professors, they had never experienced corruption and did not think it a significant problem. In particular, they had never heard allegations of corruption related to admissions.

FOCUS GROUP WITH YAROSLAV MUDRYI NATIONAL LAW UNIVERSITY FACULTY AND ADMINISTRATION (MARCH 12, 2020, YAROSLAV MUDRYI NATIONAL LAW UNIVERSITY)

Participants:

1. Yuriy Barabash, Vice-Rector, YMNLU

2. Viktor Smorodinsky, Associate Professor, Department of Theory and Philosophy of Law, YMNLU, Chief of Academic Commission for Academic Ethics, 22 years as professor and lawyer
3. Oleg Novikov, Assistant Professor, Department of Criminology, YMNLU, organized online anticorruption studies at YMNLU

The participants were concerned about the large number of law schools and the low-quality training provided at many of those schools. They said that a legal education must prepare students for the profession so they can get jobs, and said the major problem confronting legal education is the underemployment of law school graduates. The participants were also concerned about the lack of state funding for law schools not operated by Ministry of Interior, saying it made it harder for quality private institutions to survive.

The professors supported a number of reforms in Ukraine's legal education system, including adoption of a bachelor's degree exit exam, transitioning legal education to a five-year continuous master's degree program, and increasing both practical training and specialized training (e.g., sports or medical law). They stated that one of the major problems with legal education is the lack of practical training. Although they admitted it is hard to get more established professors to change to a more active and participatory teaching style, they said younger professors are interested in embracing new teaching methods.

As in the FGD with law students, the professors felt there should be more flexibility in legal education so that students can specialize in the subjects they are interested in instead of receiving wide general knowledge they will not use. In addition, they felt law schools need to teach universal legal principles as opposed to specific Ukrainian legal provisions.

The professors praised their cooperation with New Justice, most notably the assistance New Justice provided in establishing the Rule of Law Certificate Program. They felt the program was changing the system of values and building bridges between different sectors of the legal community. However, they said it would be three to five years before the Rule of Law Certificate Program could sustain itself; although financial support might be obtainable elsewhere, at the minimum the program needed logistical and moral support from USAID and it was still necessary to have the University of South Carolina involved because part of the program's appeal was that a joint U.S./Ukrainian certificate is issued. The Vice-Rector stated he is interested in adapting Rule of Law Certificate Program to be used as a course for master's students that focuses on practical problems. The professors also cited the assistance New Justice provided in the complicated process of establishing a Quality Assurance framework and unit, and said there was good cooperation with Washington & Lee Law School in establishing an online anticorruption course at the university.

The Vice-Rector recommended that USAID not have such broad goals. He suggested USAID increase its effectiveness by focusing its efforts on legal education and developing a real bar association in Ukraine.

FOCUS GROUP WITH NEW JUSTICE REGIONAL GRANTEES AND SOCIAL ACTIVISTS (MARCH 13, 2020, CHUHUYIV COMMUNITY JUSTICE CENTER)

Participants:

1. Kateryna Spirina, Member of Chuhuyiv Raion Rada, Deputy Head of CSO "Dialogue with Youth"
2. Pavlo Ivaniv, Secretary of Reform Coalition of Chuhuyivshchyna
3. Oleksandr Bilaev, Journalist, Newspaper "Pravova Pozytsiya"
4. Sergei Ragozin, Lawyer, Deputy Head of Chuhuyiv City Center of Free Legal Aid until last year
5. Andriy Gurenko, Deputy Head of NGO "Veterans of Anti-Terrorist Operations"

6. Vitaliy Babyko, Administrative Assistant to Director of Chuhuyiv Community Justice Center, Head of Mediators
7. Margarita Lykhachova, Lawyer, Chuhuyiv Community Justice Center
8. Roman Lykhachov, Deputy Chair, Chuhuyiv Right Protection Group

Participants said that the CJC is very useful for the community, being used to coordinate the efforts of various government and civil society stakeholders to ensure services are provided in an effective manner. For example, when an individual qualifies for secondary free legal aid, the CJC and public justice center coordinate to ensure there is no duplication of efforts. This was a pilot model developed within the NJ framework. The CJC is also very helpful to those such as the elderly who would not bring their concerns to court, and for educating people about their rights and how to solve common problems. The CJC is used by the participants as a venue to conduct meetings, communicate with other CSOs, and arrange events. The CJC has become a platform to not only produce ideas but also implement them—it is a place to have dialogue about local reforms.

A number of the participants traveled to the U.S. with NJ to visit public justice centers. They felt it was more effective to see the centers in action instead of having a U.S. expert talk about the centers in Ukraine. The group included a pro-Russian local official and it changed his way of thinking; that official now believes Ukraine can learn many things from the U.S.

However, the participants who were on the study trip said that half of the recommendations they received cannot be implemented in Ukraine unless there are amendments to the legislation and sufficient budget, which will not happen for some time. Participants said that Ukrainian experts with practical experience are very valuable, giving practical recommendations based on evidence, polls, and surveys, and that European experts are also interesting for their practical experience. But each type of expert has positives. Bringing U.S. judges to Ukraine is also useful. The information participants received from NJ's own experts, such as a presentation on how to ask questions and conduct surveys, was also very interesting.

The CJC has not received international support since November 2019. The regional council and local self-governance bodies help by donating access to facilities, and socially responsible businesses also donate. The CJC does not accept funds from local self-governance bodies because that would threaten its independence. If the CJC had more funds its activities could be more extensive, but without such money it can still maintain scaled-down activities. However, activities are more effective with international support, and state bodies are more responsive when international partners are supporting the efforts.

The participants suggested USAID decentralize its activities and not focus so heavily on Kyiv; regional organizations can do a lot but need help to conduct activities. For example, a local CSO coalition allows small organizations and the local government in the area to cooperate more closely.

FOCUS GROUP WITH KYIVSKYI DISTRICT COURT OF ODESA JUDGES AND STAFF (MARCH 20, 2020, KYIVSKYI DISTRICT COURT OF ODESA (REMOTE VIA VIDEO SKYPE))

Participants:

1. Sergey Chvankin, Chair, Kyiv District Court, Odesa
2. Vladimir Petrenko, Deputy Chair, Kyiv District Court, Odesa
3. Oksana Kurylenko, Judge, Kyiv District Court, Odesa
4. Olga Karagios, Press Secretary, Kyiv District Court, Odesa
5. Ilya But, Expert, Community Justice Center, Odesa Region
6. Maxim Shevchenko, Expert, Community Justice Center, Odesa Region

Kyiv district court of Odesa has implemented three projects since 2015 with USAID support: E-court, the Community Justice Center of Odesa and Odesa oblast region, and Mediation (through a New Justice grantee, the Ukrainian Academy of Mediation).

In 2015, USAID and HCJ chose Kyiv district court of Odesa to be a pilot court for the e-justice program. Participants said the program was very effective—although the court’s caseload increased 180% between 2015 and 2019, it was able to handle the higher volume of cases more efficiently with e-court than it previously handled its lower caseload. A big improvement is that the court no longer needs to apply to the postal service to get the address of a party, and the ability to send applications electronically saves both weeks in the processing of a case and postage. USAID organized many trainings and roundtables related to e-court, and through this assistance the various stakeholders (police, prosecutors, parties, the court, etc.) learned to work together using the e-court system. Although opposition from judges was initially very high, they have learned that the system is very useful.

The CJC in Odesa opened in 2018, and the participants felt it the most important of the three activities supported by USAID as it helps real people with real problems. When the CJC started, it signed agreements with dozens of governmental and non-governmental organizations, including police, prosecutors, city administration, aid agencies, district administration, pension funds, universities, and professional societies. Over 2000 residents came for free legal aid within one year. USAID assisted in developing the CJC website, purchasing equipment, organizing lectures, and supporting meetings. The CJC has not received USAID support since the end of 2019. Most of those who provide assistance at the CJC, including lawyers and psychologists, are volunteers. The participants were concerned that this model is not sustainable, and that without outside assistance the CJC will not exist. The participants felt the CJC needs another two years before it can be transferred to the government, and that if it transferred now the CJC will be closed.

The USAID mediation program implemented by the Ukrainian Academy of Mediation was very successful, resolving many difficult situations. After the program was over, the mediators stayed with the CJC and now work without pay. The participants hope that the project will be able to continue as the statistics of cases resolved were impressive.

The participants felt that the court information/telecommunication system cannot be transferred to the Ukrainian government until it is finalized. If transferred now, the system might be lost.

ANNEX F: SURVEY RESULTS

OVERVIEW

Of central importance to this evaluation is the capacity and commitment of Ukrainian judges, lawyers, civil society, legal educators, staff of national justice sector institutions, and court staff to promote judicial independence and discipline. The interviews address these issues in a qualitative manner, but another critical tool in assessing capacity and commitment is through systematic quantitative surveying. The Judicial Legitimacy Survey was engineered to enhance the New Justice's performance evaluation by providing data and insights that are complementary to the core methodology. Whereas the KIs and FGDs yield deep and nuanced insight on the effectiveness of New Justice approaches, the online survey methodology affords a bird's-eye view.

The Judicial Legitimacy Survey assists investigation of the effectiveness of New Justice Program activities in advancing judicial reform, building public confidence in the judiciary and sector reform processes, and strengthening judicial self-governance. A considerable challenge in meeting this aim is to distill the multifaceted, conceptual focus of the evaluation into a brief questionnaire that is viable for statistical inference. The Attitudinal Index (Table 13, below) was thus developed as an instrument to empirically gauge perceptions of Ukraine's judicial legitimacy and the degree that attitudes are conducive to New Justice goals of promoting judicial independence and discipline. The index, which is Question 3 in the Judicial Legitimacy Survey, consists of 12 statements, each uniquely addressing interrelated concepts of judicial independence, judicial discipline, corruption, and judicial legitimacy. These index components were informed by prior New Justice surveys on the impressions of judges, lawyers, justice sector professionals, jurors, and the public regarding the state of Ukraine's judicial system, judicial independence, reforms, and corruption.

One goal of the survey is to provide insights into the perceptions and experiences of a larger group of legal system actors, and over a broader geography than can be reached by qualitative fieldwork. Another critical aspect in developing the online survey is to determine the relevant parameters and information that can be coherently quantified and employed for the basis of comparison, i.e. test points. The evaluation team collaborated to operationalize and calibrate survey Questions 1, 2, 4, 5, 6, 9 and 10. Each of these test points were included to enable multilevel analysis of the New Justice program's role.

TABLE 13: ATTITUDINAL INDEX

	Attitudinal Index Measures	Judicial Independence	Judicial Discipline	Corruption	Judicial Legitimacy
1.	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms.				
2.	Civil society organizations that focus on judicial corruption should be supported in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations.				
3.	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges.				
4.	Ukrainian judiciary has been significantly improving in recent years.				
5.	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions.				
6.	There are situations when corrupt actions may be excused.				
7.	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada.				
8.	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will.				
9.	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.				
10.	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible.				
11.	If I become aware of corruption in my professional engagements, I will immediately report it.				
12.	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system.				

The survey was web-based and consisted of twelve questions. The survey tool is located in Annex D: Evaluation Desk Report. The survey was translated into and administered in Ukrainian.

SAMPLING

Our sampling methodology was designed to survey persons with varying degrees of familiarity and experience with the New Justice program activities. By doing so, we gained insight into how association with the New Justice program corresponds to sentiments that are in line with the New Justice program's stated goals.

We built our survey sample of Ukrainian judges, lawyers, civil society, legal educators, staff of national justice sector institutions, and court staff using a multi-prong dissemination approach to ensure a maximal response rate to the survey. This involves several outreach strategies:

- 1) Tailored communication with key points of contact (POCs) across different NJ beneficiary groups, in consultation with NJ to incorporate lessons they have learned about key stakeholders for survey dissemination. Through delivering this message, we ask that POCs distribute the survey to members of their organization and post the link to their website when appropriate.
- 2) Mass outreach to all organizations/agencies in the New Justice program database (law schools, CSOs, government branches, and institutions) through their respective POC. We also ask that they distribute the survey to members of their organization and post the link to their website when appropriate.
- 3) Mass direct outreach to select individual beneficiaries whose contact information was provided to us by the New Justice program.
- 4) Partnership with the State Judicial Administration of Ukraine to share the survey with judges of the first and appellate instance, employees of court apparatus of all jurisdictions, and employees of the central office and territorial departments of the State Judicial Service of Ukraine.
- 5) Debrief message to all interview informants as well as key beneficiaries whom we have not met in person, asking them to take our survey and distribute this among their peers. While the online

survey was not designed as a substitute for interviews, the survey responses are designed to complement this effort and provide a means to receive short commentary from a wider audience.

In the end, we were able to attain a high response rate amongst a diverse set of respondents within this relevant sample frame.

ETHICAL CONSIDERATIONS

The evaluation team followed all ethical practices for human subject research, protecting respondent confidentiality and sensitive information. This included determining whether IRB oversight is necessary for this data collection. Salus, our IRB of record, reviewed the research protocol and certified its compliance with IRB standards. Through the Salus IRB, we also completed a supplemental review for international research which certifies that evaluation activities follow international standards for ethical research procedures and practices.

The survey was implemented anonymously and thereby in compliance with Ukraine's legislation on Protection of Personal Data Act.¹¹⁹ Survey respondents were guaranteed confidentiality and able to refuse to answer any of the questions. Nobody will be identified by name, and it will be impossible to attribute any responses or findings to an individual person.

ANALYSIS METHODS

For the analysis of differences between sub-groups, we conducted t-tests of differences in means between each sub-group and the rest of the respondents. We ran these tests on a version of the data that allowed respondents to appear multiple times if they had different roles (*e.g.* were both a prosecutor and a legal educator). We used the same technique to analyze the list experiments, though here each respondent only appears once in the data.

For the framing experiments, we analyzed the data using ordered logit regressions, with dummy variables for those receiving the positive frame and the control group, making the reference category those receiving the negative frame. Covariate balance tests for age, gender, region, and job category suggest that the randomization of frames for the experiments was successful and so the regressions were run without additional control variables. Each respondent only appears once in the data.

All the analyses were run on unweighted data. There were two reasons for this final choice. First, since we were working from a sample drawn from a population of people “relevant to the judiciary,” the make-up of that population is not well defined. One option would have been to weight the sample by participation in the NJ programing, but since participation in the program is not randomly distributed across the target population, we chose to conduct sub-group analyses instead to see how different groups contribute to the overall results.

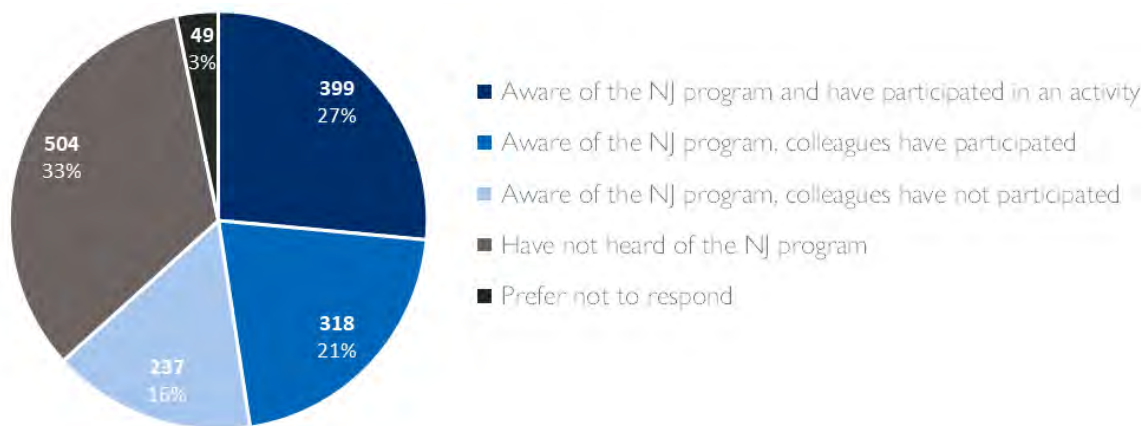
¹¹⁹ The legal standard for handling personal data was legislated in the On Protection of Personal Data Act, 01.06.2010 with changes occurring 19.10.2017: <http://zakon3.rada.gov.ua/laws/show/2297-17>.

SUMMARY BY QUESTION

The anonymous web-based survey took about 5-15 minutes to complete ¹²⁰ and reached 1,507 respondents overall.

About a quarter of respondents (27 percent N=399) participated in the New Justice program, and a third of respondents (33 percent, N=504) have not heard of the New Justice program. The remainder of respondents are aware of the program and have colleagues who have participated (21 percent, N=318) or are aware of the program and do not have colleagues who have participated (16 percent, N=237).¹²¹

I. Indicate your level of engagement with the New Justice Program



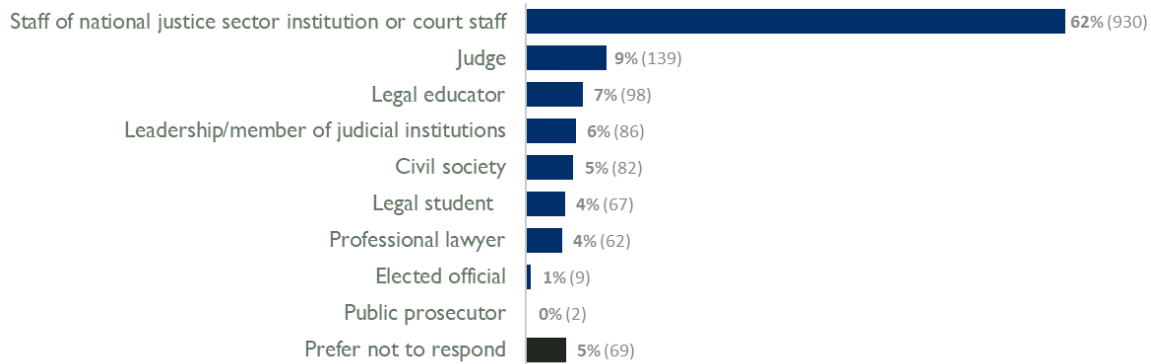
The Judicial Legitimacy Survey was designed to target a range of legal professionals and potential beneficiaries of the New Justice program. The majority of respondents are staff of national justice sector institution or court staff (62 percent, N=929). Respondents also include judges (9 percent, N=138), leadership/members of judicial institutions (6 percent, N=85), civil society professionals (5 percent, N=82), professional lawyers (4 percent, N=61), law school faculty and administration (6 percent, N=96), legal students (4 percent, N=67), elected officials (1 percent, N=9), and public prosecutors (<1 percent, N=2).¹²²

¹²⁰ Discounting cases entries wherein the survey was left in idle (such as overnight), the average interval of time spent on the survey is 9.99 minutes with a standard deviation of 4.69 minutes. In other words, most respondents took between only 5 and 15 minutes to respond to our brief survey.

¹²¹ The remaining respondents (3 percent, N=49) declined to specify their level of engagement with the New Justice project.

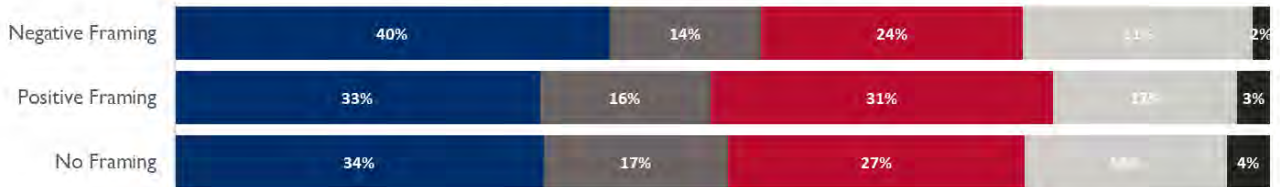
¹²² Of the remaining respondents, 5 percent (N=69) declined to specify their professional category and 1 percent (N=9) specified another professional category outside of the survey's target group. Percentages do not sum to 100 because respondents were able to select more than professional category. Of the 1507 respondents, 92 respondents specified two professional categories, 12 respondents indicated three, and 8 respondents chose four.

2. Indicate which professional categories you belong to:

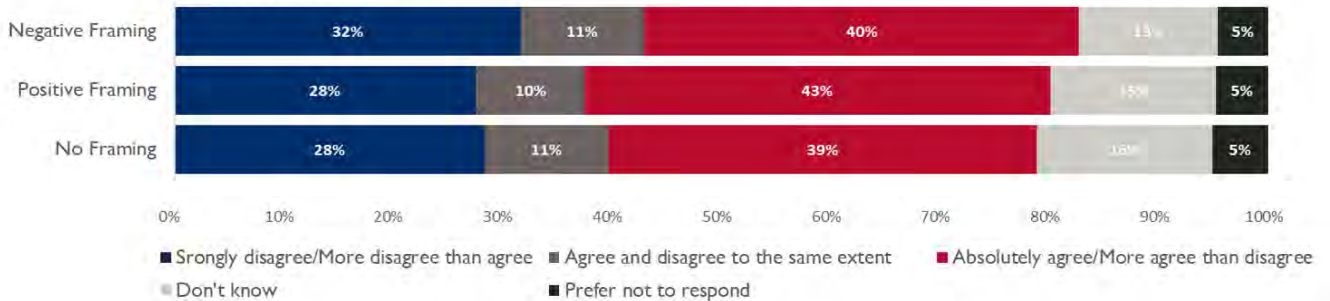


3. For the following statements about the judiciary, please indicate the degree of your agreement

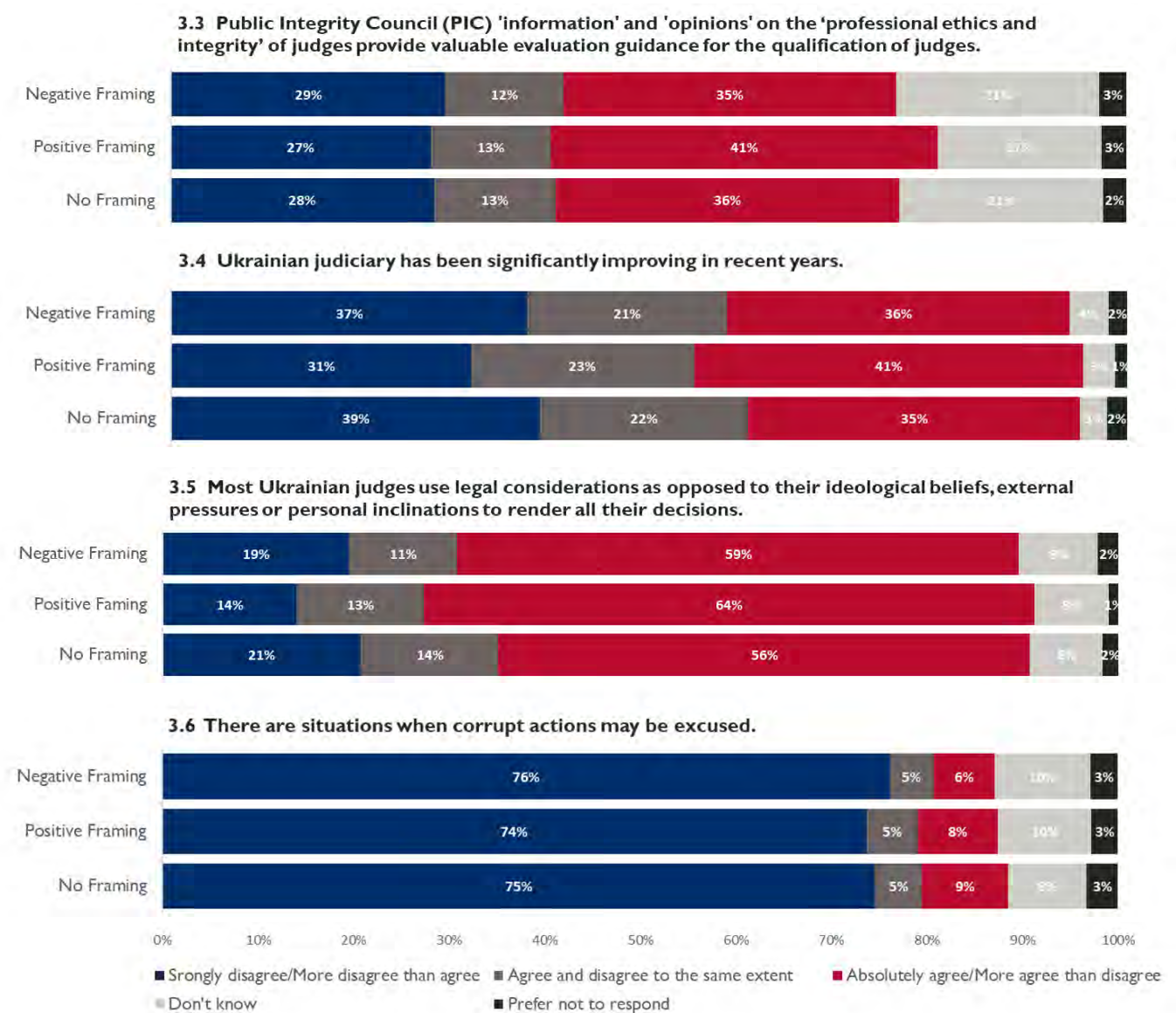
3.1 The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms.



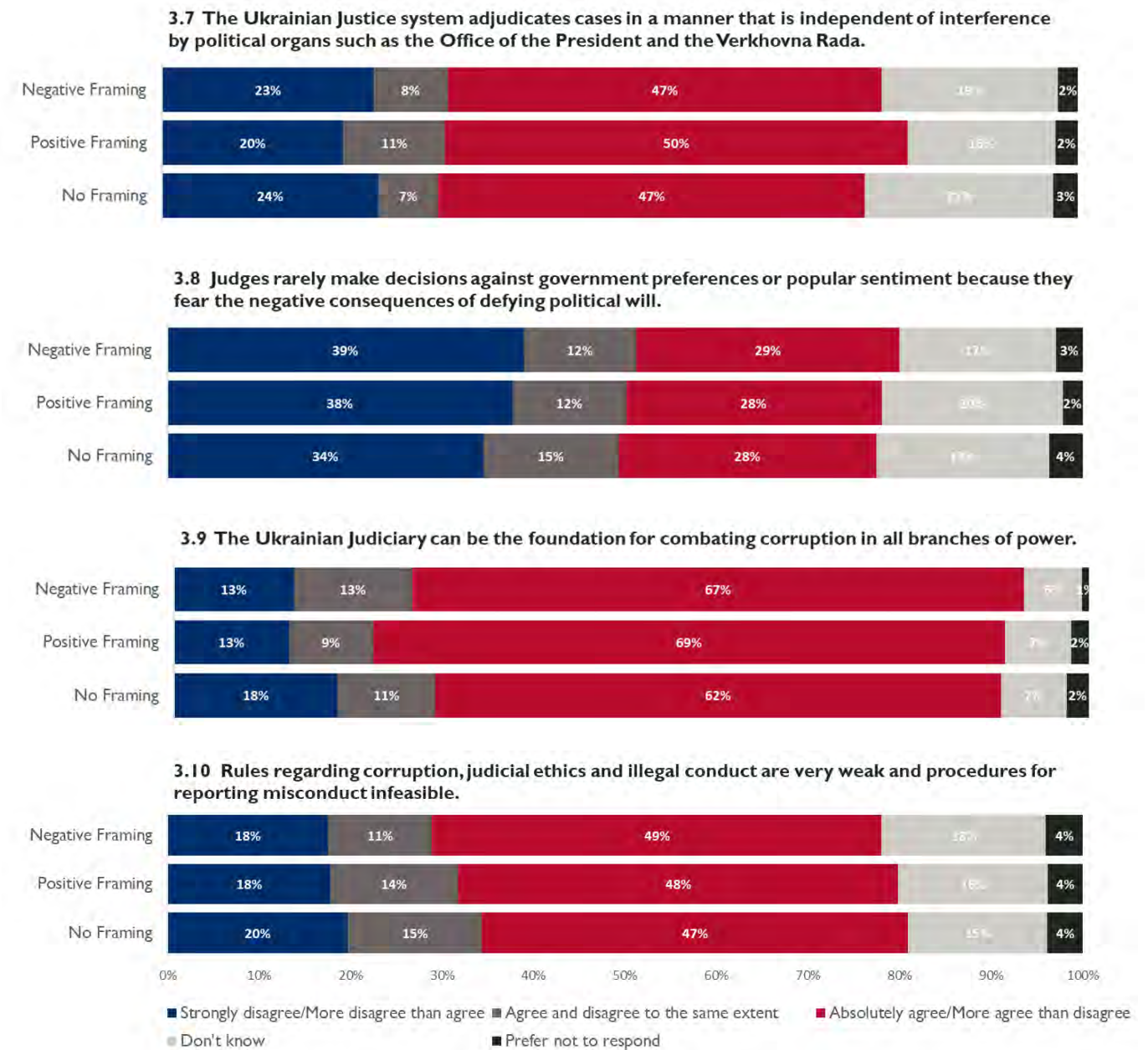
3.2 Civil society organizations that focus on judicial corruption should be supported in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations.



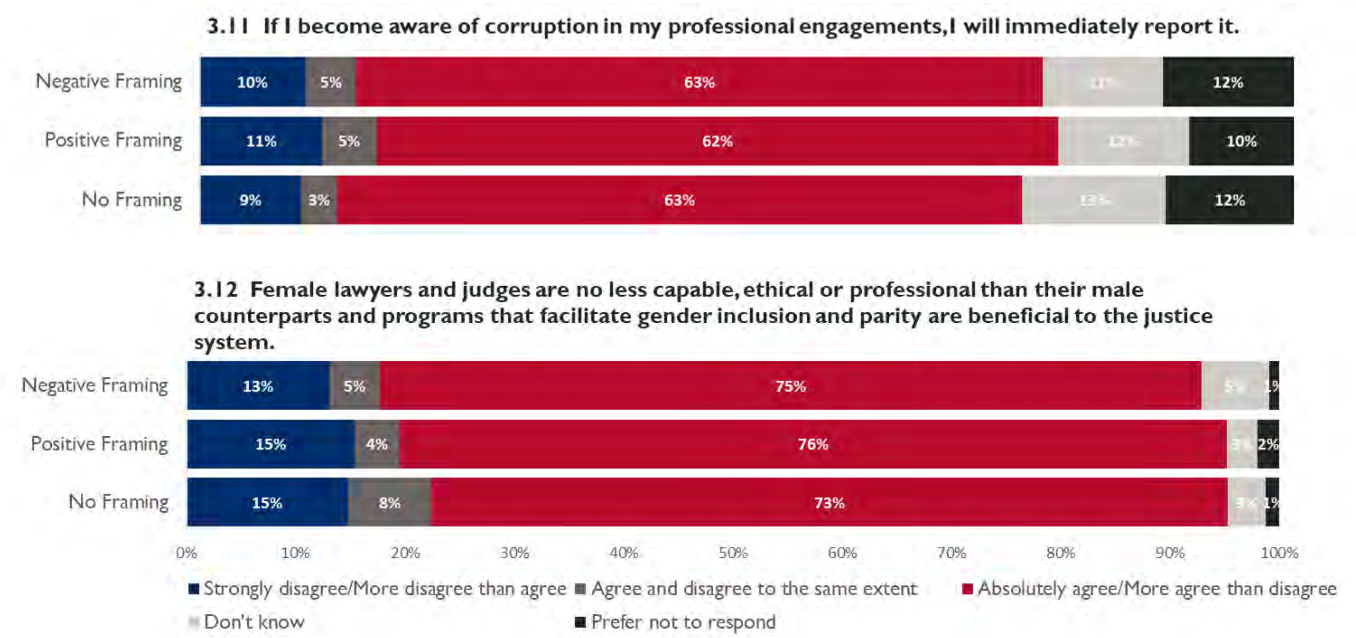
3. For the following statements about the judiciary, please indicate the degree of your agreement (cont.)



3. For the following statements about the judiciary, please indicate the degree of your agreement (cont.)



3. For the following statements about the judiciary, please indicate the degree of your agreement (cont.)

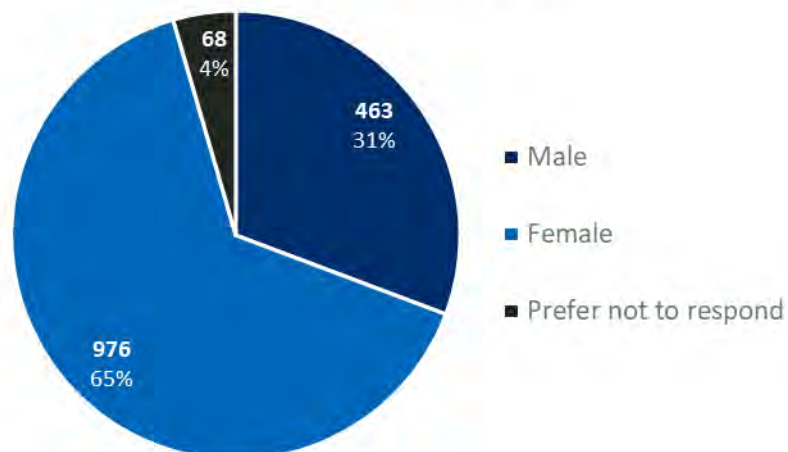


3.1 The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	164	34%	167	33%	206	40%
Agree and disagree to the same extent	82	17%	78	16%	72	14%
Absolutely agree/More agree than disagree	132	27%	157	31%	124	24%
Don't know	90	18%	84	17%	109	21%
Prefer not to respond	19	4%	15	3%	8	2%
3.2 Civil society organizations that focus on judicial corruption should be supported in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	138	28%	138	28%	164	32%
Agree and disagree to the same extent	55	11%	50	10%	59	11%
Absolutely agree/More agree than disagree	191	39%	213	43%	206	40%
Don't know	78	16%	76	15%	66	13%
Prefer not to respond	25	5%	24	5%	24	5%
3.3 Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	134	28%	136	27%	149	29%
Agree and disagree to the same extent	62	13%	63	13%	64	12%
Absolutely agree/More agree than disagree	175	36%	203	41%	181	35%
Don't know	104	21%	86	17%	110	21%
Prefer not to respond	12	2%	13	3%	15	3%
3.4 Ukrainian judiciary has been significantly improving in recent years.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	188	39%	157	31%	193	37%
Agree and disagree to the same extent	106	22%	117	23%	109	21%
Absolutely agree/More agree than disagree	169	35%	204	41%	186	36%
Don't know	14	3%	17	3%	21	4%
Prefer not to respond	10	2%	6	1%	10	2%
3.5 Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	101	21%	70	14%	101	19%
Agree and disagree to the same extent	70	14%	67	13%	59	11%
Absolutely agree/More agree than disagree	271	56%	320	64%	305	59%
Don't know	37	8%	39	8%	43	8%
Prefer not to respond	8	2%	5	1%	11	2%
3.6 There are situations when corrupt actions may be excused.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	363	75%	369	74%	395	76%
Agree and disagree to the same extent	24	5%	27	5%	24	5%
Absolutely agree/More agree than disagree	44	9%	42	8%	33	6%
Don't know	40	8%	49	10%	52	10%
Prefer not to respond	16	3%	14	3%	15	3%

3.7 The Ukrainian justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	115	24%	99	20%	120	23%
Agree and disagree to the same extent	32	7%	56	11%	42	8%
Absolutely agree/More agree than disagree	227	47%	253	50%	246	47%
Don't know	100	21%	81	16%	100	19%
Prefer not to respond	13	3%	12	2%	11	2%
3.8 Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	168	34%	189	38%	202	39%
Agree and disagree to the same extent	72	15%	62	12%	64	12%
Absolutely agree/More agree than disagree	137	28%	140	28%	149	29%
Don't know	92	19%	99	20%	89	17%
Prefer not to respond	18	4%	11	2%	15	3%
3.9 The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	87	18%	63	13%	68	13%
Agree and disagree to the same extent	52	11%	46	9%	67	13%
Absolutely agree/More agree than disagree	301	62%	346	69%	347	67%
Don't know	35	7%	36	7%	33	6%
Prefer not to respond	12	2%	10	2%	4	1%
3.10 Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	96	20%	89	18%	91	18%
Agree and disagree to the same extent	71	15%	70	14%	59	11%
Absolutely agree/More agree than disagree	227	47%	241	48%	255	49%
Don't know	74	15%	82	16%	93	18%
Prefer not to respond	19	4%	19	4%	21	4%
3.11 If I become aware of corruption in my professional engagements, I will immediately report it.						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	45	9%	56	11%	50	10%
Agree and disagree to the same extent	16	3%	25	5%	24	5%
Absolutely agree/More agree than disagree	305	63%	312	62%	326	63%
Don't know	64	13%	60	12%	57	11%
Prefer not to respond	57	12%	48	10%	62	12%
3.12 Female lawyers and judges are no less capable, ethical or professional than their male						
	No Framing		Positive Framing		Negative Framing	
Strongly disagree/More disagree than agree	72	15%	77	15%	68	13%
Agree and disagree to the same extent	37	8%	21	4%	24	5%
Absolutely agree/More agree than disagree	355	73%	379	76%	390	75%
Don't know	17	3%	14	3%	32	6%
Prefer not to respond	6	1%	10	2%	5	1%

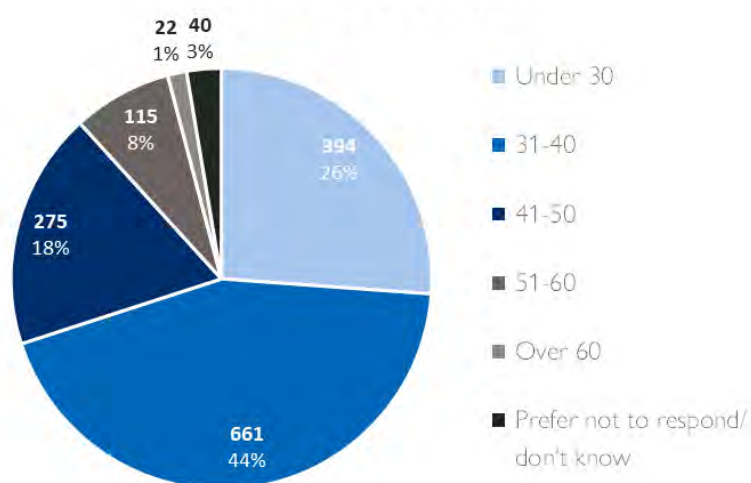
About two-thirds of respondents (65 percent, N=976) are women and 31 percent of respondents (N=463) are men.¹²³

4. What is your Gender?



In terms of age, respondents are most commonly young professionals under 40 years old (70 percent, N=1,055).

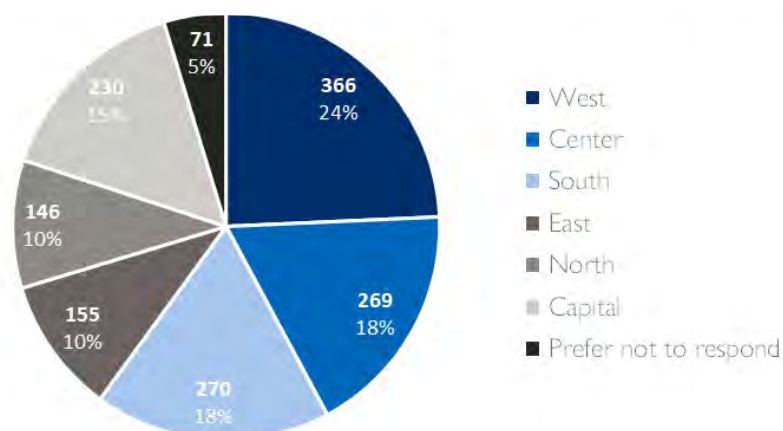
5. What is your age?



¹²³ The remaining respondents (4 percent, N=68) declined to provide their gender.

Respondents live across Ukraine, with 24 percent (N=366) in the western regions¹²⁴ (known as *oblasts*), 18 percent (N=269) in the central regions,¹²⁵ 18 percent (N=270) in the southern regions,¹²⁶ 15 percent (N=230) in Kyiv City,¹²⁷ 10 percent (N=155) in the eastern regions,¹²⁷ and 10 percent (N=146) in the northern regions.¹²⁸ ¹²⁹

6. In which region of Ukraine do you live?



Eighty percent of respondents who participated in program activities (N=321) reported that they are satisfied with their experience.

7. Rate your overall satisfaction with NJ activities you have personally undertaken



¹²⁴ Volynska, Zakarpatska, Ivano Frankivska, Lvivska, Rivnenska, Ternopil'ska, Chernivets'ka.

¹²⁵ Vinnyts'ka, Dnipropetrovs'ka, Kirovohrads'ka, Poltav'ska, Khmel'nyts'ka, Cherkas'ka.

¹²⁶ Zaporiz'ska, Mykolaiv'ska, Odes'ka, Kherson'ska.

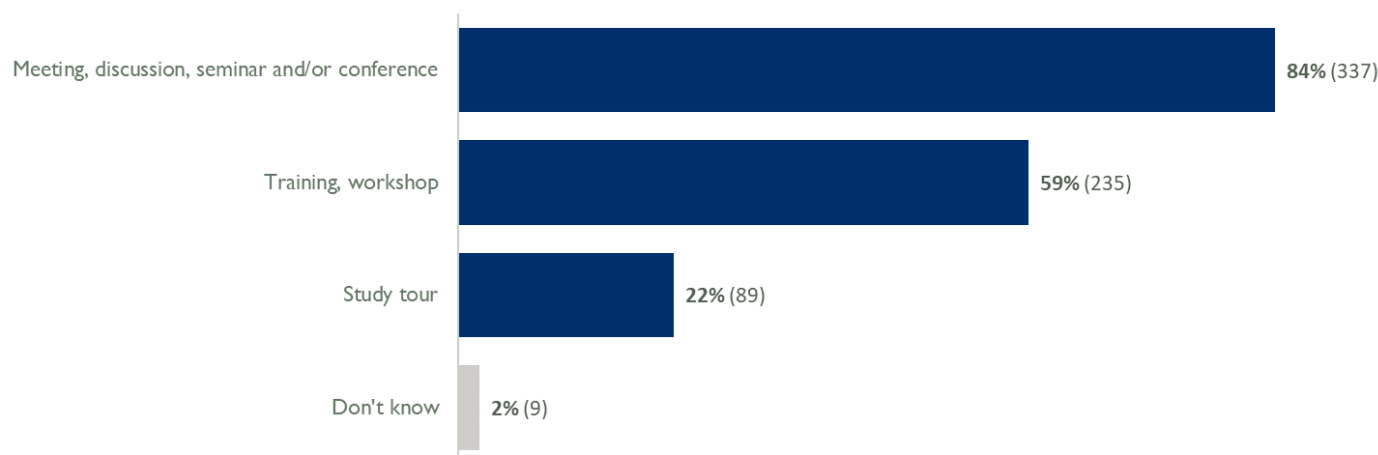
¹²⁷ Kharkiv'ska, Donetsk'ska, and Luhansk'ska areas.

¹²⁸ Zhytomyr'ska, Kyiv'ska, Sum'ska, Chernihiv'ska.

¹²⁹ The remaining respondents (5 percent, N=71) declined to specify their region of residence.

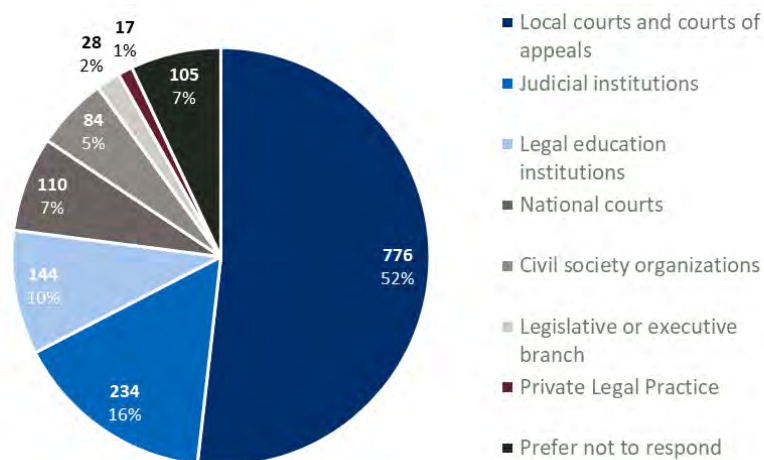
Of those respondents who engaged with the New Justice program, they have on average participated in two types of activities (mean=1.8, sd=0.75, min=1, max=4). Specifically, 84 percent (N=333) of respondents reporting program engagement participated in a meeting, discussion, seminar, and/or conference; 59 percent (N=233) participated in a training or workshop; and 22 percent (N=88) participated in a study tour.¹³⁰

10. Indicate if you have participated in each New Justice Activity



Most respondents work in local courts and courts of appeals (56 percent, N=773), followed by judicial institutions (17 percent, N=232), legal education institutions (8 percent, N=113), national courts (8 percent, N=106), CSOs (5 percent, N=73), other types of organizations¹³¹ (4 percent, N=59), and the legislative or executive branches of government (2 percent, N=24).¹³²

11. For which type of agency or organization do you work?



¹³⁰ The remaining respondents (2 percent, N=9) declined to specify the specific form of their engagement.

¹³¹ The write-in responses specifying the other type of organization are still being translated and recoded during the data cleaning process.

¹³² The remaining respondents (7 percent, N=105) declined to specify the type of organization for which they work.

FULL PRESENTATION AND DISCUSSION OF RESULTS¹³³

In this section we present overall results of the Attitudinal Index perception questions relating to respondents' perceptions of independence of the judiciary and the judicial system (courts), judicial legitimacy, their views of different institutions in the fight against corruption, and their own personal values and opinions. We then discuss results on how the attitudes of New Justice program participants differ from non-participants, results of a survey experiment embedded to explore how positive or negative priming may affect these attitudes, and key insights from subgroup analysis by gender and professional category. All results in this section, except for the priming experiment results, are based only on the 487 respondents who did not receive any specific framing before answering these questions because this group provides the best measure of respondents' true unprimed attitudes.

OVERALL¹³⁴

Overall, survey respondents were divided on their assessment of how the state of the judiciary is trending over time. While 35 percent of respondents (N=169) agree that the judiciary has significantly improved in recent years, 39 percent (N=188) disagree and 22 percent (N=106) are neutral. With respect to judicial independence, most respondents felt that legal considerations matter most in making judicial decisions (56 percent, N=271), yet many still agreed that judges bow to influence (28 percent, N=137), whether from politicians or from the public, though more respondents (35 percent, N=168) disagreed. Overall, a plurality, but not a majority, felt that the judiciary is not independent (34 percent, N=164), though around a third (27 percent, N=132) felt that it was. The numbers for the court system overall were the same.

There was much more consensus on the notion that the judicial system represents a strong foundation for the fight against corruption, with some 62 percent of respondents (N=301) agreeing. However, other questions revealed perceptions of significant institutional weaknesses—just over a third of respondents believed that the PIC plays a useful role (36 percent, N=175) and just under half felt that anti-corruption rules and reporting procedures are weak (47 percent, N=227). CSOs fighting corruption are worth supporting further according to 39 percent of respondents (N=191), but some 28 percent (N=138) disagree. Finally, respondents were highly unified in agreeing that they personally would immediately report corruption if they came across it (63 percent, N=305) and that there are no circumstances in which corruption can be excused (75 percent, N=363). Similarly, a large majority (73 percent, N=355) view female lawyers as just as competent as their male counterparts (15 percent, N=72, however, do not).

One way to evaluate the findings of this survey is to compare the results with the *New Justice Program Surveys of Justice Sector Professionals Regarding Judicial Reform and Corruption*, which has had four waves since 2017. Although the sample, timing, and questions are somewhat different, there are some interesting parallels. In both surveys, the expressed willingness to report corruption is very high, even in the presence of concerns about the judicial system overall. However, in this survey the proportion agreeing that corruption can sometimes be excused (10 percent, N=44) was somewhat lower than in the Corruption Surveys, where around 18 percent in each wave agreed that sometimes corruption can be excused. Another common element between the surveys is a sense that while some things are going right in the judicial system, worries about corruption, transparency and the selection and behavior of judges remain significant—and may even be getting more acute according the New Justice Survey. Given relatively small sample size issues and the challenges of surveying in this sector, it is not wise to draw strong conclusions from individual numbers or questions, but the consistency both across questions within this survey and across the two different surveys is striking and worth bearing in mind.

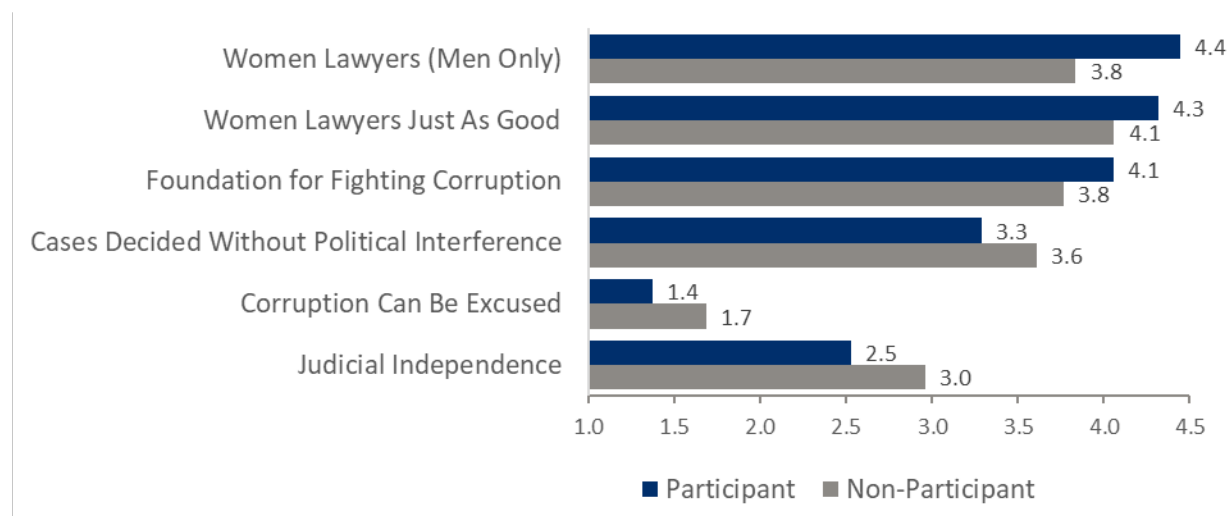
¹³³ For any values that are not listed here please refer to the previous subsection (Summary by Question) and Annex L: Analysis Output Appendix.

¹³⁴ Please see Annex K: Survey Analysis Results Tables for full output of analysis.

NEW JUSTICE PROGRAM PARTICIPANTS

When we compare respondents who have actually participated in New Justice programming—25 percent of all survey respondents (N=399)—with those who have not, some fascinating differences emerge. We use difference-in-means tests to identify questions on which the scores reported by program participants are statistically different from the rest of the respondents. Figure 3 presents those questions on which the differences were statistically significant at the 90 percent confidence level or better.

Figure 3: Attitudes of NJ Participants and Non-Participants



The results are intriguing. On two key questions about the independence of the judicial system—whether the judiciary is independent of external pressure and whether cases are decided independent of pressure from political organs of the state—program participants were actually *more* skeptical on average than non-participants. Moreover, the differences were substantively quite large: 0.4 and 0.3 points respectively.¹³⁵ While being more skeptical in their assessment of the current state of the judiciary, program participants arguably held more proactive sentiments regarding the possibility of the kinds of changes that New Justice seeks to promote. New Justice program participants were more likely to think that the courts could be a good platform from which to fight against corruption (0.3 points). Indeed, program participation appears to correspond to a more critical view of the judiciary's status, while being more receptive to the prospects of positive changes. We do not view this as contradictory, but rather in line with the skeptical tradition of democratic theory.

Participants seem to express more progressive attitudes in terms of gender equity—they were more likely to agree that female lawyers are just as good as men. Interestingly, this statistically significant difference was driven entirely by male participants who assessed the competence of female lawyers 0.6 points higher than male non-participants did. Participants also take a more reactive and skeptical stance with regards to tolerating corruption—they were less likely to think that corruption can sometimes be excused (0.3 points). Taken together, these attitudinal differences across program participants and non-participants indicate that program participation corresponds to a greater degree of “engaged skepticism,” which is arguably more democratic.¹³⁶ These differences between participants and others also held when we

¹³⁵ The points refer to the difference between the mean responses of groups on a five-point scale.

¹³⁶ In comparative politics canon on political trust, for example, Cleary and Stokes purport that regions with a higher degree of “engaged skepticism” are more “democratic.” Through survey analysis within Argentina and Mexico, they show skepticism of politicians and the state of political institutions also corresponds with seeking out more information, voting regularly, and participating in political discourse. Cleary, Matthew and Stokes, Susan. (2006) *Democracy and the Culture of Skepticism*. New York: The Russell Sage Foundation Series on Trust

compared participants with those who did not participate themselves but knew colleagues who had. Simply knowing about the possibility of participation does not seem to be equivalent to actually participating.¹³⁷

It is not possible to ascertain the degree to which these statistically significant differences across participants and non-participants are a result of program participation or systemic difference across the type of people who opt to participate in the program. Are participants more skeptical of judicial independence because of what they learned in the program, or were people who were more skeptical of judicial independence and more Western-oriented more likely to sign up?

One possible alternative explanation might be that the composition of participants is different from the group as a whole. For example, although broadly balanced across the regions, 29 percent of New Justice program participants (N=106) are based in Kyiv, compared to only 16 percent (N=230) of our survey respondents.¹³⁸ Indeed, Kyiv-based respondents were also more skeptical of the independence of the judicial system (0.6 points) and the courts (0.6 points), less likely to think corruption could be excused (0.3 points), and more likely to think female lawyers were just as good as male ones (0.3 points). Figure 4 (below, next page) depicts graphically how attitudes on the independence of the judiciary and courts differ by region.

In addition to the fact that skepticism is highest in Kyiv, these results also show more optimism about independence in the east and south. However, the relative concentration of participants in Kyiv is not enough to explain the results, because even within Kyiv, New Justice program participants were more skeptical about judicial independence and more supportive of women lawyers. This suggests that we are not just picking up a capital effect.¹³⁹ This leaves the possibility that either the New Justice programming is attracting more skeptical people in the first place or that the programming helps to focus attention on remaining problems, making participants more skeptical. It would be helpful going forward to try to identify which is the case, because the two alternatives seem to have different implications for programming. If the programming is selectively attracting more skeptical people, then an effort should be made to broaden its reach to take in also those who may be somewhat complacent about the nature of the judiciary in Ukraine. Alternatively, if people are learning to be more skeptical as a result of the programming, then this might be interpreted as a sign of success in that participants become not just more skeptical but less tolerant of corruption and more likely to report it. Administering entrance and exit surveys to program participants involving the perception questions of the Attitudinal Index would be one way to understand which is the case.

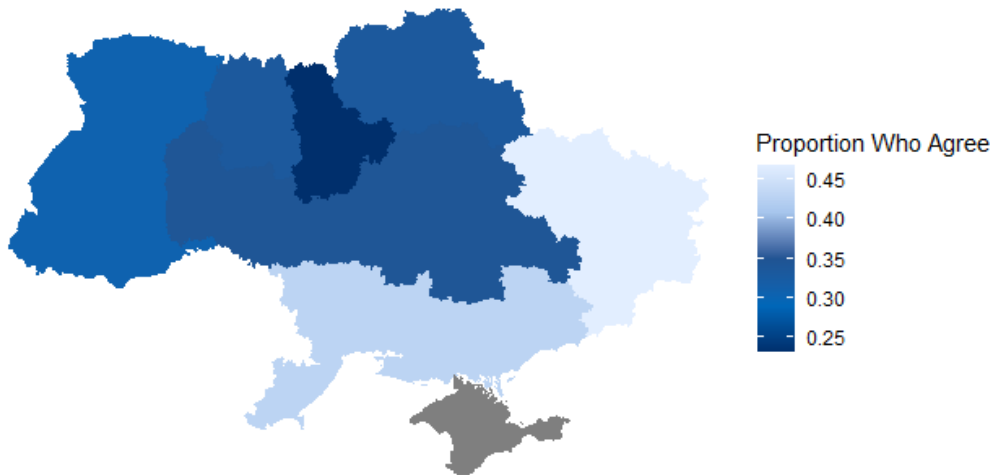
¹³⁷ We see a weaker trend comparing people who have colleagues who have participated in the program versus people who do not where people who have colleagues who have participated in the program hold skeptical views about the state of judiciary and proactive views regarding change on some indicators.

¹³⁸ Program participants also skewed slightly older than non-participants. Twenty-nine percent of non-participants are under 30 years old, versus only 17 percent of participants, though it is not clear why older people would hold more skeptical and liberal positions.

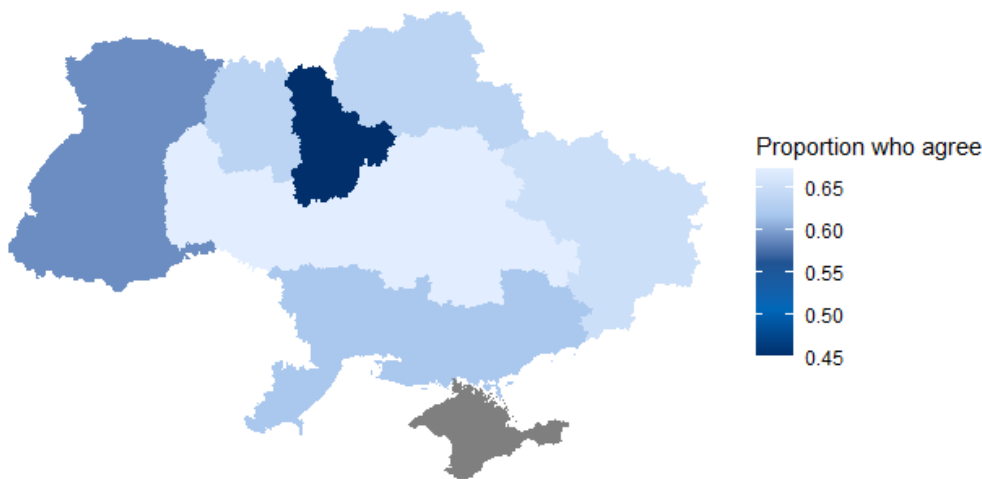
¹³⁹ Another important caveat is that program participation and degree of awareness are not balanced across professions. For example, court staff are about twice as likely to have no awareness of the program than they are to be participants. Whereas judges surveyed are about three times more likely to be a participant than unaware.

Figure 4: Independence Attitudes by Region

Judiciary of Ukraine is independent from external pressure from members of government, the President's Office, parliament, citizens, or firms



Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and Parliament



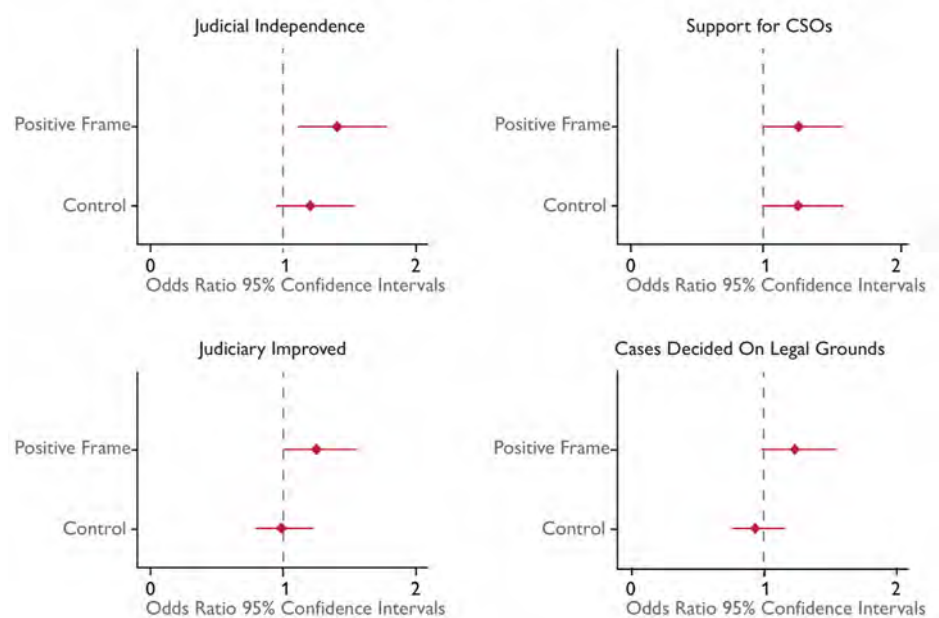
SURVEY EXPERIMENT

As part of the survey, we tested to see how responses were shaped when asked in the context of either positive or negative information about the state of corruption performance in Ukraine. In doing so, we sought to gather evidence on messaging strategies. Ample research in social science demonstrates that people are more likely to agree with a sentiment or participate in an activity if they believe others are doing so.¹⁴⁰ There is some research in political science, for example, that suggests that people are more forgiving of corruption (and so perhaps more willing to participate in it) when they see it as pervasive rather than rare.¹⁴¹ If this is true, then the kinds of messages that are promoted would be likely to make a difference to attitudes and perhaps, ultimately, to behavior, and efforts to mitigate corruption must be mindful of how communication regarding corruption is framed.

To test for the effect of informational priming on corruption sentiments, we embedded a survey experiment into the online survey. Survey respondents were randomly allocated to receive either positively framed, negatively framed, or non-framed messages regarding corruption within the judicial system. The ‘positive’ group were told that “most survey respondents believe that judges render justice in an impartial manner (91 percent),” while the ‘negative’

group were told that a “survey of Ukrainian judges on judicial independence and accountability finds that most survey respondents (66 percent) believe that corruption is the biggest problem in Ukraine.”¹⁴² Following this randomized information ‘priming,’ all respondents were then asked our 12 questions about the judiciary.

Figure 5: Effects of Corruption Framing



¹⁴⁰ In the voting literature, for example, Bartels (1985) showed how bandwagoning occurs in U.S. presidential primaries. Bartels, Larry. M. Expectations and Preferences in Presidential Nominating Campaigns. *American Political Science Review*. 79 (1985): 804-815. In medicine, bandwagon effects have been shown to be a significant source of dangerous misdiagnoses. See for example Howard, Jonathan. (2019) *Bandwagon Effect and Authority Bias*. In: *Cognitive Errors and Diagnostic Mistakes* (pp. 21–56). Springer International Publishing. https://doi.org/10.1007/978-3-319-93224-8_3.

¹⁴¹ For example, Klačnja and Tucker (2013) use survey experiments to show that voters in high-corruption countries are less likely to punish corrupt politicians at the polls than voters in low-corruption countries. Klačnja, Marko, & Tucker, Joshua A. The economy, corruption, and the vote: Evidence from experiments in Sweden and Moldova. *Electoral Studies* 32.3 (2013): 536-543. Evidence from field experiments is mixed, though the effect of corruption information campaigns is often null and sometimes negative. See Dunning, Thad, Grossman, Guy, Humphreys, Macartan, Hyde, Susan D., McIntosh, Craig, & Nellis, Gareth, eds. *Information, Accountability, and Cumulative Learning: Lessons from Metaketa I*. Cambridge University Press, 2019.

¹⁴² These vignettes were constructed using survey statistics from prior New Justice surveys. The remaining third received no treatment. Crucially for the success of the experiment, there were no differences between the positive and the negative groups in the extent to which respondents believed the messages.

The results show that how we frame anti-corruption efforts does indeed seem to make some difference to perceptions.¹⁴³ Figure 5 (above, previous page) illustrates the effects of framing on the four variables where the effects were statistically significant—judicial independence, support for CSOs in the judicial sector, the question of whether the judiciary has significantly improved in recent years, and whether legal considerations are the grounds used to decide cases.

In each of the graphs, the effects are shown relative to the negative framing. The results are odds ratios, indicating the probability of responding more positively to the prompt if the respondent was in the positive frame (or control group) relative to the negative frame.¹⁴⁴ A score of one means there is no difference—the odds of a respondent giving any one of the five responses on the Agree/Disagree Likert scale are the same. The tails represent 95 percent confidence intervals. For example, on the question of whether the judiciary acts independently from external pressure coming from members of government, the President's Office, Parliament, citizens, or firms (judicial independence), respondents receiving the positive frame were 44 percent more likely to give a higher evaluation than respondents receiving a negative frame. Respondents in the control group were 20 percent more likely to rate judicial independence higher than those receiving the negative frame, though the effect was only marginally significant ($p=0.15$).

Framing had similar effects on support for CSOs in the judicial sector and for assessments of whether the judiciary has improved or not. Compared to the negative frame, respondents receiving positive information were 28 percent more likely to express higher levels of agreement with CSO involvement in reform, and respondents in the control group 20 percent, though the latter result was again only marginally significant ($p=0.09$). For assessments of whether the judiciary had improved, respondents receiving the positive frame were 27 percent more likely to rate this improvement more positively (in a higher category) than those receiving the negative frame. There was no difference between the negative frame and the control group. Finally, there was a marginally significant effect ($p=0.07$) of positive framing relative to the negative frame for the degree to which respondents felt that legal grounds are what is mainly used to decide cases.

These experiments suggest that how we talk about corruption does matter, at least somewhat, for opinions.¹⁴⁵ Highlighting successes and positive facts as opposed to highlighting negative facts regarding corruption changes perceptions to an extent, though the effect is certainly far from transformative. Moreover, if it is true (as some research suggests) that positive perceptions of corruption lead to less corrupt behavior, it is possible that how we craft messaging might also affect how people act.^{146 147} In fact, it is well known that people's behavior—especially bad behavior—is conditioned by what they perceive to be the norms prevalent around them. It is important that corruption messaging is comprehensive, accurate, and relevant, but an abundance of negativity may push the dial from a healthy degree of informed skepticism toward cynicism and complacency. Consequently, it makes sense to think of framing anti-corruption messages in ways that stress that corrupt behavior is on the way out and that the new norm

¹⁴³ The results are derived from ordered logit regressions with no controls to see if the frames had an effect on any of the answers. "Don't Know" and no answer responses are excluded.

¹⁴⁴ Strictly, the odds ratio shows the likelihood of being one category higher and is assumed to be proportional across categories.

¹⁴⁵ Because respondents were asked to engage with the primed message (indicate their agreement), further analysis of this dataset could explore whether the priming effects are contingent upon prior beliefs. Such additional analysis would test whether the priming is sensitive to agreement with the primed message (positive social framing message or negative social framing message).

¹⁴⁶ That said, it is important to note the circumscribed nature of the effects. For most of the questions relevant to corruption—five of nine—there was no effect of framing and significant effects are only consistently found by contrasting positive and negative framing, not positive and neutral. Simply speaking positively will not make corruption go away.

¹⁴⁷ It is worth noting that the magnitude of the priming effect may be contingent upon question order. The strongest effect is measured for the attitudinal statement that immediately follows the information prime (Q 3.1) followed by significant results for four of the first five statements. Arguably the best way to test for sequencing effect would be to conduct an additional survey wherein the attitudinal index asks questions in reverse order. Alternatively, if the order of attitudinal index statements were to be randomized and the results remain the same one can infer that sequencing does not impact significance.

is one of honesty and vigilance against corruption. Creating a sense of unity of purpose and conduct in this area is an important part of achieving results.

LIST EXPERIMENTS

In addition to the survey experiments, we included two so-called “list experiments” seeking to probe the extent of gift and bribe acceptance. These experiments invite respondents to say how many things they had done from a list, without disclosing which things. This is a commonly used technique for identifying the prevalence of behaviors or attitudes that people might be unwilling to openly admit to. In this case, we offered half of the respondents a list of mundane work tasks and the other half the same list, with the addition of the question of whether they “received a private gift or benefit in exchange for professional action.” This experiment was conducted with judges, court leaders, court staff, legal educators, and elected officials.

Analyzing the data, we found no difference between the means in the two groups, meaning that this experiment provides little evidence that respondents take private benefits or gifts (less than 2 percent of respondents, $N=11$, openly said they did). Moreover, although 23 percent of the treatment group declined to answer, almost the same proportion in the control group did not provide an answer either (22 percent). Of course, an alternative explanation might be that people who did take gifts did not answer honestly. In itself, the experiment provides no grounds for distinguishing between the two.

For a smaller subsample that included only lawyers, prosecutors, and civil society representatives, we conducted a parallel experiment looking at whether respondents “Gave a private gift or benefit to a public official.” Once again, there was no difference between the samples, though 10 percent of respondents ($N=5$) openly admitted to giving gifts.

In addition to holding different attitudes, participants also responded differently to two list experiments that we conducted that sought to understand the prevalence of gift receiving and giving in exchange for some professional action. Participants in the program reported more gift receiving (approximately 26 percent of the treatment group) and more gift giving (approximately 41 percent—although this estimate was based on a small number of treated respondents—only 19).

As discussed in the methods section of this annex, analysis of these list experiments involved difference in means testing, which is the first step in analyzing list experiments. While it is beyond the scope of this evaluation to do so, further investigation of these data could lead to intriguing methodological insights that can help inform the design and interpretation of future list experiments.

SUB-GROUP ANALYSES

In this subsection we break out the headline analysis to look at a number of key sub-groups in the data.¹⁴⁸ We are primarily interested here in seeing whether gender makes a difference in the perceptions of the judiciary, whether judges and people in leadership roles have different opinions, whether legal educators and students are different, and whether court staff—who make up a substantial proportion of our respondents—differ from the rest of the respondents. We identify differences for each sub-group using the same difference in means tests as above.

¹⁴⁸ Sub-group results are run on respondents who did not receive any framing before responding to questions. The number of respondents is slightly larger as individuals fulfilling multiple roles were counted in each role. Differences significant at the 90 percent confidence level and above are reported.

Gender, perhaps not surprisingly, makes a difference to perceptions. Women in our sample were more likely to think that the judicial system (0.3 points) and the courts (0.5 points) were independent.¹⁴⁹ They were also less skeptical of the value of the rules in preventing corruption and promoting reporting (0.3 points) and more likely to think female lawyers are just as good (0.2 points).

If female respondents are different, the group that most stands out from the rest in our survey are judges and leaders and members of judicial institutions. Some 14 percent of respondents (N=225) were either judges (N=139) or held leadership positions (N=86). Compared to other survey respondents, on all but three questions, they offered more favorable opinions than other respondents. There was no difference between judges/leaders and other respondents on the competence of women lawyers. Interestingly, there was also no statistical difference (and little substantive difference) between judges/leaders and others on the independence of the judiciary and the courts.

On everything else, however, judges/leaders gave different responses—sometimes very different. Perhaps not surprisingly, they had much better impressions of the judiciary. They were more likely to feel that the judiciary has improved significantly (0.4 points), they were more likely to say that judicial considerations are usually paramount (0.8 points), that court decisions are not politicized (0.5 points), that the courts are a good platform for anticorruption policies (0.5 points), and that the rules are not too weak (0.2 points). They also were more likely to agree that there is never an excuse for corruption (.4 points) and express the intention to report corruption immediately (0.2 points). By contrast, they did not much care for outside groups being involved in judicial reform. Judges/leaders were much more skeptical of the role of NGOs in promoting anti-corruption in the courts (0.6 points) and were extremely skeptical of the value of the PIC, rating its usefulness a full 0.9 points lower on average than other respondents. It is clear from these results that judges and leaders in the judiciary are much more skeptical of outside involvement and have a higher impression of the judiciary than others, a result that is hardly surprising, but is, nonetheless, impressive in its consistency.

By contrast, on almost just as many measures, legal educators and legal students are more skeptical on average than our respondents as a whole. While they seem to be slightly more convinced that there have been significant improvements in the judicial system in recent years (0.3 points), educators and students were more skeptical that the courts decided cases independently (0.3 points), had less faith that judicial considerations were paramount in cases (0.5 points), were less likely to see the courts as good platform for fighting corruption (0.3 points), and were more likely to see the courts as politicized (0.6 points). Perhaps not surprisingly, they were more favorable to outside institutions. There was much more support for both the PIC (0.7 points) and for support to NGOs working on court reform (0.5 points).

Finally, given that the single largest group of respondents in the study were court staff, we looked to see how this group compared with the rest. The differences between staff and the rest of the respondents were, in fact, quite limited. Staff, like judges and leadership, were more bullish on the independence of the judiciary as a whole (0.5 points) and of the courts (0.5 points) and, similarly, were somewhat more likely to feel that judicial considerations matter most in deciding cases (0.3 points) and less likely to feel the courts were politicized (0.2 points). On the remaining issues, their views were indistinguishable from the rest of the respondents.

LIMITATIONS

For the online survey, the main limitation is that we were not able to offer the survey to a random sample of beneficiaries and potential beneficiaries because we did not have access to full beneficiary contact lists and followed a dissemination strategy and survey methodology that safeguards complete anonymity. The

¹⁴⁹ The points refer to the difference between the mean responses of groups on a five-point scale.

online survey is not representative of judicial system actors in Ukraine as a whole, since we sampled purposely from a list of organizations and individuals known to the New Justice program rather from the full population of actors relating to Ukraine’s judicial system.^{150 151}

Additionally, as with most surveys, our respondents were given the option to mark “Don’t Know” or “Prefer Not to Answer” on every question. These options are included both to protect the respondents and to reduce the amount of noise in the data. For the most part, non-responses of this kind were relatively few, but amongst court staff, rates of non-response were often much higher. Non-responses among court staff respondents average 20 percent, while reaching only 10 percent for others. Fully 28 percent of staff and 12 percent of non-staff were not able to answer the question on the independence of the judicial system. Numbers were very similar for the independence of court decisions and whether the courts are politicized. In most cases, non-response rates were driven by “Don’t Know” rather than “Prefer Not to Answer.” The one exception was the willingness of respondents to report corruption—13 percent of court staffers and 8 percent of others responded that they would rather not answer this question. Overall, these results are quite reassuring. Had “Prefer Not to Answer” been more common, this would have presented a greater challenge to interpreting the results. Moreover, the fact that “Don’t Know” responses were more common among staffers who quite legitimately might not know is also reassuring, as these non-answers are removed from the analysis and so do not bias the results.

¹⁵⁰ Our sampling methodology was designed to survey persons with varying degrees of familiarity and experience with the New Justice program activities. By doing so, we gained insight into how association with New Justice program corresponds to sentiment that are in line with New Justice program stated goals. We were able to attain a high response rate amongst a diverse set of respondents within this relevant sample frame.

¹⁵¹ As noted, the survey was conducted on a sample frame of organizations and contacts relevant to the New Justice Program (see outreach strategy; p. 124) It is not possible to sample from the full population of judicial system actors as such a register does not exist. However, it is our opinion that the sample frame is comprehensive, if not perfectly representative, given the broad reach of the dissemination strategy.

ANNEX G: DONOR MAP

TABLE 14: DONOR MAP

Organization	Program/Theme	Objectives/Activities	Funding	Timeframe
European Union	Project “Pravo Justice”	EU Project “Pravo Justice” is an extension of the EU Project “Support to Justice Sector Reforms in Ukraine,” which occurred 2014–2017. The main objectives of the project are monitoring and evaluating the justice sector, supporting the reform of enforcement proceedings, and the process of re-launching the judiciary in general.	EUR 52.5 million (does not include anticipated funding top-up for 2020–2022)	December 2017–2022
	EU Anti-Corruption Initiative in Ukraine (Phase II)	This project is a follow-on to the EU Anti-Corruption Initiative (3 years, 14 million EUR) and implemented by the Ministry of Foreign Affairs of Denmark (Danida). The overall objective of the program is the reduction of corruption in Ukraine at the national and local level. The specific objectives are to ensure: 1) Enhanced independence, effectiveness, and resilience of anti-corruption institutions functioning within a sound strategic framework; 2) Improved governance, transparency, and accountability in targeted Integrity Cities and other sub-national entities as appropriate; and 3) Citizens and the civil society (including the business sector) are empowered to promote integrity, the rule of law, and good governance.	EUR 22.9 million	2020–2025
	European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)	The European Union Advisory Mission (EUAM) Ukraine is a non-executive mission of the European Union that formally began operations from its headquarters in Kyiv on December 1, 2014, following the Maidan revolution of 2013/14 and an invitation issued by the Ukrainian government. EUAM Ukraine aims to assist the Ukrainian authorities towards a sustainable reform of the civilian security sector through strategic advice and practical support for specific reform measures based on EU standards and international principles of good governance and human rights. The goal is to achieve a civilian security sector that is efficient, accountable, and enjoys the trust of	EUR 54 million (2019–2021)	December 2014–May 2021

		the public.		
Council of Europe	Support to the judicial reform in Ukraine	The objective of this project is to support Ukraine in the completion of the judicial reform and in the implementation of the newly adopted legislation with the aim of ensuring independence, fairness, and effectiveness of the judiciary, in line with standards and recommendations of the Council of Europe.	EUR 1.2 million	June 2018–November 2020
OSCE	OSCE Project Coordinator in Ukraine	The OSCE Project Coordinator supports Ukraine's reforms and helps the country meet crisis-related challenges. The Coordinator's approach is multi-dimensional and covers a wide array of activities, such as constitutional, legal, and criminal justice reform; human rights and legal education; dialogue as a tool to deal with crises and implement reforms; psychological and social rehabilitation of crisis-affected people; the fight against cybercrime and human trafficking; mine action and democratic control of the security sector; environmental protection; border security; media freedom; elections; good governance; and gender equality.	EUR 3.6 million. The Coordinator also administers extra-budgetary funds provided by OSCE participating States for specific projects.	June 1999–Present
DFATD Canada	Support to Judicial Reform Project (implemented by the National Judicial Institute (NJI) of Canada and the Office of the Commissioner for Federal Judicial Affairs Canada)	This project aims to support the Ukrainian government's efforts to reform and strengthen its justice system through enhanced judicial independence, judicial self-governance, judicial professionalism, transparency, and integrity. The project assists stakeholders of the judicial system to establish and entrench European and international standards and processes, develop new gender-neutral policies and court practices, and strengthen institutional and individual capacity in the application of uniform legal standards. The project also assists to clarify the separation of powers and roles and responsibilities of the different stakeholders. The project has three major components: (1) Providing technical assistance to the Supreme Court of Ukraine to enhance and strengthen judicial independence; (2) Providing technical assistance to the High Council of Justice and the Council of Judges to improve judicial accountability and enhance transparency, objectivity, and integrity of judicial	USD 12.4 million	March 2016–September 2020

		selection and discipline; and (3) Providing technical assistance to the State Court Administration to improve court administration and communications between the public and tribunals, and collaboration between civil society and the public. Project activities include: (1) Strengthening the institutional and human resources capacity of key judicial institutions such as the Supreme Court, High Council of Justice, and High Qualification Commission of Judges; (2) Developing policies and procedural frameworks for judicial selection, appointment, discipline, and career management; (3) Enhancing skills of chief judges in six target regions in effective court management, gender equality, judicial ethics, and conflict resolution; (4) Training of the staff of the State Court Administration in Kyiv and regional branches in effective and gender-sensitive court management; and (5) Increasing court communication skills of the speaker-judges and court press secretaries in target regions.		
USAID	Support to Anti-Corruption Champion Institutions (SACCI) Implementer: Management Systems International	The Support to Anti-Corruption Champion Institutions (SACCI) activity reduces corruption and increases government accountability and transparency in Ukraine. The activity has three objectives: 1) Empower key government institutions to fight corruption; 2) Increase public support for, and engagement in, anti-corruption efforts; and 3) Reduce the public's tolerance of corrupt practices.	USD 18 million	June 2017–June 2022
US Embassy	U.S. Department of Justice, OPDAT, Criminal Justice Reform and Anti-Corruption Program	OPDAT cooperates with the Government of Ukraine on the reform and development of the Ukrainian criminal justice system in line with international and Euro-Atlantic standards. OPDAT provides expert input on existing and proposed legislation, helps mentor and train legal and law enforcement professionals, and offers expertise in establishing more effective criminal justice institutions.		2005–Present
	The Bureau of International Narcotics and Law Enforcement Affairs (INL)	INL's objectives in Ukraine are to strengthen law enforcement agencies to address complex security challenges facing Ukraine, reform criminal justice agencies in line with Western best practices, and to support Ukraine's efforts to tackle corruption through independent anti-corruption agencies.		

International Renaissance Foundation	European Program & Democratic Practice	The objective of the IRF Democratic Practice is to create effective tools to combat corruption and increase government accountability. The objective of the European Program is to support Ukraine's European integration as a means of implementing effective pro-European reforms on democratization, human rights, good governance, and the rule of law.	USD 3.3 million (all Democratic Practice, Human Rights, and Justice System Reform)	April 1990–Present
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ANNEX H: LIST OF RELEVANT GOU POLICIES AND LEGISLATION

TABLE I5: LEGISLATIVE BASE

I. Legislative Base
VRU, Constitution of Ukraine, N254к/96-BP as of 28 June 1996, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 23 July 1996, N30, Article 141.
VRU, Law of Ukraine "On Amendments to the Constitution of Ukraine (Regarding Judiciary), N1401-VIII as of 02 June 2016, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 08 July 2016, N28, Article 532.
VRU, Civil Code of Ukraine, N435-IV as of 16 January 2003, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 03 October 2003, N40, Article 356.
VRU, Civil Procedure Code of Ukraine, N1618-IV as of 18 March 2004, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 08 October 2004, N40, /40-42/, Article 492.
VRU, Criminal Code of Ukraine, N2341-III as of 5 April 2001, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 29 June 2001, N25, Article 131.
VRU, Criminal Procedure Code of Ukraine, N4651-VI as 13 April 2012, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 08 March 2013, N9-10, Article 88.
VRU, Commercial Code of Ukraine, N536-IV as of 16 January 2003, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 02 May 2003, N18, Article 144.
VRU, Tax Code of Ukraine, N2755-VI as of 02 December 2010, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 08 April 2011, N13,/N13-14, N15-16, N17/, Article 112.
VRU, Labor Code of Ukraine, N322-08 as of 10 December 1971, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 17 December 1971, Addendum to N50.
VRU, The Law of Ukraine "On the High Council of Justice," N1798-VIII as of 21 December 2016, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 24 February 2017, N7-8, Article 50.
VRU, The Law of Ukraine "On the Judiciary and the Status of Judges," N1402-VIII as of 02 June 2016, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 29 July 2016, N31, Article 545.
VRU, The Law of Ukraine "On the High Anti-Corruption Court," N2447-VIII as of 07 June 2018, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 15 June 2018, N24, Article 212.
VRU, The Law of Ukraine "On Constitutional Court," N2136-VIII as of 13 July 2017, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 01 September 2017, N35, Article 376.
VRU, The Law of Ukraine "On Charity and Charitable Organizations," N5073-VI as of 05 July 2012, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 21 July 2013, N25, Article 252.
VRU, The Law of Ukraine "On Public Associations," N4572-VI as of 22 Marh 2012, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 04 January 2013, N1, Article 1.
VRY, The Law of Ukraine "On Free Legal Aid," N3460-VI as of 02 June 2011, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 23 December 2011, N51, Article 577.
VRU, The Law of Ukraine "On Personal Data Protection," N2297-VI as of 01 June 2010, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 27 August 2010, N34, Article 481.
VRU, The Law of Ukraine "On Enforcement Proceedings," N1404-VIII as of 02 June 2016, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 22 July 2016, N30, Article 542.
VRU, The Law of Ukraine "On Bodies and Institutions Authorized to Enforce Decisions of the Courts and Other Institutions," N1403-VIII as of 02 June 2016, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 15 July 2016, N29, Article 535.
VRU, The Law of Ukraine "On Prevention of Corruption," N1700-VII as of 14 October 2014, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 05 December 2014, N49, Article 2056.
VRU, The Law of Ukraine "On Purification of Government," N1682-VII as of 16 September 2014, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 31 October 2014, N44, Article 2041.

VRU, The Law of Ukraine “On Higher Education,” N1556-VII as of 01 July 2014, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 19 September 2014, N37-38, Article 2004.
VRU, The Law of Ukraine “On the Bar and Advocates Activity,” N5076-VI as of 05 July 2012, Vidomosti Verkhovnoi Rady Ukrainy (Verkhovna Rada of Ukraine Herald), 05 July 2013, N27, Article 282.

TABLE 16: DRAFT LAWS

II. Draft Laws
VRU, The Law of Ukraine “On Mediation” (Draft), N 2706 as of 28 December 2019, available at http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67831 .

TABLE 17: GOVERNMENT OF UKRAINE POLICIES

III. Government of Ukraine Policies
President of Ukraine, The Decree “On Justice Sector Reform Strategy 2015-2020,” N276/2015 as of 20 May 2015, Official Herald of the President of Ukraine, 03 June 2015, N13, Article 864.
CMU, The Decree “On the Approval of the Action Plan of the Cabinet of Ministers of Ukraine,” N849 as of 29 September 2019, Uryadovyi Kur’yer (Government Courier), Issue 189, 03 October 2019.
CMU, The Decree “On the Approval of the National Strategy on Reforming the Justice for Children System for the Period till 2023,” N1027-p as of 18 December 2018, Uryadovyi Kur’yer (Government Courier), Issue 243, 22 December 2018.
CMU, The Decree “On the Approval of the Action Plan for the National Strategy on Reforming the Justice for Children System for the Period till 2023,” N1335-p as of 27 November 2019, Uryadovyi Kur’yer (Government Courier), Issue 8, 16 January 2020.
MoE, The Concept of Development of Legal Education (Draft), available at https://mon.gov.ua/ua/osvita/visha-osvita/koncepciya-vdoskonalennya-pravnichoyi-yuridichnoyi-osviti-dlya-fahovoyi-pidgotovki-pravnika
MoE, The Order “On the Approval of the Program of Entry Exams,” N152 as of 07 February 2020, available at http://osvita.ua/doc/files/news/642/64242/5e4283ea57dcc258601164.pdf .

ANNEX I: TABLE OF EVALUATION FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

TABLE 18: EVALUATION FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Findings	Conclusions	Recommendations
EQ1. How did the New Justice activity contribute to advancing judicial independence and self-governance?		
New Justice was highly active in a variety of areas to advance judicial independence and self-governance, such as: 1) <i>Reform of the regulatory framework</i>, including implementation of the 2016 Constitutional amendments and promoting amendments to key laws affecting the judicial sector; 2) <i>Establishment of judicial performance standards</i>, including analysis of the regulations of the High Qualifications Commission, the evaluation of judicial candidates and judges by the Public Integrity Council and implementation of a Court Performance Evaluation Framework; 3) <i>Strengthening rules regarding corruption, judicial ethics, illegal conduct</i>, including supporting the Council of Judges to develop guidelines on ethical issues and new ethics rules for court stakeholders; 4) <i>Increased judicial independence of judges and court personnel</i>, including supporting a BPA of High Council of Justice and a case weighting study to determine the proper number of judges needed in Ukraine; 5) <i>Improving the enforcement of judgments</i> by supporting the establishment of the Association of Private Enforcement Officers of Ukraine; and 6) <i>Increasing citizen and CSO participation in judicial</i>	- New Justice actively engaged in wide-ranging activities related to judicial independence and self-governance, effectively and timely responding to opportunities to advance its objectives while also fulfilling requests for engagement by stakeholders. However, at the request of USAID, New Justice expanded into some activities that potentially took resources away from core partners. - New Justice's focus has been appropriate, but legislative reform recently stalled, making it difficult for New Justice to progress with key partners. Going forward it may be appropriate to modify the project approach, particularly if an extension is considered. Options include focusing more on regional institutions, professional associations, and/or civil society. - After the HQC was disbanded, New Justice terminated its grant support to CSO DEJURE, the mechanism through which remuneration for PIC members was provided. There were multiple reasons for that termination. Nonetheless, those at PIC feel the termination was inappropriate, causing tension with some major judicial reform CSOs. - The New Justice Scope of Work is very wide-	<u>Recommendations for current programing:</u> - Continue work on reform of constitutional and legislative frameworks to advance judicial reform. - Reduce activities with non-core partners to focus on core objectives. - Finalize existing activities (e.g., e-Justice tools). - Strongly support implementation and monitoring of the judicial evaluation/selection process when resumed. - Intensify support for reform-minded professional associations. - Support new composition and activities of HQC as soon as selected. - Unconditional support for orientation of new HQC composition. - Support for activities conditioned on internationals having a meaningful role. - In coordination with Pravo-Justice, resume assistance to PIC when new composition of HQC is in place.

<i>reform</i>, including supporting the development of e-Justice tools and the introduction of jury trials, funding CRCs, and supporting the development of three Community Justice Centers. • New Justice expanded its activities to include work with non-core partners, potentially taking resources from core partners that work on judicial independence and self-governance.	ranging. A few Milestone Statements, however, have little relation to their Expected Results. Where necessary, Milestone Statements should be restructured to better reflect the corresponding Expected Result. • It may be that the project should have allocated more of its resources from the national level to activities in the regions, such as Community Justice Centers and grantees. These entities may have accomplished more with additional resources than national judicial institutions. This would also help the lessons learned in Kyiv to trickle down to other areas. • The project's long-term impact on judicial reform is unclear. There are numerous examples of New Justice's efforts not yielding their anticipated results for reasons largely outside its control. • By design, New Justice is very focused on the development of institutions. The project also worked to change the political/legal culture in Ukraine, but this is not a major focus. Future activities should increase the attention given to shaping the democratic political/legal culture among both judicial professionals and the general public.	<u>Recommendations for future programming:</u> • Expand efforts at reforming Ukraine's political/legal culture. • Particularly if judicial reform activities stall, reallocate a greater portion of resources to civil society and regional activities, including the possible establishment of additional CJs. • Consider support for regional judges' associations.
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EQ2. How did the New Justice activity contribute to improving judicial discipline?

• NJ worked to increase judicial discipline through formal and informal processes: – Enhanced the legislative framework through drafting improved regulations governing judicial discipline to standardize procedures. – Increased the role of HCJ's Service of Inspectors. – Supported the monitoring of HCJ judicial disciplinary decisions and HQC selection	• New Justice's approaches and balance of efforts to improve judicial discipline were generally appropriate. New Justice received praise for its work reviewing the disciplinary procedures at HCJ and HQC, but it was suggested that New Justice could have provided more useful assistance to HQC in certain areas. • Although some improvements were achieved, judicial discipline has not significantly advanced despite New Justice's efforts, and there remains	<u>Recommendations for current programing:</u> • Continue work on legislative changes to improve enforcement of ethical rules and strengthen legal status of HCJ's Service of Inspectors. • Continue efforts to implement practical tools for judges to report improper or illegal interference through standardized forms and guidelines for judges and court staff.
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decisions. – Supported the PIC to conduct its evaluation of judges and judicial candidates.	an unwillingness to report corruption. New Justice should assist the GoU to develop additional mechanisms to protect whistleblowers so they will trust in those mechanisms.	• Continue training of HCJ inspectors. • Consider additional U.S. Embassy intervention to stimulate enactment of pending legislation. <u>Recommendations for future programming:</u> • Assist the GOU to develop additional mechanisms to protect whistleblowers. • Support further transparency and accountability of the judiciary to the media, civil society, and citizens without compromising judicial independence (e.g., support civil society to monitor HCJ disciplinary practices).
EQ3. How did the New Justice activity contribute to enhancing legal education?		
Tertiary Education: • New Justice effectively supported systemic reform of law school education, key elements of which are likely to be sustained. This includes the development of independent entrance exams for master's degree programs in law that work to eliminate corruption in the admissions process, and Legal Education Standards for Bachelor's Degrees in Law. New Justice is also supporting the development of Legal Education Standards for master's degrees in law, the Unified State Qualifications Exam, the Legal Education Reform Concept Paper, Honor Codes, and a Model Anti-Corruption Compliance Policy for law schools. • New Justice implemented diverse activities to improve the quality of law school education, including a Modern Teaching Toolkit, an interactive course on professional responsibilities, an online course on anti-corruption, and a Model Law School Curriculum. New Justice also supported the adoption of interactive teaching	• The project's efforts in legal education have been very successful, and the majority of approaches and balance of efforts were appropriate. • The evaluation team was impressed by New Justice's efforts to affect systemic changes in law school education; the establishment of mandatory entrance exams for master's programs and legal education standards for bachelor's degrees are notable successes. The evaluation team also considers significant the project's support in bringing the NSJ to the verge of sustainability. • The evaluation team believes the project could have improved its approach to introducing interactive teaching methods to law schools by developing a cadre of professors with sustained training who could serve as agents of change at their law schools. The project could have improved its approach toward ensuring sustainability of its interventions by requiring its partner schools to commit to utilizing the materials/methods introduced after USAID ends	<u>Recommendations for current programing:</u> • Continue efforts towards a continuous master's degree in law program with a unified state exit exam. • Continue efforts to develop Legal Education Standards for master's degree in law programs. • Continue work with law schools to develop their academic integrity policies. • Continue development of and training on skills-based syllabi and related opportunities. • Continue trainings based on the Modern Teaching Toolkit to ensure lessons are applied. • Conclude or limit assistance to NAHEQA. • Provide orientation programs to newly selected judges. • Curtail assistance to judicial

methods and improved professors' skills. The sustainability of these efforts, however, is unclear. Professional Education: • New Justice supported the development of judicial skills and professionalization of judicial education in a variety of ways, including supporting the NSJ to conduct orientation programs for new HACC and Supreme Court judges, develop varied syllabi for the NSJ training schedule, increase the capacity of its faculty, and build its capacity to conduct distance learning. These efforts helped to bring the NSJ to where it is able to sustain most of its operations without international support—a significant accomplishment. • New Justice worked with UofSC and YMNLU to establish a two-week Rule of Law Certificate program aimed at providing judges, prosecutors, attorneys, and other practicing lawyers with the tools to apply rule of law concepts in their work. The program has been delivered in 2018 and 2019 to a total of 59 participants. The evaluation team was told it will take three to five years for the program to be sustainable.	its support. • The evaluation team believes New Justice's support to the NAHEQA consumed resources that might have been better utilized with core partners. • The development of legal education is essential for the improvement of Ukraine's judicial system and legal profession. It is necessary to change the philosophy of those who control the system and to educate the next generation of lawyers to understand the function of the legal system in a democratic society and the roles of the professionals who comprise that system. • Future interventions should continue focus on the leading law schools that influence other schools, with the interventions extending to other law schools through the establishment of regional hubs by the leading schools. • The NSJ is able to sustain most of its operations without USAID support. Going forward, New Justice should provide only limited support to assist it in becoming fully sustainable.	education/NSJ. <u>Recommendations for future programming:</u> • Create a group of innovative and open-minded instructors on interactive teaching methods as agents of change in their law schools. • Strengthen the sustainability strategy for law school interventions, including follow-up studies to assess the extent to which interactive teaching methodologies, clinical programs, and new courses are integrated in the learning process. • Continue focus on top law schools as engines to drive reform. • Support inclusion of interactive teaching methods in national standards for legal education. • Increase public support for education reforms through an information campaign. • Bolster skills-based courses and opportunities in law schools with the involvement of major national hubs of legal education and regional law schools. • When law school Boards of External Advisors are established, foster the use of these Boards to increase interface between legal professionals and law schools to ensure law school education meets the needs of profession. • Consider further involving bar-related associations in the legal education reform process. • Pursue efforts to make the Rule of Law Certificate program sustainable. • Consider working with bar-related
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		associations to build their capacity to provide quality continuing legal education for legal professionals.
EQ4. The activity is highly collaborative with the Embassy, international donors and other USAID efforts/activities. What outcomes are related to these collaborations?		
- NJ is driving force behind coordination efforts, e.g.: - Monthly donor meetings. - Hosting of HACC consultations. - NJ's engagement and collaboration with other donors is substantial and productive.	- Close coordination by rule of law donors has resulted in significant outcomes that likely would not have been possible otherwise; these include establishment of the HACC, implementation of selection processes for new Supreme Court and HACC judges, establishment of private enforcement officers, implementation of the independent entrance exams for master's degree in law, and amendments to justice sector legislation such as the Law on Judiciary and Status of Judges. - New Justice's monthly rule of law coordination meetings are highly popular but have drifted from their original purpose and serve more as opportunities to share information, so they are supplemented by <i>ad hoc</i> thematic coordination meetings. New Justice should work with other donors and implementers to further share the responsibility for coordinating the <i>ad hoc</i> meetings. - If the successor project is of a smaller scope or budget, USAID should consider transferring ownership of segments of New Justice's work to other trusted donors. - Donors should strive to jointly resist pressure from stakeholders for unnecessary activities.	<u>Recommendations for current programing:</u> - Continue current monthly donor/stakeholder meetings. - Continue high-level interventions between U.S. Embassy/USAID and GOU counterparts, as well as joint interventions by U.S. Embassy/USAID and other rule of law donors, as appropriate. - Work with other donors to divide the coordination responsibility for <i>ad hoc</i> donor meetings so that the leading coordinating role is played by the donor with the most prominent financial and organizational responsibility for a particular sector of reforms. - Resolve with other donors to resist stakeholder pressure for unnecessary activities. - Organize team-to-team meetings when a new donor team enters the sector or country. <u>Recommendations for future programming:</u> - Transferring ownership of segments of New Justice's work to other donors should be considered if a successor USAID project is of smaller scope or budget.

EQ5. What New Justice tools and approaches have been most effective in advancing activity objectives, in particular across changing political environments and reform priorities? Have there been any unintended effects, either positive or negative?

Tools: • New Justice entered into Protocols of Cooperation with nine state institutions and six law schools, and a Protocol of Intention with one CSO. It also develops detailed Action Plans with the Ministry of Justice. • New Justice hosts the well-attended monthly meetings and coordinates with other donors and implementers through <i>ad hoc</i> thematic meetings and informal communications. • A major element of New Justice's support to counterparts has been mentorship and expert input by European and U.S. institutions and by Ukrainian, European, and American experts. These institutions and experts have provided input on virtually every aspect of New Justice's work. • New Justice has expended sub-awards for a total of \$3,180,023, including a sub-contract for \$113,121.88 to deliver computer equipment to government counterparts and over \$221,000 in other procurements for government entities. The total amount approved for sub-awards is \$3,400,000. Major sub-awards include funding for a BPA of the HCJ, the Rule of Law Certificate program, PIC operations, design of a training program for chief judges and court staff, and mentorship training for the NSJ. New Justice also supported varied conventional and TOT programs. • As of October 2019, New Justice supported 30 international visits for 142 individuals. Twenty-one of these trips were for conferences or workshops. As of December 2019, planned travel and transportation expenditures were \$272,334 and actual expenditures were \$699,788.	Tools: • Protocols of Cooperation appropriately formalized the project's relationships with counterparts and established the obligations of the project and its counterpart. The project's Action Plans with the MoJ are also to be commended. However, the Protocols do not ensure the sustainability of USAID investments or provide for the eventual transferring of activities to the state budget. • New Justice's monthly meetings should be continued. The responsibility for <i>ad hoc</i> donor/implementer-only thematic meetings should be further shared among donors/implementers. • New Justice's extensive use of foreign institutions and experts is highly valued by beneficiaries. On certain issues, counterparts expressed a preference for Ukrainian or European institutions and experts. Some KII's said some recommendations and trainings from experts were either too academic or not practical for Ukraine. • The sub-awards program appears to have been largely effective in accomplishing the goals of the awards. However, over \$334,000 in locally expended sub-contracts were procurements for government institutions, including over \$113,000 for computer equipment for three government institutions, two of which were non-core partners. Some or all of this equipment should have been purchased through the state procurement system. • The project appears to have been largely effective at accomplishing its training program goals. However, the evaluation team would have	<u>Recommendations for current programing:</u> • Refocus on core activities. • Continue support for legislative drafting activities and the drafting of conceptual documents and policies by GoU. • Continue heavy use of mentors/experts, but: ○ Ensure mentors/experts are appropriate for the specific issue and that experience can be readily applied locally. ○ Ensure mentor/expert recommendations are practical and account for Ukrainian realities. ○ Ensure trainings focus on what can be implemented. ○ Increase remote use of foreign experts and virtual conferences, and consider bringing more experts to Ukraine in person or remotely as an alternative to study trips. • Continue to prepare foreign experts in advance of assignments so they are aware of Ukrainian context. • Reduce study trips to those necessary for specific results and monitor how knowledge is applied. • Curtail equipment purchases for counterparts. • To the extent possible, increase efforts to inform parliamentarians of expert recommendations to increase their likelihood of adoption.
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• New Justice’s 26-member team includes an American Chief of Party and a Ukrainian Deputy Chief of Party, both of whom have worked on USAID’s rule of law projects in Ukraine since 2006. Much of the other project staff worked on at least one of New Justice’s predecessor projects. New Justice built upon relationships established during prior USAID projects to maximize the effectiveness of its efforts. The team’s highly responsive nature and quality work are valued by counterparts. Approaches: • The New Justice project scope is very broad but generally well-designed for the situation in Ukraine when it was conceived. New Justice has done well covering the many elements of the project design despite the challenges it has faced due to lack of political will and political fluidity. • CSO representatives claimed the project serves both as a USAID implementing mechanism and an advisor to the U.S. Embassy/USAID on the status of judicial reform; they also claimed the project is not sufficiently critical of the government’s failures related to judicial reform. USAID informed the evaluation team that New Justice serves only as an implementing mechanism. • New Justice worked to increase the representation of women in judicial governance bodies and courts and to support the rights of victims of GBV and sexual minorities, but it has not been a major focus of the project.	preferred if New Justice developed a cadre of professors with sustained training who could serve as agents of change at their law schools. • The New Justice-supported study tours were highly valued by participants. But the evaluation team views the number and size of the study tours as high, even if each individual trip had merit. In particular, the team considers the number of international trips for conferences to be high and the number of participants sent to U.S. conferences as high. • The New Justice team received consistently high praise from both state and non-state counterparts. Approaches: • The project design was generally correct when the project began. Going forward, the evaluation team believes that a strong focus on developing Ukraine’s democratic political/legal culture would strengthen the effectiveness of USAID’s efforts. • At times, the project expanded beyond what was anticipated at the outset, taking resources from activities more central to New Justice’s mission; the evaluation team does not object to these activities, which fit within the project’s broad scope of work, if sufficient human and financial resources exist to first fully support the project’s core partners. To the extent that the project looked for new and more potentially responsive partners or activities after encountering difficulties with its existing partners, it may have been more effective to instead expand the geographical reach of activities in which the project was already engaged. • Some felt the project architecture created unrealistically high expectations of what could be accomplished during the project’s term, causing some accomplishments to be rejected by civil	• Clarify with CSOs that the project serves only as an implementing mechanism, and ensure that it continues to objectively assess the progress made and government’s commitment to judicial reform. <u>Recommendations for future programming:</u> • Consider: ○ Taking a broader view of the justice system that reduces the focus on specific judicial institutions in favor of cross-cutting efforts such as e-Justice. ○ Dedicating an increased focus on the development of a democratic legal culture among judicial process stakeholders. • Increase work with professional associations.
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	society and possibly contributing to the claims that almost no New Justice activities could be transferred to the state budget. • Several judicial officials reported that the state budget now has sufficient resources for equipment purchases. Depending on COVID-19's impact on the judiciary's budget, further equipment purchases for judicial counterparts may not be necessary. • CSO representatives raised the prospect that New Justice is so invested in judicial reform that it cannot objectively assess the progress made or the government's commitment to judicial reform, and therefore is not sufficiently critical of the government's failures. The evaluation team recommends that USAID and New Justice clarify with CSOs the project's limited role as an implementing mechanism, and that they ensure the project continues to objectively assess the progress made and government's commitment to judicial reform. • Only 36 percent of the chief judge positions have been filled by women since 2018. Although the chief judges of the Supreme Court and HACC are women, KIs stated the majority of power in the judiciary is held by men. • New Justice has been willing to pursue innovative activities that are relatively low-cost but have the potential to yield significant returns. • An interviewee suggested New Justice should have had more contact with the Verkhovna Rada Legal Policy Committee as it may have facilitated amendments to the Law on Judiciary and Status of Judges. Unintended effects: • The judicial selection process has been stalled since November 2019 after New Justice and others recommended the HQC be reconstituted	
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	and the government did not follow recommendations from New Justice and the EU on how that should be done. • New Justice's relationship with a segment of civil society was damaged by the termination of support to PIC. • Unrealistic expectations and a culture of passivity may have been created in stakeholders. • New Justice interventions such as e-filing and remote learning have assisted during the COVID-19 pandemic. • Foreign language testing became a requirement for numerous additional graduate programs.	
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ANNEX J: MS POWERPOINT-BASED PRESENTATION OF EVALUATION DESIGN, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS



OUTLINE

- 1) PURPOSE
- 2) RESEARCH QUESTIONS
- 3) METHODOLOGY
- 4) INITIAL FINDINGS
- 5) NEXT STEPS

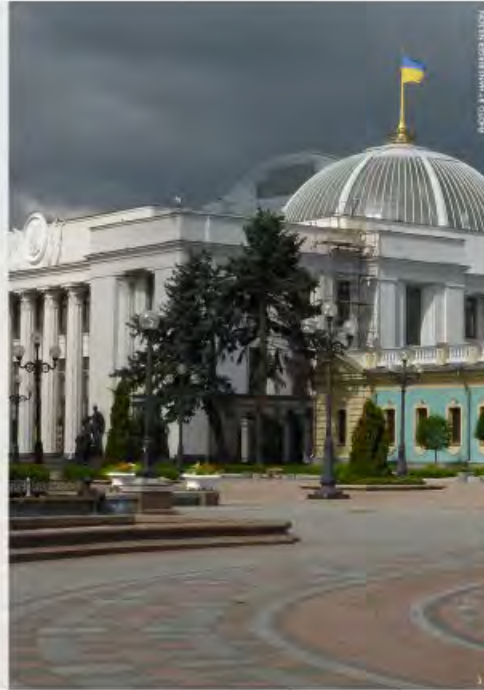


5/1/2020

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EVALUATION PURPOSE

- Assess **relevance, effectiveness, efficiencies, and unintended effects**, of New Justice activities focused on:
 - 1) Judicial reform,
 - 2) Public confidence in judiciary and sector reform processes
 - 3) Judicial self-governance and discipline
- Identify **approaches, tools, and/or methodologies** with potential to advance judicial reform in Zelensky administration context



CORE RESEARCH QUESTIONS

How did the New Justice activity contribute to:

- 1) Advancing **judicial independence** and **self-governance**?
- 2) Improving **judicial discipline**?
- 3) Enhancing **legal education**?
 - Was New Justice's approach and **balance of effort** effective? Why or why not?
- 4) The activity is highly **collaborative** with the Embassy, international donors and other USAID efforts/activities. What outcomes are related to these collaborations?
- 5) What New Justice **tools** and **approaches** have been most effective in advancing activity objectives, in particular across changing political environments and reform priorities?
 - Have there been any **unintended effects**, either positive or negative?

METHODOLOGY

- Desk research prior to fieldwork
- Field research from March 2 – March 31
- Qualitative semi-structured interviews (individual and group) and focus group discussions with interpreter (101 interlocutors from 58 interviews/discussions):⁴⁹
 - USAID, Relevant USAID partners; Bilateral and multilateral donors and donor funded projects (6);
 - Courts (Constitutional Court of Ukraine; High Anti-Corruption Court; Supreme Court; Local and Appellate Courts) (6);
 - Judicial Institutions (High Council of Justice; High Qualifications Commission of Judges of Ukraine; State Judicial Administration of Ukraine; National School of Judges of Ukraine; Council of Judges) (7);
 - Public Integrity Council and Reanimation Package of Reforms (RPR) (2);
 - Verkhovna Rada of Ukraine (2);
 - Executive Government (Ministry of Justice of Ukraine; Ministry of Education and Science; President's Office) (9);
 - Legal Sector stakeholders (Association of Ukrainian Lawyers; Association of Private Enforcement Officers) (2);
 - Administrators and Professors of Law Schools (8) and,
 - Civil society, including professional, anticorruption, educational and other CSOs (10).
- Field site visits to Kharkiv (completed in-person) and Odesa (completed virtually)
- Online Survey of judges, leadership/members of judicial institutions, prosecutors, lawyers, institution and court staff, elected officials, government, legal educators, and legal students

⁴⁹ Breakdown total does not add up to 58 interviews, because some interviews were conducted with individuals who do not fall within a priority category (e.g. friend at US Embassy, Anti-Money Laundering) and because select individuals were interviewed more than once.

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ONLINE SURVEY: NATION-WIDE SAMPLE

Macro-regions composition

- **West** (Volynska, Zakarpatska, Ivano-Frankivska, Lvivska, Rivnenska, Ternopilska, Chernivetska)
- **Center** (Vinnitska, Dnipropetrovska, Kirovohradska, Poltavska, Khmelnytska, Cherkaska)
- **South** (Zaporizska, Mykolaivska, Odeska, Khersonska)
- **East** (Kharkivska, Donetsk and Luhanska areas)
- **North** (Zhytomyrska, Kyivska, Sumska, Chernihivska)
- **Kyiv City**



Current breakdown: West, 23%; Center 20%; South 17%; East 11%; North 11%; Kyiv City 17%
Sample Size: (04/01/20) = 1096

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ONLINE SURVEY: INITIAL RESPONDENTS



Strong dissemination and uptake allow multiple analyses:

- **Full sample**, comparing **potential and actual NJ Beneficiaries** (balanced sample weighted) (N = 1096)
 - Currently see high aggregate satisfaction with NJ activity involvement - Mean response 4.3 on 6-point scale (1=dissatisfied, 3=neutral, 6=totally satisfied)
- **Time and USAID Interest Permitting:**
 - Cohort analysis of high skill-level, legal/judicial professionals (N = 435)
 - Cohort analysis of staff of national justice sector institutions and court staff (N = 621)
 - Gender analysis (Women = 699, Men = 352): Women are well-represented, making up 67% of sample!

ONLINE SURVEY: NEXT STEPS

- **Data Intake, Aggregation and Verification**
 - Survey closes April 10
 - Sample at time of outbreak analysis = 1096; Current sample = 1185
- **Descriptive Statistics**
 - Perceptions of Ukraine's judicial legitimacy
 - Attitudes conducive to improving judicial independence and discipline
- **Analysis of Role of NJ program**
 - Level of awareness about NJ program
 - Whether awareness/participation corresponds to attitudes congruent with NJ goals
 - Satisfaction with NJ program activities
- **Survey Experiment**
 - Whether informational priming on NJ statistics influences support for judicial independence and combatting corruption
- **Additional Analyses:** Cohort Analysis & Gender Analysis

INITIAL FINDINGS AND RECOMMENDATIONS

- RQ1: Judicial independence and self-governance
- RQ2: Judicial discipline
- RQ3: Legal education
- RQ4: Donor collaboration
- RQ5: Tools and approaches



JUDICIAL INDEPENDENCE & SELF-GOVERNANCE

Findings

- NJ highly active in an impressive number of areas
- NJ built upon established relationships and maintained strong relationships with major justice sector stakeholders to maximize the effectiveness of efforts
- NJ's highly responsive nature and quality work highly valued by counterparts
- NJ expanded into activities with non-core partners (e.g., NAHEQA, AMCU)
 - Resources might have been better utilized with core partners
- Some suggested NJ's highly responsive nature may have discouraged other donors from sharing responsibility for certain activities

JUDICIAL INDEPENDENCE & SELF-GOVERNANCE

Conclusions

- NJ effectively responded to new opportunities to advance its objectives and meet stakeholder needs, but expanded into activities with non-core partners
- Despite hard work and significant successes, actual impact on long-term judicial reform is unclear because of lack of political will and political fluidity
- Supply and Demand design of project allows it to direct resources where they have the greatest likelihood of a substantial impact
- Project effectiveness might have benefitted if a larger portion of its focus was at regional level

USAID/ODD

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JUDICIAL INDEPENDENCE & SELF-GOVERNANCE

Recommendations

- Continue work on reform of constitutional and legislative frameworks to advance judicial reform
- Reduce activities with non-core partners to focus on core objectives
- Finalize existing activities (e.g., e-Justice tools)
- Support new composition and activities of High Qualifications Commission as soon as selected
- In coordination with Pravo-Justice, support HQC/HCJ judicial evaluation/selection process when resumed
- Provide orientation program to newly selected judges
- If judicial reform activities stall, reallocate greater portion of resources to civil society
 - Professional association of judges, court staff
 - Judicial reform CSOs

USAID/ODD

12

JUDICIAL DISCIPLINE

Findings

- NJ worked to increase judicial discipline through formal and informal processes
 - Improved regulations governing judicial discipline to standardize procedures
 - Strengthened capacity of HCJ's Service of Inspectors
 - Conducted surveys of legal professionals and court users to determine trust in judiciary
 - Supported monitoring of judicial selection and disciplinary processes
 - Supported development of tests, including psychological tests, for judges and candidates

Conclusions

- NJ's approaches and balance of effort appropriate
- GOU's failure to ensure protection of whistleblowers has limited impact of interventions:
 - Initial analysis suggests limited movement on willingness of stakeholders to report corruption
- Draft law on disciplinary liability in Verkhovna Rada

JUDICIAL DISCIPLINE

Recommendations

- Continue work on legislative changes to improve enforcement of ethical rules and strengthen legal status of HCJ Inspectorate
- Continue training of HCJ inspectors
- Support further transparency and accountability of the judiciary to the media, civil society and citizens without compromising judicial independence
 - E.g., support civil society to monitor HCJ disciplinary practices
- Consider seeking increased US Embassy intervention to stimulate resumption of disciplinary proceedings

LEGAL EDUCATION

Findings: Tertiary education

- NJ supported systemic reform of law school education that is likely to be sustained
 - Entrance exam for Master's Degree
 - Standards for Bachelor's Degree
 - Legal Education Reform Concept Paper
- NJ designed and implemented diverse activities to contribute to an improvement in legal education, but the sustainability of those interventions is unclear
 - Interactive teaching methods
 - Practical skills development
 - Model curriculum/teaching materials
 - Competitions
- One of four law school administrators interviewed considered some interventions "one-offs" that will not result in significant change

LEGAL EDUCATION

Findings: Professional education

- NJ's activities with the NSJ improved CLE for judges and helped bring the NSJ to the point of sustainability
 - Development of curricula and syllabi
 - Training of trainers
 - Distance learning
- Rule of Law Certificate Program brought together diverse stakeholders to learn rule of law concepts

LEGAL EDUCATION

Conclusions

- Development of legal education is essential for the improvement of Ukraine's judicial system and legal profession
- NJ has been effective in contributing to improved legal education in Ukraine
- Sustainability strategy for law school interventions should be strengthened
- NSJ now able to sustain most of its operations without USAID support

LEGAL EDUCATION

Recommendations

- Continue efforts towards continuous Master's Degree with unified exit exam
- Continue development of standards for Master's Degree
- Advocate for inclusion of interactive teaching methods in national standards for legal education and accreditation standards
- Develop extended training program for selected faculty to establish a cadre of educational leaders
- Continue development of training on skills-based syllabi and related opportunities
- Continue trainings based on Modern Teaching Toolkit to ensure techniques applied
- Focus on top law schools as engines to drive reform
- Increase support for education reforms through public information campaign
- Curtail assistance to National School of Judges
- Curtail assistance to National Agency for Higher Education Quality Assurance
- Build upon concept paper on Law School Boards of External Advisors to increase interface between legal professionals and progressive law schools to ensure legal education meets needs of profession

DONOR COLLABORATION

Findings

- There is active coordination between rule of law donors
- NJ is driving force behind coordination efforts, e.g.:
 - Monthly donor meetings
 - Hosting of HACC consultations
- NJ's engagement and collaboration with other donors is substantial and productive
 - "No one wants to miss David's meetings." [Rule of Law donor]
- Donors informally divide sector, but partner or share expenses on specific activities
- Donors strive to present common front on legal reforms

DONOR COLLABORATION

Conclusions

- NJ is doing an excellent job of coordinating and sharing information with other donors
- Strong donor coordination has resulted in significant outcomes, e.g.:
 - Amendments to Law on Judiciary and Status of Judges
 - Joint assessments and papers
 - Supreme Court selection process
 - High Anti-Corruption Court
 - Legal Education Reform Concept Paper
- Donor coordination works to avoid overlap, conflict and missed opportunities
- But function of monthly donor meeting has drifted away from initial purpose
 - Monthly donor meetings play more informative and networking functions instead of coordination of cooperation
 - *Ad hoc* thematic donor meetings fulfill original purpose

DONOR COLLABORATION

Recommendations

- Continue monthly donor meetings and *ad hoc* thematic meetings
- Continue high-level involvement from the USG and other donor countries with the GOU and judicial institutions in pursuing judicial reforms
- NJ should not attempt to play the leading role among the donor community in all areas of judicial reform. Responsibilities for thematic meetings should be divided between donors depending on their sphere of interest and level of engagement

TOOLS & APPROACHES

Tools: Findings/Conclusions

- Protocols of Cooperation
 - Useful tool for establishing and formalizing relationships with government counterparts and law schools
 - Action Plan with Ministry of Justice also positive
 - But Protocols of Cooperation do not ensure sustainability of efforts
- Monthly sectoral meetings
 - Valued by donors and stakeholders
 - But function of monthly meeting has changed
- Mentorship by experts and others
 - Highly valued by stakeholders
 - Many U.S. experts very well-regarded, but preference for Ukrainian or European experts/judicial bodies on certain issues
 - U.S. judicial and educational systems viewed as different, and U.S. experts sometimes seen as “interesting” but not relevant
 - U.S. experts best on topics such as court administration, communication skills and justice centers
 - Expert recommendations sometimes viewed as too theoretical or not practical for Ukraine

TOOLS & APPROACHES

- Study tours
 - Highly valued by participants
 - But Evaluation Team sees number and size of study tours as high even if each had merit
 - Several mentioned that study tours, while useful, were considered a reward for active participation in the project activities
 - Shorter trips to Europe often viewed as more productive than U.S. trips
- New Justice team
 - Widely respected and valued
 - Some acknowledge appeal of “new blood” at mid-level, but majority value team’s expertise and institutional memory amidst changing governments and political fluidity

TOOLS & APPROACHES

Approaches: Findings/Conclusions

- Project scope
 - Well-designed at outset
 - Activities expanded beyond already extensive mission
 - NAHEQA / Anti-Monopoly Committee
 - Some felt architecture created unrealistically high expectations of what could be accomplished in five years, and that positive steps were rejected by civil society because not perfect
- Possible conflict between New Justice’s role as advisor to Embassy and its role as implementer
- Some government counterparts felt activities promised and then cancelled because of funding
- Further equipment purchases probably unnecessary

TOOLS & APPROACHES

Unintended consequences

- Possible unintended consequence: support for reconstituting both the HCJ and HQC resulted in the dissolution of the HQC without reconstitution, which halted the process of selecting new judges
- Dissolution of HQC led NJ to terminate its support of the Public Integrity Council, which negatively impacted NJ's reputation with a segment of civil society
- Equipment purchases for many stakeholders raised a level of unrealistic expectations and contributed to the creation of a culture of passive fundraising for the development of even basic institutional infrastructure

TOOLS & APPROACHES

Recommendations

- For remaining project period, focus on core activities
- For next project, consider:
 - Broader view of justice system that reduces focus on specific judicial institutions in favor of cross-cutting efforts such as e-justice
 - Increased focus on the development of democratic legal culture among judicial process stakeholders
- Continue support for legislative drafting activities and drafting of conceptual documents and policies by GOU
- Continue heavy use of experts/mentors, but:
 - Ensure selection of experts is tailored to the specific issue, considering local, European and U.S. experts as appropriate
 - Continue to prepare foreign experts in advance of assignments
 - Increase remote use of foreign experts and virtual conferences
 - Ensure recommendations are practical and account for Ukrainian context
 - Ensure trainings focus on what can be implemented

TOOLS & APPROACHES

Recommendations

- Reduce study trips to those necessary for specific results and monitor how knowledge is applied
- As alternative to study trips, consider bringing more experts to Ukraine in person or remotely
- Consider increasing work in regions
- Increase work with professional associations
- To the extent possible, increase efforts to inform parliamentarians of expert recommendations
- Continue support for gender mainstreaming
- Curtail equipment purchases for counterparts
- Consider supporting formation of coalition of NGOs working on judicial reform

5-10300

NEXT STEPS

- Expand analysis and discussion of opportunities, challenges, and recommendations
- Final Online Survey analysis
- Draft evaluation report (May 1, 2020)

5-10300





ANNEX K: SURVEY ANALYSIS RESULTS TABLES

The effect of framing experiments was analyzed using ordered logit regressions. We regressed each outcome variable against the positive treatment and the control group, so results are relative to the negative information treatment. The tables present odds ratios, with z statistics in parentheses.

TABLE 30: ORDERED LOGIT REGRESSION RESULTS, ATTITUDINAL INDEX MEASURES 1-6

VARIABLES	Judiciary is Independent from Political Influence	CSOs Should be Supported	P.I.C. Provides Valuable Evaluation Guidance	Judiciary has been Improving in Recent Years	Judges use Legal Considerations in Decisions	Corruption May be Excused
Positive	1.44** (2.89)	1.24 (1.72)	1.10 (0.73)	1.27* (2.09)	1.28* (2.08)	1.23 (1.39)
Control	1.20 (1.44)	1.14 (1.09)	1.02 (0.15)	0.99 (-0.09)	0.92 (-0.66)	1.17 (1.04)
Observations	1,182	1,214	1,167	1,429	1,364	1,321

z-statistics in parentheses

** p<0.01, * p<0.05

TABLE 31: ORDERED LOGIT REGRESSION RESULTS, ATTITUDINAL INDEX MEASURES 7-12

VARIABLES	Justice System is Independent from Political Influence	Judges Fear Political Will	Judiciary can be Platform for Combating Corruption	Rules Regarding Corruption are Weak / Infeasible	Will Report Corruption	Female Lawyers are Capable
Positive	1.04 (0.32)	0.94 (-0.53)	1.16 (1.19)	0.85 (-1.24)	0.91 (-0.71)	1.06 (0.40)
Control	0.98 (-0.17)	1.02 (0.12)	0.84 (-1.45)	0.82 (-1.57)	1.27 (1.64)	0.91 (-0.70)
Observations	1,190	1,183	1,377	1,199	1,159	1,423

z-statistics in parentheses

** p<0.01, * p<0.05

TABLE 32: RESPONSES BY PARTICIPANT (NO FRAMING ONLY)

Number	Question	All	Participants	Nonparticipants	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.84	2.55	2.96	0.00	378
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.19	3.18	3.20	0.93	384
3.03	PIC 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.14	3.11	3.15	0.79	371
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	3.07	2.90	0.18	463
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.58	3.54	3.60	0.71	442
3.06	There are situations when corrupt actions may be excused	1.60	1.38	1.68	0.01	431
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	3.32	3.60	0.10	374
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.82	2.92	2.78	0.38	377
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	4.13	3.73	0.00	440
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.48	3.54	3.45	0.54	394
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.31	4.35	4.30	0.70	366
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.12	4.34	4.05	0.04	464

TABLE 33: RESPONSES BY RESIDENTS OF KYIV AND ELSEWHERE (NO FRAMING ONLY)

Number	Question	All	Kyiv	Outside Kyiv	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.84	2.43	2.93	0.00	378
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.19	3.55	3.11	0.02	384
3.03	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.14	3.35	3.09	0.17	371
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	3.20	2.90	0.07	463
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.58	3.18	3.65	0.01	442
3.06	There are situations when corrupt actions may be excused	1.60	1.32	1.65	0.00	431
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	3.08	3.61	0.01	374
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.82	2.88	2.81	0.69	377
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	3.97	3.81	0.32	440
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.48	3.52	3.47	0.78	394
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.31	4.48	4.27	0.11	366
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.12	4.41	4.07	0.03	464

TABLE 34: JUDGES AND LEADERSHIP VERSUS OTHERS (NO FRAMING ONLY)

Number	Question	All	Judges	Others	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.82	2.82	2.81	0.97	396
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.21	3.31	2.72	0.00	399
3.03	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.17	3.31	2.45	0.00	388
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	2.91	3.17	0.11	481
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.57	3.45	4.21	0.00	459
3.06	There are situations when corrupt actions may be excused	1.58	1.65	1.25	0.00	449
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	3.48	3.70	0.25	391
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.87	2.96	2.46	0.01	395
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	3.76	4.23	0.01	458
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.49	3.53	3.29	0.14	412
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.29	4.26	4.47	0.18	383
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.14	4.12	4.22	0.58	481

TABLE 35: EDUCATORS AND STUDENTS VERSUS OTHERS (NO FRAMING ONLY)

Number	Question	All	Educators and Students	Others	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.82	2.68	2.83	0.48	396
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.21	3.65	3.15	0.03	399
3.03	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.17	3.82	3.09	0.00	388
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	3.23	2.92	0.12	481
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.57	3.11	3.61	0.01	459
3.06	There are situations when corrupt actions may be excused	1.58	1.78	1.56	0.22	449
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	3.24	3.55	0.18	391
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.87	3.37	2.81	0.02	395
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	3.57	3.86	0.18	458
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.49	3.35	3.50	0.44	412
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.29	4.10	4.32	0.24	383
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.14	4.07	4.15	0.72	481

TABLE 36: CIVIL SOCIETY VERSUS OTHERS (NO FRAMING ONLY)

Number	Question	All	Members of Civil Society	Others	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.82	2.19	2.85	0.03	396
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.21	3.48	3.19	0.39	399
3.03	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.17	3.56	3.15	0.23	388
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	2.55	2.97	0.13	481
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.57	2.30	3.62	0.00	459
3.06	There are situations when corrupt actions may be excused	1.58	1.62	1.58	0.88	449
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	2.60	3.57	0.00	391
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.87	3.41	2.84	0.06	395
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	3.76	3.83	0.81	458
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.49	3.62	3.48	0.61	412
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.29	4.00	4.31	0.26	383
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.14	4.36	4.13	0.44	481

TABLE 37: COURT STAFF AND OTHERS (NO FRAMING ONLY)

Number	Question	All	Court Staff	Others	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.82	3.03	2.59	0.00	396
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.21	3.18	3.24	0.66	399
3.03	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.17	3.20	3.13	0.59	388
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	2.89	3.03	0.22	481
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.57	3.68	3.43	0.04	459
3.06	There are situations when corrupt actions may be excused	1.58	1.64	1.51	0.21	449
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	3.71	3.32	0.01	391
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.87	2.76	2.99	0.10	395
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	3.80	3.87	0.59	458
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.49	3.52	3.45	0.54	412
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.29	4.33	4.25	0.47	383
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.14	4.12	4.16	0.75	481

TABLE 38: MALE AND FEMALE (NO FRAMING ONLY)

Number	Question	All	Male	Female	p	N
3.01	The judiciary of Ukraine is independent from external pressure coming from members of government, the President's Office, parliament, citizens, or firms	2.84	2.65	2.93	0.05	378
3.02	Civil society organizations that focus on judicial corruption should be supported, by either the state or international donor agencies, in their activities to promote judicial independence such as carrying out scrutiny and verification of judges' asset declarations	3.19	3.18	3.23	0.75	384
3.03	Public Integrity Council (PIC) 'information' and 'opinions' on the 'professional ethics and integrity' of judges provide valuable evaluation guidance for the qualification of judges	3.14	3.05	3.21	0.32	371
3.04	Ukrainian judiciary has been significantly improving in recent years	2.95	2.86	3.00	0.27	463
3.05	Most Ukrainian judges use legal considerations as opposed to their ideological beliefs, external pressures or personal inclinations to render all their decisions	3.58	3.61	3.56	0.70	442
3.06	There are situations when corrupt actions may be excused	1.60	1.55	1.62	0.51	431
3.07	The Ukrainian Justice system adjudicates cases in a manner that is independent of interference by political organs such as the Office of the President and the Verkhovna Rada	3.52	3.14	3.69	0.00	374
3.08	Judges rarely make decisions against government preferences or popular sentiment because they fear the negative consequences of defying political will	2.82	2.93	2.77	0.29	377
3.09	Rules regarding corruption, judicial ethics and illegal conduct are very weak and procedures for reporting misconduct infeasible	3.83	3.93	3.78	0.28	440
3.10	The Ukrainian Judiciary can be the foundation for combating corruption in all branches of power.	3.48	3.67	3.40	0.04	394
3.11	If I become aware of corruption in my professional engagements, I will immediately report it to the relevant authority	4.31	4.35	4.27	0.54	366
3.12	Female lawyers and judges are no less capable, ethical or professional than their male counterparts and programs that facilitate gender inclusion and parity are beneficial to the justice system	4.12	3.99	4.19	0.17	464

ANNEX L: LIST OF KEY JUDICIAL SYSTEM ACTORS FOR NEW JUSTICE COOPERATION

JUDICIAL BODIES/NATIONAL JUDICIAL INSTITUTIONS

High Council of Justice (HCJ) (Judicial governance body): The HCJ is a collective, independent constitutional body of state power and judicial governance operating on a permanent basis in Ukraine. The HCJ focuses on ensuring the judicial independence, functioning of the judiciary on principles of responsibility and accountability to society, establishing an integrity-based and highly professional judicial corps, as well as observance of the Constitution and laws of Ukraine, including professional ethics in the activities of judges and prosecutors.

High Qualifications Commission of Judges of Ukraine (HQC) (Judicial governance body): Commission with the main functions of judicial selection and recommendation for appointment and judicial qualifications evaluation. This body was designed to operate on a permanent basis in the judiciary, but it was dissolved in December 2019 and has not been reconstituted as of this report's drafting. When last operational, the HQC was composed of sixteen members: 1) eight judges appointed by the Congress of Judges of Ukraine; 2) two persons appointed by the Congress of representatives of higher law schools and scientific institutions; 3) two persons appointed by the Congress of Lawyers; 4) two persons appointed by the Ombudsman of the Verkhovna Rada of Ukraine; 5) two persons appointed by the Head of State Judicial Administration.

Public Integrity Council (PIC): Council established in 2018 to assist the HQC in determining the conformity of judges (candidates for judgeship) with the professional ethics and integrity criteria in the light of qualifications assessment. The PIC provides information to the HQC regarding judges (candidates for judgeship) and, if there are appropriate grounds, the opinion on nonconformity of a judge (a candidate for judgeship) with the professional ethics and integrity criteria, which is attached to the candidate's dossier or the judicial dossier. The PIC's composition includes representatives of human rights communities, academic lawyers, advocates and journalists who are recognized and highly reputable professionals in their area of activities and meet the political neutrality and integrity criteria. Due to the dissolution of the HQC, the PIC is not currently officially performing its advisory role.

National School of Judges of Ukraine (NSJ): A state body with special status in Ukraine's judicial system, which provides courts with qualified judicial and court staff, conducts trainings, scientific, and research activities in the judicial field.

State Judicial Administration of Ukraine (SJA): The state agency responsible for administrative, logistic, financial and other support to the judiciary. The SJA is the main distributor of funding to courts; the main performer of all statistical, IT and other administrative work; and the developer and implementer of all related policies. It has strong influence on courts despite its service status.

Council of Judges of Ukraine (COJ): The highest judicial self-governance body during the period between the Congresses of Judges, developing and providing for implementation measures to ensure judicial independence and to consider issues related to legal and social protection of judges. Performs control over the organization of courts activities and submits suggestions with respect to court operation matters to the state authorities and local self-governance bodies. Determines the policy of judicial self-governance, is responsible for implementing the Code of Judicial Ethics and the Communications Strategy for the

Judiciary developed in cooperation with New Justice, and plays an important role in piloting court performance evaluation standards.

LEGISLATIVE AND EXECUTIVE GOVERNMENT

The MOJ is the principal body responsible for implementation of the state legal policy thus vital for New Justice to contribute to improving administrative services, reforming effective enforcement of judgements forming of an effective free legal aid system in Ukraine and legal education reform. The Ministry of Education and Science is the main body responsible for the central executive development and implementation of national policy in education and science and thus an important partner to be able to contribute to the area of legal education reform.

Verkhovna Rada of Ukraine (VR): The Parliament of Ukraine; the sole body of legislative power that is responsible for adoption of the laws of Ukraine. Participates in formation of the judiciary – appointment of one-third of the Constitutional Court composition, lifetime appointment of judges. Principal New Justice's counterpart is the VR Legal Policy and Justice Committee.

Presidential Office (PO): Administrative office of the President of Ukraine. Established to provide organizational, legal, advisory, informational, expert and analytical, and other support in the realization of Presidential powers as stipulated by the Constitution of Ukraine. The main state body formulating all national policies regarding the judiciary.

Legal Reform Commission: Advisory body for the President of Ukraine. Created by the President of Ukraine in August 2019 to address the reform of the judiciary and other related areas, members include members of the Parliament, academics, judges, prosecutors, lawyers and representatives of the international donors' community. The main task of the Commission is to enhance the further development of the legal system of Ukraine based on the rule of law, primacy of human rights, and with due respect to the international obligations of Ukraine.

Ministry of Justice of Ukraine (MOJ): The principal body within the central executive system responsible for implementation of the state legal policy and coordinated by the Cabinet of Ministers of Ukraine. Resolves issues arising from generally accepted provisions of international law and international treaties of Ukraine acknowledged as binding by the Verkhovna Rada. Ukraine's judicial system comprises the MOJ and its territorial bodies. The powers of the MOJ spread over notary, scientific institutions of forensic examinations, enterprises, institutions and organizations. The coordinating Center for Free Legal Aid providing acts under the MOJ. Implements overall enforcement reform including launch of the profession of the private enforcement officer.

Ministry of Education and Science of Ukraine (MOE): A part of the central executive authority coordinated by the Cabinet of Ministers of Ukraine and the main body responsible for the central executive development and implementation of national policy in education and science (including issues of innovation and information technology, and intellectual property rights), youth, physical culture and sport.

LOCAL AND NATIONAL COURTS

High Anti-Corruption Court (HACC): The specialized court in the system of courts of general jurisdiction, which adjudicates high-profile corruption cases in Ukraine.

Supreme Court (SC): The highest judicial body in the system of courts of general jurisdiction in Ukraine. The authority of the Supreme Court includes, in particular, the administration of justice in line with procedural law, the analysis of judicial statistics, the generalization of judicial practice, as well as the

provision of opinions on draft bills relating to the judicial system, justice administration, status of judges, enforcement of judgements and other issues concerning the functioning of the Ukrainian judiciary.

Local and appellate courts of all jurisdictions: Courts of the first and second instances within judicial system of Ukraine.

LAW SCHOOLS

Below are leading law schools that actively participate in a number of New Justice programs and events with an impact on the modernization of the nation-wide legal education system (agenda-setting for reforms in legal education, preparation of future cadres for most important national judicial institutions, targeting corruption at the early professional careers of young lawyers, etc.).

Yaroslav Mudryi National Law University, Kharkiv

National University "Odesa Law Academy", Odesa

Taras Shevchenko Kyiv National University, Law School, Kyiv

Yuriy Fedkovych Chernivtsi National University, Law School, Chernivtsi

Ukrainian Catholic University Law School, Lviv

Vasyl Stus Donetsk National University, Law School, Vinnytsia

National University of "Kyiv-Mohyla Academy", Faculty of Law Sciences, Kyiv

ANNEX M: EVALUATION ABSTRACT

The purpose of the evaluation is to assess the relevance and effectiveness, as well as efficiencies and unintended effects, of New Justice activities focused on advancing judicial reform, building public confidence in the judiciary and sector reform processes, and strengthening judicial self-governance, in particular judicial discipline. The evaluation used a mixed-methods design that incorporates quantitative (online survey) and qualitative (interviews and group discussions) data collection and analysis methods. The evaluation finds New Justice:

- Actively engaged in wide-ranging activities related to judicial independence and self-governance, effectively and timely responding to opportunities to advance its objectives.
- Supported the development of both formal and informal processes to increase judicial discipline.
- Produced successful efforts in tertiary and judicial education, such as systemic reform of law school education and the development of judicial skills and professionalism.
- Became a driving force behind donor collaboration efforts through monthly donor meetings and promoting topic-specific coordination efforts.
- Drew upon Protocols of Cooperation/Action Plans, monthly donor coordination meetings, expert mentorship, sub-awards and trainings, study visits, and its skilled team as tools with which to pursue program objectives.

There have been both negative and positive unintended effects of the project. Going forward, New Justice should continue core work on advancing judicial reform, finalize existing activities, and reduce activities with non-core partners. For future programming, or if an extension is considered, options to update the project approach include focusing more support to the regions, increasing attention to shaping the democratic political/legal culture among professionals and the public, and taking a broader view of the justice system to reduce focus on judicial institutions in favor of cross-cutting efforts such as e-justice.