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QUARTERLY REPORT
APRIL 1, 2012 – JUNE 30, 2012

JUDICIAL INDEPENDENCE AND LEGAL EMPOWERMENT PROJECT QUARTERLY REPORT APRIL 1, 2012 – JUNE 30, 2012

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Implementer

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BACKGROUND

On September 24, 2010, the United States Agency for International Development (USAID) awarded Cooperative Agreement No. AID-114-A-10-00008, the Judicial Independence and Legal Empowerment Project (JILEP), to the East-West Management Institute (EWMI).

JILEP is designed to support and strengthen the judiciary as an independent yet equal branch of government, and to improve Georgia's commercial law system. The program is organized around the following four sets of objectives: 1) strengthen judicial independence, accountability, and professionalism; 2) strengthen the institutional capacity of legal professional associations, legal rights NGOs, and the state legal aid system; 3) improve legal education; and 4) develop commercial law and improve commercial law related practice.

The following is submitted as JILEP's Quarterly Report for the reporting period April 1 to June 30, 2012.

EXECUTIVE SUMMARY

Component 1

This quarter, cooperation with the High Council of Justice (HCOJ) led to significant steps toward a more transparent court system, and improvements in the judicial selection and judicial discipline processes.

With JILEP assistance, the HCOJ launched a new website that provides information about the structure and activities of the HCOJ and especially critical information, including HCOJ meeting dates and agendas, and the outcomes of judicial disciplinary cases. With JILEP advice and encouragement, the HCOJ agreed to calendar all of its meetings at the beginning of each year; post its agenda one week ahead of each meeting; hold all meetings open to the public; post the complete minutes promptly following each meeting; and make documents and decisions emerging from the meeting a part of the public record. The HCOJ also announced the adoption of a Public Trust and Confidence Action plan (a type of public outreach plan), which designed to help the courts educate the public about the Georgian system of justice. This will directly increase trust and confidence in the judicial system.

After dedicating six months to its creation, the HCOJ installed a judicial examination software platform (developed with funding and advice from JILEP) that will provide prospective judges with the information needed to apply for the examination. The software establishes an examination format that allows applicants to be tested in a comprehensive fashion and graded anonymously by evaluators chosen randomly by the software. The software system is now being used to recruit and test judicial candidates.

Victoria B. Henley, Director and Chief Counsel for the California Commission on Judicial Performance, returned to Georgia to provide more advice on the reform of the judicial disciplinary process. During this visit, Ms. Henley counseled HCOJ members and staff on how to develop better complaint investigation and disciplinary hearing practices. Ms. Henley is now providing off-site advice to help improve the style and format of both disciplinary decisions and case closing letters.

Dr. Mark West, JILEP communication expert, drafted a Communications Strategy for the Supreme Court of Georgia and other Common Courts. Dr. West returned to Georgia for the fourth time to provide advice to the HCOJ on implementation of a Public Trust and Confidence Plan. During his visit, Dr. West also conducted a workshop with court secretaries and speaker judges to discuss the Communications Strategy.

Component 2

The Coalition for an Independent and Transparent Judiciary (CITJ) continued to evolve into an influential advocacy group. During the quarter, it held its fourth public forum: the new *Code of Administrative Violations* currently being drafted by the Georgian Ministry of Justice (MoJ). During the forum, coalition members offered specific criticisms of the draft, including its failure to mention the presumption of innocence, its failure to provide the right to a meaningful defense, and its failure to provide fair trial guarantees.

Many Coalition members added both their collective insight and their individual voices to a conference sponsored by the Georgian Young Lawyers' Association (GYLA) and Transparency International Georgia (TI). At this conference, the two groups summarized the findings of their six-month pilot court monitoring programs. The shortcomings identified in court process and judicial behavior included: the frequent failure of judges to provide detailed rationale for applying preventive measures in criminal cases (such as pre-trial detention and bail); the failure of the court to publically post information about administrative hearings (in administrative cases) and first appearances (in criminal cases); the seemingly automatic granting of prosecution motions and arguments in criminal cases; the extremely low acquittal rates in criminal cases; and the overwhelmingly large percentage of administrative cases where government interests prevail over private interests. Representatives of the HCOJ, Supreme Court and MoJ who were present offered detailed responses and indicated their willingness to continue the discussion.

JILEP intensified its efforts to help the Georgian Bar Association (GBA) become a more professional organization. This work gained added importance due to ongoing discussions within the Georgian government regarding the creation of “multiple bar associations” after the fall elections. In particular, JILEP continued to build the capacity of the GBA Ethics Committee members and staff by training them in issuing advisory opinions. Professional legal education expert, Anthony Fisser, provided advice to members of the GBA CLE Commission about how they should change their internal rules and procedures to better manage their new CLE system. Supported by a JILEP grant, the GBA Training Center continued to deliver a specially-designed ethics training for all of its lawyers. Near the end of the quarter, JILEP also advised the GBA executive board on amending the *Law on Advocates* to provide the basis for a more professional and effective bar association.

JILEP also began its skills-oriented training series for legal aid lawyers. In May, JILEP delivered the first in a series of seminars to the legal aid lawyers, on “The Art and Skill of Negotiation.” In June it delivered the second seminar, on “Legal Analysis and Reasoning.”

Many of JILEP’s grant partners reported significant success over the quarter. For example, the Civil Development Agency (CiDA), organized a conference entitled, “State Legal Aid Service: Reality and Challenges” where they presented their study of the capacity and needs of the State Legal Aid Service (LAS). The conference resulted in the signing of a Memorandum of Cooperation between the LAS and eleven local, nongovernmental legal aid providers. The memorandum established a framework for a partnership that will include the development of a referral system for clients and an exchange of information between state and non-state legal aid providers.

AmCham advocated for the solution of the problems affecting Georgian taxpayers such as the lack of information on the bulk of regulations issued by the Revenue Service, inadequate fines and security measures applied by the Revenue Service, frequent amendments of the Tax Code, and advanced tax rulings. AmCham achieved a great success with the development of an integrated source of information for all regulations that affect Georgian taxpayers. AmCham held meetings with the Revenue Service to discuss the fact that various normative acts issued by the Revenue Service are not integrated and accessible. Following these meetings, the Revenue Service developed an online service, which provides information on all taxation related regulations. The Revenue Service asked AmCham to review the site and provide its recommendation. AmCham will provide its feedback in July.

Public movement – Multinational Georgia (PMMG), whose project aims to promote the right to fair trial for ethnic minorities, developed and printed Georgian-Armenian and Georgian-Azeri legal dictionaries. On June 26, the dictionaries were presented to the public. Ms. Tamar Sulakvelidze, Head of Human Resources Department of the High Council of Justice participated in the presentation. At the conference, she announced that, in response to PMMG’s advocacy, the HCOJ together with the High School of Justice will start developing special training courses for court interpreters.

Component 3

The National Center for ADR at Tbilisi State University Law School (NCADR) completed its move to new offices, which were equipped with furniture and hardware provided by JILEP.

The NCADR completed an intensive 70-hour mediation workshop for law professors from six Georgian law schools. This workshop helped them begin to develop their own mediation courses. The NCADR also began preparations for the country's first national mediation competition, which will take place in the next quarter. In May and June, the NCADR conducted a number of public lectures and GBA CLE accredited trainings in mediation and arbitration for professors as well as practicing lawyers. Finally, the NCADR continued its involvement in the Court-Annexed Mediation Pilot Project by working with its partners to select mediators and prepare for their training in the following quarter.

This quarter, the National Center for Commercial Law at Free University Law School(NCCL) launched its Georgian – English website. It also continued its progress on the Georgian Business Law Review by editing all prospective articles and returning them to their authors for revisions. The Journal is on track for a late 2012 publication date. In late June, the NCCL organized a public lecture for students on Commercial Mediation Theory and Practice, which engaged American and Georgian professors. The center's one-year, intensive, interactive teaching methodology program for 14 law professors began in this quarter with the visit of several teaching methodology experts. These experts delivered an interactive teaching methodology workshop. In June, the NCCL delivered the second in a series of workshops designed to improve the writing skills of Georgian lawyers. Finally, NCCL drafted and submitted an amicus curiae brief to the Georgian Constitutional Court, the first ever submitted by a law school.

This was the first full quarter during which JILEP grants in support of law school clinics were in effect. The KSU clinic completed its staff hiring, began consultations with many clients, engaged in street law seminars, and co-hosted a summer school on human rights. The BSU clinic also completed its staff hiring, served a number of clients, conducted mock trials and other interactive simulations, met with practicing lawyers, and attended local court hearings. The GAU clinic actively worked with JILEP experts from PILnet to develop the first portions of their clinical manual. It is anticipated that the clinical manual will be completed, at least in draft form, in the next quarter. JILEP also provided the clinics with workshops on management and teaching methodology.

JILEP continued to provide direct technical assistance to strengthen the teaching skills of professors at various law schools. Fourteen law professors received training in teaching methodology, and in the following quarter, they will participate in JILEP ethics and trial advocacy workshops. JILEP also launched a one-year instructional development program with TSU that will focus on assessing and improving teaching methods.

During the reporting period, all four West Georgian Master's scholarship recipients ("Fellows") conducted and participated in various activities designed to augment the education they receive at the university. The Fellows also underwent internships at GYLA's Legal Assistance Center in Kutaisi. They trained the Fellows to participate in local and national debate tournaments, focusing on the reforms currently undertaken by the Georgian government. During the reporting period, the Fellows conducted three trainings for MA and high school students on different legal issues. Two of the Fellows won a competition for internships in the Parliament of Georgia, which is a great success for this program.

Component 4

On June 22, 2012, JILEP supported a meeting of Georgian alumni of various moot/mock trial programs and competitions in Tbilisi. This offered a unique opportunity for all Georgian alumni, whether senior or junior, with public or private law backgrounds, to share thoughts and ideas on advancement of legal education and law practice in Georgia. Within the scope of the meeting, Professor Delaine R. Swenson conducted an interactive skills-building workshop "Acting for Lawyers."

The Court-Annexed Mediation Pilot Working Group completed the selection of candidates for the JILEP-sponsored mediation training program. Out of 139 applications, the Working Group selected 26 candidates to undergo the first phase of training. These candidates included 19 lawyers, five psychologists, one journalist and one public policy and education specialist. In addition, four representatives from the judiciary will participate in the training. JILEP signed a grant agreement with the London-based, Center for Effective Dispute Resolution (CEDR), to deliver the bulk of the training program. CEDR will send a team of experts to conduct the first training phase at the NCADR in July 2012.

After nearly a year spent drafting and editing, JILEP's team of scholars completed and published a Tax Code Commentary, the first of its kind in Georgia. Its completion is planning to be formally announced at a launch scheduled for July 5. JILEP will provide copies of the commentary to the Georgian National Library, Georgian law school libraries, the GBA Training Center, the High School of Justice, and various other influential institutions and individuals. The Commentary will also be made available online via the NCCL and JILEP websites.

COMPONENT 1: STRENGTHEN JUDICIAL INDEPENDENCE, ACCOUNTABILITY AND PROFESSIONALISM

A. Significant Results, Accomplishments, Activities

Working for Judicial Independence through the High Council of Justice (HCOJ)

Judicial Selection, Appointment, and Evaluation

During the quarter, JILEP continued working with the HCOJ to develop more fair and transparent judicial selection, appointment and evaluation processes. This work is summarized below.

Improve the Judicial Selection Process

Last quarter, upon the request of HCOJ, JILEP engaged Judge Timothy Baland to provide suggestions for how the HCOJ could improve its rules guiding judicial appointments and draft judicial candidate application forms and questionnaires. During the reporting period, Judge Baland finalized and submitted his recommendations, which JILEP communicated to HCOJ. In the next quarter, JILEP, based on these recommendations, will encourage the HCOJ to consider amending the HCOJ *Rules* to make the selection process easier to understand and even freer from the possibility of executive or other outside influence.

On June 1st, HCOJ publicly announced the creation and installation of a software platform that will dramatically increase the transparency, fairness, and efficiency of the Georgian judicial examination and selection process. The software was developed by a private Georgian software company with the financial and technical assistance of USAID/JILEP. The software will provide prospective judges information needed to apply for the Judicial Qualification Examination. It will also establish an examination format that will allow applicants to be tested in a comprehensive fashion and be graded anonymously by evaluators chosen randomly by the software. It will make the candidate interview process more objective by randomly selecting interview questions, which will reduce the opportunity for arbitrary or politically-motivated ranking and selection. The software system is now being used to recruit and test candidates.



USAID DG Director Susan Cowley speaks at the HCOJ launch of the new judicial examination software (on left: JILEP COP, Herbert Bowman; on right: Supreme Court Chairman Konstantine Kublashvili; and High Council of Justice Secretary, Valery Tsertsvadze

With the software platform complete, as requested by the HCOJ, JILEP will assist the HCOJ to develop the content of the aptitude portion of the judicial examination and to help find a way to train test question writers to write questions for the judicial exam. JILEP considered this request an opportunity to make the judicial selection process fairer, and help increase the knowledge and talent level of succeeding generations of Georgian judges. The National Examination Center (NEC) was named by HCOJ as the only Georgian organization capable of providing this sort of technical assistance. Despite the fact that a project proposal was drafted and submitted, the process of contracting NEC has been postponed due to two consecutive and significant changes of leadership and staff during the reporting quarter. In the near future, JILEP hopes to have contract in place to support the development of the content of the aptitude portion of the qualification exam for judicial candidates.

Improve the judicial evaluation system

To develop a fairer evaluation system for judges, JILEP engaged an internationally-recognized expert, Richard Mohr, to review the evaluation rules entitled “Evaluation of Efficiency of Judges’ Performance” adopted by the HCOJ in December 2011 and make recommendations as to how that process could be amended to better protect the independence of individual judges. During this quarter, the expert submitted the assessment report, which was shared with the HCOJ for review and consideration in the next quarter.

Improve the judicial disciplinary process

During this quarter, following the request from the HCOJ, JILEP organized a workshop on judicial discipline reflecting the March amendments, which made a number of constructive changes. One notable change is the concentration of the responsibility for the review of complaints in the HCOJ, requiring that the complainant be notified of the outcomes of the complaint and requiring the posting of information about the decisions of the Disciplinary Panel and the Supreme Court Disciplinary Chamber.

Victoria B. Henley, Director-Chief Counsel California Commission on Judicial Performance, conducted a workshop for the HCOJ members and the staff of Disciplinary Department of the HCOJ on best investigation and trial practices.

Following the momentum of the judicial ethics and discipline activities at the High Council of Justice, in June, the Ms. Henley provided the HCOJ with further recommendations how to improve internal processes for disciplinary complaints investigation, how to conduct the hearings, and how to draft both decisions and closing letters.



Victoria B. Henley, the HCOJ leadership and staff during the workshop, May 22nd, Tsinandali

HCOJ Outreach Capacity Building

Following one year of intensive work between JILEP and the HCOJ, this quarter the HCOJ completed the final steps needed to make Council meetings more open and transparent. All quarterly HCOJ meetings are now calendared in January of each year; agendas are posted one

week ahead of each meeting; meetings are held open to the public; complete minutes are posted promptly following each meeting; and documents and decisions emerging from the meeting are made part of the public record.

The first transparent meeting took place on April 3, and both media and NGO representatives attended. During the meeting, the HCOJ adopted a “Public Trust and Confidence Action Plan” (a type of outreach plan), which it developed over the course of the last year in cooperation with JILEP. The HCOJ also announced changes recently made to the rules guiding judicial examinations and the date of the next judicial qualification exam.

During the reporting quarter, with JILEP assistance, the HCOJ launched a new website that provides information on the structure and activities of the HCOJ and such critical information as HCOJ meeting dates and agendas, minutes and the outcomes of judicial disciplinary cases. Interested citizens and organizations can now access the new HCOJ website: <http://hcoj.gov.ge/>.

This quarter the HCOJ, with JILEP assistance, presented the first-ever Golden Gavel Award to recognize products in Media and the Arts published or presented during the preceding year. It will honor efforts that demonstrate thoughtful, timely, accurate, and analytical approaches to coverage of the judiciary and its judges, with an eye toward raising public awareness of the work of the Georgian courts.

During the reporting period, Dr. Mark West, JILEP communications expert, drafted a Communications Strategy for the Supreme Court of Georgia and other Common Courts. He made his fourth trip to Georgia to present the Strategy to the leadership of the Supreme Court and to provide his advice to HCOJ on implementation of Public Trust and Confidence Plan. On June 9-10, Dr. West conducted a workshop in Batumi with court secretaries and speaker judges to discuss Communications Strategy.



Dr. Mark West, speaker-judges and court secretaries during the workshop, June 9-10, Batumi

On June 15th, the HCOJ and JILEP hosted an orientation meeting for 15 Georgian journalists interested in competing for the HCOJ’s first “Golden Gavel” award. Dr. West led this meeting and answered the questions of those attending the meeting.



Dr. Mark West, journalists during the orientation meeting, June 15, JILEP office

During the quarter, JILEP supported the HCOJ presence at the General Assembly of the European Network of Councils for the Judiciary (ENCJ). ENCJ unites all Councils for the Judiciary of EU Member States and represents them in the EU. The ENCJ invited Judge Valery Tsertsvadze, the Secretary of the High Council of Georgia, to attend its General Assembly in Dublin, Ireland on May 9-11. JILEP supported Judge Tsertsvadze’s participation in the event both to encourage stronger ties between Georgian and EU judicial

institutions and to give Judge Tsertsvadze exposure to discussions held during the event focused on the development of standards for judicial recruitment and appointment. At the end of the three-day event, in which Judge Tsertsvadze was a very active participant, the ENCJ issued a “Declaration on Standards for the Recruitment and Appointment of Members of the Judiciary” that is expected to influence Georgian legal development in this area.



Participants in ENCJ General Assembly Dublin 9-11 May 2012

These steps taken to make the work of the HCOJ more transparent are in alignment with international best practices and should lead to a more informed public and a more accountable judicial branch.

Strengthening the High School of Justice (HSOJ)

Last quarter, on March 17-18, JILEP consultant Professor Delaine R. Swenson delivered a teaching methodology course entitled, “The Fundamentals of Teaching Methodology for Judges who Train Judges” to Georgian judges who teach at the HSOJ. The goal of this course was to explore the fundamentals of modern teaching methodology with a focus on the skills judges use when training other judges.

While the HSOJ declined JILEP offers to assess the quality of its new judge training program and to assist in the design of CLE curriculum, JILEP was able to develop some courses outlines and is planning to present them to HCOJ for consideration in the next quarter. These topics are: *Legal Method, Legal Reasoning and Interpretation in Judicial Decision-Making; Judicial Ethics; Convention on Contracts for the International Sale of Goods and Other*

Sources of International Trade Law; International Commercial Arbitration; Information Technology and Courts.

Monitoring and Evaluation (M & E) Indicator Results¹

Anticipated Result A: The High Council of Justice (HCOJ) appoints, advances, and disciplines judges in a more objective and transparent manner.

Number of policy changes recommended by the project:

For the quarter: 4. These policy changes were in the following areas: Judicial Selection and appointment; Judicial discipline; Judicial evaluation; Supreme Court and other Common Courts Communications Strategy.

The number of judges, judge-candidates, and court personnel trained with JILEP assistance:

For the quarter: 14 (10 women and 4 men) were trained in Courts Communications Strategy.

B. Key Issues and Challenges

JILEP considers it extremely important for all stakeholders to follow the amendments made to the *Organic Law on the Courts* suggested by the HCOJ and currently in force. JILEP will continue to encourage the HCOJ, the courts, and other state actors to maintain their cooperation with civil society to bring about additional improvements to the laws and guidelines aimed at making the judicial selection and evaluation process more fair and transparent.

JILEP will continue its involvement in the process of drafting new judicial appointment and disciplinary laws and regulations. The challenge here will be to convince the HCOJ to take the time needed to develop clear and comprehensive regulations that will encourage judicial independence and transparency since the HCOJ is exhibiting a marked inclination to create and push through changes too quickly.

¹ The M & E results reported in this Quarterly Report are based on the amended M & E Plan submitted by JILEP to USAID in 2012 that provides missing baseline information and clarifies some indicators and targets.

Despite the positive feedback JILEP received from the HSOJ and HCOJ about the judicial training methodology course given during the quarter, the HSOJ leadership remains reticent to expand its cooperation beyond occasional, narrowly-targeted courses. JILEP has come to understand that other donors are experiencing similar challenges, but this opens up the possibility of establishing a cooperative donor approach to HSOJ assistance. JILEP will explore the possibility of establishing a cooperative donor approach to HSOJ assistance in the coming quarter.

Developing the content of the aptitude portion of the judicial examination and training of test question writers is considered an issue. The process of contracting NEC has been postponed due to two consecutive significant changes of leadership and staff of the organization.

C. Plans for Next Quarter

The following activities are expected to take place during the next reporting period:

- Continue assistance to the HCOJ to reform the judicial selection process, including improvement of the judicial qualification exam and the interview process based upon JILEP expert Judge Timothy Baland's recommendations detailing how the judicial appointment process could be improved;
- Continue assistance to the HCOJ in developing the aptitude portion of judicial examination that will help the HCOJ to select more qualified judicial candidates and reduce the opportunity for unfair or arbitrary judicial selection;
- Continue assistance to the HCOJ to improve the judicial disciplinary process following JILEP expert Ms. Victoria Henley's recommendations;
- Continue cooperation with the HCOJ in the area of judicial evaluation following the recommendations provided by Richard Mohr;
- Continue HCOJ outreach support, including technical assistance to carry out the elements of a Public Trust and Confidence Plan that may include the development of public service announcements (PSAs) and short documentary videos;
- Provide the Supreme Court with the final Communications Strategy for the entire court system.

COMPONENT 2: STRENGTHEN THE INSTITUTIONAL CAPACITY OF LEGAL PROFESSIONAL ASSOCIATIONS, LEGAL RIGHTS NGOs, AND THE STATE LEGAL AID SYSTEM

A. Significant Results, Accomplishments, Activities

Strengthening the Georgian Bar Association (GBA)

Working Group on Law on Advocates and Visit of Expert

The GBA established a working group on amendments and changes to the laws of Georgia regulating the legal profession and invited representatives from different governmental institutions to participate, including the Ministry of Justice, High Council of Justice, High School of Justice, Supreme Court of Georgia, and Legal Committee of the Parliament of Georgia. The GBA hosted several meetings during the reporting period (April 19; May 18; June 8; June 22-24). JILEP invited U.S. lawyer and bar association expert, Mr. Alan Friedman, to share knowledge and experience and offer recommendations to make the GBA a more effective and professional organization. Mr. Friedman visited Georgia in late June and had a series of meetings with the Executive Board, Ethics Commission, representatives of MOJ, international organizations, and local NGOs. JILEP also hosted a retreat of the working group in Kobuleti on June 22-24, 2012. The amendments are expected to reform the internal structure of the GBA by establishing the position of Executive Director, and increasing the role of the Executive Board and the Audit Commission. The amendments are also expected to ensure enforcement of a new CLE system by providing consequences for members who do not fulfill their CLE obligations. The GBA will also work to increase the complexity of the bar examination and create a better screening system in order to raise the level of professionalism of the future GBA members. The Executive Board will work throughout the summer on the draft and expects to submit a final set of draft amendments to the legislature by the end of September 2012.

Cooperation with Ethics Committee

JILEP is helping the Ethics Commission create a system for providing advisory opinions on ethics issues. JILEP legal ethics expert James Moliterno prepared a preliminary report in early May that explained what such opinions are, how they function, what issues must be decided in order to create a system, and provided sample documents, including actual Lawyer

Ethics Opinions and a form for lawyers to use to submit requests for advice. The report was translated into Georgian and disseminated among the members of the Ethics Commission.

Mr. Moliterno also participated in a JILEP-organized workshop with the Ethics Commission on May 29-31 at the Kvareli Lake Resort. The training plan addressed the issues to be resolved to create a system of providing opinions, simulated phone-in resolution of lawyer questions, simulated the writing of ethics opinions, and began the process of drafting needed regulations. The GBA is planning to start issuing advisory opinions in fall 2012.

In July, the Ethics Commission adopted a very important decision for increasing the transparency of its work. The Commission decided to publish on its website the GBA registry numbers for all lawyers who received disciplinary punishment from the committee (from 2006 till now) beginning on December 1, 2012. As a result, the Ethics Commission page of the GBA website now includes a new section that lists GBA lawyers who are suspended from providing legal services. JILEP also assists the GBA Ethics Commission in translating suspension and disciplinary violation decisions to post on the website. In the reporting period, JILEP supported the translation of seven decisions.

Ethics Commission Customer Satisfaction Survey

In June, the Caucasus Research Resource Centers (CRRC) finalized the Ethics Committee Customer Satisfaction Survey. The Survey showed that the majority of lawyers fully or partially trust the Ethics Committee. The attitude of the complainants, however, was different: half trust the work of the Committee, while the other half does not. The Committee is planning to further analyze the results of the study and will organize follow-up activities to increase complainants' trust and awareness of the activities of the Committee.

Ethics Commission Study Visit to the US

In order to gain more experience and knowledge, and to be able to observe the work of a disciplinary committee in another country, JILEP is planning to organize a study visit to the United States for the Ethics Committee staff attorney and Chairman of the Committee. The goal of the study visit is to give the Georgian lawyers of the Committee an opportunity to observe the disciplinary proceedings; the work of the disciplinary committees; case proceedings; the structure of disciplinary decisions; the appeal procedures for disciplinary

units; the role and functions of staff members and members of the disciplinary unit; the preparation of statistical data; and the reporting procedures for the transparency of the disciplinary agency. With this information, the study tour participants will share recommendations with the GBA Ethics Committee. JILEP selected the State of Virginia and Washington, D.C. Bars.. The visit is planned for September this year.

Cooperation with GBA Thematic Committees

In order to strengthen the work of the GBA, inform its members and public regarding the work performed by the Association, reinforce the professional image of the organization, establish better communication with the lawyers, and organize thematic discussions with the involvement of experts from the relevant legal field, JILEP is planning to support and strengthen the work of GBA thematic committees on criminal law, civil law, administrative law and commercial law. With this idea in mind, JILEP met with the leaders of the GBA thematic Committees on June 4, 2012 to discuss past work and determine future needs and goals. Each Committee submitted a proposal for future activities at the end of June.

CLE Expert Visit

CLE expert Tony Fisser visited Georgia during May 1-11, 2011 to work with the GBA's CLE Committee. During his visit, Mr. Fisser had series of meetings with the leadership of Association, representatives of international organizations, members of CLE Commission and GBA staff members. JILEP also organized a retreat of the CLE Commission where the key issues of developing a CLE system were discussed. The CLE Commission agreed on developing a self-accreditation form, the importance of strengthening of GBA Training Center and the establishment of a Training Center Board. Mr. Fisser provided the CLE Commission with a list of recommendations, which were translated and provided to the CLE Commission for review. The CLE Commission is planning to organize a meeting where the recommendations will be reviewed in detail.

JILEP hosted meeting of international donor organizations on May 8, 2012 at the Courtyard Marriott with Mr. Fisser. Representatives from UNICEF, UNDP, the ABA, NORLAG and the EU attended the meeting. Mr. Fisser discussed the importance of donor assistance for the development of effective and professional CLE Systems, and strengthening the Training Center of the GBA.

JILEP aims to strengthen the GBA and develop the legal profession in Georgia. JILEP and the GBA believe there is a great need for the GBA to increase its ability to inform both judicial reform stakeholders and the general public about its operations and activities. In January 2012, the GBA's Executive Board identified the creation of a public outreach strategy as one of the key steps in its development planning. The Executive Board expressed the need to develop their outreach capabilities in a number of ways, including creating a public relations and communication strategy, strengthening the capacity of the GBA staff responsible for public relations, and receiving recommendations on changes to GBA web page. In June 2012, JILEP announced the vacancy of consultant to help the GBA to draft a "Public Relations and Communication Strategy". This consultant will assist the GBA to better communicate with its members, the public and governmental and non-governmental institutions.

NGO Coalition Building (EPF)

In this quarter, the work of the Coalition of Independent and Transparent Judiciary (CITJ) became more focused and productive. Some of the highlights of its work are as follows: The Criminal Law Group took control of organizing a public forum on April 6 to discuss problematic issues appearing in the new draft *Code of Administrative Violations* currently being drafted by the Georgian Ministry of Justice (MoJ). U.S. Ambassador John R. Bass opened the event. Forum participants focused their attention on the parts of the code that may not comply with due process, fair trial, and other human rights norms. Participants agreed that the existing code dating from 1984 clearly contradicts international human rights norms, and on the need to develop the new *Code of Administrative Violations* in line with international human rights norms. Coalition members offered specific criticisms of the draft, including its failure to mention the presumption of innocence, its failure to provide the right to a meaningful defense, and its failure to provide fair trial guarantees. Representing a creative piece of advocacy, at the close of the forum, Human Rights Watch proposed to advocate for a moratorium on the imposition of administrative imprisonment until the passage of the new Code. Coalition members joined this proposition. Representatives of the Ministry of Justice, Supreme Court and the Parliament were generally receptive of the

criticisms raised by the participants in the forum. The MoJ expressed its readiness to host the next meeting where interested stakeholders can continue the discussion.



First Deputy Minister of Justice Tina Burjaliani gives opening remarks. To her left – U.S. Ambassador to Georgia John R. Bass, EPF Board Chairman David Lee. To her right – JILEP Deputy Chief of Party Giorgi Chkheidze and GYLA Chairman Tamar Chugoshvili.

The Criminal Law group also dedicated its efforts to the study of legislation and practice related to the application of pre-trial detention as a preventive measure. The workgroup analyzed around 50 cases in which pre-trial detention was ordered. In the next quarter, the members of the group are planning to hold in-depth interviews with representatives of the judiciary and the bar. The group will analyze the results of the desk research and interviews and generate a report in the next quarter.

The Court Administration Work Group was also very active during this reporting period. The group developed a report analyzing the main drawbacks of the current system of court administration. The group also began organizing a public forum to foster transparency and democracy in the administration of courts. The forum is to be held in the next quarter.

The Legal Aid Group met with 5 leading law firms to discuss their possible involvement in expanding pro bono legal services. They expressed readiness to promote such services in their companies. More meetings are planned in the next quarter.

The Coalition continued to explain and promote its work through tactical use of the media. CITJ developed three PSAs. The first one aims to raise awareness about the problems of

administrative detention and imprisonment. The second encourages representatives of the media to exercise the right to audio record court proceedings, and the third publicizes the map that depicts locations and contact information of free legal aid providers throughout the country. The PSAs will be broadcast in the next reporting quarter.

Grant-supported Legal Advocacy

In addition to Coalition-led advocacy work, two JILEP grantees and eight sub grantees (receiving EPF grants) carried out advocacy to improve the law and practice related to such issues as administrative imprisonment; plea bargaining; tax administration and dispute resolution; alternative dispute resolution; free legal aid; and court transparency.

Georgian Young Lawyers' Association (GYLA)

GYLA promotes legal changes aimed at greater independence and transparency of the judicial system not only as a member of the Coalition but also through its own independent action supported by a grant from JILEP.

During the reporting period, GYLA submitted several legislative proposals to the Parliament. One of the most remarkable is the proposal to suspend administrative imprisonment as a measure of administrative penalty until January 1, 2013, the planned date of completion for the reform of the law of administrative offences. The proposal was driven by the fact that the norms on administrative imprisonment fail to meet basic human rights standards. The proposal is awaiting a parliamentary hearing. The idea of such a proposal was generated at the Coalition for Independent and Transparent Judiciary's fourth public forum (see above). In addition, GYLA submitted legal opinions on the Code of Administrative violations, Civil Procedure Code, Criminal Code and the Law of Georgia on Operational Investigative Activities. GYLA's opinions on the draft amendments are available online at www.gyla.ge/legislature.

Transparency International (TI)

TI carries out advocacy work promoting greater independence and transparency of the judicial system. The focal area of TI's activities is property rights. TI's ALAC started publishing blogs and statements, some accompanied by videos, on the violations of property

rights. As an example, TI published materials on unlawfully confiscated lands in Anaklia, Grigoleti, and Gonio (West Georgia). The blog can be found at <http://transparency.ge/en/blog/illegally-seized-property-anaklia-grigoleti-and-gonio>. A statement on violations of property rights in the area adjacent to the Red Bridge border checkpoint (East Georgia) was released at <http://transparency.ge/en/post/general-announcement/transparency-international-georgia-investigates-property-rights-violations>. A statement on the construction of hydro power plants in Adjara was published at <http://transparency.ge/en/post/general-announcement/statement-construction-h>.

TI's advocacy work has raised the profile of property rights violations. The US Department of State 2011 Human Rights Report cites TI Georgia and its partner organizations while reporting on significant problems in the area of protection of property rights. The facts on these violations are generated from TI mobile clinics' work.

Monitoring of HCOJ (GYLA, TI)

During the reporting period, GYLA and TI monitored a number of areas of HCOJ's activities. GYLA representatives studied the policies for assigning salaries and bonuses to judges, and their financial declarations. The findings were included in the Report on the Georgian System of Judiciary. In this report, GYLA recommended that the HCOJ define salary ranges and to provide justification for assigning bonuses and supplementary benefits. This purpose is to promote greater certainty in how the Georgian judges' work is remunerated.

In addition, GYLA and TI monitored the process of judicial appointments, transfers, and disciplinary proceedings. GYLA and TI are following HCOJ's steps to promote HCOJ transparency, including preliminary publication of HCOJ meeting agendas. GYLA and TI will complete their analysis of this information by the end of October 2012.

Court Monitoring (GYLA, TI)

On June 14, GYLA and TI presented their first court monitoring findings. The reports addressed the hearings observed in the 6-month monitoring period. GYLA monitored 520 hearings at the Criminal Chamber of Tbilisi City Court and TI monitored 108 cases (252 hearings) at the Administrative Chambers of Tbilisi City Court and the Batumi City Court. Representatives from the HCOJ, the Supreme Court, the MOJ, and the GBA attended the

presentation, as well as a wide spectrum of the press, which ultimately provided significant media coverage of the event.

There was a frank discussion of shortcomings in court processes and judicial behavior identified in the findings. These shortcomings included: the frequent failure of judges to provide detailed rationale for applying preventive measures in criminal cases (such as pre-trial detention and bail); the failure of the court to publically post information about administrative hearings (in administrative cases) and first appearances (in criminal cases); the seemingly automatic granting of prosecution motions and arguments in criminal cases; the extremely low acquittal rates in criminal cases (in the data set, none were acquitted); and the overwhelmingly large percentage of cases where government interests prevail over private interests in administrative cases. The judicial and executive branch representatives offered detailed responses and explanations, and indicated their willingness to continue the dialogue.

The judicial branch cooperated with the two organizations prior to the presentation as well. GYLA and TI shared the finalized drafts with the HCOJ in advance and proposed a meeting to discuss the body's comments and opinions. Although only TI organized a meeting, the HCOJ put their opinions on both reports in writing. These documents were available for the presentation attendees in addition to the TI and GYLA reports.

Following the Tbilisi presentation, TI presented the report in Batumi on June 28 and GYLA presented its report in Tbilisi at the high level conference organized by the European Commission.

GYLA and TI have resumed their monitoring efforts since June with the amended methodology. The methodology changes were discussed and finalized during EWMI-JILEP's court monitoring advisor Neil Weinstein's visit April 17-23, 2012. In particular, GYLA broadened the scope of its monitoring, allowing for recording and analyzing the hearings in greater detail going well beyond the procedural formalities.

With JILEP support and CRRC guidance, GYLA further improved its data management. The GYLA staff learned how to build the electronic database for data input and how to structure individual items on the monitoring checklist so as to allow for easier analysis. GYLA and TI will use the electronic database program for data input only and analyze data in Excel, for greater accuracy. CRRC will provide Excel training for both organizations over the next reporting period.

During the next quarter, GYLA and TI will continue their monitoring efforts with the new methodology and will work at possibly extending geographic coverage. In particular, TI has specific plans to extend the monitoring to at least two additional courts: Kutaisi and Khelvachauri, with other court locations to be possibly added at the end of the next 6-month monitoring reporting period.

Eurasia Partner Foundation (EPF) Legal Advocacy Grants

Georgian civil society's advocacy efforts were supported not only by direct grants to GYLA and TI but also by grants with JILEP funds through EPF. In September and October 2011, EPF issued eight advocacy grants which generated the following results in the last quarter:

1) Civil Development Agency (CDA)

CDA aims to improve the quality of services provided by the Legal Aid Service (LAS) and promote the protection of human rights for Georgia's economically disadvantaged populations through civil society monitoring of the LAS.

On May 23, CDA organized a conference entitled "State Legal Aid Service: Reality and Challenges." During the conference, CDA presented their study of the capacity and needs of the State Legal Aid Service (LAS). Mr. Irakli Kobidze, Head of the LAS, also spoke and outlined the current activities of his organization. These presentations were followed by an active discussion of what was needed to further develop the LAS as an institution, and how it could improve the services it provides to citizens. The major achievement of the conference was the signing of a Memorandum of Cooperation between the LAS and eleven local nongovernmental legal aid providers. The Memorandum established a framework for a partnership that will include the development of a referral system for clients and an exchange of information between state and non-state legal aid providers.

Following the conference, CDA organized several meetings between LAS offices and local civil society organizations. The objective of the meetings was to inform local community about activities of the LAS and engage in communication with the public. The meetings were organized in Telavi Kakhet and Gori, Kartli.

2) Article 42 of the Constitution (Article 42)

The project aims to improve the business environment in Georgia by advocating for amendments to the Tax Code and other regulations that impact commerce. It also hopes to raise public awareness about important commercial law issues and provide access to justice for economically disadvantaged citizens involved in commercial and tax law disputes with government entities.

In this quarter, Article 42 organized seven seminars for the practicing lawyers on the Tax Code. Two sessions were held in Tbilisi, the rest in Gori, Rustavi, Telavi, Zugdidi, and Kutaisi. In total, 113 lawyers were trained.

Article 42 maintains the web portal <http://www.commerciallaw.ge> where it posts current corporate and tax legislation, including general legal information useful for small and medium-sized businesses. The web portal is interactive. Interested parties are able to post questions and receive answers via the portal. Article 42 recorded and transmitted six radio talk shows focusing on problematic issues in tax administration and tax dispute resolution. These shows were broadcast on the Georgian Public Broadcaster and Radio 1 and will later be uploaded on the web.

In keeping with the terms of the grant, Article 42 continued advising citizens who came to them with questions and problems related to commercial law. During the quarter, Article 42 provided consultations to 23 individuals and represented 7 individuals in cases before a court or administrative body.

- 3) Association "Sachino" for the Struggle against Corruption and for the Protection of Consumers' Rights in Imereti.

Sachino is conducting a campaign for greater court transparency in the Imereti region and surrounding areas. Sachino organized several roundtable discussions involving journalists and representatives of the judiciary. The meetings were held in Sachkhere, Zestaponi, Vani, and Zestaponi. The roundtables discussed the problems that journalists face while accessing public information. The grantee took part in the radio program on court transparency issues, which was transmitted by Dzveli Kalaki Radio station. The discussion also involved a journalist and a representative of GYLA's Georgian Media Legal Defense Center.

- 4) Georgian Small and Medium Enterprises Association (GSMEA)

GSMEA advocates for the development of a business friendly legal framework and improvement of the administration of justice in the area of tax law. GSMEA organized several public meetings to discuss two studies completed in the previous quarter. The first report included a comparative study of the local and international legislation and practice of criminal sanctions for tax evasion. The second compared the feasibility of creating specialized tax courts in Georgia. GSMEA organized four meetings with entrepreneurs and other members of the public to receive feedback on both documents.



The roundtable discussing the findings of the GSMEA reports

5) American Chamber of Commerce (AmCham)

AmCham seeks to ensure that tax disputes between the government and business are resolved in the most transparent, predictable and equitable fashion possible. During the last two quarters, AmCham focused on advocacy issues affecting Georgian taxpayers such as the lack of information on the bulk of regulations issued by the Revenue Service, inadequate fines and security measures applied by the Revenue Service, frequent amendments of the Tax Code, and advanced tax rulings. AmCham achieved the greatest success with the development of the integrated source of information on all regulations, which affect Georgian taxpayers. AmCham held meetings with the Revenue Service to discuss the fact that various normative acts issued by the Revenue Service are not integrated and accessible. Following these

meetings, the Revenue Service developed an online service, which provides information on all taxation related regulations. The Revenue Service asked AmCham to review the site and provide its recommendation. AmCham will provide its feedback in the month of July. AmCham published an article to announce the new service to be launched by the Revenue Service in *Investor.ge*. In the same publication, AmCham published an article analyzing positive and negative sides of advanced tax rulings.

6) Institute for the Development of Freedom of Information (IDFI)

IDFI aims to promote transparency and accountability of the Georgian judicial system by advocating for the creation and maintenance of comprehensive, coherent, and accessible court websites. IDFI monitored the Kutaisi, Rustavi and Tbilisi City Court websites. IDFI communicated the recommendations to improve these websites to these courts. IDFI also reviewed the website, which was recently launched by HCOJ. The website allows internet users to send a request and receive public information through e-mail. IDFI provided recommendations on how to improve this function of the site. HCOJ considered IDFI's suggestions and corrected the site.

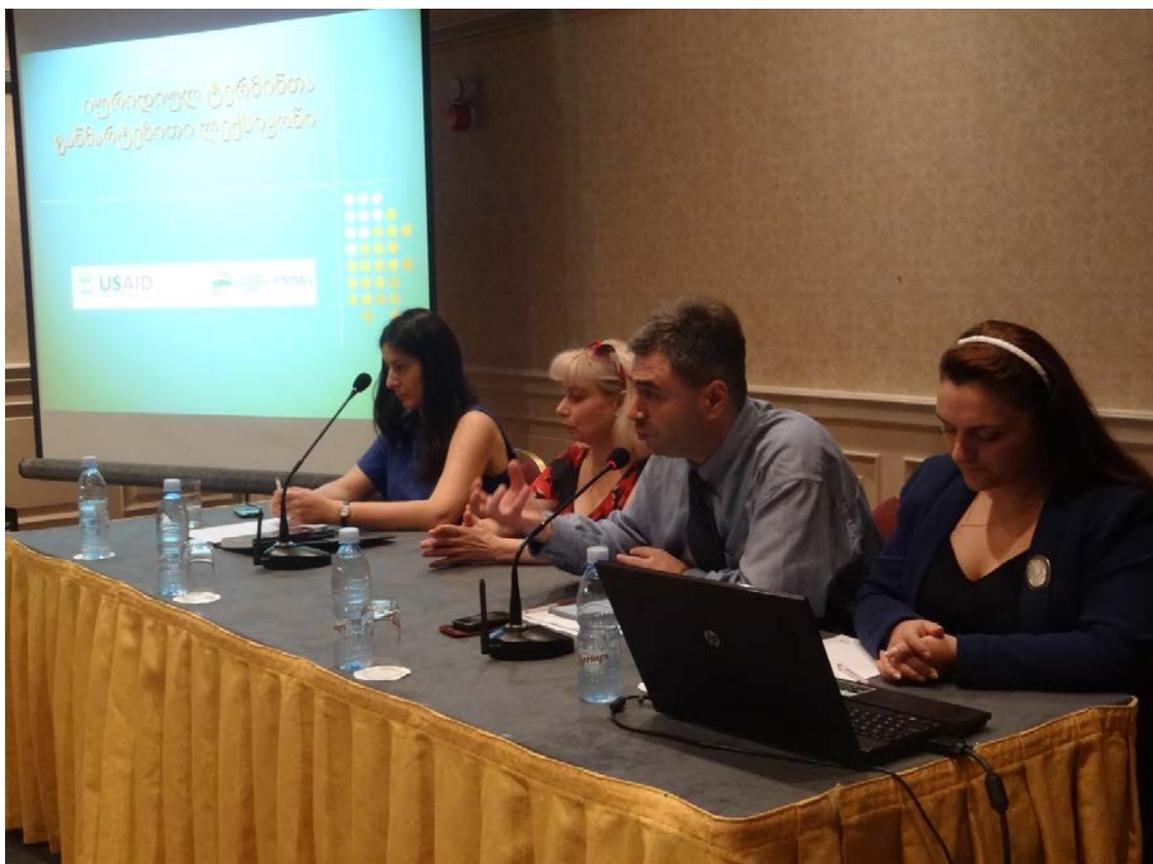
IDFI was successful in establishing cooperation with the Supreme Court. IDFI created a program that will enable the courts to better visualize statistical data through various types of charts. IDFI held meetings with the Technical Department of the Supreme Court to discuss the details of the cooperation. IDFI will present the module integrated in the Supreme Court website in the next quarter.

7) Public Movement Multinational Georgia (PMMG)

PMMG seeks to ensure the right to a fair trial for members of the Armenian and Azeri ethnic minorities residing in Georgia by reducing the language barriers they face in judicial proceedings. PMMG printed Georgian-Armenian and Georgian-Azeri legal dictionaries developed through the project. On June 26, the dictionaries were presented to the public. Ms. Tamar Sulakvelidze, Head of Human Resources Department of HCOJ, announced at the conference that, in response to PMMG's advocacy, the HCOJ and the HSOJ will start developing special training courses for court interpreters.

PMMG also organized a 4-day training session for 11 court interpreters, in cooperation with the HCOJ. The training covered professional rights and duties of interpreters as well as issues of legal translation.

PMMG discussed the problems that ethnic minorities face in court proceedings in a TV program transmitted by Bolnisi TV Company in Kvemo Kartli region (South Georgia). Representatives of Bolnisi Regional Court took part in the program.



Dimitri Tsertsvadze, Project Director, PMMG is presenting the Georgian-Armenian and Georgian-Azeri dictionaries

8) Georgian Lawyers for Independent Profession (GLIP)

GLIP hopes to increase the effectiveness of arbitration as a form of dispute resolution in the area of private law. It will do this by analyzing the legislation and practice in the area of arbitration and by advocating for the improvement of the legislative framework for arbitration. During the quarter, GLIP further developed its draft report on arbitration legislation and practice in Georgia, which includes an analysis of some of the deficiencies of the current regulatory framework. The report is still to be finalized. GLIP also published two articles on the problems of arbitration in *Tbiliselebi* newspaper.

Grant-supported Free Legal Aid

JILEP supports the provision of legal aid through direct grants to TI and GYLA and through five subgrants awarded through EPF. Free legal aid, which includes giving consultations and providing representation in courts and administrative bodies, mainly assists those citizens whose rights are violated by state bodies or private organizations with a dominant market power. The issues covered by legal aid grantees include human rights, property rights, labor rights, and violations in tax administration.

Georgian Young Lawyers' Association (GYLA)

GYLA's Legal Aid Centers in Tbilisi and seven regional offices continued to provide free legal assistance to citizens, journalists, non-governmental organizations and other persons. GYLA provided legal assistance in GYLA's offices through face-to-face consultations, over the telephone consultations, through the drafting of legal documents, and by representing clients in the courts. The consultations were mostly concerned with problems in correcting civil registration documents, registering property, inheritance, family and labor law issues. In total, during the reporting period, GYLA issued 21,379 pieces of legal advice. 30% of the costs associated with this assistance (therefore 7,313 pieces of legal advice to 6,141 citizens) were funded by JILEP.



GYLA's lawyer provides legal consultations to a client

In this quarter, GYLA took on a number of cases to defend the rights of citizens against the overreach of government ministries and administrative bodies. In total, GYLA took 81 new cases to the domestic general jurisdiction courts. By the end of June, GYLA was providing representation in 192 pending cases.

GYLA reported on a number of successfully litigated cases. GYLA obtained termination of prosecution against an individual suffering from a mental disorder. GYLA won compensation to cover the prosthesis costs in the amount of Euro 26,952.55 for an individual litigating against the Tbilisi Bus Company. With GYLA's assistance, a tax liability against an entrepreneur was reduced. A number of individuals were assisted in registering their land titles. Most interestingly, due to GYLA's efforts, administrative proceedings against 12 individuals were terminated at the Chamber of Control, and criminal proceedings against 3 individuals initiated for the violation of the Law on Political Parties were terminated.

GYLA also litigated cases at the Constitutional Court of Georgia and the European Court of Human Rights. GYLA took three new cases to the Constitutional Court, including a case that challenges the legal definition of the term "internally displaced person" in the Law of Georgia on Internally Displaced Persons, a case that asserts the right to state pensions for an individual with dual citizenship, and a case challenging norms of the law on Psychiatric Aid. At present, GYLA has 8 pending cases at the Constitutional Court.

GYLA took one case to the European Court of Human Rights. The case asserts the rights of the victims of the Soviet repressions to receive fair compensation.

Transparency International (TI)

During the quarter, TI continued providing legal aid as part of its JILEP-supported programming. During the grant period, 224 individuals contacted TI's Advocacy and Legal Advising Centers (ALAC) in Tbilisi and Batumi. Of this number, 183 individuals received one-on-one consultations. TI represented 24 individuals before courts or administrative bodies. The representations were in cases involving property right disputes between citizens and government entities including the Ministry of Economy, Public Registry, and the Property Rights Declaration Commission. The majority of the disputes involved situations in which government entities carrying out major infrastructure projects refused to recognize ownership rights of citizens who had not registered their property with the Public Registry.

TI reports on individual successful cases concerned with property rights. TI appealed a decision of the Public Registry to suspend registration of an agricultural land plot on the basis of a legal statute, which by that time had been annulled. The appeal was granted and the land plot was registered in favor of the ALAC client. ALAC helped an individual in collecting evidence to receive recognition of his ownership of land by Property Recognition Commission at the local government office.

TI used its mobile clinics to assist citizens in the regions of Georgia where infrastructure projects were being carried out. TI sent a mobile clinic to Samegrelo to assist 20 individuals affected by the construction of Zugdidi-Anaklia Highway. TI also intervened in Adjara, where construction of a hydroelectric power station affects the property of 60 inhabitants of the villages of Maradidi, Makho, Adjaristskali, and Ergeshi. TI met with the investor who shared the details of the construction plan. The investor agreed to organize a meeting with the local citizens and the Government of Adjara to discuss the issue of compensation. Currently, TI is leading negotiations with the Ministry of Economy and Finances of Adjara Autonomous Republic.

TI is also involved in the case of Naira Tordia, whose land plot adjacent to the Border with Azerbaijan was illegally entered by a construction company to build a parking lot. TI contacted the Revenue Service, which promised to investigate this case and suspend the construction.

In addition to GYLA and TI, the following EPF grantees are carrying out legal aid activities with JILEP funds:

- 1) Non-commercial Legal Entity Tbilisians' Lawyer (TL)

The goal of this project is to provide free legal assistance and ensure equal access to justice for the most vulnerable residents of Tbilisi, as well as for individual entrepreneurs and limited liability companies that are carrying out business activities at Tbilisi flea markets.

In this quarter, TL provided consultations to 1,097 individuals and went on to represent 30 of these in court. TL continued to organize regular meetings with representatives of small and medium businesses at Tbilisi flea markets. During these meetings, 131 individuals received legal consultations; 97 of these individuals owned small businesses. The topics of these consultations included registration of business enterprise and other corporate law related issues; use of cash registers; tax law issues; and customs applications.

In addition, TL held meetings with citizens and provided consultations at the TL offices and other spaces provided by Tbilisi City Hall. TL organized ten public meetings to explain their services. As a result, 966 individuals came to these meetings to receive legal consultation during the quarter. Of all the consultations, 146 of these individuals were below the poverty line; 216 were retired; nine were disabled; and 21 were IDPs.

During the reporting period, the grantee initiated 30 court cases. The majority of these cases involved disputes related to the usage of utilities, family law, enforcement of judgments, social assistance, apartment owners' associations, labor law, and administrative violations.

TL reports illustrated a dispute between a family of a deceased patient and a hospital. In the court case, TL represented the family and was able to prove that a large portion of GEL 13,279 allegedly owed to the hospital was already paid by the insurance company. The court reduced the fees to be paid by the family of the patient to GEL 6, 808.

2) Institute of Democracy (ID)

The ID provides free legal aid to the most vulnerable segments of the population residing in the five municipalities of Adjara - Keda, Shuakhevi, Khulo, Khelvachauri, and Kobuleti. ID has offices in Batumi and Keda. This quarter, the ID Keda office provided legal consultations to 29 individuals on the topics of family law, social benefits, property registration, and criminal law. They represented 21 clients in court. The ID Batumi office provided consultations to 24 individuals and handled 20 new court cases. Furthermore, ID visited 99 Kobuleti-Khelvachauri area residents residing en route or in close proximity to the planned Choloki-Sarpi highway to prepare to assist these citizens negotiate with the government for fair compensation for the possible eminent domain acquisition of this property. In addition, ID organized six meetings in different parts of Adjara to inform citizens about the project and provide them with legal consultations. As a result, 187 individuals received legal consultations.

ID reported on a case where ID assisted a client in registering land located in close proximity to the Choloki-Sarpi Highway. The court upheld the rights of ID's client and he was able to register the land in the Public Registry.



Geno Geladze, Institute for Democracy, in the meeting with the Keda residents

3) Human Rights House (HRH)

HRH aims to protect human rights and freedoms in Georgia by providing free legal assistance to the most vulnerable segments of the Georgian society: IDPs, the elderly, the disabled, and the poor.

In this quarter, HRH provided 166 legal consultations of which 93 were in the area of criminal law and 63 in the area of civil and administrative law. HRH provided free legal representation in seven criminal cases and eight civil law cases.

HRH reached out to citizens to let them know of their services by organizing all-day legal consultation sessions in the Burbuki IDP Residence. Around 40 IDPs attended the session. HRH also organized a legal aid session at Ksani Prison to inform the prisoners about their rights. Furthermore, a consultation session was organized at Kojori Home for Disabled Children.

4) Racha-Lechkhumi and Kvemo Svaneti Self-government Resource Center (Racha)

Racha aims to protect human rights and fundamental freedoms of Georgian citizens by providing free legal assistance to the populations of the most underserved regions of Georgia – Racha-Lechkhumi and Kvemo Svaneti. Racha consulted with 97 individuals at its Ambrolauri office and 101 individuals at its Tsageri Office. Racha provided representation in 59 cases. In addition, Racha organized seven group meetings in the region to inform local citizens about the services they provide. The meetings were organized in Oni, Nikortsminda, Cheliagele, Orbeli, Chrebalo, Sheubani, Nigvksnara. Racha reported on the case of a recently-widowed woman who had a dispute with her deceased husband's business partner. Racha won the case, and the court ordered the defendant to pay the widow GEL 4700.

5) Justice and Liberty Association (JLA)

JLA protects the rights and advocates for the interests of the security sector and law enforcement personnel, current and former military servicemen, patrol officers, and cadets in Georgia by providing free legal advice to those who need representation in relevant administrative bodies or in the courts. The implementation of the project started in March. JLA consulted 194 clients. JLA represented eight clients in the court. Two cases were in the area of criminal law, and six cases were in the area of administrative law. JLA reported on the case of 21 military servicemen who were dismissed due to the fact that they did not wear surname signs on their hats. The dismissal was grounded on the alleged violation of the service contract. Such grounding would have led to a liability in the amount of GEL2500-4000 and a ban on reestablishment of the servicemen in the military forces. JLA represented the servicemen in the Supreme Court. The case was settled, and the military service agreement was terminated on the basis of mutual consent. Such settlement allowed the servicemen to seek reestablishment in the military services in the future. In addition, they would not have to pay the fine.

Organizational Development of NGO partners (EPF)

EPF uses its Capacity Mapping Initiative (CMI) to promote organizational development of its advocacy and legal aid grantees. The CMI consists of a detailed set of questions designed to assess organizational capacity in six areas: governance, financial management, human resources, program management, communications, and fundraising. After conducting extensive interviews with a grantee, EPF generates a report that demonstrates standings in the

above mentioned areas and offers concrete recommendations for addressing institutional shortcomings. The grantee is encouraged to create a strategic development plan based on this report and to submit a proposal to EPF aimed at improving organizational capacity.

During the reporting period, eleven organizations developed detailed strategic plans for their organizational development on the basis of CMI reports, which were completed by the EPF organizational development team. Seven of these organizations have already started to implement strategic plans with coaching and monitoring from EPF.

JILEP Institutional Assistance for legal advocacy and Free Legal Aid Providers

JILEP continued its efforts to strengthen the practical skills of its NGO partners. On June 23, the legal aid provider organizations were offered full-day training in legal reasoning and analysis. Professor Delaine R. Swenson trained 14 lawyers representing six organizations. At present, while legal reasoning is an essential lawyering skill, it is not taught in any systematic fashion at Georgian law schools. JILEP will continue to provide skills-related training for legal aid lawyers. Upcoming workshops include client interviewing and counseling, legal writing, legal advocacy and legislative drafting.

Beyond external trainings, JILEP also supports its partner NGOs in mutual learning. On May 24, JILEP organized a workshop for its legal aid grantee organizations on developing case selection criteria. GYLA and TI, two organizations that already had such criteria in place, presented their criteria and experience with using them. Since the presentation and the discussion that ensued, two organizations (Association Justice and Liberty and Tbilisian's Lawyer) shared their newly developed criteria with JILEP. Article 42 reported that it is in the process of developing its own document.

JILEP further extended its training efforts outside the legal work of its partner organizations. At present, Georgian NGOs visibly lack effective advocacy and communication skills and to address this need. On 30 June – 1 July, JILEP provided a two-day written communication skills training to 14 representatives of eight Georgian human rights defending organizations, including three participants from outside Tbilisi. The training was tailored to lawyers and aimed at practically improving their media and public relation skills for more effectively advocacy. Specifically, the training participants were introduced to best practices in developing a press advisory, a press release, an official statement, opinion piece and effective

slides for presentations and were given practical exercises in each. The group targeted within the participating organizations was the mid-level staff. While they do most of the practical advocacy work, this group seldom has adequate training and skills on how to effectively present their work. JILEP will continue to provide advocacy skills-related trainings and upcoming workshops will include effective verbal communication and presentation and research skills.

CRRC Judicial Independence Study

CRRC conducted a survey of legal professionals and business leaders. The report looked at attitudes among the target groups about the following institutions: the High School of Justice (HSOJ), the Judges Association of Georgia (JAG), the Legal Aid Service (LAS) and the Monitoring Board of the LAS (LAS MB), legal education standards (LE) in Georgia, the Georgian Bar Association (GBA), and Alternative Dispute Resolution (ADR) mechanisms arbitration and mediation. For each legal institution, the questions were structured in four categories: depth of knowledge of the institution; information sources on the institution; evaluation of the performance of the institution; and the importance of reform of the institution towards the goal of creating a fair, independent judicial system.

While some institutions are relatively well-perceived, the interviews and surveys with legal professionals identified serious shortcomings in the provision of information about legal institutions and the depth of knowledge of those engaged in the legal sphere. Moreover, some institutions such as the JAG and the LAS MB, are perceived as failing to perform their roles in the legal system completely. In terms of the JAG in particular, reform, according to legal experts, will have a great effect on judicial independence as would positive changes to legal education where students still lack sufficient practical skills training, interactive teaching, and access to foreign expertise. The GBA was perceived positively, but legal professionals feel it has many areas of improvement to work on, in particular its effective engagement with the state and media and rigor in maintaining ethical standards.

Business leaders are generally satisfied with commercial law expertise and the competence of judges. They prefer to take cases to court because it is more familiar than ADR and they have relatively high trust that cases will be heard impartially. Business leaders believe that developments in state-business relations have been positive on the whole and that trust in courts is increasing. Many business leaders assessed the demand for both arbitration and mediation as rather average. Clearly, a lot of work is required to improve the image of

arbitration and increase confidence in the performance of arbitrators. Information about developments in ADR must be made more widely available to those outside the legal profession and in a language they can understand.

The results of this report are used to guide JILEP programming and provide an input in the JILEP monitoring and evaluation plan.

State Legal Aid Service Strategy and Action Plan

JILEP attended the meeting of the legal aid working group on May 4, hosted by the Secretariat of the of the Inter-Agency Coordination Council, where the comments submitted by JILEP, NORLAG and UNDP regarding the updated strategy of legal aid service were discussed.

JILEP also had series of meetings with the director of Legal Aid Service, Mr. Irakli Kobidze, regarding the forms of future cooperation. Mr. Koberidze identified the need of training for LAS consultants and advisors in communication skills. JILEP is planning to organize the trainings for LAS consultants in July with its experts from Partners Georgia.

On June 27, 2012, JILEP visited the Legal Aid Bureau in Akhaltsikhe and met with the lawyers and a member of the LAS Monitoring Board, Mr. Zviad Devdariani. The roundtable discussion was conducted on the role of the Monitoring Board in the work of LAS, everyday work of Legal Aid Bureau lawyers, obstacles they face in professional work, and their needs.

JILEP also met with the UNDP Access to Justice and Human Rights Protection Project to discuss the possibility of jointly organizing the Conference on Free Legal Aid: International Standards and Georgian Reality. The idea of the conference is to create a forum for the discussion of ongoing reforms in the LAS and the need to increase the role of the monitoring board. The Conference is planned for July.

Monitoring and Evaluation (M & E) Indicator Results

Anticipated Result B: NGOs provide quality legal representation to the public in civil, administrative and criminal matters in order to better protect their rights.

2. Number of persons advised and represented by organizations supported by JILEP:

For quarter: 6,141

TI Georgia provided consultations or representation to 224 individuals (103 male, 119 female, 2 gender unidentified).

GYLA provided consultations or representation to 4,715 individuals (1,944 male, 2,766 female) and 230 legal persons.

EPF grantees provided consultations or representations to 1,878 individuals (937 male, 944 female).

B. Key Issues and Challenges

EPF encountered problems in its communication with Georgian Public Broadcaster (GPB). Since January of this year, EPF negotiated the details of the weekly talk show, which would cover salient problems of the Georgian judicial system. Despite initial positive interaction on this issue, GPB and EPF could not agree on the anchor of the program and its timeslot. The negotiations stopped. EPF made a decision to address commercial channels through a request for proposals to produce the weekly show. EPF also started discussions with New Media Advocacy Project, the New York-based NGO to work with EPF JILEP advocacy grantees to help them in using media in their advocacy activities.

JILEP's NGO partners involved in legal advocacy are doing a less than adequate job of articulating their positions - both in their written products and in their oral presentations. JILEP intends to address these deficiencies by creating programming that will provide intensive training and mentoring in written and oral advocacy. The program will aim at building the advocacy capacity of legal reform activists. These efforts will complement EPF's CMI process. While the CMI is focused upon developing an institution's *operational* capacity, JILEP's efforts will aim to improve the quality of the organization's *substantive* work.

The GBA is actively and successfully providing the mandatory trainings on professional legal ethics to its members. The trainings for lawyers in criminal law are also provided with the help of donor organizations, mainly ABA, but lawyers in civil law lack the similar opportunity. GBA has not made a decision yet regarding the possible date of annual meeting for the adoption of amendments to the code of ethics and electing members to the Ethics Commission. GBA also needs to effectively promote the positive developments within the association and publicize its achievements in order to prove the importance GBA plays in development of independence and professionalism of legal profession in Georgia.

Due to the possibly upcoming initiative from the government to create “multiple bar associations” after the fall elections, Georgian Bar Association (GBA) has to intensify its efforts to become a more professional organization and to share the positive developments with the Georgian and international stakeholders.

C. Plans for Next Quarter

The following activities are expected to take place during the next reporting period:

- EPF will organize the fifth public forum on the problems of the Georgian Judicial system. The forum will follow up on the results of the first and second forums;
- EPF-led coalition will organize meetings with various stakeholders working on property rights issues. The meetings will prepare the forum on property rights issues;
- EPF will continue to monitor the implementation of its advocacy and legal aid grants, as well as work with them to develop organizational development plans and monitor the implementation of OD activities;
- EPF will continue to implement the project outreach campaign, including the transmission of PSAs;
- GYLA will continue to provide legal assistance to the indigent population in Tbilisi and the seven regions (Imereti, Adjara, Shida Kartli, Kvemo Kartli, Guria, Kakheti, Dusheti);
- TI will continue to provide legal consultations for ALAC clients. In addition, TI will organize mobile legal aid clinics for different regions in Georgia;
- TI and GYLA will continue court monitoring;
- TI and GYLA will continue monitoring the HCOJ;
- GBA Staff Training on Team Building and Effective Communication –July 6-8, 2012;
- LAS Consultants Training on Effective Communication – July 13-15, 2012;
- LAS Consultants Training on Effective Communication (second training) – July 20-22, 2012;
- Conference on Free Legal Aid: International Standards and Georgian Reality – July 19, 2012;
- Continue Trainings on Professional Legal Ethics – Tbilisi training plan – July 3; 4; 5; 6; 10; September 21; 25; 26; 27; 28; Kutaisi Training Plan July 12; 13; September 20; 21;
- GBA Staff Training on Team Building and Management –September, 2012;GBA Ethics Committee study visit to the United States – September, 2012.

COMPONENT 3: IMPROVE LEGAL EDUCATION

A. Significant Results, Accomplishments, Activities

National Centers of Learning

JILEP continues providing technical assistance to the National Center for Alternative Dispute Resolution (NCADR) and the National Center for Commercial Law (NCCL) to help in the professional development of law professors and the creation of new courses and teaching materials.

National Center for ADR (NCADR)²

In May, NCADR moved to its office in the first building of Tbilisi State University (TSU). JILEP provided the Center with necessary technical equipment and furniture. The NCADR has engaged in the following activities during the second quarter:

1) NCADR public lectures

In May, the NCADR delivered two public lectures on mediation in Kutaisi and Batumi. NCADR executive director, Tea Imedadze, Academic director, Levan Janashia, and NCADR Mediation Journal Editor-in-Chief, George Tsertsvadze, met with 65 representatives of the local legal community including local judges, practicing lawyers, and professors to introduce them to the concepts of mediation and discuss the future of mediation in Georgia. Beyond academic purposes, the meetings focused on discussing the NCADR and mediation as a source for alternative dispute resolution in Georgia.

2) NCADR starts developing its website

In May, the NCADR started developing its bilingual English-Georgian website. The website will be equipped with a number of options that will allow effective dissemination of information about the Centers activities. Visitors of the website can subscribe to the NCADR newsletter and obtain useful information about the NCADR activities. Visitors will also have

² As explained in previous quarterlies, the NCADR is a partnership between STCL, TSU and JILEP, working to promote the development of alternative dispute resolution (ADR) techniques in Georgia, teach practical lawyering skills to law students and legal professionals, and improve critical legal thinking within Georgian law schools and the Georgian legal profession.

the option to register online in order to participate in training, workshop, round table, public lecture, or other events. The forum of the website is tailored to the needs of interested visitors ensuring intensive involvement in the Center activities. The online ADR journal and online catalogue for the NCADR library will also be available online. The website will be launched during the next reporting period.

3) Trainings in mediation

In May and June, the NCADR delivered three trainings for practicing lawyers in mediation and arbitration in Tbilisi and Kutaisi. NCADR Academic director, Levan Janashia, and NCADR Mediation Journal Editor-in-Chief, George Tsertsvadze, introduced 68 participants to case law of Georgian courts regarding recognition and enforcement of arbitral awards, current changes in Georgian civil procedure, and introduced a concept of court ordered mediation. The participating lawyers were able to acquire CLE credits to fulfill requirements as members of the GBA

4) NCADR Mediation Course Development Program

One of the central activities listed in the NCADR work plan is assisting Georgian law schools in the development of mediation courses. This assistance involves training for professors in mediation and syllabus development. In June, the Center delivered a 70 hour workshop in mediation for 18 Georgian law professors representing six Georgian law schools. The workshop's goal was to introduce mediation to law professors and help them develop mediation courses at Georgian law schools. The workshop covered basic and advanced training in mediation and negotiation, an introduction to teaching techniques for mediation, and syllabus and course development. The first two days of the event were also open to 37 practicing lawyers who received CLE credits. JILEP engaged leading mediation expert, Professor Kimberley Kovach from South Texas College of Law, to run the workshop. Professor Kovach will continue this assistance in the fall semester of 2012.



Professor Kovach explaining mediation as a source of alternative dispute resolution

5) The First National Student Competition in Mediation

One of the important goals of the NCADR is to become the country's primary training and resource center for mediation. To that end, the NCADR began training law professors in mediation to give them the knowledge and skills to be able to develop mediation courses at their own law schools (see previous paragraph). In addition to mediation course development, the training focused on the development of coaching skills for professors who will recruit and coach law students for the upcoming first National Mediation Competition for Students. This event will occur in September 2012 and will be sponsored by the NCADR and JILEP. Professor Kovach will continue her technical assistance to the coaches and student teams throughout the preparation period.



Participants of the mediation course development program explaining to Professor. Kovach peculiarities of mediation in Georgia

6) NCADR involvement in Mediation Pilot Project

NCADR continues its active involvement in the “Court-annexed Mediation Pilot Project”. As members of the working group of the project, the NCADRHCOJ, JILEP and GIZ participated in the selection process of prospective mediators. The working group selected 30 candidates who will be enrolled in trainings for court-annexed mediators. During the next reporting period, the NCADR, along with other members of the working group, will host trainings for the mediators (See Component 4 for more details.)

National Center for Commercial Law (NCCL) at Free University³

The NCCL has engaged in the following activities during the second quarter:

³ As explained in previous quarterlies, the NCCL is a partnership between WUSL, TSU and JILEP, working to promote the development of commercial law in Georgia, teach practical lawyering skills to law students and legal professionals, and improve critical legal thinking within Georgian law schools and the Georgian legal profession.

1) Certificate Program in Law and Economics

In June, NCCL launched the first Certificate Program in Law and Economics. The program is envisaged for young lawyers who wish to develop their knowledge of economics as well as to analyze the interrelation between the law, the market and property. The one-month program is taught by Free University professors (assisted by Free University students) in small groups with about 10 participants. For the fall Semester 2012, another certificate program will be developed and launched for the representatives of small and medium business, in the field of commercial law. The program will address subjects including contracts, obligations, taxes, licenses and permissions.

2) Public Lectures Series

In spring 2012, NCCL arranged a series of public seminars on Commercial Mediation for students and for practitioners. The activity was initiated by Mr. Levan Svimonishvili, a practicing lawyer who has been actively involved in conferences and seminars organized by NCCL. As an alumnus of the Muskie program at Washington University in Saint Louis, he submitted a proposal to Muskie MAX Mentor/Advisor Exchange Grant and invited Mrs. C. J. Larking, Professor of Washington University in Saint Louis, to NCCL. The first public seminar delivered by Professor Larking was conducted on June 30 – July 1 on Commercial Mediation Theory and Practice. Around 45 Georgian students attended this seminar. Mr. Giorgi Tsertsvadze, lecturer at Law in Free University, was also involved in the public seminar as a co-speaker. Mr. Tsertsvadze lectured about the Georgian practice in the process of mediation introduction and implementation, future perspectives and necessary skills to be a good mediator.

3) Writing Competition in Business Law for Georgian Business Law Review

The NCCL is continuing to work on the first issue of *Georgian Business Law Review*. In the first issue, the Center will publish the winning articles of the Writing Competition in Business Law for Students and Legal Practitioners, which was held by the NCCL in March 2012. In May, the editorial board of the journal edited the winning articles which with comments and recommendations have been sent to the authors. The final drafts of the articles will be resubmitted during the next reporting period. The first issue of *Georgian Business Law Review* will be published in fall 2012.

4) Summer School in Commercial Law

The NCCL team, together with two judges from the Supreme Court of Georgia and the Tbilisi Appellate Court of Georgia, developed a unique program on “Problematic Issues of the Law of Obligations and the Practice of Georgian Judiciary”. In addition to other teaching materials, the program includes 90 cases from the practice of the Georgian Supreme Court, which address the most current issues of Georgian law of obligations. The program is envisaged for Georgian law students (3rd or 4th year students) as well as master degree students and recent graduates (since 2011). NCCL announced a call for participants through the Summer school advertisement and on different Georgian websites as well as promoting the program through posters and presentations in various universities. The NCCL is intended to develop a case book on the law of obligations out of the current program.

5) Official Launch of the NCCL Website and Blog

In May, the NCCL launched its Georgian-English website: <http://www.nccl.ge>. The NCCL has been developing this website since December 2011. The data provided on the website covers the following information:

- Programs for the students, practitioners and law professors;
- Past and future activities of NCCL;
- Supporters, partners, advisers and the team of NCCL;
- Mission of NCCL and other general information;
- Competitions (moot courts, article competitions, etc.);
- CLE trainings and conferences;
- Winter and Summer Schools;
- Public lectures;

The website also allows the possibility to register online for a particular event. HeinOnline access is also possible through the NCCL website, but only from the network of Free University.

In addition, NCCL developed a Students’ Blog on Commercial Law. Eight students from the Free University Law and Business Schools have been selected as bloggers. The bloggers prepare original articles for blog in the field of commercial law and other areas related to commercial law, and also translate articles from foreign magazines. So far, 4 articles have been published and there are several pending articles that need to be reviewed before posting.

6) Law Teaching Methods Certificate Program

In May, the NCCL hosted a workshop on interactive teaching methodology given by Washburn University School of Law (WUSL) Professor Michael Hunter Schwartz and Gonzaga University School of Law (GUSL) Professor Gerald Hess, leading experts in the field of modern teaching methodology and co-directors of the Institute for Law Teaching and Learning in Gonzaga. The course, entitled “*Recursive Course Design Workshop*,” covered such topics as choosing and stating course goals and learning objectives, evaluating the learners, using of variety of teaching and learning methods to enhance students’ learning, identifying material to support the course goals, assessments, teaching/learning methods, syllabus drafting, evaluating and revising the course design. Fourteen law instructors, representing seven Georgian law faculties, attended the training. This group of instructors is also participating in a long-term teacher development program that JILEP implements together with the NCCL in 2012-2013. The goal of the program is to prepare a team of Georgian instructors who will be able to train other Georgian professors in the modern teaching methodology and teaching techniques. The next workshop will occur in August 2012.



Professor Michael Hunter Schwartz and Professor Gerald Hess explaining the basic principles of course design.

7) Legal Writing Workshop for Georgian Lawyers

In June, the NCCL delivered the second in a series workshops designed to improve the legal writing skills of Georgia's lawyers. JILEP sponsored two U.S. experts in the field of legal writing, Professor Aida Alaka and Associate Professor Tonya Kowalski from Washburn University School of Law, to conduct a legal writing workshop for a carefully selected group of 12 Georgian law instructors from different universities and practicing lawyers. The workshop introduced participants to legal analysis and writing through the vehicle of an objective legal research memorandum. The following topics were covered: critical reading, framing legal issues and answers, identifying outcome determinative and other facts, rule synthesis with codes and cases, rule application, and effective writing styles. A number of the participating lawyers who also attended the March workshop reported that they have been using the skills everyday work. The third workshop in the series will take place in October.



Professor Aida Alaka explains basic principles of legal memorandum during NCCL legal writing workshop

Clinical Education Development Program

JILEP continues its law clinic development program that began in 2011 and will continue throughout the life of the JILEP project. In line with the earlier recommendations provided by the Public Interest Law Network (PILnet), JILEP encouraged three live-client clinics at Batumi State University (BSU), Kutaisi State University (KSU) and the Georgian-American

University (GAU) to submit grant requests for projects that would improve and expand the operations of their clinics.

1) Supporting KSU legal clinic

In March 2012, KSU successfully applied for a one-year JILEP grant aimed at developing the practical legal skills of KSU law students and enhancing the quality of the free legal aid services provided by KSU's live client clinic. The \$15,940 grant will support the following activities: a) hiring more professional staff to supervise skills-based teaching by professors; b) providing more operational support to assist clinic students representing clients; and c) delivering more varied educational activities for clinical students to develop their skills. In April, the clinic hired a clinical professor, clinical coordinator and practicing lawyer (clinical supervisor). The salaries of the current positions are supplemented by the JILEP grant.

During the reported period, the KSU clinic received and consulted with 38 clients in-person and 23 clients over the phone in civil and administrative law cases. Clinical students conducted street law seminars for 25 students of KSU School of Journalism. In June, the KSU clinic co-hosted a summer school in human rights organized by KSU Center for Life Long Learning. Students were actively engaged in preparation of the summer school.

2) Supporting BSU legal clinic

In March, BSU successfully applied for a one-year grant aimed at developing the practical legal skills of its law students and enhancing the quality of the free legal aid provided by its legal aid clinic. The \$16,180 grant will: a) recruit more professional staff, such as a Clinic Director who could be brought on as either a full-time or adjunct professor having overall responsibility for the clinic; and b) hire an additional full-time professor and an additional practicing lawyer to teach and supervise students. As a condition of its grant award, JILEP expects BSU to make the legal clinic an approved component of its law school curriculum. In April, the BSU clinic hired a clinical director, clinical professor and a clinical supervisor. The salaries of the current positions will be supplemented by the JILEP grant.

In May and June, the BSU clinic consulted with seven clients and represented two clients in civil courts. In addition to this, the students attended eight court hearings in local civil and administrative courts. The clinical staff met with several local free legal aid providers including GYLA. Under an MOU signed by BSU and GYLA, GYLA agreed to grant clinical students full access to GYLA resources and refer clients to the clinic.

3) Supporting GAU legal clinic

In May 2012, GAU successfully applied for a JILEP grant of \$6,650 USD to create a legal clinic textbook in Georgian. The textbook will cover the specifics of legal clinic formation and function. It will also include clinical forms and a sample manual reflecting the best clinical practice. GAU already submitted the first draft of the textbook, which is currently being revised by a PILnet clinical expert, Professor Richard Grimes of the York Law School, University of York (UK). JILEP expects to receive a final draft of the textbook in August.

4) JILEP's Technical Assistance to Live Client Clinics

In addition to the clinical grants, JILEP is providing the KSU, BSU and GAU clinics with additional technical assistance which is focused on development of specific skills required for successful clinical operation. During the reporting period, JILEP provided the following assistance:

- In April, JILEP delivered workshops at the legal clinics of BSU and KSU. These workshops were designed to improve the fact finding, problem solving and office practice skills of clinical students and staff. PILnet clinical expert Professor Richard Grimes conducted the workshops, which involved a total of 28 clinical students, professors and supervisory staff. After the workshop, Professor Grimes held discussions with KSU and BSU clinical staff and suggested improvements that could be made to their clinical practice. JILEP is planning to provide additional training for these clinical students and staff in September and October.



Professor Richard Grimes conducting workshop at the KSU legal clinic

- In April, JILEP delivered training in modern teaching methodology to the clinical staff members of the BSU and KSU clinics. The training was designed to improve the teaching skills of clinicians. For that phase of the program, JILEP employed legal education consultant, Professor Delaine R. Swenson.



Professor Swenson introducing "Socratic method" of teaching to Georgian law professors

Practical Legal Skills Training

1) The Trial Advocacy and Legal Ethics Programs

One of JILEP's goals in the educational field is to expand the use of skills-oriented instruction in Georgian law schools. In 2011, JILEP worked toward this goal by sponsoring numerous classes and workshops that included skills elements. In 2012, JILEP is increasing its effort in this area by creating a program that will provide students with a firm grounding in legal ethics and a trial advocacy program to teach students skills necessary to function in an adversarial court environment. Nine law schools expressed their intent to make these courses part of their curriculum sometime during the next academic year. In April, Professor Delaine R. Swenson delivered training in modern teaching methodology to 14 law professors selected by the nine Georgian law schools to teach the new subjects. The teaching methodology training will be followed up in the next quarter by instruction in how to structure and deliver full semester courses in the two topics.



The participants of the training had to illustrate the “best teacher” without using any words

2) The TSU Instructional Development Program

In June, JILEP launched a one-year instructional development program at TSU. The program seeks to 1) assess the teaching methods currently used, 2) assist professors in developing new teaching methods, and 3) implement these new methods and evaluate their usefulness. It will also look at the physical resources and technology available for interactive teaching. The program will go through the following stages: 1. Assessment - In the assessment stage, the program will attempt to learn about the teaching methods that are currently used by TSU Law Professors; 2. Development - In the development stage, the school will work with JILEP to help interested professors develop new teaching methods; 3. Implementation and Evaluation - In the implementation and evaluation stage, the professors will use the new teaching methods in their classes and work with the school and JILEP to evaluate them.

The program was launched by training seven law TSU law professors in modern teaching methodology. The trained professors will assist JILEP and TSU administer the assessment stage of the program. JILEP is planning to provide additional training to the TSU faculty on July 17.



Professor Swenson demonstrating the “learning curve” to TSU professors

West Georgian Master’s Scholarship

During the reporting period, all four scholarship recipients (“Fellows”) conducted and participated in various activities designed to augment the education they receive at the university. The Fellows also completed internships at GYLA’s Legal Assistance Center in Kutaisi. In particular the Fellows completed 190 legal consultations; prepared a total of 29 legal documents; requested public information four times; independently provided legal consultation on two cases; attended 15 trials; prepared two legislative proposals; and actively engaged in the parliamentary debate club in Kutaisi. The debate club trained the students to participate in local and national debate tournaments focusing on the reforms currently undertaken by the Georgian government. During the reporting period, the Fellows conducted three trainings for MA and high school students on different legal issues. Two of the Fellows won a competition for internships in the Parliament of Georgia, which is a great success for our program. They are currently undergoing intense training and will start their internships in September.



Public discussion on EU-Georgia, prospects of Georgia’s membership in EU

During the reporting period, three public discussions were conducted on the following topics:

1. “EU-Georgia, prospects of Georgia’s membership in EU”;
2. “Positive and negative aspects of the Action Plan for the State Strategy towards Internally Displaced Persons”;

3. “Diversion and mediation as alternative mechanism of criminal prosecution.”

The public discussions engaged experts as well as wide public participation (130-140 persons) and were broadcasted by various print, audio and TV media.

All four scholarship recipients successfully passed their midterm evaluation for the project.



Public discussion on “Diversion and Mediation as Alternative Mechanism of Criminal Prosecution”

GBA Continuing Legal Education (CLE) and Mandatory Training on Professional Ethics

During the quarter, the GBA training center conducted 46 training on professional legal ethics. 34 trainings were conducted in Tbilisi and 8 trainings were conducted in Kutaisi. In total, 704 lawyers attended the trainings. Among the participants, 295 were female and 409 were male lawyers. To date, 1,798 lawyers were trained in professional legal ethics. The questionnaires disseminated among the participants during the trainings revealed that 99.7% of participants think that knowledge received at the trainings will be useful in their professional work, 98.2% of participants gave a positive evaluation to the trainings, and 96.2% think that the organization of the training was positive; 84.1% of the trained lawyers indicated that the information about professional ethics was accessible; and 78.1% of the

trained lawyers say that they had not previously attended a legal ethics training. The trainings took place as planned both in Kutaisi and Tbilisi.

Monitoring & Evaluation

Anticipated Result B: The GBA is better equipped to train, monitor and discipline its members.

3. Number of Bar members trained with JILEP assistance – 704 (Ethics Trainings; 295 female and 409 male)

B. Key Issues and Challenges

The current lack of a Clinic Manual is a significant obstacle to sustainable development of the clinics. Such a document would provide a benchmark for staff and students. It would also ensure a measure of quality control and give a point of reference for everyone.

The legal service provided by the Clinics is no doubt well-received by clients. The problem is that neither BSU nor KSU clinics have a substantial client base. To this end, greater liaising needs to take place between the Bar Association, the NGOs (including but not restricted to GYLA), government, and private sector. During the next reporting period, JILEP will take special care to address this issue by encouraging a cooperative dialog between the local free aid providers. Having more effective relations with other legal service providers may of itself result in a more effective channeling of clients to the Clinics.

C. Plans for Next Quarter

During the next reporting period:

- JILEP will continue the instructional development program at TSU;
- Georgian Constitutional Court will hold a Constitutional Summer School in Batumi which is sponsored by JILEP;
- Professor M. H. Schwartz from WUSL will provide an advanced training in interactive teaching methodology;
- NCCL will hold a summer school in contract law, where an STCL professor will provide training for coaches of student teams for the first National Student Mediation Competition;

- NCCL will Announce National Moot Court Competition for students in Commercial Law;
- NCCL will develop a curriculum of an executive certificate program “Commercial Law for SMIs”;
- NCCL will continue public lectures series (possible fields of discussion: Investment Law, Tax Law);
- NCCL will develop an outline of a Case Book on Georgian Law of Obligations;
- NCCL will launch the Commercial Law Clinic for Free University students;
- NCCL will publish articles in the first issue of the *Georgian Business Law Review*;
- NCADR will hold a mediation summer school;
- NCADR will hold the first National Student Mediation Competition;
- NCADR will launch its website;
- NCADR will start developing a mediation live client clinic;
- Foreign experts, together with Georgian experts, will deliver a training in trial advocacy skills for the participants of the trial advocacy program;
- Foreign experts, together with Georgian experts, will deliver training in legal ethics for the participants of the legal ethics program;
- The GAU clinic will submitted a final draft of clinical textbook;
- JILEP will hold a clinical summer school;
- A PILnet expert will conduct a training in client supervision skills for clinical staff in BSU, KSU, GAU and TSU live client clinics;
- The West Georgia Masters Scholarship Program will be launched at Batumi State University in autumn 2012 and 4 BSU students will receive a scholarship;
- Training on “parliamentary work and technique for drafting legislative proposals” shall be conducted for fellows of the Masters Scholarship Program in September 2012.

COMPONENT 4: DEVELOP COMMERCIAL LAW

Strengthening commercial law practice is essential to Georgia's sustainable economic development. Commercial law development is an essential element in many of the JILEP activities described above. Beyond these activities, JILEP is currently engaged in developing commercial law curricula for the universities, the HSOJ, and the GBA. As mentioned above, the National Center of Learning, which is housed at Free University and partnered with Washburn University School of Law, is focusing on commercial law and practice issues. The National Center housed at TSU in partnership with South Texas College of Law is focusing on ADR development.

A. Significant Results, Accomplishments, Activities

Georgian Moot Alumni Meeting in Georgia

On June 22, 2012, JILEP organized the first nation-wide meeting of Georgian alumni who participated in various moot/mock trial programs and competitions in Tbilisi.

The meeting offered a unique opportunity for all Georgian alumni, whether senior or junior, with public or private law backgrounds, to network with old and new friends. The meeting also offered the opportunity to share thoughts and ideas on the possibility of uniting enthusiasm and resources of the alumni for the purposes of advancing legal education and law practice in Georgia. Additionally, Professor Delaine R. Swenson, head of the Department of American and International Law at the Faculty of Law at the John Paul II Catholic University of Lublin, Poland and Director of the Center for Advancing Legal Skills, conducted an interactive skills building workshop: "Acting for Lawyers".

The event proved to be an informative and enjoyable event. It also served as a venue for exploring interesting opportunities of cooperation.



Interactive skills building workshop "Acting for Lawyers" conducted by Prof. Swenson during the Meeting of Moot Alumni in Georgia

Court-Annexed Mediation Pilot Project

During the reporting quarter, JILEP worked with its partners to implement a court-annexed mediation pilot project. JILEP launched a new grant agreement with the London-based, Center for Effective Dispute Resolution (CEDR), to deliver the bulk of the training program in mediation for the participants of pilot project of court annexed mediation in Georgia. CEDR will send a team of four experts to conduct the first training phase at the NCADR in July 2012.

The Selection Commission, which consists of members of HCOJ Mediation Working Group (HCOJ, NCADR, JILEP and GIZ) with participation of JILEP commercial law team, announced the selection of candidates for mediation training within the scope of the pilot project. The Commission received 139 applications for 26 positions in the foundation training (basic training in mediation). The applicants went through a two-staged application

process, with selection following an in-person interview.. The Selection Commission proposed 26 candidates to undergo the first phase of training. These candidates include 19 lawyers, five psychologists, one journalist, and one public policy and education specialist. To optimally prepare the candidates for the foundation training, CEDR established an online database with written and video resources covering all stages of mediation process, ethical principles of mediators, and standard forms of mediation agreement and other relevant documents. Initial meetings with the selected candidates took place at TSU. At these meetings, the members of the Selection Commission informed participants about the main features of the upcoming mediation training. The participants also received the CEDR mediation handbooks other preparation materials. Moreover, each of the participants signed a formal written declaration stating their commitment to take part in the training and in the pilot project of court-annexed mediation at Tbilisi City Court.

The venue of the foundation training will be TSU (main building). The NCADR team will be actively involved in organizing and monitoring of the training process. The foundation training will be held from July 19 to July 24. Advanced training and training on mediation of family and neighborhood disputes are scheduled for September 1-4 and September 11-12, respectively.

Material Development in Commercial Law

Commentary on the Georgian Tax Code

During the reporting period, JILEP finalized preparation of the Commentary on Tax Code of Georgia (book in two volumes). Authors of the Commentary are Levan Nadaraya (Senior Tax Manager, Consulting Company “Alexandre”), Kakha Rukhadze (Senior Tax manager of KPMG – Georgia), Bondo Bolkvadze (Customs and Trade Facilitation Manager, USAID - Economic Prosperity Initiative) and Prof. Dr. Zviad Rogava (Full professor for public Law at Caucasus University School of Law).

At the beginning of July, JILEP is planning to organize a presentation of the Commentaries at the TSU. The representatives of the state agencies, local and international originations, students and representatives of the academia, as well as experts are expected to be invited at the presentation. After the presentation, an online version of the commentaries will be uploaded to the JILEP, NCCL and other other websites.

Commercial Law Textbook Creation; training for textbook authors in teaching methodologies and textbook development

JILEP continued its development of written teaching materials for Georgian law students and commercial law practitioners, specifically textbooks on contracts and property law. All materials developed with JILEP support will be published online and be available for law students, practitioners, academics and other interested groups. The textbooks should be completed in the fall of 2012.

During the reporting period, the selected authors for these two textbooks have been providing pieces of their work to JILEP for editing. So far, editing suggestions have been well-received by the authors. The writing and editing processes will continue in the next quarter.

On June 26, JILEP also organized training in teaching methodologies and textbook development. The training with textbook authors was aimed at discussing optimal ways to design written materials to better address concerns of Georgian law students. JILEP textbook authors, as well as interested law professors from TSU and Free University, attended the training. The Training was conducted by Professor Delaine R. Swenson, head of the Department of American and International Law at the Faculty of Law at the John Paul II Catholic University of Lublin, Poland and Director of the Center for Advancing Legal Skills. Participants discussed main methodologies of effective learning and ways to reflect these methods in the creation and design of law textbooks.

The training had an immediate impact on the authors' knowledge and skills in modern teaching methodologies and practical ways to reflect this in legal textbooks.

Monitoring & Evaluation Indicator Results

Anticipated Result A: Increased training available for judges on commercial law topics:

1. Number of judges and lawyers receiving training on commercial law topics with JILEP assistance:

For quarter: 26 (8 – Workshop on textbook development (3 – female, 5 - male); 18 – Georgian Alumni Meeting (14 - female 12 – male));

B. Key Issues and Challenges

JILEP's cooperation with key stakeholders, including TSU and GIZ within the HCOJ Mediation Working Group, has been essential to moving forward and finding agreement on the basic elements of the pilot. Expectations for the pilot are high. It will be a major challenge for JILEP to meet and exceed these expectations. There is much to do in coming months to produce a successful pilot: conducting the foundation training and advanced training, as well as a 2 day training in family and neighborhood disputes mediation; selecting candidates who will receive CEDR accreditation and will be involved in the pilot project as court accredited mediators; monitoring the pilot project and assisting Tbilisi City Court in smooth management of the mediation process; and training court staff involved in the management of the mediation center at Tbilisi City Court.

Another important aspect is the ongoing evaluation and monitoring of the advancement of the mediation process, which will be compared to the achieved results with the baseline data to be provided by HCOJ and Tbilisi City Court. Building a successful court-annexed mediation system cannot be done overnight, even in a developed legal system. It will take a long time to set up and may take years before the system runs smoothly and efficiently.

C. Plans for Next Quarter

The following activities are expected to take place during the next reporting period:

- Assist the HCOJ and Tbilisi City Court in conduction of mediation pilot project.
- Prepare and conduct the foundation training, advanced training, and family & neighborhood disputes training for selected mediation candidates;
- Assist CEDR in evaluation and accreditation process of candidates;
- Monitor the advancement of the pilot project;
- Support public outreach and awareness raising endeavors regarding mediation;
- Conduct presentation of the Tax Code commentaries;
- Assist textbook authors in the closing stage of the creation of textbooks in contract and property law;
- Support the second GBA Commercial Law CLE Conference.

ANNEX A SUCCESS STORIES

With JILEP support, the HCOJ increases transparency

This quarter, cooperation with the High Council of Justice (HCOJ) led to significant steps toward a more transparent court system. With JILEP assistance, the HCOJ launched a new website that provides information about the structure and activities of the HCOJ. Following JILEP advise, all quarterly HCOJ meetings are now calendared in January of each year; agendas are posted one week ahead of each meeting; meetings are held open to the public; complete minutes are posted promptly following each meeting; and documents and decisions emerging from the meeting are made part of the public record. This first transparent meeting took place April 3 with both media and NGO representatives in attendance. During the meeting, the HCOJ adopted a Public Trust and Confidence Action Plan, which was developed over the course of the last year in cooperation with JILEP. The meeting's agenda, minutes and outcomes are now posted and available at HCOJ website.

JILEP Supports GBA Effort to Amend the Laws Regulating the Legal Profession

In May 2012, JILEP began assisting the Georgian Bar Association (GBA) Executive Board in establishing a working group to draft amendments to the *Law on Advocates* to help the GBA become a more professional and effective organization. The group members are representatives of the Executive Board, Ethics Commission, Audit Commission, leading lawyers of GBA, and representatives of governmental institutions such as Ministry of Justice, High Council of Justice, High School of Justice, as well as representatives from the judiciary and Supreme Court of Georgia. During the reporting period, JILEP arranged for U.S. lawyer and bar association expert, Mr. Alan Friedman to visit Georgia, meet separately with the members and attend the meeting of the working group and provide recommendations on amendments and changes.

The amendments are expected to reform the internal structure of the GBA by establishing the position of Executive Director, and increasing the role of the Executive Board and the Audit Commission. The amendments are also expected to ensure enforcement of a new CLE system by providing penalties for members who do not fulfill their obligations to receive

CLE. The GBA will also work to create a more rigorous bar examination and better professional screening process.

CDA Advocacy activities lead to increased cooperation between LAS and Free legal aid lawyers

On May 23, CDA organized a conference entitled “State Legal Aid Service: Reality and Challenges.” During the conference, CDA presented their study of the capacity and needs of the State Legal Aid Service (LAS). The major achievement of the conference was the signing of a Memorandum of Cooperation between the LAS and eleven local nongovernmental legal aid providers. This memorandum established a framework for a partnership that will include the development of a referral system for clients and an exchange of information between state and non-state legal aid providers.

IDFI supports development of the effective statistical web platform for the Supreme Court of Georgia

IDFI was successful in establishing cooperation with the Supreme Court. IDFI created a program that will enable the courts to better visualize statistical data through various types of charts. IDFI held meetings with the Technical Department of the Supreme Court to discuss the details of the cooperation. IDFI will present the module integrated in the Supreme Court website in the next quarter.

As a result of the advocacy by the PMMG, the HCOJ and HSOJ will begin developing a special training course for court interpreters

PMMG printed Georgian-Armenian and Georgian-Azeri legal dictionaries developed through the project. On June 26, the dictionaries were presented to the public. Ms. Tamar Sulakvelidze, Head of Human Resources Department of High Council of Justice participated in the presentation. At the conference, she announced that in response to PMMG’s advocacy, the HCOJ, together with the High School of Justice, will start developing special training courses for court interpreters.

GYLA continues successful litigation on behalf of the citizens

GYLA reported a number of successfully litigated cases. GYLA obtained termination of persecution against an individual suffering from a mental disorder. Furthermore, GYLA won compensation to cover prosthesis costs in the amount of Euro 26,952.55 for an individual litigating against the Tbilisi Bus Company. With GYLA's assistance, a tax liability against an entrepreneur was reduced. Additionally, a number of individuals were assisted in registering land titles. Most interestingly, due to GYLA's efforts, administrative proceedings against 12 individuals were terminated at the Chamber of Control, and criminal proceedings against 3 individuals initiated for the violation of the Law on Political Parties were terminated.

Free University Constitutional Law Clinic Amicus Briefs Impact the Ruling of the Georgian Constitutional Court

In March 2012, Free University students, with assistance of WUSL Professor Bill Rich, drafted two *amicus curiae* briefs in cases pending before the Constitutional Court of Georgia. The first brief argued against provisions of the *Georgian Law on Real Property* that denied foreign ownership of agricultural land in Georgia. The second *amicus* brief argued that provisions of the *Georgian Law on Police* that allowed a police officer to search any suspicious person were unconstitutional. Both briefs provided a comparative study of East European countries and US legislation, and scholarship on the relevant issues. The first brief was submitted in April 2012. The Constitutional Court referred to it several times in its ruling, which occurred in June 2012. The Court unanimously accepted the position advocated by the Free University students on "Universal rights" and argued about inalienability of property rights. The Court also shared the amicus position on the interpretation of the "Foreigners Clause" in Georgian Constitution, and argued that a limitation of the property rights is only valid if based on limits set out by the Georgian Constitution. Therefore, because there are no constitutional limits on foreigners' right to property, this right cannot be limited to citizens only. The second brief will be submitted to the Constitutional Court in early September.