JUDICIAL INDEPENDENCE AND LEGAL EMPOWERMENT PROJECT
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QUARTERLY REPORT - YEAR THREE
JANUARY 1 – MARCH 31, 2014

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EXECUTIVE SUMMARY

Component 1: Strengthen Judicial Independence, Accountability and Professionalism

JILEP continued to provide the High Council of Justice (HCOJ), the Ministry of Justice (MoJ), and Parliament suggestions for how to improve the judicial selection process. JILEP again expressed its view that the best solution to the issue of judicial appointment is to create a judicial selection process which is thorough enough, objective enough and transparent enough to avoid altogether the need for any sort of probationary period. A group of JILEP's partner NGOs used a detailed set of recommendations developed by JILEP last quarter entitled, "Improving the Process of Judicial Selection in Georgia: A Step-by-Step Solution," to strengthen a set of amendments they had been developing to the *Organic Law on Common Courts* and the *Law on High School of Justice*. These NGO partners shared their draft amendments with both the MoJ and the HCOJ.

On February 28 - March 1, JILEP advocated its position on judicial selection when it assisted the MoJ deliver an international conference entitled "Issues of Life Tenure, Trial Period, Monitoring and Evaluation of Judges," held in Tbilisi. JILEP expert U.S. Judge (ret.) Timothy Baland explained how many U.S. jurisdictions select and evaluate judges, and suggested that Georgia should focus its reform efforts on improving the *initial* selection process rather than on developing procedures for a perhaps unnecessary probationary period.

On January 25, JILEP sponsored a workshop entitled, "Analysis of Current Practice of Judicial Discipline in Georgia: The Main Challenges of Law and Practice," which brought together representatives of all three branches of government plus civil society to discuss how Georgia's new judicial disciplinary mechanism should function. Both judge and non-judge members of the newly created Judicial Disciplinary Committee presented reports detailing the current state of law and practice in the area of judicial discipline. Participants also discussed what further improvements should be made to the new disciplinary mechanism, many of which were based upon recommendations provided by JILEP expert Victoria B. Henley, Director-Chief Counsel of the California Commission on Judicial Performance.

On March 20-26, JILEP led five members of the Judicial Disciplinary Committee and two members of the HCOJ on a visit to the U.S. to learn how the California Commission on Judicial Performance investigates and processes complaints of judicial misconduct. Victoria Henley organized and led this intensive five-day learning experience. The Georgian participants came away much better equipped to create processes and procedures to make the Georgian judicial disciplinary mechanism function more effectively.

On March 15, JILEP organized a roundtable for 15 women judges working in West Georgia to learn about their colleagues' experiences at the National Association of Women Judges (NAWJ) Conference held last year in New Orleans, and to discuss the proper role of a judge in the establishment of gender equality in Georgian society. In other gender-related work, at the request of the High School of Justice (HSOJ), JILEP began collaborating with a team of Georgian judges, UN Women and UNDP experts to design and deliver a training course aimed at increasing gender awareness and equality among Georgian judges.

JILEP contracted with a Georgian company, Idea Design Group, to create new web-site and two web portals for the HSOJ: one portal for its "judge-listeners" and another portal for sitting judges and court staff to use for continuing legal education purposes. The new web-

site and web-portals should help HSOJ interface with its students and professors with much greater ease and make the operations of the HSOJ much more transparent.

On March 10-11 and March 13-14, JILEP and the HSOJ delivered a course entitled "Fundamentals of Judicial Ethics for Georgian Judges" to two separate groups of sitting judges. The combined 36 judges who attended the courses came not only from Tbilisi but from different regions of Georgia such as Telavi, Kutaisi, Samtredia and Senaki. The course stressed the importance of judges understanding and adhering to the core principles of judicial ethics. Similar to previous trainings delivered by JILEP, the training team provided participants with a series of ethical challenges and case studies to help judges put ethical principles into practice.

The JILEP grant-funded Unity of Judges (UJG) association began preparing judicial reform recommendations in the following areas: (1) judicial appointment, promotion, evaluation, and transfer; (2) case distribution; (3) judicial discipline: and (4) social guarantees and benefits. UJG representatives continued to participate in HCOJ meetings and distributed notes of the meetings to their members. On February 1, UJG met with judges in Kutaisi to determine what the Kutaisi judges felt were the most pressing issues in judicial reform and to discuss what should be improved in the system of social guarantees for judges. On February 10, UJG met with court and chamber heads to discuss the rules of case distribution. UJG made four public statements via print, television and radio on the subject of judicial appointment and the inequities existing in the system of reserve judges. The UJG issued its first electronic newsletter (bulletin) which reported on activities carried out by the UJG and included opinion pieces on a variety of judicial reform issues.

Component 2: Strengthen the Institutional Capacity of Legal Professional Associations

The Coalition for an Independent and Transparent Judiciary (CITJ), which includes such groups as the Georgian Young Lawyers Association (GYLA), Transparency International, and the Human Rights Education and Monitoring Center (EMC), drafted amendments to the *Law on Common Courts* and the *Law on the High School of Justice* that aim to introduce a more fact-based and transparent procedure for selecting and appointing judges including the use of well-defined selection criteria and a point-based evaluation system. The Coalition later presented and explained the drafts in a face-to-face meeting with Deputy Minister of Justice Sandro Baramidze.

On February 25, JILEP formally released the report it had commissioned to determine the current level of land rights protection of Georgian citizens when government or big business interests are involved. The highly respected, U.S.-based, nonprofit organization, Landesa Rural Development Institute, wrote the report, "Assessment of Citizen's Property Rights in Georgia," with the input of Georgian land rights experts. Some of the main findings of the report were: 1) the existing legal framework protecting citizen land rights is *not* insufficient or flawed, just inadequately applied; 2) the Public Registry is having difficulty processing and investigating land registration requests, largely due to a lack of institutional capacity; and 3) the courts should take greater care investigating and explaining their rulings on land rights cases that come before them. Participants in the release event included representatives from the Public Defender's Office and the Public Registry, as well as a wide range of civil society organizations working on land rights issues. Much of the discussion that followed the presentations focused on the problem of inadequate application of the *Law on Expropriation* and the many difficulties involved in land registration.

Transparency International (TI)'s representative continued to work at the "Special Commission" at the Ministry of Finance and Economy in Adjara which considers cases of land title "overlap." The establishment of this mechanism was largely due to the efforts of TI over the last few years. TI now sits on the board of the Commission. This quarter, the Commission received 215 applications and reviewed 104. In 85 cases, the Commission restored the applicant's property rights.

A number of JILEP's legal aid grantees and sub grantees reported successes this quarter:

- GYLA represented an individual charged with assault, property damage and civil disobedience during a November 2007 rally in Tbilisi. GYLA applied to the Prosecutor General and City Prosecutor with a motion to terminate proceedings against this individual and as a result, the Prosecutor's Office dropped the charges.

- GYLA defended the rights of a consumer in a dispute with the company Energopro Georgia. The consumer's house and belongings were destroyed by fire caused by an electrical malfunction which the client blamed on Energopro. The Tbilisi Court of Appeal ordered Energopro to pay damages to GYLA's client in the amount of GEL 58,095.

- GYLA represented a Kareli Municipality employee pressured by the Municipality to resign her position. The Supreme Court reversed the Appellate Court and ruled that an application for resignation is not sufficient for dismissing an employee if the circumstances of the case show that the administrative proceedings were not properly conducted.

- GYLA challenged the constitutionality of Article 212, Paragraph 9 of the *Civil Procedure Code* which allows individuals to be fined or evicted from court by a judge without the opportunity to appeal. After considering GYLA's petition, the Constitutional Court found the law unconstitutional.

- TI assisted a landowner denied his land title rights by the Gardabani Property Rights Declaration Commission, win a court decision that rendered the Commission's decision invalid.

Component 3: Improve Legal Education

<u>Strengthening Law Schools</u>

On February 15, JILEP, along with the German Society for International Cooperation (GIZ), sponsored a conference designed to assess the current state of legal education in Georgia and to encourage Georgian law school faculty and legal practitioners to discuss next steps needed to improve the depth and quality of Georgian legal education. More than 150 people attended the conference, including law school deans and faculty members, representatives of the judiciary, leaders of the Georgian Bar, civil society group leaders, and law students. Conference speakers addressed such questions as, "Are the law schools turning out graduates that meet the needs of law firms and other legal employers?" and "What can law faculties do differently to create a better product?" There seemed to be a general consensus that providing more skills-oriented learning opportunities for students and encouraging instructors to use more interactive teaching methods would improve the quality of the learning experience. The attendees also appeared to agree that there were many daunting challenges

left to be overcome, including the development of high-quality Georgian language textbooks, and finding resources to pay for full-time law professors rather than getting by with mostly part-time law faculties.

The National Center for Alternative Dispute Resolution (NCADR) sponsored a number of public discussions and workshops focused on the development of ADR systems. The NCADR Mediation Clinic was fully operational and assisted twelve clients. The NCADR published and printed the Georgian version of the 2013 ADR Yearbook, a scholarly journal filled with articles written by law students, professors, and legal practitioners. The NCADR co-hosted the JILEP-supported Third Annual Willem C. Vis Arbitration Pre-Moot.

The National Center for Commercial Law (NCCL) delivered two winter schools, one on commercial law and another on constitutional law. The NCCL completed its first successful semester of operating both a commercial and a constitutional law clinic. The Commercial Law Clinic provided local businesses with advice on corporate and contract law issues. The Constitutional Law Clinic prepared three *amicus curie* briefs to file at the Constitutional Court and gave students the opportunity to collaborate with students and professors at Washburn University School of Law (WUSL), Topeka, Kansas.

JILEP continued to deliver its own training programs in the areas of teaching methodology and client counseling skills. It provided the seventh and final course in a series of workshops to help TSU professors develop more modern, effective and interactive teaching methods. It sponsored the Second Annual Client Counseling Workshop and National Client Counseling Competition for law students.

Intensifying its support for university legal clinics, on March 29-30, JILEP brought 30 representatives from eight Georgian university legal clinics together to help them create a national "legal clinic network." This network, if established, will facilitate the exchange of ideas and resources between Georgian law clinics and enhance the possibility of sustained long-term operation for all network members. The Public Interest Law Network's (PILnet)'s Professor Richard Grimes of the University of York, UK, led the workshop. Legal clinic experts from Budapest and Moscow, as well as the President of the Legal Clinic Association of Poland, provided the benefit of their experience in building clinic networks in their own countries. During the workshop, participants held several mock network meetings and drafted a terms of reference for a Georgian clinic network. They also discussed possible fundraising strategies that could be adopted by the network and agreed to form a working group to produce an action plan for the network.

<u>Strengthening Georgian Bar Association (GBA)</u>

On February 6, JILEP organized a roundtable discussion with the new members of the GBA Ethics Commission to encourage the members to continue the work of their predecessors. JILEP's lead expert in the field of legal ethics, Professor James Moliterno, attended the session and explained what steps, in his estimation, the Commission needed to take to solidify the progress made thus far in establishing its advisory opinion mechanism. Professor Moliterno noted that by having such a mechanism which allows bar members to receive ethics advice from the Commission in advance, the GBA can count itself ahead of many bar associations in Western Europe. The new Chairman of the Ethics Commission, Ms. Tsitsino Tskhvediani, expressed her desire to continue the reforms begun by the previous commission. She told the group that she had been a member of the Commission back in in 2005 when they

were “pushing a cart” and now that they “possessed a Mercedes,” they needed to learn how to drive it.

On February 14-16, JILEP and the EU Criminal Justice Reform Project sponsored a retreat for the Ethics Commission to help them develop their plans for continued operation. The new Ethics Commission Chair, Tsitsino Tskhvediani, initiated the retreat. All of the former commission chairs attended the event and passed along knowledge they had acquired during their time heading the Commission. Participants discussed ethical issues involving conflict of interest, the advocate-client relationship, the advocate-court relationship, and lawyer advertising.

On February 7-8, JILEP sponsored a workshop designed to help the GBA Training Center leadership and its lawyer-instructors, develop the next generation of lawyers’ ethics training courses. While previous courses developed with JILEP assistance relied heavily upon hypotheticals created by James Moliterno, the new training module is based on hypotheticals developed by Georgian lawyers and taken from Georgian legal practice.

On February 17-24, JILEP led six representatives of the GBA’s Training Center and Educational Board on a visit to the U.S. to learn continuing legal education practices from three U.S. state bar associations. In the course of these meetings, the representatives learned how the New York, New Jersey, and Rhode Island bar associations organize and deliver CLE to their members. Topics explored during the meetings included CLE course selection, adult teaching approaches, distance learning, monitoring of CLE credits, quality assurance and compliance, marketing strategy, attorney reporting, and sustainability planning. Both the GBA and JILEP were gratified to see that the basic CLE system established by the GBA with JILEP assistance over the course of the last three years contains most of the foundational elements the U.S. state bar possess.

On March 9-14, U.S. lawyer and bar examination expert, Jean Gaskill, worked with a select group of Georgian bar examination test writers to help them learn how to craft bar questions that test for legal reasoning rather than solely for powers of mental recall. Mr. Gaskill led three editing workshops with teams of question writers. In the meetings, Mr. Gaskill went through every question, line by line, explained edits he made to the questions, and “negotiated” final versions with the authors. None of the questions escaped without significant modification but all agreed that this was necessary to help establish a group editing process that will generate high quality exam questions on a consistent basis. The GBA experts will finalize the questions and submit new questions by the end of April, 2014. Some of these questions will be used in the next bar examination, now scheduled for June 2014. Pursuant to a decision made by the GBA Executive Board, the bar examination will only be given in electronic format using the software created with JILEP assistance.

The GBA set the 2014 minimal CLE credit hour requirement at 12. Two of these hours need to be filled by attending courses in legal ethics. Through its technical and grant support, JILEP helped the GBA provide credit hours by assisting the GBA organize and deliver training in legal ethics as well as a number of civil law areas. During the quarter, the GBA Training Center conducted 42 courses in professional ethics, 39 in Tbilisi and 3 in Kutaisi, reaching a total of 1,086 lawyers. The Center conducted 19 courses in civil law topics. These included courses in property registration, intellectual property law, and drafting legal documents. The civil law courses were held in Tbilisi (15) and Kutaisi (4), and reached a total of 566 lawyers.

Component 4: Develop Commercial Law

The Meridian Publishing House published JILEP's Georgian language Contract Law Textbook during the quarter. The textbook is designed for use in the modern law school classroom and provides law students not only a theoretical understanding of core concepts of Georgian contract law but also helps students learn how to analyze fact patterns and solve legal problems. The NCCL will host a public presentation of the book at Free University in the next quarter.

On March 20-21, JILEP in cooperation with the HSOJ, delivered a two-day training for judges on the topic of "Corporate Law and Governance." Professor Martin Gelter of Fordham University School of Law in New York and Judge Tamar Zambakhidze of the Tbilisi Appellate Court, "team taught" the course to 19 judges from the Tbilisi Appellate Court and various district and city courts. The experts explained the fundamentals of modern corporate law and governance and covered such topics as board structure, fiduciary duty of directors and shareholders, distribution of dividends, repurchase of shares, rights of creditors, and maintenance of corporate capital.

On March 27-28, JILEP again in cooperation with the HSOJ, invited Professor Linda Jellum, Mercer University School of Law, Macon, Georgia, and Professor Eka Lomtatidze, Free University, to deliver a third training to Georgian judges on the topic of "Legal Method and Statutory Interpretation." The training took place at the HSOJ and involved sitting judges from the Tbilisi Appellate Court as well as various trial courts.

JILEP participated in meetings of the MoJ's Private Law Development Council's Company and Insolvency Law Working Group with the aim of bringing Georgian company law into line with European norms and practices. MoJ invited JILEP to participate in the steering and drafting efforts of the Working Group along with representatives from GIZ and TSU. During the quarter, the Group worked to amend the *Law on Entrepreneurs* with the aim of submitting it to Parliament sometime next quarter.

The Court-Annexed Mediation Pilot Project at the Tbilisi City Court mediated four cases. The first case was referred to mediation in November 2013 and involved a property dispute in the amount of GEL 116,578. The dispute was successfully settled at a session held on March 10, 2014. After the first three cases went through mediation, the Mediation Pilot Working Group held an "experience-sharing meeting" at Tbilisi City Court on March 17. Those attending were most concerned about the small number of cases judges were referring to mediation. The group decided that it would be beneficial to hold a workshop for Tbilisi City Court judges to make sure they understand the benefits of mediation and the need to refer more cases to the pilot.

On February 20, the Georgian Association of Arbitrators (GAA) adopted the first ever *Code of Ethics for Georgian Arbitrators*. The adoption of the Code was a result of several months of drafting conducted by the GAA, with assistance from JILEP. After adopting the Code, the GAA discussed the need to develop a strategy to raise awareness of the Code and to create mechanisms to enforce it. The GAA Executive Board agreed to develop a plan for creating a disciplinary committee which could enforce the code.

On February 21, the newly established Arbitration Initiative Georgia (AIG), an organization led by Georgian Willem C. Vis Moot alumni and supported by JILEP, delivered a conference entitled, "Recurring Concerns in Arbitration Proceedings**:** Consolidation of Claims and Finality of Arbitral Awards." The conference addressed topics raised in this year's Willem C. Vis Moot problem, topics which are hotly debated within international commercial arbitration circles. In the two days following the conference, 48 students and coaches, representing eight different universities participated in the Pre-moot. Representing a significant expansion of the JILEP Vis initiative, *four* Georgian universities took part in the Pre-moot and plan to go on to Vienna.

COMPONENT 1: STRENGTHEN JUDICIAL INDEPENDENCE, ACCOUNTABILITY AND PROFESSIONALISM

A. Significant Results, Accomplishments, Activities

Improving the Judicial Selection Process

Unfortunately, the High Council of Judges (HCOJ) continued to admit "listeners" (judge-candidates) to the High School of Justice (HSOJ) and continued to appoint judges to court positions without an objective and transparent selection process in place. The HCOJ made its decisions without the benefit of professionally executed background checks and with less than an optimal amount of information needed to properly evaluate candidates. While the HCOJ did conduct interviews of individuals applying for the HSOJ, the interviews were not professionally carried out and it was unclear what weight the HCOJ put on the interview in making its final appointment decisions. From JILEP observation, the selection process appeared to remain very subjective since HCOJ members did not have a sufficient amount of information about the applicants prior to interviews nor prior to voting and there were no clear evaluation procedures in place. What could be said to be positive about the process was that the non-judge members were active in the interviewing and ultimate voting.

Meanwhile, JILEP continued to provide the HCOJ and other stakeholders' suggestions for how they could improve the judicial selection process. In a detailed set of recommendations entitled, "Improving the Process of Judicial Selection in Georgia: A Step-by-Step Solution," submitted to the Ministry of Justice, the HCOJ, and all other major stakeholders, JILEP expressed its view that the best solution to the issue of judicial appointment is to create a judicial selection process which is thorough enough, objective enough and transparent enough to avoid altogether the need for any sort of probationary period. A group of JILEP's partner NGOs including GYLA, TI and EMC developed amendments to the *Organic Law on Common Courts* and the *Law on High School of Justice*, designed to improve the judicial selection process and used the JILEP document to improve the drafts. They shared these drafts with both the MoJ and HCOJ.

On February 28 - March 1, JILEP advocated its position on judicial selection when it assisted the Georgian Ministry of Justice (MoJ) deliver an international conference entitled, "Issues of Life Tenure, Trial Period, Monitoring and Evaluation of Judges," in Tbilisi. The general aim of the conference was to discuss the implementation of judicial life tenure demanded by the Georgian Constitution, and more specifically, to gather recommendations for how a controversial probationary period could best be constructed. Bridget Brink, Deputy Chief of Mission of the U.S. Embassy; Phillip Dimitrov, European Union Ambassador; Andrzej Cieszkowski, Polish Ambassador; and Caterina Bolognese, Head of the Council of Europe Office in Georgia, made opening remarks. During the conference, JILEP expert Judge Timothy Baland provided an explanation of how many U.S. jurisdictions selected and evaluated judges and suggested that the better approach would be to focus the reform effort on improving the *initial* selection process rather than developing procedures for a perhaps unnecessary probationary period.

JILEP was gratified to hear HCOJ announce on February 17, that the qualification examination for judicial candidates that will be held in June 2014 will be conducted using the software designed with JILEP support in 2012. The exam application process will begin on May 13 and end May 27. The test will be held June 7-22.

Judicial Discipline and Accountability

On January 25, JILEP sponsored a workshop bringing representatives of all three branches of government plus civil society together to discuss how Georgia's new judicial disciplinary mechanism should function. The workshop was entitled, "Analysis of Current Practice of Judicial Discipline in Georgia: The Main Challenges of Law and Practice." Presentations began with both the judge and non-judge members of the newly created Judicial Disciplinary Committee presenting the current state of law and practice in the area of judicial discipline. One of the two non-judge members of the Committee presented his study of how the former disciplinary mechanism had handled complaints against criminal judges during the years 2007-2013. This was followed by another non-judge member presenting her study showing how the mechanism had dealt with allegations of civil and administrative judge misconduct in past years. The reporting revealed that over the course of the past seven years, only four of ten possible grounds were used to discipline judges, these being: gross violation of law; improper fulfillment of professional duties by judges; undue delay in case deliberation; and ethical misconduct. The studies also showed that most disciplinary cases were initiated by High Council of Justice (HCOJ) staff members, *not* by case parties, lawyers or prosecutors. Moreover, actual unethical behavior was named as grounds for discipline in only three cases. Over the period of time covered by the reports, 10 judges were dismissed from office based on disciplinary committee action; none of these cases was initiated by a lawyer. The information provided in the reports was a revelation to many of the participants since the old mechanism functioned largely in the dark and did not generally publish its decisions.

At the workshop, participants also spent time discussing what further improvements should be made to the new disciplinary mechanism. There was a split of opinion over whether the Committee hearings should be open to the public. The Chief Justice agreed with a recommendation that court chiefs should no longer receive or submit complaints of judicial misconduct involving the judges working at their courts. JILEP noted with some satisfaction that a number of recommendations made to improve the new mechanism during the workshop were based upon recommendations provided by JILEP expert, Victoria B. Henley, Director-Chief Counsel of the California Commission on Judicial Performance, back in 2011.

On March 20-26, JILEP led five members of Common Court Judges Disciplinary Committee and two members of the High Council of Justice on a visit to the U.S. to learn how the California Commission on Judicial Performance investigates and processes complaints of judicial misconduct. The Director and Chief Counsel of the California Commission, Victoria Henley, organized and led the intensive, five-day, learning experience. Over the course of the five days, the Georgian visitors learned how the California Commission receives and evaluates complaints and how they investigate those complaints. They learned how the California Commission investigates and prosecutes cases involving both legal error *and misconduct* but not cases involving only legal error; how the California Commission built its reputation for objectivity and fairness by constantly striving to achieve a balance between judicial accountability and judicial independence; and how judicial disciplinary bodies must provide more information about the case dispositions to keep both the judiciary and the public informed. As a result of the visit, the Georgian participants are now better equipped to create processes and procedures that will help the new Georgian judicial disciplinary mechanism function effectively.

During the quarter, JILEP worked with the Disciplinary Committee to a select a company to design an informative and user friendly website for the Committee. After a competitive consideration process, JILEP and the Committee selected the local company Idea Design

Group. Among other things, the website will publish Committee decisions immediately making the disciplinary process more transparent. The website will be launched sometime during the next quarter.

HCOJ Outreach Capacity Building

The HCOJ continued holding open meetings, allowing observers to attend. HCOJ did a better job this quarter of publicizing notifications upcoming meetings and agendas on its website. Despite this improvement there were still times when the agendas did not include precise information about the topics to be discussed at the meetings, and there were unnecessary delays in publishing meeting outcomes. Also, the quality of the live-stream of the meetings over the internal judicial internet network did not meet expectations of many judges interested in following the meetings.

Greater Leadership Opportunity for Women Judges

On March 15, JILEP organized a roundtable for women judges working in West Georgia to learn about their colleagues' experiences at the National Association of Women Judges (NAWJ) Conference held last year in New Orleans, and to discuss the proper role of a judge in the establishment of gender equality. The roundtable brought 15 women judges from around West Georgia together to discuss, in a friendly and informal environment, gender-related issues. The judges discussed such topics as the advantage to society of women holding leadership positions within the judiciary; the unseen barriers keeping women judges from achieving leadership positions; and possible ways to overcome these barriers. Judge Maia Bakradze, Tbilisi Court of Appeals, presented case law of the courts of first instance and court of appeals highlighting the role of a judge in dealing with gender equality. She pointed out the fact that while most Georgian judges were not aware of it, in 1994 Georgia signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Georgian judges are bound to comply with its provisions. Also, since March is Women History's Month, the judges attending the roundtable took a few minutes to honor the accomplishments of one of Georgia's first woman legal professionals - Tinatin Tsereteli, who was born on July 25, 1903, and went on to become a pioneer in Georgian criminal law study.

At the request of the HSOJ, JILEP began working with a team of Georgian judges, UN Women and UNDP experts to design and deliver a training course aimed at increasing gender awareness and equality among Georgian judges. For more details about this course see the next section.

Strengthening the High School of Justice

During the reporting quarter, JILEP selected and contracted a company, Idea Design Group, to create new web-site for the High School of Justice (HSOJ), a "portal" for judge-listeners, and a portal for judges and court staff. The new web-site and web-platforms should help HSOJ interface with its students and professors with much greater ease. It should make the operations of the HSOJ much more transparent. The Listeners Portal will give listeners access to their own student page; it will allow them to access the training program calendar, receive class assignments and receive alerts regarding class changes. Furthermore, using the portal, they will be able to communicate with class instructors and submit class assignments; they will be able to take exams electronically. The judge and staff portals will allow them to

participate in the design of the HSOJ's continuing legal education programming. Once the curriculum is set, they will be able to use the portal to sign-up for training programs.

On March 10-11 and March 13-14, JILEP and the HSOJ, delivered a training entitled "Fundamentals of Judicial Ethics for Georgian Judges," to two separate groups of sitting judges. The combined 36 judges who attended the courses came not only from Tbilisi but from different regions of Georgia such as Telavi, Kutaisi, Samtredia and Senaki. Seana Willing, the Executive Director of the Texas State Commission on Judicial Conduct, worked with Georgian-judge counterpart, Judge Lasha Kalandadze, to deliver the training. The course stressed the importance of judges understanding and adhering to the core principles of judicial ethics, such as judicial integrity, impartiality, independence, diligence and competence. Similar to previous trainings delivered by JILEP, the training team provided participants with a series of ethical challenges and case studies to help them translate ethical principles into practice.

On March 20-21, JILEP in cooperation with the HSOJ, delivered a two-day training for judges on the topic of "Corporate Law and Governance." (See Component 4 for more details.)

On March 27-28, JILEP again in cooperation with the HSOJ, invited Linda Jellum, law professor at Mercer University School of Law and Eka Lomtatidze, law professor at Free University of Tbilisi, to deliver a third, two-day training to nine Georgian judges on the topic of "Legal Method and Statutory Interpretation." (See Component 4 for more details.)

As mentioned above, JILEP, and a team of Georgian judges, UN Women and UNDP experts, will design a training course aimed at increasing gender awareness and equality among Georgian judges which will become a standard part of HSOJ curriculum, as well a part of the sitting judge continuing legal education program. During the quarter, JILEP identified US Expert Sally J. Kenney to assist in the design of the course and in the delivery of a pilot training during the next quarter.

Judges Association Support

The JILEP grant-funded Unity of Judges (UJG) was very active this quarter. The working groups they had established previously began to prepare recommendations for reform in four different areas: (1) judicial appointment, promotion, evaluation, and transfer; (2) case distribution; (3) judicial discipline: and (4) social guaranties and benefits. Much of the working group time and energy was spent developing recommendations in the area of judicial appointment, promotion and transfer. UJG representatives continued to participate in HCOJ meetings and distributed notes of the meetings to their members. On February 1, UJG met with judges in Kutaisi to determine what the Kutaisi judges felt were the most pressing issues in judicial reform and to discuss what they felt should be improved in the system of social guarantees for judges. On February 10, UJG met with court and chamber heads to discuss the rules of case distribution. UJG made four public statements via print, television and radio on the subject of judicial appointment and the inequities existing in the system of reserve judges. Finally, the UJG issued its first electronic newsletter (bulletin), in February. The newsletter reported on activities carried out by the UJG and included analysis and opinion pieces on a variety of judicial reform issues.

Monitoring and Evaluation (M & E) Indicator Results

Anticipated Result B: The High School of Justice (HSOJ) is more sustainable and better prepared to meet evolving needs.

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

For the quarter: 109
36 (16 men, 20 women) The Fundamentals of Judicial Ethics
9 (1 men, 8 women) Legal Reasoning and Statutory Interpretation
19 (4 men, 15 women) Corporate Law Training
23 (10 men, 13 women) Judges Retreat on Mediation
15 (15 women) Role of Judge in Bringing about Gender Equality and the Raising Gender Awareness
7 (4 men, 3 women) Overview of Judicial Disciplinary Systems

Target for life of project: 400

B. Key Issues and Challenges

The main challenge for JILEP in the area of judicial reform continues to be convincing the MoJ, the HCOJ, the Parliament and the other government actors involved, that their highest priority should be creating a judicial selection process that is thorough enough, objective enough and transparent enough to avoid altogether the need for any sort of probationary period. JILEP has been successful helping develop its key NGO partners' position on the issue and informing their advocacy. However, there may be political forces operating behind the scenes aiming to drive the reform effort in directions that are unclear to an outside observer. JILEP will need to keep *its* message clear while at the same time preparing itself to adjust its advocacy approach to changing government priorities.

JILEP will also need to push the HCOJ and the new Disciplinary Panel to complete construction of the internal procedural framework needed to process complaints of judicial misconduct, and get to work. Both the HCOJ and the Panel have been slow to set themselves up. Judicial independence has to be balanced with judicial *accountability* and until the new disciplinary system starts working, the accountability element is missing from the system.

C. Plans for Next Quarter

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

- Assist HCOJ, MoJ and partner NGOs to reform the judicial selection process and interview process based upon JILEP's recommendations;

- Provide advice and assistance to the MoJ and HCOJ, as well to the Disciplinary Committee and Disciplinary Chamber of the Supreme Court, to develop judicial disciplinary guidelines grounds and processes;

- Sponsor and organize, in close cooperation with the Judicial Disciplinary Committee, a workshop on Judicial Discipline aimed at sharing knowledge obtained during a study tour to the California Judicial Performance Commission and to discuss Georgian current law and practice on judicial misconduct (grounds for judicial discipline);

- Support the Disciplinary Committee create their own dynamic, informative and user-friendly website available in Georgian and English;

- Support the HSOJ develop a web site and web portal where judges can sign-up for CLE courses, and where they can later submit evaluations of the courses they have completed;

- Promote judicial self-governance and gender parity in court leadership by continuing grant support to the Unity of Georgian Judges;
- Design and deliver a pilot training course on gender awareness and equality among Georgian judges in cooperation with HSOJ; and
- Deliver four judicial ethics training courses to Georgian judges at the HSOJ.

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

A. Significant Results, Accomplishments, Activities

NGO Coalition Building (EPF)

The Coalition for an Independent and Transparent Judiciary (CITJ) ad hoc working group on the judiciary, which includes the Georgian Young Lawyers Association, Transparency International, and Human Rights Education and Monitoring Center, developed draft legislation on the topic of selection and appointment of judges. On February 3, the Working Group presented the draft to the Coalition Steering Committee at a daylong retreat at Chateau Mukhrani. The draft creates a framework for a process guided by well-defined selection criteria, and using a point-based evaluation system. The Working Group went on to share the draft with the Ministry of Justice, the HCOJ, and Parliament. It also met with Sandro Baramidze, Deputy Minister of Justice, to explain in detail what the draft included. The Coalition's next steps will be to meet with representatives of the Parliament, the HCOJ, and international donors, to explain the draft.

The Coalition's Legal Education Working Group which received EPF grant funding last quarter began its desk study of international legal education systems as well as its study of Georgian law school programs. The Working Group held two focus group meetings aimed at developing criteria to assess the quality of Georgian law school programs. The Working Group will use these criteria to develop questionnaires for students, law professors and legal employers that will inform their study.

The Court Administration Working Group which also received EPF grant funding last quarter began its study of the criminal and disciplinary liability of judges. This quarter, the project team conducted 17 in-depth interviews with sitting and former judges, members of the Disciplinary Committee, members of the Disciplinary Chamber of the Supreme Court, and prosecutors. The team will go on to analyze the results of the interviews and study international models of criminal and disciplinary liability of judges. They will publish a report of their findings in July 2014.

Grant-supported Legal Advocacy

Two JILEP grantees and four new EPF sub-grantees carried out advocacy to improve law and practice in the following areas: judicial selection and appointment judicial discipline; plea bargaining; tax administration and dispute resolution; alternative dispute resolution; free legal aid; and court transparency.

Georgian Young Lawyers' Association (GYLA)
During the reporting period, GYLA took an active part in the Coalition's advocacy work. Together with TI and EMC it participated in the development of the Coalition's draft amendment to the *Law on the Courts* that is aimed at improving the way Georgian judges are selected and appointed.

GYLA provided it comments on the "National Human Rights Strategy" draft being developed by the Georgia government. The document defines core human rights priorities and strategic directions of the government and is intended to guide government policy and activity in 2014 -2020. GYLA pointed out that the current law of administrative offences does not meet basic international human rights standards and argued that this should be clearly addressed in the strategy. It recommended that the strategy include a section on forced property gifting to the state. It suggested the structure of the document be changed to create a separate chapter providing background information on human rights related problems in Georgia. GYLA also commented on Georgia's Human Rights Action Plan," a two-year plan being prepared by the government based on the Human Rights Strategy. GYLA made recommendations in the areas of criminal jurisdiction and prosecution. It suggested that the implementation of the new rule for interrogating witnesses be accelerated. It suggested stronger measures be taken for protecting witnesses. It recommended limiting a prosecutor's political activities prior to, and after his/her appointment to ensure impartiality

GYLA started to work on a wide-scale campaign for the timely enactment of the new rule for interrogating witnesses. The new rule ensures that the obligatory interrogation of witnesses is carried out in the presence of a judge, thereby allowing for the involvement of both parties. GYLA argues that the new rule should be implemented promptly since under the existing rule witnesses are obliged to give testimony to the prosecutor's office during the investigation phase of the case, without the presence of a judge or defense attorney. Due to the recent amendments to the *Criminal Procedure Code* the enactment of the new rule has been postponed until December 2015. GYLA started meetings with lawyers and criminal law experts to promote the idea of a quicker introduction of this rule.

Transparency International (TI)

TI's representative continued to work at the "Special Commission" at the Ministry of Finance and Economy in Adjara which is now considering cases of land title "overlap." When a citizen provides valid documents showing ownership to land plots that are registered at the Public Registry in the name of the state, the Commission addresses the Ministry of Finance with a request to resolve the registration issue in the citizen's favor. If the citizen documents are determined by the Commission to be authentic and valid, the Ministry gives up its ownership of the overlapping land and makes sure the requisite change is made to the Public Registry. This quarter, the Commission received 215 applications and reviewed 104. In 85 cases, the Commission restored the applicant's property rights.

TI started to work with the Public Registry on issues related to the registration of agricultural land. This initiative is aimed at improving the procedures for registering agricultural land by

upgrading cadastral information in order to reduce the number of overlaps. Next quarter, a working group will be established to develop a strategy for addressing these problems. The group will propose recommendations to the government on how to upgrade the land cadaster.

Court Monitoring (GYLA, TI)

GYLA and TI continued to monitor criminal and administrative hearings. GYLA carried out monitoring in Tbilisi and Kutaisi courts, while TI monitors observed hearings in Tbilisi, Gori, Batumi, Khelvachauri, Kutaisi, and Gori. Both TI and GYLA finalized their reports and sent them to JILEP for review. The reports will be released next quarter.

Monitoring of High Council of Justice

On February 18, TI and GYLA presented their second HCOJ Monitoring Report. The report focused on such issues as the lack of justification of HCOJ decisions and the problems of judicial selection, appointment and transfer of judges. Members of HCOJ, the Supreme Court, international organizations, and local NGOs took part in the discussion that followed the presentation.

Eurasia Partnership Foundation (EPF) Legal Advocacy Grants

JILEP supported Georgian civil society's advocacy efforts not only through direct grants to GYLA and TI, but also through grants made with JILEP funds administered by EPF.

Article 42 of the Constitution

The project, "Building Small and Medium Business Owners Confidence in the Georgian Judicial System," advocates for the development of a business friendly commercial law framework and practice, with particular emphasis on commercial law and tax administration issues. The project focuses on the problems of small and medium sized enterprises (SMEs) operating in Georgia. As part of the project, Article 42 organizes meetings with SMEs in Batumi, Gori, Gurjaani, Kobuleti, Kutaisi, Marneuli, Rustavi, Telavi, and Zugdidi.

This quarter, Article 42 organized workshops for small and medium entrepreneurs in Gori, Rustavi, and Akhaltsikhe. Article 42 lawyers provided participants with advice on tax and commercial law issues. It also published a brochure which provided information on entrepreneurs' rights and obligations under the tax law. On March 20, Article 42 took part in a live radio program on FM Radio Station 102.4 in which the lawyers discussed problematic issues in tax legislation.

Georgian Lawyers for Independent Profession (*GLIP)*

The project, "Advocating for Implementation of High Standards of Independence and Transparency in Georgian Judicial System," aims to foster a democratic and transparent judicial administration in Georgia. GLIP works to develop new law that reflects recommendations developed by the CITJ in late 2012 and, by establishing points of contact with the judiciary, Parliament, and the Ministry of Justice, push this reform agenda forward. This quarter GLIP participated in 10 TV and radio programs. The programs discussed topical issues in judicial reform, including the MoJ's suggestion to increase the number of Supreme

Court judges, the MoJ's suggestion to change the grounds for Supreme Court case admissibility, and the need to improve the selection and appointment process for judges.

On March 4, GLIP held its final project presentation. Judges, practicing attorneys, and NGO representatives took part in the conference. GLIP representatives summed up the work that they carried out in the lifetime of the project. They presented the media component of the project which included a series of TV/radio debates focusing on the problems of judiciary. They also talked about the recommendations that they developed for reforming the judicial system. The discussion mainly centered on the problems of selection and appointment of judges.

American Chamber of Commerce (AmCham)

The project, "Advocating for Equal Application of Law to Businesses in Georgia," seeks to promote a better business environment in Georgia. AmCham monitors criminal, civil, and administrative proceedings involving businesses that have been initiated after the 2012 Parliamentary elections. AmCham monitors these types of case to determine if proceedings are carried out in accordance with rule of law. It also advocates for improving the current tax dispute resolution system by analyzing the work of the Revenue Service and providing recommendations for its reforms. The AmCham team summarizes the results of their study and analysis and then shares these results with the government and other shareholders. Through roundtable discussions and a media campaign, AmCham is advocating for consistent application of the tax law to business operations in Georgia.

This quarter AmCham identified six cases it will add to the cases it is studying. In total, the project team is studying 12 cases. These cases mostly involve problems of alleged property appropriation by the former government. AmCham is studying how these cases are being investigated and decided by the new government.

Also during the quarter, AmCham produced an analytical article based on the research of the problems of tax dispute resolution system in Georgia by Pricewaterhouse Coopers. The article makes recommendations for how to improve the composition of the Tax Dispute Council as well as the procedures it uses to consider tax claims. The article was published in *Investor.ge* and is planned to be translated into Georgian and published in *Liberali* magazine. AmCham also met with the Revenue Service and Ministry of Finance representatives to discuss the problems related to tax dispute resolution.

Civil Development Agency (CDA)

The CDA project aims to improve access to justice for the ethnic and religious minority citizens of Georgia, residing in the Kvemo Kartli and Samtskhe-Javakheti regions. This quarter, CDA waged a public education campaign to increase Azerbaijani and Armenian minorities' awareness of their rights under the administrative law. CDA published 10 articles in local newspapers and printed two brochures. The brochures explained how to file an administrative claim and described the procedures that must be followed to appeal administrative acts. Both brochures were translated into the Azerbaijani and Armenian languages and were widely distributed in the regions populated by minorities.

This quarter, CDA also met with representatives of the Bolnisi, Akhaltsikhe, Akhalkalaki courts and the Supreme Court. In the meeting, CDA presented the findings of a report it

wrote last quarter on the legal problems faced by the residents of Kvemo Kartli and Samtskhe-Javakheti in the area of administrative law. The report was based on a household survey and an analysis of administrative law cases. The survey involved quantitative polling of 1,000 respondents and the questioning of six different focus groups. CDA also analyzed the data provided by the Supreme Court on 54 administrative cases litigated in the region. Last quarter CDA presented the report, its main finding being that because the local Armenian and Azerbaijanese population possessed poor knowledge of the Georgian language, they had problems of bringing cases to courts and administrative bodies.

Grant-supported Legal Aid

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, and non-governmental organizations. GYLA provided legal assistance through face-to-face consultations, telephone consultations, drafting legal documents, and representing clients in court. The consultations mostly addressed problems in correcting civil registration documents, registering property, inheritance, family, and labor law issues. In total, during the reporting period, GYLA issued 14,678 pieces of legal advice. 30% of the costs associated with this assistance (therefore 4,403 pieces of legal advice) were funded by JILEP. In addition to consultations, GYLA provided representation in 194 pending cases, 30% (58) of which were covered by JILEP funding. GYLA reported on a number of successful cases:

- GYLA represented an individual who was charged with violence, property damage and disobedience to law enforcement officers during a November 2007 rally. GYLA applied to the Prosecutor General and City Prosecutor with a motion to terminate proceedings against this individual. As a result, the Prosecutor's Office dropped charges against GYLA's client.
- GYLA defended the rights of a consumer in a dispute with the company Energopro Georgia. As a result of a problem with the electrical system, the consumer's house and belongings were destroyed by fire. The Tbilisi Court of Appeal ordered Energopro to pay damages in the amount of GEL 58,095 to GYLA's client.
- GYLA successfully defended the rights of a number of public servants. It defended the rights of an employee of Kareli Municipality who was pressured to resign from her position. The first and second instance courts ruled in favor of the Municipality but the the Supreme Court reversed the decision of the lower courts and ruled that an application for resignation is not sufficient for dismissing an employee if the circumstances of the case show that administrative proceedings were not properly conducted and completed.
- GYLA's strategic litigation lawyers filed a Constitutional Court case challenging the part of the *Criminal Procedure Code*, which considers evidences acquired in violation of the *Criminal Procedure Code* admissible but does not set the same restriction for evidence obtained in violation of other laws. GYLA believes that this clause violates Article 43 of the Constitution which provides that evidence obtained in violation of law is inadmissable.
- GYLA successfully challenged the constitutionality of Article 212, Paragraph 9 of the *Civil Procedure Code* which allows individuals to be fined or evicted from court by a judge without the opportunity to appeal. After considering GYLA's petition, the Constitutional Court found the law unconstitutional.

During the quarter, GYLA finalized its work on the ECHR lawsuits involving individuals whose rights were violated at the May 17 event in Tbilisi where an aggressive crowd, allegedly led by Georgian Orthodox Church priests, insulted and attacked participants of a demonstration supporting the rights of sexual minorities. GYLA collected information from journalists and public agencies to support the lawsuits. It filed the suits on behalf of Identoba, an NGO supporting LGBT individuals and Women's Initiative Support Group.

Transparency International (TI)
During the quarter, TI continued to provide legal aid as part of its JILEP-supported programming. During the last quarter, 290 individuals (153 men and 136 women) contacted TI's Advocacy and Legal Advising Centers (ALAC) in Tbilisi and Batumi. 71 individuals received one-on-one consultations. TI represented 35 individuals in court or in front of administrative bodies in cases involving property rights disputes between citizens and government entities.

TI reported on a number of illustrative cases:

- TI assisted a civil servant illegally dismissed from Dusheti municipality. TI's representation of the client at the Dusheti Magistrate Court resulted in the court ruling in favor of TI's client and ordering that the client be restored to his position.

- TI assisted a landowner in Gardabani who was denied his land title by Gardabani Property Rights Declaration Commission, take his case to court and win a decision that rendered the Commission's decision invalid and ordered the Commission to reconsider the case.

- TI's Batumi office continued assisting individuals whose homes were demolished by a developer in order to construct a new building. The developer promised to provide them with apartments in the new building after it was completed and the Batumi municipality promised to pay their rental fees to stay somewhere else until the new building was completed. Neither the developer nor the municipality fulfilled their promises. Last quarter, TI started negotiations with the government. The negotiations were successful and this quarter the government began compensating the citizens.

TI continued providing legal aid through its mobile clinics. TI lawyers visited residents of Akhaltsikhe municipality who live in close proximity to the area where a new road will be constructed. TI lawyers consulted locals on the issues of property registration and land expropriation procedures.

EPF Grantees
This quarter, EPF monitored five grants awarded in the Legal Aid Grants Competition carried out under JILEP in 2013.

Union of Democrat Meskhs (UDM)

The "Free Legal Aid for the Residents of Samtskhe-Javakehti Region," aims to protect human rights and fundamental freedoms for Georgian citizens by providing legal aid to Samkhtse-Javakheti residents populated by the Armenian ethnic minority. The project established legal assistance centers in Akhaltsikhe, Akhalkalaki and Ninotsminda. UDM also

conducts public outreach campaigns to inform the region's population about their rights and obligations. They aim to provide legal aid to around 2,400 residents of the region.

This quarter, UDM's Akhlatiskhe, Ninotsminda and Akhalkalaki legal aid offices provided consultations to 547 individuals (343 male and 204 female). The residents of these towns sought legal advice on property law disputes, property registration, inheritance law, social security issues, criminal law and drafting letters to various administrative bodies. UDM provided representation in 15 cases, most of which were on civil and administrative law matters. UDM organized four groups meetings in the villages to consult local citizens on different legal issues. 55 individuals took part in the meetings. It also organized meetings with the citizens at Akhaltsikhe and Akhalkalaki municipalities. The meetings covered the issues of family law and Georgian citizenship and 34 individuals participated. UDM takes part in the TV program Advokati transmitted by the regional television Channel 9 every week. Through this program, UDM popularizes its services and provides advice on legal issues.

Institute of Democracy (ID)
As part of the "My Region's Advocate: Free Legal Aid in Adjara," ID operates legal aid centers in Batumi and Keda. ID provides legal aid in all fields of law but with an emphasis on property rights. ID is also paying attention to labor rights, which have become important due to the recent changes to the *Labor Code*. The legal aid is being complemented by a targeted public information campaign to enhance Adjarians' awareness of their rights. The project is expected to benefit more than 3,000 Adjarians.

This quarter, the ID Keda Office provided legal consultations to 20 individuals (14 males and 6 females) and provided court representation for nine individuals. The Batumi office provided consultations to 78 individuals (45 males and 33 females). The consultations covered issues of labour law, social benefits, construction permits, and family law. ID represented 12 of their clients in court. ID also organized 6 group meetings in mountainous Adjara. 304 individuals took part in these meetings. The meetings were organized in response to the local population's concerns regarding the construction of a hydropower station on Adjaristskali River. Local residents were concerned about the impact of the construction on their property. ID got involved in the negotiations between the local government and the residents of mountainous Adjara. As a result of ID's intervention, the government agreed to conclude an agreement with the local citizens which would guarantee their property rights. ID is involved in drafting the agreement.

Human Rights House (HRH)
HRH's "Free Legal Aid for the Indigent Population in Georgia" project aims to protect human rights and freedoms in Georgia by providing free legal assistance to the most vulnerable groups- IDPs, the elderly, the disabled, in civil, administrative and criminal law matters. HRH also runs a public outreach campaign aimed at informing the target groups about their legal rights. By the end of the project, approximately 4,000 indigent citizens will receive free legal aid assistance.

During the quarter, HRH provided legal consultations to 461 individuals (193 males and 268 females). HRH assisted an indigent family in drafting a request to the Ministry of Health to provide assistance in financing a 10-year old boy to receive medical treatment in Germany. The Ministry allocated Euro 5,000. HRH lawyers represented clients in 48 cases (33 criminal law cases and 15 civil and administrative law cases). HRH publicized its services and

activities. It held meetings with the press. These meetings mostly dealt with the violations of the prisoners' rights.

Civil Integration Foundation (CIF)
CIF's "Free Legal Aid for the Residents of Kvemo Kartli" aims to protect the human rights and fundamental freedoms of citizens residing in the Kvemo Kartli region. CIF established Legal Assistance Centers (LAC) in Gardabani, Marneuli and Dmanisi. By the end of the project, CIF aims to provide legal aid services to around 2,600 residents of the region.

During the quarter, CIF provided consultations to 255 individuals (175 men and 80 women). It provided court representation in 35 cases. On February 15-16, CIF delivered training in civil and administrative law for the lawyers working in the region. 30 individuals participated in the training which covered issues related to inheritance law, contract law, family law, and criminal procedure.

Anika Association
The Anika Association project aims to protect the human rights and gain improved access to justice for persons with disabilities (PWDs). Through a Legal Assistance Center (LAC) in Tbilisi, Anika provides legal consultations and representation to the PWDs and/or their legal guardians. Anika also conducts site visits in Gori and in the surrounding area as far as Shida Kartli, to offer its services to qualifying citizens. Anika is also conducting a public outreach campaign to inform PWDs and their families about their rights and about the services available to them. The project is expected to provide around 900 disabled residents of Tbilisi and Gori with qualified legal aid assistance.

During the quarter, LAC provided 306 legal consultations to citizens (109 males and 197 females). 294 consultations were held in the office, while 12 were rendered at the beneficiaries' residences. The consultations were provided in the areas of criminal, administrative, and civil law. Anika assisted a family in receiving the status of a socially vulnerable household. The status ensures access to state social assistance. The family of IDPs from Abkhazia with a child with disabilities lost this status due to the fact that one of the family members had traveled abroad for three months. Anika lawyers represented the interests of the family in an administrative dispute at the Ministry of Health and Social Protection. The outcome of the case was that the family became eligible for social assistance including daycare services for individuals with disabilities. Anika also organized several meetings with government representatives to promote the rights of individuals with disabilities. It held a meeting with the Ministry of Health to discuss the problematic procedures that people with disabilities have to follow to receive vouchers for daycare services. Anika also met with the Central Elections Commission to raise the problem of certain polling stations' unsuitability for meeting the needs of people with disabilities during elections.

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.

This quarter all of EPF grantees finalized their strategic plans. The EPF OD team made a decision to fund 8 out of 9 proposals. The project developed by GLIP was declined. The rest of grantees started implementation of their plans. EPF OD staff is coaching them in the process.

Property Rights

On February 25, JILEP hosted a seminar where it formally released the results of a report it had commissioned to determine the current level of protection provided the land rights of Georgian citizens when government or big business interests are involved. The highly respected U.S.-based nonprofit organization, Landesa Rural Development Institute, wrote the report, "Assessment of Citizen's Property Rights in Georgia," with the input of Georgian land rights experts. Some of the main findings of the report were: 1) the existing legal framework protecting citizen land rights is not insufficient or flawed, just inadequately applied; 2) the Public Registry is not properly processing and investigating land registration requests, largely due to a lack of institutional capacity; and 3) the courts should take greater care investigating and explaining their rulings on land rights cases that come before them. Seminar participants included representatives from the Public Defender's Office and the Public Registry, as well as a range of civil society organizations working on land rights issues. Much of the discussion that followed the presentations focused on the problem of inadequate application of the *Law on Expropriation* and the many difficulties involved in land registration.

Improving the Skills of Legal Aid Providers

On February 14, JILEP trained 13 Georgian lawyers representing seven different legal aid provider organizations in "case preparation and presentation." JILEP training specialist, Delaine R. Swenson, introduced the participants to techniques every lawyer should use to evaluate evidence and develop a theory of the case. He suggested techniques for interviewing witnesses, and for using the evidence to better negotiate a settlement. Participants worked on a mock-case to practice creating case theories and settlement strategies. JILEP will continue lawyering skills training in the next quarter, helping Georgian lawyers improve in effective witness interviewing, presentation of evidence and courtroom advocacy skills.

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.

Number of persons advised and represented by organizations supported by JILEP:
For quarter: 5,933 (2,540 men, 3,393 women)
TI Georgia provided consultations or representation to 290 individuals (153 men, 136 women, 26 unspecified).
GYLA provided consultations or representation to 3976 individuals (1,508 men, 2,468 women).
EPF grantees provided consultations or representations to 1,667 individuals (879 men, 788 women).
Target for life of project – 210,000

B. Key Issues and Challenges

The Coalition has so far found it challenging to promote the legal drafts it has prepared on judicial selection and procedure in a way that will convince the MoJ and other government actors to focus its full attention on this issue. The MoJ has so far focused its attention on creating a system for monitoring and evaluating life-term judges during a three-year probationary period.

Both the TI and GYLA court monitoring programs are now turning out high quality, objective, and reliable reports that are clearly identifying trends in behavior of criminal and administrative court actors. The challenge for JILEP will be to convince the organizations to build a more robust follow-up strategy to make sure that report results are getting to the target audience – judges, prosecutors, and defense attorneys.

Its seems clear from this quarter's legal aid reporting, that legal aid lawyers are achieving much greater success representing their clients than they had in the past. JILEP's challenge in this regard is to work with EPF, as well as with GYLA and TI, to find a way to determine if this reporting represents a major improvement in the way Georgia's courts are now deciding cases.

C. Plans for Next Quarter

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

- The Coalition will continue to engage the HCOJ, MoJ, Parliament, and other stakeholders advocating for greater judicial independence and transparency;
- EPF will continue monitoring four advocacy and five legal aid grant projects;
- GYLA will continue to provide legal assistance to economically disadvantaged populations in Tbilisi and seven regions;
- TI will continue to provide legal consultations to ALAC clients and will organize mobile legal aid clinics for different regions in Georgia;
- TI and GYLA will finalize court monitoring reports and release them; and
- JILEP will continue trainings for its legal aid partners.

COMPONENT 3: IMPROVE LEGAL EDUCATION

A. Significant Results, Accomplishments, Activities

<u>National Centers of Learning</u>

JILEP continued providing grant and 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 Alternative Dispute Resolution (NCADR) at TSU

NCADR engaged in the following activities during the quarter:

1) Mediation Clinic

In January, the NCADR Mediation Clinic completed its fourth successful semester. Due to JILEP's efforts over the past three years, the clinic is now part of TSU's Faculty of Law curriculum, and students who successfully pass the clinic, earn 10 hours of credit toward their degrees. In addition, the clinic completed the tender process for refurbishment of clinic office space at TSU, a step that should improve the chances of long-term sustainability. The refurbishment is expected to start next quarter. The Mediation Clinic is attached to the TSU live-client clinic operating at Tbilisi City Hall, and provides information on mediation to clients who apply to the City Hall Clinic for assistance. Students inform clients about the legal risks they are facing, explain how mediation works, and provide information about its costs and benefits. Currently there are 20 students enrolled in the Clinic.

2) ADR Training Series

On February 17 at TSU, the NCADR organized a roundtable for Georgian lawyers on the topic of, "Providing Representation in Mediation." NCADR Academic Director, Professor Sophie Chachava; Georgian lawyer Tamar Khatiashvili; and the Head of Administration for the Tbilisi Appellate Court, Ucha Todua; gave presentations on the advantages of mediation for lawyers. The roundtable was designed to introduce legal aid lawyers working in the Tbilisi City Hall Legal Aid Program to the basic principles of mediation. Twenty-three practicing lawyers attended the roundtable and participated in the discussion that followed.

Mediator Ucha Todua explains the advantages of mediation to participants of the roundtable.

3) ADR training Materials

Working in close cooperation with the South Texas College of Law (STCL), the NCADR began drafting a "Mediation Manual" which will be used to teach both university students and professionals about mediation. The manual focuses on the mediation of neighbor, family, construction, and inheritance disputes, and includes a number of sample mediation sessions filmed by the NCADR especially for use in the manual. STCL law professor Cathy Burnett traveled to TSU to assist in the filming.

4) ADR Yearbook
In December 2013, the NCADR finalized the Georgian edition of its 2013 NCADR Yearbook and published it on its official web page. The English edition of the yearbook is currently in the process of review at the TSU publishing house. This quarter, the NCADR continued receiving and editing articles submitted for the 2014 edition of the Yearbook. In addition to Georgian articles, NCADR will translate ADR conference materials submitted by the speakers at its 2013 ADR Conference and publish them in the Yearbook, expanding the scope and intellectual depth of the Yearbook.

5) Third Annual Willem C. Vis Arbitration Pre-Moot
On February 22-23, NCADR hosted the JILEP-supported Third Annual Willem C. Vis Arbitration Pre-Moot. (See Component 4 for more details).

National Center for Commercial Law (NCCL) at Free University

The NCCL engaged in the following activities during the third quarter:

1) Commercial Law Winter School
On February 11-14, at the Free University's training center in Bazaleti, the NCCL delivered its second Commercial Law Winter School to 23 Georgian law students. Students from law schools all over Georgia competed for a spot in the prestigious school. The Winter School focused on teaching students how to draft and understand commercial contracts and transactions. Professor Janet Thompson Jackson from Washburn University School of Law delivered the main part of the course, and through the use of a case study, students learned how to translate a business deal into contract concepts, how to draft specific contract provisions, how to draft with clarity, and how to review and comment on a contract. She was supported in her teaching by NCCL Academic Director David Kapanadze. Professor Kapanadze provided a comprehensive background of Georgian drafting practices. The participants listened to lectures, engaged in discussions, and practiced drafting and editing various agreements.

Professor Janet Jackson explains how penalty clauses should be drafted in contracts.

2) Constitutional Law Winter School

On February 19-25, at Free University's Bazaleti Training Center, the NCCL delivered a Constitutional Law Winter School to 38 students from various Georgian universities. The theme of the Winter School was "Judicial Independence in a Democratic Society: Theory, Challenges and Prospects." Lectures given during the week included: Separation of Powers; Judicial Independence; Global Perspectives on Judicial Systems; the Power of the Purse: Judicial Salaries, Social Protection and Retirement; Judicial Appointment and Removal; and Reform of the High Counsel of Justice in Georgia. The keynote speaker was Professor Jeffrey Jackson from Washburn University School of Law. Other speakers included Lasha Kalandadze, Tbilisi Appellate Court Judge; Kakha Tsikarishvili, Member of the Disciplinary Council of the Judiciary, and Kakha Kozhoridze, Chairperson of the Georgian Young Lawyers Association (GYLA).

Winter School participants discuss what makes up an "independent and impartial" court.

3) Arbitration Pre-Moot Conference

On February 21, NCCL in cooperation with the newly established Arbitration Initiative Georgia (AIG), hosted a conference entitled "Recurring Concerns in Arbitration Proceedings: Consolidation of Claims and Finality of Arbitral Awards." The conference addressed topics raised in this year's Willem C. Vis Moot problem, topics that are hotly debated within international commercial arbitration circles. (For detailed information, see Component 4).

4) Georgian Business Law Review

In this quarter, preparations were made for the upcoming call for papers for the 2014 edition of the Georgian Commercial Law Review. The call will be officially made in the next reporting period.

5) NCCL Commercial Law clinic

The NCCL live-client Commercial Law Clinic continued operation as one of Free University's elective courses. In the semester ending in January 2014, 26 fourth year students were enrolled in the clinic, working with four lawyer supervisors. Clinic students handled cases involving contract law, company law intellectual property, and labor law. wide range of case types including torts, licenses and permissions, construction law, real estate law, tax law, family law and inheritance, company law, intellectual property, e-commerce, and labor law. The clinic expects to continue operating in the spring semester and is already enrolling new students.

6) Constitutional Law Project

In January, Free University's Constitutional Law Clinic completed its fall semester. Thirty-seven third-year law students participated in the clinic during the semester. The clinic had a new supervisor during the semester - Professor Jeffrey Renz, a law professor from the University of Montana and a Fulbright Scholar. Professor Renz. The students researched and completed several case briefs and also prepared for the Free University Constitutional Law Moot Court, planned to be held next quarter.

7) Law Teaching Institute

In February, Professor Rory Bahadur of WUSL conducted several workshops with the NCCL team and with professors who had been through the JILEP sponsored teaching methodology trainer-of-trainers program in 2012-2013 to help them establish the "Law Teaching Institute of Georgia" (LTIG). NCCL's vision is to create an institution that will develop ideas for improving the quality of education in Georgian law schools. It will encourage the use of innovative teaching methodologies and will support research and development of legal instruction materials. Professor Badahur used his experience setting up the U.S.-based Institute for Law Teaching and Learning to advise the NCCL on the establishment its institute.

Professor Bahadur lists teaching institute goals.

Legal Skills Development

In spring 2013, JILEP began an instructional development program at TSU designed to help TSU law professors adopt more modern, effective, and interactive teaching methods and improve the overall teaching culture at TSU. On February 21-23, JILEP delivered the seventh and final basic training to 16 TSU law professors. In the following quarter, JILEP will deliver a series of advanced workshops in teaching methods to select groups of TSU professors who show interest in furthering their teaching skills.

Law Office Client Counseling Competition

On January 27-28, at Free University Tbilisi, JILEP delivered its second National Client Counseling Workshop and Competition for Georgian law students and professors. The competition required the students to practice their problem solving and interviewing skills in a mock law office environment. In this year's competition, the students interviewed clients (played by actors) claiming to need representation in a civil law dispute. Twenty-four students and ten professors from eight law schools participated. As was the case last year, students prepared for the competition by attending a two-day, JILEP-sponsored workshop before the event. The team from Free University won the competition and will be going to Puerto Rico in April 2014 as Georgia's representative in the International Client Consultation Competition.

Legal Education Conference

On February 15, JILEP, along with the German Society for International Cooperation (GIZ), sponsored a conference designed to assess the current state of legal education and to allow Georgian law schools and legal practitioners to discuss next steps needed to improve the depth and quality of Georgian legal education. More than 150 people attended the conference; these included law school deans and faculty members, representatives of the judiciary and the Georgian Bar, civil society group leaders, and law students. The speakers at

the conference addressed such questions as, "Are the law schools turning out graduates that meet the needs of law firms and other legal employers?," and "What can law faculties do differently to create a better 'product'?" There seemed to be a general consensus that providing more skills-oriented learning opportunities for students and encouraging instructors to use more interactive teaching methods would improve the quality of the learning experience. The speakers also agreed that there were many daunting challenges left to be overcome, including the development of high-quality Georgian language textbooks, and finding resources to pay for full time law professors rather than getting by with mostly part-time law faculties.

Clinical Education Development

Developing a National Legal Clinic Network

On March 29-30, JILEP brought representatives from eight Georgian university legal clinics together to help them create a national "legal clinic network." This network, if established, would facilitate the exchange of ideas and resources between Georgian law clinics and enhance the possibility of sustained long-term operation for all network members. The Public Interest Law Network's (PILnet) Professor Richard Grimes of the University of York, led the workshop. Legal clinic experts from Budapest and Moscow, as well as the President of the Legal Clinic Association of Poland, provided the benefit of their experience in building clinic networks in their own countries. Over 30 professors and students from the following universities attended: Tbilisi State University (TSU), Georgian-American University (GAU), Free University, Batumi State University (BSU), Kutaisi State University (KSU), Georgian Technical University (GTU), Open University (OUT) and University of Georgia (UG). During the workshop, participants held several mock network meetings and drafted a terms of reference for a Georgian clinic network. They also discussed possible fundraising opportunities for the network and agreed to form a working group to produce an action plan for what will become the Georgian Law Clinic Network.

Kutaisi State University (KSU)

During the quarter, KSU's clinic students provided 59 legal consultations on administrative and civil law matters. Among their clients were 14 IDPs, nine socially vulnerable people and 13 old-age pensioners. In addition to supporting the students in their client consultations, clinic professors conducted workshops for clinic students on the following topics: Election Law, Inheritance Law, and Local Governance. In order to improve lawyering skills, the clinic students also worked on nine simulations which required them to draft court applications, as well as formal agreements. In total, the students attended 23 court hearings on civil and administrative cases at the Kutaisi Courts. To help generate a larger client base and raise public awareness of clinic activities, clinic students created brochures that provided information about how the KSU Clinic operates as well as explained aspects of the new Georgian *Labor Code*. The clinic printed and distributed 500 brochures at the most densely populated residential buildings in Kutaisi as well as at municipal libraries.

Legal Clinic students work on a case as a team

Batumi State University (*BSU)*
In July, BSU Clinic students provided sixteen legal consultations on administrative and civil cases. Clinic students also worked on six simulations assigned by clinic professors; drafted several legal documents, and attended five court hearings at Khelvachauri District Court. While this remains a small number of consultations compared to Kutaisi, it represents solid progress from last year.

On March 21, BSU Professor David Chkonia conducted a workshop designed to acquaint clinic students with recent amendments made to the Georgian Labor Code. Clinic students also attended seminars on "Function and Duties of Notaries" and on "Court Applications" given by Natia Paghava, a Public Notary in Adjara.

West Georgia Masters of Law Scholarship Program
During the quarter, the West Georgia Masters Fellows of Batumi and Kutaisi organized four public discussions on the topics of legal status of state authorities; diversion and mediation; women's rights and domestic violence. The Fellows conducted 20 public meetings and six legal trainings. They assisted supervising lawyers in 13 legal cases at GYLA's free legal aid centers in Kutaisi and Batumi. They conducted 15 classes of civic education in Kutaisi as well as at public schools in Adjara. They drafted two legal suits and attended four court trials.

On January 25-26, Ms. Ekaterine Gasitashvili, a member of the GBA Ethics Commission and lecturer at Georgian-American University, conducted a workshop on Professional Ethics at GYLA's Batumi office designed especially for the Batumi Masters Fellows.

Eka Gsitashvili explains the importance of lawyers being guided by legal ethics in their work.

This quarter, Nino Diasamidze (Batumi) completed an intensive month-long internship at the GYLA Batumi Branch. On January 24, Sulkhan Palavandishvili (Batumi) conducted a public discussion on the "Legal Status of State Authorities," attended by students and law professors from Batumi State University. On March 28, Natia Goduadze (Kutaisi) organized a public discussion on "Women's Rights and Domestic Violence" at KSU which aimed to raise awareness about domestic violence and women's rights. Khatia Berodze (Kutaisi), started work at the Turkish Bank in Kutaisi. She will initially serve in the Public Relations Department but will soon be transferred to the Legal Division, where she will use her skills learned in the Fellows program.

Information Services Development Program

The Facebook page of GEOLLA (the Georgian Law Library Association) continues to be used by administrators, law students and professors as a source of information on legal materials. During the quarter the participating schools also continued to implement the JILEP-created interlibrary loan system, through which students of one participating law school can access materials possessed by another participating school. JILEP also continued its efforts to locate and acquire the law books it will add to the participating schools' collections. These books are expected to arrive in Georgia and be distributed next quarter.

Georgian Bar Association (GBA)

GBA Strategic Planning

JILEP, in cooperation with the European Union's Criminal Justice Reform Project, plans to support the creation of GBA's next four year Strategy and Action Plan. Both JILEP and the EU Project concluded that this effort is especially important given the recent turnover in GBA leadership. Many of the new members of the GBA Executive Board and its other governing bodies have never been through a strategic planning process and would likely struggle without professional guidance. After a competitive process, JILEP and the EU Project, in consultation with the GBA, contracted a Georgian company, the well-regarded Synergy Group, to assist in the development of the new Strategy and Action Plan. The work will begin next quarter.

Support GBA Training Center and CLE System

The GBA set the 2014 minimal CLE credit hour requirement at 12. Two of those hours need to be filled by attending courses in legal ethics. During the quarter, through its technical and grant support, JILEP continued to assist the GBA organize and deliver training in legal ethics as well as a number of civil law areas. The GBA Training Center conducted 42 courses in professional ethics, 39 in Tbilisi and 3 in Kutaisi, reaching 1,086 lawyers (573 men; 513 women). The Center conducted 19 courses in civil law topics. These include courses in property registration, intellectual property law, and drafting legal documents. The civil law courses were held in Tbilisi (15) and Kutaisi (4), and reached a total of 566 lawyers (287 men; 279 women).

On February 7-8, JILEP sponsored a workshop where members of the GBA Training Center and lawyer-instructors, developed the next generation of lawyers' ethics training. While previous courses developed with JILEP assistance relied heavily upon hypotheticals created by JILEP ethics expert, James Moliterno, the new training module is based on hypotheticals developed by Georgian lawyers and taken from Georgian legal practice. Ethical dilemmas covered in the course include problems concerning lawyer-client privilege, conflict of interest, and lawyer advertising. To give an example, one hypothetical to be used in the course asks if the following advertisement is ethical:

> *The most experienced lawyers in criminal law will provide you with highly qualified services in the shortest time possible and resolve your case successfully. Contact us via telephone: xxx-xx-xx-xx. One phone call and we will be ready to give you our helping hand, and restore your violated right and give you peace."*

Professor Moliterno was present at the workshop and provided his suggestions for how the new course could be refined to ensure maximum impact upon lawyer participants. The course, mandatory for all bar members, will begin mid-February 2014.

GBA Educational Board Study Visit

On February 17-24, JILEP led six representatives of the GBA's Training Center and Educational Board on a visit to the U.S. to learn continuing legal education practices from three U.S. state bar associations. During the trip, the GBA representatives met with the New Jersey State Bar Association, the New Jersey Institute for Continuing Legal Education (NJICLE), the New York City Bar Center for CLE, the New York State Continuing Legal Education Board, and the Rhode Island Mandatory CLE Commission. In the course of these meetings, the representatives learned how the New York, New Jersey, and Rhode Island bar

associations organized and delivered CLE to their members. Topics explored during the meetings included CLE course selection, adult teaching approaches, distance learning, monitoring of CLE credits, quality assurance and compliance, marketing strategy, attorney reporting, and sustainability planning.
Both the GBA and JILEP were gratified to see that the basic CLE system established by the GBA with JILEP assistance over the course of the last three years contains most of the foundational elements of the U.S. state bar systems. The GBA will now use the detailed information gathered during the visit to solidify and improve their CLE administration and delivery systems.

Improving the Bar Exam

On March 9 - 14, U.S. lawyer and bar examination expert, Jean Gaskill, worked with a select group of Georgian bar examination test writers to help them learn how to craft bar questions that test for analytical skill rather than solely for powers of mental recall. Mr. Gaskill led three editing workshops breaking the 13 question drafters into three teams: Team 1, four drafters of Civil Law questions; Team 2, four drafters of Criminal Law and Procedure questions; and Team 3, five drafters of International Law, Administrative Law, and Constitutional Law questions. Each team member received in advance the edited versions of all the questions drafted by members of that team to review and come prepared to discuss at the meeting. Each team met separately with Mr. Gaskill. In the team meetings, Mr. Gaskill went through every question, line by line, discussed his edits, compared them to the author's original, and "negotiated" agreed-upon final versions with the authors. None of the questions escaped without significant modification but all agreed that this was necessary to help establish a group editing process that will generate high quality exam questions year after year.

The GBA agreed that their experts will finalize the questions and submit new questions by the end of April, 2014. Some of these questions will be used in the next bar examination, now scheduled to take place in June 2014. Pursuant to a decision made by the new GBA Executive Board, the bar examination will only be given in the electronic format using the software created with JILEP assistance. (JILEP played no role in this decision but recognizes that it has both positive and negative aspects.)

Publication of the Bar Journal

While the new GBA leadership changed the make-up of the bar journal's editorial board, it was able to issue the next edition of the journal at the end of March 2014. The March edition included an address to members by GBA Chairman Zaza Khatiashvili; a letter from Council of Bars and Law Societies of Europe (CCBE) President Aldo Bulgarelli, to the Georgian government of Georgia in which he reminded the government of its obligation to support the lawyers professional function and provide them with the security; interviews with GBA Executive Board members David Asatiani and Irakli Kandahsvili; and an interview with the Chairman of the Legal Aid Service Board, Elza Leshkasheli. The journal also included updated CLE rules, the 2014 CLE agenda, the bar examination program and bar exam dates, the Educational Board charter, and a list of courses that can be taken to prepare for the next bar examination.

Assisting the Ethics Committee

On February 6, JILEP organized a roundtable discussion with the new members of the GBA Ethics Commission. The main purpose of the roundtable was to encourage the new members of the Commission, voted into office in December 2013, to continue the work of their predecessors. JILEP's lead expert in the field of legal ethics, Professor James Moliterno, attended the session and explained to the new members what steps in his estimation, the Commission needed to take to solidify the progress made thus far in establishing its advisory opinion mechanism. Professor Moliterno noted that by having such a mechanism which allows bar members to receive ethics advice from the Commission in advance, the GBA can count itself ahead of many bar associations in Western Europe. The new Chairman of the Ethics Commission, Ms. Tsitsino Tskhvediani, expressed her desire to continue the reforms begun by the previous commission. Ms. Tskhvediani commented that she had been a member of the Commission back in in 2005 when they were "pushing a cart" and now that they "had a Mercedes," they needed to learn how to drive it.

On February 14-16, JILEP and the EU Criminal Justice Reform Project sponsored a retreat for the new members of the Ethics Commission to help them develop their plans for continued operation. The new Ethics Commission Chair, Tsitsino Tskhvediani, initiated the retreat. All of the former commission chairs attended the event and passed along knowledge they had acquired during their time heading the Commission. These individuals were Eka Gasitashvili, Irakli Kordzakhia, Giorgi Turazashvili, and Tsitsino Tskhvediani. Participants discussed ethical issues involving conflict of interest, the advocate-client relationship, the advocate-court relationship, and lawyer advertising.

The Ethics Committee reported to JILEP that during the quarter it received 11 requests for advisory opinions, three in writing and eight by hotline. The lawyers making the requests were seeking guidance on issues such as lawyer-client confidentiality, lawyer-client information sharing, setting lawyer fees, return of case documents to clients, and problems associated with suggesting guaranteed case outcomes.

State Legal Aid Service (LAS)

The new Board of the state Legal Aid Service (LAS) was created in January 2014 and the first meeting of the new Board held January 26, 2014. The GBA, the MoJ, the HCOJ, the Ombudsman's Office, academia, and various legal reform NGOs now have representatives on the Board. At a February 24, 2014 Board meeting, the Board re-appointed Meliton Benidze as LAS Director. During the quarter, JILEP, in cooperation with EU Criminal Law Project, helped the LAS update its Action Plan and Strategy which includes provisions designed to increase the Board's independence and transparency.

Monitoring and Evaluation (M & E) Indicator Results

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

3. Number of bar members trained with JILEP assistance during this quarter was 1,652 (792 women; 860 men).

Target for life of program: More than 70 % of GBA members trained

B. Key Issues and Challenges

Legal Education

JILEP's key challenges in helping develop legal education at this stage of the program are: (1) convincing its Georgian university partners to follow up on discussions held during this quarter's legal education conference and begin to tackle head-on the question of how the Georgian legal education system should be adapted to produce lawyers capable of meeting modern law firm demands; (2) help the centers of learning at Free and TSU and their U.S. partners develop reasonable, cooperation sustainability plans; and (3) support its law school clinic partners to develop a national clinic network to facilitate collaboration and knowledge sharing. (In connection with the first point above, JILEP continues to explore the possibility of working with the Georgian authorities on accreditation reform and met several times with the Director of the National Center for Educational Quality Enhancement (NCEQE), Elene Jibladze, during the quarter.)

GBA

JILEP has continued to develop its relationship with the new leaders of the GBA Executive Board with positive results. Most signs indicate that the new leaders intend to follow the plans laid down by the last Board and to maintain their close relationship with USAID and JILEP. However, JILEP will need to continue to encourage the GBA to keep up the pace of its reform work.

C. Plans for Next Quarter

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

- KSU and BSU legal clinics will continue to provide free legal consultations;
- KSU and BSU legal clinics will organize seminars for students;
- KSU and BSU will continue public awareness campaigns;
- BSU clinic will continue collaboration with other Georgian law school clinics;
- West Georgia Scholarship Program fellows will draft new legal proposals, conduct public discussions, and community trainings;
- NCCL will deliver its Commercial Law Week including symposium, open lectures, and presentations;
- NCCL will deliver its Open Lecture on Mergers and Acquisitions;
- NCCL will deliver its Legal Writing Workshops for practitioners;
- NCCL will review articles for the Georgian Commercial Law Review;
- NCCL will publish its Georgian Commercial Law Review;
- NCADR will hold its ADR conference;
- NCADR will deliver its Georgian Mediation Workshop and Competition for students, as well as an English language Mediation Workshop;
- NCADR will deliver its first negotiation workshops for professionals;
- NCADR will print its ADR Yearbook 2013 and publish its 2014 version electronically;
- NCADR will organize a National Arbitration Competition;
- NCADR will hold round tables on various ADR topics;
- JILEP will sponsor the Georgian team's participation in the International Client Consultation Competition in San Juan Puerto Rico;
- JILEP will publish and distribute its Trial Advocacy Handbook in Georgian;
- JILEP will complete the translation, adoption and printing of an ADR textbook for students and practitioners; and

- JILEP will begin to take delivery of library books to distribute to partner schools as part of its information services development program.

GBA

- Guide GBA review of examination expert's report;
- Support GBA Strategic Planning Session (April 26-27);
- Deliver Ethics Commission Training on Communication and Conflict Resolution (May 2- 4);
- Arrange JILEP CLE Expert Visit (Week of May 13);
- Observe and Monitor Bar Examination and use of JILEP software (June).

COMPONENT 4: DEVELOP COMMERCIAL LAW

A. Significant Results, Accomplishments, Activities

Material Development in Commercial Law

Commercial Law Textbook Creation

Meridian Publishing House published JILEP's Georgian language Contract Law Textbook during the quarter. The book is designed for use in the modern classroom. It provides law students not only a theoretical understanding of core concepts of Georgian contract law but also helps the students learn how to analyze and problem solve. Each chapter of the textbook consists of a theoretical section enriched by relevant practical examples. The text includes both case-law and hypotheticals for class discussion. The NCCL will host a public presentation of the book at Free University on April 16, 2014. JILEP and the NCCL will make an online version of the book available on their web-pages. Copies of the book will also be disseminated among law school libraries (including regional law schools), public libraries, law firms, and relevant government institutions. More than 150 copies will be distributed during the public presentation event.

JILEP created Contract Law textbook

The author of the property law textbook finished her work during the quarter. The JILEP commercial law team continues working on preparation of the text for publication.

Civil Code Commentary
During the reporting period, JILEP continued its cooperation with GIZ to create an updated, comprehensive, "Commentary on the Georgian Civil Code." During the quarter, some of the authors failed to provide text within the agreed time-frame. The JILEP/GIZ "Partner Team" decided to give additional time to the authors to finalize the initial versions of their respective portions of the commentary. The Partner Team expects all of the versions to be provided in the first part of May 2014.

HSOJ Commercial Law Training
On March 20-21, JILEP in cooperation with the HSOJ, delivered a two-day training for judges on the topic of "Corporate Law and Governance." Professor Martin Gelter of Fordham University School of Law, USA, and Judge Tamar Zambakhidze of the Tbilisi Appellate Court, "team taught" the course to 19 judges from the Tbilisi Appellate Court and various district and city courts. During the course, the experts explained the fundamentals of modern corporate law and governance – and covered such areas as board structure, fiduciary duty of directors and shareholders, distribution of dividends, repurchase of shares, rights of creditors, and maintenance of corporate capital. The experts used Georgian statutory law as well as jurisprudence from Georgian, U.S., and European courts, to explain and illustrate their points. Some of the most fruitful discussion focused on the interpretation and application of the *Georgian Law on Entrepreneurs*.

On March 27-28, -JILEP again in cooperation with the HSOJ, invited Linda Jellum, law professor at Mercer University School of Law; and Eka Lomtatidze, law professor at Free University of Tbilisi, to deliver a third, two-day training to nine Georgian judges on the topic of "Legal Method and Statutory Interpretation." The training took place at the HSOJ and involved sitting judges from the Tbilisi Appellate Court as well as various trial courts. The course gave participants an opportunity to improve their ability to analyze legal problems and explain their court judgments using modern theories of reasoning and statutory interpretation. Some of the topics covered were legal logic, case analysis, legal argumentation, and theory of legal interpretation.

Linda Jellum and Eka Lomtatidze conduct training on Legal Method and Statutory Interpretation at the HSOJ.

Commercial Law Training for Lawyers

JILEP continued to support the GBA Training Center to deliver a series of CLE trainings in commercial law for GBA members specializing in private and commercial law.

Ministry of Justice (MoJ) Private Law Development Council – Company Law Reform

JILEP representatives participated in meetings of the Council's Company and Insolvency Law Working Group which focused its discussions on bringing Georgian company law into line with European standards. MoJ invited JILEP to participate in the steering and drafting efforts of the Working Group along with representatives from GIZ and TSU. The Working Group presented an initial draft of an amended version of the *Law on Entrepreneurs* (the current draft dates from 1994). MoJ organized seven meeting of the Working Group during the quarter. Participants included representatives of the MoJ Legal Drafting Department, the MoJ Entrepreneurial Registry, Dr. Irakli Burduli, Dean of TSU, Dr. Shalva Papuashvili (GIZ Project Manager), and Dr. George Jugeli (JILEP Commercial Law Advisor). The members of the group worked together to refine the draft and prepare it for the submission to the Parliament of Georgia. The meetings will continue in the next quarter.

ADR Development

Court-Annexed Mediation Pilot Project

During the reporting period, the Mediation Pilot Project at the Tbilisi City Court mediated four cases. The first case was referred to mediation in November 2013. The case involved a

property dispute in the amount of GEL 116,578 and was referred to mediation at the request of both disputing parties. The first mediation session was held on December 5, 2013 in the mediation rooms of the newly constructed TCC administrative building. The dispute was successfully settled at a second session held on March 10, 2014.
The second case referred to mediation was a commercial dispute. It ended with no settlement at a third session held on January 27, 2014.

The third case was a family dispute. One of the concerns identified by the mediator in the case was that the parties to the dispute were not informed about mediation process. It appeared that the Court had referred the case to mediation with the consent of the *representatives* of the parties, but not the parties themselves. Mediation ended without settlement at a second session held on January 27, 2014.

The fourth case was a property dispute between two brothers. Four sessions of mediation were held by between March 18 and April 3, 2014 but no settlement was reached. According to the mediator involved, the dispute was not suitable for mediation since it was referred to mediation after all three stages of litigation had been pursued by the parties and the issue of liability had already decided by the court. Only the amount of damages was in dispute. With the decision of the court in hand, the winning party was reluctant to negotiate and compromise its position. According to the mediator, this was the main reason settlement was not reached.

After the first three cases went through mediation, the Mediation Pilot Working Group held an "experience-sharing meeting" at Tbilisi City Court on March 17. At the meeting, the individuals who had mediated cases so far shared their experiences with other mediators, as well as with the Working Group. Those attending were most concerned about the small number of cases being referred to mediation. The group decided that it would be beneficial to hold a workshop for Tbilisi City Court judges to make sure they understood the benefits of mediation and the need for them to refer more cases to the pilot. President of the TCC, Judge Mamuka Akhvlediani, proposed that such a workshop be held outside of Tbilisi, in an atmosphere where judges could concentrate solely on mediation. An additional meeting of the Working Group was held on March 26 to plan the event and finalize the agenda. The judges' workshop is scheduled to take place April 4-5.

Arbitration

Code of Ethics for Arbitrators

On February 20, the Georgian Association of Arbitrators (GAA) adopted the first ever Code of Ethics for Georgian Arbitrators. The adoption of the Code was a result of several months of drafting and revision conducted by the GAA, with assistance from JILEP. To help GAA in this effort, JILEP recruited Professor Amy J. Schmitz, a tenured professor at University of Colorado, earlier in Summer 2013. She visited Georgia in November 2013 and worked closely with the Executive Board of the GAA to finalize the draft. After adopting the Code at the February 20 meeting, the GAA discussed the need to develop a strategy to raise awareness of the Code and create mechanisms to enforce it. The GAA Executive Board agreed to develop a plan for creating a disciplinary committee which could enforce the code.

MoJ Working Group on Arbitration

By the end of March, the MoJ had completed its draft amendments to the *Law of Georgia on Arbitration*. At a meeting held on March 19, the heads of two departments of the MoJ (Department for Legal Drafting, and Department for State Representation in Foreign Courts

and Arbitral Tribunals), together with JILEP, went through the draft to fine-tune the proposed changes. At the end, JILEP reiterated its recommendation to submit the draft for review by international experts and offered to assist this endeavor. The MoJ indicated that it intends to submit a draft to Parliament at the end of its spring session.

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AIG Organizes 3rd Tbilisi Vis Pre-Moot

On February 21, the newly established Arbitration Initiative Georgia (AIG), an organization led by Georgian Willem C. Vis Moot alumni and supported by the JILEP, delivered a conference entitled "Recurring Concerns in Arbitration Proceedings**:** Consolidation of Claims and Finality of Arbitral Awards." The conference addressed topics raised in this year's Willem C. Vis Moot problem, topics which hotly debated within international commercial arbitration circles. Professor Dirk De Meulemeester, Managing Partner of the Brussels based law firm Lexlitis, and soon to be President of the Belgian Center for Arbitration and Mediation (CEPANI), led off a discussion of the "consolidation of claims and joinder in multi-contract and multi-party arbitrations." Duncan Speller, an English barrister and partner at Wilmer Hale London, and Professor Dr. Georg Borges, Judge of the Higher Regional Court of Hamm, Germany, shared their viewpoints on the question of whether appeal and review of arbitration awards is compatible with the concept of arbitration. The Conference concluded with a debate on the validity of unilateral option clauses on forum selection, argued by Mr. Giorgi Narmania, Coach of the Ilia State University team, and Mr. Philipp Schwarz, the coach of the University of Passau, Germany Vis-moot team.

In the two days following the Conference, 48 students and coaches, representing 8 different universities participated in the Pre-moot. Two teams from Germany and one team from Romania were among the eight. Representing a significant expansion of the EWMI-JILEP Vis initiative, *four* Georgian universities took part in the Pre-moot and plan to go on to Vienna. When EWMI-JILEP first began to support Vis-related activities in 2011, only one Georgian university, Tbilisi State University (TSU), fielded a team. While the Conference was held at Free University, the Pre-moot performances were held at TSU. 36 professionals dedicated their time to serve as arbitrator/judges. The fact that AIG was able to do all of the planning for this year's Conference and Pre-moot is a positive sign that Georgia will be able to sponsor Pre-moots and send teams to international competitions in the future without as much donor support.

Monitoring and Evaluation

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

1. *Number of judges and lawyers receiving training on commercial law topic with JILEP assistance.*

For quarter: 51

- *Corporate Law Training (March 20-21) -19 (F. 15, M. 4);*
- *Legal Reasoning and Statutory Interpretation (March 27-28) -19 (F. 8, M. 1)*
- *Judges Retreat (April 4-5) – 23 (F. 13, M. 10)*

Target for life of program: 400

B. Key Issues and Challenges

Commercial Law Reform

In the area of commercial law development, the timely completion of the Civil Code Commentary remains one of JILEP's greatest challenges. Successful completion of the draft *Law on Entrepreneurs (Company Law)* will be a significant contribution to the development of commercial law in Georgia but it will be a challenging task for JILEP to guide the multitude of involved stakeholders to the right formulation of the law. JILEP's aim throughout will be to support a business-friendly legal environment while at the same time harmonizing Georgian legislation with international best practice.

ADR

While the GAA has adopted the Code of Ethics for Arbitrators, it is a self-regulatory document which will only have force if it is accepted and shared by the community of arbitrators. It is important therefore to raise awareness of the importance of ethics in arbitration and to promote the Code within the legal community.

While the Court-Annexed Mediation Pilot is underway, after four months, the courts have transferred only four cases to mediation. JILEP has come to understand that most of the TCC judges have not been trying to explain the benefits of mediation to the parties and have not been persuading them to go to mediation. JILEP believes that the judges themselves may not fully understand the benefits of mediation and may not know how to identify which types of cases are good candidates for mediation. To fill this likely information gap and increase the rate that cases are being referred to mediation, JILEP plans to sponsor a workshop for TCC judges next quarter.

C. Plans for Next Quarter

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

- Continued cooperation with GIZ to oversee drafting of Civil Code Commentary;
- Civil Code Commentary texts provided by authors;
- Support HSOJ and recruited experts in preparation and delivery of commercial law trainings for judges;
- Support Tax Moot Competition in cooperation with the Georgina Revenue Service and selected Georgian universities;
- Support MoJ property and company law reform initiatives;
- Publish property law textbook;
- Continue to support the Tbilisi City Court Court-Annexed Mediation Pilot;
- Support activities to raise of awareness and acceptance of mediation among the legal community;
- Participate and contribute to MoJ Subworking Group on Arbitration;
- Support the team of Tbilisi State University participate in the Willem C. Vis Moot Competition in Vienna; and
- Support the GAA promote the Code of Ethics for Arbitrators and start planning the mechanisms of its enforcement.

Annex: Success Stories

JILEP Supports Implementation of New Judicial Disciplinary Mechanism

On January 25, EWMI-JILEP sponsored a workshop bringing representatives of all three branches of government plus civil society together to discuss how Georgia's new judicial disciplinary mechanism should function. The workshop was entitled, "Analysis of Current Practice of Judicial Discipline in Georgia: The Main Challenges of Law and Practice." Presentations began with both the judge and non-judge members of the newly created Judicial Disciplinary Committee presenting the current state of law and practice in the area of judicial discipline. Then, one of the two non-judge members of the Committee presented his study of how the former disciplinary mechanism had handled complaints against criminal judges during the years 2007-2013. This was followed by the other non-judge member presenting her study showing how the mechanism had dealt with allegations of civil and administrative judge misconduct in past years. The reporting revealed that over the course of the past seven years, only four of ten possible grounds were used to discipline judges, these being: gross violation of law; improper fulfillment of professional duties by judges; undue delay in case deliberation; and ethical misconduct. The studies also showed that most disciplinary cases were initiated by High Council of Justice (HCOJ) staff members, *not* by case parties, lawyers or prosecutors. Moreover, actual unethical behavior was named as grounds for discipline in only three cases. Over the period of time covered by the reports,

10 judges were dismissed from office based on disciplinary committee action; none of these cases was initiated by a lawyer. The information provided in the reports was a revelation to many of the participants since the old mechanism functioned largely in the dark and did not generally publish its decisions.

The participants also spent some time discussing what further improvements should be made to the new disciplinary mechanism. There was a split of opinion over whether the Committee hearings should be open to the public. The Chief Justice agreed with a recommendation that court chiefs should no longer receive or submit complaints of judicial misconduct involving the judges working at their courts. JILEP noted with some satisfaction that a number of recommendations made to improve the new mechanism during the workshop were based upon recommendations provided by JILEP expert, Victoria B. Henley, Director-Chief Counsel of the California Commission on Judicial Performance, back in 2011.

EWMI-JILEP Delivers Second Law Office Client Counseling Competition

A Free University "lawyer" hands her client a contract in a final round performance.

On January 27-28, at Free University Tbilisi, the East West Management Institute's Judicial Independence and Legal Empowerment Project (EWMI-JILEP) delivered its second National Client Counseling Competition for Georgian law students. The competition required the students to practice their problem solving and interviewing skills in a mock law office environment. In this year's competition, the students interviewed clients (played by actors) claiming to need representation in a civil law dispute. Twenty-four

students from eight law schools participated. As was the case last year, students prepared for the competition by attending a two-day, EWMI/JILEP-sponsored workshop before the event. The team from Free University won the competition and will be going to Puerto Rico in April 2014 as Georgia's representative to the International Client Consultation Competition.

EWMI-JILEP Engages New Georgian Bar Ethics Commission

On February 6, EWMI-JILEP organized a roundtable discussion with the new members of the Georgian Bar Association (GBA)'s Ethics Commission. Over the course of the last three years, EWMI-JILEP had worked with the previous Commission to help it establish an active and effective oversight and advisory mechanism. The main purpose of the roundtable was to encourage the new members of the Commission, voted into office in December 2014, to continue the work of their predecessors. JILEP's lead expert in the field of legal ethics, Professor James Moliterno of Washington and Lee School of Law, Virginia, USA, attended the session and explained to the new members what steps in his estimation, the Commission needed to take to solidify the progress made thus far in establishing its 'advisory opinion' mechanism. Professor Moliterno noted that by having such a mechanism, which allows bar members to receive ethics advice from the Commission in advance, the GBA can count itself ahead of many bar associations in Western Europe. The new Chairman of the Ethics Commission, Ms. Tsitsino Tskhvediani, expressed her desire to continue the reforms begun by the previous commission. Ms. Tskhvediani commented that she had been a member of the Commission back in in 2005 when they were pushing "a cart;" and now that they had "a Mercedes," they needed to learn how to drive it.

EWMI-JILEP and Georgian Bar Create Advanced Ethics Training Module

On February 7-8, 2014, EWMI-JILEP sponsored a workshop where members of the Georgian Bar Association (GBA)'s Training Center and selected lawyer-instructors, developed the next generation of lawyers' ethics training. While previous courses developed with EWMI-JILEP assistance relied heavily upon hypotheticals created by JILEP ethics expert, Professor James Moliterno, the new training module is based on hypotheticals developed by Georgian lawyers and taken from Georgian legal practice. Ethical dilemmas covered in the course include problems concerning lawyer-client privilege, conflict of interest, and lawyer advertising. To give an example, one hypothetical to be used in the course asks if the following advertisement is ethical:

> *The most experienced lawyers in criminal law will provide you with highly qualified services in the shortest time possible and resolve your case successfully. Contact us via telephone: xxx-xx-xx-xx. One phone call and we will be ready to give you our helping hand, and restore your violated right and give you peace."*

Professor Moliterno was present at the workshop and provided his suggestions for how the new course could be refined to ensure maximum impact upon lawyer participants. The course, mandatory for all bar members, will begin mid-February 2014.

EWMI-JILEP Sponsors "Mediation Open Door Day"

EWMI-JILEP and partners prepare speak at "Mediation Open Door Day" at the Tbilisi City Court.

On February 10, EWMI-JILEP helped officially kick-off the Court-Annexed Mediation Pilot Project by sponsoring a "Mediation Open Door Day" at the Tbilisi City Court. Chief Justice Konstantine Kublashvili led off the speakers, explaining the purpose of the pilot and pledging the commitment of the judicial branch to its success. The succeeding speakers, which included representatives of EWMI-JILEP, GIZ (German Society for International Cooperation), and the newly-trained Georgian mediators, explained the many benefits of mediation and encouraged the public to consider mediation if they found themselves a party to a private dispute in court. The court's point person for the initiative, Judge Lasha Kalandadze, explained the way the pilot mediation process works and how parties who have submitted their disputes to mediation can receive the benefits of reduced filing fees and shortening of time-frames. While the Open Door Day marked the official start of the project, the Tbilisi City Court has already transferred three cases to mediation, with more on the way.

EWMI- JILEP Assists Georgian Bar Ethics Commission Establish Unified Practice

Current and past Ethics Commission members share their perspectives.

On February 14-16, EWMI-JILEP and the EU Criminal Justice Reform Project sponsored a retreat for the new members of the Georgian Bar Association Ethics Commission to help them develop their plans for continued operation. The new Ethics Commission Chair, Tsitsino Tskhvediani, initiated the retreat. All of the former commission chairs attended the retreat and passed along knowledge they had acquired during their time heading the Commission. These individuals were Eka Gasitashvili, Irakli Kordzakhia, Giorgi Turazashvili, and Tsitsino Tskhvediani. Participants discussed ethical issues involving conflict of interest, the advocate-client relationship, the advocate-court relationship, and lawyer advertising

Georgian Legal Aid Lawyers Trained in Case Preparation and Presentation

Professor Delaine R. Swenson teaches building case theory.

On February 14, EWMI-JILEP trained 13 Georgian lawyers representing 7 different legal aid provider organizations in "case preparation and presentation." EWMI-JILEP training specialist, Delaine R. Swenson, introduced the participants to techniques every lawyer should use to evaluate evidence and develop a theory of the case. He suggested techniques for interviewing witnesses, and for using the evidence to better negotiate a settlement. Participants worked on a mock-case to practice creating case theories and settlement strategies.

EWMI-JILEP Assists Georgian Law Schools Assess Current State of Legal Education

Nino Beruashvili, former head of the Ministry of Justice Training Center, explains what qualities the Ministry would like to see in law graduates.

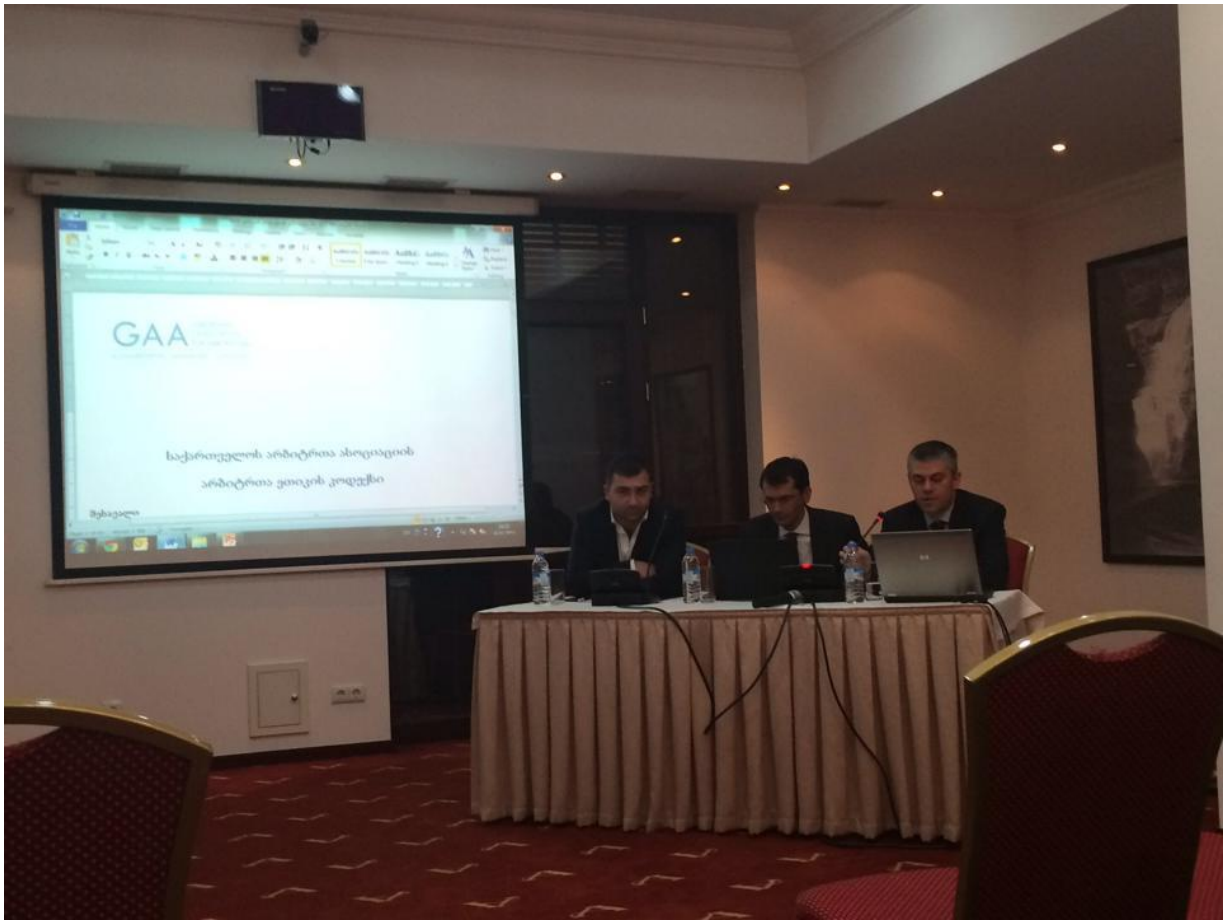
On February 15, the East West Management Institute's Judicial Independence and Legal Empowerment Project (EWMI-JILEP), along with the German Society for International Cooperation (GIZ), sponsored a day-long conference designed to assess the current state of legal education and to allow Georgian law schools and legal practitioners to discuss next steps needed to improve the depth and quality of Georgian legal education. More than 150 people attended the conference; these included law school deans and faculty members, representatives of the judiciary and the Georgian Bar, civil society group leaders, and law students. The speakers at the conference addressed such questions as, "Are the law schools turning out graduates that meet the needs of law firms and other legal employers," and "What can law faculties do differently to create a better 'product'?" There seemed to be a general consensus that providing more skills-oriented learning opportunities for students and encouraging instructors to use more interactive teaching methods would improve the quality of the learning experience. The speakers also agreed that there were many daunting challenges left to be overcome, including the development of high-quality Georgian language textbooks, and finding resources to pay for full time law professors rather than getting by with mostly part-time law faculties.

EWMI-JILEP and NCCL Organize Winter School on Commercial Transactions

Students at the NCCL Commercial Law Winter School display their certificates of completion.

On February 11-14, at the Free University's training center in Bazaleti, the EWMI-JILEP supported National Center for Commercial Law (NCCL), delivered its second Commercial Law Winter School to 25 Georgian law students. Students from law schools all over Georgia competed for a spot in the prestigious school. The Winter School focused on teaching students how to draft and understand commercial contracts and transactions. Professor Janet Thompson Jackson from Washburn University School of Law (Topeka, U.S.) delivered the main part of the course, covering such topics as articulation of the contract, drafting termination provisions, drafting with clarity, and ethics in drafting. She was supported in her teaching by NCCL Academic Director David Kapanadze. Professor Kapanadze provided a comprehensive background of the Georgian contract drafting practice. The participants listened to lectures, engaged in discussions, and practiced drafting and editing contracts.

EWMI-JILEP Support for Georgian Association of Arbitrators (GAA) Results in First Ever Code of Ethics for Georgian Arbitrators



GAA Board members present provisions of the Code of Ethics to audience (from left: Levan Janashia, Irakli Kordzakhia, Lasha Nodia).

On February 20, the Georgian Association of Arbitrators (GAA) adopted the first ever *Code of Ethics for Georgian Arbitrators* at its general meeting. The Code is a result of several months of drafting and revision conducted by the GAA with assistance of the East West Management Institute's Judicial Independence and Legal Empowerment Project (EWMI-JILEP.) To help GAA in this effort EWM-JILEP recruited Professor Amy J. Schmitz of University of Colorado School of Law, who visited Georgia in 2013 and worked with the GAA Executive Board to finalize the draft. After adopting the Code at this latest meeting, members went on to discuss what the GAA strategy would be to popularize and enforce the Code's provisions. They reached a general agreement that they would spend the next year raising awareness of the Code among the public and Georgian legal society, while at the same time developing a disciplinary mechanism to enforce the Code.

EWMI-JILEP Supports Arbitration Conference in Conjunction with 3rd Annual Willem C. Vis International Commercial Arbitration Pre-Moot

Professor Dirk De Meulemeester discusses difficulties in consolidating to the Conference audience.

On February 21, the newly established Arbitration Initiative Georgia (AIG), an organization led by Georgian Willem C. Vis Moot alumni and supported by the East West Management Institute's Judicial Independence and Legal Empowerment Project (EWMI-JILEP), delivered a conference entitled "Recurring Concerns in Arbitration Proceedings: Consolidation of Claims and Finality of Arbitral Awards." The conference addressed topics raised in this year's Willem C. Vis Moot problem, topics which hotly debated within international commercial arbitration circles. Professor Dirk De Meulemeester, Managing Partner of the Brussels based law firm Lexlitis, and soon to be President of the Belgian Center for Arbitration and Mediation (CEPANI), led off a discussion of the "consolidation of claims and joinder in multi-contract and multi-party arbitrations." Duncan Speller, an English barrister and partner at Wilmer Hale London, and Professor Dr. Georg Borges, Judge of the Higher Regional Court of Hamm, Germany, shared their viewpoints on the question of whether appeal and review of arbitration awards is compatible with the concept of arbitration. The Conference concluded with a debate on the validity of unilateral option clauses on forum selection, argued by Mr. Giorgi Narmania, Coach of the Ilia State University team, and Mr. Philipp Schwarz, the coach of the University of Passau, Germany Vis-moot team.

In the two days following the Conference, 48 students and coaches, representing 8 different universities participated in the Pre-moot. Two teams from Germany and one team from Romania were among the eight. Representing a significant expansion of the EWMI-JILEP Vis initiative, *four* Georgian universities took part in the Pre-moot and plan to go on to

Vienna. When EWMI-JILEP first began to support Vis-related activities in 2011, only one Georgian university, Tbilisi State University (TSU), fielded a team. While the Conference was held at Free University, the Pre-moot performances were held at TSU; 36 professionals dedicated their time to serve as arbitrator/judges. The fact that AIG was able to do all of the planning for this year's Conference and Pre-moot is a positive sign that Georgia will be able to sponsor Pre-moots and send teams to international competitions in the future without as much donor support.

Georgian Technical University v. *Tbilisi Free University.*
Arbitrator panel left to right: Nino Sesitashvili (BLC Law Office), Duncan Speller (WilmerHale), Daragh Gleeson (LK Shields Dublin.)

EWMI-JILEP Improves Law Professors' Teaching Methods

TSU law professors conduct an exercise in group learning.

In 2013, the East West Management Institute's Judicial Independence and Legal Empowerment Project (EWMI-JILEP) began a teaching capacity-building initiative at Tbilisi State University (TSU), Tbilisi, designed to help TSU law professors adopt more modern, effective, and interactive teaching methods and to improve the overall teaching culture of their school. On February 21-23, EWMI-JILEP delivered the seventh and final training of the initiative to 16 TSU law professors.

EWMI-JILEP Report Spurs Discussion of Needed Land Rights Reform

Herbert D. Bowman, EWMI-JILEP Chief of Party, explains why EWMI-JILEP originally decided to commission a Georgian land rights study. (To his left: Danielle Rieff, Director of the Office of Democracy and Governance, USAID Georgia; Giorgi Chkeidze, EWMI-JILEP Deputy Chief of Party; Lika Tsiklauri, GYLA. To his right: Gia Gvilava, Transparency International Georgia.)

On February 25, EWMI-JILEP hosted a seminar where it formally released the results of a report it had commissioned to determine the current level of protection provided the land rights of Georgian citizens when government or big business interests are involved. The highly respected U.S.-based nonprofit organization, Landesa Rural Development Institute, wrote the report, "Assessment of Citizen's Property Rights in Georgia," with the input of Georgian land rights experts. Some of the main findings of the report were: 1) the existing legal framework protecting citizen land rights is not insufficient or flawed, just inadequately applied; 2) the Public Registry is not properly processing and investigating land registration requests, largely due to a lack of institutional capacity; and 3) the courts should take greater care investigating and explaining their rulings on land rights cases that come before them. Seminar participants included representatives from the Public Defender's Office and the Public Registry, as well as a range of civil society organizations working on land rights issues. Much of the discussion that followed the presentations focused on the problem of inadequate application of the *Law on Expropriation* and the many difficulties involved in land registration.

EWMI-JILEP Joins Georgian Ministry of Justice and other International Donors to Deliver Judicial Reform Conference

Judge (rtd.) Timothy Baland explains how judges are selected and retained in some U.S. jurisdictions.

On February 28 - March 1, EWMI-JILEP assisted the Georgian Ministry of Justice (MoJ) deliver an international conference entitled, "Issues of Life Tenure, Trial Period, Monitoring and Evaluation of Judges," in Tbilisi. The general aim of the conference was to discuss the implementation of judicial life tenure demanded by the Georgian Constitution, and more specifically, to gather recommendations for how a controversial probationary period could best be constructed. Bridget Brink, Deputy Chief of Mission of the U.S. Embassy; Phillip Dimitrov, European Union Ambassador; Andrzej Cieszkowski, Polish Ambassador; and Caterina Bolognese, Head of the Council of Europe Office in Georgia, made opening remarks. During the conference, EWMI-JILEP expert Judge Timothy Baland provided explanations of how many U.S. jurisdictions selected and evaluated judges. The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the EU Funded Project Support to the Criminal Justice System Reform in Georgia (EUCJR), the Council of Europe (CoE), and the British Embassy in Tbilisi also provided support for the event.

Georgian Bar Association Learns U.S. Best Practices in Continuing Legal Education with EWMI-JILEP Support

Left to right: Lisa Spiegel, Senior Director, NJICLE; Tinatin Karseladze, Training Center Director, GBA; Anthony Fisser, CLE Expert, JILEP; Sujata Gupta, Compliance and Accreditation Manager, NJICLE; Thomas H. Prol, Second Vice-President, New Jersey State Bar Association, Liaison to MCLE Board; David Asatiani, Executive Board Member, GBA; Zurab Dzlierishvili, Ethics Commission Member, GBA; Salome Oniani, Training Center Coordinator, GBA; Salome Ichkiti, Legal organization Strengthening Coordinator, JILEP; Irakli Kandashvili, Executive Board Member GBA.

On February 17-24, EWMI- JILEP led six representatives of the Georgian Bar Association (GBA)'s Training Center and Educational Board on a visit to the U.S. to learn continuing legal education (CLE) best practices from three U.S. state bar associations. During the trip, the GBA representatives met with the New Jersey State Bar Association, the New Jersey Institute for Continuing Legal Education (NJICLE), the New York City Bar Center for CLE, the New York State Continuing Legal Education Board, and the Rhode Island Mandatory CLE Commission. In the course of these meetings, they learned how the New York, New Jersey, and Rhode Island bar associations organized and delivered CLE to their members. Topics explored during the meetings included CLE course selection, adult teaching approaches, distance learning, monitoring of CLE credits, quality assurance and compliance, marketing strategy, attorney reporting, and sustainability planning. Both the GBA and EWMI-JILEP were gratified to see that the basic CLE system established by the GBA with EWMI-JILEP assistance over the course of the last three years contains most of the foundational elements of the U.S. state bar systems. The GBA will now use the detailed information gathered during the visit to solidify and improve their CLE administration and delivery systems.

EWMI-JILEP Supports West Georgia Women Judges

On March 15, EWMI-JILEP organized a roundtable for women judges working in West Georgia to learn about their colleagues' experiences at the National Association of Women Judges (NAWJ) Conference held last year in New Orleans, and to discuss the proper role of a judge in the establishment of gender equality. The roundtable brought 15 women judges from around West Georgia together to discuss, in a friendly and informal environment, gender-related issues. The judges discussed such topics as, the advantages to society of women holding leadership positions within the judiciary; the unseen barriers keeping women judges from achieving leadership positions; and possible ways to overcome these barriers. Judge Maia Bakradze, Tbilisi Court of Appeals, presented case law of the courts of first instance and court of appeals highlighting the role of a judge in dealing with gender equality. She pointed out the fact that while most Georgian judges were not aware of it, in 1994 Georgia signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Georgian judges are bound to comply with its provisions. Also, since March is Women History's Month, the judges attending the roundtable took a few minutes to honor the accomplishments of one of Georgia's first woman legal professionals - Tinatin Tsereteli, who was born on July 25, 1903, and went on to become a pioneer in Georgian criminal law study.

Tinatin Tsereteli, pioneering woman law professor (1903-1980).

EWMI- JILEP Continues Support for Judicial Ethics Training

On March 10-11 and March 13-14, EWMI-JILEP and the Georgian magistrate's school, the High School of Justice (HSOJ), delivered a training entitled "Fundamentals of Judicial Ethics for Georgian Judges," to two separate groups of sitting judges. The combined 36 judges who attended the courses came not only from Tbilisi but from different regions of Georgia such as Telavi, Kutaisi, Samtredia and Senaki. Seana Willing, the Executive Director of the Texas State Commission on Judicial Conduct, worked with Georgian-judge counterparts, Judge Tamar Zambakhidze and Judge Lasha Kalandadze, to deliver the training. The course stressed the importance of judges understanding and adhering to the core principles of judicial ethics, such as judicial integrity, impartiality, independence, diligence and competence. Similar to previous trainings delivered by EWMI-JILEP, the training team provided participants with a series of ethical challenges and case studies to help them translate ethical principles into practice. Since 2013, EWMI-JILEP has trained 161 of Georgia's 241 sitting judges in judicial ethics, with more training to come.

Judge Tamar Zambakhidze delivering the training introduces the goals of the training to the judges.