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QUARTERLY REPORT - YEAR FOUR
APRIL – JUNE 30, 2014

JUDICIAL INDEPENDENCE AND LEGAL EMPOWERMENT PROJECT QUARTERLY REPORT - YEAR FOUR APRIL 1, 2014 – JUNE 30, 2014

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EXECUTIVE SUMMARY

Component 1: Strengthen Judicial Independence, Accountability and Professionalism

JILEP and its NGO partners continued to encourage the High Council of Justice (HCOJ) and the Ministry of Justice (MoJ) to create and employ a system of selecting and appointing judges that is fair and transparent. GIZ and the European Union-funded rule of law project endorsed most of JILEP's suggestions and observations in their own communications with the government and with the HCOJ. Despite these efforts, during the quarter the HCOJ made little or no progress toward establishing a more objective internal process to analyze judicial candidates and make judicial selections. While the HCOJ made ten lifetime appointments this quarter, only one of the ten was selected during the first round of 2/3 majority voting of the members. The other nine were selected only after what some observers characterized as off-the-record "consultations" between judge and non-judge members. On the positive side, since the HCOJ allowed international donors and civil society groups to observe some of the deliberations resulting in appointments, the selection process was more transparent than it had been in the past.

In June, the HCOJ made another improvement to the transparency of its work, announcing that some months earlier it had passed two internal regulations designed to make its meetings more open and accessible to judges and the public at large. One regulation requires the HCOJ to live-stream its meetings through the internal judicial network. The second requires the HCOJ to audio or video record its meetings and provide any interested parties with copies of these recordings upon request. These are steps that JILEP has long advocated for. In addition, Idea Design Group, a Georgian company contracted by JILEP last quarter, finalized its design of a user-friendly website for the Judicial Disciplinary Committee that, among other things, will publish the Committee's decisions.

JILEP worked with the HSOJ and various United Nations organizations to help develop a course for judges entitled, "Realizing Gender Equality." JILEP expert Sally J. Kenney, Executive Director, Newcomb College Institute and Professor at Tulane University, came to Georgia to help design the course with UN and Georgian judge experts. The program introduced a select group of future Georgian judge-trainers to the concept of implicit gender bias as a way of explaining why gender discrimination persists in society and within court systems. It encouraged participants to develop their own responses and strategies to combat implicit bias, especially where it works to discourage women from taking on judicial leadership roles. During the quarter, the HCOJ released data showing that in the period 2012-2013 there had been a significant increase in the number of women holding leadership positions within the court system. JILEP believes that this increase can be largely attributed to its advocacy and the advocacy of its partners.

JILEP continued helping the HSOJ deliver high quality training initiatives on other topics. On May 3-4, JILEP delivered an advanced training for judges who train other judges at the HSOJ. Professor Delaine Swenson, an expert in legal teaching method, led nine Georgian judge-trainers in an exploration of adult learning principles and in experimentation with adult teaching techniques. On May 22-23, JILEP brought Rafael Castillo-Triana, a U.S. lawyer and one of the authors of the leasing-related reform of the *Georgian Civil Code* in 2011, back to Georgia to instruct Georgian judges on modern trends in leasing law and practice. On May 29-30, JILEP supported Linda Jellum, law professor at Mercer University School of Law, Macon, Georgia, and Eka Lomtadze, law professor at Free University of Tbilisi, deliver a fourth and final training to 20 Georgian judges on the topic of "Legal Reasoning and

Statutory Interpretation.” On June 2-3, 5-6, 23-24, and June 26-27, JILEP and the HSOJ, delivered the last classes of its judicial ethics training series for judges.

Component 2: Strengthen the Institutional Capacity of Legal Professional Associations

The Coalition for an Independent and Transparent Judiciary (“Coalition”), which includes such groups as the Georgian Young Lawyers’ Association (GYLA), Transparency International – Georgia (TI), and the Human Rights Education and Monitoring Center (EMC), organized a public forum on judicial selection and appointment. During the forum, the Coalition gave their assessment of the current system of selecting and appointing judges and provided a set of detailed amendments designed to improve the fairness and transparency of the process. The Coalition’s amendments included a provision to resolve conflict of interest issues and a provision which allows candidates to appeal procedural violations to the Court of Appeal. The Coalition also proposed amendments making it clear that the HCOJ should not participate in the selection of HSOJ students.

The Parliament of Georgia invited TI to join the commission set up to draft rules regulating sale of agricultural land to foreign citizens and companies. TI is especially well-suited to participate in this commission since on June 24, 2014, its lawyers won a Constitutional Court case overturning the Georgian Parliament’s moratorium on agricultural land sales to foreigners.

GYLA and TI’s legal aid operations reported numerous successes this quarter:

- As a result of GYLA’s representation of a client accused of bribery, the Gori District Court dismissed a criminal case against the client for lack of evidence. GYLA subsequently filed a lawsuit in Tbilisi City Court seeking costs for damage inflicted upon the client as a result of illegal prosecution. The Tbilisi City Court and later the Court of Appeals ordered the Prosecutor’s Office to pay damages in the amount of GEL 11,000.
- GYLA successfully defended the rights of a number of individuals who were illegally dismissed from their government positions. In the case of a former teacher, for example, GYLA’s Kutaisi Office was able to procure a ruling from the Kutaisi Court ordering reimbursement of the teacher’s salary. GYLA also successfully represented a dismissed employee of Tskaltubo Municipality Library and Museum Union, recovering reimbursement of the former employee’s salary.
- TI won a Constitutional Court case which challenged a moratorium placed on the acquisition of agricultural land by foreigners earlier in the year. The Court ruled that Parliament’s decision to temporarily ban sales of agricultural land to foreign citizens contradicted Article 21 of the Constitution.
- TI assisted a civil servant illegally dismissed from the Ambrolauri municipality receive a ruling from the Kutaisi Court restoring the individual to his former position.

Component 3: Improve Legal Education

Strengthening Law Schools

The National Center for Alternative Dispute Resolution (NCADR) at Tbilisi State University (TSU) sponsored a number of public discussions and workshops focused on the development of ADR systems. The NCADR Mediation Clinic was fully operational and assisted 37 clients. The NCADR also hosted its Third Annual ADR Conference, which brought together

regional, international and local experts to discuss important new trends in ADR development.

The National Center for Commercial Law (NCCL) at Free University observed its Second Annual Commercial Law Week, which included three days of open lectures on commercial law issues and a two-day commercial law symposium for students, academics and practitioners. JILEP supported the Law Week not only through its funding of the NCCL but also by providing a number of international speakers for the program. The NCCL also delivered the program's fifth and final workshop on legal writing. One outcome of the legal writing program is that the NCCL now possesses a written, comprehensive legal writing curriculum, including syllabi and other course materials that can be used to teach the course at any Georgian law school. This fall, Free University Tbilisi plans to use this curriculum to offer the country's first mandatory legal writing program for law students.

JILEP also delivered an Advanced Teaching Methods Workshop to TSU professors interested in further improving their teaching skills. The workshop included topics designed to improve the use of the Socratic Method in the classroom. As a follow on to its advocacy skills workshops and competitions, JILEP published a Trial Advocacy Handbook in Georgian. JILEP sponsored Free University's participation in the International Client Consultation Competition (ICCC) held this year in San Juan, Puerto Rico.

Strengthening the Georgian Bar Association (GBA)

During the quarter, JILEP supported the GBA's effort to create a new "Strategy and Action Plan" to frame and guide its reform activities for the next four years. JILEP did this by contracting the respected Georgian consulting company, Synergy Group, to help the GBA develop the Plan, and then by sponsoring a retreat to help initiate the drafting process. JILEP also assisted the GBA's Education Board plan its next phase of development. It brought U.S. lawyer and bar education expert, Anthony Fisser, back to Georgia to facilitate and enrich the discussions which led to an agreement among Board members to improve the mandatory, one-year, internship required of lawyers seeking GBA admission.

The GBA conducted three bar examinations in June using the sophisticated software system developed with the support of JILEP in 2013. The software allowed candidates to register for the exam, take the exam, receive exam scores, and appeal exam results, all through the software platform. A total of 521 individuals took the exam (229 men/292 women) and only 66 passed. The low passage rate of 13% was a strong indication that the GBA's recent efforts to make the exam more rigorous and meaningful have been successful.

JILEP continued to help the GBA organize and deliver training in legal ethics as well as in a number of civil law areas. With JILEP support, the GBA Training Center conducted 81 courses in professional ethics, reaching 2,187 lawyers (1,186 men/1,001 women). The Training Center conducted 34 trainings on civil law topics including property registration, intellectual property law, drafting legal documents, moral damages, and entrepreneurial law. A total of 861 lawyers (545 men/407 women) attended the civil law courses.

Also during the quarter, JILEP assisted the State Funded Legal Aid Service (LAS) create a four-year "Strategy and Action Plan" which maps out strategies and initiatives designed to improve the LAS's transparency and accessibility. Among other things, the Plan calls for broadening the LAS mandate to include the provision of legal assistance in administrative and civil cases. It also includes a plan to train a number of lawyers in each LAS office to

provide specialized representation to juvenile clients. Criminal Justice Reform Interagency Coordination Council co-chaired by MOJ is expected to approve the Plan next quarter.

Component 4: Develop Commercial Law

JILEP's support for the MoJ's Private Law Development Council continued to bear fruit. The Council's Company and Insolvency Working Group, of which JILEP is a member, completed a draft *Law on Entrepreneurs* (Company Law) which the MoJ plans to present to Parliament for passage in coming months.

JILEP continued providing training to Georgian judges on commercial law topics through its partnership with the High School of Justice (HSOJ). As mentioned above, JILEP brought Rafael Castillo-Triana back to Georgia to instruct Georgian judges on modern trends in leasing law and practice. JILEP also arranged for Linda Jellum, law professor at Mercer University School of Law, Macon, Georgia, and Eka Lomtadze, law professor at Free University, to deliver a fourth and final training on the topic of "Legal Reasoning and Statutory Interpretation."

In an effort to encourage judges of the Tbilisi City Court (TCC) to refer more cases to the Court-Annexed Mediation Project, JILEP and GIZ organized a "Mediation Case Selection and Referral Workshop" that brought 11 Tbilisi City Court judges together to discuss the advantages of using mediation to resolve legal disputes. The intervention seemed to have had an impact since there was an uptick in the number of cases referred to mediation following the workshop.

In the area of arbitration, the MoJ took JILEP's advice and submitted its draft amendments to the *Law of Georgia on Arbitration* to the United Nations Commission on International Trade Law (UNCITRAL) and the Permanent Court of Arbitration (PCA) for review. The MoJ received feedback from both institutions but has not yet shared it with the legal community. In June, JILEP helped the Georgian Association of Arbitrators (GAA) present the first ever Code of Ethics for Arbitrators to the public. The draft was based on the American Arbitrators Association Code of Ethics for Arbitrators in Commercial Disputes, and was adopted by GAA's General meeting in February 2014. JILEP arranged for Professor Catherine A. Rogers of Penn State's Dickinson School Law, one of the world's foremost experts in Arbitration Ethics, to make a presentation at the event and to meet with the GAA Board to share her suggestions for how to make the Code enforceable. JILEP prepared the next generation of Georgian arbitrators to enter the field by helping a team of TSU students compete in the 21st Annual Willem C. Vis International Commercial Arbitration Moot in Vienna. This year, four Georgian law schools sent teams to the competition which JILEP believes to be a direct outcome of its creation and three-year sponsorship of the Tbilisi Vis Pre-moot.

COMPONENT 1: STRENGTHEN JUDICIAL INDEPENDENCE, ACCOUNTABILITY AND PROFESSIONALISM

A. Significant Results, Accomplishments, Activities

Improving the Judicial Selection Process

The High Council of Justice (HCOJ) made 10 lifetime appointments this quarter. However, because the HCOJ failed to create an objective internal process to analyze judicial candidates and make judicial selections, these appointments cannot be considered evidence of progress in judicial reform. Only one of the candidates was chosen in the first round of 2/3 majority voting by HCOJ members. The other nine were selected only after what some observers characterized as off-the-record “consultations” between judge and non-judge members.

On the positive side, since the HCOJ allowed international donors and civil society groups to observe some of the deliberations resulting in appointments, the selection process was more transparent than it had been in the past. The HCOJ also attempted to create a more objective and transparent process of short-listing judicial candidates for final consideration.

Despite the continued shortcomings of the judicial selection and appointment process, JILEP continued to provide suggestions to the HCOJ and the Ministry of Justice (MoJ) for how they could improve the judicial selection process. On April 22, JILEP submitted its comments to the MoJ on its draft amendments to the *Organic Law on Common Courts* relating to the judicial life-time appointment probationary period and again expressed its view that the greatest need in the area of judicial reform is the establishment of a set of comprehensive, objective, and transparent procedures to guide the HCOJ in its *initial selection and appointment* of judges. The major European donors working in the area, GIZ and the European Union’s “Support for the Reform of the Criminal Justice System in Georgia,” supported most of the suggestions and observations made by JILEP in their own communications with the MoJ.

On April 29, the JILEP grant-funded association, Unity of Judges of Georgian (UJG), presented a report that included some of its recommendations for how to improve judicial appointment, promotion, evaluation, and transfer. Addressing the same general topic, on May 28, the Coalition for a Transparent and Independent Judiciary (“Coalition”) sponsored a roundtable to discuss amendments to the *Organic Law on Common Courts* and the *Law on High School of Justice*, designed to improve the judicial selection process. The UJG and the other NGOs conferred with JILEP expert Timothy Baland prior to writing their reports, and both reports included some of Judge Baland’s suggestions.

Supreme Court Restructuring Initiative

On March 12, the MoJ led Inter-Agency Coordination Council on Criminal Justice Reform Working Group presented draft amendments to the *Organic Law on the Common Courts*, the *Law on Criminal Procedure*, the *Law on Civil Procedure*, and the *Law on Administrative Procedure* to the legal community. The amendments set the number of Supreme Court judges at 20, removing the power of the Supreme Court Plenum to decide that number itself. (The current number established by the Supreme Court Plenum is 16). The amendments require the Supreme Court to hear cases on the merits, greatly broadening the Court’s

jurisdiction and making it a type of “third court of first instance,” rather than a court of cassation. On April 4, JILEP submitted its observations on the draft amendments advising the MoJ to undertake serious study and assessment before pushing for legislation that will change the nature and function of the Supreme Court. The MoJ submitted the proposed legislation to the Venice Commission for its opinion and expects to hear a response by the end of the year.

Judicial Qualification Exam

The judicial qualification examination which was scheduled to take place in June 2014 using the software designed by JILEP was postponed to September 2014. It is unclear why the exam date was pushed back.

Judicial Discipline and Accountability

JILEP worked with the Judicial Disciplinary Committee to organize a conference 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. The event is scheduled to take place in July. Meanwhile, Idea Design Group, a Georgian company contracted by JILEP, finalized its design of a user friendly website for the Judicial Disciplinary Committee and scheduled the public presentation of that website to take place during the July conference. Among other things, the website will publish Committee case decisions, making the disciplinary process more transparent than ever before.

HCOJ Outreach Capacity Building

The HCOJ took more steps forward in the area transparency this quarter. In June, the HCOJ publically announced that it had passed two internal regulations designed to make HCOJ meetings more open and accessible to not only judges but to the public at large. One of the regulations requires that the HCOJ live-stream its meetings through the internal judicial network. The second regulation requires the HCOJ to audio or video record its meeting and provide any interested parties with copies of these recordings. These are steps that JILEP has encouraged the HCOJ to take since the inception of the JILEP program. It is worth noting however, that HCOJ continues to resist JILEP’s suggestion to allow the media to record HCOJ meetings themselves.

Greater Leadership Opportunity for Women Judges

As part of its ongoing effort to promote gender equality within the Georgian judiciary, JILEP worked with the HSOJ and various United Nations organizations to develop a new course for judges entitled, “Realizing Gender Equality.” JILEP expert Sally J. Kenney, Executive Director, Newcomb College Institute, and Professor, Tulane University, came to Georgia to help design the course alongside UN and Georgian judge experts. Professor Kenny took the lead in course design since she is an internationally known expert in the field and has created such courses in the past. On June 4, Professor Kenny and her Georgian colleagues delivered a pilot program to a group of carefully selected Georgian judges. The program introduced the judges to the concept of implicit gender bias as a way of explaining why gender discrimination persists in society and within court systems. It encouraged participants to develop their own responses and strategies to combat implicit bias, especially where it works to discourage women from taking on judicial leadership roles. As a next step in the

development of the course, Professor Kenney recommended conducting a series of meetings with the most motivated judge trainer candidates to further share their individual experiences and further analyze the readings on gender and feminist legal theory she provided them in the June workshop. The judge-trainers will use these meetings to further develop a course targeted specifically to Georgian judges and to bond as a teaching team.

Strengthening the High School of Justice (HSOJ)

Idea Design Group, the Georgian company contracted by JILEP to develop the new web-site and web-portal for the HSOJ, has nearly completed the web-site and is moving forward on creation of the portal.

On May 3-4, JILEP delivered an advanced training for judges who train other judges. Professor Delaine Swenson, an expert in legal teaching method, led nine Georgian judge-trainers in an exploration of adult learning principles and in experimentation with adult teaching techniques. The judge-trainers, some of whom were Supreme Court judges, learned how to create meaningful lesson plans, engage in Socratic dialogues, and lead interactive learning sessions. JILEP provided each of the participants a teaching methodology manual specially developed for the training that should help guide them in the development and delivery of their own courses.

On June 2-3, 5-6, 23-24, and June 26-27, JILEP and the HSOJ, delivered the last classes of the training series entitled “Fundamentals of Judicial Ethics for Georgian Judges,” to four separate groups of sitting judges. The combined 68 judges who attended the courses came from Tbilisi City Court, Tbilisi Court of Appeals and different regions of Georgia, as well as judge-members of Disciplinary Committee of Common Courts. Since 2013, JILEP has trained 224 of Georgia’s 242 sitting judges in judicial ethics. (Among the judges who did not go through the course, 14 were members of the Supreme Court.)

Judges Association Support

Unity of Judges of Georgia (UJG) representatives continued to observe HCOJ meetings and share their observations of those meetings with other judges and the general public. UJG attended six HCOJ meetings during the quarter and are in the process of writing a report which analyzes the efficiency, fairness and transparency of HCOJ operations. On April 29, the UJG made a public presentation of a different report they had completed on the topic of judicial appointment, promotion, and transfer. They also made public statements in print, radio and television on the subject of judicial appointment and noted the inequities they have observed in the way that the HCOJ treats judges on the judicial waiting list. As a result of UJG advocacy, the HCOJ assigned three out of the five wait-listed judges to positions and will allow them to serve out the time remaining on their periods of tenure. By the end of the quarter, UJG had applied for and received a no-cost extension of its JILEP grant, which will now run to the end of December 2014.

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: 142

68 (39 men, 29 women) *The Fundamentals of Judicial Ethics*
9 (9 women) *Realizing Gender Equality*;
20 (5 men, 15 women) *Legal Reasoning and Statutory Interpretation*
9 (4 men, 5 women) *Advanced Teaching Methodology ToT*
14 (7 men, 7 women) *Leasing Law*
22 (10 men, 12 women) *Mediation Case Selection and Referral*

Target for life of project: 400

B. Key Issues and Challenges

There is a strong possibility that government reformers will pause in their efforts to reform the judicial system while awaiting the changeover in Supreme Court leadership - set to take place in February 2015. There is also the risk that reformers from all sectors will lose their focus on reforming the judiciary as an institution and focus too much of their hope for change on the individual taking over the position of Supreme Court Chief Justice. JILEP and its NGO partners need to continue to push for *institutional change* that will keep the process of reform moving forward, no matter who is appointed Chief Justice in February.

C. Plans for Next Quarter

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

- JILEP will continue advocating for changes to be made to the judicial selection process;
- JILEP will continue to 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 procedures;
- JILEP will sponsor, in close cooperation with the Judicial Disciplinary Committee, a conference on judicial discipline aimed at sharing knowledge obtained during a study tour to the California Judicial Performance Commission and discussing Georgian law and practice in the area of judicial discipline;
- JILEP will continue to support the HSOJ develop its web-site and web portal;
- JILEP will promote gender parity in court leadership by helping the HSOJ develop a sustainable training course on gender awareness; and
- JILEP will continue its grant support to the Unity of Judges of Georgia.

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)

On May 29, the Coalition for an Independent and Transparent Judiciary (“Coalition”), which includes such groups as the Georgian Young Lawyers’ Association (GYLA), Transparency International (TI), and the Human Rights Education and Monitoring Center (EMC), organized a public forum on judicial selection and appointment. During the forum, the Coalition gave its assessment of the current system of selecting and appointing judges and provided a set of detailed amendments designed to improve the fairness and transparency of the process. The Coalition’s amendments included a provision to resolve conflicts of interest and a provision which will allow candidates to appeal procedural violations to the Court of Appeal.

At an April 3 workshop, the Coalition’s Legal Education Working Group presented the preliminary findings of its desk study on international legal education systems and Georgian law school programs. Forty Georgian law school representatives attended the meeting and took part in the discussion. In the weeks following the event, the Working Group conducted a survey of 1,325 law students, law professors and law graduate employers; six focus groups and 10 in-depth interviews. These surveys and interviews were aimed in part at determining what the market demand is for Georgian law graduates.

The Coalition’s Court Administration Working Group organized two roundtables to discuss the preliminary findings of its research entitled, “Judicial Accountability in Georgia: Procedures of Disciplinary and Criminal Liability.” The roundtables brought together not only NGO leaders but also representatives of the HCOJ, the MoJ, the Prosecutor’s Office, and the Disciplinary Committee for the Judges of the Common Courts of Georgia. In the course of these roundtables, the Working Group identified the flaws in the current accountability system, some of these being the lack of clear written procedures telling the HCOJ and the Disciplinary Committee how to process complaints, the lack of a clear standard of proof to apply to the facts indicating misconduct, the low degree of transparency in the overall process, and the weak due process guarantees provided judges. The Working Group study and the roundtables included discussion of *judicial immunity*. Presently, the Georgian Constitution grants near absolute immunity to judges for their behavior on and off the bench, an immunity that can only be lifted by the Chief Justice of the Supreme Court. Some participants in the roundtables argued that judges should not have criminal immunity at all. Others argued that if immunity remained, the power to lift immunity should not be left in the hands of one person, the Chief Justice, but should be held by the HCOJ as an institution. The Working Group is planning to publish the final report of its findings in July 2014.

The Business and Economic Center (BEC), a member of the Coalition, suggested that the Coalition’s Steering Committee advocate for the creation of an international committee of inquiry to investigate property rights violations that occurred in Georgia over the last decade. BEC developed a Terms of Reference for this project which the Steering Committee supported. On June 30, representatives of BEC, TI, and GYLA met with the U.S. Embassy Economic Officer, Anson McLellan, to discuss this idea. The Steering Committee is planning to hold more meetings with various stakeholders to promote the establishment of an international committee of inquiry.

Grant-supported Legal Advocacy

Two JILEP grantees and four 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 preparation of the public forum on judicial selection and appointment. GYLA prepared a short document which identified the major gaps in the judicial selection and appointment process. The Coalition shared this document with the Venice Commission which is currently reviewing the MoJ's draft amendments to the *Law on Courts*.

In addition to GYLA's legal advocacy work with the Coalition, it engaged in a number of other advocacy activities aimed at forwarding JILEP's goals; these included:

- Developing recommendations for the Anti-Corruption Council to help close legislative gaps that create opportunities for corruption;
- As part of the Constitutional Reform Working Group, it helped develop recommendations on how Chapter 5 of the Constitution, the chapter dealing with the judiciary, should be amended to encourage greater judicial independence and accountability;
- Drafting a report on the 2013 legislation which aims to make court proceedings more open to the public and the media. (JILEP provided comments on the report which will be edited and released the next quarter.)

Transparency International (TI)

The Parliament of Georgia invited TI to join an ad hoc working group attached to the Agricultural Committee to help draft rules regulating the sales of agricultural land to foreign citizens and companies. The working group will develop criteria that foreign citizens and companies will need to meet in order to be eligible to buy agricultural land.

TI's representative continued to work at the "Special Commission" of the Ministry of Finance and Economy in Adjara which is considering cases of land title "overlap." This quarter, the Commission received 215 applications and reviewed 104 of them. In 85 of these cases, the Commission restored the applicant's property rights.

Court Monitoring (GYLA, TI)

GYLA and TI continued to monitor criminal and administrative hearings. The current cycle of monitoring will be the last for JILEP. GYLA and TI will finish their monitoring at the end of August 2014 and will start working on their final reports. In addition to reporting the results of their last six months of monitoring, they will present a summary of the trends they have noted since the inception of the project.

Monitoring of High Council of Justice

GYLA and TI continued monitoring the HCOJ. Their representatives regularly attended the HCOJ meetings. In April, they attended the meetings in which HCOJ members interviewed candidate judges. GYLA explained some of the major problems they identified in this process in a bilingual blog to be found at <http://gyla.ge/eng/blog?info=2162>.

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 administered by EPF. These grants are as follows:

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 Dedoplistskaro and Batumi. At the workshops, Article 42 lawyers provided participants with advice on tax and commercial law issues.

On May 29, Article 42 organized a roundtable meeting in which private lawyers, representatives of the Revenue Service, the Business Ombudsman, and nongovernmental organizations took part. Article 42 raised a number of problems with Tax Code implementation among which the question of *tax agreements* attracted the greatest attention. Tax agreements are used to collect taxes from non-paying tax-payers. A taxpayer acknowledges the debt to the government but requests a waiver of fines that have accrued to the principal amount. Application for tax agreements are considered first by the Minister of Finance who submits them to the Cabinet of Ministers. The process however is lengthy and while waiting for the result, a taxpayer’s property can be seized and sold by the tax authorities. Representatives of the Ministry of Finance and the Business Ombudsman’s Office acknowledged that this issue is problematic and promised to work on solving it.

On June 27, Article 42 conducted a roundtable dedicated to the discussion of issues of criminal liability for tax evasion. Representatives of the Ministry of Finance and various nongovernmental organizations attended. According to current legislation a taxpayer can be imprisoned if he deliberately fails to pay *large* amounts of taxes. Large amounts are defined as sums over GEL 75,000. Article 42 proposed to define the amounts in terms of percentages of unpaid taxes instead of flat sums. They also made recommendations for clarifying other problematic terms that appear in the Tax Code.

Georgian Lawyers for an 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 Coalition for an Independent and Transparent Judiciary back 2012 and, by establishing points of contact with the judiciary, Parliament, and the Ministry of Justice, push this reform agenda forward. This quarter, GLIP used JILEP grant funds to support its participation in 11 TV and radio programs. The programs dealt with the most topical issues in judicial reform. Many prominent individuals involved in Georgian legal reform took part in the programs such as the Minister of Justice, the Secretary of the High Council of Justice, and the Chair of the Georgian Bar Association.

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 were initiated after the 2012 Parliamentary elections. AmCham monitors these types of cases to determine if proceedings are carried out in accordance with the 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 reform. The AmCham team summarizes the results of their study and then shares these results with the government and other shareholders. Through roundtable discussions and a media campaign, AmCham is advocating for the consistent application of the tax law to business operations in Georgia.

This quarter, AmCham continued to study 13 cases which involve problems of alleged property appropriation by the former government. AmCham is studying how these cases are being investigated and resolved by the new government. AmCham will release a final report with an analysis of the cases at the end of the project. Also during the quarter, AmCham continued to cooperate with the Revenue Service at the Ministry of Finance. The Revenue Service asked AmCham to identify the issues in tax administration that their members find particularly problematic. AmCham will submit the results of a survey they are conducting with their membership to the Revenue Service next quarter.

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.

CDA presented a final report summing up its activities for the quarter and the project. This quarter, CDA developed and aired PSAs to increase Armenian and Azerbaijani minorities' awareness of their rights under the administrative law. They also conducted a number of meetings explaining to various stakeholders the findings of a report they completed in a previous quarter. One of the findings of the report was that ethnic minorities often face problems because of the discrepancies in spelling of their names in their identity documents and the records in the Public Registry property registration database. CDA held meetings with other NGOs working on ethnic minority problems to discuss this issue. CDA also met with the representatives of the Public Service Hall. CDA wrote a letter to the Ministry of Justice with a request to create a working group involving civil society organizations to find a solution to this problem.

In an effort to determine the level of access to justice provided the Armenian and Azerbaijani populations, CDA developed a household survey of minority citizens and did 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. CDA publicly presented the report, its main finding being, that because the local Armenian and Azerbaijani population possessed poor knowledge of the Georgian language, they had problems bringing cases to courts and administrative bodies. CDA also met with representatives of the Bolnisi, Akhaltsikhe, and Akhalkalaki courts and the Supreme Court. In the meetings, CDA presented the findings of its report on the legal problems faced by the residents of Kvemo Kartli and Samtskhe-Javakheti in the area of administrative law. As a result of these meetings the Supreme Court expressed willingness to carry out trainings for court interpreters.

Over the course of the project, CDA published 17 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. CDA also printed 6,000 posters providing the same

information as the brochures in Georgian, Armenian and Azerbaijani and distributed them throughout the region.

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 14,243 pieces of legal advice. 30% of the costs associated with this assistance (therefore 4,273 pieces of legal advice) were funded by JILEP. In addition to consultations, GYLA provided representation in 212 pending cases, 30% (64) of which were covered by JILEP funding. GYLA reported on a number of successful cases:

- GYLA represented an individual convicted for accepting a bribe. Following GYLA's intervention, the Gori District Court terminated criminal prosecution against him due to the lack of evidence. GYLA filed a lawsuit in Tbilisi City Court to request reimbursement of material and non-material damage inflicted upon the client as a result of the illegal conviction. The Tbilisi City Court and later the Court of Appeals ordered the Prosecutor's Office to pay damages in the amount of GEL 11,000.
- GYLA successfully defended the rights of a number of individuals who were illegally dismissed from their government positions. In the case of a former teacher, GYLA's Kutaisi Office was able to procure a ruling from the Kutaisi Court ordering reimbursement of the teacher's outstanding salary. GYLA was also successful in defending a former employee of the Tskaltubo Municipality Library and Museum Union. After hearing GYLA's arguments, the court found the dismissal illegal and upheld a request to reimburse the client's outstanding salary.
- GYLA assisted an owner of a small business whose goods were confiscated by the Revenue Service. After hearing GYLA's arguments, the Tbilisi Court of Appeals found no violation and recognized the right of the business owner to receive the seized property back. When it turned out that the government had lost the property, GYLA sought the Court of Appeal's assistance in issuing an execution writ which would indicate the monetary value of the property. This would allow GYLA's client to receive compensation from the Revenue Service. The Court of Appeals did not satisfy this request. GYLA brought the case to the Supreme Court which returned it to the Court of Appeals. The Supreme Court ordered the Court of Appeals to reconsider its decision in order to make it enforceable. The Court of Appeals then went on to estimate the amount of reimbursement due as GEL 77, 161.
- GYLA won an administrative offence case in which an individual was accused of illegally cutting and selling fir trees despite the fact that he had a certificate confirming that he had grown the trees on his own land plot. The Tbilisi City Court found in favor of the client and the Court of Appeals upheld this decision.

GYLA filed three new lawsuits at the Constitutional Court. Two of them concerned election-related issues. The third was submitted on behalf of lawyer Natia Imnadze who was dismissed from the Public Defender's Office following some type of disciplinary proceeding.

Through the lawsuit, GYLA is challenging the constitutionality of the *Law on Civil Service* which allows for the dismissal of a public servant without a formal administrative proceeding. GYLA believes that this law is inconsistent with the right to a defense guaranteed by Article 42 of the Constitution. In GYLA's view, a public servant should be allowed to have his case considered in an administrative proceeding which provides a level of due process which includes the ability to cross-examine witnesses.

Transparency International (TI)

During the quarter, TI continued to provide legal aid as part of its JILEP-supported programming. During the last quarter, 175 individuals (113 men and 62 women) contacted TI's Advocacy and Legal Advising Centers (ALAC) in Tbilisi and Batumi. 37 individuals received one-on-one consultations. TI represented 21 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 won a Constitutional Court case which challenged a moratorium placed on the acquisition of agricultural land by foreigners earlier in the year. The Court ruled that Parliament's decision to temporarily ban sales of agricultural land to foreign citizens contradicted Article 21 of the Constitution, which states that the right to hold, acquire, sell or inherit property is universal and cannot be abolished.
- TI assisted a civil servant illegally dismissed from the Ambrolauri municipality receive a ruling from the Kutaisi court saying that the dismissal was illegal because it lacked justification. The Court ordered that the client be restored to his former position.
- TI represented a civil servant dismissed from the Adjara Supreme Council. TI's lawyers were successful arguing to both the first and second instance courts that their client had been the victim of intimidation by members of the Adjara Council and the client was reinstated in his prior position.
- TI continued providing legal aid through its mobile clinics. TI lawyers visited residents of five villages located along the line of the Russian occupation in Akhlagori. TI is considering filing an ECHR complaint on behalf of the residents of these villages whose property rights were restricted by the Russian occupation.

EPF Grantees

This quarter, EPF monitored five Legal Aid grants awarded in 2013. Three of the five grants ended this quarter.

Union of Democrat Meskhs (UDM)

The "Free Legal Aid for the Residents of Samtskhe-Javakheti 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 254 individuals (182 male and 72 female). The residents of these towns sought legal advice on property disputes, property registration, inheritance law, social

security issues, criminal law and drafting letters to various administrative bodies. UDM provided representation in 10 cases, most of which had to do with civil and administrative law matters. UDM organized four groups meetings in the villages to consult local citizens on different legal issues. 72 individuals took part in the meetings. It also organized eight meetings with the citizens of Akhaltsikhe municipality on legal issues related to Georgian citizenship. 114 individuals attended the meetings.

Together with its quarterly report, UDM submitted a final report which sums up activities carried out during the entire project. UDM provided legal consultations to 1,853 citizens (1,041 male and 813 female). Out of this number, the Akhaltsikhe Office consulted 548 clients (265 male and 283 female). The Ninotsminda Office assisted 602 individuals (395 male and 207 female). The Akhalkalaki Office provided consultations to 704 individuals (381 male and 323 female). UDM provided court representation in 43 court cases. UDM also organized 30 meetings, 10 in each municipality which were attended by 426 beneficiaries in total. UDM took part in the TV Program “Advokati” transmitted by the regional television Channel 9 every week. Through this program, UDM popularized its services and provided 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 8 individuals (7 males and 1 female). The Batumi office provided consultations to 26 individuals (21 males and 5 females). The consultations covered issues of property law, social benefits, construction permits, and family law. ID represented 16 of their clients in court. ID also organized 9 group meetings in mountainous Adjara; 317 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. In the previous quarter, 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 and Adjara Water Georgia agreed to conclude an agreement with the local citizens to provide compensation for the damage that will be done to their property as a result of the construction of the station.

Together with the quarterly report, ID submitted its final report which summed up activities carried out throughout the course of the project. In total, the Keda office consulted 84 beneficiaries (54 males and 30 females). The Batumi office assisted 357 beneficiaries (180 males and 177 females). ID provided court representation in 39 cases. In addition, ID organized group meeting in mountainous Adjara providing consultations to 733 beneficiaries (570 males and 163 females). ID also waged a public awareness campaign to publicize its services and increase citizens’ awareness of legal rights. ID developed and printed 1,200 copies of an informational brochure and 500 posters. It also publicized its services via TV Channel 25.

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- internally displaced persons (IDP)s, the elderly, and 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.

During the quarter, HRH provided legal consultations to 518 individuals (241 males and 277 females). HRH lawyers represented clients in 55 cases (40 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 violations of prisoners' rights. On April 24, HRH conducted a conference to discuss the problems faced by legal aid providers trying to help clients with cases involving miscarriages of justice under the previous government. Representatives of GYLA, TI, the Business and Economic Center, and the Public Defender's Office made presentations at the conference.

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 230 individuals (154 male and 76 female). On April 30, CIF organized a meeting involving the students of Dmanisi, Marneuli and Gardabani high schools with Court of Appeals judge, Maya Ivanidze. The meeting was dedicated to the issues of juvenile justice.

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, Anika's LAC provided 149 legal consultations to citizens (83 males and 66 females). 141 consultations were held in the office, while eight were given at the beneficiaries' residences. The consultations were in the areas of criminal, administrative, and civil law.

On May 29, Anika held the final presentation of its project. Anika's achievements included helping a number of disabled individuals receive and maintain a type of legal status allowing them access to state-funded social assistance. In addition to providing legal aid, Anika advocated for changes to be made in government procedures and policies that provide greater protection for the rights of the disabled. For example, it argued that individuals should not be removed from the social assistance database solely because one of the members of their family traveled abroad. It argued that physically disabled citizens should not be denied the right to vote because they are not able to access polling stations. They met several times with the Ministry of Health and Social Protection, the Tbilisi Mayor's Office, and the Central

Elections Commission (CEC) to make their points. A representative of the Central Election Commission applauded Anika for its work, and confirmed that at least one polling station has been adapted to allow disabled access in the upcoming election.

In addition to the quarterly report, Anika submitted its final report summing up the project's major accomplishments. Anika provided consultations to 1,047 individuals, out of which 350 were provided to citizens in Gori municipality. Anika represented clients in 14 cases. It organized 10 public meetings to inform beneficiaries about their rights. Anika developed PSAs and printed 700 copies of a brochure to publicize its services. As a part of its advocacy Anika held 6 meetings with representatives of different governmental bodies to discuss problems of individuals with disabilities.

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 explains where a grantee stands 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, eight EPF grantees implemented their OD projects. EPF OD staff coached them in the process. Some of the activities carried out under OD projects were as follows:

- Article 42 updated its bylaws and started development of a two-year strategic and action plan.
- AmCham revised its HR policy, and organized a survey of readers of its magazine Investor.ge in order to increase the journal's quality and relevance.
- CDA performed staff and board evaluations. They also published handbooks on participatory strategic planning and community mobilization.
- CIF trained staff in strategy development, HR, project management, financial management and logistics. They updated bylaws, created a new web-site, and developed evaluation forms for board members and the executive director. CIF also purchased an accounting computer program.
- UDM developed a policies and procedures manual, organized HR files, and trained its financial manager in the accounting software purchased through the grant.
- ID updated its policies and procedures document, trained staff in communications and public relations, developed its web-site, and printed communication materials.
- HRH revised its mission statement, and its fundraising and communication strategies. HRH also revised staff and board evaluation procedures, and updated its website and other communication publications.
- Anika trained staff in strategic planning, board development, HR, communications and project management. It updated its bylaws, created a web-site, and purchased and installed accounting software.

Improving Sustainability of Legal Aid Providers

On May 16, JILEP organized a day-long meeting with a number of its NGO legal aid partners designed to encourage the partners to develop sustainability plans. The NGO partners included GYLA, TI, Article 42 of the Constitution Association, the Human Rights Center, the Institute of Democracy, and the Union of Democrat Meskhs. During the meeting, participants discussed such questions as: How to make their financial management systems more efficient; how to recruit and retain qualified staff; and how to acquire the resources needed to maintain long term operations. By the end of the day, the organizations agreed that they would continue the discussion inside their respective organizations with the aim of creating individual sustainability plans.

JILEP followed up with three organizations - GYLA, Article 42 and TI Georgia, to determine what they had done following the partner meeting to improve sustainability. Article 42 reported that it was planning to undertake a staff needs assessment and budget itemization by July 15, 2014. GYLA is currently in the process of improving job descriptions for all of its staff, including the legal aid staff. GYLA has also contracted an outside organization to do a staff needs assessment. They will be share the updated job descriptions and the training needs assessment with JILEP at the end of July, 2014. TI agreed to prepare a list of legal aid budget components by the end of July and provide a staff needs assessment by early September.

Improving the Skills of Legal Aid Lawyers

JILEP continued its work to improve legal aid lawyers' courtroom skills this quarter. At a training held May 2 at the JILEP offices, JILEP helped 13 Georgian lawyers from six different Georgian legal aid organizations improve the way they present evidence in court. U.S. lawyer and law professor, Delaine R. Swenson, provided tips on how the lawyers might better select evidence they intend to submit during the trial hearing - using such foundational considerations as relevance, reliability and degree of probity. The lawyers practiced admitting and challenging the admission of evidence in a series of examination and cross-examination role play exercises.

On May 9, JILEP delivered a courtroom advocacy skills training to another group of legal aid lawyers. The training focused on improving the construction and delivery of winning opening statements and closing arguments. This was the eighth in a series of ten legal skills trainings that JILEP is delivering to Georgian legal aid lawyers in 2014. The next course in the series is scheduled for fall 2014.

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: 5,238 (2,203 men, 3,035 women)

TI Georgia provided consultations or representation to 175 individuals (113 men, 62 women)

GYLA provided consultations or representation to 4,027 individuals (1,484 men, 2,543 women).

EPF grantees provided consultations or representations to 1,036 individuals (606 men, 430 women).

Target for life of project – 210,000

B. Key Issues and Challenges

The Coalition has so far found it challenging to convince the MoJ and other government actors to focus their full attention on the issue of judicial selection and appointment reform. Neither the Minister nor the Deputy Minister attended the public forum on the subject organized by the Coalition. The MoJ has instead been focusing much of its attention on its plan to create a system for monitoring and evaluating life-term judges during a three-year probationary period.

It 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 three advocacy and two 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 its ALAC clients and will organize mobile legal aid clinics for different regions in Georgia;
- TI and GYLA will finalize their respective 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

National Centers of Learning

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 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 the spring of 2014, the NCADR Mediation Clinic started its fifth semester. As mentioned in previous reports, 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. The 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. Because its offices were being renovated this semester, the clinic did not recruit many students and only four students enrolled this spring. Those students engaged in an impressive 37 consultations with clients however.

NCADR renovated and equipped a new room for legal aid and mediation in the TSU Second Building. The Clinic will be ready to receive real clients, and provide legal aid services in September 2014.

2) ADR Training Series

On May 21, at TSU, the NCADR delivered a workshop for 29 Georgian lawyers on Court Annexed Mediation. TSU Professor Giorgi Tsertsvadze led the workshop which was designed to introduce practicing lawyers to the basic principles of court-annexed mediation in Georgia. The GBA gave the workshop CLE-accreditation.



Professor Giorgi Tsertsvadze discusses court annexed mediation with local lawyers

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. It will include video links to sample mediation sessions which were filmed by the NCADR.

4) ADR Yearbook

NCADR finalized the editing process of the second edition of the bilingual 2013 NCADR Yearbook. The Yearbook will be printed in July 2014 and distributed throughout the country.

5) Third Annual ADR conference

On June 9-10, at TSU, the NCADR delivered its third international conference on ADR entitled, “Mediation and Arbitration – Global and National Challenges.” At the conference, experts from the U.S., Europe, Israel, and Georgia made presentations to more than 100 legal professionals and students. JILEP expert, Professor James Alfini of South Texas College of Law, Houston, Texas, spoke on the topic of “Settlement Ethics” and provided his opinions and insights during the discussion periods. The high level of attendance at the conference combined with the degree of interest and understanding exhibited by the attendees provided strong evidence that the NCADR is making progress toward its goal of raising awareness of the importance of developing ADR systems in Georgia.



Professor James Alfini speaks about settlement ethics.

National Center for Commercial Law (NCCL) at Free University

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

1) Georgian Commercial Law Review

Because of late submissions by authors, the publication of the 2013 edition of the Commercial Law Review was postponed. By the end of the quarter however, all articles had been submitted and were in the process of final editing. Two of the articles were written by Washburn University School of Law (WUSL) professors, with assistance from local Georgian professors. By the end of the next quarter, the design and formatting will be completed and the Commercial Law Review will be published.

In June, NCCL launched a competition for the 4th edition of the Commercial Law Review. The deadline for the submission of abstracts was extended to the end of July, while submission of complete articles is expected by end of September. By the end of this quarter, six abstracts had been submitted by students, practicing lawyers and professors. The NCCL expects to publish the 4th edition by the end of the calendar year.

2) Second Annual Commercial Law Week

On May 21-24, the NCCL sponsored the Second Annual Commercial Law Week for Georgian Lawyers. The Law Week included three days of open lectures on commercial law issues and a two-day commercial law symposium. JILEP supported the Law Week not only through its funding of the NCCL as an institution but also by providing a number of speakers for the program. Two professors from WUSL attended the event and made presentations during the week. At one point, the NCCL connected three other WUSL professors, all sitting in Topeka, Kansas, to the lecture hall by video conference. These “off-site” professors proceeded to hold a “Q & A” panel discussion on joint stock companies with full participation of the Georgian audience. Over 100 students, law professors and practitioners attended the week’s events.



3) Legal Writing Program

In 2012, with the assistance of WUSL, the JILEP-funded NCCL began a legal writing program aimed at helping Georgian law professors and practitioners improve their legal writing skills. On June 12-14, NCCL with the support of WUSL professors Aida Alaka and Tonya Kowalski, delivered the program’s fifth and final workshop. One outcome of JILEP’s

two-year program is that the NCCL now possesses a written, comprehensive legal writing curriculum, including syllabi and other course materials, that can be used to teach the course at any Georgian law school. This fall, Free University Tbilisi plans to offer a mandatory legal writing program for its law students that will be based on this curriculum.

On June 11, the NCCL, with the assistance of WUSL, delivered a legal writing workshop to 20 Georgian government lawyers and other professional staff members at the Ministry of Justice Training Center. The workshop was entitled “Best Practices in Writing Government Reports.” Although the MoJ was the main government partner, three other ministries sent participants to the event. Fourteen of these participants were from MoJ, two from the Training Center of Justice, two from the Office of the State Minister of Georgia on European and Euro-Atlantic Integration, and one each from the Ministry of Foreign Affairs and the Ministry of Internal Affairs. The main goal of the training was to help Ministry lawyers and other officials write clear, informative reports. The workshop covered a variety of topics, including finding the right tone and voice of a report, crafting a logical and efficient organizational structure, and improving elements of style.



WUSL professors Tonya Kowalski (middle left, dark dress, hands crossed) and Aida Alaka (middle right, dark patterned dress) stand with the Georgian participants of the NCCL’s “Best Practices in Writing” course.

From May 26 to June 7, Professor Kowalski also worked with Free University Law School Dean Natia Khantadze, Professor David Kapanadze and NCCL staff to help resolve problem areas in curriculum and assessment planning for the NCCL’s new one-year, mandatory legal writing program. Professor Kowalski also conducted three guest class sessions on legal analysis, policy reasoning, and statutory construction, for fourth-year law students.

4) Commercial Law Summer School

During this quarter, the NCCL and WUSL worked together to develop a Commercial Law Summer School program that will be held in the upcoming quarter. The Summer School will focus on procedural aspects of commercial law. WUSL Professor Rory Bahadur and Tbilisi Appellate Court Judge and Free University Law Professor Ketevan Meskhishvili will co-teach the subjects. The NCCL worked with the teachers on developing materials and recruiting students for the Summer School.

5) Research collaboration

WUSL and NCCL continued their research collaboration. WUSL students analyzed lease financing under the supervision of WUSL Professor Andrea Boyack, and wrote a memorandum on the subject that can be used by Georgian law students and law professors.

6) NCCL Commercial Law Clinic

The NCCL live-client Commercial Law Clinic continued operation as one of Free University's elective courses. In the spring semester, a single fourth-year student was enrolled in the clinic, working with a lawyer supervisor on three cases. The clinic operated with a much smaller profile in the spring semester compared with the fall semester due to limited supervisor availability and a crowded spring schedule for students. The upcoming fall semester will include a larger number of students and supervisors.

7) Constitutional Law Clinic

The visit to Tbilisi in May by WUSL Professor Bill Rich provided an opportunity for Free and WUSL to discuss the future development of the Constitutional Law Project. The biggest challenge to overcome will be the difference in the two schools' academic calendars. In 2013, WUSL did not receive case summaries from Free until November, and as a result, the amount of time that WUSL students were able to devote to the project was limited. There was also little opportunity for joint video conference discussions. Free has now agreed to provide WUSL with notice of pending constitutional cases in late August or early September so that the schools will have more time to coordinate their cooperative activities.

8) Public Lecture Series

The NCCL delivered five public lectures this quarter. In April, Nicola Mariani, partner at the law firm of Dechert Georgia, LLC, delivered a public lecture and roundtable discussion on the basics of mergers and acquisitions to 49 lawyers, professors and students.



Georgian attorney Nicola Mariani of Dechert Georgia, LLC, discusses the basic rules of mergers and acquisitions under Georgian law.

The NCCL Commercial Law Week mentioned above included four public lectures:

- *Basis of Interference in Property Rights* (Georgian lawyer George Mshvenieradze), May 21, 2014;
- *When do Commercial Regulations Become Unconstitutional Takings of Property?* (WUSL Law Professor Bill Rich), May 21, 2014;
- *Iura Novit Curia in International Investment Arbitration* (WUSL Law Professor Freddy Sourgens), May 21, 2014; and
- *Investor/state Disputes, Which Arise as a Result of Change in Government* (Freddy Sourgens), May 23, 2014

These lectures included between 10 and 35 participants each. Each lecture included time for public discussion and Q&A and helped compliment the other Commercial Law Week activities.



WUSL Law Professor Freddy Sourgens lectures on the civil law concept of Iura Novit Curia as it applies to international investment arbitration.

Legal Skills Development - Law Office Client Counseling Competition

On April 8-13, JILEP sponsored Free University's participation in the International Client Consultation Competition (ICCC), held this year in San Juan, Puerto Rico. The ICCC is a law student competition where students play the roles of lawyers challenged to determine a "client's" problems and provide sound legal and non-legal advice. The subject this year was commercial contracts; 21 countries competed in the event. While the Georgian team, made up of Tamar Menteshashvili, Liana Kvantaliani, and their coach Ketevan Kobakhidze, did not advance to the semi-finals, they represented Georgia respectably. The judges scored the team high in both of their preliminary rounds, and they were close to making the semi-finals. Free University had earned JILEP sponsorship to the ICCC by winning the national Client Counseling Competition held in Tbilisi in February 2014.

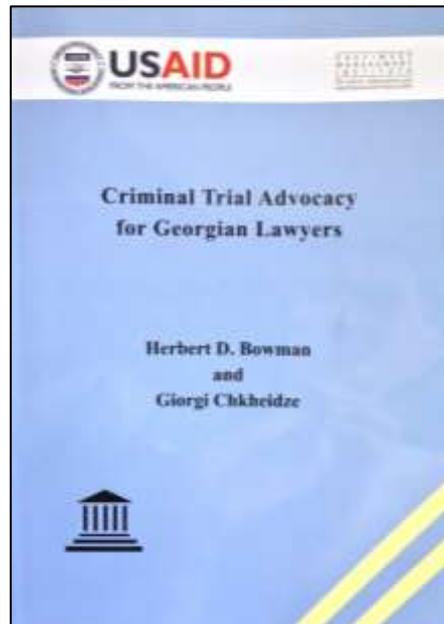
Legal Skills Development- Law Professor Teaching Methodology

In spring 2013, JILEP began a program at Tbilisi State University (TSU) designed to help TSU law professors employ more modern and effective teaching methods in their classrooms. Since then, JILEP has delivered seven teaching workshops to around 150 TSU professors. On May 6, at JILEP's Tbilisi office, it delivered an Advanced Teaching Methods Workshop to 21 TSU professors interested in further improving their teaching skills. The workshop included topics designed to improve the use of the "Socratic Method" in the classroom, to enhance the instructors' overall public speaking skills, and to improve class preparation and lesson planning. Professor Delaine R. Swenson of the Catholic University of Lublin (Poland) led the workshop. In summer 2014, JILEP will offer one more advanced training to TSU law professors.

Legal Skills Development - Trial Advocacy Skills

In a previous quarter, JILEP delivered its third annual trial advocacy workshop and competition for Georgian law students. As a follow-on activity this quarter, JILEP published

a basic trial advocacy handbook in Georgian that provided information on developing key advocacy skills, such as theory of the case, examination and closing arguments. JILEP distributed the handbook to various law schools around the country.



Clinical Education Development

Developing a National Legal Clinic Network

In the previous quarter, JILEP brought 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. JILEP worked with the clinic representatives on follow-on activities during the quarter. The group decided to hold a network “kick-off” event in the fall of 2014 and work on organizational matters at the upcoming JILEP Clinic Summer School scheduled for July 2014.

Kutaisi State University (KSU)

This quarter, KSU Clinic students provided 54 legal consultations on administrative and civil law matters. Among its clients were 21 IDPs, six socially vulnerable people, 14 old-age pensioners and three persons with disabilities. Clinic professors also conducted a series of workshops for clinic students on Georgian education law. In order to improve lawyering skills, the Clinic students worked on 36 simulations and drafted various legal documents. They attended 20 court hearings on civil and administrative cases at Kutaisi Court.



A KSU Legal Clinic student makes presentation on the rights of people with disabilities.

Clinic students attended a training on “Society and Elections,” organized by the Transparency International office in Kutaisi. Clinic students themselves organized and conducted seminars and public discussions for KSU students on various topics including, election law, health law, public information, and disability law.

In an effort to increase their client base, KSU Clinic students carried out an information campaign by distributing informational brochures on labor law as well as brochures that explained how a citizen could access KSU Legal Clinic services.

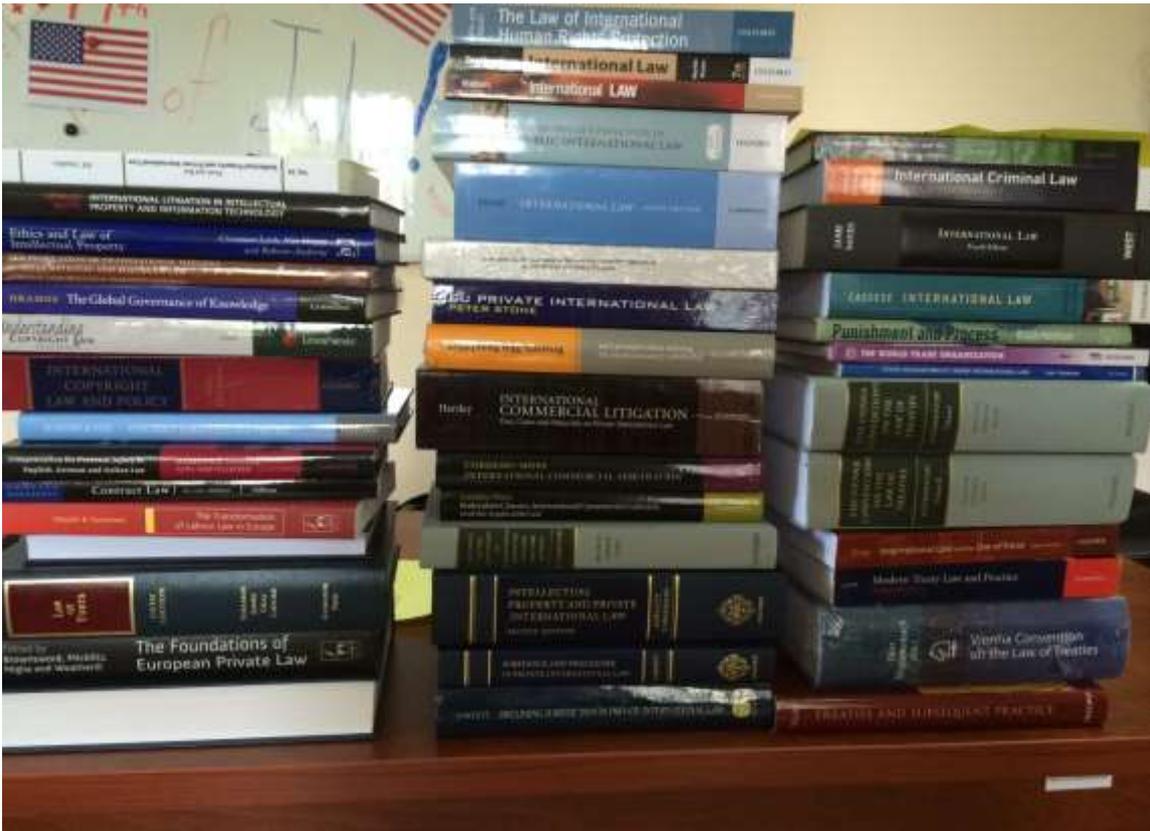
Batumi State University (BSU)

In July, BSU Clinic students provided six legal consultations on administrative and civil cases. Clinic students also worked on six simulations assigned by the Clinic professors; they drafted several legal documents; and they attended five court hearings at Batumi Civil Court.

On May 30 Enforcement Officer, Vakhtang Mockobili, held a seminar for Clinic students on the challenges of conducting enforcement proceedings in the local Georgian courts. Students attended two workshops at the GYLA Batumi office on Legal Ethics and the Protection of Victims of Violence in Families. Clinic professors also conducted seminars on civil, administrative, and criminal law of Georgia for their Clinic students.

Information Services Development Program

JILEP has purchased and received 135 carefully selected legal textbooks that it will distribute to partner law schools next quarter.



Legal texts awaiting distribution to partner law schools.

West Georgia Masters of Law Scholarship Program

During this quarter, the West Georgia Masters Fellows of Batumi and Kutaisi participated in the following activities: a) conducted six public discussions, 17 public meetings, and four trainings; b) assisted GYLA's legal aid offices in Kutaisi and Batumi provide help to 207 clients; c) attended 13 court hearings; and d) conducted 16 Sunday classes on civic education in Kutaisi and at public schools in Adjara.

On May 24, Nana Mchedlidze, ECHR Researcher for the U.S. Department of Justice operating at the U.S. Embassy, conducted a workshop for the Fellows on the ECHR and EC Court practice. On June 21-22, Maia Kopaleishvili, member of the Constitutional Court of Georgia, held a workshop for the Fellows entitled, "Constitutional Control, Constitutional Litigation and Administrative Offenses."

The Batumi and Kutaisi Fellows organized four public discussions on the following topics: the Right to Education; Presidential Impeachment; Administrative Proceedings; and Adoption Law. In addition, on June 15, all eight Kutaisi Fellows participated as official GYLA election observers in various West Georgia cities during the 2014 Municipality Elections.



Public discussion on adoption system in Georgia.

Georgian Bar Association (GBA)

GBA Grant

To help the GBA solidify the gains made to date, JILEP plans to provide it additional funds and extend the period of its grant to the end of December 2014. The extension will allow the GBA to continue some of its ongoing grant activities and to add a small number of other activities consistent with the JILEP mission. The extension will allow the GBA to: 1) expand and improve its continuing legal education program in the civil law area by developing and delivering a training course on mediation to approximately 300 GBA members; 2) improve the quality of the bar examination by supporting a series of exam question workshops; and 3) continue to build the capacity of the GBA Ethics Commission to oversee and guide the behavior of GBA members by improving its outreach mechanisms and capabilities. JILEP will also continue to support the salaries of a few key GBA officials responsible for carrying through work begun in the previous grant period which will now be completed using largely GBA's own resources. This work includes the delivery of 50 ethics training courses for sitting lawyers and the publication of the next two issues of the Bar Journal.

GBA Strategy and Action Plan

On April 26-27, JILEP and the EU Criminal Justice Reform Project supported the efforts of the Georgian Bar Association (GBA) to develop a new "Strategy and Action Plan" that will guide the GBA's activities for the next four years. They did this by arranging for the respected Georgian consulting company, Synergy Group, to guide the GBA leadership through the creation of the Strategy and Action Plan, and then sponsoring a retreat to initiate the drafting process. Most members of the GBA governing bodies, a total of 35 members attended the retreat. During the weekend event, participants identified approximately 150 activities that they wished the GBA to implement in the coming four years. They determined

that the main goals of the Strategy and Action Plan should be to: 1) protect the rights of GBA members; 2) monitor and police lawyer ethics; 3) develop legal reform initiatives; and 4) continue the progress made in the organizational development of the institution. The Strategy and Action Plan is expected to be finalized and adopted by GBA Executive Board in July 2014.

GBA Journal

As part of JILEP's grant agreement, the GBA is required to publish two bar journals in 2014. The GBA published one of the issues at the end of March and is expected to publish the other by the end of July.

Ethics Committee Communication Training

JILEP supported a workshop designed to improve the communication skills of the members of the GBA's Ethics Committee. The new Chairman of the Ethics Committee, Tsitsino Tskhvediani, who took office in December 2013, asked JILEP to support the training after hearing how effective a similar training had been in enhancing the skills of the former Committee members. Partner's Georgia, a respected Georgian consulting company, delivered the training to 13 Committee members and staff. During the two-day workshop, the instructors led the participants through a highly developed and refined program that taught effective approaches to resolving conflict and communicating with people. The instructors also worked with Committee members to develop their sense of team spirit and suggested ways to enhance their group decision making capacity. As a result of receiving the training, the new Ethics Committee members should be better equipped to adjudicate complaints and better able to minimize conflict and misunderstanding between parties.

GBA Ethics Committee Advisory Opinions

From April to June 2014, the GBA Ethics Committee received 15 requests from lawyers seeking advice on ethical questions. Six of these requests came in writing, nine by hotline. The lawyers asked such questions as: Is a lawyer authorized to appeal a decision of the lower instance court within the one month period required by the law when he/she is unable to reach the client and obtain express consent? Does the law firm slogan "Results Oriented Responsibility," violate lawyer ethics? Is a lawyer obliged to warn a client upon signing a contract for legal services that the intern-lawyers in his law firm will get access to the client's case files while drafting legal documents? Is it acceptable for a lawyer to contact the lawyer of an opposing party in order to get information regarding his client's case? The Ethics Commission uploaded all of the advisory opinions to its webpage where they could be viewed by all interested lawyers and the public as well.

GBA Training Center and Continuing Legal Education

JILEP assisted the GBA's Education Board plan the next phase of its development at a retreat held outside Tbilisi. U.S. lawyer and bar education expert, Anthony Fisser, returned to Georgia to facilitate discussions and to provide needed comparative knowledge and experience. By the end of the retreat, the Board had agreed to establish a working group to create a more detailed and rigid set of standards that would guide the mandatory, one-year, internship program required of lawyers seeking admission to the bar. The working group will also develop a concept to provide a special set of courses for lawyers just entering the profession. Another major topic of discussion during the retreat was the need for the bar to transition to a largely fee-based CLE system, rather than relying so greatly on donor support. The Board committed itself to introducing some fee-based courses in 2015.

During the second 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 81 courses in professional ethics, 63 in Tbilisi and 12 in Kutaisi, reaching 2,187 lawyers (1,186 men; 1,001 women). The Center conducted a total of 34 trainings on civil law topics; 27 of these were organized in Tbilisi, 5 in Kutaisi and 2 in Batumi. The topics included property registration, intellectual property law, drafting legal documents, moral damages, and entrepreneurial law. The civil law courses reached a total of 861 lawyers (545 men and 407 women - a number included in the total of 2,187 mentioned above).

Bar Qualification Examination

The GBA conducted three bar examinations in June. The first of these examinations was given June 1 at the Free University, Tbilisi examination hall and was Georgia’s first “fully electronic” bar examination. The GBA delivered the exam using a sophisticated software system developed with the support of JILEP in 2013. The software allowed candidates to register for the exam, take the exam, receive exam scores, and appeal exam results, all via the software platform. As an example of how efficient the software operates, examinees received their test results the moment they clicked the box indicating they had finished the exam.

A total of 591 applicants registered for the June bar examinations: 208 for criminal law exam, 265 for the civil law exam, and 118 for the general law exam. Of those that registered 521 took the exam (292 women; 229 men). A score of 75 out of 100 was needed to pass the exam. Only 66 individuals achieved those scores (38 women; 28 men). The passage rate for the three exams was 13%; on the low side to be sure but a very strong indication that the GBA’s recent efforts to make the exam more rigorous and meaningful have been successful. The statistical results of exam are shown in the chart below:

Exam statistics					
01.06.14	registered	took part	passed successfully	maximum points	minimum points
Criminal	69	60	7	84	34
General (criminal & civil)	37	35	0	74	31
civil	86	76	7	86	32
total	192	171	14		
08.06.14	registered	took part	passed successfully	maximum points	minimum points
Criminal	70	66	4	77	37
General (criminal & civil)	39	29	1	76	27
civil	88	77	12	89	26
total	197	172	17		
15.06.14	registered	took part	passed successfully	maximum points	minimum points

Criminal	68	67	13	87	29	
General (criminal & civil)	40	34	3	79	31	
civil	89	77	19	89	33	
total	197	178	35			
2014 June - total results	took exam	female	male	passed successfully	female	male
Criminal	193	87	106	24	10	14
General (criminal & civil)	98	50	48	4	1	3
civil	230	155	75	38	27	11
total	521	292	229	66	38	28
Passed successfully total 13%						

State Legal Aid Service (LAS)

During the quarter, JILEP, in cooperation with EU Criminal Justice Reform Program, assisted the LAS update its Strategy and Action Plan. The Plan covers the period 2014-2018 and describes initiatives and activities designed to improve the LAS's transparency and accessibility. Among other things, the Plan calls for broadening the LAS mandate to include the provision of legal assistance in administrative and civil cases. It also presents a plan to introduce juvenile justice as a specialization among LAS lawyers. The Criminal Justice Reform Interagency Coordination Council of the Ministry of Justice is expected to approve the Plan in July. JILEP is working with EU Criminal Law Program, UNDP, and the ABA to help the LAS develop case selection criteria for administrative and civil cases looking forward to January 1, 2015, when the LAS will start taking on these types of cases.

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 in ethics and civil law is 2,187 lawyers (1,186 men; 1,001 women).*

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

B. Key Issues and Challenges

Legal Education

JILEP's key challenges in the field of legal education at this stage of the program are: (1) helping the centers of learning at Free Uni and TSU and their U.S. partners develop sustainable long-term cooperative relationships; (2) supporting its law school clinic partners develop a national clinic network; and (3) motivating JILEP's legal education partners to take a hard look at the larger legal education system and develop ideas for how they should change the system in a way most likely to provide the legal talent needed to operate a modern democracy with the aspiration of becoming European Union member.

GBA

JILEP has continued to develop its relationship with the new leaders of the GBA Executive Board and Ethics Commission with some positive results. JILEP believes that the new leaders are making an effort to continue the reforms begun three years ago but there is still a gap in institutional knowledge and know-how resulting from the turnover of so many Board positions after the last GBA election. JILEP's main challenge will be to provide sufficient levels of encouragement and support to the GBA to keep it moving on an upward path of reform. This may be especially difficult at a time when JILEP is winding down and the nature and extent of USAID's future support for the GBA is still unknown.

C. Plans for Next Quarter

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

Legal Education

- KSU and BSU legal clinics will close out their grants with JILEP and begin to implement their sustainability plans;
- The West Georgia Scholarship Program will close out the JILEP grant;
- NCCL will deliver its Commercial Law Summer School;
- NCCL will deliver another Open Lecture;
- NCCL will implement its new Legal Writing Class for law students;
- NCCL will publish of the latest edition of the Georgian Commercial Law Review;
- NCCL will publish the CISG database documents;
- NCCL will complete the development of its Legal Writing certificate program and reader for practicing lawyers;
- NCADR will deliver its final Georgian language Mediation Workshop and as well as an English language Mediation Workshop;
- NCADR will deliver its first negotiation workshops for professionals;
- NCADR will print its ADR 2013 Yearbook and publish the 2014 version electronically;
- NCADR will hold roundtables on various ADR topics;
- NCADR will hold its final mediation workshop for professionals;
- NCADR will complete and distribution its Mediation Manual for students, professors and practitioners;
- NCADR will formally open its new mediation clinic facilities located at TSU;
- JILEP will deliver its final Legal Clinic Summer School, with a focus on legal ethics;
- JILEP will publish and distribute its Trial Advocacy Handbook in Georgian;
- JILEP will publish and distribute an ADR textbook for students and practitioners; and
- JILEP will distribute library books to partner schools as part of its information services development program.

GBA

- Meeting with GBA Training Center on Bar Examination Software (July);
- Legal Aid Service meeting with the judges, lawyers and Ministry of Justice representatives to determine criteria for civil and administrative cases (July);
- GBA will issue second edition of bar journal (July);
- GBA will establish Bar Examination Question Review Board for the bar examination (September);

- GBA will select trainers on mediation, develop training module, training agenda and training schedule (August);
- GBA will organize and deliver trainings on professional ethics to the 567 lawyers who failed to attend the trainings during the first two quarters (September-October);
- GBA will establish a working group to develop a concept paper on a new lawyer internship program (September).

COMPONENT 4: DEVELOP COMMERCIAL LAW

A. Significant Results, Accomplishments, Activities

Material Development in Commercial Law

Commercial Law Textbook Creation

Georgian commercial law expert Tamar Shotadze finalized the text of the Property Law Textbook. The book will not only provide a detailed explanation of Georgian property law, it will also help students develop critical lawyering skills such as case analysis, legal problem-solving, and even legal document drafting. Each chapter of the textbook consists of a theoretical part enriched with relevant practical examples. Next quarter, JILEP will identify a publisher to prepare the text for publication and organize a public presentation of the book. The full text of the book will be made available online.



Cover-page of Property Law Textbook (draft)

Civil Code Commentary

JILEP continued its cooperation with GIZ to create an updated, comprehensive, “Commentary on the Georgian Civil Code.” During the quarter JILEP and GIZ continued to spot edit the text provided by the authors. However, some of the authors failed to provide text within the agreed time-frame. The JILEP/GIZ “Partner Team” decided to give them additional time – to the end of July 2014, to finalize the initial versions of their respective portions. After receiving all of the pieces of text, the Partner Team will begin the process of editing and preparing the first two volumes of the Commentary: “I. General Part of Civil Code,” and “II. General Part of Contract Law.”

HSOJ Commercial Law Training

Leasing Training to Georgian Judges

On May 22-23, JILEP, in cooperation with the HSOJ, brought Dr. Rafael Castillo-Triana, a U.S. lawyer and one of the authors of the leasing-related reform of the Georgian Civil Code in 2011, back to Georgia to deliver training to 15 Georgian judges on leasing law and practice. During the training, Dr. Castillo-Triana explained the origins and development of leasing law. He explained some of the major provisions of the UNIDROIT Model Law and analyzed a number of the leasing provisions of the *Georgian Civil Code*. Over the course of the two-day event, the judges were able to exchange experiences and insights related to such critical leasing law-related issues as remedies and enforceability, as well as party rights in the case of insolvency.

Legal Reasoning and Statutory Interpretation for Judges



Linda Jellum and Eka Lomtadze conduct training on Legal Reasoning and Statutory Interpretation.

On May 29-30, JILEP in cooperation with the HSOJ, supported Linda Jellum, law professor at Mercer University School of Law, USA, and Eka Lomtadze, law professor at Free University of Tbilisi, deliver a fourth and final training to 20 Georgian judges on the topic of “Legal Reasoning and Statutory Interpretation.” The training took place in Gudauri and involved sitting judges from the Tbilisi Appellate and City Courts. The course gave participants an opportunity to improve their ability to analyze legal problems and write court opinions using modern theories of legal reasoning and statutory interpretation. Topics covered during the training included legal logic, case analysis, legal argumentation, and theory of legal interpretation. Participants also discussed leading U.S. and Georgian court cases which illustrated the difficulties inherent in interpreting often ambiguous statutory and contractual language.

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

JILEP participated in meetings of the Council's Company and Insolvency Law Working Group. The group continued its work on the new *Law on Entrepreneurs* and by the end of the quarter, the MoJ had produced a completed draft document. JILEP and GIZ are encouraging the MoJ to consider engaging an international company law expert to review the draft and provide his/her suggestions before the draft is submitted to Parliament.

ADR Development

Court-Annexed Mediation Pilot Project

The quarter started with the delivery of a "Mediation Case Selection and Referral Workshop" organized by JILEP and GIZ, held on April 4-5 in Kachreti, Georgia. JILEP and GIZ took the initiative to conduct the workshop in an effort to encourage judges of the Tbilisi City Court (TCC) to refer more cases to mediation. The workshop put 11 TCC civil court judges together with trained Georgian mediators to discuss the advantages of mediation – advantages both for the parties and for the court system. The mediators and workshop facilitators explained to the judges such critical information as the difference in procedure between mediation and court settlement, the criteria used for identifying cases suitable for mediation, and the skills and techniques judges should use when suggesting mediation as a possible option. Some of the mediators shared their experiences of mediating cases referred to the Pilot thus far, and stressed how important it is for judges to inform parties about the possibility of mediation early in the court proceedings – even before the first preparatory hearing. The President of the TCC, Judge Mamuka Akhvlediani, suggested that the court include a brief explanation of the mediation option in the standard "Claims and Response" forms that every party fills out at the initial stage of a lawsuit. The workshop ended with mock exercises in which judges of the Tbilisi City Court were called upon to explain the benefits of mediation and persuade the parties of a hypothetical dispute to refer their case to mediation.

By the end of the quarter, the court had referred nine cases to mediation. Three of the nine cases ended in settlement - one family dispute and two property disputes. Five cases dropped out of mediation, and one case remains to be mediated. (These were all voluntary referrals; none of them were ordered by a judge.) While the judge workshop did seem to result in more cases being referred to mediation, the pace of referral is still less than ideal. This being the case, the Court Mediation Working Group met to discuss what additional steps could be taken to encourage more referrals and came up with the following possibilities: a) increase public awareness of the availability and benefits of mediation; b) increase lawyers' awareness of the benefits of mediation; and c) encourage the parties to use mediation at an early stage of court proceedings to make the process more efficient and cost effective.

Following up on the Working Group suggestions, JILEP began to discuss with the GBA the possibility of training 200-300 of its members in mediation as part of the JILEP-funded GBA grant. JILEP also encouraged the TCC to organize a follow-up meeting with judges and court administrators to discuss how the court might encourage mediation to begin at an earlier point in the process.

Arbitration

Code of Ethics for Arbitrators

On June 26, the Georgian Association of Arbitrators (GAA), with the support of JILEP, presented the first ever *Code of Ethics for Arbitrators* to the wider legal community. The

draft, based on the American Arbitrators Association Code of Ethics for Arbitrators in Commercial Disputes, was adopted by GAA's General meeting in February 2014.

To support the GAA in its effort to raise awareness of the Code, JILEP recruited Professor Catherine A. Rogers of Penn State's Dickinson School Law, one of the world's foremost experts in Arbitration Ethics. During her one-week trip to Tbilisi, Professor Rogers worked closely with GAA Board not only to come up with various options for making the Code enforceable, but also on ways for the GAA to raise the level of awareness of arbitration among the legal and business community. At the June 26 Conference, Professor Rogers led-off the panel of speakers by explaining the sources and importance of arbitrator ethics. She noted that Georgia is now one of a very small number of countries which have taken the step of adopting an arbitrator's code. The speakers that followed explained the Code's eight foundational principles and led discussions of how these principles should be put into practice. More than 70 lawyers, judges and other professionals attended the event. Furthermore, the GAA announced at the conference that they had signed a Memorandum of Cooperation between GAA and three arbitral institutions: the Georgia International Arbitration Court (GIAC), the Dispute Resolution Center (DRC), and the Tbilisi Arbitration Institute. The GAA plans to use the next quarter to raise awareness of the new Code in the regions. It will conduct workshops in arbitrator ethics in Kutaisi and Batumi.

MoJ Working Group on Arbitration

The MoJ took JILEP's advice and submitted its draft amendments to the *Law of Georgia on Arbitration* to the United Nations Commission on International Trade Law (UNCITRAL) and the Permanent Court of Arbitration (PCA) for review. The MoJ received feedback from both international sources but has not yet shared it with JILEP or other members of the Working Group engaged in the drafting process. The MoJ has expressed its intention to submit the draft to Parliament in the fall session.

Willem C. Vis Moot International Arbitration Competition



TSU team members, Elene Mebonia and Besiki Gvenetadze (left), compete against Catholic University (USA,) in the general rounds of the 21st Annual Willem C. Vis International Commercial Arbitration Moot.

On April 10-17, students from four Georgian law schools traveled to Vienna, Austria and competed in the 21st Annual Willem C. Vis International Commercial Arbitration Moot. The Georgian teams were among 282 teams from more than 60 countries participating in the event. When JILEP began its support of Willem C. Vis Moot-related activities in 2011, only the TSU team competed in the competition. This year, TSU, Free University, Ilia State University, and Georgian Technical University all sent teams to Vienna. JILEP provided TSU some financial support to make the trip; the other three teams used their own resources.

Looking ahead to next year's Vis competition, Arbitration Initiative Georgia (AIG), an organization led by Georgian Willem C. Vis Moot alumni and supported by JILEP, has requested JILEP's support in developing and delivering a short, highly focused course to prepare all of law school teams who plan to compete in the moot.

Monitoring and Evaluation

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

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

For quarter: 127

- *Mediation Case Selection and Referral Workshop for TCC judges (April 4-5) – 22 (F.12-- M. 10);*
- *“Ethics in Arbitration” Conference (June 26) - 51 (F. 34, M. 17);*
- *Leasing Roundtable for Lawyers (May 21) - 20 (F 11; M 9);*
- *Leasing Training for Judges (May 22-23) - 14 (F 7; M 7);*
- *Legal Reasoning Training for Judges (May 29-30) - 20 (F 15; M5).*
-

Target for life of program: 400

B. Key Issues and Challenges

Commercial Law Reform

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.

While work on the Civil Code Commentary has for the most part proceeded smoothly, a few of the selected authors are behind schedule in their drafting. JILEP and its partner GIZ, are adapting to this reality by developing a plan to publish the first two volumes of the Commentary before the other volumes are completed, to make sure that at least part of the work will be published before the JILEP program ends.

ADR

After almost eight months of operation, the Court-Annexed Pilot has generated fewer cases than hoped. JILEP expressed its concerns about the relatively low number of cases to the

members of the Pilot Working Group and to the Tbilisi City Court (TCC). JILEP provided a number of suggestions to the TCC in an effort to increase the case flow. While there has been some small increase in the numbers of cases referred to mediation, in JILEP's view the numbers are still less than ideal. JILEP will continue to encourage the TCC to be more energetic and proactive in its efforts to increase case flow. JILEP will also work with the GBA to educate lawyers and encourage them to explore mediation as an available and sometimes preferable alternative to the ordinary court process.

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;
- Editing Civil Code Commentary text provided by authors;
- Support MoJ property and company law reform initiatives;
- Identify and support international company law expert to review the draft of the new companies act (*Law on Entrepreneurs*);
- Support public discussion events of the new companies act;
- Publish Property Law Textbook;
- Continue to support the Tbilisi City Court Court-Annexed Mediation Pilot;
- Support GBA to plan and deliver CLE courses in mediation for lawyers;
- Participate in MoJ Sub Working Group on Arbitration;
- Assist GAA promote the Code of Ethics for Arbitrators in the regions of Georgia;
- Help AIG organize Vis Moot Prep-Course for Georgian Vis Moot teams.

Annex: Success Stories

EWMI-JILEP and GIZ Sponsor Mediation Case Referral Workshop for Tbilisi City Court Judges



Tbilisi City Court Judge Tea Khamkhadze shares the advantages of her group identified in referring court cases to mediation.

On April 4-5, EWMI-JILEP, in cooperation with the German Society for International Cooperation (GIZ), organized a “Mediation Case Selection and Referral Workshop” for 11 judges of the Tbilisi City Court (TCC). JILEP and GIZ took the initiative to conduct the workshop in an effort to encourage judges to refer more cases to mediation as part of the ongoing Court-Annexed Mediation Project. The workshop put the TCC civil court judges together with trained Georgian mediators to discuss the advantages of mediation – advantages both for the parties to a dispute and for the court. During the workshop, the mediators and workshop facilitators explained to the judges such critical information as the difference in procedure between mediation and court settlement, the criteria used for identifying cases suitable for mediation, and the skills and techniques judges should use when suggesting mediation as a possible option to the parties. Some of the mediators shared their experiences of mediating cases referred to the Pilot thus far, and stressed how important it is for judges to inform parties about the possibility of mediation early in the court proceedings - at the first preparatory hearing. The President of the TCC, Judge Mamuka Akhvlediani, suggested that the court include a brief explanation of the mediation option in the standard, “Claims and Response” forms that every party fills out at the initial stage of a lawsuit. The workshop ended with mock exercises in which judges

of the Tbilisi City Court were called upon to explain the benefits of mediation and persuade the parties of a hypothetical dispute (played by mediators and members of the Court-Annexed Mediation Working Group) to refer their case to mediation. By the end of event, the organizers felt that the workshop had achieved its purpose and that judges were likely to be referring more cases to the Mediation Pilot.

EWMI-JILEP Helps Legal Aid Lawyers Hone Witness Interviewing Skills



Legal aid lawyers practice interviewing skills during role play session.

On April 4, EWMI-JILEP provided 14 lawyers from six, nongovernment legal aid organizations the opportunity to refine their witness interviewing skills. U.S. lawyer and lawyering skills expert, Neil Weinstein, led the workshop in which he first helped participants create “investigative plans” and then set the scenarios for the role play that followed. The lawyers experimented with different types of interviewing approaches. They observed and critiqued each other’s performances. EWMI-JILEP’s next event in its legal aid lawyer instructional series will be a workshop on the effective presentation of evidence in court.

EWMI-JILEP Court Monitoring Findings Attract Interest from the Bench

On April 8, Transparency International Georgia (TI) presented its third administrative court monitoring report to a group of judges, government officials, and representatives of civil society. The report covered the period February to December 2013, and included observations and findings of TI's court monitors working in the first instance courts of Tbilisi, Batumi, Khelvachauri, Kutaisi, Gori and Zugdidi. TI reported that overall, the trend toward more independent decision making by judges continued during the period. Monitors reported that the number of cases won by private parties over the state increased significantly, and that judges were exhibiting no obvious favoritism toward one party or the other during court proceedings. On the negative side, judges were continuing to show a lack of initiative in using their inquisitorial powers in administrative cases, leaving gaps in information needed to make informed decisions in some cases. One significant difference between this report release and previous releases was that many non-supervisory judges were present and actively participated in the discussion. Previously, only representatives of the judicial leadership spoke at these events. The monitoring project which began in the summer of 2011 is supported by EWMI-JILEP.

EWMI-JILEP Sponsored Law Students Compete in International Client Consultation Competition



Free University student “lawyers” counsel mock client in front of international judges in round two of the ICCC Competition.

On April 8-13, EWMI-JILEP sponsored Free University's participation in the International Client Consultation Competition (ICCC), held this year in San Juan, Puerto Rico. The ICCC is a law student competition where students play the role of lawyers and are challenged to determine a client's (played by an actor) problems and provide legal and non-legal advice to the client, while being judged by a panel of experienced attorneys. The legal subject this year was commercial contracts, and teams from 21 countries competed. While the Georgian team,

made up of students Tamar Menteshashvili and Liana Kvantaliani, and coach Ketevan Kobakhidze, did not advance to the semi-finals, the team and coach learned valuable lessons and they represented Georgia respectfully. The judges scored the team high in both of their preliminary rounds, and they were close to making the semi-finals. A team from Ireland won the competition. Free University had earned EWMI-JILEP sponsorship to the ICCC by winning the national Client Counseling Competition held in Tbilisi in February 2014.

GYLA Presents Most Recent Criminal Court Monitoring Report



From left to right: Mamuka Akhvlediani, Chair of Tbilisi City Court, Herbert D. Bowman, Chief of Party, EWMI-JILEP, Tamar Gvaramadze, Executive Director, GYLA.

On April 16, the Georgian Young Lawyers Association (GYLA), supported by EWMI-JILEP, presented its fifth Criminal Court Monitoring Report at an event held in Tbilisi. The report reflected observations made by monitors working at the Tbilisi and Kutaisi City and Appeals Courts from July to December 2013. The report observes that the positive trend toward more independent judicial thought and action is continuing. GYLA monitors found that criminal court judges are not always accepting the prosecution's arguments or ruling in the prosecution's favor, as was the case in the past. They found that judges are doing a better job of explaining the rulings they are making on preventative measures and on party motions. They also appear to be giving both parties an equal opportunity to present their case in court. On the negative side, judges are still ordering pre-trial detention and bail for too many people charged with crimes. They are not doing enough to ensure that plea agreements are fairly reached. GYLA shared the report with the judiciary prior to the presentation, and Judge Mamuka Akhvlediani, the Chair of Tbilisi City Court, presented the judiciary's written statement and his own opinion of GYLA's findings. Judge Akhvlediani agreed with some of the findings but disagreed with others, and at points, questioned aspects of the methodology used by GYLA's monitors.

Georgian Language Contract Law Textbook Released at Free University Library Event



Students line-up to receive signed versions of the contract law textbook.

On April 16, 2014, EWMI-JILEP and the National Center for Commercial Law at Free University, made a public presentation of a newly published, Georgian language, Contract Law Textbook. Georgia's leading experts in contract law wrote the book over the course of the last year - under the editing direction and with the financial support of EWMI-JILEP. The book is designed to be used in the modern law school classroom. It provides law students not only explanations of the core concepts of Georgian contract law but is also structured in a way that teaches them to analyze and solve problems. Each chapter of the book consists of a theoretical section, enriched by relevant practical examples. More than 100 people attended the book release event and the book signing that followed. Both EWMI-JILEP and the NCCL have made the book available online through their websites. EWMI-JILEP will provide a number of hard copy versions to targeted law school libraries, public libraries, law firms, and relevant government institutions.

Georgian Bar Association Develops Four-Year Strategy and Action Plan



Ethics Working Group members discuss activities to be carried out during the next four years.

On April 26-27, EWMI- JILEP and the EU Criminal Justice Reform Project supported the efforts of the Georgian Bar Association (GBA) to develop a new “Strategy and Action Plan” to guide their activities for the next four years. They did this by arranging for the respected Georgian consulting company, Synergy Group, to help the GBA leadership through the creation of Strategy and Action Plan, and then sponsoring a retreat to initiate the drafting process. Most members of the GBA governing bodies, a total of 35 members attended the retreat. During the weekend event, participants identified approximately 150 activities that they wished the GBA to implement in the coming four years. They determined that the main goals of the Strategy and Action Plan should be to: 1) protect the rights of GBA members; 2) monitor and police lawyer ethics; 3) develop legal reform initiatives; and 4) continue the progress made in the organizational development of their institution.

Legal Aid Lawyers Learn How to Better Present Evidence in Court



Ketevan Gagoevi, lawyer from the State Legal Aid Service, examines Paata Mekhrishvili of the State Legal Aid Service, acting as a witness in the role play activity.

At a training held on May 2 at the EWMI-JILEP offices in Tbilisi, EWMI-JILEP assisted 13 Georgian lawyers, from six different Georgian legal aid organizations improve the way they present evidence in court. U.S. lawyer and law professor, Delaine R. Swenson, provided tips on how the lawyers might better select evidence they intended to submit during the trial hearing - using such foundational considerations as relevance, reliability and degree of probity. The lawyers practiced admitting and challenging the admission of evidence in a series of examination and cross-examination role play exercises.

EWMI-JILEP Helps New GBA Ethics Committee Members Improve Communication Skills



Vazha Kvernadze, trainer for Partner's Georgia trainer discusses means of effective communication.

On May 2-4, EWMI-JILEP supported a workshop designed to improve the communication skills of the members of the Georgian Bar Association's Ethics Committee. The new Chairman of Ethics Committee, Tsitsino Tskhvediani, who took office in December 2013, asked EWMI-JILEP to support the training after hearing how effective a similar training had been in enhancing the skills of the former Committee members. Partner's Georgia, a respected Georgian consulting company, delivered the training to 13 Committee members and staff. During the two-day workshop, the instructors led the participants through a highly developed program that taught effective approaches to resolving conflict and communicating with people. The instructors also worked with Committee members to develop their sense of team spirit and suggested ways to enhance their group decision making capacity. As a result of receiving the training, the new Ethics Committee members felt they were better equipped to adjudicate complaints and better able to minimize conflict and misunderstanding between parties.

Judge Instructors Learn Modern Teaching Methodology

On May 3-4, EWMI-JILEP delivered an advanced training for judges who train other judges at the High School of Justice (HSOJ). Professor Delaine Swenson, an expert in legal teaching method, led nine Georgian judge-trainers in an exploration of adult learning principles and in experimentation with adult teaching techniques. The judge-trainers, some of whom were Supreme Court judges, learned how to create meaningful lesson plans, engage in “Socratic dialogue,” and lead interactive learning sessions. EWMI-JILEP provided each of the participants a teaching methodology manual specially developed for the training that should help guide them in the development and delivery of their own courses.

TSU Law Professors Learn Advanced Teaching Methods



TSU law professors prepare for an exercise in EWMI-JILEP's Advanced Teaching Method Training.

In spring 2013, EWMI-JILEP began a program at Tbilisi State University (TSU) designed to help TSU law professors employ more modern and effective teaching methods in their classrooms. Since then, JILEP has delivered seven teaching workshops to around 150 TSU professors. On May 6, at JILEP's Tbilisi office, EWMI-JILEP delivered an Advanced Teaching Methods Workshop to 21 TSU professors interested in further improving their teaching skills. The workshop included topics designed to improve the use of the “Socratic method” in the classroom, to enhance the instructors' overall public speaking skills, and to improve class preparation and lesson planning. Professor Delaine R. Swenson of the Catholic University of Lublin (Poland) led the workshop. In summer 2014, JILEP will offer one more advanced training to TSU law professors.

Georgian Lawyers Refine Courtroom Advocacy Skills

On May 9, EWMI-JILEP delivered a courtroom advocacy skills training to a select group of Georgian legal aid lawyers. The training focused on improving the construction and delivery of winning opening statements and closing arguments. This was the eighth in a series of ten legal skills trainings that EWMI-JILEP is delivering to Georgian legal aid lawyers in 2014. The next course in the series is scheduled for the fall.



Zakro Gvishiania, legal aid lawyer for the State Legal Aid Service, makes a closing argument with instructor Delaine Swenson “judging” in background.

JILEP Delivers Teaching Methodology Training to Professors



Professor Swenson introduces a group of law professors to interactive teaching methods.

In spring 2013, the Judicial Independence and Legal Empowerment Project began an instructional development program at Tbilisi State University (TSU) designed to help TSU law professors adopt more modern, effective, and interactive teaching methods and improve the overall teaching culture at TSU. After learning about the program's success, additional universities approached JILEP asking about similar trainings for their faculty. As a result, on May 10-11 at its Tbilisi offices, JILEP organized a teaching methodology workshop for 16 law professors from seven law schools: GAU, UoG, GTU, GTTU, Open University, EEU, and IBSU. Professor Delaine R. Swenson of the Catholic University of Lublin (Poland) and Prof. George Vashakidze, JILEP Legal Education and Training Specialist, led the workshop. In July 2014 JILEP will offer one final teaching methodology training to Georgian law professors.

Georgian NGO Legal Aid Providers Plan for Sustainability

On May 16, EWMI-JILEP organized a day-long meeting with a number of its NGO legal aid partners designed to encourage the partners to develop sustainability plans to carry them into the future. The NGO partners included the Georgian Young Lawyers' Association (GYLA), Transparency International Georgia (TI), Article 42 of the Constitution Association, the Human Rights Center, Institute of Democracy, and the Union of Democrat Meskhs. During the meeting, participants discussed such questions as: How to make their financial management systems more efficient? How to recruit and retain qualified staff? And how to acquire the resources needed to maintain long term operations? By the end of the day, the organizations agreed that they would continue the discussion inside their respective organizations with the aim of creating individual sustainability plans.

GBA Educational Board Plans Next Stage of Development



GBA Education Board members and staff ponder the challenge of moving toward a fee-based system of lawyer continuing legal education.

On May 16-18, EWMI-JILEP assisted the Georgian Bar Association (GBA)'s Education Board plan the next phase of its development. U.S. lawyer and bar education expert, Anthony Fisser, returned to Georgia to facilitate discussions and to provide needed comparative knowledge and experience. By the end of the retreat, the Board had agreed to establish a working group to create a more detailed and rigid set of standards that would guide the mandatory, one-year, internship program required of lawyers seeking admission to the bar. The working group will also develop a concept to provide a special set of courses for lawyers just entering the profession. Another major topic of discussion during the retreat was the need for the bar to transition to a largely fee-based CLE system, rather than relying so greatly on donor support. The Board committed itself to introducing some fee-based courses in 2015.

NGO Coalition Pushes New Phase of Reform for Georgia's Judicial Disciplinary System



On May 22, the Coalition for an Independent and Transparent Judiciary (CITJ), with the support of EWMI-JILEP, held a roundtable to discuss the preliminary findings of research done by the Coalition's Judicial Reform Working Group entitled, "Judicial Accountability in Georgia: Procedures of Disciplinary and Criminal Liability." Three Coalition member organizations cooperated to create the study: the Human Rights Education and Monitoring Center (EMC), the Georgian Young Lawyers Association' (GYLA), and Transparency International Georgia (TI). The roundtable brought together not only NGO leaders but also representatives of the High Council of Justice (HCOJ), the Ministry of Justice, the Prosecutor's Office, and the Disciplinary Committee for the Judges of the Common Courts of Georgia. The Working Group began the roundtable by identifying the obvious flaws in the current accountability system; some of these being, the lack of clear written procedures telling the HCOJ and the Disciplinary Committee how to process complaints, the lack of a clear standard of proof used by the Disciplinary Committee to judge misconduct, the low degree of transparency in the overall process, and the weak procedural guarantees provided judges. Of special note, the Working Group study and the roundtable discussions included *judicial immunity* as part of the accountability system. Presently, the Georgian Constitution grants near absolute immunity to judges for their behavior on and off the bench, an immunity that can only be lifted by the Chief Justice of the Supreme Court. Some participants argued that judges should not have criminal immunity at all. Others argued that if immunity remained, the power to lift immunity should not left in the hands of one person, the Chief Justice, but should be held by the HCOJ as an institution.

National Center for Commercial Law Sponsors Second Annual Commercial Law Week



Washburn University School of Law professors Frederic Sourgens (left) and Bill Rich (right) discuss commercial regulations during an open lecture.

On May 21-24, the National Center for Commercial Law (NCCL) at Free University sponsored the Second Annual Commercial Law Week for Georgian Lawyers. The Law Week included three days of open lectures on commercial law issues and a two-day commercial law symposium. EWMI-JILEP supported the Law Week not only through its funding of the NCCL as an institution but also by providing a number of speakers for the program. Two professors from Washburn University School of Law (WUSL), Topeka, Kansas, attended the event and made presentations during the week. At one point, the NCCL connected three other Washburn professors, all sitting in Topeka, to the lecture hall by video conference. These “off-site” professors proceeded to hold a “Q & A” panel discussion on joint stock companies with full participation of the Georgian audience. Over 100 students, law professors and practitioners attended the week’s events.

Legal Reform Coalition Pushes for an Improved System of Judicial Selection and Appointment



Deputy Chief of Mission Bridget Brink opens Public Forum on judicial reform.

On May 28, Deputy Chief of Mission Bridget Brink opened the Public Forum “Independent and Transparent Judiciary on Judicial Selection Proceedings,” organized by the NGO Coalition for an Independent and Transparent Judiciary to discuss reforms related to judicial selection in Georgia. The NGO Coalition, supported by the Eurasia Partnership Foundation (EPF) through USAID’s Judicial Independence and Legal Empowerment Project implemented by East West Management Institute, is comprised of more than 30 NGOs. During the Forum, the NGO Coalition provided their assessment of gaps in the current system of selecting and appointing judges, and provided a set of detailed amendments it suggests should be made to the pertinent laws to close those gaps.

Legal Aid Lawyers Defend Rights of the Disabled



Anika lawyers, Medea Shalamberidze (far left) and Tea Kaulashvili (second from right), present results of their work.

On May 29, the Anika Association presented the results of its work aimed at improving access to justice for persons with disabilities. With EWMI-JILEP grant funding provided through the Eurasia Partnership Foundation (EPF), Anika has been providing legal consultation and representation to disabled clients and their legal guardians in Tbilisi and Gori. Anika's achievements have included helping a number of disabled individuals receive and maintain a type of legal status allowing them access to state-funded social assistance. In addition to providing legal aid, Anika advocated for changes to be made in government procedures policies to provide greater protection for the rights of the disabled. For example, it argued that individuals should not be removed from the social assistance database solely because one of the members of their family traveled abroad. It argued that physically disabled citizens are being denied the right to vote because they are not able to access polling stations. They met several times with the Ministry of Health and Social Protection, the Tbilisi Mayor's Office, and Central Elections Commission (CEC) to make their points. A representative of the Central Election Commission attending the conference applauded Anika for its work, and confirmed that at least one polling station has been adapted to allow disabled access in the upcoming election.

EWMI-JILEP Supports Fourth Training in Legal Reasoning and Statutory Interpretation for Judges



Linda Jellum and Eka Lomtadze conduct training on Legal Reasoning and Statutory Interpretation in Gudauri.

On May 29-30, EWMI-JILEP in cooperation with the Georgian High School of Justice supported Linda Jellum, law professor at Mercer University School of Law, USA and Eka Lomtadze, law professor at Free University of Tbilisi, deliver a fourth and final training to 20 Georgian judges on the topic of “Legal Reasoning and Statutory Interpretation.” The training took place in Gudauri and involved sitting judges from the Tbilisi Appellate and City Courts. The course gave participants an opportunity to improve their ability to analyze legal problems and write court opinions using modern theories of legal reasoning and statutory interpretation. Topics covered during the training included legal logic, case analysis, legal argumentation, and theory of legal interpretation. Participants also discussed leading US and Georgian court cases which illustrated the difficulty inherent in interpreting often ambiguous statutory and contractual language.

Georgian Bar Association Conducts First Fully Electronic Bar Exam



GBA proctors oversee delivery of bar examination at Free University, Tbilisi.

On June 1, the Georgian Bar Association (GBA) conducted its first, “fully electronic” bar examination in civil, criminal and general law specializations at the Free University Tbilisi examination hall. 191 candidates registered for the exam; 170 showed up and completed it. The GBA delivered the exam using a sophisticated software system developed with the support of EWMI-JILEP in 2013. The software allows candidates to register for the exam, take the exam, receive exam scores, and appeal exam results, all via the same software platform. As an example of how efficient the software operates, examinees receive their test results the moment they click the box indicating they have finished the exam. To pass this year’s exam, an examinee needs to score 75 out of 100. Proving that the GBA’s recent efforts to make the exam more rigorous and meaningful have been successful, only 14 individuals passed Sunday’s exam. (26 of those who failed registered an appeal.) The GBA will give the exam two more times this summer and three more times in the fall.

EWMI-JILEP Delivers Judicial Ethics Training



On June 2-3 and June 5-6, in Batumi, EWMI-JILEP in cooperation with the High School of Justice, delivered a training course entitled “Fundamentals of Judicial Ethics for Georgian Judges,” to two separate groups of sitting judges. The combined 33 judges who attended the trainings were from courts all over Georgia. One of the training groups was made up of court chairpersons and heads of collegiums. James Alfini, Professor and Dean Emeritus at South Texas College of Law, worked with Georgian 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 and shared the U.S. comparative experience. Since 2013, EWMI-JILEP has trained 194 of Georgia’s 242 sitting judges in judicial ethics; the next training is planned for the end of June 2014.

Realizing Gender Equality for Judges



As part of its ongoing effort to promote gender equality within the Georgian judiciary, EWMI-JILEP worked with the High School of Justice and various United Nations organizations to develop a new course for judges entitled, “Realizing Gender Equality.” EWMI-JILEP expert Sally J. Kenney, Executive Director, Newcomb College Institute, Professor, Tulane University, came to Georgia to help design the course alongside UN and Georgian judge experts. Professor Kenny took the lead in course design since she is an internationally known expert in the field and has created such courses in the past. On June 4, Professor Kenny and her Georgian colleagues delivered a pilot program to a group of carefully selected Georgian judges. The program introduced the judges to the concept of implicit gender bias as a way of explaining why gender discrimination persists in society and within court systems. It encouraged participants to develop their own responses and strategies to combat implicit bias, especially where it works to discourage women from taking on judicial leadership roles. The program also included a section on domestic violence led by the recognized Georgian expert in the field, Mary Meskhi.

EWMI-JILEP Supports Third International ADR Conference



Professor James Alfini speaks on the topic of “Settlement Ethics.”

On June 9-10, at Tbilisi State University (TSU), the National Center for Alternative Dispute Resolution (NCADR) and the East-West Management Institute’s Judicial Independence and Legal Empowerment Project (EWMI-JILEP) delivered a third international conference on alternative dispute resolution (ADR) entitled, “Mediation and Arbitration – Global and National Challenges.” At the conference, experts from the U.S., Europe, Israel, and Georgia made presentations to more than 100 legal professionals and students. EWMI-JILEP expert, Professor James Alfini of South Texas College of Law, Houston, Texas, spoke on the topic of “Settlement Ethics” and provided his opinions and insights during the discussion periods. The high level of attendance at the conference combined with the degree of interest and understanding exhibited by the attendees provided strong evidence that the NCADR is making progress toward its goal of raising awareness of the importance of developing ADR systems in Georgia.

NCCL Completes Two-Year Legal Writing Program



Washburn Law Professor Tonya Kowalski provides tips for writing more persuasively.

In 2012, with the assistance of the Washburn University School of Law (WUSL), Topeka, Kansas, the EWMI-JILEP-funded National Center for Commercial Law (NCCL) began a legal writing program aimed at helping Georgian law professors and practitioners improve their legal writing skills. On June 12-14, NCCL with the support of WUSL professors Aida Alaka and Tonya Kowalski, delivered the program's fifth and final workshop. One outcome of EWMI-JILEP's two-year program is that the NCCL now possesses a written, comprehensive legal writing curriculum, including syllabi and other course materials, that can be used to teach the course at any Georgian law school. This fall, Free University Tbilisi plans to offer a mandatory legal writing program for its law students that will be based on this curriculum.

Georgian Association of Arbitrators Presents Groundbreaking Code of Ethics for Arbitrators



Professor Catherine A. Rogers of Penn State Law explains the importance of creating an Arbitrator Code of Ethics.

On June 26, the Georgian Association of Arbitrators (GAA), with the support of EWMI-JILEP, presented the first ever Code of Ethics for Arbitrators to the wider legal community. The draft, based on the American Arbitrators Association Code of Ethics for Arbitrators in Commercial Disputes, was adopted by GAA's General meeting in February 2014. EWMI-JILEP brought Professor Catherine A. Rogers of Penn State's Dickenson School Law, one of the world's foremost experts in Arbitration Ethics, to be the keynote speaker at the event and to advise the GAA on next steps needed to promote and apply the code. Professor Rogers led-off the panel of speakers by explaining the sources and importance of arbitrator ethics. She noted that Georgia is now one of a very small number of countries which have taken the important step of adopting an arbitrator's code. The speakers that followed explained the code's eight foundational principles and led discussions of how these principles should be put into practice. More than 70 lawyers, judges, and other professionals attended the event.

EWMI-JILEP Completes Judicial Ethics Training Series



Seana Willing and Tamar Zambakhidze explain why judicial independence is a foundational element of the Bangalore Principles of Judges Conduct.

On June 23-24 and June 26-27, EWMI-JILEP and the High School of Justice (HSOJ), delivered the final two courses in a year-long training series entitled “Fundamentals of Judicial Ethics for Georgian Judges.” The combined 35 judges who attended these two courses came from the Tbilisi City Court, the Tbilisi Court of Appeals and assorted regional courts. A number of the judges who sit on the Disciplinary Committee of Common Courts attended the trainings. Seana Willing, the Executive Director of the Texas State Commission on Judicial Conduct, worked with Georgian-judge counterpart, Judge Tamar Zambakhidze, 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 224 of Georgia’s 242 sitting judges in judicial ethics.