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JUDICIAL SUPPORT ACTIVITY HIGHLIGHTS



“The key principle underlying all U.S. assistance to Georgia, including our assistance to the rule of law sector, is that of supporting Georgia to become a strong democracy and a stable, prosperous partner. The new Rule of Law Program builds on the good work we have done together over many years, which aims at strengthening Georgia’s democracy by improving the independence, accountability, and effectiveness of Georgia’s justice system.”

Peter Wiebler
USAID/Georgia Mission Director

United States Agency for International Development (USAID) and the East-West Management Institute (EWMII) continue their partnership to support Georgia to strengthen the rule of law.

To kick off the activities, the East-West Management Institute held a Program presentation event in Batumi on April 1, that brought together over 100 representatives of Georgia’s courts, judges, national and international non-governmental organizations, universities and media.

USAID’s new five-year Rule of Law Program (2022-2026) is designed to build the independence and effectiveness of justice sector institutions, enhance access to justice for all segments of society, and increase citizen and institutional oversight of justice sector institutions.

After being welcomed by Rule of Law Program Chief of Party Giorgi Chkheidze, the event participants heard from Chair of the Constitutional Court Merab Turava, Head of Western Division Public Defender’s Office Madona Basiladze, Chairperson of the Georgian Bar Association David Asatiani, Director of the Legal Aid Service Razhden Kuprashvili, Program Director of the Social Justice Center/ Chair of the Coalition for an Independent and Transparent Judiciary Guram Imnadze, Rector of the Batumi Shota Rustaveli State University Merab Khalvashi, and Chair of the Mediators Association of Georgia Irakli Kandashvili.



“Our aim is to shift the focus of justice reform from one oriented toward traditional institution-building activities to one that is more people-centered, focusing on citizens’ access to justice and interactions with judicial institutions. We will emphasize meeting the justice needs of individuals, minorities and socially vulnerable groups, as well as engaging with individual judges and courts, to bring about changes that benefit all those in Georgia.”

Mark Dietrich
East-West Management Institute Vice-President



ACKNOWLEDGING JUDGES DAY THROUGH A JUDICIAL QUESTION TIME FOR STUDENTS

On May 16, 2022 seventeen law students from various academic institutions participated in the event titled “A Judicial Question Time for Students,” held by the Program to commemorate Judges Day.

The panel included four judges: Khatuna Jinoria and Tamar Khazhomia of the Tbilisi City Court, Badri Niparishvili of the Tetritskharo Regional Court, and Ketevan Meskhishvili of the Tbilisi Court of Appeal.

Irakli Kordzakhia, partner of the law firm GRATA International Georgia LLC, moderated the discussion.

The judges spoke broadly about judicial independence and impartiality, ethical problems, and the challenges of the judicial profession.



“In any country, including Georgia, judges act as their society’s primary decision-makers. Law students – as the country’s future judges – must be prepared to make reasoned, independent decisions, free from pressure and corruption. They will also be responsible for strengthening the engagement and trust between courts and their communities. As Georgia’s strong ally in many fields of sustainable economic and social development, the U.S. has invested a great deal in you, your legal education, and strengthening the judiciary in this country. We hope you will use events such as these to prepare yourselves for your future responsibilities.”

Ambassador Kelly C. Degnan
United States Ambassador to Georgia



WOMEN'S RIGHT PRACTICE GROUP KICKED OFF ITS WORK



The first meeting of the Women's Right Practice Group – consisting of civil and administrative law judges – was held on May 21 and 22, 2022. The meeting enabled over 20 group members to exchange their experiences on women's rights cases, identify key issues faced by them in practice, and brainstorm how these issues can be resolved within the current legal framework.



USAID Rule of Law Program Access to Justice Advisor Eka Bokuchava presented the work done by USAID's prior rule of law project, USAID/PROLoG, related to women's rights, including: improving and strengthening the legislative space, increasing women's access to justice, raising awareness about women's rights, and strengthening professional skills.

The discussion sessions were moderated by the Judicial Reform Advisor of the USAID Rule of Law Program, Inga Todria, and the Program's Judicial Reform Specialist, Eka Oniani, in coordination with the Practice Group's member judges Ketevan Berekashvili (Gori Regional Court), Guliko Kazhashvili (Batumi City Court), Tamar Oniani (Tbilisi Court of Appeals) and Nino Bakakuri (Supreme Court of Georgia).

JUDICIAL TRAINING ON STRESS AND TIME MANAGEMENT



The day-to-day work of a judge involves a challenging psychological environment, and judicial effectiveness depends on proper stress and time management. This motivated the USAID Rule of Law Program to launch its Judicial Exchange ("JudEx") component with a series of trainings.

Thirty-four judges and Judex alumni from the Supreme Court of Georgia, Tbilisi Court of Appeals, Tbilisi City Court and regional courts, including Kutaisi Court of Appeals and Akhaltsikhe Regional Court, participated in a two-day training on stress and time management held in May 28-29 and July 8-9, 2022.



The sessions covered topics such as: identification of the source of stress and symptoms of life stress; professional stress and burnout; risk factors for occupational stress and its identification; stress management techniques; and the prevention of professional burnout. The training also focused on the principles of time management, and taught the judges multiple techniques that can assist them in managing their time.

AMERICAN JUDGE STARTS LONG-TERM SHADOWING AND MENTORING OF GEORGIAN JUDGES



Judge James Redwine, a U.S. judge with decades of experience as a trial court judge, began his long-term shadowing and mentoring of Georgian judges specialized in civil and administrative cases in June 2022.

Based in the Adjara region, Judge Redwine will observe civil and administrative judicial proceedings, hold individual meetings with local judges, and introduce judges to topics of American jurisprudence that are important and of interest to them. These activities will take place mainly in the Batumi City Court, but also in regional district and magistrate courts, such as those in Khelvachauri, Kobuleti, Keda, Shuakhevi and Khulo.

Judge Redwine already met with the judges and chairmen of the Batumi City Court and the Khelvachauri District Court, where he spoke about the details of his mission in the Adjara region. He also met with President of the Constitutional Court Merab Turava, and with representatives of the legal community in the Adjara region.



PRACTICE GROUP MEMBER JUDGES MET STUDENTS TO DISCUSS WOMEN'S RIGHTS

On June 18, 2022, with support from the USAID Rule of Law Program, Tbilisi City Court judges Tamar Khazhomia, Tamar Lakerbaia and Irakli Kopaliani met with the students of the Sulkhan-Saba Orbeliani University to discuss women's rights.

The meeting was initiated by Judges Tamar Khazhomia and Tamar Lakerbaia as part of their involvement in the Rule of Law Program's Women's Rights Practice Group, and shared case law and challenges in the field of women's rights in Georgia.



Over 55 students attended the meeting, which enabled them to learn from the judges about issues such as: women's right to education and professional development, existing court practices on discrimination at educational institutions, the importance of education in the prevention of sexual harassment, responses to sexual harassment, and men's role in promoting women's rights.

The discussion lasted over three hours, enabling the students to get an in-depth understanding of recent anti-harassment legislation, discuss current challenges and the case-law around domestic violence, and discuss their real-life experiences and get qualified answers and recommendations from the judges.

ADR STUDY TOUR IN IRELAND AND ENGLAND



A 10-day ADR Study Tour to Ireland and England involving representatives of the Mediators Association of Georgia, Georgian Association of Arbitrators, Georgian judges and business representatives took place in June 2022. The tour was organized by the USAID Rule of Law Program and the Global Compact Network Georgia (GCNG).



The Georgian delegation consisted of Batumi City Court Judge Irma Togonidze, Tbilisi City Court Judge Vera Doborjginidze, Chair of the Mediators Association of Georgia Irakli Kandashvili, Chair of the Georgian Association of Arbitrators Jaba Gvelebiani, and Deputy General Counsel of TBC Bank Natia Gikoshvili. The leaders of the study tour were USAID Rule of Law Program ADR Advisor Sophie Tke-maladze and Salome Zurabishvili, Lana Chkhartishvili and Konstantine Shubitidze from GCNG.

The participants met with leading practitioners, lawyers and users of alternative dispute resolution (ADR), and learned from their experience about different out-of-court mechanisms for dispute resolution, best practices for ADR, and tools to promote the usage of mediation and arbitration.

MEETING OF MEDIATORS AND JUDGES

On June 27, 2022, a meeting between judges of Batumi City Court, Kutaisi City Court, Kutaisi Court of Appeals and mediators was facilitated by the USAID Rule of Law Program.

The meeting allowed ten judges and eleven mediators to meet each other, talk about their expectations for mediation, and discuss both what types of cases are best suited for mediation and the stages when and methods by which parties to a dispute can be persuaded to try mediation.



The judges expressed their desire to have more opportunities for experience sharing with judges from other courts, as well as the need to build the capacity of their assistants (clerks) in mediation so they can explain the benefits of mediation to parties. Another need identified by all attendees was raising the awareness of both mediation as a process and mediators as professionals so that parties and their representatives are more open to mediation.

TRAINING OF COURT STAFF



Thirty-nine court staff members from the Khashuri Regional Court, Batumi City Court and Khelvachauri Regional Court took part in a training (on May 6-8 and May 21-22, 2022) on effective services and communication with court users.

Community Engagement Advisor at the USAID Rule of Law Program Dr Tim Bunjevaca delivered a session on court-community engagement practices around the world. The participants learned about successful examples of court outreach activities designed to increase public trust toward the courts



The Training Program led by local expert Nino Beruashvili combined modern approaches on effective communication and customer service with practical exercises where individuals are challenged to use their abilities to deliver results. Using practical examples and tips, the participants were able to learn and discuss such topics as the barriers to effective communication with court users, perception bias, building rapport, active listening, non-verbal communication, positive formation, and managing difficult situations. The expert also provided written Standards for User Interaction to the participants, which contains guiding rules and principles for communicating with the public.

TWENTY-TWO STUDENTS SUCCESSFULLY COMPLETE CONSTITUTIONAL COURT SUMMER SCHOOL

The USAID Rule of Law Program supported the 14th Summer School of the Constitutional Court of Georgia. For ten days (July 17-26, 2022), 22 law students from various Georgian universities learned about the practices of the Constitutional Court of Georgia, the United States Supreme Court, the European Court of Human Rights, and the Court of Justice of the European Union. They also participated in moot court sessions.



The Summer School participant students had the opportunity to meet and learn from two experts invited by the USAID Rule of Law Program from Northwestern University's Pritzker School of Law, Professor Daniel Rodriguez and Associate Professor Matthew Kugler, as well as Caroline

Fredrickson, a visiting professor at the Georgetown University Law Center who also served as the President of the American Constitution Society (2009-2019). The key topics covered by the Program's invited experts included: standards for the limitation of human rights in times of health crisis; the role of judicial review in the American system and questions of constitutional interpretation; and the existing practice of data protection, surveillance, and the right to privacy in the United States. The students also heard from other local and international experts.



At the end of the Summer School, the participants were awarded certificates by the President of the Constitutional Court Merab Turava, USAID Rule of Law Program Regional Hub Attorney Irina Khakhutaishvili, and Council of Europe Office representative Gvantsa Gedenidze. Four successful graduates of the Summer School (Luka Nishni-anidze, Irakli Jojua, Maria Mdzevashvili and Giorgi Melikidze) will take a fully paid internship and get employed at the Constitutional Court.

WEBINAR FOR JUDGES ABOUT PROCEDURAL JUSTICE, COMMUNITY ENGAGEMENT AND ROLE OF JUDICIARY

On June 28, 2022, thirteen judges, two court managers and two court administrators took part in a webinar organized on the role of the judiciary in court-community engagement and that included an introduction to people-centered justice.

Lindsey Price Jackson, Senior Program Manager from the Center for Court Innovation (CCI), shared three examples (procedural justice, trauma-informed care, equity) of people-centered practices, and highlighted the main tenants of procedural justice including: voice, respect, neutrality and understanding.

Danielle Pugh, Director of Judicial Education and Leadership from CCI talked about making connections between the concepts of community engagement and resource mapping with how in-court operations and culture can

evolve; how to examine the role of the judiciary and court managers in incorporating procedural justice principles to court proceedings; and how to strategize on common struggles and possible solutions to help implement people-centered practices in court.

The keynote speakers of the webinar were District Court Referee Mary Madden from the Minnesota Fourth Judicial District Family Court and Associate Justice Anne McKeig from the Minnesota Supreme Court. They presented examples of court-community engagement in practice, and the participants learned how one Minnesota court used multi-cultural listening sessions to create a more culturally-responsive legal system for all communities struggling with domestic violence.

WEBINAR ON FREE SPEECH FOR THE CONSTITUTIONAL COURT OF GEORGIA

Twenty-two judges of the Constitutional Court of Georgia and their legal staff took part in a webinar on “Free Speech - a Perspective from the United States” in June 29 and July 1, 2022.

The webinar was led by Judge Robert Sack of the U.S. Court of Appeals for the Second Circuit and Prof. Jason DeSanto, a Senior Lecturer at Northwestern University Law School. The webinar focused on the First Amendment and its roots, and included an overview of key decisions of the U.S. Supreme Court that delineate restrictions to free speech.

Professor DeSanto and Judge Sack also covered topics requested by the Constitutional Court, among them: obscenity, fighting words and defamation; challenges of the modern information ecosystem, such as disinformation, fake news and hate speech; protection of free speech during protests and demonstrations; and free speech in advertising, including political advertising.

The discussion of American legal history and the evolution of legal concepts and case law enabled the participants to understand how U.S. courts analyze and resolve cases related to freedom of speech. A separate discussion was held concerning limits on judges’ freedom of expression and others’ right to free speech when addressing judges.

SEMINAR ON PEOPLE-CENTERED JUSTICE FOR KHASHURI REGIONAL COURT STAFF

On July 30, 2022, fourteen court staff from Khashuri Regional Court, including three judges, took part in a seminar on People-Centered Justice (PCJ).



The seminar was exciting and challenging at both the intellectual and practical levels. Community Engagement Advisor at the USAID Rule of Law Program Dr. Tim Bunjevaca spoke about the concept of PCJ, including the relevant theory and design approaches, and explored strategies for increasing courts’ engagement with different court communities.



Community Engagement Manager, Oliko Shermadini showcased recent PCJ initiatives that had been introduced in Georgian courts with the assistance of the USAID Rule of Law Program and invited the participants to consider adopting similar strategies for increasing court-community engagement in the Khashuri Regional Court.



JUDGES' FREEDOM OF EXPRESSION PRACTICE GROUP STARTS WORK

On July 29-31, 2022, first meeting of the Freedom of Expression Practice Group, consisting of Georgian civil and administrative law judges, was held with the support of the USAID Rule of Law Program.

The meeting enabled 16 practice group members to exchange their experiences on freedom of expression cases, identify key issues faced in their practice, and brainstorm on how these issues can be resolved within the current legal framework.



Judges Shorena Kavelashvili, Shota Getsadze and Ketevan Meskhishvili (Tbilisi Court of Appeal), Khatuna Bolkvadze (Batumi City Court) and Tamar Lakerbaia (Tbilisi City Court) shared the practice of their own and other courts with the group. The session was moderated by Judge Shorena Jankhoteli (Tbilisi City Court).

Professor Jason DeSanto of Northwestern University School of Law joined the meeting online and spoke about judges' freedom of expression and the U.S. experience with criticizing judges and court decisions. The Q&A session enabled the Practice Group members to get answers from Professor DeSanto on cases and issues of concern to them.

USAID RULE OF LAW PROGRAM TEAM MEMBERS WORKING ON JUDICIAL SUPPORT ACTIONS

- **Giorgi Chkheidze** – Chief of Party
- **Neil Weinstein** – Deputy Chief of Party
- **Tim Bunjevac** – Community Engagement Advisor
- **Inga Todria** – Judicial Reform Advisor
- **Mamuka Mamatsashvili** – Judicial Exchange Program Coordinator
- **Nino Balanchivadze** – Legal Education and Bar reform Advisor
- **Oliko Shermadini** – Community Engagement Manager
- **Irina Khakhutaishvili** – Regional Hub Attorney
- **Eka Oniani** – Judicial Reform Specialist
- **Meri Makharashvili** – Communications Specialist



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