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JUDICIAL SUPPORT ACTIVITY HIGHLIGHTS

Georgian Judges Participated in the Conference of the National Association of Women Judges

The USAID Rule of Law Program supports knowledge sharing among judges by enabling them to engage with their international counterparts, thereby keeping them abreast of current legal and scientific developments.

With the Program’s support, and in collaboration with the U.S. Embassy’s Bureau of International Narcotics and Law Enforcement Affairs (INL) office, three Georgian civil and administrative judges, **Tsitsino Kikvadze** from Kutaisi City Court, **Tamar Chikhladze** from Tbilisi City Court, and **Natia Buskadze**, also from Tbilisi City Court, visited Indianapolis, USA from October 2-7. INL generously funded the participation of four other women judges from Tbilisi City Court and Tbilisi Court of Appeals.

During this visit, the judges attended the 45th Annual Conference of the National Association of Women Judges (NAWJ), which drew 205 participants not only from the United States, but also from regions such as Eastern Europe, Asia, Africa, and the Americas.

The conference featured distinguished scholars who delivered speeches on recent case law from the US Supreme Court; the application of artificial intelligence in legal research and document drafting; latest developments in neuroscience; safeguarding independent courts; and ethical dilemmas frequently faced by judges.



Court of Appeals Judge Gained Valuable Knowledge During Exchange in U.S. Court

“Words cannot fully express the immense satisfaction and gratitude I feel after accomplishing my secondment program. I have visited many countries for educational and practical purposes, but my visit to Minnesota exceeded my expectations. Children’s rights, custody and care issues, addiction management, mental health, civil commitment, immigration issues, attorneys’ fiduciary duties, mediation, and alternative dispute resolution - this is an incomplete list of the issues that I was given the opportunity to observe and work on.”

Says **Ketevan Meskhishvili**, a Tbilisi Court of Appeals judge who recently returned from her two-week secondment with Minnesota’s First Judicial District Court, Scott County, Minneapolis, Minnesota.

The USAID Rule of Law Program and the American Bar Association Rule of Law Initiative facilitated the secondment, which took place September 30 to October 14, and focused on areas of the law corresponding with Judge Meskhishvili’s specific interests.

According to Judge Meskhishvili, the visit was productive both in terms of knowledge gained and relations with American colleagues. She attended over forty court hearings. American colleagues provided her with case materials prior to the beginning of hearings so that what



she heard was not new to her, and her presence at the hearings gave her the opportunity to see how American judges handle witnesses and lawyers in a wide variety of cases and circumstances.

U.S. Judge Works with Akhaltsikhe District Court Judges and Staff to Improve Case Management System

Judge **Timothy Baland**, a retired U.S. judge from the State of Minnesota, conducted a workshop for judges and court personnel of the Akhaltsikhe District Court. The workshop focused on “Improving Case Management: Before, During, and After the Hearing.” Judges, a court manager, legal officers, and judicial assistants attended the workshop.



During the workshop, Judge Baland described how a Case Management Conference (CMC) works and explained its advantages. The CMC occurs before a trial date is scheduled. The primary objective of the CMC is to resolve some or all of the legal issues before trial. In certain instances, successful resolution during the CMC may obviate the need for a trial altogether, while in others, it can streamline and simplify the trial process. When a complete resolution is not achieved during the CMC, and a trial remains necessary, the CMC serves as a vital preparatory phase for the impending trial.

Judge Baland also provided recommendations for enhancing the existing motion practice and encouraged the judges to implement best practices when rendering decisions.

Kutaisi High School Students Met with Local Judge to Better Understand Georgia’s Legal System and Aspects of its Human Rights Framework

Judge **Mikheil Bebiashvili**, a Kutaisi City Court judge and member of the Judicial Child Rights Practice Group, met with over 100 students at Kutaisi Public School #2.

The students came from seven public schools in the Kutaisi area and were members of various civics clubs. The USAID Rule of Law Program and the USAID Civic

Education Program facilitated this meeting between the judge and students as part of a series of informative sessions bringing judges and high school students together to promote the judicial profession and encourage dialogue between the younger generation and the judiciary.

At the beginning of the Kutaisi meeting, students delivered brief presentations explaining their participation in human rights-related initiatives which they had pursued as part of a USAID-sponsored civics education initiative.



Then, Judge Bebiashvili explained the concept of the separation of powers, the roles of state institutions, the importance of the judiciary, and the responsibilities of individual judges.



Judges and Lawyers Discuss Gender Stereotypes and Sexist Expressions in Courts

The USAID Rule of Law Program arranged for the judge members of the Rule of Law Practice Groups (Freedom of Information and Women’s Rights) to meet with representatives of women’s rights organizations, the Legal Aid Service (LAS), and the Georgian Bar Association (GBA). Participants discussed gender stereotypes and sexist expressions and shared their ideas for how to ensure equal treatment of women in the courtroom.

Human Rights Expert, **Besarion Bokhashvili** and European Human Rights Advocacy Center (EHRAC), and Senior Legal Consultant, **Kate Levine**, presented the standards of international human rights law and legal ethics applicable to discrimination against women in courtrooms through gender stereotypes and sexist expressions. Ms. Levine provided an overview of the relevant ethical and legal standards applicable to barristers, solicitors, and judges



in England and Wales, and gave examples of how courts are balancing the principle of non-discrimination against lawyers' freedom of speech.

Ms. Levine discussed the role of the Bar Standards Board in enforcing the Core Duties and Code of Conduct of barristers, particularly the newly adopted Social Media Guidance. She emphasized that certain sexist and discriminatory posts by barristers can serve as grounds for liability, even if they are not related to any legal proceedings.



Given the European Human Rights Advocacy Center's history of partnering with Georgian CSOs on strategic litigation before international tribunals, particularly in the area of violence against women, Ms. Levine was well aware of the problems of sexism, sexual harassment, and gender stereotyping in courtrooms. She focused on those aspects of best practices from the UK that are particularly relevant to Georgia.



Judge Tsitsino Kikvadze Empowers Youth with Insights on Women's Rights



Judge **Tsitsino Kikvadze**, a Magistrate Judge in Tkibuli and Tskaltubo regions, as well as a judge at the Kutaisi City Court, met with 60 high school students at Tsignebis Taoba (which translates to Books Generation in English). Tsignebis Taoba is a collaborative initiative led by civil education teachers in Kutaisi, designed to foster a love for reading and facilitate discussions among schoolchildren.

During the session, Judge Kikvadze discussed women's rights as provided in Georgian legislation. She gave comprehensive explanations regarding the concepts of gender, gender violence, domestic violence against women, property rights, alimony, and inheritance, particularly within the context of civil litigation.

Furthermore, Judge Kikvadze shared real-life examples from her own cases and explained the challenges associated with providing evidence in domestic violence cases. She noted that women often hesitate to testify against their abusers in court. Additionally, she emphasized the significance of the Child's Rights Code in Georgia, which creates a supportive framework for children. Following the presentation, the students, filled with curiosity, posed a series of questions to Judge Kikvadze.



USAID Rule of Law Program Hosts Regional Rule of Law Forum in Batumi

The Regional Rule of Law Forum held by the USAID Rule of Law Program on November 20, 2023, brought together over 70 representatives from justice sector institutions, universities, civil society organizations (CSOs), and media in the Imereti and Adjara regions to discuss best practices, encourage cooperation and advance the development of the rule of law and human rights.

In his opening comment, **John A. Pennell**, USAID Mission Director in Georgia, emphasized the significance of the rule of law as a core democratic principle ensuring justice, fairness, and equal protection for all citizens.



Mr. Pennell stated:

“Today, we are celebrating the achievements of the rule of law hub that was established with the support of USAID and all of you here in Batumi and also in Kutaisi. These hubs advocate for the rights of citizens, introduce new justice initiatives, and support innovative policies that strengthen access to justice. Since March 2022, the rule of law hub in Batumi has promoted a culture of collaboration between legal professionals, helped increase understanding of the justice system and legal rights, and facilitated the engagement of local law students, academic experts, and policy debates about the justice needs of Georgian citizens.”

Merab Turava, Chairman of the Constitutional Court of Georgia, stated in his welcome address,

“There is no doubt that this significant assembly of practicing lawyers and representatives from various branches and specializations within the legal profession fosters the development of a robust professional dialogue. This, in turn, is imperative for upholding the constitutional principles of the rule of law. Through the presentation of thematic reports and engaging discussions, the divide between legal theory and practical application diminishes. This approach elucidates the strategies for addressing legal challenges that arise in real-world cases. Such a process is indispensable for ensuring the effective functioning of a legal state.”

The sessions, facilitated by key stakeholders of the USAID Rule of Law Program, involved sharing and discussing strategies for actively protecting and respecting the rule of law. These discussions focused on enhancing the community’s understanding of the rule of law concept and addressing critical challenges and best practices in safeguarding the best interests of children, including an examination of the role of mediation in family cases.



Judges and Judicial Assistants Attend Mediation Workshops

The USAID Rule of Law Program hosted two parallel workshops on mediation for judges and judicial assistants (from Tbilisi and Rustavi City Courts; Kutaisi Court of Appeals; District Courts of Mtskheta, Telavi, Gurjaani, Tetrtskaro, Akhaltsikhe, Gori, Sagarejo, Bolnisi and Khelvachauri).



Mediation experts **Irakli Kandashvili**, Chairman of the Georgian Mediators Association (MAG), **Etuna Chachanidze**, practicing mediator with a long-standing experience of working with judges, **Sopho Chachava**, MAG Executive Board member and a practicing mediator, **Natia Chitashvili**, MAG Executive Board member and the court-annexed mediation center coordinator for Mtskheta District Court led the workshops.

The workshops answered questions in following areas: how mediation is different from settlement conferences conducted by judges; the different stages at which judges may refer cases to mediation; the factors that judges and clerks should consider when screening cases for referral to mediation; the procedures for referral of cases to mediation; and who are the mediators, how they are trained, and how are they chosen for a specific case.

One of the highlights of the joint session was when Judge **Natia Marshania** from Tbilisi City Court shared her experience of referring cases to mediation. Judge Marshania reported that during the last two years, she referred 65 cases to mediation. She also mentioned that in those cases when the parties did not settle the dispute with a mediation agreement but later reached a court settlement, the court settlement was due to the mediators' previous hard work on the case.

The experts also shared their practical experience of how to handle cases as mediators and how the referral process is coordinated from an operational point of view. After the workshop, participants expressed their gratitude for organizing such an event and said they now understand the mediation process better and are ready to start referring cases to mediation immediately.



Batumi Shota Rustaveli State University Hosts Constitutional Court Judges for University Human Rights Week

Over 100 students and academic staff members from Batumi Shota Rustaveli University and the Batumi branch of Grigol Robakidze University listened to **Constitutional Court members Giorgi Kverenchkhiladze, Irene Imerlisvil, and Giorgi Tevdorashvili** speak on the role of the Constitutional Court (CC) in safeguarding democratic

principles and fundamental rights. The speakers made their presentations at the commencement of the Annual University Human Rights Week, hosted by Batumi Shota Rustaveli State University.

In his presentation, Judge Kverenchkhiladze affirmed that,

“It is widely recognized that human rights and fundamental freedoms are the birthrights of all human beings and each democratic state’s prime responsibility is to protect and advance them.”

He went on to explain the crucial role Georgia’s Constitutional Court plays in protecting constitutional rights. He also made the point that despite the Court’s consistent development over the last 27 years more time and efforts are needed to improve Court efficiency and emphasized the importance of nurturing the country’s legal culture and traditions.

Judge Imerlishvili outlined the structure and jurisdiction of the Constitutional Court. Judge Tevdorashvili delved into the significant legal precedents set by the CCG, emphasizing the Court’s practice shift toward assessing the constitutionality of normative content of a norm.

This way the court separated the disputed norm and its normative content, a step forward in safeguarding individuals’ fundamental rights. Students were encouraged to ask questions of judges which prompted a number of substantive discussions.



Webinar for Akhaltsikhe Regional Court Judges and Staff

Judges and court staff members from the Akhaltsikhe Regional Court took part in the webinar organized by the USAID Rule of Law Program and the Center for Justice Innovation (CJI) from New York, one of the most experienced organizations working on people centered justice in the United States.

The webinar focused on the role of the judiciary in court-community engagement and people-centered justice. Specifically, the webinar focused on key strategies that the court can employ to identify local community needs, by conducting community surveys and focus groups. The webinar served to support the court in implementing its Community Engagement Plan (CEP), formulated earlier this year with Program support. The CEP comprises nine community engagement activities that will be conducted by the court over the next three years, starting with focus groups and surveys to find out key areas of community needs.

In his welcome notes, USAID Rule of Law Program Community Engagement Advisor Dr. **Tim Bunjevac** noted that one of the priorities of the USAID Rule of Law Program is to promote people-centered justice in Georgia. He went on to explain that people-centered justice approaches seek to improve the performance of institutions and service providers in solving justice problems while dealing with unmet community legal needs. At the same time, people-centered justice focuses on the justice seeker in order to improve the quality of their experience of the court system, as well as the fairness of the outcomes.

Lindsey Price Jackson, Senior Program Manager from CJI, shared the mechanics of strategic planning for increased court-community engagement via court-community surveys and focus groups. She discussed in detail the process of formulating and implementing community surveys, including the choice of survey questions and the practical steps to be taken when organizing focus groups. She also answered questions

from the participants concerning the potential challenges involved in conducting surveys and focus groups, such as how to secure a representative pool of participants, ensure that the process remained anonymous, and select the appropriate persons to act as survey collectors and focus group facilitators.

Ms. Jackson emphasized the importance of involving community members in planning and implementing these activities as a way of bolstering the impact of such initiatives.

Judge Tamar Chikhladze Met with Rustavi High School Students

Judge **Tamar Chikhladze**, a Tbilisi City Court judge and member of the Rule of Law Practice Group on Freedom of Expression and Women’s Rights, met with over 90 high school students at Rustavi Public School #4.

The students came from four public schools in Rustavi City. At the beginning, students presented posters dedicated to human rights topics including gender equality and domestic violence, and delivered brief presentations explaining their participation in human rights-related initiatives and campaigns. Then, Judge Chikhladze explained the responsibilities of individual judges, legal safeguards for protection of minors, the problems with early marriage, and the rationale for its prohibition.

Judge Chikhladze also identified some of the legal mechanisms that exist to safeguard fundamental rights. She fielded questions from the students on topics



such as the European Convention on Human Rights, equality, and vulnerable groups in Georgia, as well as the evolving legal landscape and importance of constant learning and adjusting to solve emerging legal problems. Judge Chikhladze also offered his insights into cases of significant importance in the field of women’s rights.



Lawyers and Judges from Adjara and Imereti Discuss Caseload in Georgian Courts

A roundtable discussion on the caseload in Georgian courts, organized by the USAID Rule of Law Program, in cooperation with the Georgian Bar Association (GBA), took place on December 18-19, 2023, in Kutaisi and Batumi. Lawyers and judges participated in the discussion.

Sophio Sokhadze, co-chair of the GBA Justice and Judicial Reform Committee, presented the main findings of a [study recently prepared](#) by GBA with Program support and then facilitated discussions among the lawyers and judges from the Adjara and Imereti regions.

According to the study, one of the major challenges facing the Georgian justice system is the inefficient management of case flow. This not only hinders the establishment of the rule of law, but also has a negative impact on the right to a fair trial. The majority of civil cases in the court system are related to loans and obligations, accounting for 60% of the cases. According to the data collected, the administrative and civil case completion rate in Adjara is the lowest among all the regions. In 2020, the Kvemo Kartli region had the highest case completion rate for administrative cases at 60.1%, while in Adjara, it was only 34%.

During the sessions, lawyers discussed several problems, including the lack of statistical court data, insufficient numbers of judges to handle caseloads, the need for time management training for judges, delayed delivery of grounded decisions by the court to the lawyers, and loss of interest in civil case proceedings due to lengthy trials that can take up to three years.

Judges, **Tsitsino Kikvadze** from Kutaisi City Court and **Murtaz Kapanadze** from Samtredia Court, also shared their insights during the meeting. They mentioned negative practices such as the rotation of judges, lack of interest in court employment, and the high rate of adjournment requests made by lawyers.



Rule of Law Practice Group Discusses Legal Representation of the Child

Meeting of the USAID Rule of Law Program supported Child’s Rights Practice Group brought together judges of various courts to discuss critical aspects of the legal representation of children and children’s rights in Georgia.



Lisa Kovack, Deputy Director of the Office of Democracy, Rights, and Governance at USAID Georgia, opened the meeting by emphasizing the importance of judges collaborating to address challenges related to the protection of children’s rights. Following Ms. Kovack’s presentation, individual judges took turns leading the discussion about the various pieces of Georgian legislation that regulate children’s legal representation in court as well as the challenges courts face in protecting children’s rights. The discussions focused on the delineation of the functions of the lawyers and representatives of the Agency of State Care and Assistance of Victims of Trafficking (State Care Agency) in case of disputes between parents and the issue of conflict of interest when a parent hires a lawyer for a child, as well as the relationship between private and Legal Aid Service lawyers.



The judges agreed there is a need to continue working together with the Georgian Bar Association, Legal Aid Service and State Care Agency to address the practical problems of representation of children at courts.

Advancing Gender Equality in the Judiciary: Sharing Lessons from the International Conferences of Women Judges

USAID Rule of Law Program and the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL) in Georgia organized a webinar for Georgian judges who are members of the Women’s Rights Practice Group.

Patricia Wildermuth, Senior Judicial Advisor at INL, and **Rusudan Tabatadze**, Rule of Law Program Manager at USAID/Caucasus, opened the event by extending a warm welcome to the meeting participants.

During the webinar, Georgian judges who recently participated in the International Conference of Women Judges (IAWJ) held in Morocco and the National Association of Women Judges (NAWJ) held in Indianapolis, Indiana U.S.A., shared the knowledge they gained from these conferences with each other as well as with their colleagues, and explained how their experience had inspired them to work even more diligently to protect women’s rights.

Judges who had attended one of the conferences shared their views about the importance of having active women judges on the bench and the unique contribution women judges can make to promote gender equality, discourage gender-based violence, and fairly adjudicate family-related disputes.

Women judges addressed the double standards they encounter on the bench, the challenge of being recognized to be as competent and knowledgeable as their male colleagues. They also discussed survival techniques, emphasizing the importance of sharing their concerns among one another and uniting to overcome difficulties together.

All of the judge speakers expressed enthusiasm for what they had seen and heard at the conferences - meeting inspiring speakers, and discovering that women judges face similar challenges worldwide. They strongly encouraged their colleagues to seize future opportunities to participate in NAWJ and IAWJ activities and conferences.



Constitutional Litigation Teaching Forum

The Constitutional Court of Georgia hosted the first forum focusing on teaching constitutional litigation. This event was made possible with the support of the USAID Rule of Law Program (Program) and the Council of Europe and the European Union joint project “Strengthening Independence and Professionalism of Justice in Georgia.”

The primary objective of the Forum was to establish a dialogue between the Constitutional Court and the Georgian university community that will result in the development of teaching methodologies and practices used by all Georgian universities to provide students both theoretical and practical knowledge of constitutional law practice. Over 40 representatives from accredited higher education institutions participated in the event.

The forum opened with welcoming addresses from **Merab Turava**, Chairman of the Constitutional Court of Georgia, **Giorgi Chkheidze**, Chief of Party of the USAID Rule of Law Program and **Giorgi Giorgadze**, Senior Project Officer, Council of Europe Office in Georgia.

Constitutional Court judges facilitated forum sessions. These included **Giorgi Tevdorashvili**, **Manana Kobakhidze**, and **Teimuraz Tugushi**. In the initial session, university representatives explained some of the challenges they face in teaching Constitutional Law and practice. In subsequent sessions, Constitutional Court judges shared their perspectives on teaching constitutional proceedings in law schools. They identified some of the essential skills students should possess to actively engage in constitutional proceedings, either as litigators or law clerks at the Constitutional Court.



Judges and Mediators Meet in Kakheti

The Mediators Association of Georgia (MAG), with the support of the USAID Rule of Law Program, convened a bench bar meeting in Telavi attended by individuals, including judges, clerks, and mediators from various courts across the Kakheti region - Telavi, Kvareli, Gurjaani, and Signaghi. The bench bar was part of MAG's effort to increase collaboration between the judiciary and those promoting the use of alternative dispute resolution mechanisms in Georgia.

The meeting commenced with welcoming remarks from **Irakli Kandashvili**, MAG Chairman, **Irakli Gelovani**, USAID Rule of Law Program ADR Advisor, and **Shalva Chkadua**, the Rector of Telavi State University. **Marine Tsertsvadze**, the Head of Telavi District Court, **Giorgi Mtiulishvili**, Gurjaani District Court Judge, and **Alexander Lomidze**, Judge at Sagarejo and Dedoplistskaro Magistrate Courts actively participated in the discussions.



Discussion focused on the practice of referring court cases to mediation. Participants reported improvement in this area. The Kakheti regional courts referred 15 cases to newly established mediation centers since December 2023. This development was attributed to the workshop on case reference to mediation delivered by the Program in November 2023.

Participants highlighted the absence of a mediation center in Signaghi, noting that judges lacked specific

guidelines on which center to refer cases to in another district court where such a facility exists. In response, Mr. Kandashvili proposed specific rules for selecting the appropriate mediation center, suggesting that cases be referred to the nearest mediation center if parties do not specify a preference.

Ms. Tsertsvadze emphasized the significance of mediation, stating her preference for referring cases to mediation even when she perceives the potential for resolving a case through her efforts. The issue of tracking/registering referred cases to mediation was also discussed, highlighting the need to establish a common practice in this regard.

Participants discussed online mediation, with mediators from Telavi, Signaghi, and Gurjaani sharing successful experiences. The complexity of settling financial disputes, particularly small loan/credit issues, compared to family or labor disputes was noted.

Kutaisi Bench Bar: Judges and Mediators Unite to Improve and Expand Court-Annexed Mediation

The Mediators Association of Georgia (MAG), with the support of the USAID Rule of Law Program, organized a bench bar meeting in Kutaisi attended by judges, mediators, clerks from the Kutaisi City Court and the Kutaisi Court of Appeal.

The bench bar was part of MAG's effort to increase collaboration between the judiciary and those promoting the use of alternative dispute resolution mechanisms in Georgia.

Tamuna Imnaishvili, MAG Executive Director, and **Irakli Gelovani**, the USAID Rule of Law Program ADR Advisor made opening remarks. Judges **Tsitsino Mosidze** and **Tsitsino Kikvadze** from the Kutaisi City Court judges, were actively involved in the discussions that followed.

Judge Mosidze stated that she sees mediation as a tool to reduce the caseload for the courts. She raised the issue of identifying cases suitable for mediation, noting that currently, she has to sift through approximately 1,500 civil court cases to determine which ones are suitable.

Judge Kikvadze shared her approach to case referral. She mentioned that she automatically refers labor disputes to mediation and adopts the same approach with family

disputes, conducting a prima facie check to determine whether mediation is appropriate, especially in cases involving children. She highlighted the issue of lawyers sometimes resisting mediation referrals and preferring court procedures.

Participants also discussed the types of disputes suitable for mediation – such as those involving a child's best interests, labor disputes, and financial disputes – and the need for accrediting trainers in mediation to provide professional training for local mediators.



Making Justice Accessible for All: Justice System Actors Discuss Accomplishments and Challenges Ahead

Representatives from national human rights institutions, government bodies, the judiciary, civil society organizations, and academia gathered in Tbilisi for a USAID Rule of Law Program-hosted conference on Making Justice Equally Accessible for All.



The conference served as a platform to foster partnerships and promote cooperation in vital areas concerning the rule of law and access to justice. Over 70 attendees analyzed rule of law trends in Georgia, sparking discussions on achievements, lessons learned and best

practices in fortifying institutions, guaranteeing access to justice for all, and bolstering the resilience of vulnerable communities.

U.S. Ambassador to Georgia **Robin L. Dunnigan** opened the conference with welcoming remarks.

“The wide range of participation today shows Georgia’s commitment to more progress on its Euro-Atlantic path, and that path requires a strong, independent, trusted judiciary that protects human rights. The United States through USAID, is committed to continued progress on judicial reform here in Georgia.”

Nino Bakakuri, Justice of the Supreme Court of Georgia in her comments mentioned successful strategic litigation that served as examples of how reasoned opinions can shape societal norms and create a more just society.

Participants spoke about lessons learned while highlighting the challenges encountered in protecting various types of human rights, including children’s rights, women’s rights, and the rights of ethnic and religious minorities.



Child’s Rights Practice Group Discusses Legal Representation of Children in Courts

The USAID Rule of Law Program supported a Child’s Rights Rule of Law Practice Group meeting in Likani, which brought together fifteen judges of various courts as well as the fifteen representatives of the Georgian Bar Association (GBA), the Legal Aid Service (LAS), the State Care Agency and various child’s rights organizations.

At the beginning of the meeting, Judge **Tamar Oniani** of the Tbilisi Court of Appeals addressed challenges in child representation within Georgian legislation and practice. **Tamar Gabodze**, Chairperson of Partnership for Human Rights and **Nino Meladze**, LAS Deputy Director also shared their experiences on the topic.

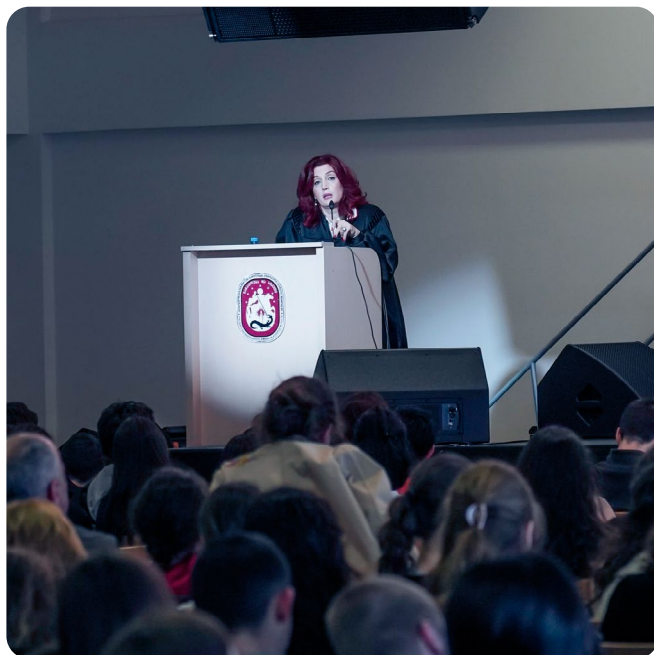
Human rights experts spoke about international standards. Expert and the GBA Ethics Commission Member, **Besarion Bokhashvili**, presented the standards developed by the Council of Europe Institutions (ECtHR, Committee of Ministers), while U.S. expert and Professor of University of Pennsylvania (Carey Law School) **Kara R. Finck** discussed the best practices and ethical considerations for child representation in U.S. courts.

Tbilisi City Court Judge **Manana Meskhishvili**, Chairman of GBA Ethics Commission **Konstantine Gelashvili**, Head of Legal Department at LAS **Shorena Bochorishvili**, and Head of the Legal Provision Department at the State Care Agency **Irma Aladashvili**, offered their legal perspectives on the distinction between legal counsel and procedural representative roles. This led to audience discussion and showed that there is a need for more discussion and collaboration to establish a unified understanding of the law.



Judge Natia Gujabidze Discusses the Protection of Women’s Rights with Georgian Youth

To commemorate Women’s History Month, on March 15, Judge **Natia Gujabidze** of the Tbilisi Court of Appeals met with over 300 high school students at the Guivy Zaldastanishvili American Academy in Tbilisi and discussed the protection of women’s rights by Georgian courts.



Judge Gujabidze explained the roles of individual judges, recounting her professional pathway which included working on both administrative and civil law cases. She shared the challenges judges face when handling high-profile cases. Responding to student inquiries, she explained the differences between administrative law and civil law and noted that she prefers to handle civil law cases because they offer a broader scope for statutory interpretation.

To bring complex legal concepts to life, Judge Gujabidze presented the facts of two illustrative cases. One case involved the dismissal of a pregnant public employee and another addressed the division of property in an unregistered marriage. The unregistered marriage case involved the kidnapping of a 13-year-old girl for marriage, and the students were incredulous that such behaviors persisted and often went unpunished in Georgia.

Students were keen to learn about the path to becoming a judge, about the main challenges in the profession, and about the evolving judicial landscape in Georgia. They also sought insights into the specific cases discussed by Judge Gujabidze.



One Woman’s Path from Lawyer to a Judge

On March 15, 2024, the USAID Rule of Law Program (Program), in cooperation with the Samtskhe-Javakheti State University Law Faculty, organized a career talk featuring Supreme Court Judge **Ekaterine Gasitashvili**. The event drew over 70 students from the law faculty and public administration departments of Samtskhe - Javakheti State University.

Judge Gasitashvili delivered a speech on the role of women in the legal profession. Specifically, she shared insights from her own professional journey, which saw her transition from a decade of legal practice in civil law to her current role as a judge. She discussed the challenges

faced by female professionals in law, navigating through personal, professional, and social hurdles from the early stages of legal education to achieving a judgeship on the Supreme Court.

Judge Gasitashvili emphasized the critical role an independent, impartial, and effective judiciary plays in a democracy. She elaborated on the judiciary’s responsibility to ensure legal certainty, resolve disputes, and safeguard the rights and liberties of all citizens, particularly vulnerable groups and individuals who may struggle to protect themselves. Judge Gasitashvili spoke of the fundamental values that guide judges’ decisions, including independence, impartiality, integrity, equality, competence, and diligence. She stressed that without these guiding principles, effective justice delivery and the observance of the rule of law would be compromised.

During the discussion session, students posed questions to Judge Gasitashvili. They inquired about her professional regrets, motivations for pursuing a legal career and subsequently becoming a judge, and the possibility of appealing her decisions. She provided candid responses to these inquiries.



Combatting Sexism and Discrimination in the Courtroom

On March 30, 2024, the USAID Rule of Law Program supported a joint meeting of Rule of Law Practice Groups on Women’s Rights and Freedom of Expression on the issue of discouraging sexist and discriminatory behavior in the court system.

Eleven Georgian judges and their assistants gathered along with the U.S. Judge, **Timothy J. Baland** (ret.) to discuss appropriate responses to the verbal attacks, humiliation, and shaming women trial participants often must endure, including women judges, both in the courtroom and on social media.

At the beginning of the meeting, Judge Baland introduced some of the legal resources that guide participants in U.S. court proceedings, particularly those requiring lawyers to behave in a civilized and respectful manner in court. He compared available Georgian regulations to similar regulations of the states of New York and California, which provide much more extensive and detailed guidance than Georgian regulations in this regard. He invited the Georgian judges to consider the need for similar rules of conduct/decorum for the Georgian courts to regulate the abusive and discriminatory behavior of parties.

Later, in the evening, Judge **Wendy Chang** (Los Angeles Superior Court, California) joined the meeting online. As a former member of the ABA’s Standing Committee on Ethics and Professional Responsibility, she was the driving force in amending the *ABA Model Rules of Professional Conduct* which declared harassment and discrimination to be professional misconduct for lawyers. She shared the story of how *Model Rule 8.4 (g)*, was amended after bar members were persuaded how omnipresent the experience of harassment and discrimination was for female attorneys.

She also explained how concerns about restricting lawyers’ freedom of expression were addressed through specific defenses added to the text. Most importantly, Judge Chang explained that a general prohibition of discrimination and harassment does not guarantee respectful behavior in the courtroom and there is a need for additional rules of civility for trial participants. Judge Chang also answered questions from Georgian judges on how best to respond to abusive and harassing behavior from court participants and shared her own strategies for handling such behavior.

Judging from an Early Age - Success and Difficulties

The USAID Rule of Law Program in cooperation with Samtskhe-Javakheti State University organized a career talk on women’s labor rights featuring Tbilisi Court of Appeals Judge **Ketevan Meskhishvili**. They organized the event in the framework of Women’s History Month.

Around 50 students from the law faculty and public administration faculty of Samtskhe-Javakheti State University attended the meeting.

At the beginning of the meeting, Judge Meskhishvili expressed her gratitude to meet with the students and her willingness to exchange knowledge and experience with the future generation. Judge Meskhishvili explained she became a judge when she was 28 years old and has been performing her duties for 14 years. She discussed issues of gender discrimination in the labor market and informed participants about the family, social, and environmental conditions that may hinder a woman’s professional development. She advised students to dedicate at least

15 minutes to professional growth daily and in 5 to 15 years they will witness how their professionalism has improved.



Samtskhe-Javakheti Lawyers and Court Staff Improve their Knowledge of Labor Law

On March 30, 2024, twenty-four attorneys from the Georgian Bar Association and the Legal Aid Service, as well as lawyers from Akhaltsikhe, Aspindza, and Akhalkalaki, along with the Akhaltsikhe District Court staff, participated in a labor law training organized by the USAID Rule of Law Program.

Judge **Ketevan Meshkhishvili** from the Tbilisi Court of Appeals, serving at the Chamber of Civil Affairs, addressed various labor and employment issues in Georgia. She covered topics such as the rights of employees and employers, grounds for termination of an employment contract, labor rights, and personal data privacy. The concluding session of the training explored the case law

relating to labor disputes. During the training, attendees engaged in lively discussion and posed questions to the expert.

They were especially interested in how a person could properly pursue reinstatement to a former or equivalent position if wrongfully terminated, and how they could be compensated for missed work due to unlawful termination.

This training was one in a series organized by the Program through its Rule of Law Hub in the Samtskhe-Javakheti region to improve local lawyers' knowledge and skills.

Judges and Judicial Assistants Participate in Mediation Workshops

The USAID Rule of Law Program hosted two parallel workshops on mediation for judges and judicial assistants from Mtskheta District Court and Tbilisi City Court.

The workshops were led by mediation experts including **Irakli Kandashvili** (Chairman of the Georgian Mediators Association (MAG)), **Eter Chachanidze** (practicing mediator with extensive experience working with judges), **Sopho Chachava** (MAG Executive Board member and practicing mediator), and **Elene Orjonikidze** (MAG Executive Board member and coordinator for the court-annexed mediation center for Tbilisi City Court).

The workshops, involving 17 judges and 32 judicial assistants, focused on several key areas: differentiating between court settlement and mediation; understanding the essence of mediation, its principles, and stages; identifying criteria for case referral to mediation and the factors judges and assistants should consider during case screening; understanding the case referral process and information about MAG, including mediator training and selection for specific cases; cooperation with mediation center coordinators; and exploring various models of information sessions for judges, consultants, assistants, managers, and mediators.



While most sessions were conducted separately for judges and assistants, there were joint sessions at the end of each day where participants discussed shared questions and experiences. The trainers also discussed recent trends in mediation development, highlighting the increasing tendency for automatic case referrals for labor disputes and family disputes. They stressed the importance of mandatory information sessions on the benefits of mediation before court hearings.

Following the workshop, participants expressed their appreciation for the event and indicated that they are now fully updated on developments in the field of mediation.

Judge Khatuna Jinoria Met with High School Students of Tbilisi's Contemporary Education Academy

Tbilisi City Court Judge **Khatuna Jinoria** visited the Contemporary Education Academy in Tbilisi to engage with 40 high school students. She spoke to the students about the fundamental rights of children within the Georgian legal system and the essential role judges play in protecting those rights.



Judge Jinoria shared her insights into the daily work of a judge and spoke about the professional path that led her to be a judge. She explained some of the challenges judges navigate, particularly when faced with sensitive cases. Students were particularly interested in the process

of becoming a judge, the challenges that young women may experience when choosing and pursuing a legal career, and the moral dilemmas that judges sometimes experience when deciding cases.

Working Meeting Addresses Challenges and Practices at Newly Opened Court Mediation Center in Eastern Georgia

With the USAID Rule of Law Program support, the Mediators Association of Georgia (MAG) organized a meeting in Kachreti. Ten representatives from recently established court mediation centers in Eastern Georgia attended, comprising managers and staff from various district and magistrate courts, including Mtskheta, Akhaltsikhe, Telavi, Gurjaani, Bolnisi, Tetritskaro District Courts, as well as Dedoplistskaro and Sagarejo Magistrate Courts.

The meeting addressed current practices and challenges related to the transfer/referral of mediation cases, as well as the establishment of procedures and standards for processing statistical data on mediation cases. One significant topic of discussion was the role lawyers play in the mediation process.

Notably, there was consensus among representatives on the importance of developing standardized documentation for proceedings related to the statistical data processing of mediation cases. Plans were proposed to convene a meeting where court representatives would contribute to shaping this documentation, with expert legal input ensuring alignment with legal standards.



The resulting standardized documentation would be distributed to all court centers for adoption and shared with mediators listed on the MAG registry. Additionally, participants highlighted personnel shortages in court mediation centers as a prevalent issue affecting current

practices. The meeting, conducted in a discussion format, concluded with a commitment from all court center representatives to closely collaborate in their effort to develop a unified model for processing statistical data that aligns with established standards.

Georgian Judges Collaborate on Benchbooks to Strengthen Judicial Decision-Making

Georgian judges writing benchbooks on Freedom of Expression Litigation, Property Rights of Women, and Rights of the Child in Civil and Administrative Procedure gathered in Borjomi on April 19-21.

Benchbooks, often regarded as indispensable reference manuals, offer judges quick access to legal insights across various topics.

The recent meeting provided participants with the opportunity to present their works in progress and receive feedback from their peers, as well as from Judge **Timothy Baland**, a retired U.S. judge participating in judicial exchange activities under the USAID Rule of Law Program.

Judge Baland had extensive experience working on benchbooks. He emphasized the importance of these manuals being user-friendly and stressed that benchbooks should enable readers to swiftly locate applicable law and provide a step-by-step guide for procedures, addressing all central issues concisely.



The participating judges agreed on the next steps of the working process and expressed their enthusiasm for creating benchbooks. These products will serve Georgian judges by offering fast and easy access to relevant legal sources on freedom of expression, women’s rights, and children’s procedural rights.

Public Discussion of Constitutional Court Decisions at Grigol Robakidze University

Judges of the Constitutional Court of Georgia visited Grigol Robakidze University to engage with over 100 students and professors from the law school and discuss two recent decisions of the Constitutional Court on the right to education.



The Rector of the University, **Mamuka Tavkheldze** opened the meeting by explaining the importance of open academic discussions and the partnership with the Court and the USAID. He then gave the floor to the President of the Constitutional Court, **Merab Turava**, who continued the meeting with his welcome notes and moderated the discussion later involving two other Constitutional Court judges - Mrs. **Manana Kobakhidze** and Mrs. **Eva Gotsiridze**.

Judge Kobakhidze delivered an extensive presentation on two cases: #2/7/1528 and #2/3/1559. In the former, the Constitutional Court, in reference to the first paragraph of Article 27 of the Constitution of Georgia, ruled the normative content of the challenged norms unconstitutional. These norms were deemed as excluding the recognition of higher education obtained through fully



remote programs from foreign universities. In the latter case, #2/3/1559, the disputed norm deprived applicants (prospective students) of the right to request additional testing if they failed to appear at the unified national exams, regardless of whether the absence was due to an objective reason. The Constitutional Court concluded that neither in the interest of resource conservation nor in ensuring equitable evaluation of points could it be justified to limit the rights to receive higher education and state financing as provided for by the challenged provision.

Georgian Judges Participate in Labor Rights U.S. Study Tour

As part of the ongoing efforts to enhance the understanding of labor rights and related legal practices, a delegation of 10 Georgian judges from the City Courts of Tbilisi, Rustavi, Gori, as well as the Tbilisi Court of Appeals,

the Sokhumi, and Gudauta District Courts, participated in a study tour that took them to Washington, DC and Los Angeles, California.

Organized by the American Bar Association Rule of Law Initiative (ABA ROLI) in collaboration with the USAID Rule of Law Program from April 15 to April 26, 2024, the study tour provided an immersive experience for the Georgian judges, offering them opportunities to engage in a series of sessions, meetings, and court observations dedicated to various aspects of labor rights and related matters.

In Washington, DC, the visit began with an introductory session led by speakers from ABA ROLI. The judges learned about the organization's global work and met with Robin Runge, Chair of the ABA Civil Rights & Social Justice Section. They met experts from the United States Agency for International Development (USAID), gaining insights into its role in promoting human rights worldwide.

More specific to labor rights, the group met with organizations such as the Occupational Safety and Health Administration (OSHA), the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and the National Women's Law Center.

In Los Angeles, California, the delegation visited the Stanley Mosk Courthouse and the Superior Court of California, County of Los Angeles where they observed court hearings and met with judges and legal experts.

This helped them understand how some labor law issues are dealt with in U.S. courts. A highlight of the Los Angeles tour was meeting with representatives of Bet Tzedek, a nonprofit law firm located in the heart of Los Angeles, where the delegation was addressed by Diego Cartagena, President & CEO of Bet Tzedek, and Mary Ross, head of Bet Tzedek's Employment Team.

The session provided valuable insights into Bet Tzedek's efforts to provide equitable access to justice for all, particularly in the realm of labor rights and employment law.



Mediation for Business Days in Batumi: Promoting Alternative Dispute Resolution

From April 25 to April 27, the Mediators' Association of Georgia (MAG), with support from the USAID Rule of Law Program, delivered a series of Mediation for Business events in Batumi. These events raised awareness of mediation among local businesses, providing a valuable platform for business organizations and legal practitioners to explore the benefits and evolving landscape of mediation.

Over the course of the three days, 180 people, including representatives from the private sector, mediators, lawyers, and judges, gained valuable insights into mediation principles and its practical application.

On April 25, a bench-bar meeting brought together judges from the Batumi City Court, including **Irma Togonidze**, **Guliko Kazhashvili**, **Khatuna Bolkvadze**, and **Salikh Shainidze**, with mediators to enhance collaboration and address key challenges related to mediation in Adjara.



Discussions focused on various types of disputes, including labor, commercial, and construction disputes.

Judge Guliko Kazhashvili explained the significance of face-to-face discussions in fostering understanding and cooperation between judges and mediators. She outlined a proactive approach to referring cases, particularly those involving alimony and inheritance matters, to mediation.

The event featured guest speaker Dr. **Nadja Alexander**, a distinguished Professor of Law and Director of the Singapore International Dispute Resolution Academy (SIDRA), who presented on the benefits of mediation for businesses. Dr. Alexander emphasized how mediation can streamline dispute resolution processes, minimize costs, and preserve valuable business relationships.

Public Lecture on Constitutional Oversight at Samtskhe-Javakheti State University

The USAID Rule of Law Program (Program) through its Akhaltsikhe Rule of Law Hub and in collaboration with Samtskhe-Javakheti State University and the Constitutional Court of Georgia held a public lecture with the participation of Deputy Chairman of the Constitutional Court of Georgia, **Manana Kobakhidze**.

Over 30 students from the legal and public administration faculties of Samtskhe-Javakheti State University attended the lecture. **Niko Akhalkatsi**, the Deputy Rector, and Davit Khobelia, the Dean of the Law Faculty, delivered introductory speeches. Mr. Akhalkatsi emphasized the importance of students engaging with leading experts in the legal field, highlighting the value of such interactions for their professional development.

Judge Kobakhidze provided a comprehensive overview of the historical context of the Georgian Constitution, emphasizing the crucial role of constitutional oversight undertaken by the Constitutional Court. She emphasized the judiciary's pivotal responsibility in safeguarding fundamental constitutional rights and elaborated on the broader framework necessary for establishing the rule of law.

Furthermore, students actively engaged by asking questions and gained further insights into the workload and decision-making processes of the Constitutional Court.



Webinar on Parental Alienation and Child Support Issues

On May 14, the USAID Rule of Law Program hosted a webinar featuring American judge **Peggy Walker**, who engaged in discussion with Georgian judges and representatives of the LEPL State Care and Assistance for the (Statutory) Victims of Human Trafficking. The focus of discussion was parental alienation and child support issues.

Judges from the City Courts of Tbilisi, Kutaisi, Rustavi, Batumi, and Samtredia District Court, along with six representatives from the Agency, participated in the meeting.

The participants found the discussion on parental alienation particularly engaging, raising inquiries about available resources, potential reunification programs

for alienated parents, strategies for dealing with uncooperative parents, considerations regarding the child's age in program enrollment, and the feasibility of mediation in resolving alienation between parent and child.

Judge Walker delivered two comprehensive presentations on the topic, referencing available resources, especially concerning alienation, which were translated into Georgian and will be distributed to the participants and other members of the Practice Groups.

Judges and Lawyers Explore Improvements in Court Case Management

On May 25, 2024, 40 judges, lawyers, other legal professionals, and international experts participated in a Court Management Seminar held in Tbilisi.

Organized by the USAID Rule of Law Program in collaboration with the U.S. State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) in Georgia, the seminar served as a platform to discuss approaches and challenges in court case management.

Sopho Sokhadze from the Georgian Bar Association (GBA) kicked off the first session with an in-depth look at case management in Georgia. She presented a report and "Recommendations Regarding the Management of Case Flows in the Court," prepared by GBA experts and supported by the USAID Rule of Law Program.

Dr. **Tim Bunjevac**, Community Engagement Advisor for the USAID Rule of Law Program, provided an overview of civil case management and case-flow management from an international perspective. His presentation included examples from various jurisdictions, illustrating effective strategies for managing civil cases and ensuring efficient court operations. The session concluded with a lively discussion, in which participants exchanged ideas on how



to integrate international best practices into the Georgian courts.

USAID Rule of Law Program-invited Judge **Timothy Baland** shared his observations on civil and administrative case management in Georgian courts. He gave practical tips for improving case management and reducing delays, drawing on experiences from the U.S.

The afternoon session focused on jury management in criminal trials, a relatively new process in Georgian courts. Judge Elene Gogvadze of the Tbilisi City Court provided examples of jury management practices in Georgia and compared them with international practices.



Kerry W. Meyer, Chief Judge of the Fourth Judicial District Court of Minneapolis, Minnesota, USA, led a session on advanced jury management techniques. The session included a discussion of how these practices could be tailored to fit the Georgian legal system and provided a robust framework for future improvement.

The seminar concluded with remarks that summarized the key takeaways from the day's sessions, emphasizing the importance of continued collaboration and knowledge exchange between Georgian and international legal experts.

Judicial Practice Group Considers Discriminatory Speech and Offensive Statements in Social Media

The Rule of Law Practice Group on Freedom of Expression met to discuss the problem of discriminatory speech and offensive statements in social media. Members of the Group, judges and judicial assistants, listened to Professor **Jason DeSanto** from Northwestern University (Illinois, US) explain aspects of U.S. First Amendment jurisprudence related to defamation, insults and threats spread online.

Professor DeSanto explained the underlying principles of the First Amendment's free speech, principles rooted in the concept of the "marketplace of ideas" and believed necessary for a self-governing society.

Professor DeSanto explained some of the issues related to regulation of the internet and types of content-based restrictions that could be imposed on internet platforms, as well as how they compare with more traditional channels of information dissemination, such as print, broadcasting and telecommunications.

The question of whether internet platforms such as Twitter and Facebook can be considered public forums was of particular interest to Practice Group members and led to a discussion about standards and tests for determining what a public forum is, and whether personal accounts of public officials can be considered public forums in light of the recent US Supreme Court case of *Lindke v. Freed* (no. 22-611).

The Practice Group judges provided an account of the case law of the Georgian courts on similar issues, demonstrating that the Georgian courts are also grappling with the new realities brought by technological advances and the influence of social media upon everyday life.



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- ▶ **Herb Bowmen** Deputy Chief of Party
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- ▶ **Tim Bunjevac** Community Engagement Advisor
- ▶ **Mariam Gobronidze** Community Engagement Coordinator
- ▶ **Mamuka Mamatsashvili** Judicial Exchange Program Coordinator
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