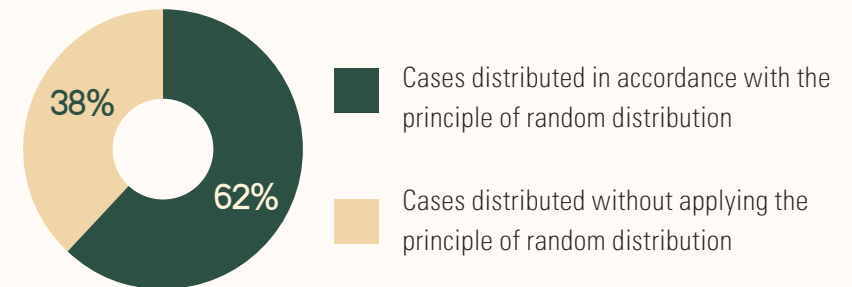


ELECTRONIC SYSTEM OF CASE DISTRIBUTION IN COURTS

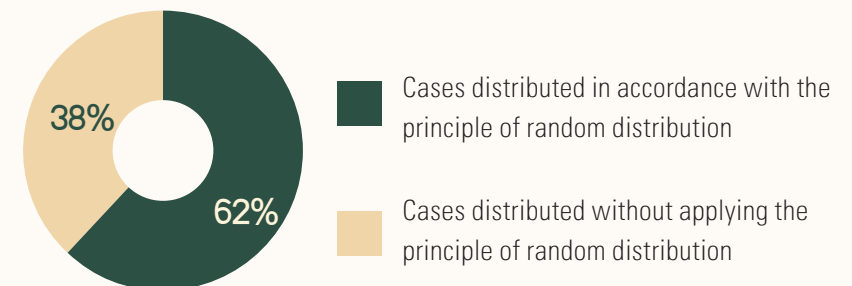
Introduction of the electronic system of case distribution in Common Courts is one of the most important novelties adopted under the “third wave” reform. Monitoring process within the second reporting period, during 2019, identified the following key challenges:

- Insufficient number of judges in some courts precludes the observance of the principle of random distribution of cases in every court throughout Georgia;
- The Chairperson of the Court still retains several vague and problematic authorities, including, defining/modifying the duty schedules and determining the composition of the court’s narrow specialization, without justification, which, in practice, allows arbitrariness;
- Procedure and timeframes for re-distribution of cases in the event of self-recusal/recusal of a judge are not properly regulated; The Chairperson’s involvement in the above-mentioned process in accordance with the procedural law, remains to be problematic;

Cases Distributed through the Electronic Case Allocation Program from December 31, 2017 to December 31, 2018

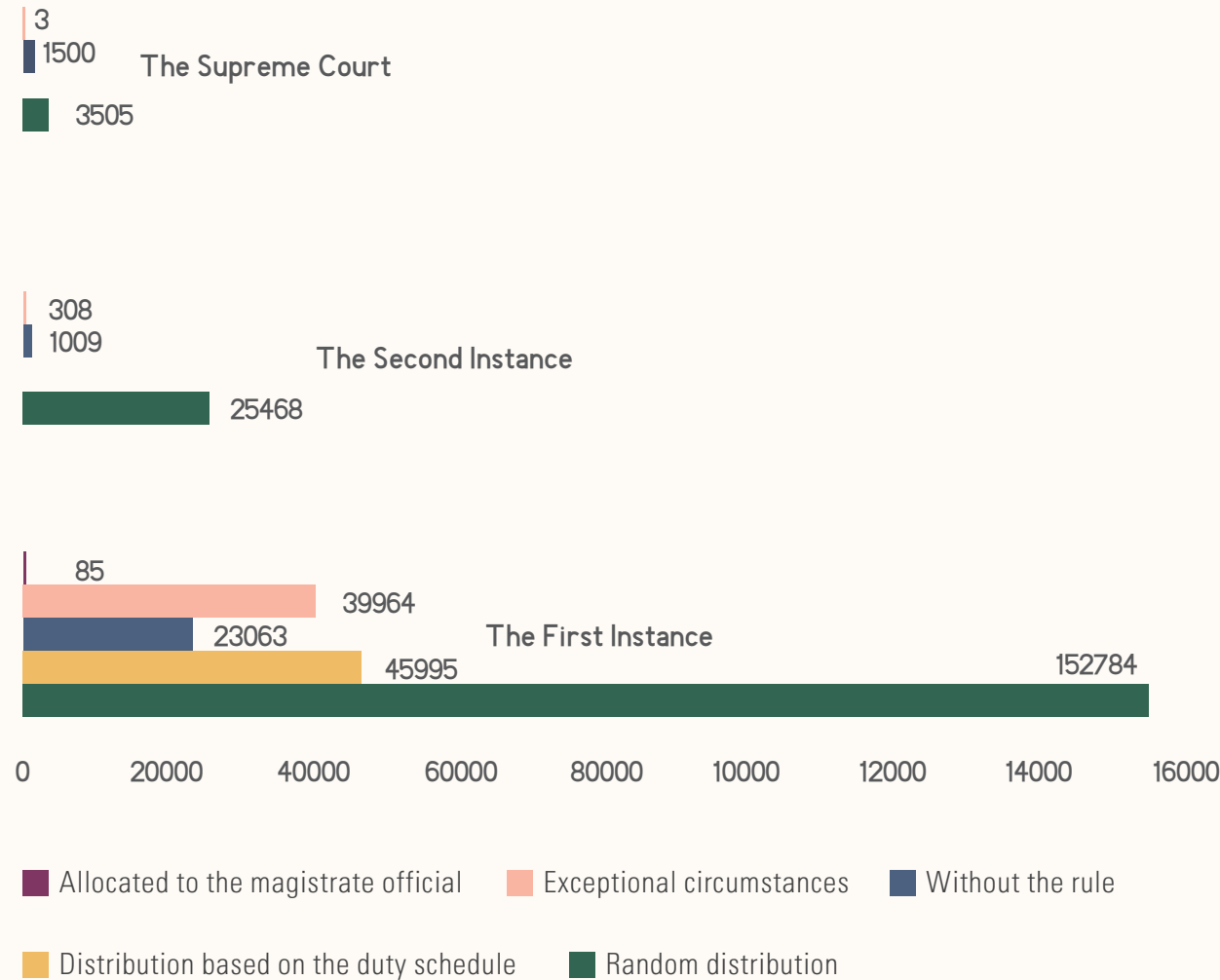


Cases Distributed through the Electronic Case Allocation Program from January 1, 2019 to December 31, 2019



- The electronic program of case distribution selects only one speaker judge from the panel of Appeals/Supreme Courts, and the procedure/rule for selecting the remaining judges is still unclear;
- There is no clearly defined regulation concerning exemptions in the rule on the electronic distribution of cases;
- The electronic system of case distribution still does not take into account the complexity and the volume of the case, which is essential for the provision of a just and equal distribution of the workload to the judges;
- Judges, who simultaneously occupy the position of chairperson/deputy chairperson of the court/panel/chamber as well as the members of the Council, are in a significantly advantageous position compared to other judges, as the Rule for the electronic distribution of cases provides for a favorable workload rate for them;
- In the second monitoring year, the standard of access to public information on the operation of the case distribution system has significantly deteriorated.

Cases distributed between January 1, 2019 and December 31, 2019



What are the next steps?

- Implement the system of random distribution of cases in all courts by ensuring a sufficient number of judges;
- In the event of recusal/self-recusal, determine the procedure for re-distribution of cases and exclude the chairperson from the abovementioned process;
- Delegate the authority to determine the composition of judges of narrow specializations to the High Council of Justice instead of the Chairperson of the court, on the basis of a clearly defined procedure;
- Deprive the Court's chairpersons of the authority to increase and decrease the judge's workload rate;
- In case of the judicial panel hearings of the case in Appeals/Supreme Courts, ensure the selection of all three judges through the electronic program of the case distribution;
- Arrange the procedure of defining/modifying the duty schedules of the judges in such a way as to preclude the possibility of a case being assigned directly to one particular judge without the observance of the principle of random distribution;
- Improve the procedure for just and equal distribution of cases among judges through electronic system, taking into account the complexity and the volume of the case;
- Clearly outline the grounds and procedure for the temporary transfer of cases to another judge if the "special objective circumstances" are in place, in accordance with the rule;
- Develop a uniform high standard for the production of statistical information on the electronic distribution of cases and for the provision of the other related public information; Form/launch an electronic platform for processing statistical information on case distribution.