



TRANSPARENCY
INTERNATIONAL
GEORGIA

Court Monitoring Report #2

Period Covered:
June 2012 - October 2012

საბჭოთავო რესპუბლიკის უზენაესი სასამართლო
SUPREME COURT OF GEORGIA



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*The Judicial Independence and Legal
Empowerment Project (JILEP)*



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April 2013

Tbilisi, Georgia

The monitoring project is made possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents are the responsibility of TI Georgia and do not necessarily reflect the views of USAID, the United States Government or EWMI.

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Acknowledgements

Transparency International Georgia (TI Georgia) would like to express its gratitude to the High Council of Justice, Tbilisi and Batumi City Courts, Telavi, Gori and Khelvachauri District Courts who are providing our monitors with the opportunity to freely make notes during the court trials. TI Georgia would also like to thank the administrative staff of the courts, including bailiffs, judges' assistants and clerks.

In addition, we would like to say a special thank you to Neil Weinstein, EWMI's Legal Systems Specialist, who has significantly contributed to this study with his extremely valuable experience, suggestions and advice, also to Folke Bernadote Academy and OSCE's Rule of Law Office for sharing their experience in the field of monitoring administrative justice.

Executive Summary

This is TI Georgia's second report on administrative court hearings. This report covers the period from 1 June-31 October 2012, and includes court monitoring data from administrative proceedings in the first instance courts in Tbilisi, Batumi, Gori, Telavi and Khelvachauri. A total of 282 hearings in 142 cases were observed. Observations from hearings in cases that commanded high public interest are discussed separately from the more routine cases monitored by TI Georgia.

TI Georgia monitored the court administration and judges across a number of specific criteria, including: reasonable time and punctuality of the hearings, protection of the right to a public hearing, due regard to the procedural handling of the hearing, use of inquisitorial principle, and the observance of equality of arms.

The key findings of this report are:

- Despite a very marginal increase in the percentage of cases decided in favor of private parties, the success rate of the state party in administrative court cases is still overwhelming. This raises questions and concerns as to the objectivity of the courts.
- Judges tended to differentiate between routine and high-profile cases. In cases of significant public interest, judges appeared to favor the state party. In addition judges and/or court administrations limited citizens' right to a public hearing.
- In some instances, judges dragged out high-profile cases for an overly long period so as to favor the state party, in addition they gave the government's political opponents very little time to prepare for a hearing. In one case judge allowed a state party representative with no power of attorney to file a motion.
- Courts as a rule failed to publish the hearings on high-profile cases and selected inappropriately small courtrooms for such hearings. Further, the court's administration refused to provide information on the date and time of hearings that were postponed for an indefinite period of time.
- Judges were generally quite reluctant to use their inquisitorial powers in order to assist the parties in administrative hearings and/or to get fully acquainted with case details. However, when judges did take action, in a number of cases there was enough ground to think that the judge used the inquisitorial power in order to put the state party in an advantageous position.
- Judges were generally punctual in starting administrative court hearings, took a reasonable time to decide the cases in accordance with the legislation, and showed more initiative than before in suggesting that the parties settle their disputes.
- Judges provided parties with more extensive information than before about their rights during hearings, while also allowing them to freely defend their arguments in the vast majority of the cases.
- Judges the vast majority of the hearings did not provide a summary of the case under discussion at the opening stage of the hearing, as envisaged by the administrative court procedures.

Goal of the Court Monitoring and Number of Cases Monitored

TI Georgia's court monitoring project aims to facilitate the transparency, efficiency and accessibility of Georgia's justice system in the area of administrative law. For that purpose, TI Georgia's monitoring team attends administrative court hearings, collects information on the procedures of those hearings, analyzes the data collected, derives statistics and makes relevant conclusions. TI Georgia considers the project to be particularly important since the findings of the monitoring are public and people have access to a comprehensive overview of what actually occurs in Georgia's courtrooms. This, in turn, helps instigate public debate on the state of the Georgian justice system and areas for reform.

The court monitoring observations reflected in this report cover the period from 1st June 2012 to 31st October 2012, including the data from the first instance courts of Tbilisi (hereinafter TCC), Batumi (hereinafter BCC), Gori (hereinafter GDC), Telavi (hereinafter TDC) and Khelvachauri (hereinafter KDC). This monitoring period was the first time that TI Georgia monitored cases in GDC and TDC.

During this period, TI Georgia monitored 142 administrative law cases to the rendering of final decision, with any one case potentially including several hearings. In total our monitors attended 282 hearings, with 147 hearings (88 cases) attended in TCC, 106 hearings (31 cases) in BCC; 6 hearings (4 cases) in KDC, 19 hearings (16 cases) in GDC and 4 hearings (3 cases) in TDC.¹ Throughout this report, statistical data from BCC and KDC will be discussed together; similarly, the data from GDC and TDC will be discussed together. There were several factors taken into consideration when deciding to combine the statistical data for these courts. First, TI Georgia's observations were very similar in the courts that were combined. Besides this, it would be impossible to talk about statistical information for only four cases in KDC and three cases in TDC. It should also be emphasized that in the case of BCC and KDC, the courts are located in the same region. In any instances where there are considerable differences between the observations in either BCC and KDC or TDC and GDC, those differences will be highlighted in the report.

In addition to the hearings described above, TI Georgia monitors attended 86 hearings (56 cases) which were postponed for an indefinite period of time or suspended due to a settlement between the parties, declaration of the case as inadmissible, or withdrawal of the case by the parties.² These 56 cases are not included in the overall statistics of this report, however the report includes references to those cases where the parties agreed to a settlement offered by the judge.

¹ See Annex 1, Table 1.1. The cases monitored by TI Georgia compose 10% of the administrative cases (not including administrative violation cases) heard by TCC during the monitoring period (88 out of 911), 16% of all cases heard by BCC (31 out of 197), 11% of all cases heard by KDC (4 out of 37), 21% of all cases heard by GDC (16 out of 77) and 10% of all cases heard by TDC (3 out of 30).

² See Annex 1, Table 1.2.

Chart 1. Cases and Hearings Monitored TCC

■ Cases monitored
□ Hearings monitored

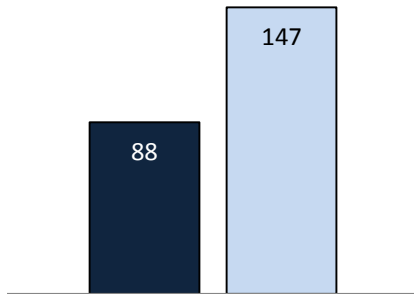


Chart 2. Cases and Hearings Monitored BCC and KDC

■ Cases monitored
□ Hearings monitored

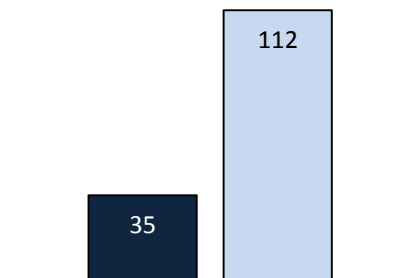
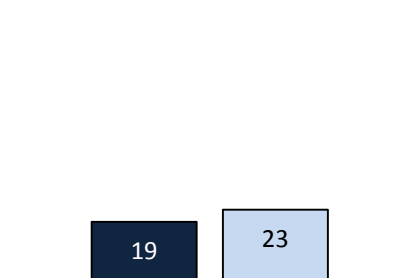


Chart 3. Cases and Hearings Monitored GDC and TDC

■ Cases monitored
□ Hearings monitored



Methodology

With the purpose of court monitoring, TI Georgia first developed a detailed checklist of questions to be filled-in by its monitors (see Annex IX).³ Following the procedural requirements of the relevant legislation,⁴ the checklist consists of 140 questions with multiple-choice answers and a space for comments after each question. This ensures that all of the important aspects of the hearing are well-documented by the monitors. In addition, TI Georgia developed an electronic database that provides a fairly simple way of processing the collected information and retrieving relevant statistics. This database, which is available upon the request of any interested person, is identical to the paper version of the checklist and makes it easier to manage and administer the collected data.

Second, TI Georgia recruited total of 13 court monitors; seven part-time monitors in Tbilisi, four part-time monitors in Batumi, and two full-time monitors in Telavi and Gori. The monitors are graduating law students who are carefully selected through an open selection process. Before they started to monitor court hearings, all monitors attended several day-long intensive theoretical and practical trainings. At least two monitors per-day went to TCC to attend both new cases and those that had been postponed. At the same time, at least one monitor per-day attended court hearings at BCC, KDC, TDC and GDC. The monitors visited courts even when there were no hearings scheduled on the courts' official web-pages; this was to have a clear picture of the hearings published or omitted from the web-pages, and so that high-profile cases (which as a rule were omitted from official schedules) could be attended.⁵

TI Georgia's specially-assigned lawyer/coordinator of the court monitoring project supervised the monitors. Specifically, each Friday TI Georgia's project coordinator drafted a schedule of the monitors'

³ To get a better picture of the judges' adherence to the principles monitored by TI Georgia, a number of questions were added to the checklist for use during this court monitoring period. These included questions on audio-recording of the hearing, publishing of the articles under dispute, clarity of the comments made by the judges, clerks and the parties, and the explaining of their rights to the parties.

⁴ Georgian Administrative Procedure Code, Tbilisi 23/07/1999, №2352 RS, and Georgian Civil Procedure Code, Tbilisi 14/11/1997, №1106 IS.

⁵ See pg.14, High-Profile Cases.

attendance during the upcoming week; the schedule was then modified the following Monday, in line with the official schedule of administrative hearings. At the end of each monitoring day, all monitors submitted their filled-out checklists to the project coordinator, who separately stored the data on completed and pending cases. In addition, the date and time of the next hearing of each pending case was noted in TI Georgia's court monitoring calendar.

Case Selection and Focus of the Monitoring

The cases for monitoring were selected according to the official schedule published on the web-pages of the relevant courts, with the exception of KDC which did not have an official web-page.⁶ Our monitors also randomly attended hearings when the clerks announced the start of hearings in the corridors of the court buildings, or when the size of the crowd outside a courtroom and the presence of journalists indicated that there was a high-profile case under discussion; these were also cases broadly discussed throughout media. In order to collect information on the scheduled cases, TI Georgia's monitors were also in regular contact with the assistants of judges, bailiffs, court administrative staff, the parties and their representatives. Collecting information from diverse sources was particularly useful given the fact that the hearings of most of the high-profile cases monitored were not published on the official schedule of courts.⁷

TI Georgia, as it was during the first Court Monitoring period, chose to focus its court monitoring project on property rights cases because of the increasing number of reported violations in Georgia during recent years.⁸ Accordingly, TI Georgia actively attended those cases where the national Public Registry, Property Rights Declaration Commission or the Ministry of Economy and Sustainable Development were indicated as parties to the case.⁹

Another focus of TI Georgia's court monitoring was cases of administrative offences during the period leading up to Georgia's parliamentary election of 1st October 2012. In Georgia, any violation (intentional or unintentional) of public order, human rights or freedoms, or any offence against state governance, which does not fall under criminal law jurisdiction is considered an administrative offence.¹⁰ In most other jurisdictions these offences would be considered criminal violations, and all of

⁶ Official web page of the Tbilisi City Court: www.tcc.gov.ge; official web page of the Batumi City Court: <http://batumi.court.gov.ge/>; official web page of Gori District Court: <http://gori.court.gov.ge/>; official web page of Telavi District Court: <http://telavi.court.gov.ge/>

⁷ See pg. 14, High-Profile Cases.

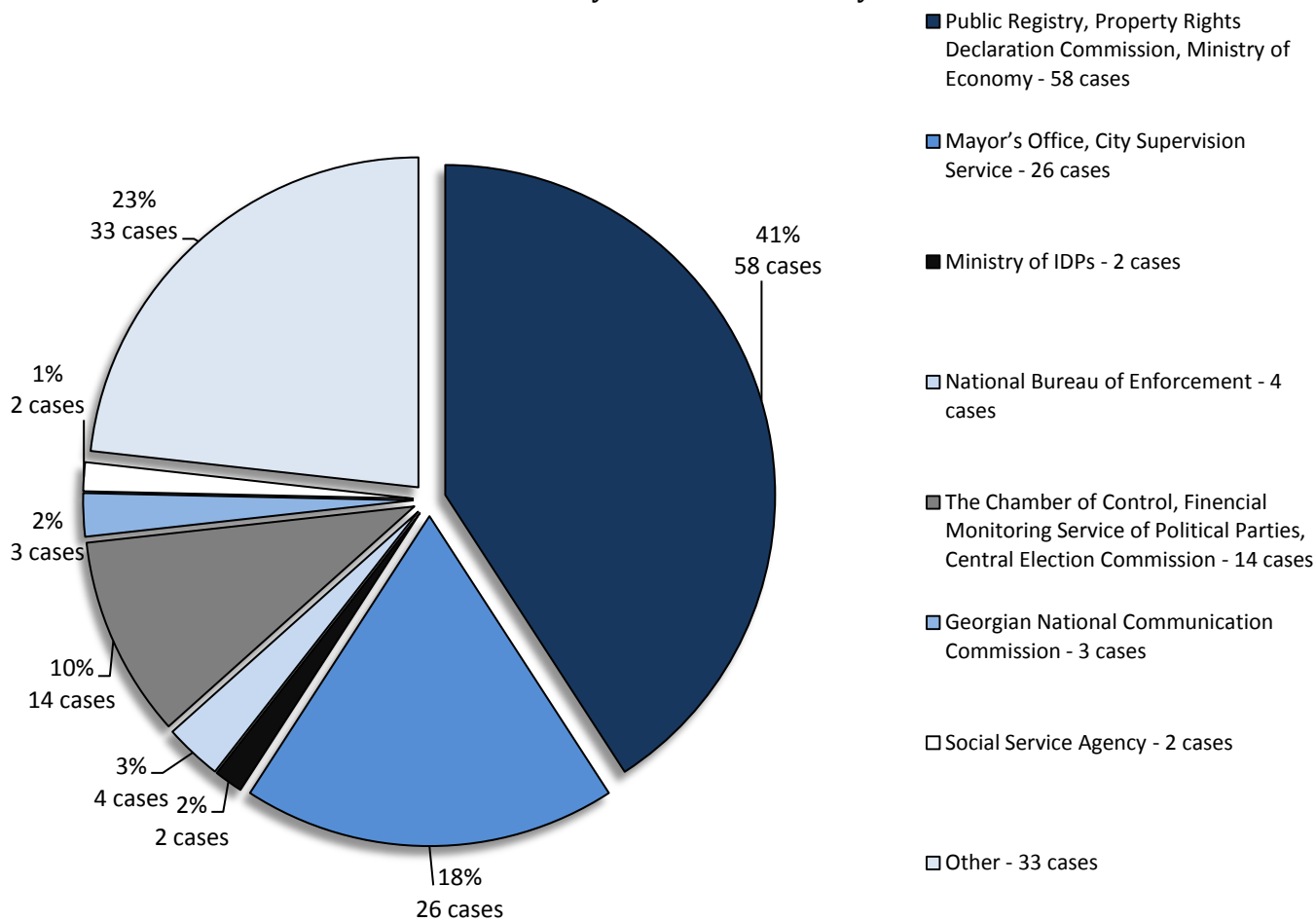
⁸ Georgian Young Lawyers Association (GYLA), 2012 Annual Report, <http://gyla.ge/geo/news?info=842>, visited on 31/01/2013; Association Green Alternative, GYLA, TI Georgia, Georgian Regional Media Association, "Stripped Property Rights in Georgia", March 2012, http://www.greenalt.org/webmill/data/file/publications/Stripped_Property_Rights_April2012_Eng.pdf, visited on 31/01/2013; TI Georgia "Problems Related to the Protection of Property Rights – The Case of Gonio", March 2011, <http://transparency.ge/en/post/report/problems-related-protection-property-rights-case-gonio-march-2011>, visited on 31/01/2013; "Problems Related to the Protection of Property Rights – The Case of Mestia", July 2011, <http://transparency.ge/en/post/report/problems-related-protection-property-rights-case-mestia-july-2011>, visited on 31/01/2013; Studio GNS Documentary "Property Rights Violations Digomi Case", <http://www.youtube.com/watch?v=ioAZneCQ1nw>, visited on 31/01/2013..

⁹ See Annex 2, Table 2.1.

¹⁰ Georgian Code on Administrative Offences, Tbilisi, 15/12/1984, №161 Xs, art. 10; Certain administrative offences may lead to punishment as severe as 90 days imprisonment. For a lengthy discussion of Georgian law and practice of administrative

the rights safeguarded during a criminal proceeding would be guaranteed. However, in Georgia administrative offences are heard by administrative chambers that do not extend such procedural and rights guarantees. TI Georgia looked at only administrative violations cases that did not entail possible detention as punishment – those where a fine was the maximum penalty that could be imposed. In particular, TI focused on cases of illegal contributions by or to political parties heard by administrative chambers.

Chart 4. Cases Monitored by Administrative Body



offences, please refer to: Human Rights Watch (2012) Administrative Error: Georgia's Flawed System for Administrative Detention, <http://www.hrw.org/sites/default/files/reports/georgia0112ForUpload.pdf> visited on 05.02.2013.

Before the election, a number of complaints involving the violation of electoral legislation were submitted to the courts. The most prominent of these related to illegal donations to political parties.¹¹ For instance, Bidzina Ivanishvili, the current Prime Minister and the founder of the political coalition Georgian Dream, was fined several times for making illegal donations; in one case the fine imposed on Ivanishvili amounted to GEL 126 million. Acknowledging the high public interest in such administrative cases, TI Georgia extended its focus to monitor election related cases that had no elements of criminal offense.

When there were not hearings related to either property rights cases or election-related administrative offenses taking place, TI Georgia's monitors attended hearings randomly.¹²

High-Profile Cases

When discussing statistical information on each legal principle, observations regarding high-profile cases will be given separately from the general observations regarding cases that were not high profile. Cases were considered high profile if they were the subject of broad media coverage, the private party involved was a public personality, the amount of the potential fine was large, or there was a probable link of the dispute with politics.

The following is a summary of the high-profile cases monitored by TI Georgia during this monitoring period:

Chamber of Control vs. Bidzina Ivanishvili (2 cases)

One of the mandates of the Chamber of Control (Financial Monitoring Service of Political Parties) is to monitor the execution of party financing regulations in Georgia. Pursuant to Georgian legislation, cases against Bidzina Ivanishvili – at that time the leader of the political coalition Georgian Dream (and the current Prime Minister) – were referred to the court by the Chamber of Control.

On 11 June 2011, the court declared Bidzina Ivanishvili to have conducted an administrative violation for distributing satellite dishes for electoral goals.¹³ He was fined GEL 126,220,190.

Also on 11 June 2012, Bidzina Ivanishvili was found guilty of committing a different administrative violation by allegedly donating 239 cars to LTD Burji and LTD Elita Burji.¹⁴ The cars were then used to serve the interests of the political parties enrolled in the coalition Georgian Dream. The court accepted the application of the Chamber of Control and fined Bidzina Ivanishvili GEL 22,429,941.

¹¹ [ჯარიმები უკანონო შემოწირულობისთვის], online magazine [ტაბულა], 27/02/2012, <http://www.tabula.ge/article-20055.html>, visited on 31/01/13; Ivanishvili Fined with GEL 126m, online magazine [Civil.ge], <http://civil.ge/eng/article.php?id=24874> visited on 06/02/2013; [სასამართლომ ბიძინა ივანიშვილი 20 მილიონი ლარით დაჯარიმა], Nino Mchedlishvili, Radio Station "რადიო თავისუფლება", 11/08/12, <http://www.radiotavisupleba.ge/content/ivanishvili-fined/24673520.html> visited on 31/01/12; 'What are the Reasons for Imposing Fines on Bidzina Ivanishvili', Transparency International Georgia, 28/06/2012, <http://transparency.ge/blog/ris-gamo-dajarimda-bidzina-ivanishvili> visited on 31/01/12.

¹² Disputes concerning taxation issues, military service and administrative offenses that were criminal in nature were the exception; TI Georgia deliberately refrained from monitoring these hearings.

¹³ Georgian Law on Political Unions of Citizens, 31/10/1997, #1028-IS, Art. 25²(2¹), Art. 34²(9).

¹⁴ Ibid.

State Audit Service vs. LTD Management Service and LTD Burji

On 7 July 2012, the administrative chamber of Tbilisi City Court accepted the application of the Financial Monitoring Service of Political Parties and found that LTD Management Service and LTD Burji had committed an administrative violation. Specifically, LTD Management Service rented and renovated offices. The renovation services were rendered by LTD Burji. The offices were then leased to the political coalition Georgian Dream. The court found that the rent paid by Georgian Dream was low enough to think that the activities of the companies were not profitable. Thus, LTD Management Service and LTD Burji were fined 2,848,170 GEL for allegedly making an illegal contribution.¹⁵

State Audit Service vs. Individuals (2 cases)

On 7 August 2012, four individuals were found to have made illegal contributions to the political party Industry Will Save Georgia, a member of the political coalition Georgian Dream. Prior to referring the case to the court, the State Audit Service investigated the case and found that the origin of the contributions to the party was fraudulent, based on the fact that the defendants were retired and did not have sufficient income to make the contributions. The court fully accepted the claim, and the individuals were together fined a total of GEL 24,500.¹⁶

On 17 August 2012, the Financial Monitoring Service referred another case to the court. The dispute concerned allegedly illegal contributions made by private parties to the coalition Georgian Dream. The State Audit Service investigated the case, and here as well found that the origin of the contributions was fraudulent. The six individuals were together fined a total of GEL 278,650.¹⁷

Association Green Alternative vs. Ministry of Energy and Natural Recourses

Association Green Alternative went to court asking it to abolish a decree of the Minister of Energy and Natural Recourses which made legal the hunting of a number of species on Georgia's list of endangered species.¹⁸ The decree was adopted on the 1st September 2011, with a number of changes made to it during the period when the case was under discussion at the court.¹⁹ On 4 April 2012, the court announced its decision, which denied Association Green Alternative's claim that the decree was illegal.

¹⁵ Georgian Law on Political Unions of Citizens, Art. 26(1), Art. 34²(2).

¹⁶ See n. 13.

¹⁷ Ibid.

¹⁸ Decree of the Minister of Energy and Natural Recourses of Georgia, 01/09/2011, #175.

¹⁹ Decree of the Minister of Energy and Natural Recourses of Georgia, 22/09/2011, #195 and Decree of the Minister of Energy and Natural Recourses of Georgia, 25/11/2012, #242.

Fundamental Principles of Administrative Procedure

The legal principles applicable to administrative cases are divided into two main categories: general legal principles and special legal principles. The former are consolidated in the Constitution; the latter, along with general legal principles, are enshrined in specific branches of law.²⁰

For the purpose of this study, TI Georgia has monitored the general and special legal principles that are applicable to administrative law. These are as follows:

- Reasonable Time and Punctuality;
- Right to a Public Hearing;²¹
- Handling of the Hearing by the Judge;²²
- Inquisitorial Principle;²³ and
- Adversarial Principle (Equality of Arms, Unbiased Settlement of Dispute).²⁴

Administrative proceedings in Georgia are primarily based on the inquisitorial principle, which means that the judges should be more active during administrative hearings than they are during civil and criminal hearings, which are solely based on the adversarial principle.²⁵ Bearing this in mind, TI Georgia put a special focus on monitoring how judges applied the inquisitorial principle when handling administrative hearings.²⁶

Reasonable Time and Punctuality

Measuring punctuality is important to show how judges manage their time and how organized they are. In the course of its monitoring, TI Georgia assessed whether court hearings started later than scheduled.

The right to a court hearing within a reasonable time is an important prerequisite for having a fair trial, and also allows for better analysis of the organization and the management of the judicial system. This right serves as a guarantee to protect parties against excessive procedural delays, which could jeopardize the courts' effectiveness and credibility.²⁷ Under Georgian law courts should decide an administrative case within two months, starting from the date the claim was registered. In cases of special complexity, this period may be extended to five months.²⁸

²⁰ M. Kopaleishvili, N. Skhirtladze, E. Kardava, P. Turava, "Handbook of Administrative Procedural Law," Tbilisi (2008), pg. 19.

²¹ Constitution of Georgia, Tbilisi 24/08/1995, №786 RS, Art. 85; European Convention on the Protection of Human Rights and Fundamental Freedoms, Rome, 04/11/1950, Art. 6; Organic Law of Georgia on Courts of General Jurisdiction, Tbilisi, 4/12/2009, №2257-IIS, Art. 13.

²² M. Kopaleishvili, et al., pg. 27.

²³ Georgian Administrative Procedure Code, Art. 4; M. Kopaleishvili, et al., pg. 25.

²⁴ Constitution of Georgia, Art. 14; Georgian Civil Procedure Code Art. 4, Art. 5.

²⁵ Georgian Administrative Procedure Code, Art. 4.

²⁶ M. Kopaleishvili, et al., pg. 27.

²⁷ Handbook for Monitoring Administrative Justice. Folke Bernadotte Academy and Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe's Joint Initiative, working version, pg 80.

²⁸ Georgian Administrative Procedural Code, 23.07.1999, #2352-RS, Art. 1(2); Georgia Civil Procedure Code, 14/11/1997, #1106, Art. 59 (3).

General Findings

The statistical information gathered by TI Georgia shows that during the second monitoring period punctuality was far better than during the first monitoring period.

During the second monitoring period, nearly two-thirds of the hearings monitored in TCC (99 of 147) started on time; during the first monitoring period, only one-third of the hearings monitored started on time. In BCC and KDC, nearly 55% of the hearings started on time during this monitoring period (61 of 112); during the first monitoring period, only 30% of the hearings were declared open without delay. In both GDC and TDC, just over 50% of the hearings started on time (12 of 23).²⁹

In TCC, only 14% of the hearings (20 of 147) started with a delay of more than 10 minutes. It should be highlighted that during the first monitoring period, almost 40% of the hearings were delayed more than 10 minutes. Of the hearings monitored in BCC and KDC, nearly 37% of hearings (41 of 112) were delayed more than 10 minutes; this, however, is an improvement as nearly 67% of cases in these courts were delayed more than 10 minutes during the first monitoring period. In GDC and TDC, between 35-37% of the hearings were delayed more than 10 minutes (8 of 23).³⁰

In TCC, the judge announced the reason for the delay in only 30% of the cases that started 10 or more minutes late; during the first monitoring period, the figure was 26%. Our monitors were able to determine the reasons for the delay for an additional 50% of TCC's delayed hearings. In 30% of the hearings, the reason for delay was that the previous hearing lasted too long; in 15% of hearings, one of the parties was late. In the remaining cases that started more than 10 minutes late, the reason for the delay could not be determined.³¹

In BCC and KDC, the judge announced the reason for delay in only approximately 10% of the hearings starting 10 or more minutes late. In spite of this, the monitors were able to determine the reason for delay in 15% of the hearings. We found that 10% of the cases started late because the previous hearings lasted too long; in 5% of the hearings, one of the parties was late.³²

In both GDC and TDC, the judge did not announce the reason for the delay in any of the 8 cases that started more than 10 minutes late. Information about the reasons for the hearings starting late was not accessible to TI Georgia.³³

The length of delays differed from court to court. In TCC, the average delay during this monitoring period was only 4-5 minutes, an improvement from the average delay of 7-8 minutes observed during the first monitoring period. In BCC and KDC, the average delay was 11-12 minutes, an improvement

²⁹ See Annex 3, Table 3.1.

³⁰ See Annex 3, Table 3.2.

³¹ See Annex 3, Table 3.4 and 3.5.

³² Ibid.

³³ Ibid.

from the average delay of 21-22 minutes that was observed during the first monitoring period. The average delay in GDC and TDC was 4-5 minutes; these were the shortest delays of all courts monitored by TI Georgia.³⁴

The maximum hearing delay in TCC during the first monitoring period was 105 minutes; during the second monitoring period the maximum delay was 95 minutes. The maximum delay in BCC during the first monitoring period was 108 minutes; during the second monitoring period it was 95 minutes. In KDC, the maximum delays were 15 and 10 minutes, respectively. In GDC the maximum delay observed was 40 minutes, as for TDC the maximum delay was 35 minutes.³⁵

As for the duration of cases, in TCC it took approximately eight days for the judge to render a final decision in cases. In BCC and KDC, it took judges an average of 23 days to render a decision. In GDC and TDC it took only three days – the lowest figure among all courts monitored.³⁶

High-Profile Cases

The data above shows that courts generally decide administrative cases within a reasonable time, as required by the legislation. However, it took the court over five months to render a decision on the case of Association Green Alternative vs. Ministry of Energy and Natural Resources.³⁷ The first hearing in that case was held on 30 November 2011. The preliminary hearing was held twice, and the rendering of the final decision was delayed three times. In one of the delays of the final decision, the case was transferred from the stage of rendering a decision back to the stage of questioning the parties; the reason, according to the judge, was the need to question the parties to investigate additional facts. After postponing the hearing one more time, the judge asked three questions and was not able to ascertain any new facts. This was the only case monitored by TI Georgia that was transferred from the stage of announcing a decision back to the earlier stage of the hearing, on which additional facts or circumstances can be found and ascertained.

There are two primary reasons to think that the hearings in this case were unduly extended and delayed. First, the judge asked only three questions during the five-month period in which the case was active, which indicates that the judge did not view the case as particularly complex. Second, in February 2012, the Minister of Environment Protection of Georgia (G. Khachidze) publicly stated that the hunting period would be over by 1st March, hence there was only a short period left to endure.³⁸ If the decree was invalidated after 1st March, it would have no impact as the hunting period would already be over.

³⁴ See Annex 3, Table 3.3.

³⁵ Ibid.

³⁶ See Annex 3, Table 3.6, when calculating the period of a case being under discussion the first hearing attended by TI Georgia monitors was seen as a starting point.

³⁷ See pg.12, Association Green Alternative vs. Ministry of Energy and Natural Resources.

³⁸ <http://www.youtube.com/watch?v=lygpLG0tXiw>, the video was published on the 6th of February 2012, visited on 06/12/12.

Punctuality was also a concern in the case of Association Green Alternative vs. Ministry of Energy and Natural Resources. Three hearings on the case started significantly later than scheduled – 52, 30 and 60-minutes late, respectively.

In another high-profile case that involved the imposition of a large fine (GEL 162 million) on Bidzina Ivanishvili, the TCC judge delayed the hearing to determine whether the absent state party had been served with notice of the hearing and, after receiving confirmation that the state party had been served, delayed the hearing until the representative of the state party arrived in the courtroom, a delay of 55 minutes.³⁹ This was an outlier from the general statistics for TCC, where the average time of delay was only 9 minutes.

Recommendations

Although TI Georgia’s monitoring of cases indicates no significant problems linked with the punctuality of routine cases, in a number of high-profile cases punctuality was often neglected. We believe courts must have a uniform approach to all cases, and attention should be paid that cases of high public interest are not unduly delayed. One of the parties of a dispute being late for the hearing should not significantly delay the start of the hearing.

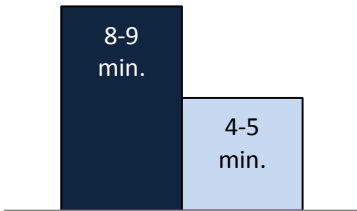
It is also important for judges to state the reason that a hearing is starting late, especially if the delay is more than 10 minutes. This would raise the accountability and transparency of the court system from the viewpoint of interested persons attending a hearing.

Adhering to the principle that a judgment must be rendered within a reasonable time is another concern. Although TI Georgia found that courts generally complied with the principle, significant issues were observed in some cases that were seen as high-profile. As in the case of hunting endangered species, excessively protracting the case may at times defeat the purpose of trial and make the final outcome irrelevant. The exceptional step of moving a case from the stage of rendering a case from the decision stage back to the substantial hearing should not be taken unless well-justified, and in such instances the precise reasoning must be made clear by the judge.

³⁹ See pg.11 , Chamber of Control vs. Bidzina Ivanishvili.

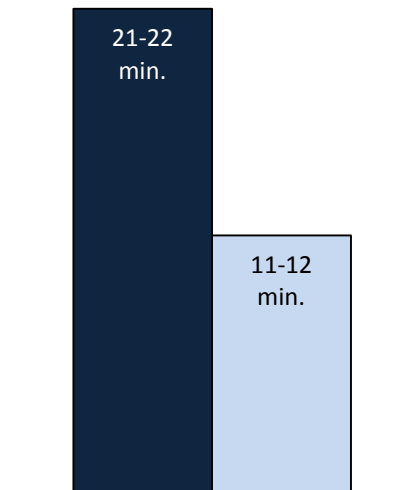
**Chart 5. Average Delay
TCC**

■ Court Monitoring Period #1
□ Court Monitoring Period #2



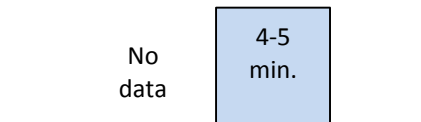
**Chart 6. Average Delay
BCC and KDC**

■ Hearings starting on time
□ Hearings starting late



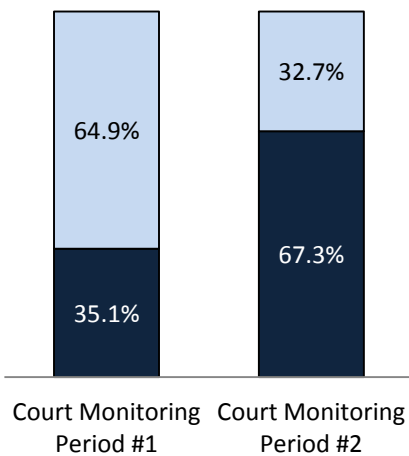
**Chart 7. Average Delay
GDC and TDC**

■ Court Monitoring Period #1
□ Court Monitoring Period #2



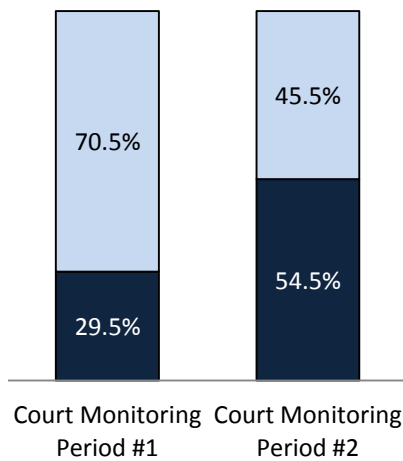
**Chart 8. Hearings Starting
Late/On Time
TCC**

■ Hearings starting on time
□ Hearings starting late



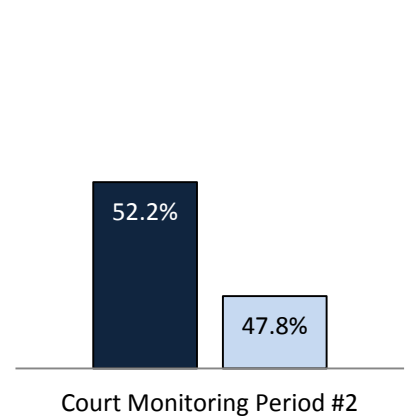
**Chart 9. Hearings Starting
Late/On Time
BCC and KDC**

■ Hearings starting on time
□ Hearings starting late



**Chart 10. Hearings Starting
Late/On Time
GDC and TDC**

■ Hearings starting on time
□ Hearings starting late



Right to a public hearing

The right to a public hearing is guaranteed by the Constitution of Georgia (Article 85(1)), which states that the court should discuss the case at an open hearing.⁴⁰ The Organic Law on Common Courts also acknowledges this right, stating that court hearings on cases falling under that law should be open to the public unless decided otherwise by the judge.⁴¹ The right to a public hearing is also guaranteed by the European Convention on Human Rights (Article 6), which states that “in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing.”⁴² Art.6 of the Convention did not specifically cover administrative proceedings,⁴³ however, in *Ringeisen v. Austria* and *König v. Germany* the ECHR decided that it should cover “all proceedings,” including a dispute between a private person and a public authority and in the application of administrative law.⁴⁴ In addition, the obligation to ensure that everybody is entitled to a fair and public hearing in the determination of his civil rights and obligations is imposed on state parties by the International Covenant on Civil and Political Rights (Article 14(1)).⁴⁵ Another important international mechanism is the commitment of OSCE participating countries to accept as a confidence-building measure “the presence of observers...at proceedings before the courts”.⁴⁶

To guarantee the full implementation of the right to a public hearing, courts should ensure that all interested parties are given the opportunity to freely attend hearings and to receive advance notification of the date and time of each hearing. At the same time, the relevant court or the tribunal should clearly explain the reasoning behind any restrictions of the public’s access to court hearings.⁴⁷ If there are no grounds for restrictions, the administrative courts should provide the public with adequate facilities to freely attend the hearings in which they are interested.⁴⁸

Interested parties should also have a sound understanding of the dispute, meaning that they should be able to hear the statements and comments of all important parties to the dispute, including witnesses, experts, specialists, interpreters, judges and clerks. Therefore, judges should make sure that their statements and those of others sitting in the courtroom are loud and clear enough so that ordinary citizens attending the hearing can listen and comprehend what is discussed by the parties.

General Findings

TI Georgia’s general observation is that any interested person is allowed to attend administrative court hearings in Georgia and make notes. Our monitors, for instance, were often assisted by the bailiffs and clerks to find the right courtroom and were also able to freely make notes during the hearings.

⁴⁰ Constitution of Georgia, Art. 85.

⁴¹ Organic Law of Georgia on Courts of General Jurisdiction, Art. 13.

⁴² European Convention on the Protection of Human Rights and Fundamental Freedoms, Rome, 04/11/1950, Art. 6.

⁴³ See n 27, Handbook for Monitoring Administrative Justice, pg. 40.

⁴⁴ *Ringeisen v Austria*, (1971), ECHR, para 94; *König v Germany*, (1978), ECHR, paras 89-90.

⁴⁵ International Covenant of Civil and Political Rights, signed on 16/12/66, in force from 23/03/67.

⁴⁶ [CSCE/OSCE Copenhagen Document](#), para 12.

⁴⁷ See n 27, Handbook for Monitoring Administrative Justice, pg. 43.

⁴⁸ *Ibid*, pg.67. See n 8, pg. 67; [Van Meurs v. The Netherlands](#), HRC Communication 215/1986, UN Doc CCPR/C/39/D/215/1986 (1990), para 6.2.

Nevertheless, there were a number of instances that can be seen as infringements of the right to a public hearing, as guaranteed by Georgian law and the European Convention on Human Rights.

Most notably, a troubling change affecting the right to a public hearing occurred during this court monitoring period. Specifically, on 19 June 2012, the Chairman of Tbilisi City Court issued a decree under which persons interested in attending a court hearing were banned from taking electronic devices in the courtroom.⁴⁹ The stated purpose of the decree was to insure that the provision of the Organic Law of Georgia on Common Courts which bans audio and video recording of hearings without the consent of the judge, would be enforced.⁵⁰ However, although the decree only limited taking devices in the courtrooms, court personnel also prohibited taking them in the corridors, which imposed unnecessarily strict restrictions on citizens. In practice it took time for the bailiffs to check people for electronic devices, which sometimes hindered the ability of TI Georgia's monitors to be on time for hearings.⁵¹ Another issue was the safety of the devices, which were kept by court personnel while the owners were in the courtroom; in addition, on several occasions these devices were observed being used by court personnel. Besides the fact that the decree imposed overly high restrictions, based on the aim of the decree, we believe there was no justification for forbidding the use of recording devices outside the courtroom.

Another general indicator of the accessibility of hearings is whether they were published on the court's official schedule. TI Georgia's monitors found that over 16% of administrative court hearings monitored in TCC (24 of 147) were not published on the court's official schedule. For instance, the schedules of hearings were missing on TCC's official web-page for the weeks 10th September 2012 –14th September 2012 and 17th September 2012 – 21st September 2012. BCC and KDC schedules did not publish 18.8% of hearings (21 of 112). There was a more positive picture in GRC and TDC, with only 4.3% of hearings unpublished (1 of 23).

It needs also to be emphasized that 22 cases in TCC and one in KDC were postponed for an indefinite period of time, and that our monitors were not able to get information about the date and time of the postponement for any of those cases as clerks refused to provide this information. This significantly infringed on the right to public hearings.⁵²

Another problem identified during the second monitoring period was that courts often did not have their official audio recording system on during the whole hearing. For instance, in over 30% of the cases monitored at TCC (27 of 88), the judge ordered the clerk – often through non-verbal signals – to pause the audio recording during the hearing. In GDC and TDC, this problem was observed in over 68% of cases (13 of 19). But at BCC and KDC, this occurred in only 3% of the hearings attended (1 of 35).⁵³ Although we have no statistical information on the reasons for suspending the audio recordings, according to TI Georgia's monitors one primary reason was so that the judge could informally

⁴⁹ TCC press-release, <http://tcc.gov.ge/index.php?m=556&newsid=433>, visited on 06/12/12.

⁵⁰ Organic Law of Georgia on Common Courts, 04/12/2009, #2257-IIS, Art. 13 (4).

⁵¹ This is significant because admission to the courtroom is prohibited if a spectator is late.

⁵² See Annex 1, Table 1.2.

⁵³ See Annex 4, Table 4.5.

communicate with the parties.⁵⁴ In addition, judges in all courts except TDC often paused the audio recording system when declaring a decisions on interim measures.

Courts also frequently failed to publish the bases and/or relevant articles of law for dispute. This failure was particularly severe in TCC, where this information was not published in any of the cases monitored by TI Georgia. The district courts performed considerably better in this regard, and in most of the cases monitored they published the articles under dispute in their official schedules. BCC and KDC published this information in 91% of cases monitored, while the GDC and TDC did the same in nearly 74% of cases.⁵⁵

High-Profile Cases

A major problem regarding the publicity of court hearings was the failure of TCC to publish information on the date and time of hearings that commanded high public interest in the run-up to the parliamentary elections of October 2012. This mostly concerned the cases when opposition leaders or their companies were fined for making illegal contributions to political parties. TI Georgia monitored 14 of such unpublished hearings in 13 cases.⁵⁶

Another issue of concern was that the hearings in high-profile political cases were normally held in small courtrooms, making it difficult for many interested citizens to attend. For instance, two high-profile hearings – including the case of Chamber of Control vs. Bidzina Ivanishvili – were held in the smallest possible courtroom in TCC, which can seat only six people, despite extremely high interest from the public. As a result, a large group of people had to wait outside the courtroom hearing the case, including representatives from the US Embassy. After learning about this issue, the judge ordered the bailiffs to bring two additional chairs into the courtroom to seat the representative from the US Embassy and his translator. Yet other people, including a number of media representatives, were deprived of the opportunity to attend the hearing. An additional six hearings in four different high-profile cases were held in the second-smallest courtroom, which seats only 12 people.

Recommendations

All scheduled hearings must be appropriately published. Publication of the date and time of hearings with high public interest is of particular importance. In addition, public access to such hearings must not be limited by means of small courtrooms; it is highly important for courts to insure that the courtrooms selected for hearings on high-profile cases are chosen with the aim of allowing the maximum number of interested people to attend the hearings.

In those cases where a hearing is postponed for an indefinite period of time, administrative staff must insure that information as to the date and time of the hearing is made available to interested persons.

⁵⁴ Often the communications related to the possible settlement of the case, and no significant violations regarding the substance of what was discussed were observed.

⁵⁵ See Annex 4, Table 4.2.

⁵⁶ In addition to the cases discussed under the heading of High Profile Cases on pg.10, TI Georgia monitored other high profile cases. Due to the fact that they were not duly published the monitoring period started significantly late than indicated in the methodology of the monitoring at pg.8. Thus they are not included in the overall statistics.

Although not a requirement of law, publishing the relevant article of law at issue in the dispute on court web-pages or electronic boards would have enabled interested persons to get a general understanding of what will be discussed at a hearing before entering a courtroom. Publishing this information will raise the level of publicity and facilitate the full enjoyment of the right to a public hearing. TCC, however, failed to publish the articles under dispute in any case. The reason for this, as stated by court representatives, was that it would be technically impossible; there were, however, no problems in this regard in BCC, KDC, GDC or TDC.

It is also important to minimize the number of gaps in the audio-recording of hearings. Pausing the recording, as well as giving directions to clerks to do so, must be eliminated to ensure a proper and full account of hearings.

Chart 11. Publishing of Hearings on the Official Schedule TCC

■ Hearings published
□ Hearings not published

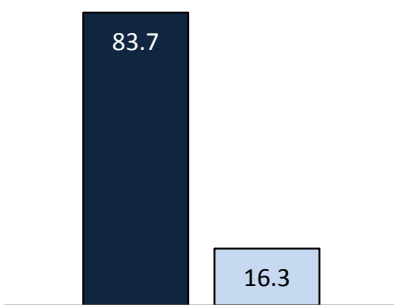


Chart 12. Publishing of Hearings on the Official Schedule BCC and KDC

■ Hearings published
□ Hearings not published

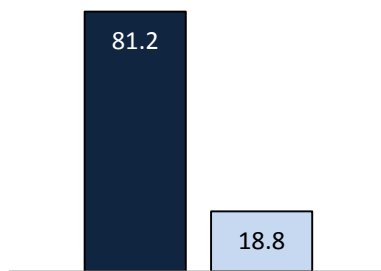


Chart 13. Publishing of Hearings on the Official Schedule GDC and TDC

■ Hearings published
□ Hearings not published

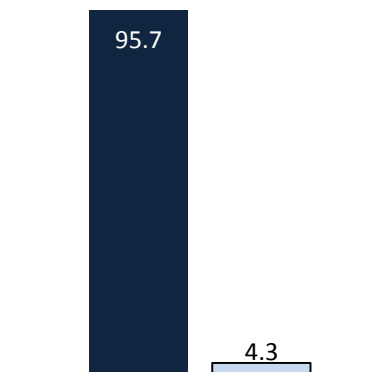


Chart 14. Publishing of the Article Under Dispute TCC

■ Hearings published
□ Hearings not published

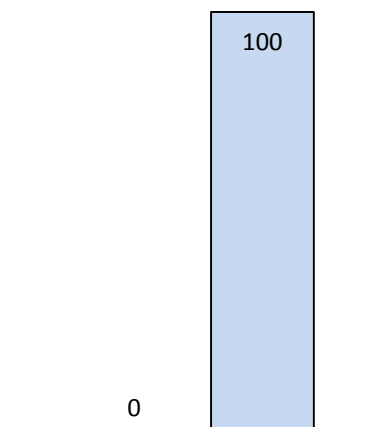


Chart 15. Publishing of the Article Under Dispute BCC and KDC

■ Hearings published
□ Hearings not published

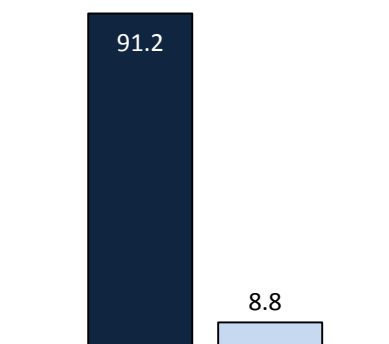
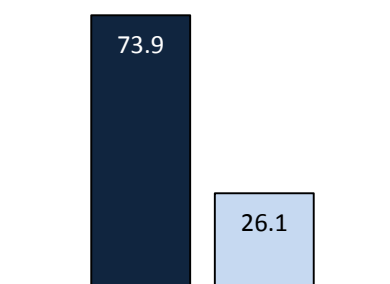


Chart 16. Publishing of the Article Under Dispute GDC and TDC

■ Hearings published
□ Hearings not published



Principle of handling the hearing by a judge

According to the general principles applicable to the handling of hearings, the judge should comply with procedural deadlines, pass through each and every procedural stage as envisaged by the law, investigate every aspect of the case, and ascertain the truth based on the findings. The way the judge handles the hearing becomes crucial from the moment the plaintiff submits the claim to the court up to the point when the judge renders the final decision on the case.⁵⁷

In addition to these general principles, the Georgian Civil and Administrative Codes also set out specific procedures that the judge has to follow while holding an administrative court hearing. For example, the judge is supposed to announce the case to be heard and the court composition for that case, give the summary of the case, warn those attending the hearing of the consequences for disruption of the court proceedings, and introduce the parties to their rights, including the rights to challenge the judge and settle the case. When announcing the final decision, the judge is obliged to read the evidence on which the final decision was based, as well as the relevant legal articles and procedures for appeal of this decision.⁵⁸ In case of administrative court hearings, the judge should also correct procedural errors and explain all of the important procedures to the parties during the hearing.⁵⁹

The judge should follow all legislatively required procedures related to the hearing and should not skip any stage of the hearing without the consent of the parties. The judge should also ensure that there is order in the courtroom, so that all parties to the dispute should be able to provide their evidence freely, defend their arguments, listen to the arguments of the other party, and ask questions to the witnesses in the case without any disturbances or interruptions.

The proper execution of these procedures serves to guarantee the full protection of both the general and specific principles governing administrative hearings. Proper handling of hearings also guarantees that parties enjoy their procedural rights, including their right to plead their case, provide arguments and evidence, examine the other party's evidence, and question witnesses and each other.

As a rule, a case is discussed at the main hearings only after it has already been through preliminary and/or arraignment hearings.⁶⁰ Hence, there is reason to believe that the parties have been informed of their rights, the identities have been checked, and a settlement has been suggested prior to the main hearing. For this reason, particular attention should be paid to the fulfillment of procedural requirements at the preliminary and/or arraignment hearings. Despite this fact, however, the judge is still obliged to follow the procedural requirements when opening the main hearing.⁶¹

⁵⁷ M. Kopaleishvili, et al., pg. 28.

⁵⁸ Georgian Civil Procedure Code, Articles 210, 211, 214, 217, 218 and 257.

⁵⁹ M. Kopaleishvili, et al., pg. 28.

⁶⁰ Arraignment hearing may be held in a case when there is ground to think that parties will settle, plaintiff will withdraw the claim or defendant will accept it. An arraignment may also be held when it is important for the proper preparation of a case. Georgian Civil Procedure Code, Art. 205.

⁶¹ Georgian Civil Procedure Code, Arts. 203, 205, 207 and 210.

General Findings

TI Georgia found that the judges presiding over administrative court hearings appropriately followed some of the applicable procedural requirements. However, in the majority of cases this practice was not consistent and relevant legal procedures were not always fully complied with.

The procedural requirements that were regularly met by the judges included:

- Checking the identity of the parties present at the hearing, checking the power of attorneys/representatives and their identities;⁶²
- Announcing the case to be heard;⁶³
- Announcing the court composition;⁶⁴
- Warning attendants at the hearing of the consequences for the disruption of court proceedings;⁶⁵ and
- Informing the parties of their right to challenge the judge and file motions.⁶⁶

In addition, in the vast majority of cases the judges did not skip any procedural stage of the hearing without prior consultations with the parties concerned, meaning that the courts either conducted all stages or skipped some of those with the consent of the parties. This principle was followed in 95.5% of cases at TCC (84 out of 88), in 88.6% of cases at BCC and KDC (31 out of 35), and in all 19 cases in GDC and TDC.⁶⁷

When moving from one stage to another, judges announced the commencement of the next stage in 94.3% of cases at TCC (83 out of 88), in 88.6% of cases at BCC and KDC (31 out of 35), and again in all 19 cases in GDC and TDC.⁶⁸

The issue of maintaining order in the courtroom seemed the most problematic in BCC and KDC. In those courts, judges failed to maintain order in 22.9% of the cases monitored; by contrast, in TCC the figure was 4.5%. In GDC and TDC, judges had no problems maintaining order in any of the 19 cases monitored.⁶⁹

Entering and leaving the courtroom by spectators and/or parties during the hearings is closely linked with the issue of order in the courtroom. TI Georgia found that this occurred in 9.1% of cases monitored at TCC and 11.4% of cases at BCC and KDC, while no such case occurred at GDC or TDC.⁷⁰

⁶² See Annex 5, Table 5.1 and 5.2.

⁶³ See Annex 5, Table 5.3.

⁶⁴ See Annex 5, Table 5.4.

⁶⁵ See Annex 5, Table 5.6.

⁶⁶ See Annex 5, Table 5.7 and 5.8.

⁶⁷ See Annex 5, Table 5.18.

⁶⁸ See Annex 5, Table 5.19.

⁶⁹ See Annex 5, Table 5.22.

⁷⁰ See Annex 5, Table 5.26.

Another problem was the failure of judges to provide a summary of the case at the opening stages of hearings. For instance, in nearly half of the hearings monitored at TCC, both at the preliminary hearing and the main hearing, judges did not provide a summary of the cases heard. At BCC this problem occurred in approximately two-thirds of cases monitored, and at GDC and TDC it occurred in nearly 70% of cases.⁷¹

It should be noted that after the release of TI Georgia's first court monitoring report, which showed that judges often failed to introduce their rights to the parties, the courts in TCC, BCC and KDC installed special cards installed on the desks of the parties in the courtrooms that listed all the rights that parties to a dispute have so that the parties were introduced to their rights before the start of the hearing. Although there were no such cards installed at GDC or TDC, the parties in those courts were verbally introduced to their rights in all hearings that TI Georgia monitored.

TI Georgia also monitored the explanation of rights that were provided to the parties. In TCC, an explanation of rights was provided in only 13.3% of cases at the preliminary hearing, and in only 7.5% of cases at the opening of the main hearing. In BCC and KDC the situation was somewhat better, with rights being explained at 42.9% of preliminary hearings and 35.3% of main hearings. GDC and TDC showed the best performance in this regard, with parties having the meaning of their rights explained in 66.7% of cases at the preliminary hearing and 81.3% of cases at the main hearing.⁷²

During the first monitoring period, TI Georgia took note as to whether the meaning of the stages of a hearing were explained to private parties not represented by an attorney, but did not capture statistical information in this regard. During the present monitoring period, TI Georgia paid special attention to this issue. Of the cases where a private party had no representative, judges in TCC explained the meaning of the stages of the hearing to the parties in only 27.3% of the cases monitored. In GDC and TDC, the meaning of the stages was explained in 54.5% of such cases. At BCC and KDC, in every case monitored the private parties had attorneys/representatives, so the issue did not arise.⁷³

The courts' performance was even worse when it came to offering a settlement to the parties. According to TI Georgia's statistics, judges in TCC failed to do so in nearly 67% of the hearings monitored, both at the preliminary hearing and the main hearing. At BCC and KDC, judges did not propose a settlement in 11.1% of cases at the preliminary hearing, and in almost 50% of cases at the main hearing. At GDC and TDC, a settlement was not offered in 50% and 75% of cases, respectively.⁷⁴

TI Georgia also monitored whether judges explained their decisions to the parties and stated the legal grounds upon which those decisions were based. At TCC, the judges did not provide the legal basis for their interim decisions in 13.6% of cases monitored; at BCC and KDC, the legal basis was not provided

⁷¹ See Annex 5, Table 5.5.

⁷² See Annex 5, Table 5.15.

⁷³ See Annex 5, Table 5.20¹.

⁷⁴ See Annex 5, Table 5.30.

in 31.4% of cases; and at GDC and TDC, in 47.4% of cases.⁷⁵ The results for TCC and BCC are almost identical to those in TI Georgia’s first court monitoring report.

When rendering final decisions, judges announced the appeal procedures in all cases that TI Georgia monitored.⁷⁶ However, judges did not do so well in announcing the evidence upon which they based their decisions. At TCC the judges announced the evidence in only 40.9% of cases monitored, and in BCC the evidence was announced in only 22.9% of cases. These results represent a deterioration from the results of TI Georgia’s first court monitoring report. The picture looked far better at GDC and TDC, where the judges announced the evidence used in making their decisions in 94.7% of cases monitored.⁷⁷

High-Profile Cases

According to Georgian legislation, parties may file motions at the stage of main hearing if they can prove that the motion was not filed at the preliminary hearing because of a legitimate reason.⁷⁸ Courts nonetheless considered motions at the main hearing in three of the 142 cases monitored by TI Georgia, even though no justification was given for failing to file those motions at the preliminary hearing. As detailed below, all of the three precedents involved motions being filed by the state party and took place in high-profile cases in TCC.

During one of the hearings in the case *Association Green Alternative vs. Ministry of Energy and Natural Resources*, TI Georgia identified a significant problem regarding one of main principles governing the procedure of a hearing: that only parties legally before the court can submit motions to the court.⁷⁹ Specifically, a defendant in the case, the representative of the Ministry of Energy and Natural Resources, came late to the hearing and had no document proving his power of attorney from the Ministry. The judge announced that the Ministry’s representative would attend the hearing ‘only de facto, not de jure,’⁸⁰ meaning that he did not have the right to participate in the hearing. However, when the same defendant filed a motion to present an amended version of the decree under dispute, the judge accepted his motion without justifying the reasons for doing so. In the same case, the judge gave the parties only two minutes for the rebuttal, which in our opinion was not enough to clearly develop the ideas during rebuttal. It should be noted that no other instances of rebuttal being so curtailed were observed in any case since TI Georgia began its monitoring program.

Judges also accepted motions from state parties without justification in several court hearings concerning the fining of persons and companies for illegal contributions to political parties. Specifically, TI Georgia observed three hearings in two high-profile cases at TCC, both involving the fining of Bidzina Ivanishvili, where judges accepted a motion filed by the state representatives at the rebuttal

⁷⁵ See Annex 5, Table 5.21.

⁷⁶ See Annex 5, Table 5.27.

⁷⁷ See Annex 5, Table 5.28.

⁷⁸ Georgian Civil Procedure Code, Art. 215.

⁷⁹ See pg. 10, *Association Green Alternative vs. Ministry of Energy and Natural Resources*.

⁸⁰ Georgian citation: “თქვენ პროცესს იურიდიულად არ ესწრებით, მხოლოდ ფაქტობრივად”.

stage of the proceeding.⁸¹ In neither of these cases was the reason for accepting the late motion explained by the judge, despite the fact that the opposing parties highlighted the need to do so. Such precedents were not observed in any other cases.⁸² As stated above, when filing a motion after the preliminary stage of the hearing, a party must have a proof that it was impossible to file the motion at an earlier stage.⁸³ Only when there is a sufficient justification for the late filing of a motion can a judge accept the motion.

Recommendations

Judges must give a summary of the case when opening a hearing. This is an obligation under the applicable legislation, and contributes to the full enjoyment of the right to a public hearing as it provides an interested person attending a hearing with an overview of the case.

Although the legislation contains no obligation that judges explain the meaning of the parties' rights or the meaning of the stages of a hearing, we believe this is important for the full enjoyment of the parties' rights. This is of particular concern in cases when a private party is not represented by a lawyer, particularly as no free legal assistance is provided by the state to private parties involved in administrative disputes.

Accepting a motion after the opening of the main hearing without proof as to why the motion could not be filed at an earlier stage is a major violation of the handling of the hearing by a judge. Although only a small number of such incidents were observed, all took place in high-profile cases. Special attention should be paid to the problem as it gives the strong impression of judicial bias.

Chart 17. Summary of the Case Given by Judge (Opening of the Main Hearing) TCC

■ Summary given by the judge
□ No summary given by the judge

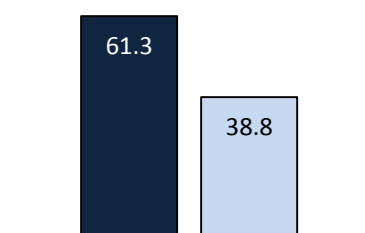


Chart 18. Summary of the Case Given by Judge (Opening of the Main Hearing) BCC and KDC

■ Summary given by the judge
□ No summary given by the judge

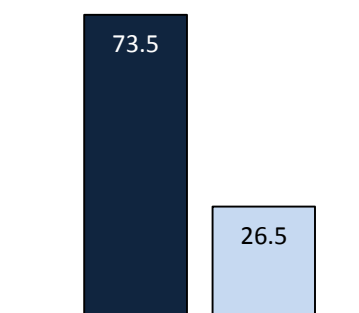
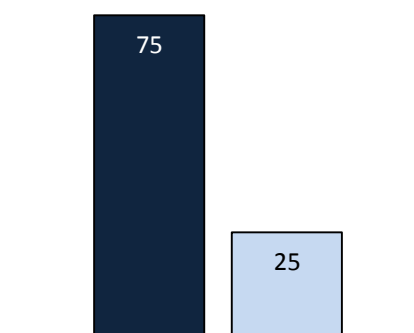


Chart 19. Summary of the Case Given by Judge (Opening of the Main Hearing) GDC and TDC

■ Summary given by the judge
□ No summary given by the judge



⁸¹ See pg. 11, Chamber of Control vs. Bidzina Ivanishvili.

⁸² As discussed further in the section on equality of arms, one court's willingness to accept the state party's motion at the rebuttal stage stood in marked contrast to its denial of the private party's written motion to introduce witnesses, which was submitted before the main hearing. As a result of the court's denial of the private party's motion, the private party was denied the ability to present any witnesses. The private party in that case lost the case.

⁸³ Georgian Civil Procedure Code, Art. 215.

Chart 20. Rights Explained by Judge (Preliminary Hearing) TCC

■ Rights explained
□ Rights not explained

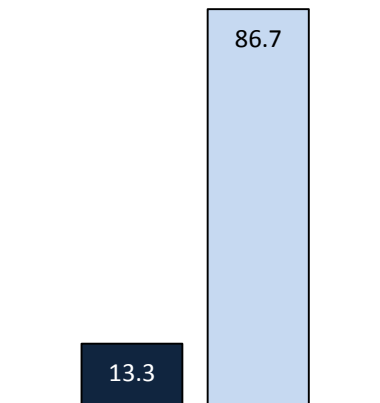


Chart 21. Rights Explained by Judge (Preliminary Hearing) BCC and KDC

■ Rights Explained
□ Rights not explained

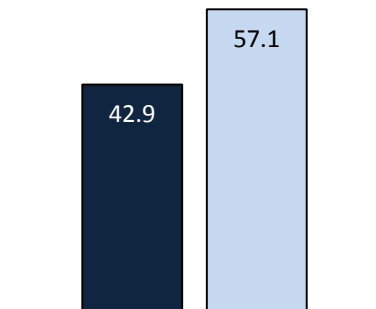


Chart 22. Rights Explained by Judge (Preliminary Hearing) GDC and TDC

■ Rights explained
□ Rights not explained

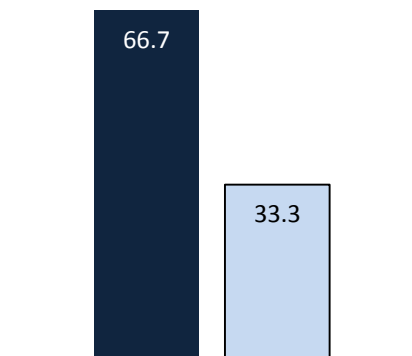


Chart 23. Explanation of the Decision on Motions TCC

■ Decision explained
□ Decision not explained

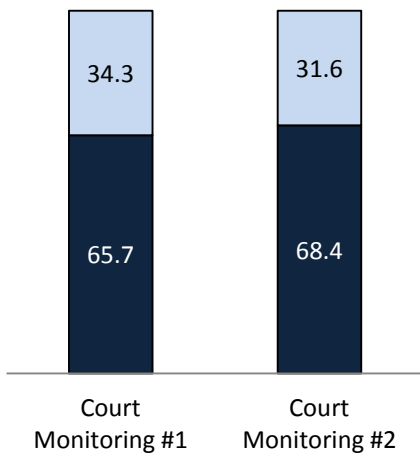


Chart 24. Explanation of the Decision on Motions BCC and KDC

■ Decision explained
□ Decision not explained

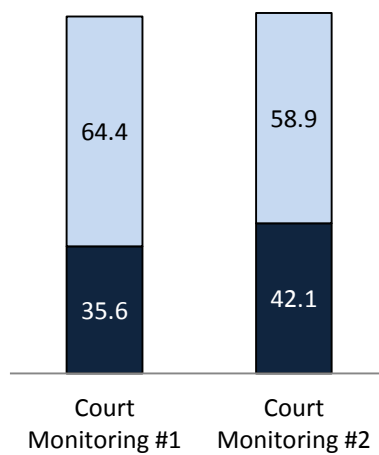


Chart 25. Explanation of the Decision on Motions GDC and TDC

■ Decision explained
□ Decision not explained

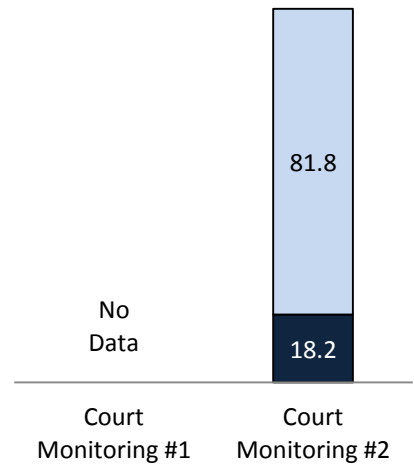


Chart 26. Meaning of Stages Explained by the Judge TCC

■ Meaning explained
□ Meaning not explained

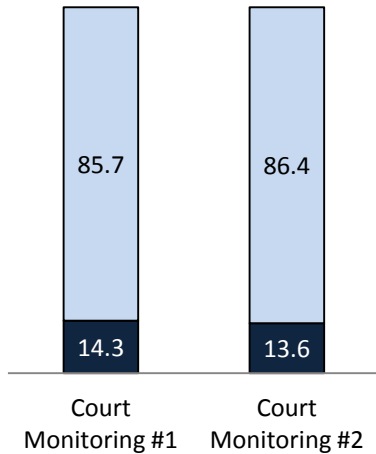


Chart 27. Meaning of Stages Explained by the Judge BCC and KDC

■ Decision explained
□ Decision not explained

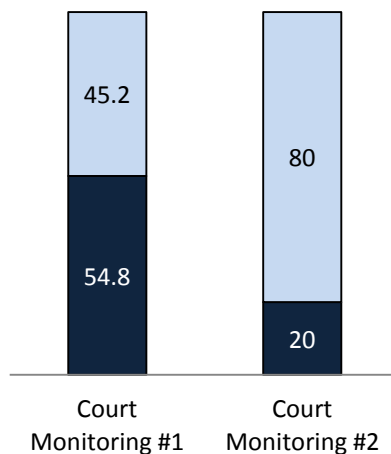
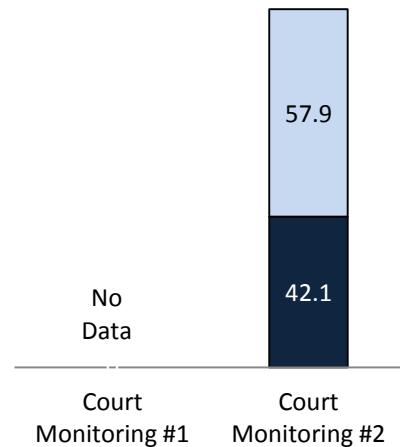


Chart 28. Meaning of Stages Explained by the Judge GDC and TDC

■ Decision explained
□ Decision not explained



Inquisitorial Principle (Judge’s Initiative)

The terms “adversarial” and “inquisitorial” describe the two types of procedures used for resolving legal disputes through litigation. In the adversarial system, the parties themselves choose what kind of evidence they will submit to the court, whereas in the inquisitorial system the court can conduct investigations or collect the evidence that is used to decide the case.⁸⁴ The Georgian Administrative Code includes both principles, and their conjunctive use should help the judge to fully examine a case and render a fair decision.

According to the inquisitorial principle, the judge has the right by his/her own initiative to gain evidence, reasonably direct the parties, ask them to specify a claim and/or counterclaim, invite third parties to the case, and direct the parties to gain certain evidence. The judge also has the power to gather evidence by himself/herself, in order to investigate every aspect of the case and facilitate a just decision. These judicial powers are codified in the Administrative Procedure Code. One of the most obvious examples is Article 4, which states that a judge may request any additional information at his/her own initiative.⁸⁵

In a civil dispute the judge is not awarded the above-mentioned rights, stemming from the fact that the purpose of a civil dispute is the protection of private interests only. By contrast, the public interests at issue in administrative cases make the appropriate use of the judge’s inquisitorial powers vitally important. The execution of a judge’s inquisitorial powers is particularly crucial where a private party is

⁸⁴ David Jackson: Adversarial and Inquisitorial Systems Medico-Legal Society of NSW Inc Scientific Meeting, March 2009, Pg.1.

⁸⁵ Georgian Administrative Procedure Code, Art. 4.

not represented by an attorney, as no free legal aid is provided by the state to a private party involved in an administrative dispute; in such cases, there is reason to believe that the private party will not be able to appropriately participate in a proceeding without the assistance of the judge. The inquisitorial powers give the judge a leading role in maintaining a legal balance between the public institution and the private party so that public interests are preserved. This, however, does not mean that the parties to the dispute should be passive during the hearings or unreasonably restricted by the judge in the application of their rights.⁸⁶ Private parties who are opposed by administrative authorities must have the opportunity to fully participate in the proceedings.⁸⁷

In order to determine whether judges utilized their inquisitorial powers, TI Georgia's monitors took note of the questions that the judges asked the parties during the hearings. The monitors also observed whether the judge invited third parties to the case at his/her own initiative, gave recommendations/explanations to the parties, assisted parties in gaining evidence, established any relevant circumstances of the case, used his/her powers consistently, helped parties to fully enjoy their rights, etc.

General Findings

While monitoring the judge's use of inquisitorial principle, TI Georgia based its findings on detailed statistical information collected during the monitoring process. This information was comprehensively analysed and complemented by the personal impressions of the monitors from each hearing they attended.

One of the problems highlighted in TI Georgia's first monitoring report was the reluctance of judges to propose a settlement to the parties. During the second monitoring period, the same tendency was observed. At TCC, judges suggested a settlement to the parties in only 24.4% of main hearings; this was similar to the first monitoring period, when the number was 26.7%. In BCC and KDC, the data shows improvement from the first to the second monitoring periods; judges proposed settlements at 45.9% of main hearings during the second monitoring period, as opposed to 6.0% during the first monitoring period. In GDC and TDC, judges proposed settlements in only 18.8% of cases.⁸⁸

As in the first monitoring period, judges were reluctant to invite third parties to administrative cases. In TCC, they did so in only eight of 88 cases; in BCC and KDC, in only three of 35 cases; and in GDC and TDC, third parties were not invited in any of the 19 cases monitored.⁸⁹

In addition, the judges were quite passive in requesting additional information or evidence from the parties. Such requests occurred in only six cases out of the 142 monitored by TI Georgia this monitoring period - three at TCC, and three at BCC and KDC; no such requests occurred in TDC or GDC.⁹⁰ The

⁸⁶ M. Kopaleishvili, et al., pg. 27.

⁸⁷ Council of Europe, Committee of Ministers, Res 78 (8), "Resolution on Legal Aid and Advice", 2 March 1978; Van der Mussele v Belgium, (1983), ECHR, paras. 29-30; see n 27, pg. 59.

⁸⁸ See Annex.6, Table 6.4. The cases where settlement was reached are not included in the statistical information, if not otherwise indicated.

⁸⁹ See Annex 6, Table 6.1.

⁹⁰ See Annex 6, Table 6.2.

trend was nearly the same during the first monitoring period, when judges requested additional documents on their initiative in six hearings out of 174 in TCC, and in three hearings out of 78 at BCC and KDC.

Judges gave instructions/recommendations to the parties in four cases monitored by TI Georgia, one at TCC and three at BCC and KDC. In none of the cases monitored at GDC or TDC did the judge give instructions and/or recommendations to the parties.⁹¹

On average, judges asked 3-4 questions per case of witnesses at TCC, 2-3 questions per case at BCC and KDC, and 2-3 questions at GDC and TDC.⁹² The number of questions asked is smaller than during the first monitoring period, when the average number of questions asked by judges at TCC and BCC was correspondingly 7-8 and 4-5.

Yet there was some marginal improvement observed in the implementation of the inquisitorial principle, in that judges were more willing to explain to parties without an attorney/representative the procedures that were to be followed during each of the stages of court hearing. Judges did so in 27.3% of hearings monitored at TCC, in none of the hearings at BCC or KDC, and in 54.6% at GDC and TDC.⁹³ There is, however, still much room for improvement.

High-Profile Cases

Despite a general reluctance to do so, there were a number of high-profile cases when the judges showed initiative in requesting additional information from parties or giving them some instructions and recommendations.

In the case involving the hunting decree of the Minister of Energy and Natural Resources, for example, the judge used his inquisitorial powers in a way that appeared to benefit the state party. First, the judge warned the state representative of the necessity to file its counterclaim at the preliminary hearing. In addition, during opening statements in that case the judge asked the state representative to provide legal justification for the issuance of the decree, and not to focus only on the issue of admissibility.

In other high-profile cases the judges' inquisitorial activities infringed upon the principle of equality of arms. TI Georgia discusses these cases in more details in the relevant section below.

Recommendations

Private parties who are opposed by administrative authorities must have the opportunity to fully participate in the proceedings. In this regard execution of the inquisitorial powers by the judge is even more important in Georgia, where no free legal aid is provided by the state in administrative disputes.

⁹¹ See Annex 6, Table 6.3.

⁹² See Annex 6, Table 6.10.

⁹³ Although we had no statistical information on the issue during the first monitoring period, there were only a few cases when the monitors observed judges explaining the procedures to be followed to parties without an attorney/representative and indicated this in the checklist.

Judges must also be more active when offering settlement to the parties. The percentage of hearings in which a settlement was offered is low, even taking into consideration that in some cases offering a settlement would have made little difference. We have seen no improvement in this regard.

In addition, although the legislation does not obligate judges to explain the meaning of the rights or the stages of the hearing to the parties, it is essential that judges perform these functions for the full enjoyment of rights by the parties, particularly when a party is not represented by an attorney.

Chart 29. Judge Offered Settlement to the Parties (at the main hearing) TCC

■ Settlement Offered
□ No Settlement Offered

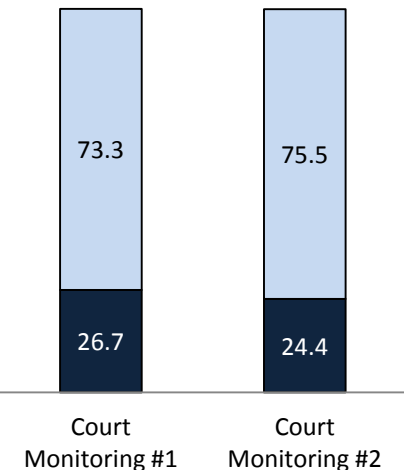


Chart 30. Judge Offered Settlement to the Parties (at the main hearing) BCC and KDC

■ Settlement Offered
□ No Settlement Offered

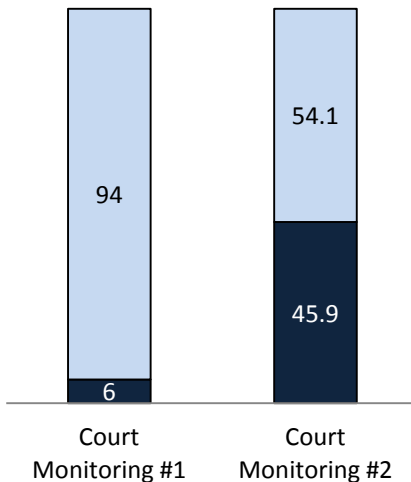


Chart 31. Judge Offered Settlement to the Parties (at the main hearing) GDC and TDC

■ Settlement Offered
□ No Settlement Offered

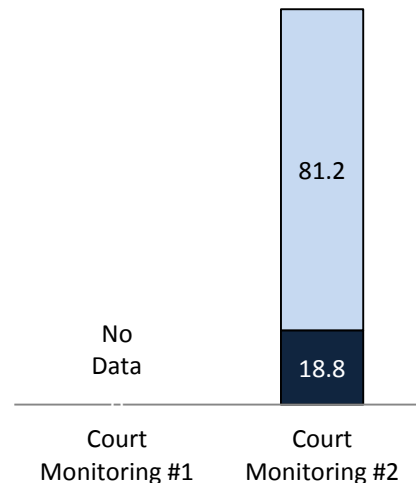


Chart 32. Average Number of Questions Asked by the Judge TCC

■ Court Monitoring #1
□ Court Monitoring #2

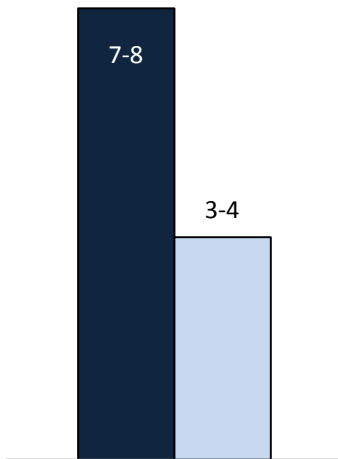


Chart 33. Average Number of Questions Asked by the Judge BCC and KDC

■ Court Monitoring #1
□ Court Monitoring #2

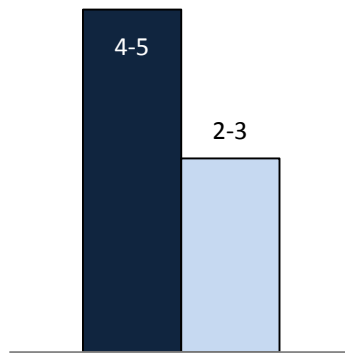
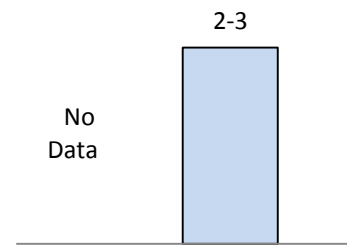


Chart 34. Average Number of Questions Asked by the Judge GDC and TDC

■ Court Monitoring #1
□ Court Monitoring #2



Equality of Arms and Adversarial Principle

The Georgian procedural legislation clearly states that the adversarial principle is a fundamental principle of administrative hearings, working in conjunction with the inquisitorial principle. The principle of judicial impartiality is recognized by a number of international instruments, among them the International Covenant on Civil and Political Rights. The importance of this principle was also highlighted during a number of international conferences, and acts such as Council of Europe (CoE) recommendations⁹⁴ and ODIHR Kiev recommendations⁹⁵ were drafted as a result.⁹⁶

Judges are obligated to insure that the adversarial principle – and party equality – is fully observed in the courtroom. The principle of equality of arms is of particular significance in administrative proceedings, where the parties are private persons and administrative authorities. A judge, who is a public employee him/herself, is required to settle disputes involving public entities. As such it is particularly important that the judge insure the equality of arms, so there is no concern that he/she is not impartial where the state is a party.⁹⁷

⁹⁴ [CoE Recommendation on Judges: Independence, efficiency, responsibility and the European Charter on the Statute for Judges](#), adopted at the multilateral meeting on the statute for judges in Strasbourg from 8-10 July 1998, DAJ/DOC (98) 23.

⁹⁵ [Kyiv Recommendations](#) on Judicial Independence in Eastern Europe, South Caucasus and Central Asia.

⁹⁶ See n 27, pg. 29.

⁹⁷ Ibid pg. 63.

The principle of impartiality also implies that private persons should have the ability to actively participate in the proceedings to ensure their fairness.⁹⁸ According to a ruling of the ECHR, the principle of equality of arms requires a “fair balance” between the parties in order for each party to be afforded a reasonable opportunity to present his/her case under conditions that do not place him/her at a substantial disadvantage against his/her opponent or opponents.⁹⁹

Party equality may be violated by the judge: being too active; interrupting the parties; limiting, modifying or restricting their questions; granting the motions of only one party; requesting additional information from only one party; or gaining evidence to help justify the position of one of the parties. But the adversarial principle may also be violated by the judge being too passive. This happens when, for instance, one party disturbs the other’s enjoyment of its rights and the judge does not undertake measures to improve the situation, does not limit a question which should be limited, does not request information necessary to ascertain the truth, etc.

Impartiality of the judge is breached when there is proof of actual dependence or bias (violation of subjective impartiality), or when the factual circumstances raise a legitimate doubt as to whether there has been any dependence or bias (violation of objective impartiality).¹⁰⁰ The observations of TI Georgia are based on the factual information gathered through the monitoring.

General Findings

The data from the first monitoring report suggested that judges performed well in observing the adversarial principle/equality of arms. This trend did not change during the second monitoring period, and in general both parties to the administrative dispute had equal opportunities to present their arguments.

At TCC, for instance, judges granted or denied nearly the same percentage of motions filed both by plaintiffs and defendants. Similarly, at BCC and KDC motions filed by the plaintiffs were granted in 72.2% of cases and those filed by the defendants were granted 75% of the time. At GDC and TDC, the picture looked nearly the same. In those courts, of the three motions filed by defendants during the oral hearing, one was granted; plaintiffs filed only a single motion during oral hearings, which was not granted.¹⁰¹

TI Georgia found no instances when the judges restricted the parties in making opening statements; this is an improvement from the previous monitoring period, when judges interrupted the parties with questions during opening statements on a number of occasions.

⁹⁸ Ibid pg. 72.

⁹⁹ [Schuler-Zraggen v Switzerland](#), (1993), ECHR, paras. 50-52.

¹⁰⁰ See n 27, pg. 63.

¹⁰¹ See Annex 7, Table 7.3 and 7.4.

There was, however, a difference in the frequency with which judges struck the questions of the parties. At TCC, judges struck the questions of plaintiffs in 14.5% of cases and of defendant's in 3.6% of cases. At BCC and KDC, the figures were 5.9% and 2.9% respectively. At GDC and TDC, the figures were 10.5% and 5.3% respectively. It should be noted that typically the plaintiff in administrative cases is the private party, and the defendant is the state party.

High-Profile Cases

TI Georgia identified a number of instances when a judge showed bias in favor of the state party in a high-profile case.

For example, during a hearing in the hunting decree case mentioned above, the state party presented the Minister's amended decree at the main hearing. The opposing private party then requested five minutes to study the amendments in more details. The judge denied this request, and instead loudly read out the decree.¹⁰²

In another high-profile case that imposed fines for making illegal donations to political parties, a private party filed a motion to postpone the main hearing in order to better familiarize itself with the case materials.¹⁰³ The private party argued that the materials were delivered only the day before the hearing, and that it gave the party very little time to prepare. The judge denied this motion, arguing that the party had enough time to study the case materials and prepare for the hearing.

Further, as discussed above in the section on the handling of the hearing, in one high-profile case involving fines against Bidzina Ivanishvili the judge granted motions to present additional evidence that were filed by the state party at the rebuttal stage, even though the state party failed to provide the required justification as to why the motions had not been filed at an earlier stage. The court's ruling in this regard stood in marked contrast to its denial of a written motion to question witnesses at the hearing that was filed by the private party prior to the opening of the main hearing. The private party was not allowed to present any witnesses at the main hearing and lost the case.¹⁰⁴

These instances suggest that granting or denying motions without justification was one of the main problems that hindered the equality of arms principle in high-profile cases.

Recommendations

In order to insure that party equality is fully observed, judges must on the one hand exercise their inquisitorial powers, contributing to the full enjoyment by a private party of his/her rights. On the other hand, judges must abstain from acts that could infringe upon the rights of a party. Judges must give parties enough time to get acquainted with case materials, either by postponing a hearing on their own initiative or by taking into consideration the request of a party to do so. Motions should only be accepted at a stage later than the opening of the main hearing when the delay is fully justified, and in those instances judges must give their reasoning for accepting the motion at that stage. Otherwise such

¹⁰² See pg. 11, Association Green Alternative vs. Ministry of Energy and Natural Recourses.

¹⁰³ See pg. 11, Chamber of Control vs. Bidzina Ivanishvili.

¹⁰⁴ The private party's motion was not filed during the hearing; the TI Georgia monitor learned about the private party's motion from statements made during the hearing.

actions will suggest that a judge is biased, especially when a motion of the same character filed by an opponent was not granted at an earlier stage.

Although the data indicates no significant problem as to party equality in most cases, the same cannot be said about cases that were of a political nature. It is of crucial importance that party equality also be observed in cases involving political interests.

Chart 35. Parties' Motions Granted by the Judge (at the main hearing) TCC

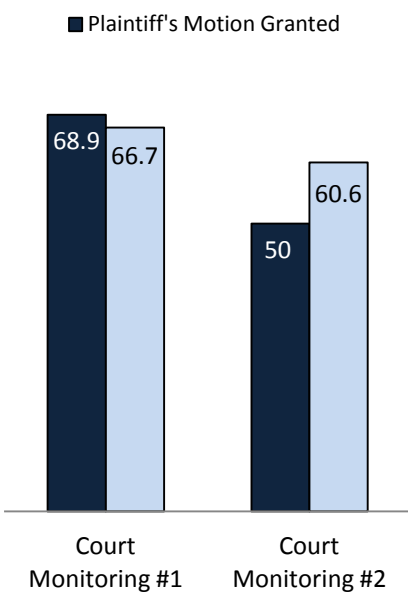


Chart 36. Parties' Motions Granted by the Judge (at the main hearing) BCC and KDC

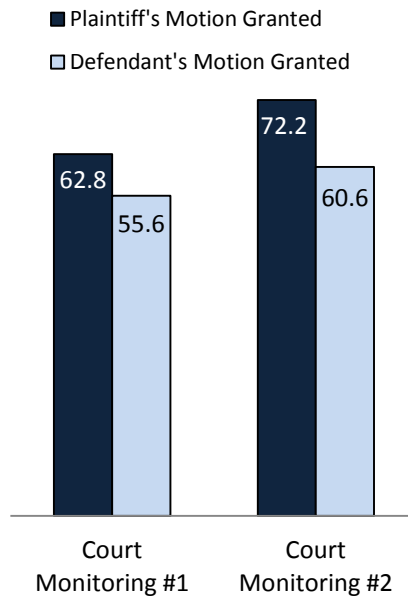
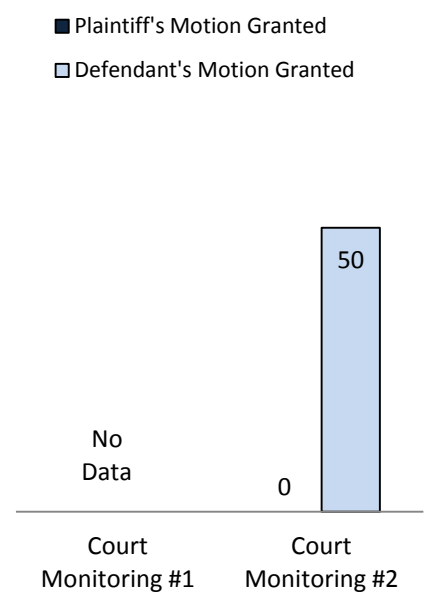


Chart 37. Parties' Motions Granted by the Judge (at the main hearing) GDC and TDC



Dispute Outcomes

In addition to monitoring the procedures at administrative hearings, TI Georgia also recorded the outcomes in the 149 cases it monitored.¹⁰⁵ The state parties proved to be entirely or partially successful in 89.9% of the cases monitored (134 of 149). Specifically, at TCC the state party was successful either partially or entirely in 93.5% of the cases; at BCC and KDC, the state party was successful in 84.2% of the cases; and at GDC and TDC, the state party was successful in 81.2% of the cases.¹⁰⁶

It should be noted that during the first monitoring period the success rate of state parties was 92.6% (100 of 108 cases). These statistics show that the percentage of cases in which the state party receives a favorable result has diminished, although not significantly.

TI Georgia did not attempt to determine the merits of the administrative cases monitored, nor did it review the case files. Therefore, we are not in the position to judge the fairness or legality of the decisions made by the judges. Yet the extremely high success rate of state parties in administrative court cases raises concern that judges might be biased in favor of the state when rendering final decisions.

Chart 38. Dispute Outcomes TCC

■ State Party Successful
 ■ Private Party Successful
 ■ Both Parties Successful

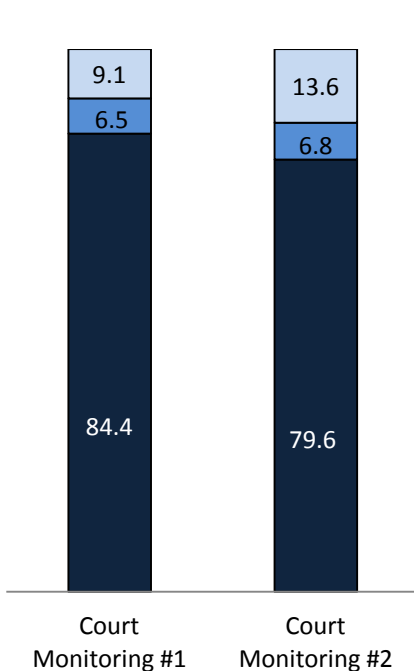


Chart 39. Dispute Outcome BCC and KDC

■ State Party Successful
 ■ Private Party Successful
 ■ Both Parties Successful

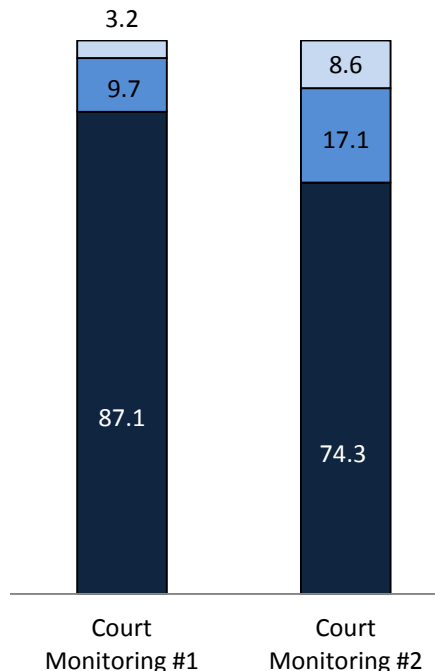
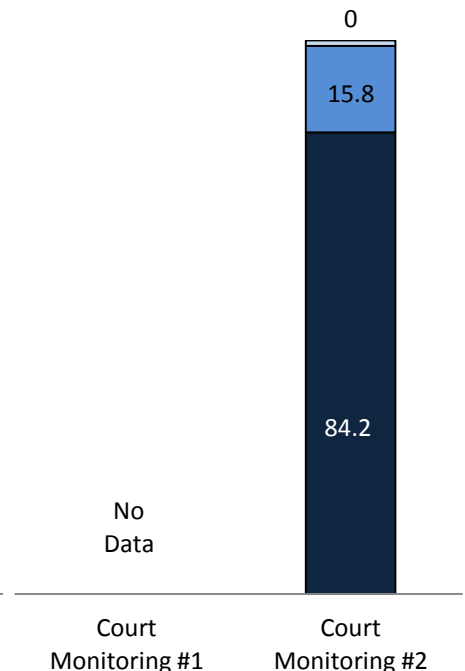


Chart 40. Dispute Outcomes GDC and TDC

■ State Party Successful
 ■ Private Party Successful
 ■ Both Parties Successful



¹⁰⁵ Including the cases where settlement was reached.

¹⁰⁶ See Annex 8, Table 8.2.

Conclusion

During the monitoring of administrative court hearings from June through October 2012, TI Georgia observed a number of improvements from the previous monitoring period. Yet, there are still very significant problems remaining that need to be addressed by the Georgian judiciary

On a positive side, TI Georgia found this monitoring period that judges were more punctual in starting the court hearings and showed more initiative in offering the parties a settlement of their disputes. Judges also improved their performance in deciding the cases within a reasonable time in accordance with the legislation. In addition, judges showed better results in ensuring that the parties to the dispute have more extensive information about their rights before the start of the hearing and that they are able to freely defend their arguments during the hearings.

Another improvement from the first monitoring period was a slight increase in the number of cases that were decided in favor of private parties. Yet the success rate of the state party in administrative court cases is still overwhelming, raising questions and concerns as to the objectivity of the courts.

A major problem identified by TI Georgia was the bias of judges against the opponents of the then-ruling authorities in high-profile administrative cases initiated prior to the parliamentary elections of October 2012. For instance, the court dragged the time-sensitive hearing of a case involving the Ministry of Energy and Natural Resources for a period of five months, which is not foreseen under the legislation. In another case involving a major political opponent of the then-ruling party, the court gave the political opponent very little time to study the claim and prepare for the hearings. The court also hindered citizens' right to attend hearings of high public interest by failing to publish the schedule of those hearings and selecting inappropriately small courtrooms for those cases. In addition, the court's administrative staff refused to provide the information on the date and time of high-profile hearings that were postponed for an indefinite period of time.

As before, judges were generally quite reluctant to use their inquisitorial powers to take action in administrative proceedings. However, when they did take action, in a number of cases they did so to put the state party in an advantageous position.

TI Georgia believes that the unusually high success rate of the state party in administrative cases may impede the development of Georgia's judicial system in general, and the application of the essential principle of adversary trial and party equality in particular. Also, this report has identified flaws in the court system, such as that judges tended to differentiate between ordinary and high-profile cases by favoring the government and limiting citizens' right to a public hearing in cases of significant public interest.

To address these flaws, TI Georgia provides the following recommendations for the Georgian judiciary:

- Ensure that the judges apply a uniform approach when deciding to postpone administrative hearings and provide reasonable explanation for postponements so that hearings with high public interest are not unduly delayed.

- Ensure that the schedule of all hearings is published prior to the date of the hearing, and that the interested citizens have easy access to the courtrooms and are able to follow the parties' discussions.
- Publish the relevant article of the dispute on the court web-pages or electronic boards so that people have general understanding of what will be discussed during the hearing before entering a courtroom
- Ensure that judges are consistently providing a summary of each case when opening the hearing.
- Ensure that the acceptance or rejection of motions is fully justified, and that the judge fully justifies the reasons for the court's rulings on motions to the parties.
- Ensure that private parties to the administrative dispute have the opportunity to fully participate in the court proceedings. In this regard execution of the inquisitorial powers by the judge is even more important in Georgia, where free no legal aid is provided by the state in administrative disputes.
- Encourage judges to actively apply their inquisitorial powers in order to ensure that justice is done. In particular, judges should invite third-parties, witnesses, experts to the case, ask questions in order to ensure that all relevant facts are before the court. Judges should also explain to the parties what rights they have and how these rights can be exercised during each stage of the hearing, and propose a settlement of the dispute. It is particularly necessary for judges to use their inquisitorial powers when the private party in the case is not represented by a lawyer.

Annexes

Annex 1. Cases and Hearings Monitored

Table 1.1 – General Information

City Court	Cases monitored	Hearings monitored	Preliminary hearings monitored	Opening of the Main hearings monitored	Main Hearings Monitored	Announcement of the decision monitored
TCC	88	147	30	80	88	88
BCC	31	106	7	34	36	35
KDC	4	6				
GDC	16	19	6	16	19	19
TDC	3	4				
Total	142	282	43	130	143	142

Table 1.2 – Cases postponed for an indefinite period of time and suspended cases

City Court	Cases postponed	Suspended Cases		
		Settlement was reached	Was declared inadmissible	Case was withdrawn
TCC	22 cases 42 hearings	4 cases 4 hearings	4 cases 5 hearings	11 cases 17 hearings
BCC KDC	1 case 1 hearing	3 cases 5 hearings	5 cases 5 hearings	5 cases 6 hearings
GDC TDC	1 case 1 hearing	0 case	0 case	0 case
Total	24 cases 44 hearings	7 cases 9 hearings	9 cases 10 hearings	16 cases 23 hearings

Annex 2. Cases Monitored by Administrative Body Involved

Table 2.1

Administrative body	Tbilisi	Batumi Khelvachauri	Gori Telavi
Public Registry, P.R.D. Commission, Ministry of Economy	34	21	3
Mayor's Office, City Supervision Service	23	3	0
Ministry of IDPs	2	0	0
National Bureau of Execution	0	3	1
The Chamber of Control, The Monitoring Service, Central Election Commission	11	3	0
Georgian National Communication Commission	3	0	0
Social Service Agency	2	0	0
Other	13	5	15
	88	35	19

Annex 3. Punctuality and Reasonable Time

Table 3.1 – Percentage of hearings starting late or on time (out of all hearings monitored)

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total hearings Monitored	147 hearings	112 hearings	23 hearings
Hearings starting on time	67.3% 99 hearings	54.5% 61 hearings	52.2% 12 hearings
Hearings starting late	32.7% 48 hearings	45.5% 51 hearings	47.8% 11 hearings

Table 3.2 – Percentage of hearings starting 10 minutes or more after the schedule time (out of the hearings starting late)

	Tbilisi	Batumi khelvachauri	Gori Telavi
Total hearings Monitored	147 hearings	112 hearings	23 hearings
Hearings starting 10 minutes or more late	13.6% 20 hearings	36.6% 41 hearings	34.8% 8 hearings

Table 3.3 – Number of minutes that hearings started late (of the hearings starting late)

	Tbilisi	Batumi khelvachauri	Gori Telavi
Average delay	4.8 minutes	11.4 minutes	4.3 minutes
Maximum delay	95 minutes	95 minutes	40 minutes

Table 3.4 – Whether judge announced the reason for the delay in hearings delayed more than 10 minutes

	Tbilisi	Batumi khelvachauri	Gori Telavi
Hearings delayed more than 10 minutes	20 hearings	41 hearings	8 hearings
Reason announced	30% 6 hearings	9.8% 4 hearings	0% 0 hearings
Reason not announced	70% 14 hearings	90.2% 37 hearings	100% 8 hearings

Table 3.5 – What was the reason for the delay of hearings more than 10 minutes?

	Tbilisi	Batumi khelvachauri	Gori Telavi
Hearings delayed more than 10 minutes	20 hearings	41 hearings	8 hearings
Previous hearing lasted too long	30% 6 hearings	9.7% 4 hearings	0
One of the parties was late	15% 3 hearings	4.9% 2 hearings	0
Other ¹⁰⁷	5% 1 hearings	0% 0 hearings	0
Unknown	50% 10 hearings	85.4% 35 hearings	100% 8 hearings

Table 3.6 – How many days did it take for the court to render a final decision?

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Average	8.1 days	23.1 days	2.8 days
Maximum	154 days	84 days	16 days
Minimum	1 day	1 day	1 day

¹⁰⁷The “other” reason for the hearing starting late was the fact that the court was waiting for the approval that the notification was served to the third party.

Annex 4. Right to a Public Hearing

Table 4.1 – Hearings missing from the schedule

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total Hearings Monitored	147 hearings	112 hearings	23 hearings
Published hearings	83.7% 123 hearings	81.2% 91 hearings	95.7% 22 hearings
Unpublished hearings	16.3% 24 hearings	18.8% 21 hearings	4.3% 1 hearing

Table 4.2 – Publishing of the article under dispute

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total number of cases published	123 hearings	91 hearings	23 hearings
Article under dispute published	0% 0 hearings	91.2% 83 hearings	73.9% 17 hearings
Article under dispute not published	100% 123 hearings	8.8% 8 hearings	26.1% 6 hearings

Table 4.3 – Determination of the name of plaintiff's attorneys/representatives

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total Cases Monitored	88 cases	35 cases	19
Names determined	80.7% (71 cases)	88.6% (31 cases)	84.2% (16 case)
Names not determined	19.3% (17 cases)	11.4% (4 case)	15.8% (3 case)

Table 4.4 – Cases where at least one of the hearings was not recording using the audio recording system

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total Cases Monitored	88 cases	35 cases	19 cases
All the hearings were recorded	82.9% 73 cases	74.3% 26 cases	100% 19 cases
At list one of the hearing was not recorded	17.1% 15 cases	25.7% 9 cases	0% 0 case

Table 4.5 - Did the judge give directions to the clerk to turn on and off the recording system?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
Yes	No	Yes	No	Yes	No
30.7% 27 cases	69.3% 61 cases	2.9% 1 case	97.1% 34 cases	68.4% 13 cases	31.6% 6 cases

Annex 5. Principle of Handling the Hearing by a Judge

Table 5.1 – Did the court check the identity of the parties present at the hearing?

	Tbilisi			Batumi Khelvachauri			Gori Telavi		
	Yes	No	not determin ed	Yes	No	not determin ed	Yes	No	not determin ed
At the preliminary hearing	93.3% 28 hearings	6.7% 2 hearings	% 0 hearings	42.9% 3 hearings	42.9% 3 hearings	14.2% 1 hearings	100% 6 hearings	% 0 hearings	% 0 hearings
At the opening of the main hearing	92.5% 74 hearings	5% 4 hearings	2.5% 2 hearings	50% 17 hearings	50% 17 hearings	0% 0 hearings	93.75% 15 hearings	0% 0 hearings	6.25% 1 hearings

Table 5.2 – Did the court check the power/identity of the attorneys/representatives?

	Tbilisi			Batumi Khelvachauri			Gori Telavi		
	Yes	No	not determin ed	Yes	No	not determin ed	Yes	No	not determin ed
At the preliminary hearing	93.3% 28 hearings	6.7% 2 hearings	0% 0 hearings	57.1% 4 hearings	28.6% 2 hearings	14.3% 1 hearings	100% 6 hearings	0% 0 hearings	0% 0 hearings
At the opening of the main hearing	93.75% 75 hearings	5% 4 hearings	1.25% 1 hearings	61.8% 21 hearings	38.2% 13 hearings	0% 0 hearings	100% 16 hearings	0% 0 hearings	0% 0 hearings

Table 5.3 – Did the judge announce the case to be heard?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	100% 30 hearings	0% 0 hearings	85.7% 6 hearings	14.3% 1 hearings	100% 6 hearings	0% 0 hearings
At the opening of the main hearing	97.5% 78 hearings	2.5% 2 hearings	88.2% 30 hearings	11.8% 4 hearings	100% 16 hearings	0% 0 hearings

Table 5.4 – Did the judge announce the court composition (introduce himself/herself)?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	93.3% 28 hearings	6.7% 2 hearings	85.7% 6 hearings	14.3% 1 hearings	100% 6 hearings	0% 0 hearings
At the opening of the main hearing	97.5% 78 hearings	2.5% 2 hearings	94.1% 32 hearings	5.9% 2 hearings	87.5% 14 hearings	12.5% 2 hearings

Table 5.5 – Did the judge give a summary of the case at beginning of the hearing?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	53.3% 16 hearings	46.7% 14 hearings	57.1% 4 hearings	42.9% 3 hearings	33.3% 2 hearings	66.7% 4 hearings
At the opening of the main hearing	61.25% 49 hearings	38.75% 31 hearings	73.5% 25 hearings	26.5% 9 hearings	75% 12 hearings	25% 4 hearings

Table 5.6 – Did the judge warn the attendants regarding violations of the order of the court?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	83.3% 25 hearings	16.7% 5 hearings	71.4% 5 hearings	28.6% 2 hearings	66.7% 4 hearings	33.3% 2 hearings
At the opening of the main hearing	80% 64 hearings	20% 16 hearings	76.5% 26 hearings	23.5% 8 hearings	81.25% 13 hearings	18.75% 3 hearings

Table 5.7 – Did the judge inform the parties of the right to challenge the judge?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	93.3% 28 hearings	6.7% 2 hearings	85.7% 6 hearings	14.3% 1 hearings	83.3% 5 hearings	16.7% 1 hearings
At the opening of the main hearing	97.5% 78 hearings	2.5% 2 hearings	73.5% 25 hearings	26.5% 9 hearings	87.5% 14 hearings	12.5% 2 hearings

Table 5.8 - Did the judge inform the parties of the right to file motions?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	93.3% 28 hearings	6.7% 2 hearings	85.7% 6 hearings	14.3% 1 hearings	66.7% 4 hearings	33.3% 2 hearings
At the opening of the main hearing	97.5% 78 hearings	2.5% 2 hearings	73.5% 25 hearings	26.5% 9 hearings	68.75% 11 hearings	31.25% 5 hearings

Table 5.9 - Did the judge inform the parties of the right to make a settlement?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	43.3% 13 hearings	56.7% 17 hearings	42.9% 3 hearings	57.1% 4 hearings	33.3% 2 hearings	66.7% 4 hearings
At the opening of the main hearing	27.5% 22 hearings	72.5% 58 hearings	50% 17 hearings	50% 17 hearings	6.25% 1 hearings	93.75% 15 hearings

Table 5.10 - Did the judge inform the parties of the right to withdraw the claim (right of plaintiff) or accept it (right of defendant)?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	46.7% 14 hearings	53.3% 16 hearings	42.9% 3 hearings	57.1% 4 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	13.75% 11 hearings	86.25% 69 hearings	50% 17 hearings	50% 17 hearings	0% 0 hearings	100% 16 hearings

Table 5.11 - Did the judge inform the parties of the right to give opinions on the motions filed by a counter party?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	60% 18 hearings	40% 12 hearings	71.4% 5 hearings	28.6% 2 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	16.25% 13 hearings	83.75% 67 hearings	52.9% 18 hearings	47.1% 16 hearings	0% 0 hearings	100% 16 hearings

Table 5.12 - Did the judge inform the parties of the right to request safeguarding of the evidence?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	43.3% 13 hearings	56.7% 17 hearings	42.9% 3 hearings	57.1% 4 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	13.75% 11 hearings	86.25% 69 hearings	47.1% 16 hearings	52.9% 18 hearings	0% 0 hearings	100% 16 hearings

Table 5.13 - Did the judge inform the parties of the right to review and copy the documents related to the case that were held in the court office?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	66.7% 20 hearings	33.3% 10 hearings	42.9% 3 hearings	57.1% 4 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	15% 12 hearings	85% 68 hearings	52.9% 18 hearings	47.1% 16 hearings	0% 0 hearings	100% 16 hearings

Table 5.14 - Did the judge inform the parties of all the rights listed above?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	36.7% 11 hearings	63.3% 19 hearings	42.9% 3 hearings	57.1% 4 hearings	100% 6 hearings	0% 0 hearings
At the opening of the main hearing	15% 12 hearings	85% 68 hearings	38.2% 13 hearings	61.8% 21 hearings	100% 16 hearings	0% 0 hearings

5.15 - Did the judge explain to the parties the meaning of the rights introduced?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	13.3% 4 hearings	86.7% 26 hearings	42.9% 3 hearings	57.1% 4 hearings	66.7% 4 hearings	33.3% 2 hearings
At the opening of the main hearing	7.5% 6 hearings	92.5% 74 hearings	35.3% 12 hearings	64.7% 22 hearings	81.25% 13 hearings	18.75% 3 hearings

Table 5.16 – Decision of the judge on a counterclaim filed after the opening of the main hearing?

Tbilisi			Batumi Khelvachauri			Gori Telavi		
Accepted	Rejected	No counterclaim	Accepted	Rejected	No counterclaim	Accepted	Rejected	No counterclaim
2.3% 2 hearings	0% 0 hearings	97.7% 86 hearing	0% 0 hearings	0% 0 hearings	100% 35 hearings	5.3% 1 hearings	0% 0 hearings	94.7% 18 hearings

Table 5.17 - Decision of the judge regarding motions filed by the parties after the opening of the main hearing?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
granted	denied	Accepted	Rejected	Accepted	Rejected
60% 3 hearings	40% 2 hearings	0% 0 hearings	0% 0 hearings	100% 1 hearings	0% 0 hearings

Table 5.18 –Did the judge skip any stage of the hearing without the approval of the parties?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
4.5% 4 hearings	95.5% 84 hearings	11.4% 4 hearings	88.6% 31 hearings	0% 0 hearings	100% 19 hearings

Table 5.19 – When moving from one stage to the other, did the judge announce the next stage?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
94.3% 83 hearings	5.7% 5 hearings	88.6% 31 hearings	11.4% 4 hearings	100% 19 hearings	0% 0 hearings

Table 5.20 - Did the judge provide the parties with a relevant explanation of the meaning of each stage?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
13.6% 12 hearings	86.4% 76 hearings	20% 7 hearings	80% 28 hearings	42.1% 8 hearings	57.9% 11 hearings

Table 5.20¹ - Did the judge provide the parties with a relevant explanation about the meaning of each stage in case when a private party had no attorney/representative?

Tbilisi (22 cases)		Batumi Khelvachauri (3 cases)		Gori Telavi (11 cases)	
yes	no	yes	no	yes	no
27.3%	72.7%	0%	100%	54.5%	45.5%
6 cases	16 cases	0 cases	3 cases	6 cases	5 cases

Table 5.21 - Did the judge give legal bases for his/her interim decisions?

Tbilisi			Batumi Khelvachauri			Gori Telavi		
Yes	No	No interim decision	Yes	No	No interim decision	Yes	No	No interim decision
29.6%	13.6%	56.8%	22.9%	31.4%	45.7%	10.5%	47.4%	42.1%
26 hearings	12 hearings	50 hearing	8 hearings	11 hearings	16 hearings	2 hearings	9 hearings	8 hearings

Table 5.22 – Did the judge maintain order in the courtroom?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
95.5%	4.5%	77.1%	22.9%	100%	0%
84 hearings	4 hearings	27 hearings	8 hearings	19 hearings	0 hearings

Table 5.23 – Was there anything to suggest that the case was not prepared for the main hearing?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
6.8%	93.2%	0%	100%	0%	100%
6 hearings	82 hearings	0 hearings	35 hearings	0 hearings	19 hearings

Table 5.24 – Was there anything to suggest that the judge was not well-acquainted with the content of the dispute?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
2.3%	97.7%	0%	100%	0%	100%
2 hearings	86 hearings	0 hearings	35 hearings	0 hearings	19 hearings

Table 5.25 - Did the parties of the hearing speak clearly?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
94.3%	5.7%	97.1%	2.9%	73.7%	26.3%
83 hearings	5 hearings	34 hearings	1 hearings	14 hearings	5 hearings

Table 5.26 – Did the parties of the hearing and/or the attendants leave/enter the courtroom during the hearings?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
9.1%	90.9%	11.4%	88.6%	0%	100%
8 hearings	80 hearings	4 hearings	31 hearings	0 hearings	19 hearings

Table 5.27 – When announcing the final decision, did the judge announce the appeal procedure?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
98.9%	1.1%	97.1%	2.9%	100%	0%
87 hearings	1 hearings	34 hearings	1 hearings	19 hearings	0 hearings

Table 5.28 – When announcing the final decision, did the judge state which evidence he/she relied on?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
40.9%	59.1%	22.9%	77.1%	94.7%	5.3%
36 hearings	52 hearings	8 hearings	27 hearings	18 hearings	1 hearings

Table 5.29 – When announcing the final decision, did the judge announce the legislation relied upon?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
59.1%	40.9%	40%	60%	94.7%	5.3%
52 hearings	36 hearings	14 hearings	21 hearings	18 hearings	1 hearings

Table 5.30 – Did the Judge propose a settlement?¹⁰⁸

	Tbilisi			Batumi Khelvachauri			Gori Telavi		
	Yes	No	One of the parties was absent	Yes	No	One of the parties was absent	Yes	No	One of the parties was absent
At the preliminary hearing	18.2% 6 hearings	66.7% 22 hearings	15.1% 5 hearings	55.6% 5 hearings	11.1% 1 hearings	33.3% 3 hearings	33.3% 2 hearings	50% 3 hearings	16.7% 1 hearing
At the opening of the main hearing	24.4% 20 hearings	67.1% 55 hearings	8.5% 7 hearings	45.9% 17 hearings	48.7% 18 hearings	5.4% 2 hearings	18.75% 3 hearings	75% 12 hearings	6.25% 1 hearing

¹⁰⁸ In the statistical information the cases where settlement was reached are included.

Annex 6. Inquisitorial Principle

Table 6.1 – Did the judge invite third parties to the case?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	10% 3 hearings	90% 27 hearings	28.6% 2 hearings	71.4% 5 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	6.25% 5 hearings	93.75% 75 hearings	2.9% 1 hearings	97.1% 33 hearings	0% 0 hearings	100% 16 hearings

Table 6.2 – Did the judge request additional information/evidence on his/her own initiative?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	6.7% 2 hearings	93.3% 28 hearings	0% 0 hearings	100% 7 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	1.25% 1 hearings	98.75% 79 hearings	8.8% 3 hearings	91.2% 31 hearings	0% 0 hearings	100% 16 hearings

Table 6.3 – Did the judge give any instructions/recommendations to the parties?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	0% 0 hearings	100% 30 hearings	14.3% 1 hearings	85.7% 6 hearings	0% 0 hearings	100% 6 hearings
At the opening of the main hearing	1.3% 1 hearings	98.7% 79 hearings	5.9% 2 hearings	94.1% 32 hearings	0% 0 hearings	100% 16 hearings

Table 6.4 – Did the Judge propose a settlement?¹⁰⁹

	Tbilisi			Batumi Khelvachauri			Gori Telavi		
	Yes	No	One of the parties was absent	Yes	No	One of the parties was absent	Yes	No	One of the parties was absent
At the preliminary hearing	18.2% 6 hearings	66.7% 22 hearings	15.1% 5 hearings	55.6% 5 hearings	11.1% 1 hearings	33.3% 3 hearings	33.3% 2 hearings	50% 3 hearings	16.7% 1 hearings
At the opening of the main hearing	24.4% 20 hearings	67.1% 55 hearings	8.5% 7 hearings	45.9% 17 hearings	48.7% 18 hearings	5.4% 2 hearings	18.75% 3 hearings	75% 12 hearings	6.25% 1 hearings

Table 6.5 - Did the judge invite expert/specialist/interpreter/witness to the case on his/her own initiative?

	Tbilisi		Batumi Khelvachauri		Gori Telavi	
	Yes	No	Yes	No	Yes	No
At the preliminary hearing	6.7% 2 hearings	93.3% 28 hearings	0% 0 hearings	100% 7 hearings	16.7% 1 hearings	83.3% 5 hearings
At the opening of the main hearing	1.25% 1 hearings	98.75% 79 hearings	0% 0 hearings	100% 34 hearings	0% 0 hearings	100% 16 hearings

Table 6.6 - Did the judge provide the parties with a relevant explanation about the meaning of each stage?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
13.6% 12 hearings	86.4% 76 hearings	20% 7 hearings	80% 28 hearings	42.1% 8 hearings	57.9% 11 hearings

Table 6.7 - Did the judge establish any relevant evidence when asking questions?

Tbilisi			Batumi Khelvachauri			Gori Telavi		
Yes	No	No questions asked	Yes	No	No questions asked	Yes	No	No questions asked
53.4% 47 hearings	19.3% 17 hearings	27.3% 24 hearing	37.1% 13 hearings	17.1% 6 hearings	45.8% 16 hearings	10.5% 2 hearings	47.4% 9 hearings	42.1% 8 hearings

¹⁰⁹ In the statistical information the cases where settlement was reached are included.

Table 6.8 - Did the judge show initiative?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
39.8%	60.2%	31.4%	68.6%	10.5%	89.5%
35 hearings	53 hearings	11 hearings	24 hearings	2 hearings	17 hearings

Table 6.9 - Did the parties to the hearing speak clearly?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
95.5%	4.5%	97.1%	2.9%	73.7%	26.3%
84 hearings	4 hearings	34 hearings	1 hearings	14 hearings	5 hearings

Table 6.10 – Number of questions asked by the judge?

Tbilisi			Batumi Khelvachauri			Gori Telavi		
average	max	min	average	max	min	average	max	min
3.5	23	0	2.6	16	0	2.2	10	0

Annex 7. Equality of Arms (Adversarial Principle)

Table 7.1 – Did the judge ask questions to the parties during opening statements?

Tbilisi			Batumi Khelvachauri			Gori Telavi		
plaintiff	defendant	neither	plaintiff	defendant	neither	plaintiff	defendant	neither
14	9	70	1	1	34	2	4	14

Table 7.2 – Did the judge restrict either party's opening statement?

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Restricted plaintiff properly	0	0	0
Restricted plaintiff improperly	0	0	0
Restricted defendant properly	0	0	0
Restricted defendant improperly	1	0	0
Neither	87	35	19

Table 7.3 – How many motions did the plaintiff file and how many of these were granted?

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total motions filed by the plaintiff	40 motions	36 motions	1 motion
Motions granted	50% (20 motions)	72.2% (26 motions)	0% (0 motions)
Motions denied	50% (20 motions)	27.8 (10 motions)	100% (1 motion)

Table 7.4– How many motions did the defendant file and how many of these were granted?

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Total motions filed by the plaintiff	33	16 motions	2 motion
Motions granted	60.6% (20 motions)	75% (12 motions)	50% (1 motion)
Motions denied	39.4% (13 motions)	25% (4 motions)	50% (1 motion)

Table 7.5 – Was there anything to suggest that the judge was biased?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
2.3%	97.7%	0%	100%	0%	100%
2 hearings	86 hearings	0 hearings	35 hearings	0 hearings	19 hearings

Table 7.6 – Was there anything to suggest that the judge was not well-acquainted with the content of the dispute?

Tbilisi		Batumi Khelvachauri		Gori Telavi	
yes	no	yes	no	yes	no
2.3%	97.7%	0%	100%	0%	100%
2 hearings	86 hearings	0 hearings	35 hearings	0 hearings	19 hearings

Table 7.7 – Did the judge strike a question of either party?

Tbilisi ¹¹⁰			Batumi Khelvachauri ¹¹¹			Gori Telavi		
plaintiff	defendant	neither	plaintiff	defendant	neither	plaintiff	defendant	neither
14.5%	3.6%	81.9%	5.9%	2.9%	91.2%	10.5%	5.3%	84.2%
12 cases	3 cases	68 cases	2 cases	1 case	31 cases	2 cases	1 case	16 cases

¹¹⁰ In 5 cases on the stage of the questions to parties by parties one of the parties was absent. These 5 cases are not taken into consideration in the statistics given.

¹¹¹ In a case on the stage of the questions to parties by parties one of the parties was absent. These 5 cases are not taken into consideration in the statistics given.

Annex 8. Dispute Outcomes

Table 8.1 – Status of state party

	Tbilisi	Batumi Khelvachauri	Gori Telavi
State party was plaintiff	13.6% 12 cases	0% 0 cases	36.8% 7 cases
State party was defendant	86.4% 76 cases	100% 35 cases	63.2% 12 cases

Table 8.2 – Was the claim granted or denied?

	Tbilisi	Batumi Khelvachauri	Gori Telavi
Granted	14.8% 13 cases	17.1% 6 cases	73.6% 14 cases
Denied	70.4% 62 cases	74.3% 26 cases	5.3% 1 case
Granted Partially	14.8 13 cases	8.6% 3 cases	21.1% 4 cases

Table 8.2 – Which party was successful?¹¹²

	Tbilisi	Batumi	Khelvachauri	Gori	Telavi
Private party	6.5% 6 cases	17.6% 6 cases	0 0 Case	18.8% 3 cases	0 0 Case
State party	76.1% 70 cases	67.7% 23 cases	75% 3 Cases	81.2% 13 cases	100% 3 Cases
Both parties partially successful	17.4% 16 cases	14.7% 5 cases	25% 1 Case	0% 0 cases	0 0 Cases

¹¹² The cases where settlement was reached are included in the statistics of both parties being successful.

Annex 9. Checklist

Court Monitoring Checklist

Case № _____

Monitor _____

1.																																																																																																																																																								
1. At which stage did the monitoring start?	<input type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Opening of the Main Hearing <input type="checkbox"/> Other (Do not fill in the Checklist)																																																																																																																																																							
2. How many times was the hearing postponed? (Please specify the stage of the postponement and the date and time of the next hearing)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">0.</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">Date -----</td> <td style="width: 15%;">Start time planned -----</td> <td style="width: 15%;">Actual -----</td> <td style="width: 15%;">End time-----</td> </tr> <tr> <td>1.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>2.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>3.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>4.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>5.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>6.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>7.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>8.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>9.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> <tr> <td>10.</td> <td><input type="checkbox"/></td> <td>Question # -----</td> <td>Date -----</td> <td>Start time planned -----</td> <td>Actual -----</td> <td>End time-----</td> </tr> </table>		0.	<input type="checkbox"/>	Date -----	Start time planned -----	Actual -----	End time-----	1.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	2.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	3.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	4.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	5.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	6.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	7.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	8.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	9.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----	10.	<input type="checkbox"/>	Question # -----	Date -----	Start time planned -----	Actual -----	End time-----																																																																										
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2. General Information	
5. Court:	Tbilisi <input type="checkbox"/> Batumi <input type="checkbox"/> Other <input type="checkbox"/> Please specify: _____
6. Judge:	
7. Clerk:	
8. Plaintiff:	
9. Plaintiff's Attorney/representative:	N/A <input type="checkbox"/>
10. Defendant:	
11. Defendant's Attorney/representative:	N/A <input type="checkbox"/>
12. Third parties:	On Plaintiff's side <input type="checkbox"/> _____ On Defendant's side <input type="checkbox"/> _____ Independent third party <input type="checkbox"/> _____ <div style="text-align: right; color: gray;">Additional Comments</div>
13. Did the clerk speak clearly enough to determine the names of the parties and/or the names of their attorneys/representatives?	<input type="checkbox"/> Yes <input type="checkbox"/> No <div style="text-align: right; color: gray;">Additional Comments</div>
14. Basis of the action:	Art. 22 <input type="checkbox"/> Art. 23 <input type="checkbox"/> Art. 24 <input type="checkbox"/> Art. 25 <input type="checkbox"/> Art. 25 ¹ <input type="checkbox"/>
3. Preliminary Hearing N/A <input type="checkbox"/> (The hearing was not held and/or it was not monitored)	
15. Which party attended the hearing?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>
	Plaintiff <div style="text-align: right; color: gray;">Additional comments</div>
	Defendant <div style="text-align: right; color: gray;">Additional comments</div>
	If <i>one of the parties was absent</i> 15.1 Did the clerk announce the reason for the absence? Yes <input type="checkbox"/> No <input type="checkbox"/> 15.2 What measures were taken by the judge? <input type="checkbox"/> The hearing continued; <input type="checkbox"/> A break was announced; <input type="checkbox"/> The hearing was postponed on the judge's initiative; <input type="checkbox"/> The hearing was postponed on the initiative of either of the parties';
	<div style="text-align: right; color: gray;">Additional comments</div> 15.3 If <i>both parties were absent</i> , what measures were taken by the judge? <input type="checkbox"/> The hearing was postponed; <input type="checkbox"/> A break was announced; <input type="checkbox"/> The case was left unconsidered; <input type="checkbox"/> The hearing was conducted despite the absence of the parties.

	Additional comments	
16. Did the court check the identity of the presented parties?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not determined <input type="checkbox"/>	If not determined please specify
17. Did the court check the identity of the parties' attorneys/representatives?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not determined <input type="checkbox"/>	If not determined please specify
18. Did the Judge announce the case to be heard?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
19. Did the Judge announce the court composition (Introduced him/herself)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
20. Did the judge give summary of the case at the beginning of the hearing?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
21. Did the Judge warn attendants regarding violations of the court order?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
22. Did the judge introduce the following rights to the parties?	22.1. The right to challenge the judge	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.2. The right to file motions	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.3. The right to make a settlement	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.4. The right to withdraw the claim (right of plaintiff) or accept it (right of defendant)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.5. The right to give opinions on the motions filed by a counterparty	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.6. The right to request safeguarding of the evidence	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.7. The right to review the documents related to the case held in the court office and to get copies	Yes <input type="checkbox"/> No <input type="checkbox"/>
	22.8. Other right/rights _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Plaintiff	
	Additional comments	
	Defendant	
	Additional comments	
23. Did the judge introduce to the parties all the rights listed above?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
24. Did the judge introduce his/her obligations to the expert/specialist/interpreter/witness?	expert Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>	
	specialist Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>	
	interpreter Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>	
	witness Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>	
	Additional comments	
25. Did the judge speak clearly enough when introducing to the parties their rights?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Additional comments

26. Did the judge explain to the parties the meaning of the rights introduced?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please specify the right explained:
27. Did either party file a motion to challenge the judge?	Plaintiff: <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Defendant: <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/>
	27.1 Did the judge give reasoning for granting/denying the motion? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Plaintiff Additional comments	
	Defendant Additional comments	
28. Did the witness/witnesses leave the courtroom after the opening procedures?	Plaintiff's witness/witnesses Yes <input type="checkbox"/> No <input type="checkbox"/> No witness/witnesses <input type="checkbox"/>	Defendant's witness/witnesses Yes <input type="checkbox"/> No <input type="checkbox"/> No witness/witnesses <input type="checkbox"/>
	Plaintiff: Additional comments	
	Defendant: Additional comments	
	28.1 If the witness/witnesses did not leave did the counter party oppose to that fact? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes , please specify the position of the other party and the decision of the court:	
	Additional comments	
29. Did the Judge offer a settlement?	Yes <input type="checkbox"/> No <input type="checkbox"/> one of the parties was absent <input type="checkbox"/>	
	Additional comments	
	29.1 If yes was there anything to suggest that the judge pressured either party to settle? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Please specify: Additional comments		
30. Did the Judge offer the parties the opportunity to file motions (presenting additional evidence, facts or information)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	
Additional comments		
31. Did the judge invite third parties to the case? (Did the judge show initiative for the third parties to be invited to the case?)	<input type="checkbox"/> on the plaintiff's side <input type="checkbox"/> on the defendant's side <input type="checkbox"/> neither	

	Additional comments
	<p>If the <i>judge invited third parties to the case:</i></p> <p>31.1 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>
	<p>31.2 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>
	Additional comments
32. Did the judge invite expert/specialist/interpreter/witness to the case on his/her own initiative?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes:</i></p> <p>32.1 Did the judge ask parties their position regarding inviting them? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>32.2 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>
	Additional comments
33. What was the decision of the judge regarding a counterclaim?	<p>Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> counterclaim was not filed <input type="checkbox"/> Counterclaim was already in the case file <input type="checkbox"/></p> <p>21.1 Did the judge give reasoning for accepting/rejecting a counterclaim? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	Additional comments
	<p><i>If accepted,</i></p> <p>21.2 Did the judge explain to the plaintiff his/her right to request the postponement of the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	Additional comments
	<p>21.3 What measures were taken by the judge?</p> <p><input type="checkbox"/> Fixed time for the plaintiff to get acquainted with the counterclaim; <input type="checkbox"/> Did not postpone the hearing despite the plaintiff's request, and fixed the time for him/her to get acquainted with the counterclaim; <input type="checkbox"/> Postponed the hearing on his/her own initiative; <input type="checkbox"/> Postponed the hearing on the request of the plaintiff; <input type="checkbox"/> The hearing was postponed later; <input type="checkbox"/> Did not give the plaintiff opportunity to get acquainted with the counterclaim.</p>
	Additional comments
	<p><i>If rejected,</i></p> <p>21.4 What measures were taken by the judge? <input type="checkbox"/> Qualified the counterclaim as a motion on his/her own initiative;</p>

	<input type="checkbox"/> Qualified the counterclaim as a motion on the initiative of the defendant; <input type="checkbox"/> Neither
Additional comments	

3.1 Motions

<p>34. Did either party file a motion to ask the court to assist them in gaining certain evidence? (the names of the institutions will be provided in the database)</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; border-bottom: 1px solid black;">Plaintiff <input type="checkbox"/></td> <td style="width: 50%; text-align: center; border-bottom: 1px solid black;">Defendant <input type="checkbox"/></td> <td style="width: 20%;"></td> </tr> <tr> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td rowspan="3" style="text-align: center; vertical-align: middle;">Neither <input type="checkbox"/></td> </tr> <tr> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> <tr> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> </table>	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>		1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Neither <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>
Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>										
1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Neither <input type="checkbox"/>									
2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>										
3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>										
<p>34.1 Did the judge give reasoning for granting/denying the motion?</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px dashed black;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td style="width: 50%;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td style="border-right: 1px dashed black;">2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td style="border-right: 1px dashed black;">3. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>3. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>			1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>			
1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>										
2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>										
3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>										
<p>Plaintiff:</p> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <p style="text-align: right; margin-top: 5px;">Additional comments</p>											
<p>Defendant:</p> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <p style="text-align: right; margin-top: 5px;">Additional comments</p>											
<p>35. Did either party file a motion in order the court to safeguard evidence? (the names of the institutions will be provided in the database)</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; border-bottom: 1px solid black;">Plaintiff <input type="checkbox"/></td> <td style="width: 50%; text-align: center; border-bottom: 1px solid black;">Defendant <input type="checkbox"/></td> <td style="width: 20%;"></td> </tr> <tr> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td rowspan="3" style="text-align: center; vertical-align: middle;">Neither <input type="checkbox"/></td> </tr> <tr> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> <tr> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> </table>	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>		1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Neither <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>
Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>										
1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Neither <input type="checkbox"/>									
2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>										
3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>										
<p>23.1 Did the judge give reasoning for granting/denying the motion?</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px dashed black;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td style="width: 50%;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td style="border-right: 1px dashed black;">2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td style="border-right: 1px dashed black;">3. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>3. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>			1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>			
1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>										
2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>										
3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>										
<p>Plaintiff:</p> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <p style="text-align: right; margin-top: 5px;">Additional comments</p>											
<p>Defendant:</p> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <p style="text-align: right; margin-top: 5px;">Additional comments:</p>											
<p>36. Did either party file a motion presenting additional evidence, circumstances or information?</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; border-bottom: 1px solid black;">Plaintiff <input type="checkbox"/></td> <td style="width: 50%; text-align: center; border-bottom: 1px solid black;">Defendant <input type="checkbox"/></td> <td style="width: 20%;"></td> </tr> <tr> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td rowspan="3" style="text-align: center; vertical-align: middle;">Neither <input type="checkbox"/></td> </tr> <tr> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> <tr> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> </table>	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>		1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Neither <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>
Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>										
1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Neither <input type="checkbox"/>									
2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>										
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<p>36.1 Did the judge give reasoning for granting/denying the motion?</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px dashed black;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td style="width: 50%;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td style="border-right: 1px dashed black;">2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>			1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>					
1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>										
2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>										

	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>												
	Plaintiff													
		Additional comments												
	Defendant:													
		Additional comments												
37. Did the Judge request additional information / evidence on its own initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>													
	If yes :													
	37.1 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>													
	37.2 Did the judge refer to an administrative body or a private person/entity? Administrative body <input type="checkbox"/> private person/entity <input type="checkbox"/>													
	If the answer is administrative body please specify the institution: (the names of the institutions will be provided in the database)													
	Plaintiff:													
		Additional comments												
	Defendant:													
		Additional comments												
38. Did the Judge give any instructions / recommendations to the parties?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>													
	Plaintiff:													
		Additional comments												
	Defendant:													
		Additional comments												
	38.1 If the judge gave instructions/recommendations, was there anything to suggest that he/she helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>													
		Additional comments												
39. Did one of the parties file a motion requesting initiation of expert/specialist/interpreter/witness to the case?	<table border="1"> <tr> <td>Plaintiff <input type="checkbox"/></td> <td>Defendant <input type="checkbox"/></td> <td>Neither <input type="checkbox"/></td> </tr> <tr> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td></td> </tr> <tr> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td></td> </tr> <tr> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td></td> </tr> </table>	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>		2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>		3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>		
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3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>													
	39.1 Did the judge give reasoning for granting/denying the motion?													
	<table border="1"> <tr> <td>1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>3. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>3. Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>							
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3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>													
	Plaintiff													

	Additional comments		
	Defendant		
	Additional comments		
40. Were other motions filed?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
40.1 Did the judge give reasoning for granting/denying the motion?			
4. Yes <input type="checkbox"/> No <input type="checkbox"/>	4. Yes <input type="checkbox"/> No <input type="checkbox"/>		
5. Yes <input type="checkbox"/> No <input type="checkbox"/>	5. Yes <input type="checkbox"/> No <input type="checkbox"/>		
6. Yes <input type="checkbox"/> No <input type="checkbox"/>	6. Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Plaintiff		
	Additional comments		
	Defendant		
	Additional comments		
41. Did one or more parties file a motion for postponement?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
41.1 Did the judge give reasoning for granting/denying the motion?			
1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>		
2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>		
3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Plaintiff		
	Additional comments		
	Defendant		
	Additional comments		
42. Did the Judge deny either party the right to file a motion?	Plaintiff <input type="checkbox"/> Defendant: <input type="checkbox"/> Neither <input type="checkbox"/>		
	42.1 If such occurred, please specify the reasons:		
	Plaintiff		
	Defendant:		
43. Did the preliminary hearing continued directly into the main hearing?	Yes (move directly to section 5) <input type="checkbox"/> No <input type="checkbox"/>		
	Additional comments		
44. Did the judge ask questions to the parties at this stage of the hearing?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Plaintiff please specify word-by-word		

	Additional comments	
	Defendant please specify word-by-word	
	Additional comments	
	44.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	
	Please specify word-by-word	
	Additional comments	
4. Opening of the Main Hearing	The preliminary hearing continued directly into the main hearing <input type="checkbox"/>	
45. Which party attended the hearing?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	
	Additional comments	
	If <i>one of the parties was absent</i>	
	45.1 Did the clerk announce the reason for the absence? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	45.2 What measures were taken by the judge? <input type="checkbox"/> The hearing continued; <input type="checkbox"/> A break was announced; <input type="checkbox"/> The hearing was postponed on the judges initiative; <input type="checkbox"/> The hearing was postponed on the initiative of either of the parties;	
	Additional comments	
	45.3 If <i>none of the parties attended</i> the hearing, what measures were taken by the judge? <input type="checkbox"/> The hearing was postponed; <input type="checkbox"/> A break was announced; <input type="checkbox"/> The case was left unconsidered; <input type="checkbox"/> The hearing was conducted besides the absence of the parties.	
	Additional comments	
46. Did the court check the identity of the parties present at the hearing?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not determined <input type="checkbox"/>	If not determined please specify:
47. Did the court check the power/identity of the attorneys/representatives?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not determined <input type="checkbox"/>	If not determined please specify:
48. Did the Judge announce the case to be heard?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
49. Did the Judge announce the court composition (Introduced him/herself)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
50. Did the judge give summary of the case at the beginning of the hearing?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
51. Did the Judge warn attendants regarding	Yes <input type="checkbox"/> No <input type="checkbox"/>	

violations of the court order?	
52. Did the judge introduce the following rights to the parties?	52.1. The right to challenge the judge Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.2. The right to file motions Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.3. The right to make a settlement Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.4. The right to withdraw the claim (right of plaintiff) or accept it (right of defendant) Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.5. The right to give opinions on the motions filed by a counterparty Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.6. The right to request safeguarding of the evidence Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.7. The right to review the documents related to the case held in the court office and to get copies Yes <input type="checkbox"/> No <input type="checkbox"/>
	52.8. Other right/rights _____ Yes <input type="checkbox"/> No <input type="checkbox"/>
	Plaintiff
	Additional comments
	Defendant
	Additional comments
53. Did the judge introduce to the parties all of the rights listed above?	Yes <input type="checkbox"/> No <input type="checkbox"/>
54. Did the judge introduce his/her obligations to the expert/specialist/interpreter/witness?	expert Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>
	specialist Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>
	interpreter Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>
	witness Yes <input type="checkbox"/> No <input type="checkbox"/> not present <input type="checkbox"/>
	Additional comments
55. Did the judge speak clearly enough when introducing to the parties their rights?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Additional comments
56. Did the judge explain to the parties the meaning of the rights introduced?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, please specify the right explained:
57. Did either party file a motion to challenge the judge?	Plaintiff: <input type="checkbox"/>
	Granted <input type="checkbox"/> Denied <input type="checkbox"/>
	Defendant: <input type="checkbox"/>
	Granted <input type="checkbox"/> Denied <input type="checkbox"/>
	Neither <input type="checkbox"/>
57.1 Did the judge give reasoning for granting/denying the motion?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Plaintiff
	Additional comments
	Defendant
	Additional comments
58. Did the witnesses leave the courtroom after the opening procedures?	Plaintiff's witnesses Yes <input type="checkbox"/> No <input type="checkbox"/> No witnesses <input type="checkbox"/> Defendant's witnesses Yes <input type="checkbox"/> No <input type="checkbox"/> No witnesses <input type="checkbox"/>

	<input type="checkbox"/>
	Plaintiff
	Additional comments
	Defendant
	Additional comments
	58.1 Did the counter party/representative oppose to that fact? Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes , please specify the position of the other party and the decision of the court:
	Additional comments
59. Did the judge offer a settlement?	Yes <input type="checkbox"/> No <input type="checkbox"/> one of the parties was absent <input type="checkbox"/>
	Additional comments
	59.1 If yes was there anything to suggest that the judge pressured either party to settle? Yes <input type="checkbox"/> No <input type="checkbox"/>
	Please specify:
	Additional comments
60. Did the Judge offer the parties the opportunity to file motions (presenting additional evidence, facts or information)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>
	Additional comments
61. Did the judge invite third parties to the case? (Did the judge show initiative for the third parties to be invited to the case?)	<input type="checkbox"/> on the plaintiff's side <input type="checkbox"/> on the defendant's side <input type="checkbox"/> neither
	Additional comments
	In case the answer on the question is "yes"
	61.1 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>
	61.2 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>
	Additional comments
62. Did the judge invite expert/specialist/interpreter/witness to the case on his/her own initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<i>If yes:</i> 62.1 Did the judge explain the necessity of inviting him/her to the case at this stage of the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/>
	Please indicate the reasoning of the judge word by word:
	Additional comments
	62.2 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>
	62.3 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>

	Additional comments		
63. What was the decision of the judge regarding a counterclaim?	Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> counterclaim was not filed <input type="checkbox"/>		
	63.1 Did the judge give reasoning for accepting/rejecting a counterclaim? Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Additional comments		
	If <i>accepted</i> , 63.2 Did the judge explain to the plaintiff his/her right to request the postponement of the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Additional comments		
	63.3 What measures were taken by the judge? <input type="checkbox"/> Fixed time for the plaintiff to get acquainted with the counterclaim; <input type="checkbox"/> Did not postpone the hearing despite the plaintiff's request, and fixed the time for him/her to get acquainted with the counterclaim; <input type="checkbox"/> Postponed the hearing on his/her own initiative; <input type="checkbox"/> Postponed the hearing on the request of the plaintiff; <input type="checkbox"/> The hearing was postponed later; <input type="checkbox"/> Did not give the plaintiff opportunity to get acquainted with the counterclaim.		
	Additional comments		
	If <i>rejected</i> , 63.3 What measures were taken by the judge? <input type="checkbox"/> Qualified the counterclaim as a motion on his/her own initiative; <input type="checkbox"/> Qualified the counterclaim as a motion on the initiative of the defendant; <input type="checkbox"/> Neither		
	Additional comments		
4.1 Motions			
64. Did either party file a motion to ask the court to assist them in gaining certain evidence? (the names of the institutions will be provided in the database)	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
64.1 Did the judge give reasoning for granting/denying the motion?			
1. Yes <input type="checkbox"/> No <input type="checkbox"/>		1. Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Yes <input type="checkbox"/> No <input type="checkbox"/>		2. Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. Yes <input type="checkbox"/> No <input type="checkbox"/>		3. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Plaintiff			
Additional comments			

	Defendant		
	Additional comments		
65. Did either party file a motion in order the court to safeguard evidence? (the names of the institutions will be provided in the database)	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
65.1 Did the judge give reasoning for granting/denying the motion?			
1. Yes <input type="checkbox"/> No <input type="checkbox"/>		1. Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Yes <input type="checkbox"/> No <input type="checkbox"/>		2. Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. Yes <input type="checkbox"/> No <input type="checkbox"/>		3. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Plaintiff			
Additional comments			
Defendant			
Additional comments			
66. Did either party file a motion presenting additional evidence, circumstances or information?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
66.1 Did the judge give reasoning for granting/denying the motion?			
1. Yes <input type="checkbox"/> No <input type="checkbox"/>		1. Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Yes <input type="checkbox"/> No <input type="checkbox"/>		2. Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. Yes <input type="checkbox"/> No <input type="checkbox"/>		3. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Plaintiff			
Additional comments			
Defendant			
Additional comments			
67. Did the Judge request additional information / evidence on its own initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	If yes:		
	67.1 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	67.2 Did the judge refer to an administrative body or a private person/entity? Administrative body <input type="checkbox"/> private person/entity <input type="checkbox"/>		
	If the answer is <i>administrative body</i> please specify the institution: (the names of the institutions will be provided in the database)		
Plaintiff			
Additional comments			
Defendant			

	Additional comments		
68. Did the Judge give any instructions / recommendations to the parties?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Plaintiff:		
	Additional comments		
	Defendant:		
	Additional comments		
68.1 If the judge gave instructions/recommendations, was there anything to suggest that he/she helped either party with the questions?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Plaintiff		
	Additional comments		
	Defendant		
	Additional comments		
69. Was the service of an expert/ specialist/ interpreter requested?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	69.1 Did the judge give reasoning for granting/denying the motion?		
	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	
	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	
	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Plaintiff		
	Additional comments		
Defendant			
	Additional comments		
70. Were other motions filed?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	70.1 Did the judge give reasoning for granting/denying the motion?		
	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	
	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	
	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Plaintiff		
	Additional comments		
Defendant			
	Additional comments		
71. Did one or more parties file a motion for postponement?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	2. _____	2. _____	

	Granted <input type="checkbox"/> Denied <input type="checkbox"/> 3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Granted <input type="checkbox"/> Denied <input type="checkbox"/> 3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	71.1 Did the judge give reasoning for granting/denying the motion?		
	1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4.	
	Plaintiff <div style="text-align: right;">Additional comments</div>		
	Defendant <div style="text-align: right;">Additional comments</div>		
72. Did the Judge deny either party the right to file a motion?	Plaintiff <input type="checkbox"/>	Defendant: <input type="checkbox"/>	Neither <input type="checkbox"/>
	72.1 If such occurred, please specify the reasons:		
	Plaintiff		
	Defendant		
73. Did the judge ask questions to the parties at this stage of the hearing?	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>
	Plaintiff please specify word-by-word		
	<div style="text-align: right;">Additional comments</div>		
	Defendant please specify word-by-word		
	<div style="text-align: right;">Additional comments</div>		
	73.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions?		
	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Please specify		
	<div style="text-align: right;">Additional comments</div>		
5. Stages of Main Hearing			
5.1 – Opening Statements			
74. Did the parties make an opening statement?	Plaintiff: Yes <input type="checkbox"/> No <input type="checkbox"/>	Defendant: Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Plaintiff was absent <input type="checkbox"/>	Defendant was absent <input type="checkbox"/>	

75. Did parties' statements add any new circumstances/details to their written claims?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> <div style="text-align: right;"><i>Additional comments</i></div>
76. Did the Judge restrict either party's opening statements?	Restricted plaintiff properly <input type="checkbox"/> Restricted plaintiff improperly <input type="checkbox"/> Restricted defendant properly <input type="checkbox"/> Restricted defendant improperly <input type="checkbox"/> <div style="text-align: center;">Neither <input type="checkbox"/></div> <hr/> Plaintiff <div style="text-align: right;"><i>Additional comments</i></div> <hr/> Defendant <div style="text-align: right;"><i>Additional comments</i></div>
77. Did the Judge interrupt either party's opening statements?	Interrupted plaintiff properly <input type="checkbox"/> Interrupted plaintiff improperly <input type="checkbox"/> Interrupted defendant properly <input type="checkbox"/> Interrupted defendant improperly <input type="checkbox"/> <div style="text-align: center;">Neither <input type="checkbox"/></div> <hr/> Plaintiff <div style="text-align: right;"><i>Additional comments</i></div> <hr/> Defendant <div style="text-align: right;"><i>Additional comments</i></div>
78. Did the judge ask questions to the parties at this stage of the hearing?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> Plaintiff please specify word-by-word <div style="text-align: right;"><i>Additional comments</i></div> <hr/> Defendant please specify word-by-word <div style="text-align: right;"><i>Additional comments</i></div> <hr/> 78.1 If the judge asked questions, was there anything to suggest that the judge helped either party with the questions? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> Please specify <div style="text-align: right;"><i>Additional comments</i></div>
<i>Additional comments</i>	
5.2 Questions to parties by parties N/A <input type="checkbox"/> (If one of the parties was absent)	
79. Did the parties use their right to question each other?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> <hr/> Plaintiff <div style="text-align: right;"><i>Additional comments</i></div> <hr/> Defendant <div style="text-align: right;"><i>Additional comments</i></div>

<p>80. Did the Court limit / modify / interrupt the questions of either party?</p>	<p>Plaintiff:</p> <p>Limit <input type="checkbox"/></p> <p>Modify <input type="checkbox"/></p> <p>Interrupt <input type="checkbox"/></p>	<p>Defendant:</p> <p>Limit <input type="checkbox"/></p> <p>Modify <input type="checkbox"/></p> <p>Interrupt <input type="checkbox"/></p>	<p>Neither <input type="checkbox"/></p>
<p>Plaintiff</p> <p style="text-align: right;">Additional comments</p>			
<p>Defendant</p> <p style="text-align: right;">Additional comments</p>			
<p>81. Did the court strike the questions of either party?</p>	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>		
<p>Plaintiff</p> <p style="text-align: right;">Additional comments</p>			
<p>Defendant</p> <p style="text-align: right;">Additional comments</p>			
<p>82. Did the judge ask questions to the parties at this stage of the hearing?</p>	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>		
<p>Plaintiff please specify word-by-word</p> <p style="text-align: right;">Additional comment</p>			
<p>Defendant please specify word-by-word</p> <p style="text-align: right;">Additional comments</p>			
<p>82.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions?</p> <p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Please specify</p> <p style="text-align: right;">Additional comments</p>			
<p style="text-align: right;">Additional comments</p>			
<p>5.3 – Questioning of witnesses, experts, specialists N/A <input type="checkbox"/> (No witnesses, experts or specialists)</p>			
<p>83. Did the parties use their right to question witnesses?</p>	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>		
<p>83.1 Was there anything to suggest that one of the parties was not given the opportunity to question witness/witnesses?</p> <p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p>			
<p>Plaintiff</p> <p style="text-align: right;">Additional comments</p>			

	Defendant		Additional comments
84. Were the witness/witnesses who did not leave the courtroom after the opening procedures questioned?	Plaintiff's witness/witnesses: Yes <input type="checkbox"/> No <input type="checkbox"/> No witness <input type="checkbox"/>	Defendant's witness/witnesses: Yes <input type="checkbox"/> No <input type="checkbox"/> No witness <input type="checkbox"/>	
85. Did the parties use their right to question expert(s)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	85.1 Was there anything to suggest that one of the parties was not given the opportunity to question expert(s)? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Plaintiff		
	Additional comments		
	Defendant		Additional comments
86. Did the parties use their right to question specialist(s)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	86.1 Was there anything to suggest that one of the parties was not given the opportunity to question specialist(s)? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Plaintiff		
	Additional comments		
	Defendant		Additional comments
87. Did the Court Limit / modify / interrupt the questioning of witness by either party?	Plaintiff:	Defendant:	Neither <input type="checkbox"/>
	Limit <input type="checkbox"/>	Limit <input type="checkbox"/>	
	Modify <input type="checkbox"/>	Modify <input type="checkbox"/>	
	Interrupt <input type="checkbox"/>	Interrupt <input type="checkbox"/>	
	Plaintiff:		
	Additional comments		
	Defendant:		
	Additional comments		
88. Did the Court Limit / modify / interrupt the questioning of expert by either party?	Plaintiff:	Defendant:	Neither <input type="checkbox"/>
	Limit <input type="checkbox"/>	Limit <input type="checkbox"/>	
	Modify <input type="checkbox"/>	Modify <input type="checkbox"/>	
	Interrupt <input type="checkbox"/>	Interrupt <input type="checkbox"/>	
	Plaintiff		
	Additional comments		
	Defendant		
	Additional comments		
89. Did the Court Limit / modify / interrupt the questioning of specialist by either party?	Plaintiff:	Defendant:	Neither <input type="checkbox"/>
	Limit <input type="checkbox"/>	Limit <input type="checkbox"/>	
	Modify <input type="checkbox"/>	Modify <input type="checkbox"/>	
	Interrupt <input type="checkbox"/>	Interrupt <input type="checkbox"/>	
	Plaintiff:		

	<p style="text-align: right;">Additional comments</p> <p>Defendant</p> <p style="text-align: right;">Additional comments</p>
90. Did the court strike a question that either party asked to a witness?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Plaintiff</p> <p style="text-align: right;">Additional comments</p> <p>Defendant :</p> <p style="text-align: right;">Additional comments</p>
91. Did the court strike a question that either party asked to an expert?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Plaintiff</p> <p style="text-align: right;">Additional comments</p> <p>Defendant</p> <p style="text-align: right;">Additional comments</p>
92. Did the court strike a question that either party asked to a specialist?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Plaintiff</p> <p style="text-align: right;">Additional comments</p> <p>Defendant</p> <p style="text-align: right;">Additional comments</p>
93. Did the Judge question either party's witness (es)?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Plaintiff please specify word-by-word</p> <p style="text-align: right;">Additional comment</p> <p>Defendant please specify word-by-word</p> <p style="text-align: right;">Additional comments</p> <p>70.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions?</p> <p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Please specify</p> <p style="text-align: right;">Additional comments</p>
94. Did the Judge question expert(s)?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>please specify</p> <p>94.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions?</p> <p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Please specify word-by-word</p> <p style="text-align: right;">Additional comments</p>
95. Did the Judge question specialist(s)?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>please specify word-by-word</p>

	<p>95.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Please specify word-by-word</p> <p style="text-align: right;">Additional comments</p>
	<p style="text-align: right;">Additional comments</p>
<p>5.4 Examination and Discussion of the Evidence</p>	
<p>96. Did the judge ask whether the parties wanted to review the evidence already in the case file in the courtroom?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes:</p> <p>96.1 Did the parties agree to deem the evidence reviewed? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>96.2 If the parties did not agree what measures did the judge take? <input type="checkbox"/> Reviewed the evidence on the request of the plaintiff; <input type="checkbox"/> Did not review the evidence despite the plaintiff's request; <input type="checkbox"/> Reviewed the evidence on the request of the defendant; <input type="checkbox"/> Did not review the evidence despite the defendant's request.</p> <p>Plaintiff</p> <p style="text-align: right;">Additional comments</p> <p>Defendant</p> <p style="text-align: right;">Additional comments</p>
<p>97. Did the court fine an administrative entity for failing to produce requested documents?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>No documents were requested <input type="checkbox"/></p> <p style="text-align: right;">Additional comments</p>
<p>98. Did the judge ask questions to the parties at this stage of the hearing?</p>	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Plaintiff please specify word-by-word</p> <p style="text-align: right;">Additional comment</p> <p>Defendant please specify word-by-word</p> <p style="text-align: right;">Additional comments</p> <p>98.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Please specify word-by-word</p>

	Additional comments
	Additional comments
5.5 Rebuttal	N/A <input type="checkbox"/>
99. Did the court intervene in any way during rebuttal procedure?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If the answer is <i>yes</i></p> <p>Plaintiff please specify word-by-word</p> <p style="text-align: right;">Additional comments</p> <hr/> <p>Defendant please specify word-by-word</p> <p style="text-align: right;">Additional comments</p>
100. Did the other party impede the speaker?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>79.1 Please specify which measures the judge took to stop the impediment?</p> <p>a. Judge did not take any measures; <input type="checkbox"/></p> <p>b. Ordered the impeding party to stop; <input type="checkbox"/></p> <p>c. Warned the impeding party; <input type="checkbox"/></p> <p>d. Fined the impeding party; <input type="checkbox"/></p> <p>e. Asked the bailiff to undertake actions specified in the legislation ; <input type="checkbox"/></p> <p>f. <i>Other</i> _____ <input type="checkbox"/></p>
101. Did the judge ask questions to the parties at this stage of the hearing?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p>Plaintiff please specify word-by-word</p> <p style="text-align: right;">Additional comment</p> <hr/> <p>Defendant please specify word-by-word</p> <p style="text-align: right;">Additional comments</p> <p>101.1 If the judge asked questions, was their anything to suggest that the judge helped either party with the questions?</p> <p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <hr/> <p>Please specify</p> <p style="text-align: right;">Additional comments</p>
	Additional comments
5.6 Closing statements	N/A <input type="checkbox"/>
102. Did the judge ask questions to the	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>

parties at this stage of the hearing?	Plaintiff please specify word-by-word:	
		Additional comments
	Defendant please specify word-by-word:	
		Additional comments
	102.1 If the judge asked questions, was their anything to suggest that the judge helped either party with the questions? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	
	Please specify	
		Additional comments

		Additional comments
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5.7 Decision

103. Did the court announce the decision without postponement?	Yes <input type="checkbox"/> No <input type="checkbox"/>		Additional comments
	If yes what did the judge do? Announced a break <input type="checkbox"/> Appointed another hearing <input type="checkbox"/>		Additional comments
104. Did the Judge announce the appeal procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/>		Additional comments
105. Did the Judge state which evidence he/she relied on?	Yes <input type="checkbox"/> No <input type="checkbox"/>		Additional comments
106. Did the Judge announce the legislation relied upon?	Yes <input type="checkbox"/> No <input type="checkbox"/>		Additional comments
107. What was the decision?	Granted <input type="checkbox"/> Denied <input type="checkbox"/> Granted partially <input type="checkbox"/>		Additional comments
108. Was the state party successful? (is filled in by lawyers when assessing a case)	Entirely <input type="checkbox"/> Partially <input type="checkbox"/> Not at all <input type="checkbox"/>		Additional comments

		Additional comments
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6. Issues that may arise at any stage of the hearing

109. What was the decision of the court regarding a counterclaim introduced after the opening of the main hearing?	<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> After the opening of the main hearing a counterclaim was not introduced
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	<p>If <i>accepted.</i> 109.1 Did the judge explain to the plaintiff his/her right to request the postponement of the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p>109.2 What measures were taken by the judge? <input type="checkbox"/> Fixed time for the plaintiff to get acquainted with the counterclaim; <input type="checkbox"/> Did not postpone the hearing despite the plaintiff's request, and fixed the time for him/her to get acquainted with the counterclaim; <input type="checkbox"/> Postponed the hearing on his/her own initiative; <input type="checkbox"/> Postponed the hearing on the request of the plaintiff; <input type="checkbox"/> The hearing was postponed later; <input type="checkbox"/> Did not give the plaintiff opportunity to get acquainted with the counterclaim</p> <p>If <i>rejected.</i> 109.3 What measures were taken by the judge? <input type="checkbox"/> qualified the counterclaim as a motion on his/her own initiative <input type="checkbox"/> qualified the counterclaim as a motion on the initiative of the defendant <input type="checkbox"/> Neither</p>																
<p>110. Did the judge invite third parties to the case? (Did the judge show initiative for the third parties to be invited to the case?)</p>	<p><input type="checkbox"/> on the plaintiff's side <input type="checkbox"/> on the defendant's side <input type="checkbox"/> neither</p> <p>In case the answer on the question is "yes" 110.1 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <hr/> <p>110.2 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <hr/> <p style="text-align: right;">Additional comments</p>																
<p>111. Did the judge invite expert/specialist/interpreter/witness to the case on his/her own initiative?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes:</i> 111.1 Did the judge state the reason for inviting him/her to the case at this stage of the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p>Please, state the reasoning of the judge word by word:</p> <hr/> <p style="text-align: right;">Additional comments</p> <p>111.2 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <hr/> <p>111.3 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <hr/> <p style="text-align: right;">Additional comments</p>																
<p>112. Did the parties file a motion for postponement after the opening of the main hearing?</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; text-align: center;">Plaintiff <input type="checkbox"/></th> <th style="width: 33%; text-align: center;">Defendant <input type="checkbox"/></th> <th style="width: 33%; text-align: center;">Neither <input type="checkbox"/></th> </tr> </thead> <tbody> <tr> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td rowspan="3"></td> </tr> <tr> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> <tr> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> <td>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></td> </tr> </tbody> </table> <hr/> <p>112.1 Did the judge give reasoning for granting/denying the motion?</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 33%;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td style="width: 33%;">1. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td style="width: 33%;"></td> </tr> <tr> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td>2. Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td></td> </tr> </tbody> </table>	Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>		2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>		2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Plaintiff <input type="checkbox"/>	Defendant <input type="checkbox"/>	Neither <input type="checkbox"/>															
1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>																
2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>																
3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>																
1. Yes <input type="checkbox"/> No <input type="checkbox"/>	1. Yes <input type="checkbox"/> No <input type="checkbox"/>																
2. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>																

	3. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>
	Plaintiff	Additional comments
	Defendant	Additional comments
113. Did parties file other motions after the opening of the main hearing?	Plaintiff <input type="checkbox"/> 1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/> 2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/> 3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Defendant <input type="checkbox"/> 1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/> 2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/> 3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/>
	113.1 Did the judge give reasoning for granting/denying the motion?	Neither <input type="checkbox"/>
	4. Yes <input type="checkbox"/> No <input type="checkbox"/>	2. Yes <input type="checkbox"/> No <input type="checkbox"/>
	5. Yes <input type="checkbox"/> No <input type="checkbox"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>
	6. Yes <input type="checkbox"/> No <input type="checkbox"/>	4. Yes <input type="checkbox"/> No <input type="checkbox"/>
	Plaintiff	Additional comments
	Defendant	Additional comments
114. Did either party raise the issue of improper service of the notification? (the list of the stages of a hearing will be provided in the database)	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <i>Plaintiff_ please specify the stage:</i> <i>Defendant_ please specify the stage:</i>	
115. Did either party file a motion to challenge the judge? (the list of the stages of a hearing will be provided in the database)	Plaintiff: <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Defendant: <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/>
	115.1 Did the judge give reasoning for granting/denying the motion? Yes <input type="checkbox"/> No <input type="checkbox"/>	Neither <input type="checkbox"/>
	<i>Plaintiff_ please specify the stage:</i>	
	Additional comments	
	<i>Plaintiff_ please specify the stage:</i>	
	Additional comments	
7. Overall assessment by monitor		
116. Did the judge skip any stage of the hearing without consulting with the parties?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
117. When moving from one stage to the other did the judge announce the next stage?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
118. Did the judge provide the parties with a relevant explanation about the meaning of each stage?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
119. Did the judge give legal bases for his/her interim decisions?	Yes <input type="checkbox"/> No <input type="checkbox"/> No interim decision <input type="checkbox"/>	Additional comments
120. Did the judge establish any relevant evidence when asking questions?	Yes <input type="checkbox"/> No <input type="checkbox"/> No questions <input type="checkbox"/>	Additional comments

121. When one party filed a motion did the judge ask the opposing party his/her opinion about the motion?	Yes <input type="checkbox"/> No <input type="checkbox"/> No motions <input type="checkbox"/>	Additional comments
122. Did the judge show initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
123. Did the judge maintain order in the courtroom?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
124. Was there anything to suggest that the judge was biased?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>If yes</i> , please specify: Additional comments
125. Was there anything to suggest that the case was not prepared for the main hearing?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>If yes</i> , please specify: Additional comments
126. Was there anything to suggest that the judge was not well acquainted with the content of the dispute?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>If yes</i> , please specify: Additional comments
127. Were all the hearings on the case recorded electronically using the audio recording system?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><i>If at least one of the hearings was recorded,</i></p> <p>127.1 Did the judge give directions to the clerk to turn on and off the system? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If the judge directed the clerk <i>please specify word by word:</i></p> <p style="text-align: right;">Additional comments</p> <hr/> <p><i>If no,</i></p> <p>127.2 Did the judge give directions to the clerk not to take notes of certain precedents taking place in the courtroom? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If the judge directed the clerk <i>please specify word by word:</i></p> <p><i>Please indicate if anybody from the audience complied that they could not hear the parties' statements.</i></p>
128. Did the parties of the hearing speak clearly?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<p><i>If no,</i></p> <p>128.1 Did the judge direct the parties to speak clearly? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p style="text-align: right;">Additional comments</p>
129. Did the parties of the hearing and/or the attendants leave/enter the courtroom during the hearings?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>If yes</i> please specify the stage:

	<p><i>If yes</i> 129.1 please specify who was the person?</p> <p><input type="checkbox"/> plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> attendant and/or other</p> <hr/> <p style="text-align: right;">Additional comments</p>
8. Numerical input _ statistics	
130. How many motions were filed?	All motions filed _____ 130.1 In how many cases was the reason for granting/denying announced?-----
131. How many motions did the Plaintiff file?	Motions filed by a plaintiff _____ 131.1 How many of these were granted-----
132. How many motions did the Defendant file?	Motions filed by a defendant _____ 132.1 How many of these were granted-----
133. How many times was the hearing postponed?	Total postponements _____ 133.1 How many times was the reason for the postponement announced? -----
134. How many times did the hearing start on time?	Hearings started on time _____
135. How many times did the hearing start later than the schedule time?	Hearings started late _____
136. How many times did the hearing start 10 minutes or more after the schedule time?	Hearings started late _____
137. How many minutes late did the hearing start on average?	Average delay _____
138. How long did it take to make a final decision?	Days _____
139. How many minutes did all the hearings last?	Number of minutes _____
140. Total number of questions asked by the judge?	Number of minutes _____

