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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

**Questionnaire with a view of the preparation of Opinion No. 15 on
specialisation of judges and courts**

Replies from Georgia

1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES IN:	(B) IF YES TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN ¹	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS ²	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts	X (There are specialized judges only in Tbilisi City Court – court of first instance)	X (Yes they are specialized judges within the court of general jurisdiction)					
Juvenile courts	X (There are judges who are specially trained to deal with juvenile cases)	X (Together with juvenile cases they hear other cases as well).					
Administrative courts/council of state	X (there are specialized judges in the first instance courts, while there are specialized chambers in upper courts)	X					
Immigration/Asylum							
Courts of Account							
Military Courts							
Tax Courts							
Labour/social courts							
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts	X (small claims are usually heard by magistrate judges)	X					
Courts for wills and inheritances							

¹ For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

² For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

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Patent/copyrights/trademark courts							
Commercial courts							
Bankruptcy courts	X (Only two courts of first instance – Tbilisi City Court and Kutaisi City Court are in charge of hearing such cases)	X					
Courts for land disputes							
“Cours d’arbitrage”							
Serious crimes courts/courts of assize							
Courts for the supervision of criminal investigations (e.g. authorising arrest, wire-tappings, etc.)							

Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify:							

To what extent specialisation of courts is relevant in your system?

2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

There is no special recruitment procedure of specialized judges. A judge through the ordinary procedure may be appointed in this or that chamber of upper courts based on the decision of the High Council of Judiciary while in the first instance courts the judges are usually appointed by the Council and their specialization is determined based upon the necessity of that particular court.

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify.

Specialization may be only one aspect for promotion of the judge but usually the specialization in the wider areas of law such as in civil, administrative or criminal rather than in family law, intellectual property law etc.

c) May a judge from a generalist court move to a specialised court, or from one specialisation to another:

<i>As to separate court systems:</i>	<i>Within the same court system:</i>
<input type="checkbox"/> by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?	<input checked="" type="checkbox"/> by showing professional experience?
<input type="checkbox"/> by resigning from original post and participate to a new recruitment?	<input type="checkbox"/> by attending specialisation/reconversion courses?
<input type="checkbox"/> other?	<input type="checkbox"/> by passing a specialisation exam?

d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)?

In the enlarged first instance courts the judges are specialized either in criminal law or in civil/administrative law. Therefore, all such judges have access to specialization. The only exception are magistrate judges i.e. judges who are in charge of hearing small claims in civil and administrative law and pre-trial issues in criminal law.

e) What are for judges the criteria for access to specialisation?

There are no special criteria for choosing specialisation. Usually the background of the judges play a significant role in selecting specialization.

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired?

When transfer to other town the judges are usually remunerated housing and moving expenses and it is not related with the specialization as such.

g) Are there access/reconversion courses to specialised functions:

- Yes, within the judicial training institute ?

- Yes, organised by an institution different from the judicial training institute?

- No?

There is no special course for specialization however, there are frequent seminars and trainings held both by High School of Justice and by other institutions.

h) Are there training courses reserved only to specialised judges?

There are training courses for specialized judges, however, specialized in a wider meaning – civil, administrative and criminal.

i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised?

During seminars for all judges such experience is usually exchanged.

j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)?

Yes, there are speaker judges.

k) If yes, is there a specific training for this type of posts? Please specify.

Speaker judges are specially trained and are in charge of relations with press and electronic media. They prepare press releases and explain the judicial decisions to the general public in the plain language through making statements by TV.

l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court

system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges).

No, the specialization does not imply higher compensation. All judges in the same instance are compensated in the same level.

m) Are there special allowances, or benefits in kind, for specialised judges?

No, there are not.

n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned?

No, specialized judges have no preferential access to the higher courts. The only exception is the broader specialization (civil, administrative or criminal) which may be taken into consideration, however, this is not the only and statutory requirement for promotion.

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify.

No, there is only one bar and it is organized on a general principle.

b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)?

In order to represent a client in civil and administrative cases in Appeals or Supreme Courts a lawyer should be a member on Bar Association and specialized in either (i) General Specialization or (ii) Civil and Administrative Law Specialization. For representation in criminal cases in all instances the lawyers should be member of Bar Association and specialized in either (i) General Specialization or Criminal Law Specialization.

c) Is public prosecution organised on a specialised basis in your country? Please specify.

No, it is not. Prosecution in part of Ministry of Judiciary.

d) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)?

No, they do not.

e) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.) ? If yes, is this staff recruited on an *ad hoc* basis?

No, the specialized judges are assisted by ordinary staff recruited ordinarily.

4. Specialisation and governance

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council.

Yes, the High Council of Judiciary competent for all specialised judges.

5. Specialisation, professional associations of judges, judicial ethics

a) Are there in your country professional associations of specialised judges?

No, there are not. There is only one association of judges.

b) Do specialised judges have separate or common “principles of judicial ethics”³ with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.).

No, the principles of judicial ethics are common for all judges.

6. Conclusion

a) Please give your opinion on the advantages and disadvantages of special courts

To my mind existence of special court is more bureaucratic rather than general court, for the full realization of access to justice. The general public may have some problems in understanding why there are so many different courts dealing with various issues, when there may be only one court where a court user may have access to all information he/she needs.

b) Please give your opinion on the advantages and disadvantages of specialisation of judges

Specialization is very significant for quality of justice because the growing number of legally binding acts (acts of Parliament or bylaws) and diversity of relations subject to special regulation, provides the basis for specialisation. Specialized judges can provide with much more motivated judgement much faster because the issues, court practices are so familiar

³ See principles of judicial ethics as defined in CCJE's Opinion No. 3 (i.e. rules having no disciplinary impact).

for him/her. Therefore, specialization is one of the ways to provide the court users with all the protection Article 6.1 of European Convention of Human Rights requires from the states.