



მინდა ვენდო
სასამართლოს!

The coalition proposes legislative amendments for reforming the High School of Justice and the institution of court chairs

The Coalition for an Independent and Transparent Judiciary has submitted two additional legislative proposals to the Parliament of Georgia that involve strengthening the independence of the High School of Justice and changing the role of court chairs and their selection procedure. The Coalition has previously submitted [proposals](#) regarding the system of disciplinary liability of judges.

1. Reform of the High School of Justice

Currently, the High School of Justice is not independent from the High Council of Justice. More specifically, it is unable to independently announce admission, decide on the number of students, select students, etc.

The existing situation has already damaged the court system. In 2015-2017, when a number of judges were seeing their terms expire, the Council artificially halted enrollment in the High School of Justice, which resulted in re-appointment of former judges, instead of an inflow of new candidates.

The Coalition believes that the Fourth Wave of judicial reform must distance the High School of Justice from the Council. Otherwise, the reform will fail to bring positive change.

The Coalition proposes the following amendments to the Parliament:

- **The process of admission to the High School of Justice must be made independent from the Council.** The High School of Justice must be granted the authority to independently (through consultation with the High Council of Justice) conduct judge qualification examinations, announce admission, select students and define the number of students to be enrolled.
- **The number of members in the Independent Board of the High School of Justice and the rules for their election must be changed.** The Board is currently composed of 6 members, of which the chairperson is elected by the Conference of Judges, and the remaining 5 (one of which must be a non-judge member of the High Council of Justice) by the High Council of Justice. In order to strengthen the independence guarantees of the High School of Justice, Board members must be appointed with the involvement of external actors. More specifically, the Independent Board must be composed of 5 members, of which:
 - 3 members are elected by the Conference of Judges.
 - 1 non-judge member is elected through a majority vote by the non-judge members of the High Council of Justice.
 - 1 member is elected by the Public Defender, through consultation with the

academia and the civil sector.

- **Student scholarship and the duration of study must be increased in the High School of Justice.** The School must also introduce evening slots for students to be able to select a suitable schedule. The 10-month term of study must be increased to a duration that ensures that judge candidates are able to successfully complete a comprehensive and international standard-based judicial program.

2. Administration of courts - the role and selection procedure of court chairs

Over the past years, court chairs have come to be seen as superiors of other judges, controlling their actions, which is a result of the vague and non-transparent rules for their appointment by the High Council of Justice. In addition, since administrative positions in the court are usually held by the same persons, this has facilitated the establishment of privileged groups among judges.

The Coalition calls on the Parliament to adopt the following amendments:

- **Court chairs must be elected.** A court chair must be elected by judges of the same court through a secret ballot. Furthermore, the law must exclude the possibility of the same person being elected for two consecutive terms.

- **The authority of court chairs must be restricted.** The role and functions of a court chair must be limited to representative, instead of the current managerial activities. In addition, the court chair must not have the authority to instruct a judge to take a case on a different specialized panel in the same court. The law must also establish that the composition of specialized panels must be defined by the High Council of Justice and not the court chair.

- **The membership quota for court chairs in the High Council of Justice must be abolished.** More specifically, upon election of a new member of the Council, who also happens to hold the position of a Court Chair / Deputy Chair or Chamber / Panel

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Chair, the new member must immediately be removed from their administrative position.

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