



საერთაშორისო გამჭვირვალობა – საქართველო
TRANSPARENCY INTERNATIONAL GEORGIA

Court Monitoring Report

№1

Period Covered: October 2011-February 2012

May 2012

Tbilisi, Georgia

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Contents

Acknowledgements.....	3
Goal and Methodology.....	4
Fundamental Principles of Administrative Procedure	7
Main Observations	8
Punctuality	8
Findings	8
Right to a public hearing	10
Findings	10
Principle of handling the hearing by a judge.....	14
Findings	15
Inquisitorial Principle (Judge’s Initiative)	19
Findings	19
Equality of Arms and Adversarial Principle	22
Findings	22
Dispute Outcomes.....	24
Conclusion	27

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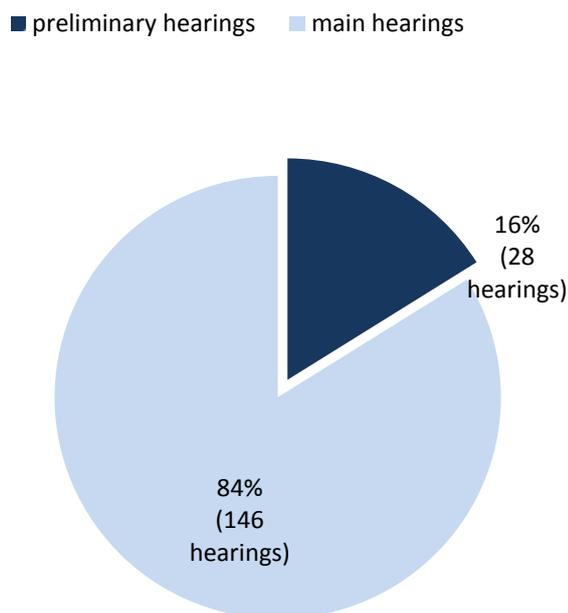
Transparency International Georgia in addition would like to thank EWMI Legal Systems Specialist Mr. Neil Weinstein who has significantly contributed to this research by his extremely valuable experience, suggestions and advices.

Goal and Methodology

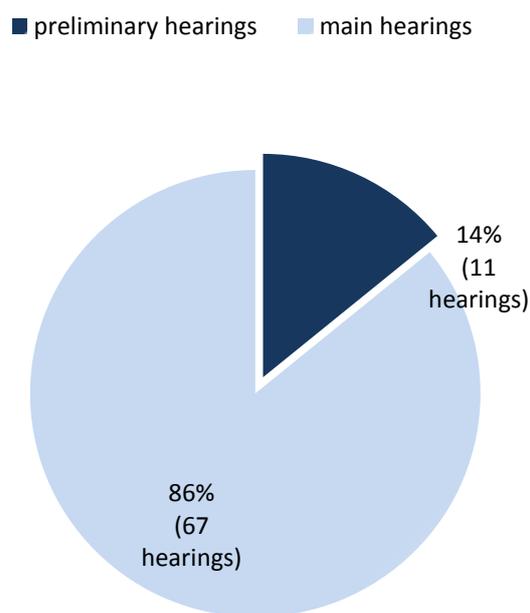
The goal of the Transparency international Georgia (hereinafter TI Georgia) court monitoring project is to facilitate the transparency, efficiency and accessibility of the justice system in the area of administrative law. To accomplish this goal, the TI Georgia court monitoring team attended hearings on administrative law cases, gathered information on the procedures at those hearings, processed received data, derived statistics and drafted conclusions. We consider the project particularly important since the findings and conclusions are made public. As a result of the monitoring, the wider public will have access to a comprehensive overview of what actually occurs in Georgia's courtrooms. Our aim is to facilitate public debate on the state of the Georgian justice system and areas for reform.

The court monitoring reflected in this report covered the period from 5 October 2011 to 20 February 2012, with observations conducted in the first instance courts of Tbilisi and Batumi. During the monitoring period, TI Georgia monitored 108 cases to the rendering of a final decision. In total, our monitors attended and monitored 252 hearings, with 77 cases (174 hearings) monitored in Tbilisi City Court (TCC) and 31 cases (78 hearings) monitored in Batumi City Court (BCC).¹

**Chart 1. Hearings Monitored
(in 77 cases)
Tbilisi**



**Chart 2. Hearings Monitored
(in 31 cases)
Batumi**



¹ See Annex 1, Table 1.1.

Cases for monitoring were selected according to the official schedule published on the Tbilisi City Court web-page and the Batumi City Court schedule or web-page.² In addition, monitors randomly attended hearings when clerks announced a case to be heard in the corridors of the court buildings. TI Georgia monitors also maintained contact with judges' assistants, bailiffs and the administrative staff of the courts, who provided information on hearings.

TI Georgia chose to focus its court monitoring project on cases involving property rights. This is because of the increasing number of cases involving property rights violations during recent years. In particular, there have been many allegations of serious property rights violations in the context of recent infrastructure developments and the State's strong interest in real estate.³ Several applications related to such property rights violations have been lodged with the European Court of Human Rights.⁴ Considering this focus, we filtered the schedule and prioritized cases where the Public Registry, Property Rights Declaration Commission or Ministry of Economy and Sustainable Development were involved.⁵ If no such hearing was scheduled, monitors attended cases randomly.⁶

The monitoring started no later than the opening stage of the main hearing, and lasted to the point when the final decision was rendered. Thus, one case might include several hearings that were monitored. With the purpose of gathering the maximum amount of information on hearings of administrative law cases, TI Georgia developed a detailed checklist to be used by its monitors. The checklist follows the procedural requirements foreseen by Georgian legislation step-by-step.⁷ It consists of questions with several answer options, as well as comment spaces after each question. The latter guarantees the documenting of every aspect of the hearing, which by its exceptional character cannot be easily translated into multiple choice questions. In addition, TI Georgia developed an electronic database which provides a very simple way of processing the gathered information and retrieving relevant statistics. The database is identical to the paper version of the checklist, simplifying management and administration of the gathered information. The checklist is provided as Annex 9 to this report, and the database can be made available upon the request of any interested person.

The monitoring is implemented by three full-time monitors in Tbilisi, and four part-time monitors in Batumi. All of the monitors are graduating law students who were carefully selected through an open

² Before mid-February, the Batumi City Court schedule was published in the court building; after mid-February, the schedule became available on the web. Official web page of the Tbilisi City Court: www.tcc.gov.ge, as of 14/05/2012; Official web page of the Batumi City Court: <http://batumi.court.gov.ge/>, as of 14/05/2012.

³ TIG Work Card, 11/05/2011, <http://transparency.ge/en/post/report/transparency-international-georgias-work-card>, visited on 14/05/2012; "Stripped Property Rights in Georgia", 11/04/2012, <http://transparency.ge/en/post/press-release/stripped-property-rights-georgia>, visited on 14/05/2012; TIG "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 14/05/2012; "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 14/05/2012; Studio GNS Documentary "Property Rights Violations Digomi Case", <http://www.youtube.com/watch?v=ioAZneCQ1nw>, visited on 14/05/2012.

⁴ Studio GNS Documentary "Property Rights Violations Anaklia Case", <http://www.youtube.com/watch?v=HVu4iS6q2E>, visited on 14/05/2012.

⁵ See Annex 2, Table 2.1.

⁶ Disputes concerning taxation issues, military service and administrative offenses were the exceptions; TI Georgia deliberately refrained from monitoring these hearings. The ones concerning taxation issues require different methodology, special expertise and a different approach. Disputes concerning military service and administrative offenses are of no interest because of their simplicity.

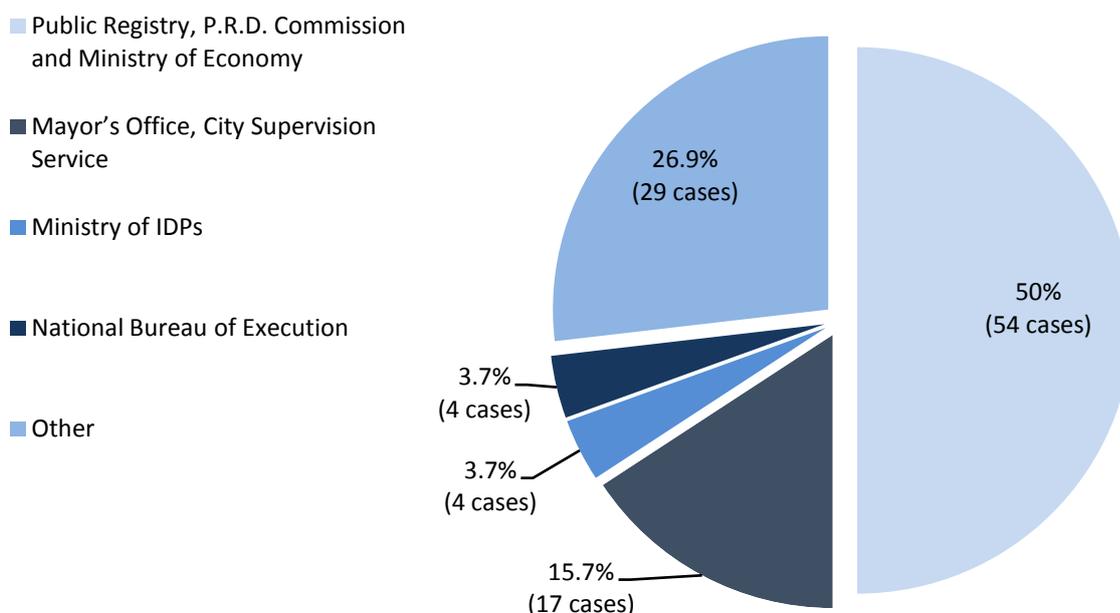
⁷ Georgian Administrative Procedure Code, Tbilisi 23/07/1999, №2352 RS, and Georgian Civil Procedure Code, Tbilisi 14/11/1997, №1106 IS.

selection process. Monitors attended several day-long intensive theoretical and practical trainings prior to beginning monitoring of cases.

As a rule, at least two monitors went to Tbilisi City Court per day. They attended new cases, as well as postponed ones. Given the small number of administrative cases heard at Batumi City Court, monitors visited it less frequently. Monitors were supervised by a coordinator who is TI Georgia’s specially-assigned lawyer for the project.

A schedule of attendance was created every Friday. On the following Monday, the schedule would undergo any necessary changes, taking into consideration the official schedule of administrative hearings of TCC and BCC. At the end of each monitoring day, every monitor handed-over completed checklists to the coordinator. Completed cases were kept separately from pending ones. The date and time of the next hearing in every pending case was noted in TI Georgia’s court monitoring calendar.

**Chart 3. Cases Monitored by Administrative Body
(108 cases)**



Fundamental Principles of Administrative Procedure

Legal principles are divided into two main categories: General and Special. The first are consolidated in the Constitution, the latter – together with general legal principles – comprise the content of a specific branch of law. Special principles are the ones which separate different branches of law from each other.⁸

The following general and special principles applicable to administrative law were monitored by TI Georgia:

- Right to a Public Hearing;⁹
- Handling of the Hearing by the Judge;¹⁰
- Inquisitorial Principle;¹¹ and
- Adversarial Principle (Equality of Arms, Unbiased Settlement of Dispute).¹²

It should be noted that administrative proceedings in Georgia are to operate primarily according to the Inquisitorial Principle.¹³ This principle, which is discussed further in the section on observations related to the Inquisitorial Principle, differentiates the process used for administrative hearings from that used for civil and criminal hearings; civil and criminal hearings rely exclusively on the adversarial process. Under the inquisitorial system, the role of the judge in a hearing is far more active than under the adversarial system. Accordingly, the handling of a hearing by a judge was a major focus of the monitoring process.¹⁴

In addition to the main legal principles governing administrative proceedings, judges' punctuality was also monitored.

⁸ M. Kopaleishvili, N. Skhirtladze, E. Kardava, P. Turava, "Handbook of Administrative Procedural Law," Tbilisi (2008), pg. 19.

⁹ 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.

¹⁰ M.Kopaleishvili, et al., pg. 27.

¹¹ Georgian Administrative Procedure Code, Art.4; M.Kopaleishvili, et al., pg.25.

¹² Constitution of Georgia, Art.14; Georgian Civil Procedure Code Art. 4, Art. 5.

¹³ Georgian Administrative Procedure Code, Art.4.

¹⁴ M.Kopaleishvili, et al., pg. 27.

Main Observations

Punctuality

Measuring punctuality is necessary to show how judges manage their time and how organized they are in this regard. When measuring punctuality, TI Georgia assessed whether the hearing started later than its scheduled time on the official daily schedule on the TCC or BCC web-page, or on the board of hearings in BCC.

In some cases, judges stated the reason for being late; for example, the previous hearing lasted far too long, the court was waiting for the parties to arrive, etc. But mostly judges did not comment on the lateness of the hearing, hence the reason remains unknown.

The statistics on punctuality in Tbilisi and Batumi differ, with the latter faring worse.

Findings

Tbilisi

Almost two-thirds of the monitored cases in Tbilisi started late, with only 35.1% of the hearings (61 of 174) starting on time.¹⁵

Of the judges who were late, judges in Tbilisi were on average 8.7 minutes late; however, in some cases the delay was much longer, and in one case the judge was 108 minutes late. Of the hearings starting later than scheduled, 58.4% (66 of 113) had delays of 10 minutes or more; of those hearings, the judge announced the reason for the delay in only 25.8% of cases (17 of 66).¹⁶

In 22.7% of the hearings (15 of 66) the reason for delay was that the previous hearing lasted too long; in 9.1% of hearings (6 of 66) one of the parties was late; in 7.6% of the hearings (5 of 66) there was another reason for the delay.¹⁷

Batumi

At BCC over 70% of hearings started late, with only 29.5% of the hearings (23 of 78) starting on time.¹⁸

The average delay in Batumi was 21.4 minutes; the maximum delay observed was 106 minutes. Of the hearings starting later than scheduled, 94.6% (52 of 55) had delays of 10 minutes or more. Of those hearings, the judge announced the reason for the delay in only 11.5% of cases (6 of 52).¹⁹

¹⁵ See Annex 3, Table 3.1.

¹⁶ See Annex 3, Table 3.3 and 3.4.

¹⁷ See Annex 3, Table 3.5. The “other” reasons for hearings starting late were: the courtroom was not available, the courtroom was not scheduled, the auto recording system was out of order and the judge was looking for a clerk to manually record the hearing, the judge was waiting for a detainee to be brought to the court building, and the judge was waiting for a clerk to bring the evidence requested on the initiative of the judge, which had not been sent to the plaintiff.

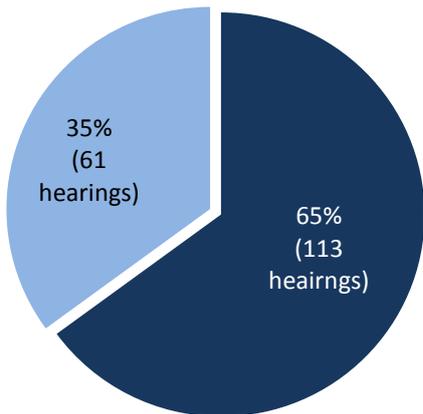
¹⁸ See Annex 3, Table 3.1.

¹⁹ See Annex 3, Table 3.3 and 3.4.

In 7.7% of the hearings (4 of 52), the reason for delay was the previous hearing lasted too long; in 5.8% (3 of 52) one of the parties was late; in 5.8% (3 of 52) there was another reason for the delay.²⁰

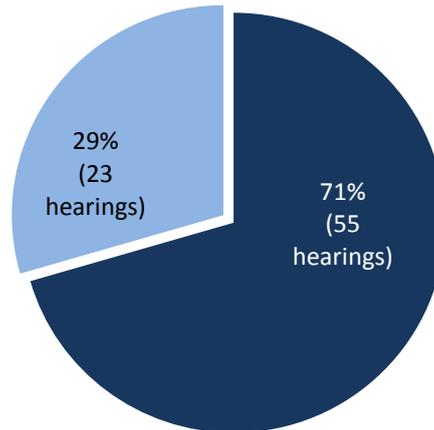
**Chart 4. Hearings Starting Late
Tbilisi
(174 hearings)**

■ Hearings starting late ■ Hearings starting on time



**Chart 5. Hearings Starting Late
Batumi
(78 hearings)**

■ Hearings starting late ■ Hearings starting on time



²⁰ See Annex 3, Table 3.5. The “other” reasons for the hearing starting late were: the courtroom was not scheduled, no clerk was available, and both parties were absent.

Right to a public hearing

The right to a public hearing is guaranteed by the Constitution of Georgia; Article 85(1) states that a case before a court is to be considered at an open hearing.²¹ The right is also guaranteed by Article 6 of the European Convention of Human Rights, 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.”²² Article 13 of Organic Law on Common Courts of Georgia also acknowledges the right to a public hearing; it provides that court hearings in cases brought under that law are open to the public unless otherwise decided by the judge.²³

In order to guarantee the full implementation of the right to a public hearing, a court must insure that interested parties are given the opportunity to freely attend the hearings, and also to be informed in advance of the date and time of every hearing. Another important aspect of this right is the ability of an interested party to have an understanding of the dispute; that is, to be able to hear the statements and/or comments of the parties, witnesses, experts/specialists/interpreters, judge and clerk. Accordingly, a judge must make sure that his/her statements, as well as those of any others speaking in court, are loud and clear enough for an ordinary citizen present in the courtroom to be able to hear and understand. Otherwise, realization of the right to a public hearing is hindered.

Findings

TI Georgia’s court monitoring project determined that, in general, anyone interested is allowed to attend an administrative hearing. Monitors had no problems when making notes in the courtroom. Bailiffs and clerks were often helpful when looking for a courtroom. Despite this, TI Georgia observed several instances which may be seen as infringements of the right to a public hearing, as guaranteed by Georgian legislation and the European Convention of Human Rights.

TI Georgia’s monitoring discovered that hearings were sometimes missing from the official schedule published on TCC web-page.²⁴ In 13.2 % of hearings (23 of 174), hearings were not published.²⁵ For example, the list of hearings for 20 January 2012 was missing from TCC’s electronic board. Also, for the period from 3 October 2011 through 7 October 2011, at TCC the list of hearings on civil cases was published instead of the list on administrative cases.

Perhaps most notably, a case of significant interest to Tbilisi society was missing from the TCC schedule. The case concerned the decision to determine the waste collection fee for an address within Tbilisi municipality according to the amount of electricity utilized per month, which was adopted by the Tbilisi City Assembly on 24 June 2011.²⁶ Imposition of this new tax was followed by wave of discontent from citizens and the media, because of the absence of a logical link between waste generation and electricity usage. Many also argued that the new regulation imposed much higher waste collection fees on the population than before, and a claim requesting abolishment of the decision was lodged at TCC. After a decision on the claim was rendered by the judge, a press release

²¹ Constitution of Georgia, Art.85.

²² European Convention on the Protection of Human Rights and Fundamental Freedoms, Rome, 04/11/1950, Art. 6.

²³ Organic Law of Georgia on Courts of General Jurisdiction, Art. 13.

²⁴ www.tcc.gov.ge. The official schedule was not published on BCC web-page during the whole monitoring period; hence TIG has not monitored the missing hearings from the schedule in Batumi.

²⁵ See Annex 4, Table 4.1.

²⁶ Tbilisi City Council Decision 7-38, 24/06/2012.

was published on the TCC web-page stating that the claim was denied.²⁷ Despite the fact that there was very high public interest in this particular case, only the first hearing of the case was published on the official schedule of TCC, the following hearings were missing from the schedule.²⁸

In one case, the judge directed the clerk to record that the parties were in the process of negotiating a settlement; the plaintiff was against a settlement and protested the judge's act. In another case, which was recorded manually by the clerk because technical problems prevented an audio recording of the case, the judge asked eight questions during opening statements and gave directions to the clerk to record just the answers and not the questions themselves. The judge stated that the purpose of the questions was to frame the opening statements in a way that was most appropriate for her/him.

At TCC In 13.0% of cases (10 of 77), monitors were not able to determine the name of plaintiff's attorney/representative, at BCC the names were not determined in 3.2% of cases (1 of 31). Monitors were not able to determine the names of defendant's attorney/representative in 15.6% of cases (12 of 77) at TCC, at BCC the names were not determined in 6.5% (2 of 31).²⁹ The reason for this is bad acoustics in the courtrooms, as well as unclear and fast pronunciation of the names by the clerk.

In both TCC and BCC, the schedule of hearings never indicated the subject of the case – that is, the relevant Administrative Code article.

Even though this is not a requirement of law, publishing the relevant article involved in the dispute (as is done in Criminal Cases) would have enabled an interested person to get a general understanding of what will be discussed at the hearing before entering a courtroom. Publishing this information on the web-page would have raised the level of publicity and facilitated the full enjoyment of the right to a public hearing.

It is also important to draw the number of gaps when audio recording a hearing to the minimum. The cases of pausing the recording of the hearing, as well as giving directions to the clerks must be excluded from the practice. Judges must also insure that attendants are in course of the content of a hearing taking place in a courtroom and that the right to a public hearing is fully observed.

²⁷ <http://tcc.gov.ge/index.php?m=556&newsid=348>, visited on 14/05/2012.

²⁸ http://tcc.gov.ge/index.php?m=560&date_start=2011.08.10&date_end=2011.08.10&adm_search_in=0&search_products=&ge_o=on&x=15&y=9&action=adm_search, visited on 14/05/2012.

²⁹ See Annex 4, Table 4.2 and 4.3.

Chart 6. Unpublished Hearings

Tbilisi
(174 hearings)

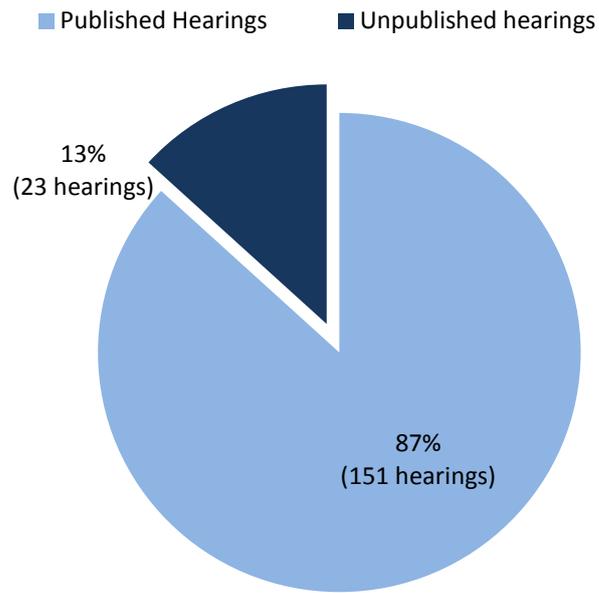
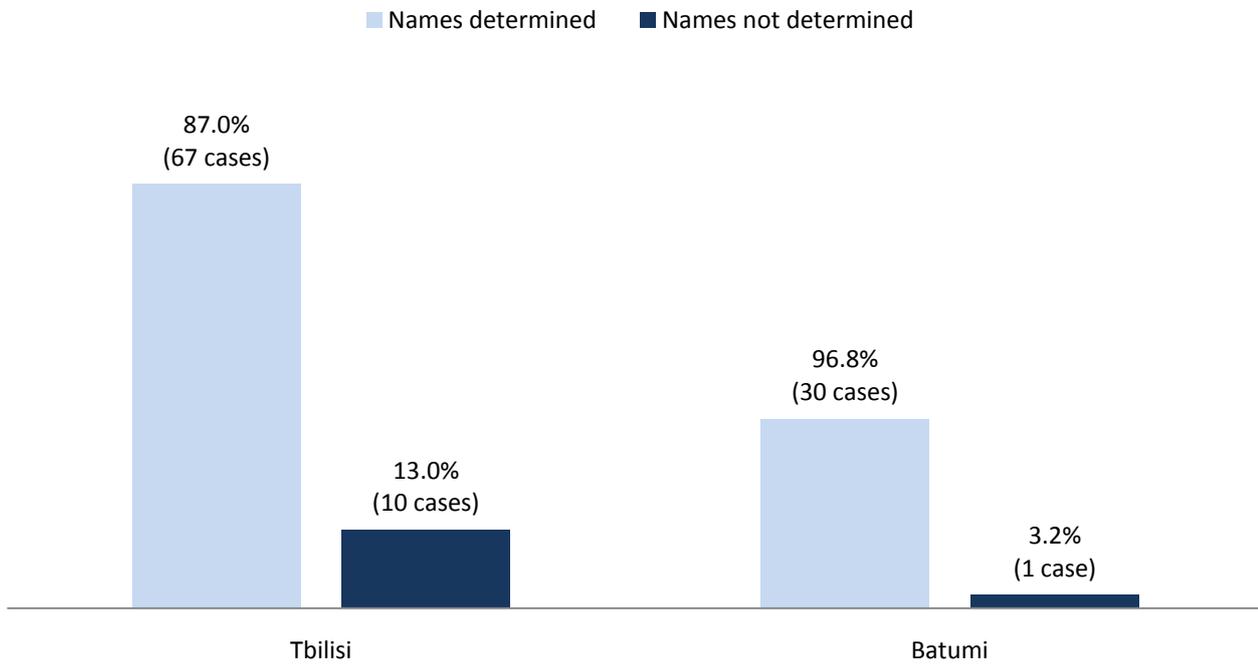
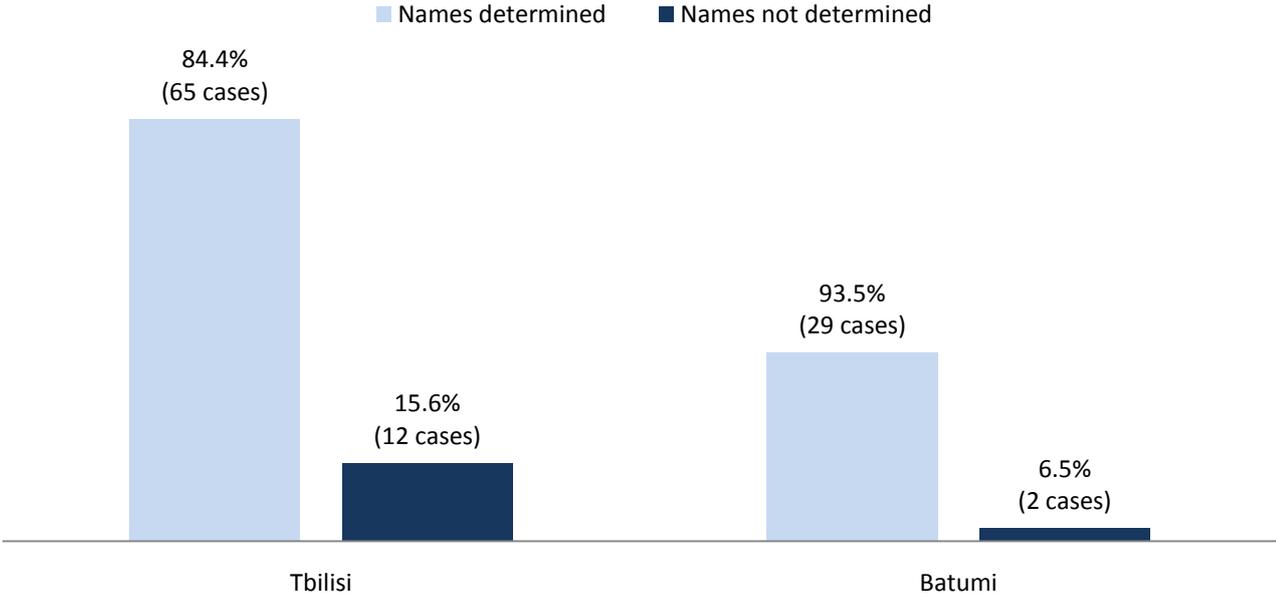


Chart 7. Determination of the names of plaintiff's attorney/representative
(Tbilisi - 77 cases, Batumi - 31 cases)



**Chart 8. Determination of the names of defendant's attorney/representative
(Tbilisi - 77 cases, Batumi - 31 cases)**



Principle of handling the hearing by a judge

According to the general principles applicable to the handling of hearings, a judge is obligated to handle the hearing properly, meet the procedural deadlines, go through every procedural stage in the sequence determined by procedural legislation, investigate every aspect of the case, and ascertain the truth. The handling of the hearing by a judge is of the utmost importance from the moment the claim is filed all the way to the rendering of a final decision.³⁰

In addition to these general principles, the Georgian Civil and Administrative Codes set out particular procedures that are to be followed by the judge during an administrative hearing. For example, the judge is supposed to announce the case to be heard, the court composition, warn those attending the hearing of the consequences for disruption of the court, and introduce the parties to their rights, including the rights to challenge a judge and to settle the case. When announcing final decision, judge is also obliged to indicate the evidence relied upon, the relevant legislative articles and the procedure for appeal of the decision.³¹ A judge hearing an administrative case also has the obligation to correct formal errors and give important explanations during the hearing.³²

The judge should observe all procedural legislation and should not skip any stage of a hearing without the consent of the parties. All stages of the hearing have major importance for ascertaining every aspect of the case.

Maintenance of order in the courtroom is also of importance, and essential for observance of the adversarial and equality of arms principles. Parties should have the ability to provide their opinions and plead without any disturbances and interruptions.

The proper execution of the procedures governing the handling of hearings 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 well prepared at the preliminary and/or arraignment hearings. Hence there is a ground to think that a main hearing is not the first hearing held on the case and that the parties have already been informed of their rights, the identities have been checked, the settlement has been suggested and etc. By this reason when looking at the findings particular attention should be paid to the fulfillment of the procedural legislation at the preliminary hearing. However despite the abovementioned judge still is obliged to follow the procedural requirements when opening the main hearing.³³

³⁰M.Kopaleishvili, et al., pg. 28.

³¹Georgian Civil Procedure Code, Articles 210, 211, 214, 217, 218 and 257.

³²M.Kopaleishvili, et al., pg. 28.

³³Georgian Civil Procedure Code, Articles 203, 205,207 and 210.

Findings

Judges in both TCC and BCC courts followed some of the procedural requirements well. However, in the majority of cases this practice was not consistent and relevant procedural requirements were not fully complied with at all times.

Examples of the procedural requirements that were regularly met include:

- Judges checked the identity of the parties present at the hearing, checked the power of attorney/identity of the attorneys/representatives;³⁴
- Announced the case to be heard;³⁵
- Announced the court composition;³⁶
- Warned those present regarding the disruption of the court;³⁷and
- Informed the parties of their right to challenge the judge and file motions.³⁸

In addition, in the vast majority of cases judges did not skip any procedural stage of the hearing without consulting the parties; either all stages were conducted or the parties consented to the skipping of stages in 93.5% of cases at TCC (72 of 77), and in 71% of cases at BCC (22 of 31).³⁹

When moving from one stage to another, the judge announced the commencement of the next stage in 94.8% of cases at TCC (73 of 77), and in 96.8% of cases at BCC (30 of 31).⁴⁰

In 94.8% of cases at TCC (73 of 77), judges asked the parties whether they wanted to review the evidence already in the case files in the courtroom. At BCC, they did so in 93.5% of cases (29 of 31).⁴¹

In both Tbilisi and Batumi, judges had no significant problem maintaining order in the courtroom. However, in three of the 31 cases monitored at BCC the judge failed to maintain order; at TCC, there was order in the courtroom in every case observed by our monitors.⁴²

There were, however, number of cases when judges did not follow proper procedures. For example, there were instances when they failed to inform parties of their procedural rights. This is particularly problematic at the preliminary hearing stage of proceedings.

At the majority of preliminary hearings judges did not inform parties of their right to settle. Parties were not informed of their right to settle in 75% of preliminary hearings held at TCC (21 of 28), and in 63.6% of preliminary hearings held at BCC (7 of 11).⁴³

³⁴ See Annex 5, Table 5.1 and 5.2.

³⁵ See Annex 5, Table 5.3.

³⁶ See Annex 5, Table 5.4.

³⁷ See Annex 5, Table 5.5.

³⁸ See Annex 5, Table 5.6.

³⁹ See Annex 5, Table 5.7.

⁴⁰ See Annex 5, Table 5.8.

⁴¹ See Annex 5, Table 5.9.

⁴² See Annex 5, Table 5.10.

⁴³ See Annex 5, Table 5.11.

At TCC, in 89.3% of the preliminary hearings (25 of 28) the plaintiff's right to withdraw a claim and the defendant's right to accept a claim was not introduced. At BCC, the rights were not introduced to the parties in 100% of the preliminary hearings (11 of 11).⁴⁴

At TCC, in 89.3% of the preliminary hearings (25 of 28) the right to give opinions on the motions presented by the counter-party was not introduced. At BCC, the right was not introduced to the parties in 100% of the preliminary hearings (11 of 11).⁴⁵

At TCC, in 85.7% of preliminary hearings (24 of 28) the right to review and receive copies of case materials held at the court was not introduced. At BCC, the right was not introduced to the parties in 100% of the preliminary hearings (11 of 11).⁴⁶

Shortcomings were also observed at other stages of administrative cases. For example, judges often asked excessive and substantial questions during opening statements; this happened in 35.1% of cases in TCC (27 of 77), and in 25.8% of cases in BCC (8 of 31). As discussed above, the judge asking questions at this stage may infringe upon the right of a party to freely make an opening statement.⁴⁷

During the monitoring period a positive tendency was monitored. Precisely, in number of cases, where private party was not represented by a lawyer, judges tended to explain the meaning of every stage of the hearing, although they had no such obligation according to the legislation. It needs to be emphasized that TI Georgia does not possess the exact statistical information of this trend. Judges explained to the parties the meaning of each stage of the hearing in 14.3% of cases (11 of 77) in TCC and in 54.8% of cases (17 of 31) in BCC.⁴⁸

TI Georgia monitored whether judges explained their decisions on motions in plain words and/or stated the legal grounds for their decisions. In both TCC and BCC, judges often did not justify their ruling on interim motions. In 28.1% of the motions at TCC (34 of 121) and 16.7% of the motions at BCC (11 of 66) judges did not provide any explanation of their decisions (neither legal justification nor in plain words).⁴⁹

At the stage of the final decision, judges announced the appeal procedures in all 108 cases.⁵⁰ However, at TCC judges announced the evidence they relied on in only 59.7% of the cases monitored (46 of 77), and at BCC they did so in only 19.4% of cases (6 of 31).⁵¹

Monitors in two of 108 cases noticed that instead of an audio recording of the proceeding, written records were being made. During one of the hearings, the judge gave directions to the clerk several times to record the hearing in away which differed from what actually occurred in the courtroom, practically directing the clerk what to record. As a result of the judge's interference, the minutes of the hearing would have shown a very different picture from what actually transpired.⁵²

⁴⁴ See Annex 5, Table 5.12.

⁴⁵ See Annex 5, Table 5.13.

⁴⁶ See Annex 5, Table 5.14.

⁴⁷ See Annex 5, Table 5.15. See also pg. 9, 4th paragraph.

⁴⁸ See Annex 5, Table 5.16.

⁴⁹ See Annex 5, Table 5.17.

⁵⁰ See Annex 5, Table 5.18.

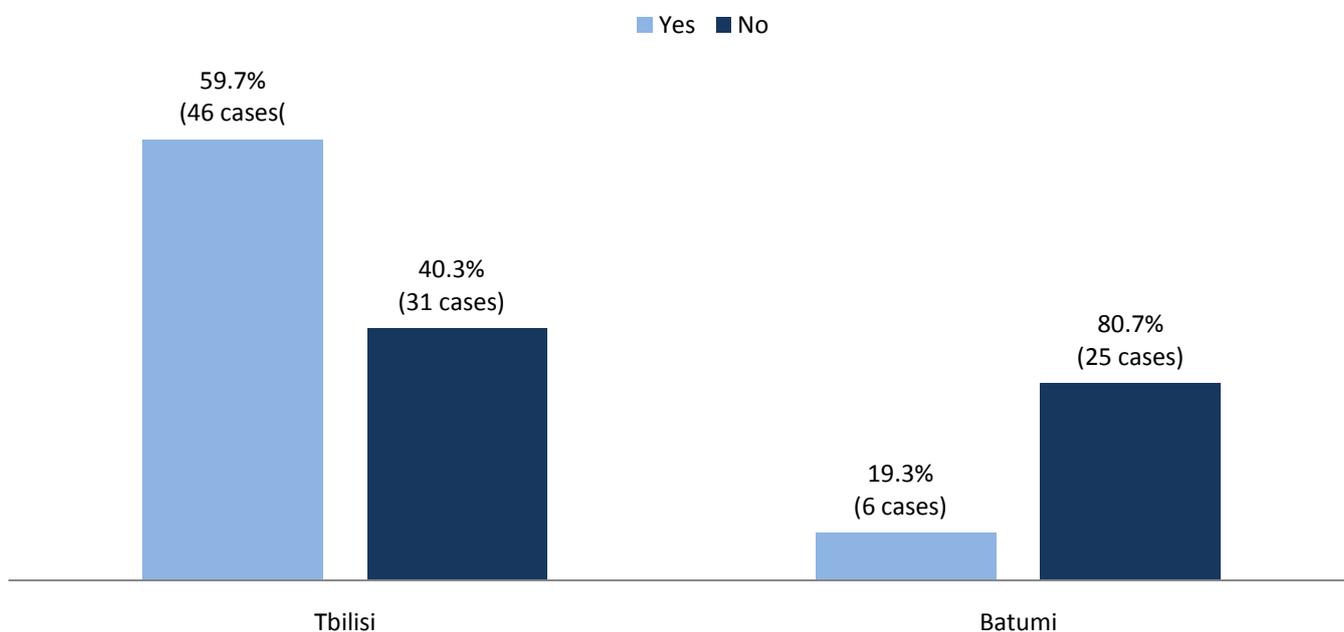
⁵¹ See Annex 5, Table 5.19.

⁵² See pg.9, 4th paragraph.

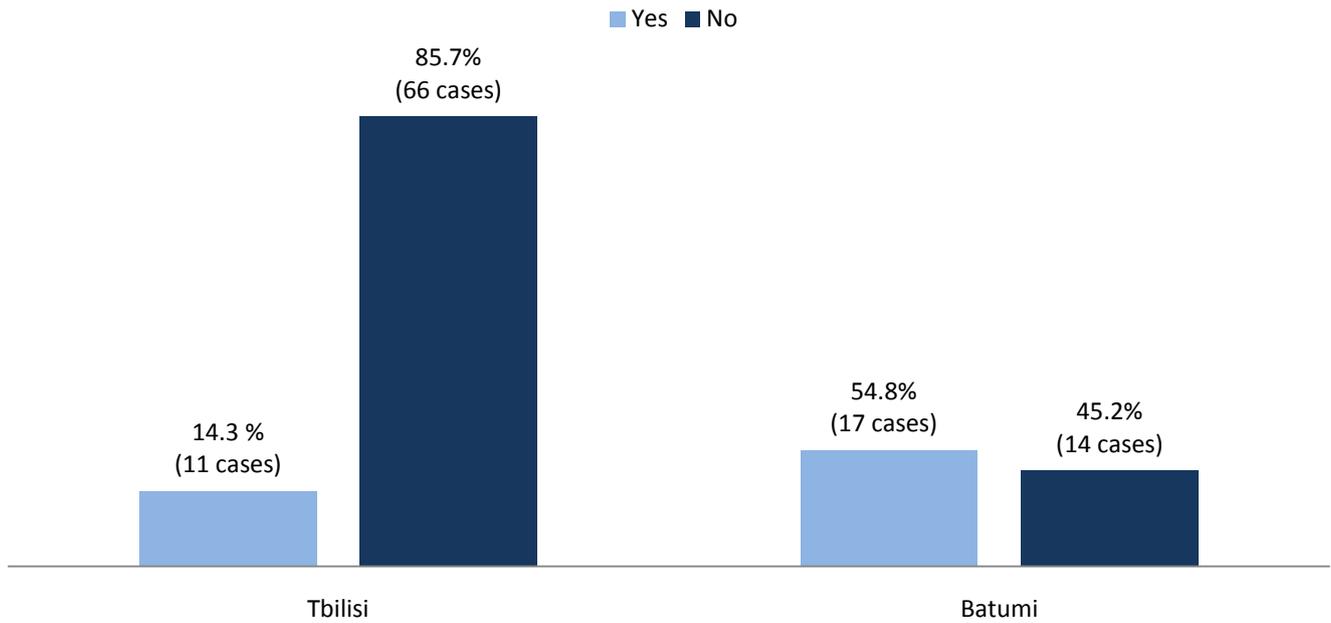
Although the legislation contains no obligation of explaining the meaning of all the rights to the parties, from our point of view the latter is of no less importance for the full enjoyment of their rights by the parties. This is of major concern in cases when private party is not represented by a lawyer. In addition, although judges have the right to ask questions to the parties at any stage of the hearing, we think that asking too many questions at the opening statement's stage, may infringe disputing parties from fully stating their positions. It is desirable that the questions asked to the parties at this stage of the hearing has the aim of specifying the facts already stated by the parties, rather than framing the statement in the way that is in conflict with the intent of the party itself.

These issues will be closely observed during the next monitoring period. In future one more issue of concern will be the brief overview of the cases by a judge at the opening stage of the main hearing.

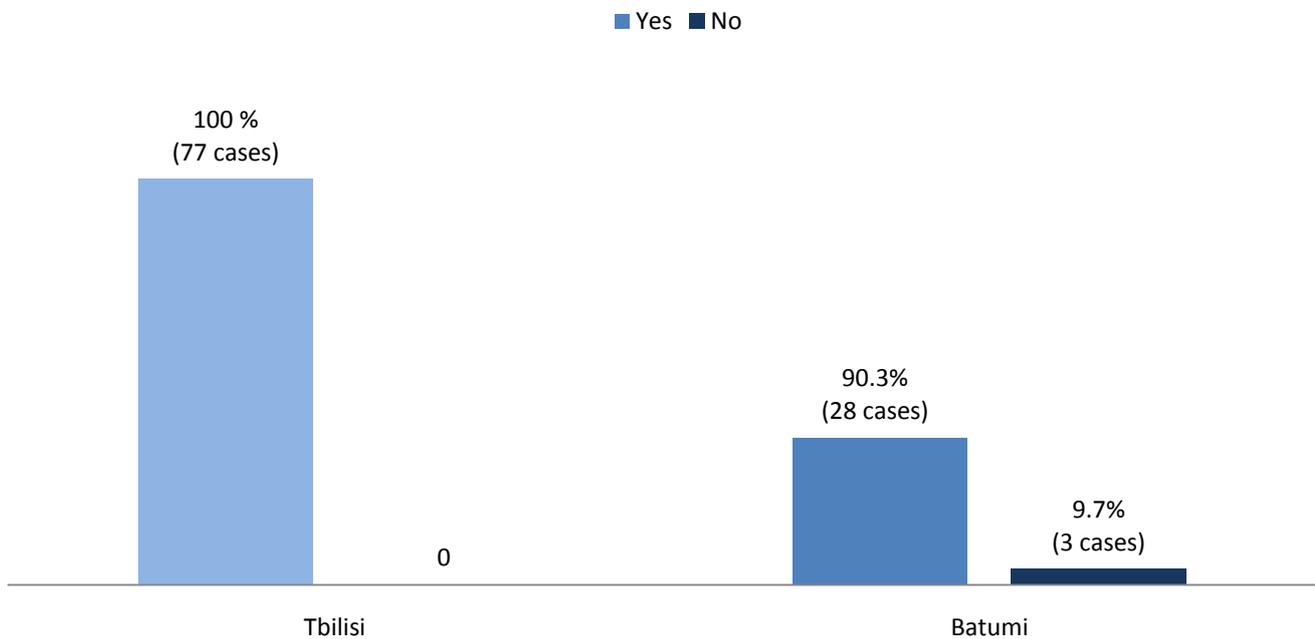
Chart 9. Did the judge state which evidence he/she relied on when announcing the final decision
(Tbilisi - 77 cases, Batumi - 31 cases)



**Chart 10. Did the judge provide the parties with a relevant explanation of each stage?
(Tbilisi - 77 cases, Batumi - 31 cases)**



**Chart 11. Did the judge maintain order in the courtroom?
(Tbilisi - 77 cases, Batumi - 31 cases)**



Inquisitorial Principle (Judge's Initiative)

The terms “adversarial” and “inquisitorial” derive from the two types of procedures used internationally to resolve legal issues to be determined by litigation. Very broadly speaking, in an adversarial system the parties choose what evidence is placed before the court or tribunal. In an inquisitorial system, the court or tribunal may itself conduct investigating actions and/or collect the evidence upon which the matter is decided.⁵³The Georgian Administrative Code includes both principles, and their conjunction should help a judge to fully examine the case before him/her and render a just decision.

According to 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 gain evidence by himself/herself, in order to investigate every aspect of a 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.⁵⁴

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. In contrast, it is these public interests that make the judge's inquisitorial powers vitally important in administrative cases. The judge's inquisitorial powers are also of major importance so that a legal balance is maintained between the public institution and the private party. The public interest in administrative cases also imposes on the judge the leading role during settlement of a dispute. However, the judge's inquisitorial power does not necessarily mean that the parties to the dispute should be passive.⁵⁵ Nor does it mean that the parties should unreasonably be restricted by a judge.

In order to measure whether judges utilized their important inquisitorial powers, monitors observed and noted the judge's questions to the parties. 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.

Findings

As a rule, judges in both TCC and BCC showed little or no initiative. Judges were very reluctant to exercise their inquisitorial powers.

When assessing the inquisitorial principle TI Georgia relied upon the detailed statistical information gained during the monitoring process, made overall and comprehensive evaluation of the information in each case and took into consideration the impressions of the monitor on every hearing. In addition to the general statistics, in several instances passive role of the judge and reluctance to use the inquisitorial principle was exceptionally obvious. For example:

⁵³David Jackson: Adversarial and Inquisitorial Systems Medico-Legal Society of NSW Inc Scientific Meeting, March 2009, Pg.1.

⁵⁴Georgian Administrative Procedure Code, Art 4.

⁵⁵M.Kopaleishvili, et al., pg.27.

Reference to the adversarial principle—In two of 108 cases (1.9%), both at TCC, judge made reference to the adversarial principle. He/she highlighted that, according to the adversarial principle, the decision would be grounded on the facts and evidence presented by the parties themselves. No reference to the inquisitorial principle was made in any case.

Unwillingness to use inquisitorial powers—In one TCC case which required information from the state party defendant, the judge referred to the plaintiff and stated: “What can I do? If you file a motion I will assist you in gaining certain evidence,” instead of requesting that information on his/her own initiative.

Judges were very reluctant to invite third parties to the case. Judges did so in only 6.5% of cases in both Tbilisi (5 of 77) and Batumi (2 of 31).⁵⁶

Judges were also reluctant to request additional information or evidence on their own initiative. Such requests were observed in only 3.4% of hearings at TCC (6 of 174), and in only 3.8% of hearings at BCC (3 of 78).⁵⁷

On average, judges asked seven questions per case in TCC, and five questions per case in BCC.⁵⁸ In many cases, however, they did not ask questions at all. In 17.6% of cases (19 of 108), no questions were asked by the judge; and in 13.9% of cases (15 of 108), only one or two questions were asked.

At the preliminary hearing stage, judges in TCC offered a settlement to the parties in only 42.9% of hearings (12 of 28). At BCC the judges did a better job, offering a settlement at 81.8% of the preliminary hearings (9 of 11).⁵⁹

At the Main Hearing stage, judges in TCC offered a settlement to the parties in only 26.7% of hearings (39 of 146). At BCC in contrast judges did offer a settlement to the parties in only 6% of hearings (4 of 67).⁶⁰

It is desirable that the judges make reference not only to the adversarial but also to the inquisitorial principle. The abovementioned example raises concern that despite the need, judges often refrain from requesting information and from showing initiative. With this reason during next monitoring period even more attention will be paid to these issues. In addition paying more attention to the judge offering a settlement or precise conditions to settle the parties, is of major concern, hence this issue will be monitored more closely in the future.

⁵⁶ See Annex 6, Table 6.1.

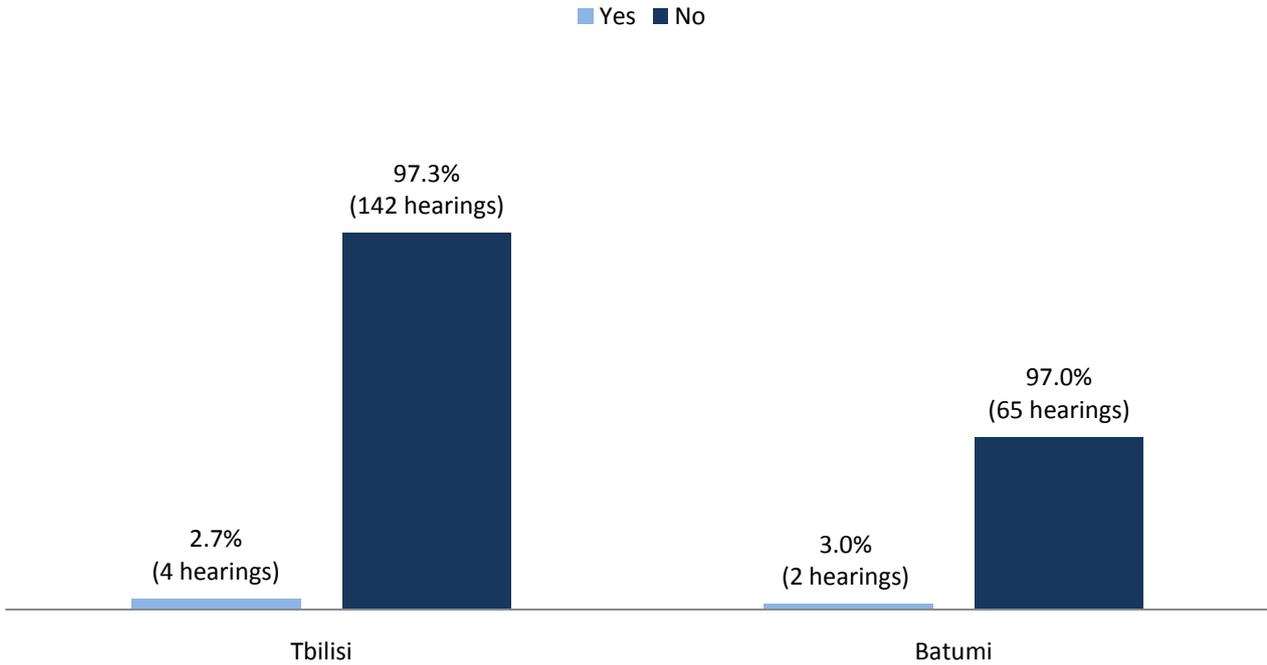
⁵⁷ See Annex 6, Table 6.2.

⁵⁸ See Annex 6, Table 6.3.

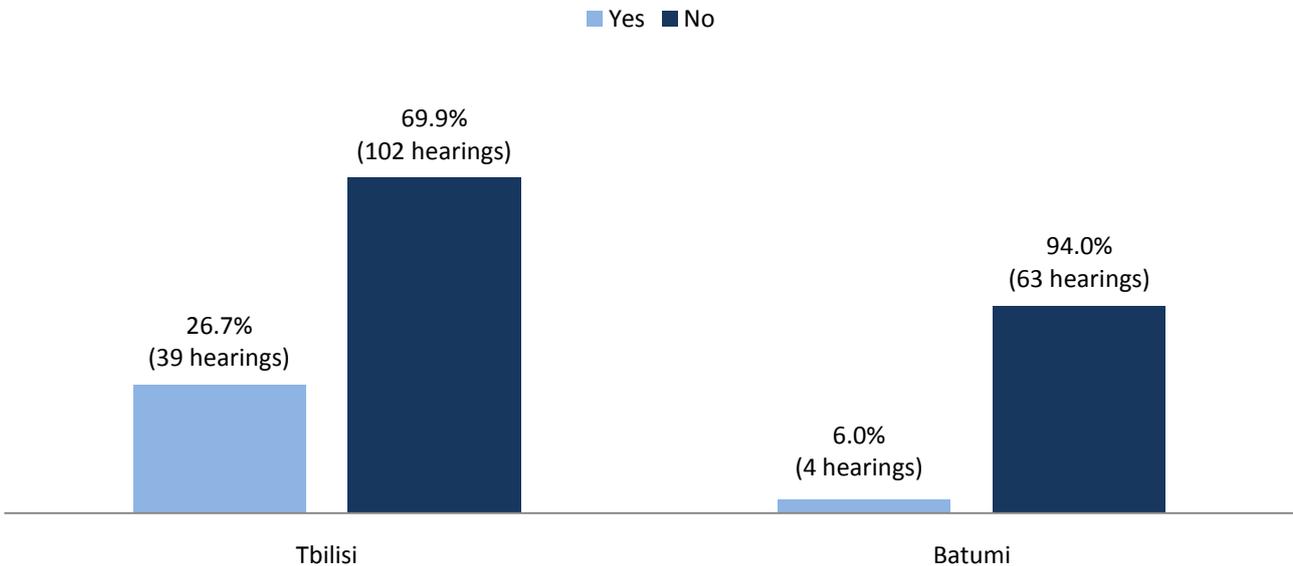
⁵⁹ See Annex 6, Table 6.4.

⁶⁰ See Annex 6, Table 6.4.

**Chart 12. Did the judge request additional information/evidence on his/her own initiative at the main hearing?
(Tbilisi - 146 hearings, Batumi - 67 hearings)**



**Chart 13. Did the judge offer to settle at the main hearing?
(Tbilisi - 146 main hearings, Batumi - 67 main hearings)**
(please note, the statistics on the hearings when one of the parties was absent is not reflected in the chart)



Equality of Arms and Adversarial Principle

Georgian procedural legislation clearly states that the adversarial principle is a fundamental principle of administrative procedure,⁶¹ working in conjunction with the inquisitorial principle. Thus, judges are obligated to insure that the adversarial principle – and party equality – is fully observed in the courtroom. 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.

Findings

Judges mostly observed the principle of equality of arms.

For example, judges asked almost the same number of questions to both plaintiffs and defendants. At the stage of the opening statements, judges at TCC asked questions to the plaintiff in 21 cases and to the defendant in 16 cases. At the same stage at BCC, judges asked questions to each of the parties in 5 cases.⁶²

Judges granted or denied nearly the same percentage of motions filed by plaintiffs and defendants. At TCC, motions filed by plaintiffs were granted in 68.7% of the time (57 of 83), while motions filed by defendants were granted 66.7% of the time (28 of 42). The picture is nearly the same in BCC: motions filed by plaintiff were granted 62.8% of the time (27 of 43), while motions by the defendant were granted 54.6% of the time (12 of 22).⁶³

Judges also offered parties the opportunity to file motions, without infringement of the principle of party equality. At the preliminary hearing, judges in TCC offered the opportunity to file motions to each of the parties in 53.6% of hearings (15 of 28); in BCC, they offered the opportunity to the plaintiff in 90.9% of hearings (10 of 11) and to the defendant in 81.8% of hearings (9 of 11). Similar trend was also observed at the main hearings as well.⁶⁴

Both parties also had equal opportunities to present their positions. In TCC, in only one case out of 77 (1.3%) did the judge restrict the opening statement of only the plaintiff; in BCC, judges restricted the opening statement of the defendant in only one case out of 31 (3.2%).⁶⁵

In only four of 77 cases (5.2%) at TCC, did the judge appear to be biased during the course of the proceedings; In all of the four cases, the bias was indicated when the judge started to explain and

⁶¹ Georgian Civil Code of Procedure, Article 4; Georgian Code of Administrative Procedure, Article 4.

⁶² See Annex 7, Table 7.1.

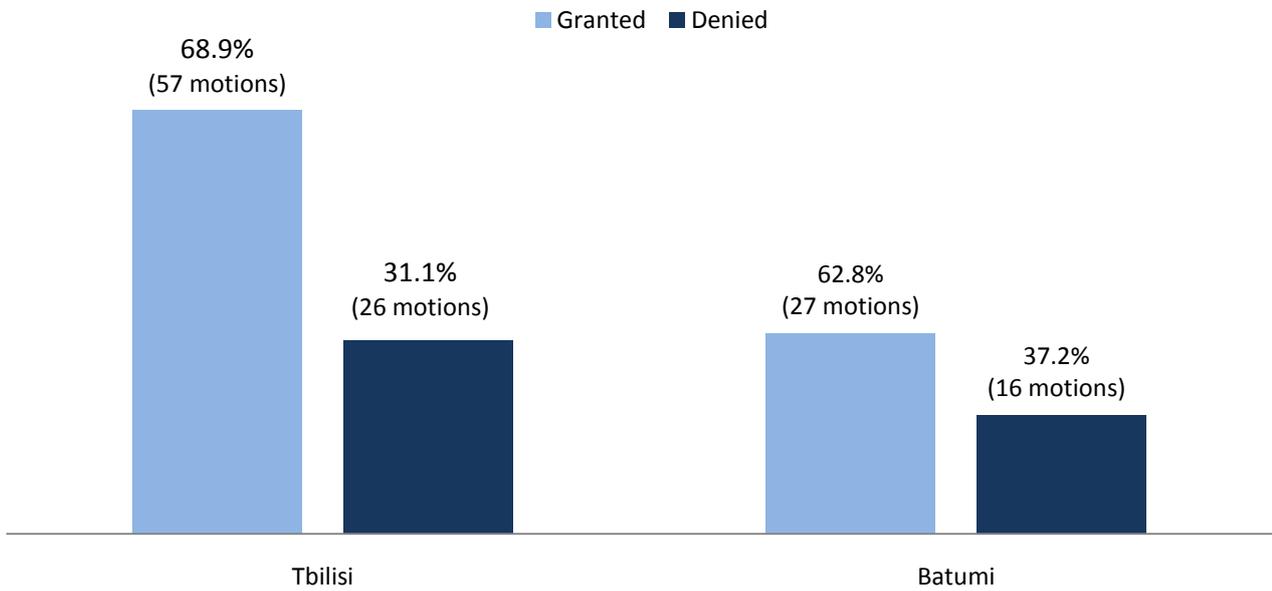
⁶³ See Annex 7, Table 7.2 and 7.3.

⁶⁴ See Annex 7, Table 7.4.

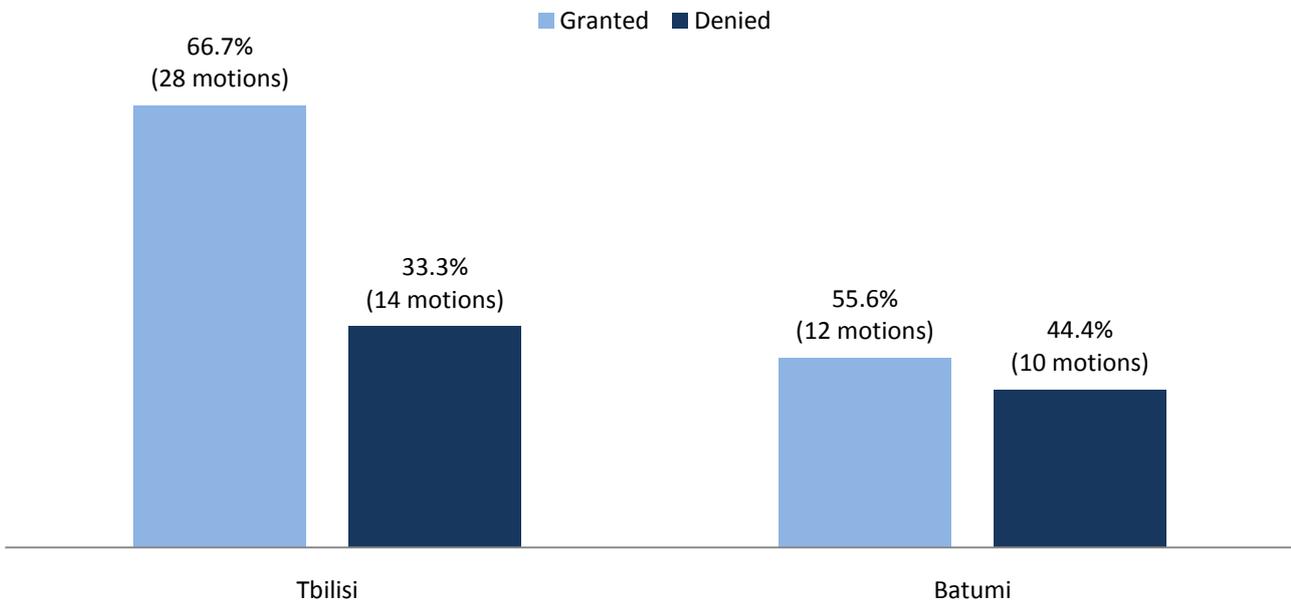
⁶⁵ See Annex 7, Table 7.5.

justify the position of the defendant (Tbilisi City Hall) and argued with the plaintiff during the asking of questions. No such bias was observed at BCC.⁶⁶

**Chart 14. Decisions on the motions filed by plaintiff
(Tbilisi - 83 motions, Batumi - 43 motions)**



**Chart 15. Decisions on the motions filed by defendant
(Tbilisi - 42 motions, Batumi - 32 motions)**



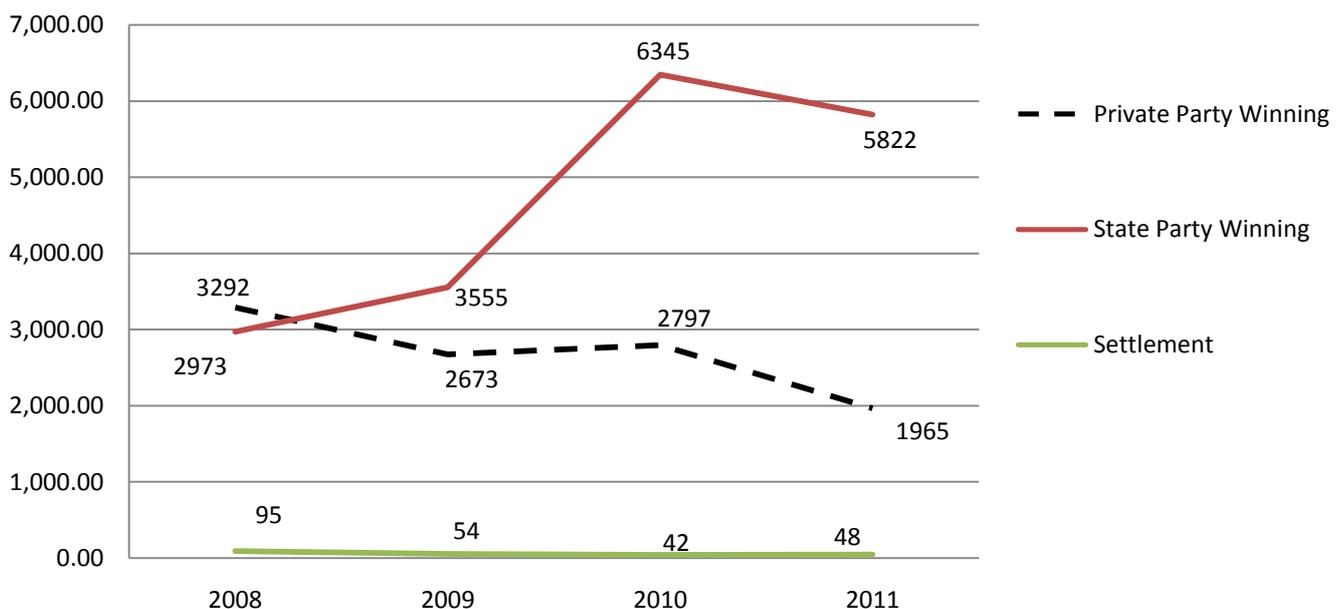
⁶⁶See Annex 7, Table 7.6.

Dispute Outcomes

In addition to monitoring the procedures at administrative hearings, TI Georgia also recorded the outcomes in the 108 cases it monitored. This revealed an additional significant and potentially highly problematic area in the outcome of administrative disputes: In 92.6% of cases (100 of 108), the state party was successful either entirely or partially.⁶⁷ According to the statistical information indicated on the Supreme Court's website during 2011 74.3 % of the cases had the same outcome.⁶⁸ It should be noted, that the Supreme Court does not indicate the rate of partial success and we have no way of knowing where this data is recorded by them. Further, TI Georgia has no statistics on the case where settlement was reached between the parties.

TI Georgia did not review the merits of the cases it monitored, nor did it review the case files. Because the substance of the cases was not assessed, TI Georgia does not state an opinion as to the fairness or legality of the decisions. Nonetheless, the exceedingly high success rate for state parties indicates the possibility of bias in the rendering of judicial decisions.

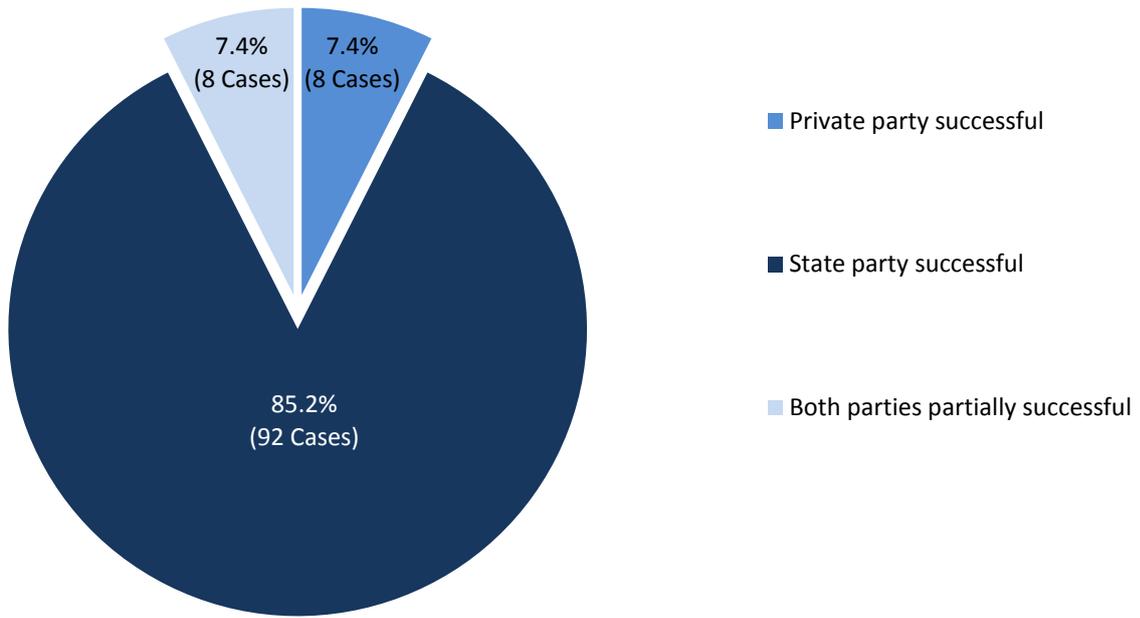
Chart 16. Supreme Court Statistics
State Party vs. Private Party



⁶⁷See Annex 8, Table 8.1 and 8.2

⁶⁸Supreme Court Statistics for 2011, <http://www.supremecourt.ge/2011-year-statistic/>, visited on 14/05/12. It is also worthwhile to note that according to the Supreme Court's own statistics, the success rate for state parties has increased from 46.7% to 74.3% during the years 2008 to 2011.

Chart 17. TI Georgia Statistics
State vs. Private Party
(108 cases)



Other Notable Observations

In addition to the pre-determined issues of possible concern, the monitoring process revealed additional problematic areas, the assessment of which is unfortunately not reflected in the report, because no particular attention was paid to them. Next stage of the court monitoring will be implemented using a modified checklist. Precisely, in order to make a better assessment of the implementation of the inquisitorial principle, principle of handling the hearing by a judge and the principle of public hearing, during the next phase of the monitoring particular attention will be paid to the following issues: publishing the hearing on the official schedule of the court before the hearing starts, audibility in the courtrooms, proper operation of the audio recording system, overview of the merits of the case at the stage of the opening of the main hearing, explaining to the parties the meaning of their procedural rights (especially when a private party is not represented by an attorney), stating legal grounds when announcing a decision on a motion, requesting evidence on the initiative of the judge, offering a settlement and possible conditions to settle and etc.

Facts suggesting that the case was not prepared for the main hearing and/or that the judge was not well-acquainted with the case– In a case monitored at the opening of the main hearing, the judge stated: “It is a bit unclear in the claim; could you specify which act you are filing a claim against?”⁶⁹ It should be emphasized that at the opening of the main hearing, the case is admitted by the judge and is prepared for the discussion; as a result, the judge should have known the disputed act. In another case, at the stage of the preliminary hearing the judge asked the plaintiff: “Is there written evidence in the case materials, a letter, with which you have referred to City Hall?”⁷⁰ In a third case, the judge asked the plaintiff at the stage of questions to the parties: “Has the decision on the suspension of there view of your application been appealed at the higher supervising administrative entity?”⁷¹ These cases raise concern that in some cases judges are not familiar with the substance of the case and materials.*(All of the incidents mentioned took place at TCC).*

The next stage of the court monitoring together with other issues of concern will cover all the above mentioned examples, as a result related report will be produced.

⁶⁹ Georgian citation: “სარჩელში ცოტა გაურკვეველია და იქნებ დააკონკრეტოთ რომელ აქტს ასაჩივრებთ?”.

⁷⁰ Georgian citation: “არის თუ არა საქმეში წერილობითი მტკიცებულება, წერილი რომლითაც მიმართეთ მერსას?”.

⁷¹ Georgian citation: „შეჩერების შესახებ გადაწყვეტილება იქნა თუ არა გასაჩივრებული ზემდგომ ადმინისტრაციულ ორგანოში?“.

Conclusion

Georgia's judicial system has undergone significant changes during recent years. TI Georgia's four-month monitoring project has revealed strong and weak aspects of the judiciary related to the procedures used at administrative hearings. The monitoring project has also revealed reason for concern regarding the outcomes of administrative hearings.

Certain rights enshrined in the Civil and Administrative Procedure Codes are observed and well-protected. For example, TI Georgia found that despite certain problems with recording hearings, in general the right to a public hearing is not violated by the Tbilisi or Batumi city courts. The fact that the adversarial principle is observed in the vast majority of cases should also be assessed positively – the parties to a dispute both have an opportunity to provide their arguments, plead, examine evidence, question witnesses, and conduct all relevant procedural actions stipulated by the legislation. This should be considered a very positive achievement by the Georgian judicial system.

At the same time, it should be highlighted that the monitoring process revealed significant problematic areas and reasons for concern. Most notably, the state party was found to be wholly or partially successful in 92.6% of the 108 administrative cases monitored. Although TI Georgia monitored only a limited sample of cases and did not evaluate the merits of the cases or review the case files, the extremely high success rate of state parties is nonetheless of possible concern.

In addition, the lack of an effective application of the inquisitorial principle, together with the reluctance of judges to actively offer and contribute to the settlement of disputes, is of major concern. Judges lacked initiative in the administrative hearings that were monitored, and seemed very reluctant to use their inquisitorial powers. This is of significant concern, as the court's inquisitorial powers are vitally important in insuring that a legal balance is maintained between public institutions and private parties.

There is also reason to think that judges are sometimes not well-acquainted with a case when rendering a decision, and possibly more interested in resolving the case quickly instead of insuring that justice is served.

In the opinion of TI Georgia, the development of Georgia's judiciary may be impeded as a result of the potentially troubling success rate of state parties and the lack of observance of the fundamental legal principles mentioned above.

Annex 1. Cases and Hearings Monitored

Table 1.1 – General Information

City Court	Cases monitored	Hearings monitored	Preliminary hearings monitored	Main hearings monitored
Tbilisi	77	174	16.1% (28 hearings)	83.9% (146 hearings)
Batumi	31	78	14.0% (11 hearings)	86.0% (67 hearings)
Total	108	252	39	213

Annex 2. Cases Monitored by Administrative Body Involved

Table 2.1

Administrative body	Tbilisi		Batumi	
	Administrative Body Plaintiff	Administrative Body Defendant	Administrative Body Plaintiff	Administrative Body Defendant
Public Registry, P.R.D. Commission, Ministry of Economy	0	40	0	14
Mayor's Office, City Supervision Service	1	12	0	4
Ministry of IDPs	0	4	0	0
National Bureau of Execution	0	0	0	4
Other	1	19	0	9
	2	75	0	31

Annex 3. Punctuality

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

	Tbilisi	Batumi
Total hearings Monitored	174 hearings	78 hearings
Hearings starting late	64.9% (113 hearings)	70.5% (55 hearings)
Hearings starting on time	35.1% (61 hearings)	29.5% (23 hearings)

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

	Tbilisi	Batumi
Total hearings Monitored	113 hearings	55 hearings
Hearings starting 10 minutes or more late	58.4% (66 hearings)	94.6% (52 hearings)

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

	Tbilisi	Batumi
Average delay	8.7 minutes	21.4 minutes
Maximum delay	108 minutes	106 minutes

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

	Tbilisi	Batumi
Hearings delayed more than 10 minutes	66 hearings	52 hearings
Yes	25.8% (17 hearings)	11.5% (6 hearings)
No	74.2% (49 hearings)	88.5% (46 hearings)

Table 3.5 – Reason for delay of hearings delayed more than 10 minutes

	Tbilisi	Batumi
Hearings delayed more than 10 minutes	66 hearings	52 hearings
Previous hearing lasted too long	22.7% (15 hearings)	7.7% (4 hearings)
One of the parties was late	9.1% (6 hearings)	5.75% (3 hearings)
Other ⁷²	7.6% (5 hearings)	5.75% (3 hearings)
Unknown	60.6% (40 hearings)	80.8% (42 hearings)

⁷²The “other” reasons for the hearing starting late were: the courtroom was not available, the courtroom was not scheduled, the auto recording system was out of order and the judge was looking for a clerk to manually record the hearing, judge was waiting for a detainee to be brought to the court building, judge was waiting for a clerk to bring the evidence requested on the initiative of the judge which has not been sent to the plaintiff.

Annex 4. Right to a Public Hearing

Table 4.1 – Hearings missing from the schedule

	Tbilisi	Batumi ⁷³
Total Hearings Monitored	174 hearings	78 hearings
Published hearings	86.8% (151 hearings)	Not monitored
Unpublished hearings	13.2% (23 hearings)	Not monitored

Table 4.2 – Determination of the name of plaintiff’s attorneys/representatives

	Tbilisi	Batumi
Total Cases Monitored	77 cases	31 cases
Names determined	87% (67 cases)	96.8% (30 cases)
Names not determined	13% (10 cases)	3.2% (1 case)

Table 4.3 – Determination of the name of defendant’s attorneys/representatives

	Tbilisi	Batumi
Total Cases Monitored	77 cases	31 cases
Names determined	84.4% (65 cases)	93.5% (29 cases)
Names not determined	15.6% (12 cases)	6.5% (2 cases)

⁷³ The official schedule was not published on BCC web-page during the whole monitoring period; hence TI Georgia has not monitored the missing hearings from the schedule in Batumi.

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		
	Yes	No	Could not be determined	Yes	No	Could not be determined
At the preliminary hearing	85.7% (24 hearings)	14.3% (4 hearings)	0% (0 hearings)	90.9% (10 hearings)	0% (0 hearings)	9.1% (1 hearings)
At the main hearing	71.9% (105 hearings)	28.1% (41 hearings)	0% (0 hearings)	28.4% (19 hearings)	64.2% (43 hearings)	7.5% (5 hearings)

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

	Tbilisi			Batumi		
	Yes	No	Could not be determined	Yes	No	Could not be determined
At the preliminary hearing	82.1% (23 hearings)	17.9% (5 hearings)	0% (0 hearings)	90.9% (10 hearings)	0% (0 hearings)	9.1% (1 hearings)
At the main hearing	68.5% (100 hearings)	31.5% (46 hearings)	0% (0 hearings)	43.8% (64 hearings)	47.3% (69 hearings)	8.9% (13 hearings)

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

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	100% (28 hearings)	0% (0 hearings)	100% (11 hearings)	0% (0 hearings)
At the main hearing	100% (146 hearings)	0% (0 hearings)	80.6% (54 hearings)	19.4% (13 hearings)

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

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	100.0% (28 hearings)	0.0% (0 hearings)	100% (11 hearings)	0% (0 hearings)
At the main hearing	90.4% (132 hearings)	9.6% (14 hearings)	85.1% (57 hearings)	14.9% (10 hearings)

Table 5.5 - Did the judge warn those attending the hearing not to disturb the court?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	78.6% (22 hearings)	21.4% (6 hearings)	81.8% (9 hearings)	18.2% (2 hearings)
At the main hearing	82.9% (121 hearings)	17.1% (25 hearings)	43.3% (29 hearings)	56.7% (38 hearings)

5.6 - Did the judge inform the parties of their right to challenge the judge?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	82.1% (23 hearings)	17.9% (5 hearings)	81.8% (9 hearings)	18.2% (2 hearings)
At the main hearing	75.3% (110 hearings)	24.7% (36 hearings)	56.7% (38 hearings)	43.3% (29 hearings)

Table 5.7 - Did the judge skip any stage of the hearing without the consent of the parties?

Tbilisi		Batumi	
Yes	No	Yes	No
6.5% (5 cases)	93.5% (72 cases)	29% (9 cases)	71% (22 cases)

Table 5.8 – When moving from one stage to the other, did the judge announce the next stage?

Tbilisi		Batumi	
Yes	No	Yes	No
94.8% (73 cases)	5.2% (4 cases)	96.8% (30 cases)	3.2% (1 cases)

Table 5.9 – Did the judge ask whether the parties wanted to review the evidence already in the case file in the courtroom?

Tbilisi		Batumi	
Yes	No	Yes	No
94.8% (73 cases)	5.2% (4 cases)	93.6% (29 cases)	6.5% (2 cases)

Table 5.10 – Did the judge maintain order in the courtroom?

Tbilisi		Batumi	
Yes	No	Yes	No
100% (77 cases)	0% (0 cases)	90.32% (28 hearings)	9.68% (3 hearings)

5.11 – Did the judge inform the parties of their right to settle the case?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	25% (7 hearings)	75% (21 hearings)	36.4% (4 hearings)	63.6% (7 hearings)
At the main hearing	25.3% (37 hearings)	74.7% (109 hearings)	31.3% (21 hearings)	68.7% (46 hearings)

5.12 – Did the judge inform the plaintiff of its right to withdraw the claim and inform the defendant of its right to accept the claim?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	10.7% (3 hearings)	89.3% (25 hearings)	0% (0 hearings)	100% (11 hearings)
At the main hearing	9.6% (14 hearings)	90.4% (132 hearings)	16.4% (11 hearings)	83.6% (56 hearings)

Table 5.13 – Did the judge inform the parties of their right to give opinions on the motions presented by the counter-party?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	10.7% (3 hearings)	89.3% (25 hearings)	0% (0 hearings)	100% (11 hearings)
At the main hearing	9.6% (14 hearings)	90.4% (132 hearings)	40.3% (27 hearings)	59.7% (40 hearings)

Table 5.14 – Did the judge inform the parties of their right to review the documents related to the case held in the court office and to get copies?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	14.3% (4 hearings)	85.7% (24 hearings)	0% (0 hearings)	100% (11 hearings)
At the main hearing	13.7% (20 hearings)	86.3% (126 hearings)	6% (4 hearings)	94% (63 hearings)

Table 5.15 – Did the judge ask questions to the parties during opening statements?

Tbilisi		Batumi	
Yes	No	Yes	No
35.1% (27 cases)	64.9% (50 cases)	25.8% (8 cases)	74.2% (23 cases)

Table 5.16 – Did the judge provide the parties with a relevant explanation of each stage of the proceeding?

Tbilisi		Batumi	
Yes	No	Yes	No
14.3% (11 cases)	85.7% (66 cases)	54.8% (17 cases)	45.2% (14 cases)

Table 5.17 – Percentage of motions in which the reason for granting/denying the motion was announced

	Tbilisi	Batumi
Total motions filed	121	66
Motions in which the reason was announced	71.9% (87 motions)	83.3% (55 motions)
Motions in which the reason was not announced	28.1% (34 motions)	16.7% (11 motions)

Table 5.18 – Did the judge explain the appeal procedure when announcing the final decision?

Tbilisi		Batumi	
Yes	No	Yes	No
100% (77 cases)	0% (0 cases)	100% (31 cases)	0 (0 cases)

Table 5.19 – Did the judge state which evidence relied upon when announcing the final decision?

Tbilisi		Batumi	
Yes	No	Yes	No
59.7% (46 cases)	40.3% (31 cases)	19.4% (6 cases)	80.6% (25 cases)

Table 5.20 – Did the judge announce the legislation relied upon when announcing the final decision?

Tbilisi		Batumi	
Yes	No	Yes	No
87% (67 cases)	13% (10 cases)	61.3% (19 cases)	38.7% (12 cases)

Table 5.21 - Did the judge inform the parties of their right to file motions?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	71.4% (20 hearings)	28.6% (8 hearings)	18.2% (2 hearings)	81.8% (9 hearings)
At the main hearing	70.5% (103 hearings)	29.5% (43 hearings)	53.7% (36 hearings)	46.3% (31 hearings)

Table 5.22 - Did the judge inform the parties of their right to request safeguarding of the evidence?

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	10.7% (3 hearings)	89.3% (25 hearings)	0% (0 hearings)	100% (11 hearings)
At the main hearing	6.2% (9 hearings)	93.8% (137 hearings)	6% (4 hearings)	94% (63 hearings)

Annex 6. Inquisitorial Principle

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

	Tbilisi (77 Cases)			Batumi (31 Cases)		
	On the plaintiff's side	On the defendant's side	Neither	On the plaintiff's side	On the defendant's side	Neither
At the preliminary hearing	0% (0 hearings)	10.7% (3 hearings)	89.3% (25 hearings)	0% (0 hearings)	0% (0 hearings)	100% (11 hearings)
At the main hearing	0% (0 hearings)	1.4% (2 hearings)	98.6% (144 hearings)	0% (0 hearings)	3% (2 hearings)	97% (65 hearings)

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

	Tbilisi		Batumi	
	Yes	No	Yes	No
At the preliminary hearing	7.1% (2 hearings)	92.9% (26 hearings)	9.1% (1 hearings)	90.9% (10 hearings)
At the main hearing	2.7% (4 hearings)	97.3% (142 hearings)	3% (2 hearings)	97% (65 hearings)

Table 6.3 – Total number of questions asked by the judge

	Tbilisi	Batumi
Number of cases	77	31
Total number of questions	532	166
Average per case	6.91	5.35
Minimum per case	0	0
Maximum per case	30	19

Table 6.4 – Did the judge offer a settlement?

	Tbilisi			Batumi		
	Yes	No	One of the parties was absent	Yes	No	One of the parties was absent
At the preliminary hearing	42.9% (12 hearings)	57.1% (16 hearings)	0% (0 hearings)	81.8% (9 hearings)	18.2% (2 hearings)	0% (0 hearings)
At the main hearing	26.7% (39 hearings)	69.9% (102 hearings)	3.4% (5 hearings)	6% (4 hearings)	94% (63 hearings)	0% (0 hearings)

Table 6.5 – Did the judge establish any relevant evidence when asking questions?

Tbilisi			Batumi		
Yes	no	No answer	Yes	No	No answer
64.9% (50 cases)	29.9% (23 cases)	5.2% (4 cases)	64.5% (20 cases)	0% (0 cases)	35.5% (11 cases)

Annex 7. Equality of Arms (Adversarial Principle)

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

Tbilisi (77 Opening Statements)			Batumi (31 Opening Statements)		
Plaintiff	Defendant	Neither	Plaintiff	Defendant	Neither
27.3% (21 cases)	20.8% (16 cases)	64.9% (50 cases)	16.1% (5 cases)	16.1% (5 cases)	74.2% (23 cases)

Table 7.2 – How many motions did the plaintiff file and how many of these were granted?

	Tbilisi	Batumi
Total motions filed by the plaintiff	83 motions	43 motions
Motions granted	68.7% (57 motions)	62.8% (27 motions)

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

	Tbilisi	Batumi
Total motions filed by the plaintiff	42 motions	22 motions
Motions granted	66.7% (28 motions)	54.5% (12 motions)

Table 7.4 – Did the judge offer the parties the opportunity to file motions?

	Tbilisi			Batumi		
	Plaintiff	Defendant	Neither	Plaintiff	Defendant	Neither
At the preliminary hearings - 28 in Tbilisi and 11 in Batumi	53.6% (15 hearings)	53.6% (15 hearings)	46.4% (13 hearings)	90.9% (10 hearings)	81.8% (9 hearings)	9.1% (1 hearing)
At the main hearings - 146 in Tbilisi and 67 in Batumi	28.1% (41 hearings)	28.1% (41 hearings)	71.9% (105 hearings)	20.9% (14 hearings)	22.4% (15 hearings)	77.6% (52 hearings)

Table 7.5 – Did the judge restrict either party’s opening statement?

	Tbilisi	Batumi
Number of cases	77	31
Restricted plaintiff properly	1.3% (1 case)	0% (0 cases)
Restricted plaintiff improperly	0% (0 cases)	0% (0 cases)
Restricted defendant properly	0% (0 cases)	3.2% (1 cases)
Restricted defendant improperly	0% (0 cases)	0% (0 cases)
Neither	98.7% (76 cases)	96.8% (30 cases)

Table 7.6 – Was there anything during the proceeding to suggest that the judge was biased?

Tbilisi		Batumi	
Yes	No	Yes	No
5.2% (4 cases)	94.8% (73 cases)	0% (0 cases)	100% (31 cases)

Table 7.7 – Did the judge ask questions to the parties?

	Tbilisi			Batumi		
	Plaintiff	Defendant	Neither	Plaintiff	Defendant	Neither
At the preliminary hearing	39.3% (11 hearings)	25.0% (7 hearings)	35.7% (10 hearings)	9.1% (1 hearings)	27.3% (3 hearings)	72.7% (8 hearings)
At the main hearing	3.4% (5 hearings)	2.05% (3 hearings)	94.5% (138 hearings)	3.0% (2 hearings)	1.5% (1 hearings)	95.5% (64 hearings)

Annex 8. Dispute Outcomes

Table 8.1 - Overall Results

	Tbilisi	Batumi
State party plaintiff	2.6% 2 cases	0% 0 cases
State party defendant	97.4% 75 cases	100% 31 cases

Table 8.2 - Which party was successful?

	Tbilisi	Batumi
Private party	6.5% (5 cases)	9.7% (3 cases)
State party	84.4% (65 cases)	87.1% (27 cases)
Both parties partially successful	9.1% (7 cases)	3.2% (1 case)

Annex 9

Section _____

Court Monitoring Checklist

Case № _____

Monitor _____

1.																																																																																																																									
<p>1. At which stage did the monitoring start?</p>	<p> <input type="checkbox"/> Preliminary Hearing Date _____ Start time planned _____ actual _____ <input type="checkbox"/> Opening of the Main Hearing Date _____ Start time planned _____ actual _____ <input type="checkbox"/> Other (Do not fill in the Checklist) Date _____ Start time planned _____ actual _____ </p> <hr/> <p>1.1 Did the judge state the reason for delay? <input type="checkbox"/> Yes _____ <input type="checkbox"/> No _____ <input type="checkbox"/> hearing started on time</p> <hr/> <p>1.2 Was the hearing held in the scheduled courtroom? <input type="checkbox"/> Yes <input type="checkbox"/> No _____ <input type="checkbox"/> courtroom was not scheduled</p>																																																																																																																								
<p>2. How many times was the hearing postponed? (Please specify the stage of the postponement and the date and time of the next hearing)</p>	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1.</td><td style="width: 15%;"><input type="checkbox"/> Question # _____</td><td style="width: 15%;">Date _____</td><td style="width: 15%;">Start time planned _____</td><td style="width: 15%;">actual _____</td></tr> <tr><td>2.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>3.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>4.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>5.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>6.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>7.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>8.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>9.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> <tr><td>10.</td><td><input type="checkbox"/> Question # _____</td><td>Date _____</td><td>Start time planned _____</td><td>actual _____</td></tr> </table> <hr/> <p>2.1 Did the judge state the reason for delay?</p> <table style="width: 100%; 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2. General Information

3. Court:	Tbilisi <input type="checkbox"/> Batumi <input type="checkbox"/> Other <input type="checkbox"/> Please specify: _____
4. Judge:	
5. Clerk:	
6. Plaintiff:	
7. Plaintiff's Attorney/representative:	N/A <input type="checkbox"/>
8. Defendant:	
9. Defendant's Attorney/representative:	N/A <input type="checkbox"/>
10. Third parties:	On Plaintiff's side <input type="checkbox"/> _____ On Defendant's side <input type="checkbox"/> _____ Independent third party <input type="checkbox"/> _____ Additional Comments
11. 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 (The hearing was not held and/or it was not monitored)

12. Which party attended the hearing?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>
	Plaintiff Additional comments
	Defendant Additional comments
	If <i>one of the parties was absent</i> 12.1 Did the clerk announce the reason for the absence? Yes <input type="checkbox"/> No <input type="checkbox"/> 12.2 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';
	12.3 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
13. Did the court check the identity of the presented parties?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not determined <input type="checkbox"/>
14. Did the court check the identity of the parties' attorneys/representatives?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not determined <input type="checkbox"/>
15. Did the Judge fulfill all the necessary requirements established by the procedural legal norms at the opening of the hearing?	15.1 Did the Judge announce the case to be heard? Yes <input type="checkbox"/> No <input type="checkbox"/>
	15.2 Did the Judge announce the court composition (Introduced him/herself)?

	Yes <input type="checkbox"/> No <input type="checkbox"/> 15.3 Did the Judge warn attendants regarding violations of the court order? Yes <input type="checkbox"/> No <input type="checkbox"/> 15.4 Did the Judge introduce the right to the parties to: a. <i>challenge the judge</i> Yes <input type="checkbox"/> No <input type="checkbox"/> b. <i>file motions</i> Yes <input type="checkbox"/> No <input type="checkbox"/> c. <i>make a settlement</i> Yes <input type="checkbox"/> No <input type="checkbox"/> d. <i>withdraw the claim (right of plaintiff) or accept it (right of defendant)</i> Yes <input type="checkbox"/> No <input type="checkbox"/> e. <i>give opinions on the motions filed by a counterparty</i> Yes <input type="checkbox"/> No <input type="checkbox"/> f. <i>request safeguarding of the evidence</i> Yes <input type="checkbox"/> No <input type="checkbox"/> g. <i>review the documents related to case held in the court office and to get copies</i> Yes <input type="checkbox"/> No <input type="checkbox"/> h. <i>Other</i> _____ Yes <input type="checkbox"/> No <input type="checkbox"/> 15.5 Did the Judge introduce his/her obligations to the expert? Yes <input type="checkbox"/> No <input type="checkbox"/> no expert <input type="checkbox"/> 15.6 Did the Judge introduce his/her obligation to the specialist? Yes <input type="checkbox"/> No <input type="checkbox"/> no specialist <input type="checkbox"/> 15.7 Did the Judge introduce his/her obligation to the interpreter? Yes <input type="checkbox"/> No <input type="checkbox"/> no interpreter <input type="checkbox"/> 15.8 Did the Judge introduce his/her obligation to the witness/witnesses? Yes <input type="checkbox"/> No <input type="checkbox"/> no witness <input type="checkbox"/>		
	Additional comments		
	Additional comments		
16. Did either party file a motion to challenge the judge?	Plaintiff: <input type="checkbox"/>	Defendant: <input type="checkbox"/>	Neither <input type="checkbox"/>
	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	16.1 Did the judge give reasoning for granting/denying the motion? Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Additional comments		
	Additional comments		
17. 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		
	17.1 If the witness/witnesses did not leave did the counter party oppose to that fact? Yes <input type="checkbox"/> No <input type="checkbox"/>		

	<p>If yes, please specify the position of the other party and the decision of the court:</p> <p style="text-align: right;">Additional comments</p>
18. Did the Judge offer a settlement?	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> one of the parties was absent <input type="checkbox"/></p> <p style="text-align: right;">Additional comments</p> <p>18.1 If yes was there anything to suggest that the judge pressured either party to settle? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please specify:</p> <p style="text-align: right;">Additional comments</p>
19. Did the Judge offer the parties the opportunity to file motions (presenting additional evidence, facts or information)?	<p>Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p style="text-align: right;">Additional comments</p>
20. 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><input type="checkbox"/> on the plaintiff's side <input type="checkbox"/> on the defendant's side <input type="checkbox"/> neither</p> <p style="text-align: right;">Additional comments</p> <p>In case the answer on the question is "yes"</p> <p>20.1 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>20.2 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/></p> <p style="text-align: right;">Additional comments</p>
21. 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"/></p> <p>21.1 Did the judge give reasoning for accepting/rejecting a counterclaim? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p style="text-align: right;">Additional comments</p> <p>If accepted,</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> <p style="text-align: right;">Additional comments</p> <p>21.3 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"/> Did not give the plaintiff opportunity to get acquainted with the counterclaim.</p> <p style="text-align: right;">Additional comments</p>

	<p>If rejected,</p> <p>21.4 What measures were taken by the judge?</p> <p><input type="checkbox"/> Qualified the counterclaim as a motion on his/her own initiative;</p> <p><input type="checkbox"/> Qualified the counterclaim as a motion on the initiative of the defendant;</p> <p><input type="checkbox"/> Neither</p>
Additional comments	

3.1 Motions

<p>22. 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>	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>22.1 Did the judge give reasoning for granting/denying the motion?</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">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>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"/>
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> <p style="text-align: right;">Additional comments</p>									
<p>Defendant:</p> <p style="text-align: right;">Additional comments</p>									

<p>23. 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>	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 border="1" style="width: 100%;"> <tr> <td style="width: 50%;">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>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"/>
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> <p style="text-align: right;">Additional comments</p>									
<p>Defendant:</p> <p style="text-align: right;">Additional comments:</p>									

<p>24. Did either party file a motion presenting additional evidence, circumstances or information?</p>	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>24.1 Did the judge give reasoning for granting/denying the motion?</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">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>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"/>
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> <p style="text-align: right;">Additional comments</p>									

	Defendant:		Additional comments	
25. Did the Judge request additional information / evidence on its own initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
	If yes :			
	25.1 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>			
	25.2 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	
26. 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	
	26.1 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	
27. Was the service of an expert/ specialist/ interpreter requested?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
	27.1 If the answer is yes please specify:			
	Plaintiff:	- Expert	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
		- Specialist	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
		- Interpreters	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	Defendant:	- Expert	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
		- Specialist	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	- Interpreters	Granted <input type="checkbox"/> Denied <input type="checkbox"/>		
Judge:	- Expert	Requested <input type="checkbox"/>		
	- Specialist	Requested <input type="checkbox"/>		
	- Interpreters	Requested <input type="checkbox"/>		
	Plaintiff		Additional comments	
	Defendant		Additional comments	
28. 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"/>			

	28.1 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
29. 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"/>	
	29.1 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
30. Did the Judge deny either party the right to file a motion?	Plaintiff <input type="checkbox"/>	Defendant: <input type="checkbox"/>	Neither <input type="checkbox"/>
	30.1 If such occurred, please specify the reasons:		
	Plaintiff		
	Defendant:		
31. 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		
32. 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		
	32.1 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"/>
33. Which party attended the hearing?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	
	Additional comments	
	<p>If <u>one of the parties was absent</u></p> <p>33.1 Did the clerk announce the reason for the absence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>33.2 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;</p>	
Additional comments		
33.3 If <u>none of the parties attended</u> 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		
34. 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:
35. 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:
36. Did the Judge fulfill all the necessary requirements established by the procedural legal norms at the opening of the hearing?	36.1 Did the Judge announce the case to be heard? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	36.2 Did the Judge announce the court composition (Introduced him/herself)? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	36.3 Did the Judge warn attendants regarding violations of the court order? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	36.4 Did the Judge introduce the right to the parties to:	
	a. <i>challenge the judge</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	b. <i>file motions</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	c. <i>make a settlement</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	d. <i>withdraw the claim (right of plaintiff) or accept it (right of defendant)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	e. <i>give opinions on the motions filed by a counterparty</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	f. <i>request safeguarding of the evidence</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
g. <i>review the documents related to case held in the court office and to get their copies</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
36.5 Did the Judge introduce his/her obligations to the expert? Yes <input type="checkbox"/> No <input type="checkbox"/> no expert <input type="checkbox"/>		
36.6 Did the Judge introduce his/her obligation to the specialist? Yes <input type="checkbox"/> No <input type="checkbox"/> no specialist <input type="checkbox"/>		
36.7 Did the Judge introduce his/her obligation to the interpreter? Yes <input type="checkbox"/> No <input type="checkbox"/> no interpreter <input type="checkbox"/>		
36.8 Did the Judge introduce his/her obligation to the witness/witnesses? Yes <input type="checkbox"/> No <input type="checkbox"/> no witness <input type="checkbox"/>		
Plaintiff		
Additional comments		

	Defendant			Additional comments
37. Did either party file a motion to challenge the judge?	Plaintiff: <input type="checkbox"/>	Defendant: <input type="checkbox"/>	Neither <input type="checkbox"/>	
	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Granted <input type="checkbox"/> Denied <input type="checkbox"/>		
	37.1 Did the judge give reasoning for granting/denying the motion? Yes <input type="checkbox"/> No <input type="checkbox"/>			
	Plaintiff	Additional comments		
	Defendant			Additional comments
38. 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"/>	
	Plaintiff	Additional comments		
	Defendant	Additional comments		
	38.1 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			
39. 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			
	39.1 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			
40. 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			
41. 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"			
	41.1 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>			
41.2 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			
42. 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"/>			
	42.1 Did the judge give reasoning for accepting/rejecting a counterclaim? Yes <input type="checkbox"/> No <input type="checkbox"/>			
	Additional comments			

	<p>If <u>accepted</u>,</p> <p>42.2 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> <p style="text-align: right;">Additional comments</p>
	<p>42.3 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"/> Did not give the plaintiff opportunity to get acquainted with the counterclaim.</p> <p style="text-align: right;">Additional comments</p>
	<p>If <u>rejected</u>,</p> <p>42.3 What measures were taken by the judge?</p> <p><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 style="text-align: right;">Additional comments</p>

4.1 Motions

<p>43. 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>	<p>Plaintiff <input type="checkbox"/></p> <p>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p>	<p>Defendant <input type="checkbox"/></p> <p>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p>	<p>Neither <input type="checkbox"/></p>		
	<p>43.1 Did the judge give reasoning for granting/denying the motion?</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> <p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p> </td> <td style="width: 50%;"> <p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p> </td> </tr> </table>			<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <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>44. 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>	<p>Plaintiff <input type="checkbox"/></p> <p>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p>	<p>Defendant <input type="checkbox"/></p> <p>1. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>2. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p> <p>3. _____ Granted <input type="checkbox"/> Denied <input type="checkbox"/></p>	<p>Neither <input type="checkbox"/></p>		
	<p>44.1 Did the judge give reasoning for granting/denying the motion?</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> <p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p> </td> <td style="width: 50%;"> <p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p> </td> </tr> </table>			<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>1. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Yes <input type="checkbox"/> No <input type="checkbox"/></p>				
	<p>Plaintiff</p> <p style="text-align: right;">Additional comments</p>				

	Defendant		Additional comments
45. 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"/>	
45.1 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"/>
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"/>	3. Yes <input type="checkbox"/> No <input type="checkbox"/>
Plaintiff			
Additional comments			
Defendant			
Additional comments			
46. Did the Judge request additional information / evidence on its own initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	If yes: 46.1 Was there anything to suggest that the judge helped either party? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	46.2 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			
47. 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			
47.1 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			
48. Was the service of an expert/ specialist/ interpreter requested?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	48.1 Requested by:		
	Plaintiff:	- Expert	Granted <input type="checkbox"/> Denied <input type="checkbox"/>
		- Specialist	Granted <input type="checkbox"/> Denied <input type="checkbox"/>
	- Interpreters	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
Defendant:	- Expert	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	- Specialist	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
	- Interpreters	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
Judge:	- Expert	Requested <input type="checkbox"/>	
	- Specialist	Requested <input type="checkbox"/>	
	- Interpreters	Requested <input type="checkbox"/>	

	Plaintiff			Additional comments
	Defendant			Additional comments
49. 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"/>		
49.1 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
50. 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"/>		
50.1 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
51. Did the Judge deny either party the right to file a motion?	Plaintiff <input type="checkbox"/> Defendant: <input type="checkbox"/> Neither <input type="checkbox"/>			
	<i>51.1 If such occurred, please specify the reasons:</i>			
	Plaintiff			
	Defendant			Additional comments
52. 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
	52.1 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
	Additional comments

5. Stages of Main Hearing

5.1 – Opening Statements

53. Did the parties make an opening statement?	Plaintiff: Yes <input type="checkbox"/> No <input type="checkbox"/> Plaintiff was absent <input type="checkbox"/>	Defendant: Yes <input type="checkbox"/> No <input type="checkbox"/> Defendant was absent <input type="checkbox"/>
54. Did parties' statements add any new circumstances/details to their written claims?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	Additional comments
55. Did the Judge restrict either party's opening statements?	Restricted plaintiff properly <input type="checkbox"/> Restricted defendant properly <input type="checkbox"/>	Restricted plaintiff improperly <input type="checkbox"/> Restricted defendant improperly <input type="checkbox"/>
	Neither <input type="checkbox"/>	
	Plaintiff	Additional comments
	Defendant	Additional comments
56. Did the Judge interrupt either party's opening statements?	Interrupted plaintiff properly <input type="checkbox"/> Interrupted defendant properly <input type="checkbox"/>	Interrupted plaintiff improperly <input type="checkbox"/> Interrupted defendant improperly <input type="checkbox"/>
	Neither <input type="checkbox"/>	
	Plaintiff	Additional comments
	Defendant	Additional comments
57. 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
	57.1 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	
		Additional comments

Additional comments

5.2 Questions to parties by parties				N/A <input type="checkbox"/> (If one of the parties was absent)		
58. Did the parties use their right to question each other?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>					
	Plaintiff					
	Additional comments					
59. Did the Court limit / modify / interrupt the questions of either party?	Plaintiff:		Defendant:		Neither <input type="checkbox"/>	
	Limit <input type="checkbox"/>	Modify <input type="checkbox"/>	Interrupt <input type="checkbox"/>	Limit <input type="checkbox"/>	Modify <input type="checkbox"/>	Interrupt <input type="checkbox"/>
	Plaintiff					
Additional comments						
60. Did the court strike the questions of either party?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>					
	Plaintiff					
	Additional comments					
61. 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 comment					
61.1 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					
	Additional comments					
Additional comments						

5.3 – Questioning of witnesses, experts, specialists		N/A <input type="checkbox"/> (No witnesses, experts or specialists)	
62. Did the parties use their right to question witnesses?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	62.1 Was there anything to suggest that one of the parties was not given the opportunity to question witness/witnesses?		
	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	Plaintiff		
	Additional comments		
	Defendant		
	Additional comments		
63. 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"/>
64. Did the parties use their right to question expert(s)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	64.1 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		
65. Did the parties use their right to question specialist(s)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>		
	65.1 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		
66. 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		
67. 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		
68. 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: Defendant	Additional comments
69. Did the court strike a question that either party asked to a witness?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> Plaintiff Defendant :	Additional comments
70. Did the court strike a question that either party asked to an expert?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> Plaintiff Defendant	Additional comments
71. Did the court strike a question that either party asked to a specialist?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> Plaintiff Defendant	Additional comments
72. Did the Judge question either party's witness (es)?	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/> Plaintiff please specify word-by-word Defendant please specify word-by-word	Additional comment
	70.1 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	Additional comments
73. Did the Judge question expert(s)?	Yes <input type="checkbox"/> No <input type="checkbox"/> please specify	
	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 word-by-word	Additional comments
74. Did the Judge question specialist(s)?	Yes <input type="checkbox"/> No <input type="checkbox"/> please specify word-by-word	
	74.1 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
		Additional comments

5.4 Examination and Discussion of the Evidence

75. Did the judge ask whether the parties wanted to review the evidence already in the case file in the courtroom?

Yes No

If **yes**:

75.1 Did the parties agree to deem the evidence reviewed?
Yes No

75.2 If **the parties did not agree** what measures did the judge take?
 Reviewed the evidence on the request of the plaintiff;
 Did not review the evidence despite the plaintiff's request;
 Reviewed the evidence on the request of the defendant;
 Did not review the evidence despite the defendant's request.

Plaintiff

Additional comments

Defendant

Additional comments

76. Did the court fine an administrative entity for failing to produce requested documents?

Yes No

No documents were requested

Additional comments

77. Did the judge ask questions to the parties at this stage of the hearing?

Plaintiff Defendant Neither

Plaintiff please specify word-by-word

Additional comment

Defendant please specify word-by-word

Additional comments

77.1 If the judge asked questions, was there anything to suggest that he/she helped either party with the questions?

Plaintiff Defendant Neither

Please specify word-by-word

Additional comments

Additional comments

5.5 Rebuttal

N/A

78. Did the court intervene in any way during rebuttal procedure?

Yes No

If the answer is **yes**

Plaintiff please specify word-by-word

Additional comments

Defendant please specify word-by-word

Additional comments

<p>79. Did the other party impede the speaker?</p>	<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. Other _____ <input type="checkbox"/></p>
<p>80. 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> <hr/> <p>Defendant please specify word-by-word</p> <p style="text-align: right;">Additional comments</p> <p>80.1 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"/></p> <p>Please specify</p> <p style="text-align: right;">Additional comments</p>
<p style="text-align: right;">Additional comments</p>	
<p>5.6 Closing statements N/A <input type="checkbox"/></p>	
<p>81. 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 comments</p> <hr/> <p>Defendant please specify word-by-word:</p> <p style="text-align: right;">Additional comments</p> <p>81.1 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"/></p> <p>Please specify</p> <p style="text-align: right;">Additional comments</p>
<p style="text-align: right;">Additional comments</p>	

5.7 Decision		
82. 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
83. Did the Judge announce the appeal procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
84. Did the Judge state which evidence he/she relied on?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
85. Did the Judge announce the legislation relied upon?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
86. What was the decision?	Granted <input type="checkbox"/> Denied <input type="checkbox"/> Granted partially <input type="checkbox"/>	Additional comments
87. 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		
6. Issues that may arise at any stage of the hearing		
88. 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	
	If accepted , 88.1 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"/>	
	88.2 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"/> Did not give the plaintiff opportunity to get acquainted with the counterclaim	
	If rejected , 88.3 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	
89. 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	
	In case the answer on the question is "yes" 89.1 Did the judge ask parties their position regarding inviting the third parties? Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Neither <input type="checkbox"/>	
	89.2 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		
90. Did parties file 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"/>
		Neither <input type="checkbox"/>

	90.1 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	
91. 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>	
92. 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"/>	Defendant: <input type="checkbox"/>
	Granted <input type="checkbox"/>	Granted <input type="checkbox"/>
	Denied <input type="checkbox"/>	Denied <input type="checkbox"/>
	Neither <input type="checkbox"/>	
	92.1 Did the judge give reasoning for granting/denying the motion? Yes <input type="checkbox"/> No <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		
93. Did the judge skip any stage of the hearing without consulting with the parties?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
94. 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
95. 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
96. Did the judge give legal bases for his/her interim decisions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
	No interim decision <input type="checkbox"/>	
97. Did the judge establish any relevant evidence when asking questions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
	No questions <input type="checkbox"/>	
98. 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"/>	Additional comments
	No motions <input type="checkbox"/>	
99. Did the judge show initiative?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
100. Was there anything to suggest that the judge was biased?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
101. Did the judge maintain order in the courtroom?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Additional comments
8. Numerical input _ statistics		
102. How many motions were filed?	All motions filed _____	
	99.1 In how many cases was the reason for granting/denying announced?-----	
103. How many motions did the Plaintiff file?	Motions filed by a plaintiff _____	
	100.1 How many of these were granted-----	
104. How many motions did the Defendant file?	Motions filed by a defendant _____	
	101.1 How many of these were granted-----	
105. How many times was the hearing postponed?	Total postponements _____	
	102.1 How many times was the reason for the postponement announced? -----	

106. How many times did the hearing start on time?	Hearings started on time_____
107. How many times did the hearing start later than the schedule time?	Hearings started late_____
108. How many times did the hearing start 10 minutes or more after the schedule time?	Hearings started late_____
109. How many minutes late did the hearing start on average?	Average delay_____
110 How long did it take to make a final decision?	Days _____
111. Total number of questions asked by the judge?	Number of questions_____

9. Comments