

Caucasus Research Resource Centers

Attitudes to the Judiciary in Georgia:

Assessment of Legal Professionals and Business Leaders

June, 2012

1. Introduction

Despite some improvements since 2003, the issues of judicial independence and the functioning of the court system in Georgia remain contentious. Survey data collected by the Caucasus Research Resource Centers as part of a report on attitudes to the judiciary show lingering distrust towards this institution among the Georgian public. Focus groups with legal professionals and business representatives showed that these groups are no exception to this rule. This report will analyze the opinions of these groups in greater detail to gauge attitudes more fully within the legal profession to legal institutions and measure business leaders' attitudes towards the resolution of commercial disputes and the alternative methods for doing this.

The report is based on 39 meetings with expert legal professionals and 44 with business people. The meetings had two components, an in depth interview in which respondents could elaborate answers to open ended questions, followed by filling in a questionnaire. Answers in the interviews were analyzed and the content categorized or 'tagged'. These 'tags' were then counted in order to produce a quantitative analysis of the content of the answers. The questionnaires provide further quantitative data on attitudes to specific issues. While the number of respondents is small for both groups, a database of the respondents will be maintained so that the study can be repeated and the data reported here can serve as a baseline for the future. By replicating this study with the same respondents, changes in attitudes in these specific groups can be measured.

In particular, the report looks at attitudes among the target groups to the following institutions: the High School of Justice (HSOJ), the Judges Association of Georgia (JAG), the Legal Aid Service (LAS) and the Monitoring Board of the LAS (LAS MB), legal education institutions (LE) in Georgia, the Georgian Bar Association (GBA), and Alternative Dispute Resolution (ADR) mechanisms arbitration and mediation. For each legal institution the questions were structured along four categories: depth of knowledge of the institution; information sources on the institution;

evaluation of the performance of the institution; and the importance of reform of the institution towards the goal of creating a fair, independent judicial system.

The questionnaires and interview guides were different for the two target groups. Legal professionals were asked questions mainly concerning the HSOJ, JAG, LAS, legal education and the GBA, as well as ADR, whereas business leaders were asked about issues with commercial disputes and the demand for ADR as well as their satisfaction with the standard of legal expertise and education for their needs.

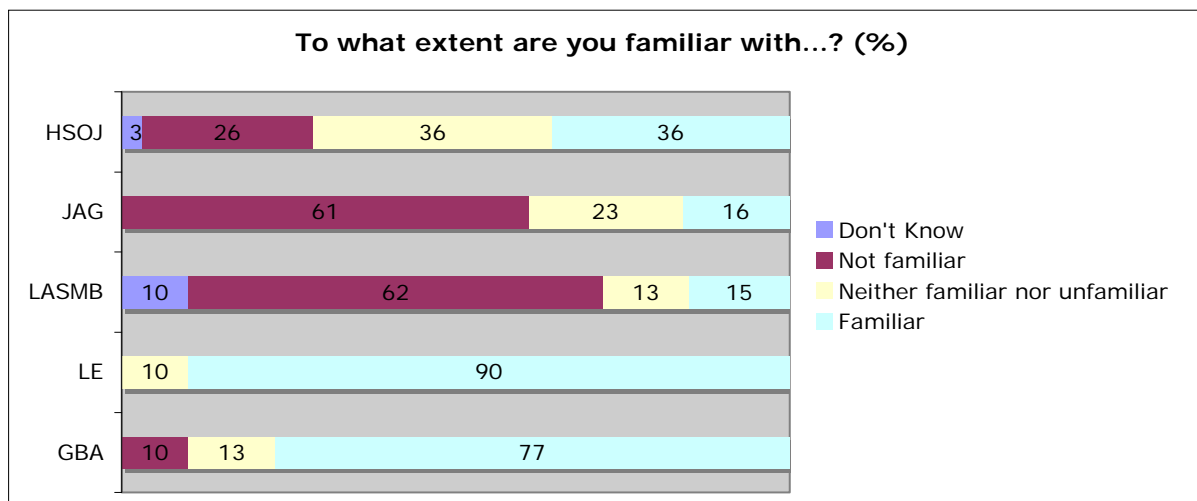
This report aims at aiding understanding of the perceptions of people close to the judicial and legal institutions which are the subjects of reform. By compiling the opinions of those close to the institutions, who use and participate in them in their working lives, this report aims to supplement and expand upon the work already conducted for the Judicial Independence and Legal Empowerment Project (JILEP).

2. Findings: Legal Institutions

Depth of Knowledge and Information Sources

Legal professionals have particularly shallow knowledge of JAG, LAS Monitoring Board, and the HSOJ, but are much better informed concerning the GBA and Legal Education

Perhaps predictably legal professionals profess to have a high degree of familiarity with the Georgian Bar Association and the system of legal education in Georgia. Many of the respondents are members of the GBA and completed their legal education in Georgia. The graph below shows statistics on knowledge of the various institutions.¹ Added together, 77% of respondents reported either being ‘familiar’ or ‘completely familiar’ with the GBA and 90% with legal education institutions (LE in the graph below). In contrast only 16% reported such familiarity with the JAG and just 15% with the LAS Monitoring Board. The LAS Monitoring Board is the least familiar institution with 39% reporting that they are ‘not familiar at all’ with this body. The High School of Justice is a relatively familiar institution to legal professionals with 36% reporting that they were familiar or completely familiar with the institution.²



¹For a more detailed breakdown see graph 1 in the appendix.

² See tables 1-5

The interviews brought out a similar pattern. Respondents were asked a number of open-ended questions about the role of the HSOJ, JAG and the LAS Monitoring Board and their answers were coded and given a score as either '1 = admits lack of knowledge or struggles to describe basic functions', 2 = 'can describe basic functions but not details of operation', 3 = 'can describe basic functions and details of operation.' This means that the closer the average score is to 3 the higher the average knowledge is of any given institution. Adding the scores and calculating the averages showed that on average legal professionals were able to talk much more fluently and knowledgeably about the HSOJ but lacked knowledge about the JAG and LAS MB. For the HSOJ the average knowledge level was 2.39 while for the JAG it was 1.81 and the LAS MB a lowly 1.54.

The LAS MB in particular was an institution that most respondents had never heard of. 'I'm hearing it from you for the first time that they have a monitoring board' (Anon, private lawyer) was a common response. Similarly, as regards the JAG, 'I would say that it is unknown because I, as a person working in the legal sphere, have not heard much about their activity' (G. Mshvenieradze, private lawyer). The difference between the levels of familiarity with the HSOJ and the JAG and LAS MB, tallies with assessments of the accessibility of information regarding these institutions. A full 49% of respondents reported that information on the HSOJ was 'fully accessible' or 'accessible'. In the case of the JAG this was true of just 23% of respondents and for the LAS MB, 13%.³

In terms of how legal professionals assess the visibility of these institutions in the media, the GBA and legal education institutions are also considered the most visible in both new media (the internet) and old media (newspapers and TV). The GBA was rated either 'highly visible' or 'visible' in new media by 38% of respondents and in the old media by 18%. On the same measure legal education institutions scored 36% (new media) and 23% (old media). Next came the HSOJ and once again the JAG and LAS scored the lowest, both were considered least visible

³ See tables 6-8

in both types of media (only 18% of respondents rated them 'visible' or 'highly visible' in the new media and this goes down to 8% for old media).⁴

Across all institutions respondents believed that visibility was higher in the new media than in old media. The internet was often cited in interviews as a positive source of information. It was clear from the interviews however that there is a danger of believing that if an institution has any sort of website it is doing enough to provide information. In many cases, it was not clear if the respondent had personally used or accessed the website in question or simply knew of, or believed in, its existence. For example, 'each interested person can find information about them [the HSOJ] using new media. As far as I am concerned, they have their website, where you can find the answer to all your questions' (Anon, private lawyer). This seems to imply that as long as they have their website that is good enough. As legal professionals, respondents often reported in the in depth interviews that they got information through personal contacts or through experience at work and did not follow developments in the media. For example, such comments were 'tagged' five times during coding answers to questions concerning information on the LAS, the same number of times as mentions of the old media, while mentions of the internet were tagged 12 times in answers about this issue.

Evaluation of Performance and Importance

The performance of the High School of Justice is positively perceived by legal professionals compared to some other institutions but there is room for improvement

⁴ See tables 9-18

Legal professional respondents were on the whole positive about the working of the HSOJ though there was clearly a lack of knowledge concerning the School's operation. While filling in the questionnaire, questions concerning the HSOJ's performance often returned high 'don't know' responses. For example, when asked 'to what extent do you agree with the opinion that the current trainers at the HSOJ are from among the best in the profession?' 31% responded 'don't know'. Still, even with the high 'don't know' response, aggregating the scores across three questions concerning the performance of the HSOJ's trainers and its courses shows that on average 37% of respondents either completely agreed or agreed with positive statements about these elements. Breaking this down, for example, 39% answered 'somewhat agree' or 'completely agree' to the statement 'The current content of continuous legal education training for sitting judges at HSOJ offers detailed, high quality yet diverse courses which facilitate and improve the performance of judges.' Those answering 'somewhat disagree' or 'completely disagree' stood at 13%.⁵ Similar results pertained regarding assessments of the trainers at the HSOJ and the degree to which the training was adequate to the needs of judges in their professional lives.

Opinions diverged in the in depth interviews. In answers to questions about the HSOJ's performance there were 20 broadly positive comments tagged compared to 13 broadly negative comments. On the positive side one respondent was glowing about the HSOJ: 'The High School of Justice is a wonderful institution...I think very good trainings are held for judges and prosecutors, trainings in skills, relations, communication....The selection process of the High School of Justice listeners is transparent' (Anon, high-ranking GBA member).

Other comments were negative and these could be roughly divided into two strands: those concerning the lack of independence of the HSOJ from the executive government and those that emphasized a specific problem within the institution itself. In terms of the former, there was some suspicion of the way that listeners were selected and the ultimate purpose of the HSOJ: 'Unfortunately, in my opinion, today the main function of the HSOJ is to train loyal and obedient judges. I think that their level of training is not bad. I want to repeat one more time

⁵ See table 19.

that today we do not lack qualified personnel but the main problem is loyal and obedient judges' (E. Paksadze, criminal lawyer). In terms of problems specific to the institution and not related to the political environment, one trainer at the HSOJ said: 'I carry out trainings myself, but I realise it could be better. The candidates for judge's position should be given the opportunity to get to know the scientific literature...[because] their [candidates'] way of thinking is formed based on court cases, which I do not consider right, especially for the candidates for the position of judge in the sphere of criminal justice' (Anon, law professor).

While the HSOJ needs to increase awareness of its work among legal professionals and levels of trust in its independence, it is generally positively perceived though there are some question marks and areas for improvement. In terms of improvements and the importance of reform, 26% of respondents say that the HSOJ needs 'great improvement' against 62% who believe it needs merely 'some improvement'. Reform of the HSOJ is seen as 'very urgent' or 'urgent' for 62% of respondents.⁶

The JAG is perceived as vitally important but wholly inactive and compromised as an institution

As all the institutions surveyed, the JAG is seen as very important for improving judicial independence with 62% of respondents suggesting that reforms of this institution are 'very necessary' or 'necessary' in creating a fair and impartial judiciary in Georgia. In the in depth interviews this came through even more so.⁷ When asked to define the role of the JAG the two most frequent codes of the answers given were 'Protection of Judges from Government Influence' (11 tags) and 'Monitor the Performance of Judges and Their Selection' (10 tags). When asked what effect reform could have, respondents believed it would have a big impact on confidence in the judiciary in society and improve the courts: 'It is very important and necessary

⁶ See table 20.

⁷ See table 21.

that the Judges' Association is active because it will ensure the protection of constitutional rights and consequently, the level of impartiality will rise in the country' (Anon, private lawyer).

Compared to the HSOJ, the JAG is much derided by legal professionals for its lack of activity. Despite the importance placed on it by the respondents there was a clear perception that the JAG was failing to perform its role. As one respondent said, 'you cannot see it anywhere; it is a dead organization. I have never seen the association protecting the interests of judges or discussing any cases concerning ethical norms' (Anon, law professor). This was borne out in the questionnaire results, 56% said that JAG was 'not at all active' or 'not active'; not one respondent reported that JAG was 'very active' and only 5% that it was active. In total, 41% responded that JAG needs 'great improvement'.⁸

Comments in the interviews were overwhelmingly downbeat about the performance of the JAG with broadly negative assessments tagged 21 times, and broadly positive assessments only tagged twice. Complaints tended to focus on the lack of activity and information about the JAG. However, as with the HSOJ, many of the complaints did not concern the inner workings of the institution but instead arose from suspicions about the level of independence of the JAG from government influence. The lack of transparency or information creates suspicions that the JAG is a 'closed circle' and that its leaders are connected to the government. 'You will have noticed that the gathering of the [Georgian] Bar Association is an event where serious competition is going on, there is a serious conflict about who will lead. Have you seen the Judges' Association hold a meeting like that in a similar environment?' (Anon, private lawyer). Clearly, there is much work to be done to improve the perceptions of the performance of the JAG.

The Monitoring Board of the LAS is an unknown quantity to legal professionals, and the LAS itself is perceived as second-rate compared to legal aid provided by NGOs

⁸ See tables 22-23.

As already mentioned, the level of knowledge concerning the operation of the LAS MB is very low among the legal professionals interviewed. Of the respondents, 39% said that they were 'not familiar at all' with the MB and 41% that information about it was 'not accessible at all.'⁹ This is clearly something that can be improved. The LAS itself compared poorly to other institutions regarding its visibility in the new and old media. In terms of new media, 52% found the LAS 'not visible' or 'not at all visible', and this increases to 62% for old media.¹⁰ Due to these informational problems, it is not surprising that when asked to judge the activeness of the LAS MB, 54% responded 'don't know.'¹¹

Assessments of the competence of lawyers working for the LAS and standards of the service revealed no absolute negative or positive trend among respondents. However, the in depth interviews allowed a greater understanding of how legal professionals see the performance of the LAS. Though admitting they know little about the Monitoring Board, respondents are more positive about accessibility of information about the LAS generally in the interviews, explaining that the LAS is known in society and those who need to can find out about the LAS services on court noticeboards, from judges and from personal contacts. This chimes with the data from the original CRRC report on attitudes to the judiciary which showed that those who had had recent experience of the courts were more aware of the LAS (CRRC 2012: 15).

Overall, generally positive assessments of the service provided by the LAS were tagged 10 times, whereas negative or critical comments were tagged 26 times in the interview responses. The tags of these comments were further broken down into sub categories. Positive comments concerning the LAS either tended to praise the competence of the LAS lawyers, particularly as they are members of the GBA, or to mention the fact that it gives inexperienced lawyers and students practice of real legal cases. Moreover, those who were positive about the LAS see it as a necessary service for those who cannot afford it. For example, 'I cannot say that it is of ideal quality...but there are many cases when it has provided a good service for deprived families' (Anon, environmental lawyer). Negative assessments of the LAS frequently (16 tags) referred to

⁹ See table 8.

¹⁰ See tables 13-14.

¹¹ See table 24.

a lack of impartiality due to state involvement in its operation, rather than specific issues within the LAS itself (11 tags). In terms of the former, the fact that the service is under the auspices of the Ministry for Corrections and Legal Aid and the service is headed by an ex-prosecutor was a source of much skepticism: 'I would assess [the LAS] very negatively. You can see which department it is under and it explains everything' (Anon, lawyer, GBA member). In terms of the latter, long queues and unprofessional or incompetent lawyers were cited: 'Whenever I had experience with it, there are recent graduates and lawyers without experience. From the lawsuits written by them you can tell that they lack experience and they will probably find it hard to get familiar with serious, complicated cases' (Anon, private lawyer).

Given this tendency to negatively assess the service provided by the LAS, it is not surprising that respondents favored legal aid provided by non-state actors. When asked what they would recommend someone without a private lawyer who needed legal aid, recommendations to turn to an NGO for assistance were tagged 23 times, whereas recommendations of free legal aid provided by the state (LAS) were tagged only 6 times in the responses. NGOs such as the Georgian Young Lawyers' Association (especially for criminal cases) or Transparency International and Open Society Georgia Foundation (especially for administrative cases) were mentioned. For one thing, the competence of lawyers in the non-state legal aid sector is perceived as better and the competition both to work in NGOs and between the NGOs themselves is seen as creating a higher level of service compared with the LAS: 'the aid provided by the non-state sector is much better, because the people working there get a good salary and have gone through more difficult competition procedures while being selected' (Anon, private lawyer and lecturer). This fits with CRRC's initial findings (CRRC 2012: 14-16) that more members of the public who had used NGO legal aid services found them 'helpful' than did those who had used the LAS (41% versus 33%).

Other statements were more measured concerning NGOs, suggesting that salaries were not much higher in this sector and accordingly that competence might be similar to that provided by the LAS. However, for most the crucial issue was that NGOs could be trusted more to deal with a person's legal issues impartially: 'Lawyers working at NGOs do not have a high salary

either. However, society believes in the impartiality of NGOs more' said one respondent (G. Mshvenieradze, private lawyer). Data from the questionnaire shows this attitude is widespread among the respondents, only 5% 'completely agree' with the statement that the LAS is independent of government influence, whereas 33% 'completely agree' with the statement that legal aid provided by non-state actors is independent of government influence.¹²

Given this positive assessment of non-state legal aid by legal professionals it is worth noting that in the initial CRRC report (2012: 15), respondents from the general public showed lower awareness of these services than they did of the LAS. It is worrying that people are less aware of the options that come recommended by legal professionals in finding legal aid. Finally, reform of the LAS is also seen as a crucial area in creating a fair and impartial judiciary, 67% said that reforms were 'necessary' or 'very necessary' for this goal to be achieved.¹³

GBA is considered an independent, well-structured and competent body but one that lacks influence in legal developments in Georgia

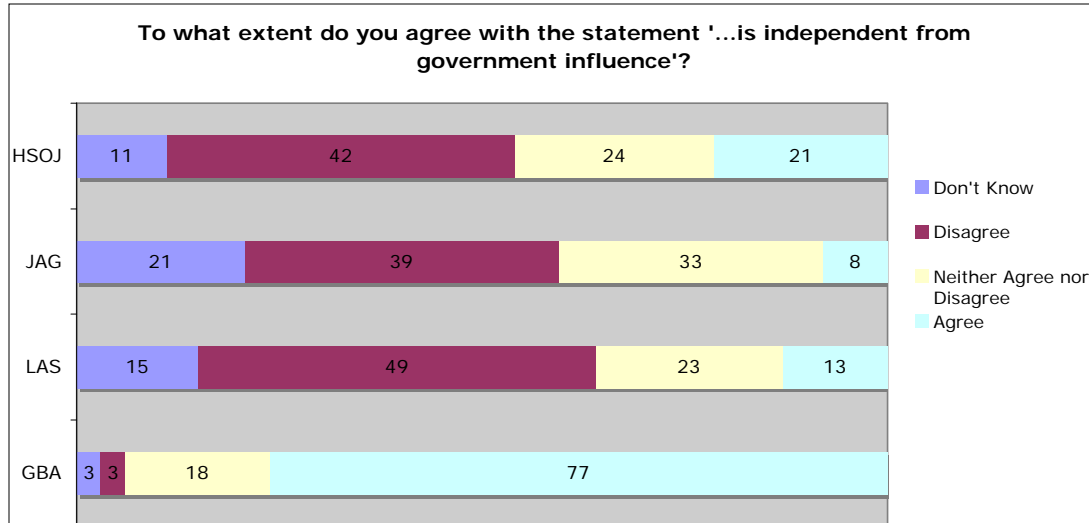
As many of the respondents were members of the Georgian Bar Association, answers to questions on the performance of this institution were often more in depth than for other institutions. There are many positive aspects to the working of the GBA as the respondents see it. Fewer respondents (33%) say that the GBA needs 'great improvement' compared to the JAG or LAS (41% and 46% respectively).¹⁴ The GBA is perceived as being independent of government influence; 78% of respondents 'agree' or 'completely agree' on this point. The GBA scored much higher on this than other institutions as can be seen in the graph below.¹⁵

¹² See tables 25-26.

¹³ See table 27.

¹⁴ See table 28.

¹⁵ For a more detailed breakdown see Graph 2 in the appendix.



The interviews revealed broadly positive assessments of the GBA citing growing influence, effective structure and internal regulation, new offices, and international co-operation as positive developments. However, as members, many respondents talked in detail about the areas of concern regarding the GBA. Coding responses to questions about the GBA according to ‘areas for improvement’ comments broke down into different areas as follows:



Clearly, the main issue referred to by respondents was the lack of influence over legal developments and the GBA’s relationship with the state. The questionnaire results also showed

this with 39% of respondents disagreeing or completely disagreeing with the statement that the GBA influences legal developments against 28% who agreed or completely agreed with this.¹⁶ Respondents see the lack of influence and advocacy as a serious issue. ‘The situation must be changed now, and even if nobody is asking, we must state our position anyway and become involved in legislative changes’ (I. Kandashvili, GBA member, Georgian Lawyers’ for an Independent Profession). The questionnaire also hints at the importance of this perceived failure on the part of the GBA. Sixty-four percent of respondents say that reform of the GBA is ‘necessary’ or ‘very necessary’ to achieve a fair and impartial judiciary in Georgia.¹⁷

The lack of influence is interconnected with the other problems cited above. Some see it as a problem of a leadership which engages in political grandstanding and isolates the organization from influencing the government. ‘The head of the Georgian Bar Association is both a politician and the chairman; this is not right’ (Anon, private lawyer) said one respondent. One GBA member commented that ‘I think that the head of the association should be less critical of the authorities and should not make political statements’ (E. Paksadze, criminal lawyer). Others were positive about the current chairperson. The failure to engage with the media is a further aspect to the problem of influence, though most respondents who commented on this also mentioned that this was not necessarily the GBA’s fault, but that it gets overlooked and ignored in state-run outlets due to presumed government bias. As far as ethical standards go, there were some concerns that while the lawyers of the GBA sign up to certain rules these do not get applied in practice and the GBA should be more rigorous in pursuing and sanctioning rule-breakers and ensuring that those who join are fluent in the code of ethics.

Going into the legal profession is considered prestigious but the standard of legal education is inadequate and needs improvements with a particular emphasis on practical skills

¹⁶ See table 29.

¹⁷ See table 30.

Given their status as legal professionals, it is perhaps not surprising to find that respondents generally think that Georgian society has a positive perception of the legal profession. This is not wishful thinking and indeed chimes with the findings of CRRC's previous report in which 67% of the respondents from the Georgian public said they would approve if their child was to go into the legal profession (CRRC 2012: 44). In interviews a belief in the Georgian people's positive perceptions of the legal profession was mentioned and tagged 22 times versus five tags for beliefs that perceptions were negative. Similarly, the survey results show that 67% of respondents 'completely agree' that a career in law has good prospects.¹⁸ Moreover, 54% of respondents believe that lifelong legal educational opportunities were 'easily accessible' in Georgia.¹⁹ This does not mean that such opportunities offer a high quality education however. In the interviews, in answer to the question 'how do you assess the overall level of legal education in Georgia today?' negative responses were tagged 21 times, positive responses 12 times and neutral responses six times, thus, in percentages only around 30% of comments were overtly positive and 70% were either negative or neutral. Fifty-six percent of respondents say that legal education needs 'great improvement', the highest percentage of any of the institutions reviewed.²⁰

It is also worth noting that reform of legal education is seen as the most necessary of all reforms in creating a fair and impartial judiciary as can be seen in the graph below. Eight-seven percent of respondents see it as 'necessary' or 'very necessary' to achieve this goal. There is also much more confidence, 90%, that appropriate reform of legal education 'will definitely' improve professional performance among lawyers, whereas in other areas respondents were much more skeptical that reform would make any real difference.²¹ The graph below shows the relative necessity or urgency of reform of given institutions in terms of the ultimate goal of creating judicial independence.²²

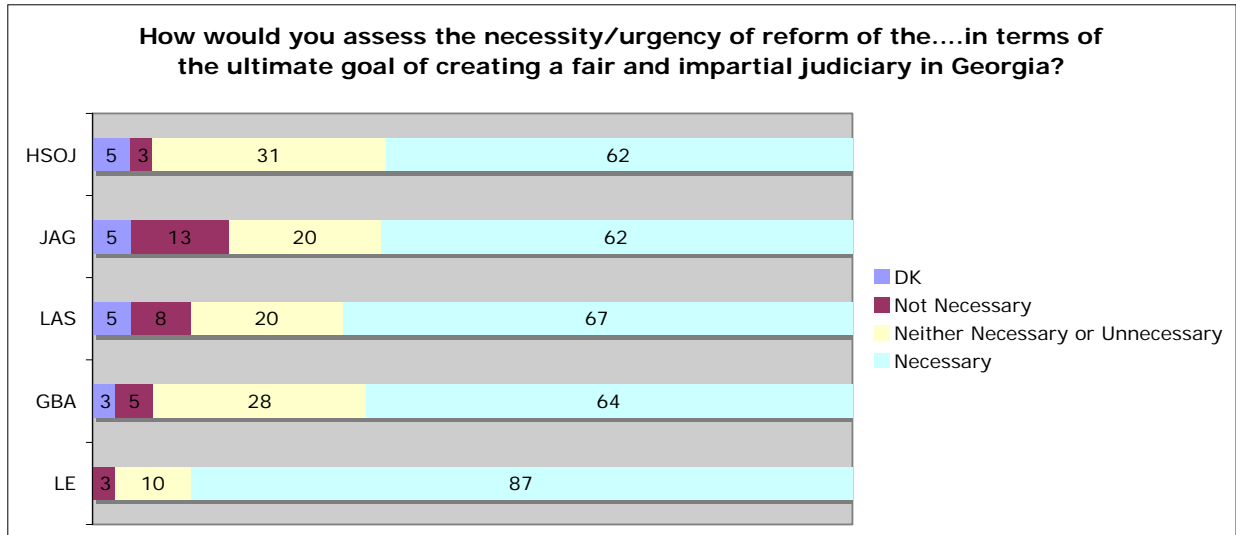
¹⁸ See table 31.

¹⁹ See table 32.

²⁰ See table 33.

²¹ See table 34-35.

²² A more detailed breakdown of the scores can be seen in graph 3 in the appendix.



Many areas of improvement were mentioned by respondents but three recurred with most frequency: the need for greater practical skills training for those taking law courses (29 tags), the need for better quality facilities and access to foreign expertise (8 tags) and better teaching techniques (8 tags). In terms of practical skills, many respondents mentioned internships and almost all agreed that live client clinics was a proven method for enhancing practical understanding and skills. As the head of a Tbilisi-based law school said, ‘theoretical knowledge and practical experience cannot exist without each other. Their logical synthesis is necessary. In the end, the profession of a lawyer is similar to the profession of a doctor. You find yourself when you practice and only then realize what you are’ (Anon, law professor, head of law school). This respondent, along with many others, agreed that live client clinics were a good idea and that teachers should adopt a more interactive approach to teaching law.

Business leaders were also asked for their general views on legal education in Georgia and while they did not comment in detail, they also mentioned practical skills (23 tags), exposure to foreign expertise (10 tags) and better teaching (7 tags) as areas that could be improved in preparing students for work. They expressed a desire to see more young lawyers trained up with the practical skills and knowledge to be of use to business. The current director of a private legal practice explained from his own personal experience: ‘when I started working I thought that I knew law very well but for several months...it was hard for me to analyze business processes because I had never dealt with such issues before and had not received any

knowledge about them at the university either' (Anon, company director). Interestingly, a number of business leaders mentioned that there were too many law students and the number should be reduced and the emphasis placed on quality not quantity.

3. Findings: Business, Commercial Law and Alternative Dispute Resolution

This section will report the findings from interviews and survey results with business leaders regarding the demand and provision of alternative dispute resolution, that is, arbitration and mediation. It will also present findings on the problem of judicial independence relative to other problems faced by Georgian business and the levels of expertise in commercial law. Legal professionals were also asked about some of these areas and where appropriate data from their responses will be included.

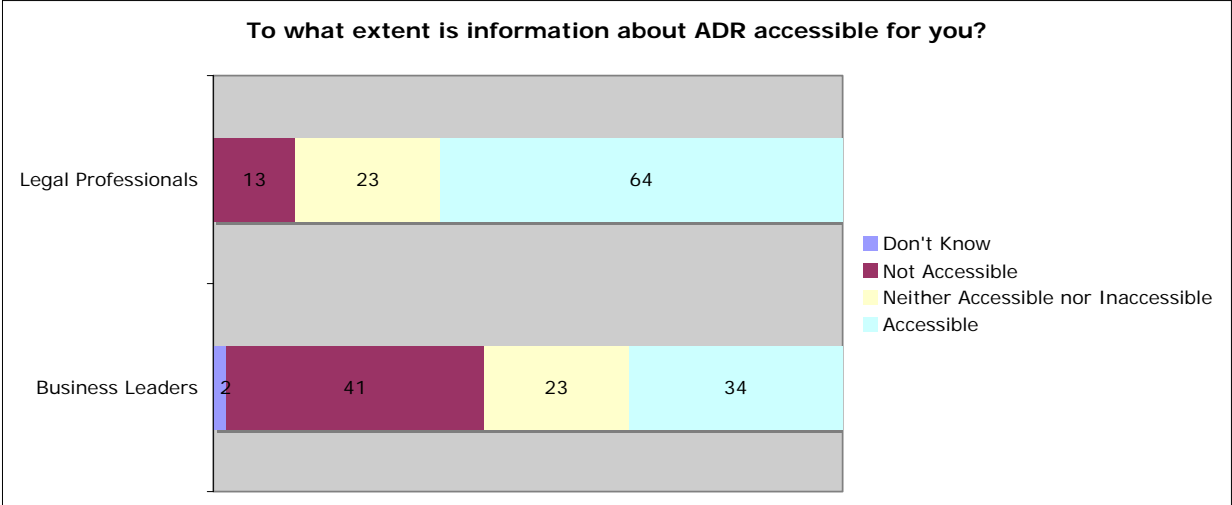
Business leaders know much less about ADR mechanisms than legal professionals and judge the access to information and the visibility of ADR in new and old media critically

Legal professional respondents reported a much higher level of familiarity with ADR. Fifty-six percent said they were ‘familiar’ or ‘very familiar’ with mediation as a form of ADR, while 77% reported these levels of familiarity with arbitration. The corresponding figures for business leaders were 22% (mediation) and 39% (arbitration). Correspondingly, business leaders felt information was difficult to access. Only 16% suggested that information on ADR was ‘easily accessible’ whereas this figure stood at 36% of the legal professionals surveyed. Business leaders felt that ADR was not covered in new or old media forms. Only 2% said it was ‘highly visible’ or ‘visible’ in the old media; this number stood at 20% for new media.²³

Similarly, tagging comments in interviews with business leaders showed that they often mentioned ‘low public awareness’ of what ADR was (21 tags), and the fact that there was ‘not enough’ information (20 tags). Some drew attention to the fact that the information that did

²³ See graph below and tables 36-41.

exist was not understandable for non-legal specialists: ‘It would be good if information for entrepreneurs was presented in a language they can comprehend. It would be good if an information campaign was held where entrepreneurs could receive the information that they need to have’ (A. Khubulava, founder jobs.ge). As will be discussed below, a lack of knowledge is a serious obstacle to developing trust and therefore demand for ADR services. The graph below shows assessments of accessibility to information about ADR among the two groups questioned.²⁴



Levels of expertise in commercial law are considered average, and competence and availability of training could be improved

Business respondents were on the whole relatively satisfied with the level of expertise in commercial law in Georgia. Only 18% were ‘not at all satisfied’ or ‘unsatisfied’ by legal expertise in Georgian concerning commercial law.²⁵ Similarly, in interviews, when asked to assess the levels of expertise in commercial law in the country, nine comments were tagged as ‘high level of expertise’, 11 as ‘low level of expertise’ and 20 ‘medium level of expertise’. Comments were

²⁴ See graph 4 in appendix for the more complex breakdown of responses.

²⁵ See table 42.

usually based on experience and many noted that they had found legal services they had used 'satisfactory' or that 'we never encountered any problems.' As one business respondent said, 'I find it satisfactory, because if someone is seeking competent advice, he or she will always find it' (Anon, businesswoman). Though business people often did not feel qualified to talk about legal education or institutions, many believed that the HSOJ had the resources to train and re-train judges to a good standard and that judges were up to date (7 tags). Those who rate the expertise in commercial law as 'low,' mention that they have to rely on themselves to survive disputes, and as mentioned earlier, business people would like to see more practical skills training for lawyers at university and only 25% believe that commercial law training is 'available' or 'easily available' to legal professionals.²⁶

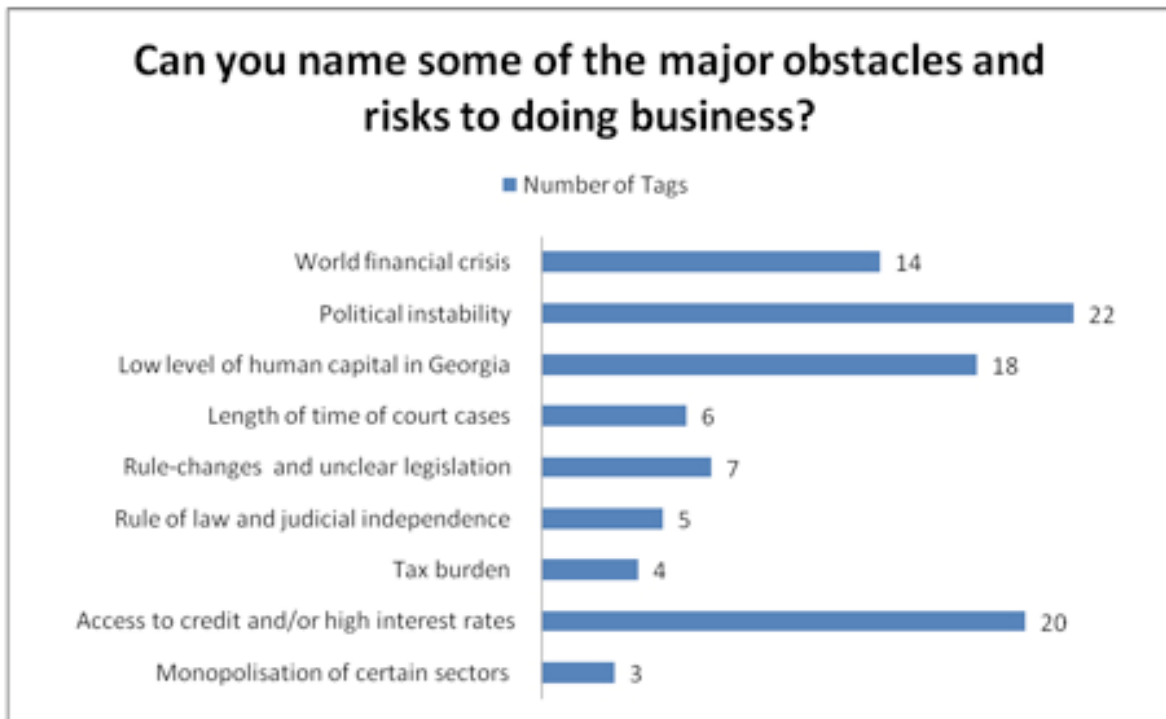
Legal professionals were more positive about the availability of training, 43% saying it was 'accessible' or 'easily accessible'²⁷ but they were split about the standard of commercial law training when asked in interviews (positive assessments were tagged 18 times, negative 20 times). Some legal professional respondents feel that field is underdeveloped due to the quick changes in legislation that leave lawyers and judges behind, others that this field of law has less of a history and development in the country compared to criminal law, and one mentioned the reckless attitude of business itself in undermining this sector. Others were more positive suggesting that the Codex program and information published by courts and in periodicals enabled judges and lawyers to be well-informed and up to date. Moreover, it was mentioned that the pressures of the business world and particularly concerning international trade attract the best individuals and thus commercial law 'has potential. This sphere is on fire' (Anon, private lawyer). Respondents also positively compared the application of legal knowledge in civil cases compared to criminal cases, due to greater independence of the court.

²⁶ See table 43.

²⁷ See table 44.

Judicial independence is low on the list of problems for business leaders today. Respondents are generally positive about the government’s influence in the business and legal spheres

Given the range of difficulties faced by businessmen in the current economic climate, business leaders reported that judicial independence or problems with the rule of law were not the main obstacles to doing business in Georgia. During interviews when asked about problems doing business, comments were coded and the tag count worked out as follows:



Generally, positive responses were given to questions about government influence in business, (24 tags of positive evaluations against 12 tags negative). Similarly, it was clear that business respondents felt that civil courts were relatively independent and interpreted ‘government influence in the legal sphere’ as positive, citing the changes to the tax code and simplification of

rules for starting businesses. This might be a function of the fact that 67% of interviewees had never taken a case to court. However, the survey results also showed these trends regardless of court experience. While business respondents were less confident of the fairness or efficiency of a court decision, they were relatively confident that the court would be impartial with 41% 'confident' or 'very confident' against 30% 'not confident' or 'not at all confident'. Very similar survey results obtained for those working as legal professionals regarding the impartiality of the court when settling commercial disputes.²⁸

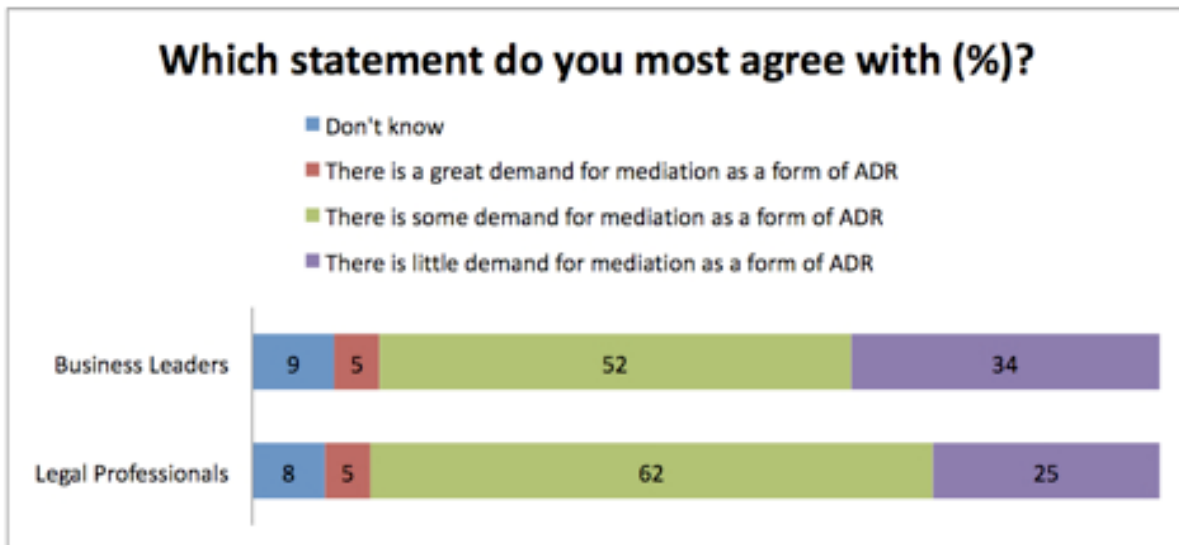
The interviews with business people revealed a relatively common view that civil courts were independent unless the dispute involved big business with a lot at stake or if the dispute was with the state. As one businessman said, 'when a business goes to court with the state I cannot say that the court works in favor of business. In such cases the court defends the interests of the state which is quite sad. When the dispute is between two businesses then the government is not interested and does not intervene' (Anon, businessman). Thus, the appraisal of the court depended on the type of dispute and the state interest in it.

Demand for ADR is present in principle but for arbitration and mediation it is suppressed by a lack of trust and knowledge

One complaint, particularly of those who had been to court, did not concern impartiality but efficiency. As one firm director explained, 'in my experience the only problem was the process took too much time. Otherwise, everything was conducted very well' (Anon, company director). In this context then, one might expect increasing demand for alternative, more efficient, methods of dispute resolution such as arbitration and mediation. The results on this demand were mixed however. Seventy-five percent of business respondents said there was 'some demand' for arbitration but this dropped to 33% when asked about mediation. Legal professionals saw less demand for arbitration (62% 'some demand') but more demand for

²⁸ See tables 45 and 46.

mediation than business people (62% 'some demand').²⁹ This difference is shown in the two graphs below.



²⁹ See tables 47-50

In interviews with business people when asked about demand for arbitration, comments that expressed 'low demand' were tagged 13 times and 'some or high demand' 14 times. Those that felt there was low demand mentioned that since the court system had improved, arbitration was no longer so desired. Moreover, when asked if they would prefer to use the court or arbitration to resolve a dispute in the present day the court proved more popular. The court was preferred with 22 tags to arbitration with 16 tags.

Such a result can be explained by the lack of trust in arbitration as it currently stands. Fifty-seven percent of business respondents says that it is 'very necessary' to improve arbitration services. This drops to 39% when asked about the necessity of the introduction of mediation,³⁰ but in the interviews respondents say that they would use mediation in principle if it was introduced (21 tagged as 'yes to mediation' against 9 tagged as 'no to mediation'). Business people explained their preference for the court by their familiarity with this system. As one company director said, 'since I do not know what arbitration is I would probably go to court.' The court is perceived as more reliable and, as one respondent believes, gives more chance for successful appeals.

However, though the preference for court can be explained largely by that institution's familiarity, the demand for arbitration is not helped by the institution's poor reputation and lack of trust. This was mentioned many times by respondents (16 tags). As one company director put it, 'I would not go to arbitration because I do not trust it yet. I prefer going to the court. Judges are more unbiased than arbitrators' (Anon, company director). Corruption and the impartiality and competence of arbitrators were mentioned in this vein. A high profile case of bribery involving arbitrators a few years ago was mentioned and tagged three times in different interviews. There were worries that bigger companies could influence arbitrators when pitted against smaller companies. The survey data also showed no ringing endorsement for the competence of arbitrators.³¹ Further problems identified and recurring in the interviews

³⁰ See tables 51 and 52.

³¹ See table 53.

were the level of expense for arbitration, and the possibility of courts overruling arbitration decisions, as well as a perception that it is used solely for the benefit of banks when dealing with clients at the moment in Georgia.

Whereas there is a lack of trust concerning arbitration, mediation also does not seem to be fully trusted, understood or seen as necessary. As one respondent said, 'I do not trust the mediator. No one can resolve issues of my business better than me' (Anon, company director). This was a common response: 'I believe that involvement of a mediator in the dispute is not a good idea and you can have negotiations with the other party yourself' (Anon, industrial entrepreneur). Moreover, those that support mediation in principle are clear that it will depend a lot on how the institution is shaped in the future and some mentioned the fact that too much state involvement in its development could reduce trust.

There is not a great deal of certainty or confidence currently that arbitration and mediation will improve dispute resolution in Georgia. Only 23% of business respondents think that arbitration 'will definitely' increase fairness in rulings and 21% that it 'will definitely' be more cost-effective than litigation.³² There is more confidence in mediation: 34% think that it 'will definitely' improve cost-effectiveness, 32% that it 'will definitely' provide greater efficiency and 29% that it 'will definitely' increase levels of satisfaction with dispute resolution.³³ Legal professionals were more certain that developments in arbitration and the introduction of mediation would have an impact. For example, 49% said that mediation 'will definitely' improve efficiency and 39% believe that arbitration 'will definitely' contribute to greater fairness in dispute resolution.³⁴

³² See table 54 and 55.

³³ See tables 56-58

³⁴ See table 59 and 60.

4. Conclusion

This report aimed at deepening understanding of the issues that need tackling in reforming legal institutions and creating alternatives to court mechanisms for commercial disputes. This report also aimed at providing a baseline from which to compare when assessing changes in attitudes among the legal and business professional communities in the future.

While some institutions are relatively well perceived, the interviews and surveys with legal professionals identified serious shortcomings in the provision of information about legal institutions and the depth of knowledge of those engaged in the legal sphere. Moreover, some institutions such as the JAG and the LAS MB, are perceived as failing to perform their roles in the legal system completely. In terms of the JAG in particular, reform, according to legal experts, will have a great effect on judicial independence as would positive changes to legal education where students still lack sufficient practical skills training, interactive teaching, and access to foreign expertise. The GBA was perceived positively, but legal professionals feel it has many areas of improvement to work on, in particular its effective engagement with the state and media and rigor in maintaining ethical standards.

Business leaders are generally satisfied with commercial law expertise and the competence of judges. They prefer to take cases to court because it is more familiar than ADR and have relatively high trust that cases will be heard impartially. They believe developments in state-business relations have been positive on the whole and that trust in courts is increasing. Many business leaders see ADR as a foreign country for now and demand for both arbitration and mediation is assessed rather averagely. Clearly, a lot of work is required to improve the image of arbitration and increase confidence in the performance of arbitrators while information about developments about ADR must be made more widely available to those outside the legal profession and in a language they can understand.

Appendix 1: Detailed Methodology and Group Composition

This report is based upon both qualitative and quantitative data from meetings with 39 legal professionals and 44 business leaders. This gave 39 in depth interview and survey responses from legal professionals and 44 survey responses and 43 in depth interviews from business leaders as one did not have time for the interview. Of the legal professionals, 22 were male, 17 were female. Seventeen were aged 21-30 years old, 12 between 31 and 40, four between 41 and 50 and five above 51 years of age, one refused to give an age. All had at least a bachelor's degree but 18 or 46% had a degree higher than bachelor's. Nine reported that they were members of the Georgian Bar Association. Of the business leaders, 32 were male and 12 were female. Of those that gave their age 11 were 21-30 years old, 10 were 31-40, 7 were 41-50 and 9 were over 50. They had a lower level of education than legal professionals; 38% had a degree above the level of bachelors and 63% had only a bachelor's.

While these might seem small numbers from the perspective of survey construction, the goal of the sampling was not to achieve as big a random sample as possible of the respective professional groups but to access experts in the area who have specialized knowledge. The sampling was therefore directed and deliberate and based on respondents' expertise in the field. The goal is to produce and maintain this database of experts who can then be re-interviewed using the same questionnaires and interview guides and the data analyzed in the same way. This will give some indications as whether views among legal professionals and business leaders are changing as reforms take place within the judiciary. With such small numbers it is difficult to extrapolate and generalize to the entire population of legal professionals and business leaders in Georgia, but the results of this study can be seen as somewhat indicative of the views of these professional groups.

All data from the survey and interviews were collated and analyzed using qualitative and quantitative data analysis software. The survey aimed at capturing general views on certain legal institutions, while the in depth interviews gave respondents a chance to elaborate on their responses and give their opinions. There were some problems in the interviews as many respondents felt uncomfortable with giving their identity and/or being recorded. In such cases, interviewers wrote notes from what was said and then typed these notes up directly afterwards. This has advantages and disadvantages: interviewees who are not being recorded can give more frank opinions but the accuracy of what is subsequently written up is not as high as it would be with a recording. Interviews were compiled and analyzed. Answers to each question were coded into categories and this allows a picture of recurring themes and issues to emerge across the interviews. It also allows a basic quantitative indicator of the number of

times certain topics were raised taking the interviews as a whole. The reading of the answers at times can be open to interpretation but in most cases the general idea or issue at stake was clear and unambiguous.

Once the survey results had been compiled and the interviews coded and analyzed the data was synthesized and analyzed further for trends. The findings were then written up.

Appendix 2: Tables

Note: from table 36 onwards the data refers to surveys with business respondents unless otherwise stated.

Table 1.

Familiarity with the work of the HSOJ

	Frequency	Valid Percent
Don't know	1	2,6
Not at all familiar	2	5,1
2	8	20,5
3	14	35,9
4	12	30,8
Completely familiar	2	5,1
Total	39	100,0

Table 2.

Familiarity with the work of the JAG

	Frequency	Valid Percent
Not at all familiar	6	15,4
2	18	46,2
3	9	23,1
4	5	12,8
Completely familiar	1	2,6
Total	39	100,0

Table 3.

Familiarity with the work of the Legal Aid Service Monitoring Board

	Frequency	Valid Percent
Don't know	4	10,3
Not at all familiar	15	38,5
2	9	23,1
3	5	12,8
4	4	10,3
Completely familiar	2	5,1
Total	39	100,0

Table 4.

Familiarity with legal education in Georgia

	Frequency	Valid Percent
3	4	10,3
4	20	51,3
Completely familiar	15	38,5
Total	39	100,0

Table 5.

Familiarity with the work of the Georgian Bar Association

	Frequency	Valid Percent
2	4	10,3
3	5	12,8
4	11	28,2
Completely familiar	19	48,7
Total	39	100,0

Table 6.

Accessibility of information about the HSOJ

	Frequency	Valid Percent
Don't know	1	2,6
Not accessible at all	1	2,6
2	8	20,5
3	10	25,6
4	10	25,6

Easily accessible	9	23,1
Total	39	100,0

Table 7.

Accessibility of information about the JAG

	Frequency	Valid Percent
Don't know	1	2,6
Not accessible at all	8	20,5
2	14	35,9
3	7	17,9
4	4	10,3
Easily accessible	5	12,8
Total	39	100,0

Table 8.

Accessibility of information about the Legal Aid Service Monitoring Board

	Frequency	Valid Percent
Don't know	6	15,4
Not accessible at all	16	41,0
2	4	10,3
3	8	20,5
4	4	10,3
Easily accessible	1	2,6
Total	39	100,0

Table 9.

Assessment of HSOJ's presence in the traditional media

	Frequency	Valid Percent
Don't know	2	5,1
Not visible at all	7	17,9
2	11	28,2
3	13	33,3
4	6	15,4

Total	39	100,0
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Table 10.

Assessment of HSOJ's presence in the new media

	Frequency	Valid Percent
Don't know	4	10,3
Not visible at all	6	15,4
2	6	15,4
3	11	28,2
4	10	25,6
Highly visible	2	5,1
Total	39	100,0

Table 11.

Assessment of JAG's presence in the traditional media

	Frequency	Valid Percent
Don't know	3	7,7
Not visible at all	18	46,2
2	11	28,2
3	4	10,3
4	2	5,1
Highly visible	1	2,6
Total	39	100,0

Table 12.

Assessment of JAG's presence in the new media

	Frequency	Valid Percent
Don't know	3	7,7
Not visible at all	13	33,3
2	8	20,5
3	8	20,5
4	6	15,4
Highly visible	1	2,6
Total	39	100,0

Table 13.

Assessment of the LAS' presence in the traditional media

	Frequency	Valid Percent
Don't know	2	5,1
Not visible at all	14	35,9
2	10	25,6
3	10	25,6
4	2	5,1
Highly visible	1	2,6
Total	39	100,0

Table 14.

Assessment of the LAS' presence in the new media

	Frequency	Valid Percent
Don't know	2	5,1
Not visible at all	10	25,6
2	10	25,6
3	10	25,6
4	5	12,8
Highly visible	2	5,1
Total	39	100,0

Table 15.

Visibility of information about legal education opportunities in the traditional media

	Frequency	Valid Percent
Don't know	1	2,6
Not visible at all	5	12,8
2	13	33,3
3	11	28,2
4	6	15,4
Highly visible	3	7,7
Total	39	100,0

Table 16.

Visibility of information about legal education opportunities in the new media

	Frequency	Valid Percent
Don't know	1	2,6
Not visible at all	3	7,7
2	8	20,5
3	13	33,3
4	9	23,1
Highly visible	5	12,8

Total	39	100,0
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Table 17.
Assessment of the presence of the GBA in traditional media

	Frequency	Valid Percent
Don't know	1	2,6
Not visible at all	6	15,4
2	14	35,9
3	11	28,2
4	6	15,4
Highly visible	1	2,6
Total	39	100,0

Table 18.
Assessment of the presence of the GBA in new media

	Frequency	Valid Percent
Don't know	1	2,6
Not visible at all	2	5,1
2	10	25,6
3	11	28,2
4	13	33,3
Highly visible	2	5,1
Total	39	100,0

Table 19.
Current content of continuous legal education training for sitting judges at HSOJ offers detailed, high quality yet diverse courses which facilitate and improve the performance of judges

	Frequency	Valid Percent
Don't know	10	25,6
Completely disagree	2	5,1
2	3	7,7
3	9	23,1
4	11	28,2
Completely agree	4	10,3
Total	39	100,0

Table 20.**Does HSOJ need improvement?**

	Frequency	Valid Percent
Don't know	4	10,3
HSOJ needs great improvement	10	25,6
HSOJ needs some improvement	24	61,5
HSOJ needs no improvement	1	2,6
Total	39	100,0

Table 20a.

Urgency of reform of HSOJ in terms of the ultimate goal of creating a fair and impartial judiciary in Georgia

	Frequency	Valid Percent
Don't know	2	5.1
2	1	2.6
3	12	30.8
4	9	23.1
Very urgent	15	38.5
Total	39	100.0

Table 21.**Necessity of reform of the JAG in terms of the ultimate goal of creating a fair and impartial judiciary in Georgia**

	Frequency	Valid Percent
Don't know	2	5,1
Not necessary at all	2	5,1
2	3	7,7
3	8	20,5
4	7	17,9
Very necessary	17	43,6
Total	39	100,0

Table 22.**Activeness of JAG in promoting and safeguarding judicial independence and the independence of individual judges**

	Frequency	Valid Percent
Don't know	6	15,4
Not at all active	14	35,9
2	8	20,5
3	9	23,1
4	2	5,1
Total	39	100,0

Table 23.**Does JAG need improvement?**

	Frequency	Valid Percent
Don't know	4	10,3
JAG needs great improvement	16	41,0
JAG needs some improvement	19	48,7
Total	39	100,0

Table 24.**Activeness of the Legal Aid Service Monitoring Board**

	Frequency	Valid Percent
Don't know	21	53,8
Not at all active	7	17,9
2	7	17,9
3	3	7,7
4	1	2,6
Total	39	100,0

Table 25.**State funded legal aid is independent of government influence**

	Frequency	Valid Percent
Don't know	6	15,4
Completely disagree	9	23,1
2	10	25,6
3	9	23,1
4	3	7,7

Completely agree	2	5,1
Total	39	100,0

Table 26.
Legal aid offered by non-state providers is independent of government influence

	Frequency	Valid Percent
Don't know	3	7,7
Completely disagree	3	7,7
2	1	2,6
3	7	17,9
4	12	30,8
Completely agree	13	33,3
Total	39	100,0

Table 27.

Necessity of reform of LAS in terms of the ultimate goal of creating a fair and impartial judiciary in Georgia

	Frequency	Valid Percent
Don't know	2	5,1
Not necessary at all	2	5,1
2	1	2,6
3	8	20,5
4	8	20,5
Very necessary	18	46,2
Total	39	100,0

Table 28.

Does GBA need improvement?

	Frequency	Valid Percent
GBA needs great improvement	13	33,3
GBA needs some improvement	26	66,7
Total	39	100,0

Table 29.

Currently GBA influences legal developments in Georgia

	Frequency	Valid Percent
Refuse to answer	1	2,6

Don't know	1	2,6
Completely disagree	5	12,8
2	10	25,6
3	11	28,2
4	8	20,5
Completely agree	3	7,7
Total	39	100,0

Table 30.

Necessity of reform of the GBA in terms of the ultimate goal of creating a fair and impartial judiciary in Georgia

	Frequency	Valid Percent
Don't know	1	2,6
Not necessary at all	2	5,1
3	11	28,2
4	7	17,9
Very necessary	18	46,2
Total	39	100,0

Table 31.

Studying law is seen as a subject with good career prospects

	Frequency	Valid Percent
2	2	5,1
3	1	2,6
4	10	25,6
Completely agree	26	66,7
Total	39	100,0

Table 32.

Accessibility of opportunities for continuing lifelong legal education

	Frequency	Valid Percent
Not accessible at all	1	2,6
2	6	15,4
3	4	10,3
4	7	17,9
Easily accessible	21	53,8
Total	39	100,0

Table 33.

Does legal education need improvement?

	Frequency	Valid Percent
Legal education needs great improvement	22	56,4
Legal education needs some improvement	17	43,6
Total	39	100,0

Table 34.

Necessity of reform of the legal education in terms of the ultimate goal of creating a fair and impartial judiciary in Georgia

	Frequency	Valid Percent
2	1	2,6
3	4	10,3
4	11	28,2
Very necessary	23	59,0
Total	39	100,0

Table 35.

Result of an improvement in legal education in Georgia in terms of the overall effect on the legal system

	Frequency	Valid Percent
Will definitely contribute to an improvement in professional	35	89,7
May or may not contribute to an improvement in professional	4	10,3
Total	39	100,0

Table 36.

Legal Professionals: Familiarity with mediation as an element of ADR

	Frequency	Valid Percent
Don't know	1	2,6
2	4	10,3
3	12	30,8

4	13	33,3
Completely familiar	9	23,1
Total	39	100,0

Table 37.

Legal Professionals: Familiarity with arbitration as an element of ADR

	Frequency	Valid Percent
2	2	5,1
3	7	17,9
4	8	20,5
Completely familiar	22	56,4
Total	39	100,0

Table 38.

Business Leaders: Familiarity with mediation as an element of ADR

	Frequency	Valid Percent
Don't know	6	13,6
Not at all familiar	10	22,7
2	8	18,2
3	10	22,7
4	4	9,1
Completely familiar	6	13,6
Total	44	100,0

Table 39.

Business Leaders: Familiarity with arbitration as an element of ADR

	Frequency	Valid Percent
Don't know	1	2,3
Not at all familiar	5	11,4
2	9	20,5
3	12	27,3
4	8	18,2
Completely familiar	9	20,5
Total	44	100,0

Table 40.

Assessment of the presence of information about ADR in the traditional media

	Frequency	Valid Percent
Don't know	4	9,1
Not visible at all	18	40,9
2	16	36,4
3	5	11,4
Highly visible	1	2,3
Total	44	100,0

Table 41.

Assessment of the presence of information about ADR in the new media

	Frequency	Valid Percent
Don't know	5	11,4
Not visible at all	9	20,5
2	14	31,8
3	7	15,9
4	8	18,2
Highly visible	1	2,3
Total	44	100,0

Table 42.

Satisfaction with the level of legal expertise of Georgian lawyers in commercial law

	Frequency	Valid Percent
Don't know	1	2,3
Not satisfied at all	2	4,5
2	6	13,6
3	15	34,1
4	14	31,8
Very satisfied	6	13,6
Total	44	100,0

Table 43.

Business Leaders: Availability of commercial law training to legal professionals

	Frequency	Valid Percent
Don't know	21	47,7
Not available at all	3	6,8
2	4	9,1
3	5	11,4
4	7	15,9
Easily available	4	9,1
Total	44	100,0

Table 44.

Legal Professionals: Accessibility of commercial law training to legal professionals

	Frequency	Valid Percent
Don't know	1	2,6
Not accessible at all	2	5,1
2	11	28,2
3	8	20,5
4	8	20,5
Easily accessible	9	23,1
Total	39	100,0

Table 45.

Business Leaders: Confidence in the impartiality of court case outcomes in commercial disputes

	Frequency	Valid Percent
Don't know	3	6,8
Not confident at all	7	15,9
2	6	13,6
3	10	22,7
4	12	27,3
Very confident	6	13,6
Total	44	100,0

Table 46.

Legal Professionals: Confidence in the impartiality of court case outcomes in

commercial disputes

	Frequency	Valid Percent
Refuse to answer	1	2,6
Not confident at all	2	5,1
2	7	17,9
3	11	28,2
4	15	38,5
Very confident	3	7,7
Total	39	100,0

Table 47.

Business Leaders: Level of demand for mediation as a form of ADR

	Frequency	Valid Percent
Don't know	4	9,1
There is a great demand for mediation as a form of ADR	2	4,5
There is some demand for mediation as a form of ADR	23	52,3
There is little demand for mediation as a form of ADR	15	34,1
Total	44	100,0

Table 48.

Business Leaders: Level of demand for arbitration as a form of ADR

	Frequency	Valid Percent
Don't know	2	4,5
There is a great demand for arbitration as a form of ADR	4	9,1
There is some demand for arbitration as a form of ADR	33	75,0
There is little demand for arbitration as a form of ADR	5	11,4
Total	44	100,0

Table 49.

Legal Professionals: Level of demand for mediation as a form of ADR

	Frequency	Valid Percent
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Don't know	3	7,7
There is a great demand for mediation as a form of ADR	2	5,1
There is some demand for mediation as a form of ADR	24	61,5
There is little demand for mediation as a form of ADR	10	25,6
Total	39	100,0

Table 50.

Legal Professionals: Level of demand for arbitration as a form of ADR

	Frequency	Valid Percent
Refuse to answer	2	5,1
Don't know	1	2,6
There is a great demand for arbitration as a form of ADR	4	10,3
There is some demand for arbitration as a form of ADR	24	61,5
There is little demand for arbitration as a form of ADR	8	20,5
Total	39	100,0

Table 51.

Necessity of introduction of mediation mechanisms for the resolution of commercial disputes

	Frequency	Valid Percent
Don't know	7	15,9
Not necessary at all	3	6,8
2	7	15,9
3	4	9,1
4	6	13,6
Very necessary	17	38,6
Total	44	100,0

Table 52.

Necessity for improving arbitration services for commercial disputes

	Frequency	Valid Percent
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Not necessary at all	1	2,3
2	3	6,8
3	6	13,6
4	9	20,5
Very necessary	25	56,8
Total	44	100,0

Table 53.

Confidence in the current level of legal expertise of arbitrators to resolve commercial disputes

	Frequency	Valid Percent
Don't know	13	29,5
Not confident at all	5	11,4
2	4	9,1
3	15	34,1
4	4	9,1
Very confident	3	6,8
Total	44	100,0

Table 54.

Cost effectiveness of arbitration in commercial disputes– as compared to the cost effectiveness of litigation

	Frequency	Valid Percent
Refuse to answer	1	2,3
Don't know	9	20,5
Definitely provides more cost-effective dispute resolution	9	20,5
May or may not provide more cost-effective dispute resolution	21	47,7
Definitely does not provide more cost-effective dispute resolution	4	9,1
Total	44	100,0

Table 55.

Result of an increased use of arbitration as an alternative to judicial resolution on the fairness of rulings in commercial disputes in Georgia

	Frequency	Valid Percent
Don't know	3	6,8
The number of fair rulings will definitely increase	10	22,7
The number of fair rulings may or may not increase	28	63,6
The number of fair rulings will definitely not increase	3	6,8
Total	44	100,0

Table 56.

Result of the introduction of mediation mechanisms in Georgia on efficiency of resolving commercial disputes

	Frequency	Valid Percent
Don't know	2	4,5
Will definitely provide efficiency in reaching settlements	14	31,8
May or may not provide efficiency in reaching settlements	23	52,3
Definitely will not provide efficiency in reaching settlements	5	11,4
Total	44	100,0

Table 57.

Cost effectiveness of mediation in commercial disputes– as compared to the cost effectiveness of litigation

	Frequency	Valid Percent
Don't know	8	18,2
It will definitely provide cost-effective dispute resolution	15	34,1
May or may not provide cost-effective dispute resolution	18	40,9
Mediation will not provide cost-effective dispute resolution	3	6,8
Total	44	100,0

Table 58.

Result of the introduction of mediation as an alternative to litigation in commercial disputes on the overall level of satisfaction with dispute resolution

	Frequency	Valid Percent
Don't know	7	15,9
Levels of satisfaction with dispute resolution will definitely increase	13	29,5
Levels of satisfaction with dispute resolution may or may not increase	21	47,7
Levels of satisfaction will definitely not increase	3	6,8
Total	44	100,0

Table 59.

Legal Professionals: Result of the introduction of a mediation mechanism in Georgia in terms of the overall effect on efficiency in resolving commercial disputes

	Frequency	Valid Percent
Don't know	1	2,6
Will definitely contribute to efficiency of reaching settlements	19	48,7
May or may not contribute to efficiency of reaching settlements	18	46,2
Nothing will change even if mediation is introduced	1	2,6
Total	39	100,0

Table 60.

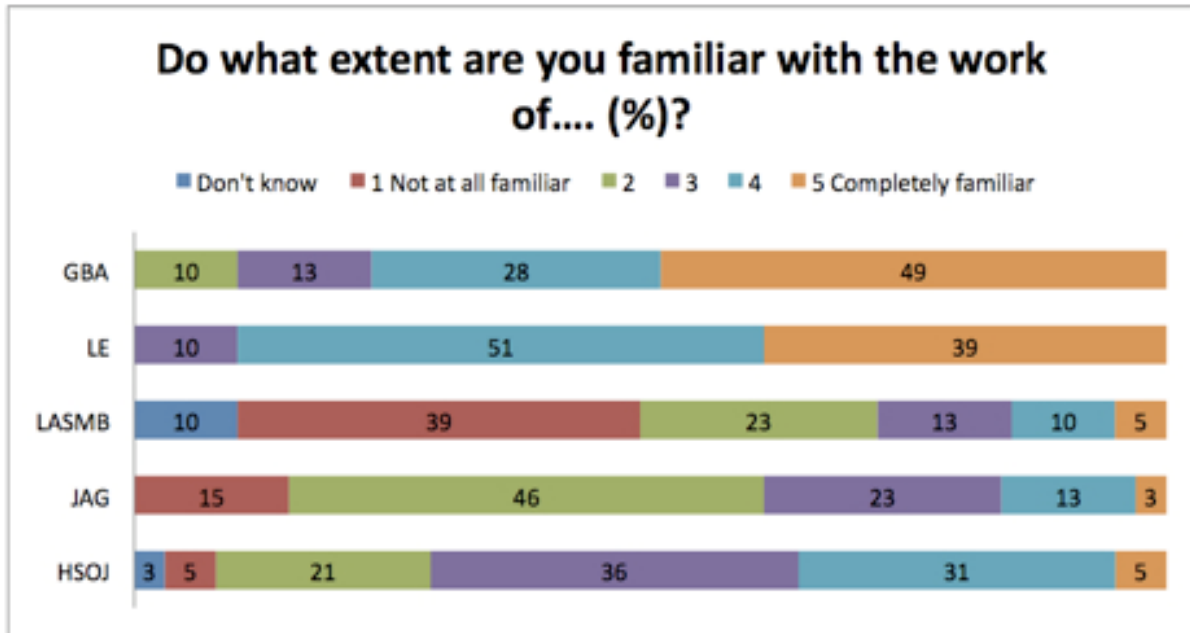
Legal Professionals: Result of the option of referral to arbitration in terms of the fairness of rulings in commercial disputes

	Frequency	Valid Percent
Refuse to answer	1	2,6
Don't know	1	2,6
Will definitely contribute to fairer rulings	15	38,5

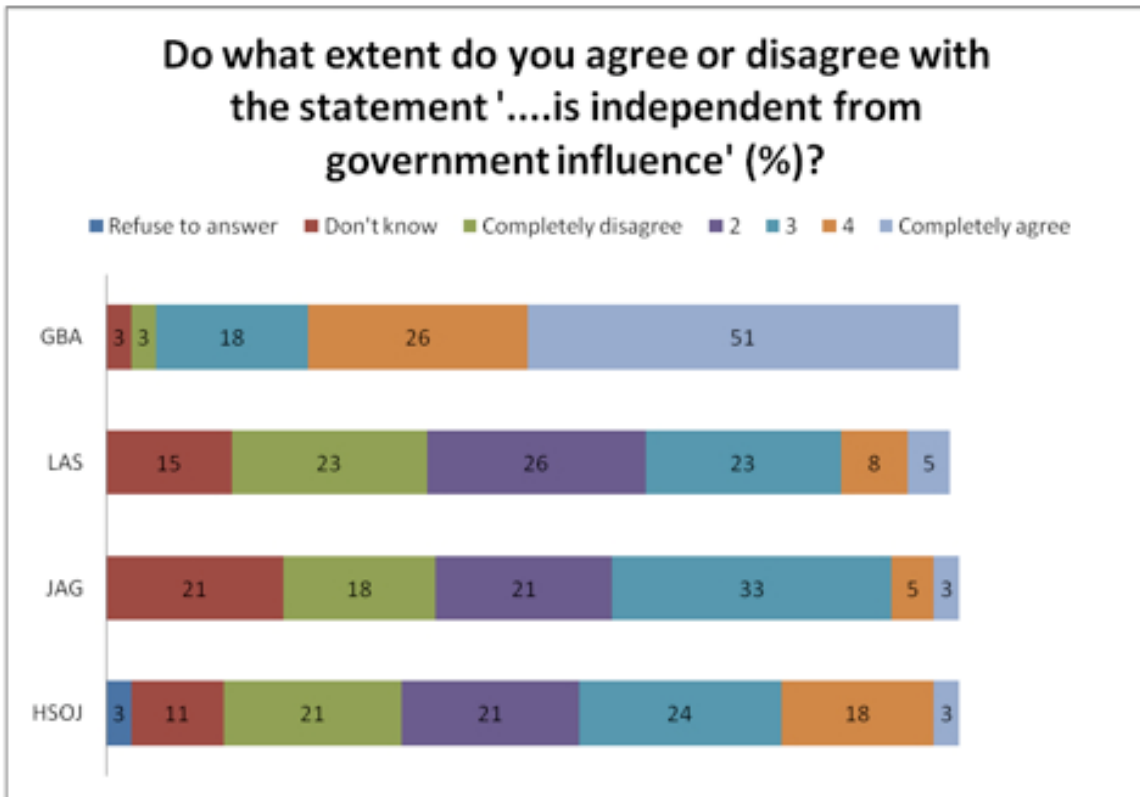
May or may not contribute to fairer rulings	21	53,8
Nothing will change even if alternative arbitration is introduced	1	2,6
Total	39	100,0

Graphs

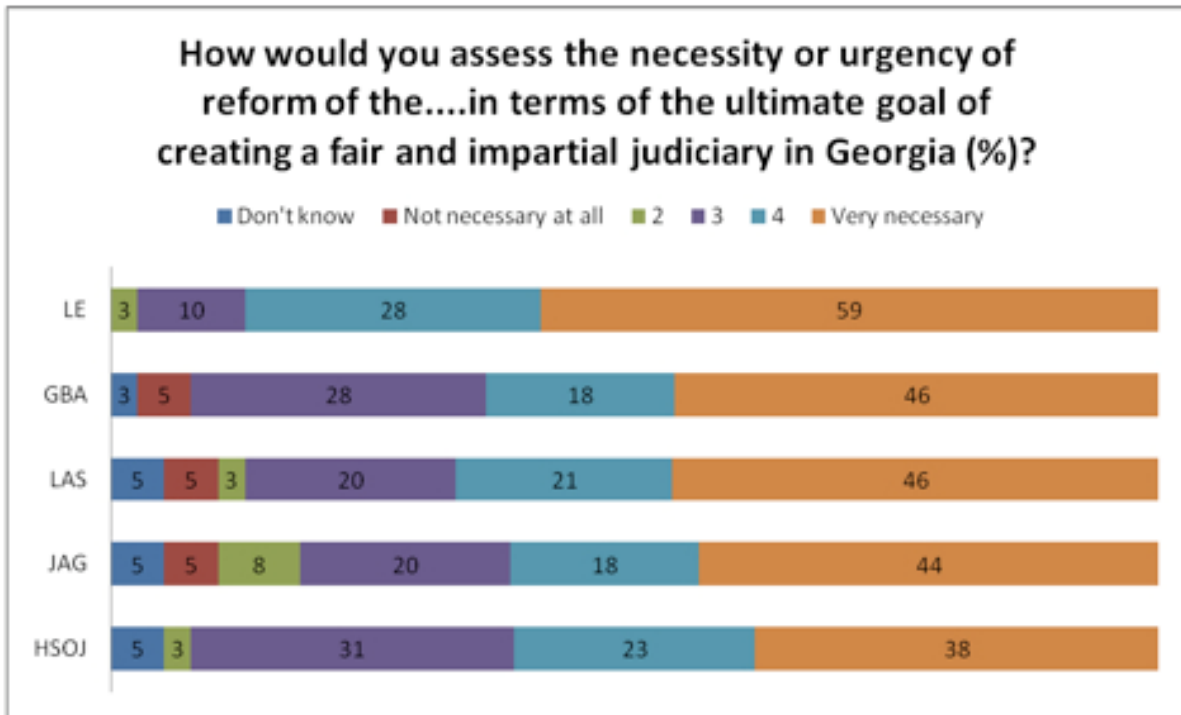
Graph 1. Familiarity



Graph 2. Independence



Graph 3. Urgency and Necessity



Graph 4. Information Accessibility for ADR

