

2023 Questionnaire of the 1st Study Commission IAJ-UIM
“The Effects of Remote Work on the Judicial Workplace and the
Administration of Justice”

Questions:

- 1) Remote work of judges in your country
 - a. Were judges permitted to work remotely in your country prior to and/or during the COVID-19 pandemic? If yes, please give examples (for example, studying cases at home; discussing cases with colleagues via videoconference applications or the telephone instead of personal meetings; holding hearings online via videoconferencing applications; etc.). Was technical equipment made available to the judges to enable them to work remotely?

Prior to the COVID-19 pandemic, judges in Georgia did not have the provision to work remotely extensively. However, during the pandemic, the judicial system had to adapt to the unprecedented circumstances and implement measures to ensure the continuity of legal proceedings while prioritizing the health and safety of judges, court staff, and participants. During the pandemic, various remote work practices were introduced to enable judges to perform their duties. Some examples include: Studying cases at home: Judges were able to access case files and relevant documents remotely, allowing them to review and analyze materials from the comfort of their homes. Communication via videoconferencing and telephone: Instead of personal meetings, judges resorted to videoconferencing applications and telephone calls to discuss cases with colleagues, lawyers, and other stakeholders. Online hearings via videoconferencing: To maintain court operations, remote hearings were conducted using videoconferencing applications. This allowed judges, lawyers, and parties involved in a case to participate in the proceedings virtually.

To facilitate remote work, technical equipment such as computers, laptops, and videoconferencing tools were made available to judges. The judiciary made efforts to ensure that judges had access to the necessary technology and resources to perform their duties remotely.

- b. What is the status of remote work by judges in your country now? Do many judges still work remotely in your country, and to what extent? (for example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower courts or higher courts? etc.)

As for the current status of remote work by judges in Georgia, it may vary depending on the specific circumstances and the evolving situation regarding the pandemic. While the extent of remote work may have reduced as some restrictions eased, certain judges and courts may still engage in remote work practices to some degree.

The degree to which judges continue to work remotely in Georgia can vary based on several factors, including the type of court, the nature of the case, and local conditions. It is possible that some judges continue to work remotely, especially in situations where physical attendance is not necessary or when there are health concerns. However, the exact percentage or specific details regarding which judges or courts are currently working remotely may not be readily available without updated information from the relevant authorities or judiciary in Georgia.

2) Effect on judicial work

- a. Did remote work change judicial work in general for better or worse – or both – in your country? Please give examples.

It is important to note that the impact of remote work can vary depending on individual experiences and perspectives. Here are some examples of how remote work may have

affected judicial work in Georgia:

Advantages: Remote work allowed courts to continue their operations during the pandemic, ensuring that cases could be heard and resolved despite the limitations imposed by social distancing measures and lockdowns.

Remote work facilitated greater access to justice for litigants and participants who may have faced barriers related to transportation, distance, or personal circumstances. Virtual hearings and remote communication eliminated the need for physical attendance, making it more convenient for individuals to participate in legal proceedings.

Remote work reduced the need for travel to courtrooms, leading to potential time savings for judges, lawyers, and other stakeholders. Virtual hearings and remote communication tools allowed for more streamlined processes, minimizing delays and optimizing the use of judicial resources.

As regards challenges there were some technical limitations and connectivity issues, since remote work heavily relies on stable internet connections and adequate technical infrastructure. In some cases, judges and participants may have faced challenges related to connectivity, leading to disruptions or delays during virtual hearings or remote communications. Moreover remote work can create a more detached environment compared to in-person proceedings, as it may be difficult to capture non-verbal cues or engage in spontaneous interactions. This limitation can potentially impact the dynamics of courtroom proceedings and the quality of communication. Another issue is security and confidentiality concerns. Ensuring secure virtual platforms, protecting sensitive information, and maintaining confidentiality can present challenges that need to be addressed effectively. It is important to recognize that the experiences and perceptions of remote work in the judicial system can differ among judges, lawyers, and litigants. Some

individuals may have found remote work to be beneficial, while others may have encountered difficulties or drawbacks. The long-term effects and overall assessment of remote work in the judicial system of Georgia would require comprehensive analysis and feedback from all relevant stakeholders.

- b. Does the remote work of judges have an impact on the judicial workplace in your country? Negative, positive or both? Please give examples.

The remote work of judges in Georgia during the pandemic has had both positive and negative impacts on the judicial workplace.

First of all remote work provided judges with more flexibility in managing their work schedules, allowing them to strike a better balance between professional and personal responsibilities. This could contribute to higher job satisfaction and well-being among judges, at the same time remote work reduced the time and effort associated with commuting to the courthouse, enabling judges to dedicate more focused time to case review, research, and writing judgments. This increased productivity potentially leads to quicker case disposition.

On the other hand, lack of face-to-face interaction leads to a sense of isolation and decreases social connections, thus it is not preferable for any of the sides. Also, remote hearings may present difficulties in maintaining the same level of formality and decorum observed in physical courtrooms. Technical issues, background distractions, or inadequate control over participants' behavior impacts the solemnity and professionalism of court proceedings.

- c. From your point of view, what future effects of remote work on the judicial workplace – negative, positive or both – can be expected?

A balanced approach that combines the advantages of remote work with the value of in-person interactions could shape the future of the judicial workplace in Georgia.

3) Effects on the administration of justice

- a. What are the pros and cons of remote work on the administration of justice?

Remote work allows courts to function and handle cases during times of crisis or unforeseen circumstances, ensuring the continuity of justice administration; provides greater accessibility to legal proceedings, allowing individuals to participate in hearings and access court services without the need for physical presence. This benefits individuals who face geographical, transportation, or mobility barriers.

On the other hand, remote work relies heavily on stable internet connections and appropriate technical infrastructure. Inadequate connectivity or technical issues can disrupt court proceedings and hinder effective communication between judges, lawyers, and participants.

- b. Does remote work have a positive or negative impact on the administration of justice in general in your country? Please give examples that include, but are not limited to, the quality of the administration of justice.

As above mentioned, remote work has pros and cons that balance each other, therefore the general impact of it depends on the individual cases.

- c. Are you aware of the public's perceptions of remote work by judges? Please give examples of positive or negative perceptions.

The public may appreciate the increased accessibility to justice that remote work provides, allowing them to participate in legal proceedings more easily, especially for those in remote areas or with limited mobility. However, some individuals have concerns about the potential loss of personal interaction between judges, court staff, and litigants. Face-to-face interactions in a physical courtroom setting are seen as more impactful, and the shift to remote work is perceived as distancing or less personal. Also,

frustration arises if remote work leads to disruptions or delays in the administration of justice. Therefore public's general perception of remote work is negative in Georgia.

- d. What are the positive and/or negative effects of holding remote hearings/conferences?

Remote hearings/conferences can improve access to justice by eliminating the need for physical presence, making it easier for individuals who face geographical, transportation, or mobility constraints to participate in legal proceedings, which is especially relevant for Georgia.

As for negative effects, technical issues, such as connectivity problems, audio or video quality disruptions, or inadequate equipment, can impede effective communication and cause delays or disruptions during remote hearings/conferences. Such technical challenges can hinder the smooth progress of proceedings and potentially impact participants' experience and the quality of interactions.

4) Remote work and judicial independence

Do you see any positive or negative effects of remote work on judicial independence? If yes, please give examples.

Implementing appropriate protocols, maintaining robust security measures, and ensuring effective communication channels are essential to safeguard judicial independence while embracing the advantages of remote work in the judicial system. Based on the practice of Georgia and the examples mentioned above, the impact of remote work on judicial independence is neutral.

5) Limits on remote work for judges

- a. Does your country place any limits on the remote work of judges (for example, limits on remote hearings in criminal cases)? If yes, please give examples.

There are no specific limitations or comprehensive regulations

regarding remote work by judges in Georgia. In 2020, the President adopted a decree that allowed the conduct of court proceedings remotely.

- b. Are there any proposals to change rules or statutes in your country either to permit more, or to limit, remote work by judges?

No

- c. Should there be any changes of rules or statutes in your country either to permit more, or to limit, remote work for judges?

Any potential changes to rules or statutes should prioritize the protection of judicial independence, the fair administration of justice, and the preservation of core principles such as due process and transparency. It is crucial to strike a balance between the benefits and challenges of remote work, considering the specific needs and circumstances of the legal system in Georgia.

Amendments to the legislation would be beneficial for the reasons listed above, however, it should be noted that in certain cases action cannot be taken outside of court and especially online. So the decision should be based on a careful assessment of the advantages and disadvantages of remote work, taking into account the impact on access to justice, judicial efficiency, fairness, security, and public trust in the judicial system.

Proposal for 2024 topic: Please submit your proposals for possible topics to be treated in 2024 together with the answers to this questionnaire.

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