

The methodology of acquiring and processing information on the candidates of the Supreme Court Justices of Georgia

Introduction

In the following months, 20 judges of the Supreme Court of Georgia will be elected by the Parliament for an unlimited term, upon nomination of the High Council of Justice of Georgia. This procedure is derived from the new amendment of the constitution, article 61, second clause, which entered into force on December 16, 2018, as well as by organic law of Georgia on common courts, to which the amendments have been made on May 1, 2019. Legislative changes regulate the procedure and rules for selecting candidates to be nominated to the Parliament of Georgia for election to the position of a judge of the Supreme Court. When selecting candidates members of the High Council of Justice of Georgia shall be guided by the criteria of Organic Law, established to select the judges of the courts of first and second instance.

Considering the the role of the Supreme Court and importance of establishing impartial and transparent judicial system, an alternative process was generated for acquiring and processing information on the candidates of the Supreme Court Justice of Georgia. In this regard, information concerning selected/nominated 20 candidates will be collected, processed and presented to the Parliament of Georgia.

Aforementioned parallel process, on one hand ensures that the parliament members are well informed about candidates to be elected, on the other hand delivers the comprehensive information to broader public on candidate's experience, achievements, possible conflict of interest and other important issues.

Elaborating the methodology for acquiring and processing information on the candidates of a Supreme Court Justice

The methodology has been elaborated by active involvement and participation of the interested parties. In particular, on May 31, 2019 "Open Society Georgia Foundation" held the meeting with member organizations of the coalition for "Independent and transparent judiciary". The involvement of external experts and individuals, working on legal issues was also ensured. During the meeting, participants worked on general framework and main directions, which they need to explore regarding the candidates for judge of the Supreme Court of Georgia .

The participants agreed on specific topics they will be prioritizing while collecting the information. The agreement was also reached on the sources of information. Above-mentioned methodology is based on the directions, frameworks and information sources, agreed at the meeting.

During the development of methodology, special attention was paid to the criteria set out in articles 35¹ and 36³ of organic law of Georgia on common courts. These articles define the criteria for selecting a candidate for judge, and their characteristics ¹, as well as the 9 October, 2009 decision

¹ Note: The criteria set by the law in simple form are incorporated in Annex N2 of the Methodology Document

N1/308 of the Council on “Approval of the Rules for Selection of Judges.”² However, the methodology developed for collecting and processing the information, is not limited to mentioned criteria.

Based on these data, four main directions/areas have been defined to investigate the candidate: These directions are:

1. Identification of public activities of the candidate for the judge, expressed opinions / positions and behaviors;
2. Professional and academic activities of the candidate for the judge, identification of the qualities/conduct during professional and academic activities, as well as misconduct;
3. Identification of the financial obligations /property/source of income of the candidate judge, his/her family members and other related persons;
4. Identification of potential conflict of interest between the candidate judge and the law or between the member of High Council of Justice/Parliament.
5. Transcription/analyzing oral interviews, held with 20 candidates by High Council of Justice. Analyzing topics of questions and answers of the candidates, identifying the relevant answers/positions of the candidates.

The third and the fourth directions mainly ensure the compliance of the candidates with good faith criteria, while the first and the second directions assess competence as well. Each direction is composed of sub-issues. The detailed description of each direction, together with other components of the chart are available in the following chapter.

The directions and components for acquiring and processing information on candidates for judges of the Supreme Court of Georgia

As mentioned above, four main directions have been identified for acquiring and processing the information. Each direction consists of sub-issues and with respect to all sub-matters, the following categories are indicated:

1) Information Source/Tools

This part defines the tools and sources, that shall be used to gather the information. It provides the list of the institutions/ bodies/ addressee, who can play an important role in delivering information. Also, specific tools/documents/search systems, that can be useful for getting the information. The list is not comprehensive and some other relevant tools/sources can be added as well.

2) Evaluation criteria, that can be verified

² <http://hcoj.gov.ge/files/pdf%20gadacyvetilebebi/konsolidirebuli%20gadackvetilebebi/308.pdf>

This section places information gathered around two primary criteria: good faith and competency, as prescribed by the law. It should be taken into consideration that in most cases the information is useful and valuable to evaluate both criteria. In this case the information will be sorted around both criteria.

3) *Verifiable evaluation criteria*

This part defines how the obtained information can contribute to evaluating the characteristics of each criteria (Good faith, competence). The information is often relevant for several characteristics at the same time. Therefore, the chart below covers all relevant features .

At the same time, it should be taken into consideration that law defines the criteria/ characteristics of the candidate with and without judicial experience separately. They mostly coincide with each other, but the difference is that in case of candidate with judicial experience, characteristics consist of more components. Therefore, when assessing candidates with judicial experience, these additional characteristics will also be considered. (e.g. decisions made, conduct in a courtroom etc.)

4) *Selecting/sorting/filtering collected information*

Due to high amount of the collected information, it is important to select only relevant material for candidate's final portfolio and the information that will define the good faith and competence of the judge. For this reason, in each case several specific issues are indicated, that should be emphasized while processing the information.

This part of the methodology is based on the explanations, cited in the law (and the decision of High Council of Justice), but is not limited and also includes the issues like adherence to the principles of equality in statements, his/her expressed attitudes towards court-related issues etc.

Conclusion

It should be noted that following methodology refers only to the ways of obtaining and processing the information and not analyzing it. Therefore, based on the elaborated methodology, obtained materials will not be evaluated and the relevance to the candidate's qualification requirements will not be analyzed.

The purpose of collecting and processing the information is to identify and provide all the relevant information to the members of parliament and society, which in our opinion, might influence the final decision of selecting the candidates.

The methodology document includes the chart (**Appendix N1**), which defines the type of the information planned to be obtained and processed within the frame of each direction.

The methodology document includes the characteristics of a good faith and competence, defined by law (adapted version), which defines the additional circumstances when assessing candidates with judicial experience. **(Appendix N2)**

The methodology document also includes the sample, that shows the form, how the collected information on candidates should be presented. **(Appendix N3)**

And in the end, the methodology includes the timeline of the procedures of selecting the judges for the Supreme Court. **(Appendix N4)**

Methodology Timetable

Annex N1

I. Identifying public activities, expressed opinions/attitudes and conducts of the candidate judge

| Activity type | Information source/ Tools | Verifiable evaluation criteria | characteristics of evaluation criteria, which can be checked | Specific issues requiring particular attention |
|-----------------------------------|---|------------------------------------|---|--|
| 1.Social media activities | Publishing posts on main social networks like Facebook, Twitter, odnoklassniki, vkontakte, Instagram, liking and sharing posts, being member of different groups, liking/following pages etc. | 1. Good faith | 1.1. Independence, impartiality, fairness 1.2. Personal and professional conduct | <ul style="list-style-type: none"> • Views on equality /human rights issues; • adherence to ethical principles; • Political activities/possible political belonging (e.g. actively supporting a political party); • Response to the court-related issues (institutional issues as well as specific decisions) • Expressed opinions on civil society and democratic values; |
| 2. Public speaking and interviews | Interviews, published on social media, print/online media, radio or TV | 1. Good faith 2. Competence | 2.1. Personal and professional conduct 2.2. Written and verbal | <ul style="list-style-type: none"> • Attitude towards equality /human rights issues; • adherence to ethical principles; • Response to the court-related issues (institutional issues as well as specific decisions) |

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| | | | <p>communication skills</p> <p>2.3. Professional activity</p> | <ul style="list-style-type: none"> Expressed opinions on civil society and democratic values; <i>Attitude towards journalists</i> |
| <p>3. Holding lectures/ trainings and similar educational events or participating in these activities</p> | <ul style="list-style-type: none"> Lectures/trainings published on Youtube or other online platforms ; Events published on social media, where the candidate is mentioned as speaker; Information requested from the universities about academic activities or public lectures of the candidate; Information requested from other institutions like GBA, Prosecutor's office, Academy of the MIA about academic activities or public lectures of the candidate; Training list in a CV, where candidate has participated; | <p>1. Good faith</p> <p>2. Competence</p> | <p>1.1. Personal and professional conduct</p> <p>2.1. Oral communication skills</p> <p>2.2. Professional features</p> <p>2.3. Academic achievements and professional trainings</p> <p>2.4. Professional activity</p> | <ul style="list-style-type: none"> View on equality /human rights issues; adherence to ethical principles; Expressed opinions on civil society and democratic values; Reacting to the court-related issues (institutional issues as well as specific decisions) <i>Topic and content of the trainings and lectures</i> |

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| <p>4. Published article/book/review; other academic activity</p> | <ul style="list-style-type: none"> • Using online search tools to find articles; • Checking online magazines and library catalogs; • Searching dissertations at academic databases; • Finding information at book stores and publishing houses. | <p>2.Competence</p> | <p>2.1. knowledge of legal norms 2.2. ability of legal substantiation and competence; 2.3. Writing skills 2.4. Academic achievements and professional trainings 2.5. Professional activity</p> | <ul style="list-style-type: none"> • Attitude towards equality /human rights issues; • Expressed opinions on civil society and democratic values; • Reacting to the court-related issues (institutional issues as well as specific decisions) • The quality of adherence to academic standards • The impact/result of the work: quotable or not, is it used or not, what is the value of the work, is it a part of syllabus or not, is the work distinguished /original |
|--|---|---------------------|--|---|

II. Identifying professional activities, qualities/conducts during professional activities, as well as misconduct

| Activity type | Information source/Tools | Assessment criteria, which can be checked | Qualities of assessment criteria, which can be checked | Specific issues requiring particular attention |
|---|---|---|---|---|
| <p>1.in case of candidate with judicial experience: Decisions/dissenting opinion</p> | <p>Information source</p> <ul style="list-style-type: none"> • lawyers/ Georgian Bar Association (GBA); • NGOs; • Association of Law Firms of Georgia ; • Legal Aid Service | <p>1.Good faith</p> | <p>1.1. Personal good faith and professional conscience; 1.2. Independence, impartiality, fairness</p> | <ul style="list-style-type: none"> • Proper use of Supreme/constitutional and international/regional court practice, as well as legal norms; • Existence of legally interesting or precedent setting decisions; • The quality of explanation; • Attitude towards vulnerable groups/ minorities; |

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|---|---|---------------------|--|---|
| <p>/recommendation obtained/prepared by the candidate;</p> | <ul style="list-style-type: none"> • Information, requested from courts; • Public addressing to society (create a link to upload the decision); • The Supreme Court database; • Digital legislative library; • Reports by Public Defender, international and local organizations; • Constitutional Court decisions; • ECtHR's decisions; • Information requested from the Council of Justice; • Universities and academic circles. | <p>2.Competence</p> | <p>2.1. knowledge of legal norms</p> <p>2.2. Ability of legal substantiation and competence;</p> | <ul style="list-style-type: none"> • Decision consistency (logical inconsistency in her/his own decision)' • Template style judgements; • Participation in well-known cases and expressed position; • Number of cases heard by the candidate (particularly complex cases) • Quantity and assessment of the decisions made by higher instances or ECtHR regarding the decisions made by the candidate (Including ratio of revoked and upheld decisions, in case of ECtHR, violations established) • The number and content of submitted judicial referrals; <p>On criminal cases additionally:</p> <ul style="list-style-type: none"> • General statistics of the decisions made by the candidate (ratio between acquittals and convictions) • The standard for using measures of restraint/statistics of measures of restraint; • Statistics of the court decrees/rulings on secret surveillance |
| <p>2. <i>in case of candidate with judicial experience:</i></p> | <p>Information source:</p> <ul style="list-style-type: none"> • Lawyers/ Georgian Bar Association (GBA); • NGOs; | <p>1.Good faith</p> | <p>1.1. Independence, impartiality, fairness</p> <p>1.2. Personal and professional conduct</p> | <p>When assessing personal and professional conduct, consideration shall be given to candidate's:</p> <ul style="list-style-type: none"> • Adherence to judicial ethics; |

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| <p>Conduct of the candidate and his/her demonstrated qualities in professional activity</p> | <ul style="list-style-type: none"> • Association of Law Firms of Georgia ; • Legal Aid Service; • Universities and academic circles; • Public address to society on delivering the information. • | <p>2.Competence</p> | <p>2.1. Oral communication skills</p> <p>2.2. professional qualities, including conduct in a courtroom;</p> | <ul style="list-style-type: none"> • Correctness in communication with colleagues and other persons; • conduct and image appropriate for a judge's high rank; • Restraint/agreeing to the obligation to tolerate, ability to manage own emotions • Refrain from making discriminatory statements during his/her activities <p>When assessing the verbal communication skills of the candidate, consideration shall be given to:</p> <ul style="list-style-type: none"> • Ability to speak fluently, • Ability to listen to other people's/dissenting opinion with patience and openness; <p>When assessing the professional qualities of the candidate, including conduct in a courtroom; consideration shall be given to:</p> <ul style="list-style-type: none"> • Punctuality; • Preparation of a case with due care and responsibility; • Conduct in a courtroom and the ability to preside over a court sitting; • conduct in the relationship with the parties; • The ability to make a decision without assistance, and to think independently • work under stress ; • Purposefulness; • Efficiency and speed; |
|---|--|---------------------|---|--|

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| | <ul style="list-style-type: none"> Other decisions against the candidate (e.g. whether he/she is featured in the cases of deprivation of property, conducted by a new department of the prosecutor's office. | | 2.1. professional qualities, including conduct in a courtroom; | |
| 6. Awards/promotion/scholarships granted for professional activity | Public materials , public sources, High Council of Justice | 1. Good faith | 1.1. Personal and professional reputation 2.1. Academic achievements and professional trainings 2.2. Professional activity | <ul style="list-style-type: none"> Award /Scholarship grantor The reason for granting the award /scholarship(for what achievement) The date/period of delivering the award/ scholarship Logicity of advancement(e.g. from one instance to another) |

III. Identification of the financial obligations and incomes of the candidate judges

| | Information source/Tools | Assessment criteria, which can be checked | Characteristics of assessment criteria | Certain issues that require special attention |
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| Property (of candidate as well as his/her family members) | <ul style="list-style-type: none"> • Property declaration • Public registry data • Media; • Central election commission database; • Other open sources | 1.Good faith | 1.1. Personal good faith and professional conscience; 1.2. . Independence, impartiality, fairness 1.3. Financial obligations | <ul style="list-style-type: none"> • Reliability • Official incomes and other sources of income/received gifts; • Correlation between the official income/assets with the property owned and/or used • The value of the property of family members; • reasonableness of other expences; (e.g. If he/she goes to Germany for medical treatment); |
| Obligations (of candidate as well as his/her family members) | <ul style="list-style-type: none"> • Property declaration • Public registry data • Media; • Central election commission database; • Other open sources | 1.Good faith | 1.1. Personal good faith and professional conscience; 1.2. . Independence, impartiality, fairness 1.3. Financial obligations | Correlation of the debt/obligations with official income/assets Obligations regarding parties, involved in the process; Conflict of interest |

IV. Identifying the conflicts of interest of the candidate or being in conflict with the law

| Conflict Type | Information source/Tools | Verifiable evaluation criteria | Characteristics of assessment criteria, that can be checked | Certain issues that require special attention |
|---|--|--------------------------------|---|---|
| 1.Ongoing or completed investigation /Criminal prosecution against candidate or his/her family members; | Information source: <ul style="list-style-type: none"> • MIA; • Prosecutor’s office; • Courts; • Social networks; • Materials delivered to the High Council of Justice; • Information obtained from the lawyers; • Information obtained from NGOs • Information obtained from other open sources | 1.Good Faith | 1.1.Personal good faith and professional conscience; 1.2. Personal and professional conduct | <ul style="list-style-type: none"> • Type and gravity of the offence (special emphasis on cases of domestic violence and violence against women) • Number of written orders; • The result of the offence/ Legal sanction; • Criminal recidivism |
| 2. criminal offences /Fines/Lawsuit complaints, where the candidate is a party | Information source: <ul style="list-style-type: none"> • MIA; • Prosecutor’s office; • Courts; • Social networks; • Materials delivered to the High Council of Justice; • Information obtained from the lawyers; • Information obtained from NGOs | 1. .Good Faith | 1.1. Personal good faith and professional conscience; 1.2. Personal and professional conduct | <ul style="list-style-type: none"> • Type and gravity of the offence (special emphasis on cases of domestic violence and violence against women) • Number of written orders; • The result of the offence/ Legal sanction; • Criminal recidivism |

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| | <ul style="list-style-type: none"> Information obtained from other open sources | | | |
| 3. Belonging to a political party or conflict of interests with the member of High Council of Justice and relations with politicians/infl uential people | <p>Information source:</p> <ul style="list-style-type: none"> Founding documents of the parties/ public registry data; List of the donors; Public speaking of the candidate (including social media, media etc.) Information, obtained from NGOs Information, obtained by other open sources Databases of Transparency International Georgia Declarations | 1. .Good Faith | <p>1.1. Personal good faith and professional conscience;</p> <p>1.2. Independence, impartiality, fairness;</p> <p>1.3. Personal and professional conduct</p> | <ul style="list-style-type: none"> Familial ties with a member of the council; In case of party activism, the duration and period of the activity; |

The characteristics of a good faith and competence, defined by law and the Council

The characteristics of a good faith criteria shall be as follows:

personal good faith, and professional conscience;

Consideration shall be given to: Honesty, good faith, consciousness corresponding to duties and responsibility, transparency, accuracy and precision when performing official or other duties, financial or other obligations (for example, when completing the property status declaration, paying a bank or other debts, paying utility or other fees, paying a fine for violating traffic regulations), in case of candidates with judicial experience, love of truth as well.

Independence, impartiality and fairness

Consideration shall be given to: Principles, ability to independently make a decision, and resistance to influence, personal steadfastness and firmness, in case of candidates with judicial experience, political or other type of impartiality, fairness;

Personal and professional conduct

Consideration shall be given to: Correctness in communication with colleagues and other people, self-possession, ability to manage own emotions, disputes in a court to which he/she has been a party, whether there is a criminal charge against him/her.

When evaluating the candidate with judicial experience in addition his/her adherence to judicial ethics, conduct and image appropriate for a judge's high rank, appropriate conduct during disciplinary proceedings against him/her.

Personal and professional reputation

Consideration shall be given to: His/her business and moral reputation and authority among legal professionals and community, the character of interacting with legal professionals. In case of evaluating a candidate with judicial experience, the level of interacting with legal professionals;

Financial obligations (Additional feature for candidate with judicial experience)

Consideration shall be given to: Information on his/her source of income, assets, property owned and/or used, and on debts and liabilities related to this property and income. Examination of financial obligations is intended to establish whether there are grounds for a conflict of interest between a judge's material interests and the interest of justice, which may compromise a judge's impartiality.

competence criteria:

knowledge of legal norms

Consideration shall be given to:

The level of knowledge of substantive and procedural laws, the human rights law (including the European Court of Human Rights' case law). In order to evaluate a candidate for judge without judicial experience with this criteria, the High Council of Justice of Georgia may make a request for the results of a judicial qualification examination passed by the candidate for judge, and the evaluation by the Independent Board

of the High School of Justice. In case of evaluating a candidate for judge with judicial experience, in addition consideration shall be given to the correctness of application of legal norms, including the case law of the European Court of Human Rights with respect to decisions made by the judge on the cases reviewed.

Correct application of appropriate legal norms in the judgment delivered by him/her, reasonableness and certainty of the judgment, the ability of a judge to think analytically, the ability to express an opinion clearly and explicitly, to judge and analyze logically.

When examining a case/judgment, the character and graveness of a legal error made in the judgment revoked/partially revoked by a superior court shall also be evaluated.

Consideration shall be given to his/her ability to think analytically and professional experience.

In case of evaluating a candidate for judge with judicial experience

Account shall be taken of the substantiation and cogency of the decisions made by the judge with respect to cases reviewed, the judge's ability to think analytically, and professional experience.

Ability of legal substantiation and competence:

Consideration shall be given to: His/her ability to think analytically, and professional experience. In case of evaluating a candidate for judge with judicial experience, substantiation and cogency of the decisions made by him/her in conducted trials;

Academic achievements and professional training:

Consideration shall be given to: His/her openness to novelties, self-development skills, office work culture, interest in obtaining new knowledge and skills, participation in professional training programs, application of the knowledge and skills obtained in practical activities;

Professional activity:

Consideration shall be given to: his/her ability to take initiative, suggesting ideas and making proposals, his/her scientific and other publications, merits to the legal profession and community, and in case of evaluating of the candidate with judicial experience, also his/her participation in discussions, meetings and workshops of various formats dedicated to legal systems and justice, open and free expression of his/her attitudes and views.

In case of candidates without judicial experience, in addition:

Writing and verbal communication skills

Consideration shall be given to: His/her ability to convey an opinion in writing clearly and explicitly, to judge and analyze logically, to speak coherently, listen to other people's opinion with patience, openness, ability to listen to a dissenting opinion;

writing and verbal communication skills, consideration shall be given to etc.

Professional features:

Consideration shall be given to: punctuality, diligence, ability to think independently, ability to work in a stressful situation, purposefulness, managerial skills;

In case of candidates with judicial experience in addition:

Writing skills

Consideration shall be given to: Ability to express an opinion clearly and explicitly, to judge and analyze logically.

Verbal Communication skills:

consideration shall be given to: Ability to speak fluently, the ability to listen to other people's opinion with patience, his/her openness, and ability to tolerate different viewpoints, etc.

professional qualities, including conduct in a courtroom:

Consideration shall be given to: punctuality, preparation of a case with due care and responsibility, conduct in a courtroom and the ability to preside over a court sitting in an appropriate manner, conduct in the relationship with the parties, diligence and industriousness, the ability to make a decision without assistance, and to think independently, the ability to work under stress, purposefulness, efficiency and speed, adherence to procedural time frames, managerial skills.

Additional issues:

When evaluating a candidate for judge with judicial experience, it's five cases considered by him/her with summary/final judgments delivered on which have become legally effective (including at least two cases (if any) with summary/final judgments delivered on which have been revoked/partially revoked by a superior court) must be evaluated. Cases to be evaluated shall be picked by adhering to the principle of random selection.

The aim is to evaluate the level of knowledge of a candidate for judge in substantive and procedural laws, the human rights law (including the European Court of Human Rights' case law), correct application of appropriate legal norms in the judgment delivered by him/her, reasonableness and certainty of the judgment, the ability of a judge to think analytically, the ability to express an opinion clearly and explicitly, to judge and analyze logically. When examining a case/judgment, the character and graveness of a legal error made in the judgment revoked/partially revoked by a superior court shall also be evaluated.

ANNEX 3

**The information form, obtained about the candidate judge of the Supreme Court
(Working version)**

Name, Surname

Judicial experience Yes No

I. Public activities/positioning and conduct

1. Activities in social networks

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|---|
| <u>Name of the social network and profile link</u> Facebook Twitter odnoklassniki vkontakte Instagram |
| Views on equality /human rights issues; |
| Political activities/possible political support (e.g. actively supporting a political party); |
| Response to the court-related issues (institutional issues as well as specific decisions) |
| Expressed opinions on civil society and democratic values; |

2. Public speaking and interviews

| |
|--|
| <u>The place, date and link of public speaking/interview</u> |
| Views on equality /human rights issues; |
| Adherence to ethical principles |
| Expressed opinions about court-related issues (institutional issues as well as specific decisions) |
| Expressed attitudes towards civil society and democratic values. |
| Attitude towards journalists |
| Other |

3. Holding lectures/trainings and similar educational events and participating in them.

| |
|---|
| <u>The place, date, topic and link of the events held</u> |
| Views on equality /human rights issues; |

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|--|
| Adherence to ethical principles |
| Expressed attitudes towards civil society and democratic values. |
| Expressed opinions about court-related issues (institutional issues as well as specific decisions) |
| Other |

| |
|---|
| <u>General information about trainings</u> |
| Topic and content of held lectures/trainings |
| Number, topic and content of trainings/lectures, where the candidate has participated |
| Other |

4. Published article/book/review; other academic activity

| |
|--|
| <u>The place, date, topic and link of the events held</u> |
| The level of adherence to academic standards |
| The impact/result of the work: quotable or not, is it used or not, what is the value of the work, is it a part of syllabus or not, is the work distinguished /original |
| View on equality /human rights issues |
| Expressed opinions on civil society and democratic values; |
| Expressed opinions about court-related issues (institutional issues as well as specific decisions) |
| Other |

II. Identifying professional activities, qualities/conducts during professional activities, as well as misconduct

(When evaluating the candidate with judicial experience)

1. Decision made/ prepared/ issenting opinion/submitted recommendation

| |
|---|
| Proper use of Supreme/constitutional and international/regional court practice, as well as legal norms; |
| Existence of legally interesting or precedent setting decisions; |
| The quality of explanation |

| |
|---|
| Attitude towards vulnerable groups/ minorities |
| Decision consistency (logical inconsistency in his/her own decision)' |
| Banality of decisions |
| <ul style="list-style-type: none"> • Participation in well-known cases and expressed position; • Number of cases heard by the candidate (particularly complex cases) |
| Evaluation of the decisions made by high instance or by ECtHR regarding the decision made by the candidate with participation of the candidate (Including ratio of revoked and upheld judgements) ; well-known violations of ECHR |
| The number and content of submitted recommendations |
| General statistics of the decisions made by the candidate (correspondence between acquittals and convictions) |
| The standard of prison sentence, which he/she uses/ statistics of prison sentences |
| Statistics of the court decrees/rulings on cellphone surveillance |
| Other |

(When evaluating the candidate with judicial experience)

2. Conduct of the candidate and his/her demonstrated qualities during the process and other activities

| |
|---|
| <p>Adherence to judicial ethics; Correctness in communication with colleagues and other persons; conduct and image appropriate for a judge's high rank; restraint/agreeing to the obligation to tolerate, ability to manage own emotions Refrain from making discriminatory statements during his/her activities</p> |
| <p>Good verbal communication skills</p> <p>ability to listen to other people's opinion/ dissenting opinion with patience, openness, diligence, ability to work in a stressful situation, purposefulness, managerial skills;</p> <p><i>In case of candidates with judicial experience in additon:</i> Writing skills <u>Consideration shall be given to:</u> Ability to express an opinion clearly and explicitly, to judge and analyse logically.</p> |
| <p>Punctuality</p> <p>Preparation of a case with due care and responsibility</p> <p>Conduct in a courtroom and the ability to preside over a court sitting in an appropriate manner;</p> <p>Conduct in the relationship with the parties;</p> |

The ability to make a decision without assistance ability to think independently;
 The ability to work under stress;
 Purposefulness;
 Efficiency and speed;
 Adherence to procedural time frames;
 Managerial skills;

(When evaluating the candidate without judicial experience)

3. Decisions/actions made in the frame of professional activity (lawyers, prosecutors)

Pro Bono activity;

Cases conducted in Constitutional Court /ECHR or other courts;

Existence of clearly unsubstantiated position/decisions;

Knowledge of human rights law- application of international precedents.

(When evaluating the candidate without judicial experience)

4. Conduct of the candidate and his/her demonstrated qualities in professional activity

Correctness in communication with colleagues and other persons;
 Restraint/agreeing to the obligation to tolerate, ability to manage own emotions ;
 Refrain from making discriminatory statements during his/her activities

Ability to speak fluently
 the ability to listen to other people's opinion/dissenting opinion with patience and openness;

Punctuality;
 Industriousness;
 The ability think independently;
 The ability to work under stress;
 Purposefulness;
 Efficiency and speed;
 Managerial skills;

**5. Misconduct in professional activity (disciplinary proceeding/
 Cases of violation of the professional ethics)**

Misconduct and the date of the decision regarding it. The decision-making institution.

| |
|------------------------------|
| What was the violation |
| The gravity of the violation |
| Imposed sanction |
| Cases of repeated violation |

6. Awards/promotion/scholarships granted for professional activity

| |
|---|
| Award /Scholarship grantor Logicity of advancement(e.g. from one instance to another) |
| The reason for granting the award /scholarship(for what achievment) |
| The date/period of delivering the award/ scholarship |
| Logicity of advancement(e.g. from one instance to another) |

III. Identifying the financial obligation and source of income of the candidate judge

1. Identifying the financial obligations /property/source of income of the candidate judge

1. Property (Candidate and his/her family mebers)

| |
|---|
| Official incomes and other sources of income/received gifts; <ul style="list-style-type: none"> Correlation between the official income/assets with the property owned and/or used. |
| Property value, belonging to family members; reasonableness of other expences; |

2. Obligations (Candidate and his/her family mebers)

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| Correlation of the debt/obligations with official income/assets |
| Obligations regarding parties, involved in the process; |
| Conflicts of interest |
| Other |

IV. Identifying the conflicts of interest of the candidate or being in conflict with the law

1. Ongoing or completed investigation /Criminal prosecution against candidate or his/her family members;

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| Type and gravity of the offence (special emphasis on cases of domestic violence and violence against women) |
| The number of written orders |
| The result of the accusation |
| Criminal recidivism |
| Other |

2. Offences/fines/legal claims where the candidate is a party

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| Type and gravity of the offence (special emphasis on cases of domestic violence and violence against women) |
| The number of written orders |
| The result of the offence/ Legal sanction; |
| Criminal recidivism |
| Other |

4. Belonging to a political party or conflict of interests with the member of High Council of Justice and relations with politicians/influential people

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| Familial ties with a member of the council; |
| In case of party activism, the duration and period of the activity; |
| Other |