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Georgians teaching Georgians

Delegates from Republic of Georgia come to Emory to study U.S. jurisprudence in order to reform their criminal code
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The contrast was profound.

In one classroom, wide-eyed law students sat in a terraced lecture hall at Emory University, feverishly preparing for their final exams of the spring semester. The tension was palpable and a reminder of the pressure-filled moments before an exam that puts months of study to the test.

In an adjacent classroom, another group of young people—about the same age—donned headsets and listened intently as a translator uttered points on trial tactics and how to communicate with a jury. These were not law students completing a semester of rigorous study. They were a group of young lawyers from the Republic of Georgia, as focused as their American counterparts, but with a very different goal.

These twentysomethings from the former Soviet Union were here to continue the enormous task of transforming their country's judicial system. As the Republic of Georgia awaits ratification of their proposed criminal code, these young delegates learned about an American criminal trial so they can return home to teach a country of lawyers how to litigate a case before a jury.

It wasn't until I had spent several days with these remarkable young lawyers that I appreciated what they are trying to accomplish. The delegates visited Atlanta—the sister city of their capital, Tbilisi—to continue the daunting task of judicial reform in a country where the shadow of Soviet justice looms large. Today, defendants are presented to the court behind bars or glass barriers where they are tried by appointed judges without juries. The delegates hope to change this by implementing a democratic judiciary similar to what is in place in the United States.

Their responsibilities at home would intimidate many American law students: Koba Bochorishvili, 28, is executive director for the Center for Protection of Constitutional Rights; Irakli Kotetishvili, 24, manages the Central Administration of the Office of the Prosecutor General of Georgia and has been instrumental in drafting the new criminal legislation; and Meliton Benidze, 32, heads Tbilisi Legal Aid—an office of 26 employees that represent criminal defendants in judicial proceedings.

His office manages indigent defense in the capital city of more than 1.5 million residents.

Their week in Atlanta in April gave the delegates their first opportunity to observe a jury trial.

Sitting in the courtroom, they watched as an elderly man charged with aggravated assault sat quietly in his dark suit and before a room full of Fulton County residents.

"Who is the defendant?" asked Nino Janisashvili, assistant director of the Young Lawyers Association in the Republic of Georgia. Janisashvili was unable to identify who was on trial as she looked at the defense table where the accused sat, flanked by three attorneys from the public defender's office.

The delegates watched closely during jury selection as the public defender peppered potential jurors with questions.

"Have any of you been a victim of violent crime?"

"Would you be able to be impartial in a case involving an alleged attack by a man on a woman?"

"Have you ever been convicted of a felony?"

Janisashvili wondered how Georgian citizens would react to similar inquiries from attorneys selecting a jury in Tbilisi.

"People in Georgia are not used to talking about these issues in front of others," she said.

"How do you know they aren't lying?" Janisashvili asked.

These lawyers recognize that a large part of the necessary reform will require changing the public's view of the judiciary and informing Georgian citizens about their role in the legal system.

Kotetishvili, one of the drafters of the new criminal code, believes that it is critical to educate people in the Republic of Georgia about democratic judicial practice as a first step in successful reform.

"We need to raise public confidence in the judiciary, and it is important for the public to participate in the execution of justice," he said.

Bochorishvili also recognizes what is required to begin this judicial transformation. "In order to effectuate reform," Bochorishvili said, "we must familiarize society with the system and change public perception of the judiciary."

Bochorishvili seems up to the task. As I watched him emphatically question a witness in the Emory courtroom, he exuded a confidence that surprised even the experienced litigators in the room. He was undeterred by barriers in language or the foreign environment as he delivered an intimidating cross-examination. This self-assurance will stand him in good stead as Bochorishvili returns to change his country's criminal justice system.

Long days of trial observation and intense tutorials on selecting a jury didn't keep the delegates from enjoying some of Atlanta's finer non-judicial offerings. They celebrated a win over the Boston Celtics at the home of fellow Georgian, Atlanta Hawks center Zaza Pachulia, and spent an evening at Maddy's, where they got their first taste of barbecue and blues. They also toured the CNN Center and the Georgia Aquarium before enjoying views of the city from the top of the Westin.

Wandering around the Atlanta sites and watching as they excitedly posed for photos in Centennial Olympic Park, I had to remind myself of why they were here and the enormity of the task that lays ahead for these lawyers. While learning about jury trials took center stage that week, it represented part of a blossoming relationship between the Peach State and the Republic of Georgia. This marks the second year in a row a delegation of attorneys has come to learn about American jurisprudence.

They stayed in homes of attorneys from my firm, Hall, Booth, Smith & Slover, who continue to develop relationships with those in Atlanta's sister city.

As the Georgian delegates returned to Tbilisi, they left a lasting impression on those with whom they stayed. "They are all bright and impressive and dedicated to taking to their country the rule of law and the systems we take for granted," said Alex Booth, one of the hosting attorneys.

"These lawyers are the founding fathers of the jury trial system in the Republic of Georgia," said John Hall, another attorney who hosted the delegates and visited Tbilisi earlier this year.

As these pillars of judicial reform flew back to Tbilisi to overhaul their country's legal system, many of their American counterparts sized caps and gowns and began preparing for the bar exam. It was clear to everyone who worked with the young Georgian lawyers that they are poised and confident beyond their years. They embrace the awesome responsibility of reforming their country's judiciary with a sense of maturity one might expect at the end of a distinguished legal career, not at the outset.

Their visit was also a valuable reminder of a system frequently taken for granted. As jurors, we often look for excuses not to serve. As law students, we get bogged down in the minutia and fail to see the greater importance of our lessons. As lawyers, we easily find fault with our legal process. Watching the unyielding enthusiasm and determination of the young lawyers from the Republic of Georgia as they build a democratic judicial system from the ground up, they unknowingly reminded us to appreciate a judicial foundation that we often overlook.
