



THE JUDICIAL SYSTEM LIES AT THE HEART OF A COUNTRY'S SOCIAL AND ECONOMIC FRAMEWORK. BUSINESS PARTNERS PRESENTS 10 (+1) THOUGHT LEADERS—WHO PRESENT PROPOSALS FOR A MORE EFFECTIVE LEGAL SYSTEM IN GREECE.

—Raymond Matera



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GREECE'S JUDICIAL SYSTEM

An(other) Area in Need of Reform

The Greek judicial system is today, more than ever before, in serious need of reform. The number of backlog of cases is immense and the average time to resolve a civil or administrative dispute exceeds 5 and 8 years, respectively. Suffice to say that before the Greek civil and administrative courts, the number of pending

cases is about 900.000 whilst the total number of judges is no more than 2.700.

If Greece does not react promptly to adopt effective dispute resolution mechanisms to diminish the time it takes to resolve disputes, it will not only fail to attract foreign investments but it will surely drive away the very few remaining investors who are the driving force behind each economy. There

can be no doubt that the Greek government, along with the Bar Associations of the country, must believe in this reform and adopt a judicial system that will be more competitive, yet still of high quality, that will benefit us all.

At the same time, given the current state of Greek financials, such reforms need to take into account that the human resources are

THOUGHT LEADERS IN LEGAL REFORM

limited and therefore all attempts to accelerate proceedings must be made through a better use of the existing resources.

Some proposals that would have little or no financial impact on the State budget are the following:

- The promotion of Alternative Dispute Resolution (ADR) Mechanisms such as arbitration, mediation and pretrial conciliation.
- The adoption of a pre-trial stage to ensure that all procedural questions (e.g. competency, applicable law, legal standing etc.), are examined and resolved prior to the introduction of the case to trial.
- The exclusion of Magistrate Judges from the proceedings on obtaining affidavits, a task which can be borne exclusively by notaries.
- The allocation of all sorts of debt collection disputes (irrespective of the amount in dispute) to the exclusive competence of the Magistrate Judges.
- The increase of the competency of the single member courts to cases involving disputes up to €500.000, without taking into consideration any potential claim for moral damages (which is traditionally used by litigants as a tool to basically choose their forum).
- The amendment of provisions on trial adjournments, to ensure that in the event of a contentious adjournment of a trial, the next hearing date will be set within no more than 3 months after the initial hearing date and necessarily before the same juridical composition or reporting judge,

who has already studied the file in light of the first hearing.

These proposals, would allow for a better allocation of the judges composing the three-member tribunals, who are now involved even in simple debt collection matters. Ideally of course, the organization of the courts will be improved through the increase of the number of judges and their greater specialization in specific areas.

But there is no doubt; no matter how this is achieved, the reform of the Greek judicial system will benefit the society and the economy by strengthening the sense of legal certainty and by securing proper and timely award of justice. Both are factors that affect and attract investors.

Combating Lack of Transparency and Corruption



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**TRANSPARENCY
IMPROVES THE
CREDIBILITY
OF A STATE
AND IN TURN IT
HELPS IMPROVE
FINANCES
AND REDUCE
UNEMPLOYMENT**

Combating lack of transparency and corruption.

According to Transparency International's Corruption Index of 2011, Greece was rated as the most corrupt country in Europe and ranked 78th out of 178 countries globally, whilst in 2014 it ranked 69th out of 175 countries examined. There can be no doubt that in the recent years, Greece made steps in the right direction through the "Open Government" project, which not only enhanced transparency but allowed citizens to access online governmental data, decisions and information. The effort, which gained immediate public acceptance, must be preserved and enhanced even further.

At the same time and as anti-corruption legislation is enacted in more and more developed countries, Greece has a lot to do to meet international standards. Governments need to be open about and allow citizens to have access to financial and accounting data regularly and in time.

The policy and legislative making process must be open and allow for the public to participate in the shaping of laws. Data pertinent to the number of public employees serving in governmental authorities must be disclosed, codes of ethics and conduct must be adopted and applied strictly not only in the private but also in the public sector and penalties for breach of such codes (or of ordinary legislation), must be harsh, immediate and exemplary.

Transparency policies will help promote efficiency and fair competition whilst at the same time they will combat corruption, bribery, tax evasion and money laundering. In a nutshell, transparency improves the credibility of a State and in turn it helps improve finances and reduce unemployment. Greece must turn the fight against corruption into a national priority. Wide-range and painful structural reforms in favor of transparency will surely help Greece's battered economy get back on its feet.

KYRIAKIDES GEORGOPOULOS LAW FIRM

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Our approach to both the relationship with our clients as well as to our internal processes provides a measurable benefit to our clients: we strive to ensure that they remain engaged and up-to-date throughout

the duration of our relationship and that they receive from us legal services of the outmost quality. All lawyers specialize in specific practice areas, understand our clients' objectives and business needs and aim to deliver legal solutions even in the most complex transactions or situations.

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