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RUSSIAN-AMERICAN JUDICIAL PARTNERSHIP II

Final Report

AUGUST 31, 2005

This publication was produced for review by the United States Agency for International Development.
It was prepared by Chemonics International Inc.

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USAID Contract No. 118-C-00-01-00076-00

Submitted by: Chemonics International Inc.

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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EXECUTIVE SUMMARY

USAID has supported the growth of the Russian judiciary toward greater independence, transparency, efficiency, and quality since the early 1990s. These years have been, and continue to be, a time of rapid development for the Russia judicial sector. USAID activities including the Russian-American Judicial Partnership (RAJP II) have complemented and supported that growth, with initiatives designed to enhance judicial administration, judicial education, and judicial independence and transparency. RAJP II has additionally supported and enhanced relationships and partnerships that are sustainable and will long outlast USAID presence in the sector.

The RAJP II project reflects a productive phase of U.S. aid to the Russian judiciary. Armed with relatively few resources and an adept design, RAJP II worked with a country of more than 30,000 judges presiding over approximately 3,000 courts to make significant change. The project followed RAJP I, which laid the foundation for cooperation with the newly established judicial institutions of Russia. In June 2001, USAID contracted Chemonics International to continue the work of RAJP I and provide further assistance to Russia in building an independent, transparent, and efficient judiciary.

RAJP II leveraged both United States and Russian expertise to strengthen the capacity of the Russian judicial system and ensure that the courts operate transparently and efficiently. The primary objectives of RAJP II were to improve training capacity, improve court

administration, heighten awareness of ethical standards for judges, and foster relationships between U.S. and Russian counterpart organizations and individuals, including judges, courts, training institutions, and court administration associations.

RAJP II milestones, achieved through collaboration with counterparts, included:

- Publishing and disseminating judicial disciplinary decisions, including distribution to the judiciary and the media
- Developing a new code of judicial ethics for Russian judges
- Enhancing training for the Russian Academy of Justice (AOJ)
- Execution of an agreement of cooperation between the National Judicial College (NJC) and the AOJ
- Conducting training sessions for more than 1,500 judges, court administrators and other court staff
- Developing and printing books and training materials on jury trials, judicial ethics, court administration, and the judicial budget process
- Implementing new court administration and case management techniques at pilot courts, including case management systems, random case assignment procedures, improved archiving, increased efficiency, and the creation of the law clerk position
- Effective transitioning of the project team to an all-Russian team, with no resident expatriate presence.

The RAJP II team, comprised of a seven-member staff and about 40 short-term consultants including sitting and retired judges, court administrators, judicial education specialists, and others, many who worked pro bono, developed a close and productive working relationship with all of its Russian partners. Through constant communication and cooperation with the Russian judicial entities, the RAJP II team gained an understanding of the domestic Russian situation as well as Russian law and its judicial system. The RAJP II team also demonstrated flexibility by responding quickly to changes in the assistance requirements of its partners. This flexibility and knowledge of the Russian legal system allowed the RAJP II team to better target assistance and capitalize on the current political will to reform the judiciary and develop a more credible, fair, and independent judicial branch in Russia.

RAJP II continued and expanded the activities of RAJP I, working on many fronts to enhance judicial capacity and transparency and foster relationships with international colleagues and institutions. These judicial reforms and others undertaken by Russians and other

donors have contributed to an essential shift in the function of judicial power. Russian courts are changing from purely punitive mechanisms characteristic of Soviet times into tools for legal recourse and protection of individual rights and freedoms.

Many challenges remain to judicial reform. Among them are a heavy judicial workload and high number of vacancies for judicial positions. There are also too few resources. A lack of Academy of Justice (AOJ) resources prevents more accessible training. Another challenge is insufficient financing of the overall judicial system. Justice Vjacheslav Lebedev, chair of the Supreme Court, noted that the executive branch chronically tries to suspend Article 33 of the "Law On the Judicial System of the Russian Federation" according to the which "the volume of funds allocated to courts in the current financial year or the funds subject to allocation in the next financial year, can be decreased only with the consent of the All-Russia Congress of Judges."

COURTS RESOLVE WIDE RANGE OF ISSUES

Citizens are using the courts for the resolution of an ever broader range of disputes and subject matters. Courts are being used to resolve claims of environmental damage; liability for infection with HIV; large-scale property disputes; disputes about the application of salary withholding for pensions; and numerous other matters most of which would never have been presented to Soviet courts.

PROJECT OBJECTIVES

The original goal and objectives of RAJP II activities correspond with USAID's strategic objective 2.2 "increased confidence in a strengthened rule of law," which includes intermediate result IR 3 "judicial system more transparent, independent and efficient."

The project scope included four key objectives:

- Improved judicial education (to be achieved through cooperation with the Academy of Justice (AOJ), by presenting and disseminating advanced techniques for judges via progressive methods of distance education)
- Improved judicial administration (to be achieved through the creation of pilot courts that serve as a basis for the dissemination of effective case management techniques in other courts in Russia, the active involvement of the Judicial Department in this process and the improvement of case management instructions for courts)
- Improved judicial ethics (to be achieved via cooperation between the Supreme Judicial Qualifying Collegium (SJQC) and the Council of Judges)
- New and expanded judicial procedures (related to jury trials, justices of the peace, and administrative courts)

In the broad sense these objectives are aimed at achieving the larger USAID/Russia goal to work in partnership with Russians to support democracy based on the rule of law.

REPORT ORGANIZATION

This final report discusses the achievements of RAJP II with each of its Russian partners: the Judicial Department (JD), the Academy of Justice (AOJ), the Supreme Court of the Russian Federation (SC), Supreme Judicial Qualifying Collegia (SJQC), and the Council of Judges (COJ).

Throughout, we will highlight activities that promote judicial partnerships, coordinate with other projects and donors, and otherwise leverage resources.

CHAPTER ONE

JUDICIAL DEPARTMENT

The JD was authorized by law in 1998, creating oversight for the judiciary independent of the executive branch. The JD includes divisions in each of the 89 subjects (or political subdivisions) of the Russian Federation (RF) and has a mandate to promote the courts' greater self-sufficiency and judges' independence. The JD is not allowed to intervene in the administration of justice.

Working with the JD, RAJP II conducted a variety of activities focused on strengthening court administration, including court budgeting and financial management, and developing, refining, and managing positions such as court administrators, law clerks, and public information officers. This report will highlight two important court administration efforts of RAJP II, namely the pilot courts program and the development of district court case management instructions.

Pilot Courts Project. The pilot court program was intended to test improved case and court management practices with the intent to replicate the practices in other courts. The JD and RAJP II made this happen. RAJP II pilot courts are the Pushkinski district court near St. Petersburg and the Priokski district court in Niznhi Novgorod. Each is a general jurisdiction court with about a dozen judges and court chairpersons very motivated to improve their systems. Collaborating to develop priorities and approaches, the two courts worked with U.S. advisors, developed plans, and introduced reforms incrementally.

The specific areas of focus were:

- Stationing judicial assistants at an entrance counter to interact with the public, answer questions, and act as a buffer between the public and the judges

" Very often, a visitor had to spend three hours in a line, only to learn that he was missing a document, and he had to come back," explains Court Chair Lubov Olulina. "Now, the citizens come any day of the week at any time suitable for them, get consultation from the judicial assistant right away, and can come back with the missing document any time. It means that the speedy trial is becoming reality. "

- Extending working hours for the clerks' office
- Introducing a new case assignment system
- Introducing a bulletin board for posting of public information
- Introducing new case folders
- Implementing a case numbering system
- Implementing computerized case management
- Eliminating ledger books
- Improving archiving processes
- Automating case management systems

The judges now use computers for writing judicial decisions and for conducting research. All court personnel, including judicial assistants, courtroom secretaries, and clerks now work on computers. As a result, case management has improved considerably, and document management is much more reliable and efficient.

Although it may seem basic, the success of the court administration depends on effective use of space. In the Pushkinski court, RAJP II advised on the organization of the space, and the best uses of the facilities. The project also provided assistance in developing designs for a new courthouse and made recommendations for efficient use of and security for the courthouse. RAJP II also assisted in organizing training on court design in the United States for the architect from the JD division in St. Petersburg.

Collaborating for greater impact, RAJP II linked its pilot court personnel and U.S. experts with pilot courts that have been the focus of another donor project, the Canada-Russia Judicial Partnership Program. To leverage experience and lessons learned and make plans for replication, RAJP II and the JD brought together 24 participants from five pilot courts (Pushkinski and Priokiski courts and three pilot courts of the Canada-Russia Judicial Partnership Program) in 2004 to discuss case management techniques. This collaboration continued with another workshop in 2005.

" No one writes court decisions with a pen anymore," said Yuri Danshin, a criminal case judge. "Everything is done in electronic form. "

RAJP II introduced Russian colleagues to the progressive technologies for case management and court administration used in the United States, a recognized leader in judicial administration. RAJP II co-sponsored three study tours to the United States with the Open World Leadership program so that pilot court staff members could enhance their understanding of the new case management processes, by seeing them in operation.

RAJP II pilot court activity results include:

- Random case assignment, which assures that case assignments are completely unbiased, removes the opportunity for partiality in the assignment of a judge to a case, and ensures the caseload remains equitably shared among the judges
- A judicial assistant position for each judge in the court budgets
- A public service counter has been installed at the entrance to the court staffed by judicial assistants, so that customer service is much improved and judges are sheltered from inappropriate public contact
- Extended office hours for clerks (at the Pushkinski district court the hours have been increased from 6 to 40 per week)
- Cross training of employees to avoid delays due to staff absences

The impacts:

Higher quality service.

Increased efficiency of the clerks' and archives offices. Both citizens and lawyers say the clerks' and the archiving offices work very efficiently. According to court personnel, automation and systematizing operations are the cause.

An attitude that welcomes change. While there was skepticism of the idea of pilot courts when the concept was first introduced, it has long since been laid to rest as the successes of the pilot courts have become known. These courts and their personnel have become leaders in judicial reform. For example, Lubov Michurina, deputy head of the Chief Office for Organizational/Legal Support of Court Activities of the Judicial Department at the Supreme Court, is the leader of a case management working group that grew from the pilot court experience. She has become a vocal supporter of the changes made in court and case management at the pilot courts.

Established institutional and sister-court relations. Relationships have developed between the JD and the Administrative Office of the U.S. Courts; and between the two Russian pilot courts (Pushkinski District Court and the Priokski District Court) and the Bankruptcy Court in Albuquerque, New Mexico, the Bankruptcy Court in Sacramento, and the U.S. District Court in Kansas City. These relationships will yield tangible benefits and goodwill indefinitely.

Pushkinski District Court Chair Lubov Olunina has already made a presentation on her pilot court experience for judges who come for regular training to the Academy of Justice from other regions. Continued cooperation with the AOJ will support replication.

VISITORS ARE PLEASED WITH JUDICIAL ASSISTANTS

"I'm a poor person and can't afford a lawyer," wrote Maria Anatolievna Lebasova, a 49-year-old kindergarten teacher filing a pension claim. "It's only thanks to the information provided in the court that I was able to apply for the protection of my violated rights."

Olga Ivanovna Belikova, a 62-year-old pensioner, wrote, "Your employees listened to me carefully, helped me, and then they called and informed me of the time and date of the court hearing."

CITIZENS PRAISE JUDICIAL SYSTEM

Thirteen out of 15 citizens interviewed by the project in the Pushkinski court said that the service provided by the judicial assistants is very efficient; 12 citizens spoke positively of the clerks' office. For instance, they complimented the organization of the clerks' offices, their hours of operation and the quickness with which hearings are scheduled. Several lawyers interviewed were unanimous in their high evaluations of the pilot courts' organization and efficiency.

Improvement of the instructions for clerical work management in district courts. In addition to the successes of the pilot courts, another very significant accomplishment in improving court administration has been the drafting of new case management instructions for the district courts. The instructions will direct the daily operations of 54,000 judicial staff working in 2,500 district courts throughout Russia in case processing, record keeping, and public records. They also form the basis upon which statistical reports are produced for the Judicial Department.

Recognition that case management instructions needed to be changed grew out of the work of RAJP II in the pilot courts. Not only were the former instructions out of compliance with current law, they did not reflect best practices in judicial administration as had been implemented in the pilot courts. When Ms. Michurina, the author of the instructions then in effect, expressed her willingness to support and participate in a working group for the purpose of redrafting them, the work was set in motion.

The working group was assembled, the members having been selected by the JD in Moscow, with the input from Ms. Michurina and RAJP II. Among the members are leaders and active enthusiasts in the court administration from different JD divisions. The most active participants were from Irkutsk, Tambov, Tula, Tver, Blagoveshchensk, Niznhi Novgorod, Kaluga, St. Petersburg, Khabarovsk, and Moscow. The participants also included chairpersons of the district courts and court administrators.

A series of very productive working group meetings with local court and JD representatives followed in Kaluga, St. Petersburg, Novgorod Veliki, Sochi, and Blagoveschensk. In addition to discussing and debating proposed draft instructions, the work group considered and discussed information collected from the courts via a JD court survey. New drafts of the instructions, based initially on revisions of the instructions that had been in effect until then were also reviewed, discussed, and debated. The version of the instructions finally approved by the working group streamlines the instructions and adopts several reforms critical to continued administrative improvements in the courts. The instructions have passed several stages of JD approval, and are expected to be approved the last quarter of 2005.

The instructions:

- Clarify the role of the court administrator
- Introduce the concepts of key processing dates (receipt, filing, entry of documents, and pleadings) and associated times needed to complete
- Define the processing of appeals to better preserve the record

- Encourage audio recording of all court proceedings
- Create a unified docket and indexing system, compatible with automation
- Create a simplified system for certifying documents
- Adopt a system of standard case files with end-tabs, color-coding, and metal clips (to replace traditional method of sewing documents into folders)
- Encourage adoption of a presumption that court records are open to the public (absent a valid exemption or court order)

Once the final version of the instructions is approved by the JD and the Council of Judges, it will be rolled out in all 2,500 district courts across Russia.

Court budget formation. In November 2002, RAJP II conducted a roundtable for 24 high-ranking members of JD on the roles and responsibilities of a court administrator, office staffing formulas, budget and financial internal control procedures, and budget and financial management plans, and then facilitated a trip to the United States through the Open World Leadership program so the participants could see these procedures in practice.

STRENGTHENING PARTNERSHIPS BETWEEN COUNTRIES

International Court Administration Conference. In September 2004, at the request of the Federal Court Clerks' Association, RAJP II facilitated a visit to Slovenia for Chief Judge of the Arbitrazh Court of Sverdlovsk Oblast Irina Reshetnikova to participate in the international court administration conference. During the conference, judges and court administrators learned about the comparison of court administration models, comparative use techniques of automation services, budget and financial management comparative techniques, ethics for court administrators, and modern case management techniques.

The purpose of this conference was to highlight court administration and lay a foundation for a worldwide association of non-judicial court and justice ministry officials dedicated to the collective study and improvement of court administration processes and procedures.

Visit to the United States by a delegation of high-ranking Russian judges. In March 2005, a delegation of Russian judges visited Washington, D.C. The delegation included Viatcheslav Lebedev, the chairman of the Supreme Court; Yuri Sidorenko, the chairman of the Council of Judges; and Victor Tkachev, the chief judge of Rostovsky Oblast Court. These leaders visited the U.S. Supreme

Court and were able to share experiences with the justices, and lay a foundation for ongoing contact and networking. The visit was organized by RAJP II in collaboration with the Russian Supreme Court, the Council of Judges and the Open World Leadership program. The purpose of the meetings was to establish relationships between the highest levels of the two judiciaries.

Study tour to the United States by judges of the courts of general jurisdiction and representatives of the Judicial Department. In May 2005 a delegation of Russian judges of the courts of general jurisdiction and the commercial courts as well as Judicial Department representatives visited Washington, D.C.; Sacramento, California; and Denver, Colorado. In Denver, a U.S. bankruptcy judge provided the commercial court judges with an in-depth view of the U.S. court system, including federal, appellate, and state courts. Similarities between the U.S. bankruptcy courts and the commercial courts in Russia were established and discussed. In Sacramento, the Russians saw how advanced case management procedures work in a U.S. court in practice. They spoke directly with court employees in the public counter, case management, court support, and information technology sections.

Lessons learned and recommendations. Lessons learned that will inform planning for the upcoming work in Judicial Reform and Partnerships project, the successor to RAJP II, include:

1. Sharing information, court-to-court, is key to replication. Exchange of experience will enable courts to implement the new case management more quickly. Moreover, when the lessons learned are shared by a colleague, in lieu of by an outsider, it can be much more persuasive.

2. Our experience has shown the importance of champions, such as court chairpersons who provide leadership and foresight.

3. It was very beneficial that the same U.S. experts provided assistance throughout the process as they had enough time to understand the situation in the courts and provide valuable advice and recommendation.

4. For the near future we recommend that pilot courts introduce three more innovations in the case file management system:

    1. The use of new color-coded case folders for various case categories

    2. The new case numbering system

    3. The introduction of the case docket into the case management system

The use of color-coded folders with metal fasteners will minimize filing errors, and simplify file identification. It would also eliminate the need for the traditional practice of sewing papers into files. The use of dockets will enable courts to give up a large number of ledger books, and make the process of searching information on the case very easy, fast, convenient, and reliable.

CHAPTER TWO

ACADEMY OF JUSTICE

" Participation in the train-the-trainers seminars brought us a new view of educational methods and a change in the trainers' mentality. This is because the method of presenting material with active involvement of the trainees in the learning process differs greatly from our traditional Russian teaching methods, which are based mostly on lectures, repetition and theoretical interpretation of concepts. "
– IRINA MOSTOVAYA, a trainer and deputy director of the Privolzhskiy Branch of the Academy of Justice.

RAJP II recognized that judicial training was the most important element in improving the judicial system and supporting judicial independence. The project provided assistance to the Academy of Justice (AOJ) in Moscow through professional knowledge exchange and an introduction of advanced teaching methods and technologies. Working with two leading U.S. judicial education institutions, the National Judicial College and the Federal Judicial Center, RAJP II focused on faculty development and distance education technologies. In addition, RAJP II facilitated an agreement of cooperation that has been executed by the AOJ and the National Judicial College for ongoing collaboration.

Faculty development. Sheer numbers and distances mandate an emphasis on training of trainers and capacity building for the ten regional centers of the AOJ. At the request of the academy, RAJP II developed teacher-training workshops to be held in every regional branch of the academy. The training methods, materials, and approaches use a participatory, interactive style that stresses critical thinking, practical application of concepts, and creative implementation. Methods such as role-playing, case studies, roundtable discussions, brainstorming, and interactive working groups were practiced.

Teacher training workshops in Tomsk, Krasnodar, and Irkutsk introduced this method to 75 AOJ trainers from ten regional branches of the AOJ. Evaluations were favorable, and importantly, participants said the training was useful in their teaching of judges, judicial candidates, and law students.

Distance education technologies. Distance learning technologies are the only efficient and cost-effective method to reach the vast territory of Russia. Distance education is already widely used by such leading U.S. judicial training institutions as the Federal Judicial Center and

the National Judicial College. RAJP II has sponsored and conducted many activities including workshops, study tours and roundtables, addressing distance leaning.

In 2004, working with experts from the National Judicial College, RAJP II sponsored a workshop on distance learning, which included AOJ technical staff and trainers from ten AOJ regional branches. The workshop provided a forum to discuss the uses of distance learning and the various means of delivering it, including developing online presentations to inform the AOJ as it begins to plan for more training delivery at a distance.

Distance learning workshop subjects, designed to help develop a comfort level with the concepts and practices, included:

- Overview of distance learning modalities, how to use distance learning to educate judges, and the positive and negative aspects of distance learning
- How to keep learners involved and interested when they are at a distance
- Role of software
- How to effectively design a live web conference
- Analysis of file types used in the online environment
- Understanding international copyright law as it applies to teaching materials on the web

The Federal Judicial Center (FJC), the judicial training arm of the Administrative Office of the U.S. Courts is a powerful partner for the implementation of distance learning by the AOJ. One important element of distance education is the use of educational videos. RAJP II organized a study tour for a team of AOJ educators to the FJC, located in Washington D.C. The main purpose was to study FJC experience in developing and using educational videos for judges across the country. During the trip, AOJ participants helped design, write and film videos, and worked on developing a video on civil procedure to be integrated into the AOJ curriculum.

AOJ VICE RECTOR VLADIMIR PEISIKOV called the workshop "a breakthrough in developing educational programs for the distance learning system which we are going to introduce at the Academy of Justice and its branches in 2005."

Upon her return to Moscow, AOJ Senior Lecturer Irina Cherkashina said she planned to use the knowledge gained at the FJC to design three or four short training videos to teach her students about civil proceedings.

FJC personnel followed up on the Washington D.C. study tour with a workshop in Moscow for AOJ educators and lecturers from across Russia as well as Moscow-based IT personnel. The workshop addressed the FJC's own experience transitioning to distance learn-

ing; ways the AOJ could use distance learning; and the use of video, television and computer-based programming in judicial training. Participants used videos and live TV programs, as well as Internet and intranet systems. With guidance from the FJC team, participants developed a 15-minute educational video based on a civil hearing. In the video, AOJ lecturers performed the main roles. The educational video on court proceedings has been distributed to the AOJ faculty in all regional branches and is now in use.

AOJ participants at the workshop agreed unanimously that educational videos should be widely applied in AOJ distance learning efforts.

Online teaching. At the request of the AOJ, RAJP II experts developed an online teaching film based on the materials from the FJC workshop to use as a guideline for development of similar programs in the AOJ branches. The film, together with the manual explaining the applied techniques and "Teaching On-Line," a book by William Draves translated into Russian, was included in the "On-line Teaching" package. At the AOJ request, 700 copies of this training package were distributed to all ten regional branches.

OTHER ACTIVITIES AIMED AT ESTABLISHING PARTNERSHIPS BETWEEN RUSSIAN AND U.S. JUDICIARIES

Comparative Law Workshop. In 2002, RAJP II, the NJC, and the AOJ jointly hosted a weeklong comparative law workshop at the AOJ for 18 U.S. state court participants and 28 Russian participants. It was the first forum for discussion of Russian and U.S. laws and legal traditions. Supreme Court Chief Justice Lebedev discussed with U.S. colleagues relations between courts and mass media, financial support of the judiciary, and judicial independence. The comparative law workshop was a unique opportunity for U.S. and Russian judges to socialize as well as study the jury system and pretrial criminal court procedures in both countries.

40th anniversary of the NJC. It was a remarkable sign of respect for the institutional relationship when, in October 2003, the AOJ Vice Rector Vladimir Peisikov, COP Betty Barteau, and DCOP Alexander Shibanov, were invited to participate in the NJC's 40th anniversary celebration in Reno, Nevada. On the same trip, the vice rector explored establishing relations between the Academy of Justice and Indiana University School of Law, with a view to creating new exchange opportunities in the future.

CHAPTER THREE

SUPREME COURT OF THE RUSSIAN FEDERATION

" Introduction of jury trials is a step towards democracy because it allows ordinary citizens to participate in a trial together with professionals. I think that in the near future jury trials will be as strong as any other institutions of the law. "
– JUDGE NATALIA VALENTINOVNA POZHAR, Orenburgski oblast court

" I have great hopes for jury trials. It is jury trials that make it almost impossible for judges to make an illegal decision. "
– ANATOLIY KUCHERENA, head, Kucherena and Partners Attorneys' Bureau

Jury trials were first introduced in Russia in 1864. They ended in 1917 but were reinstituted in 1993. In 2003, the right to a jury trial was expanded, and is now in effect in all but one of the 89 regions of the RF. RAJP II supported implementation of jury trials by strengthening judicial capacity since the project began. According to the Criminal Procedure Law, trials with participation of jurors shall be held in the Supreme Courts of republics, regional courts, city courts of federal importance and other courts of similar level. At present, jury trials are functioning in 88 regions of Russia. In the Republic of Chechnya they are to be introduced on January 1, 2007.

As jury trials are at an early stage of implementation, many judges have never presided over them, and therefore need additional training, knowledge and skills. Citizens also need education on the juror's role and responsibilities.

In 2001, RAJP II began supporting the Supreme Court in the implementation of jury trials. The project supported training for judges and jurors, including workshops, mock trials, role-playing, materials from the United States, and a pamphlet for jurors.

In 2003, in cooperation with the Supreme Court, RAJP II conducted a series of two-day regional workshops on jury trials, in Omsk, in Otradnoye, and in Volgograd. Nearly 100 judges from 88 regions participated in the workshops to discuss jury trial procedures now being implemented in Russia. RAJP II sponsored participants from U.S. and Russian courts and funded the workshops. All three workshops were led by Alexei Shurygin, chair of the Cassation Chamber of the Supreme Court, who discussed common difficulties in conducting jury trials.

" Trials by jury are an important part of the Russian legal system, and an integral part of the laws to protect the fundamental rights of all citizens. Although jury service may be an interruption of your normal routine, you are an essential person in the system of justice. Jury duty is rewarding service which you are summoned to provide by the court for your region. "
(EXTRACT FROM THE JUROR PAMPHLET)

During the workshops the participants discussed issues related to jury trials and shared their trial experience with their U.S. and Russian colleagues, both state and federal judges. Participants also had an opportunity to practice the skills of a presiding judge in a mock trial and then discuss the problems that had arisen. They also received workshop materials from the United States containing such documents as sample jury instructions. The workshops were particularly beneficial for the judges who hadn't had any experience in holding jury trials and were preparing to conduct them for the first time.

Publication of the juror's pamphlet. In 2002, RAJP II published a juror's pamphlet, partially funded by the U.S. State Department. The pamphlet addresses the importance of jury service, and the role of jury trials. It also provides information about selection of jurors, trials, evidence, objections to evidence, closing arguments, jury instructions, deliberations, verdict, and conduct of jurors. Since 2002, 44,000 pamphlets have been distributed. The pamphlet is now used wherever cases are tried by jury and is distributed by courts to all jurors and potential jurors.

Publication of the bench book for judges conducting jury trials. Under the direction of the Supreme Court, RAJP II designed and published 1,000 copies of a comprehensive, skills-based bench book on conducting jury trials written by Judge Valery Zolotykh. The bench book contains best practices of Russian courts for jury trials, standardized forms, and a step-by-step script for conducting jury trials under the new Criminal Procedure Code. The loose-leaf format of the bench book makes it easy to update. RAJP II distributed the books at the jury trial workshops.

CHAPTER FOUR

SUPREME JUDICIAL QUALIFYING COLLEGIUM

The Supreme Judicial Qualifying Collegium of the Russian Federation (SJQC) and Judicial Qualifying Collegia (JQC) in the 89 regions of the Russian Federation. The SJQC selects and promotes judges, and has the authority to discipline them, including removing them from the bench for ethical violations when warranted. The JQCs operate in the regional subdivisions. The members of the SJQC are elected by the all-Russian Congress of Judges. The Congress in 2004 elected 28 new members of the SJQC. By law there must be non-judge members of the SJQC.

To establish uniform standards of judicial conduct and increase awareness of judicial ethics, RAJP II worked closely since the beginning of the project with the SJQC to encourage ethics training for new and experienced judges, introduce greater specificity into ethical norms, and train new members in judicial selection and discipline, including the newly appointed non-judge members of the SJQC. In addition, one of the top priorities for the SJQC has been to train new members of the Judicial Qualifying Collegia. RAJP II has continuously developed and refined curricula and materials for that purpose, and has adapted materials developed to train the judge members of the JQCs.

Cooperation with the SJQC. In its partnership with the SJQC, RAJP II aimed at enhancing transparency of the SJQC, building public trust in the judicial system, and increasing respect for the judiciary among the press, lawyers, and the public. Another important goal of RAJP II was to familiarize members of the SJQC and JQC with the judicial selection and discipline procedures applied in the U.S. and in particular to support and educate non-judge members of the SJQC.

We highlight below three sets of activities RAJP II supported, with the SJQC, since 2002:

- Publication of "Vestnik" magazine
- Conferences on judicial ethics and discipline
- Study tour for the members of the SJQC

Publication of Vestnik. There is no doubt that glasnost and transparency about the work of the SJQC and JQC contribute to building public confidence in the judicial system, and to raising ethical standards. To achieve these goals, the SJQC and RAJP II agreed to develop and publish "Vestnik" or "Messenger" magazine, which makes public judicial disciplinary issues and cases, creating remarkable transparency and accountability.

Since 2001, three issues (and one special issue) have been published, each containing reports of the activities of the SJQC and the JQCs, biographies of the members of the SJQC, and summaries of judicial removal decisions. The JD distributed 3,000 copies of the first edition, and 4,000 of the second, to judges, lawyers, NGOs, and the media. When the fourth issue of Vestnik was published, in 2004, the SJQC used no outside resources and minimal outside assistance. The process began with support of RAJP II is now fully sustainable by the SJQC.

Conferences on judicial ethics and discipline. RAJP II and the SJQC conducted three large conferences on judicial ethics, selection and discipline for chairs of Judicial Qualifying Collegia, Judicial Examination Commissions, and public representative members of collegia. The three conferences were held in distant regional centers in Russia: the Far East, the northwest, and the south. In total, 185 participants from 80 regions attended.

The topics discussed included: criteria for judicial selection, judicial conduct in and outside the courtroom; how the JQC and the courts should interact, and how the JQC should interact with the media. The conferences addressed the objectives, practices and challenges faced by the JQC. They also considered recent changes to the law on judicial entities and on the status of judges, and SJQC practices related to judicial removal and discipline.

For members of the collegia, the meetings were an opportunity to share experiences, discuss issues of concern, and address concerns to the SJQC. Moreover, many at the top of the judiciary attended these conferences. U.S. experts familiarized their Russian colleagues with U.S. judicial selection and disciplinary procedures. Participants received materials including the presentations, editions of Vestnik, and the updated Ethics Manual.

Conferences for chairpersons of the JQCs. In 2004, RAJP II facilitated conferences for 141 chairs of the JQCs from seven geographically distant okrugs or districts. The chairs discussed regulation of the work of the JQCs, the role of the public representatives in the JQCs, the relations between JQCs and the media, practice and problems in judicial selection, judicial ethics and conduct, judicial immunity, judicial discipline, and qualifying certification.

U.S.-based study tour. Ten members of the Supreme Judicial Qualifying Collegium, including eight judges and two public representatives, participated in a ten-day study tour to Indiana and Louisiana. The representatives of the SJQC learned about the judicial selection system in state courts in Indiana and Louisiana. They compared the selection system with that of the federal court system. They also learned about the role of public representatives, the ABA and other organizations in the selection procedure, as well as disciplinary processes in both the state and federal systems.

Publishing ethics materials. In 2002 at the request of SJQC Chairman Justice Valentin Kuznetsov, RAJP II updated the Ethics Manual to reflect changes in the composition of the collegia and other legislative changes. The Ethics Manual contains guidelines and commentary on judicial selection, ethics, and discipline, as well as all legislation relating to the conduct of Russian judges in and off the bench. The first 150 copies were distributed to members of regional collegia and the SJQC.

CHAPTER FIVE

COUNCIL OF JUDGES OF THE RUSSIAN FEDERATION

The Council of Judges (COJ) has broad authority to consider issues and define policy related to court administration and organization, judicial ethics, the rights and guarantees granted to judges under the Law on the Status of Judges in Russia. RAJP II has been providing continuous assistance to the COJ to increase its ability to function as a governing body for the Russian judiciary. The RAJP II team has been working closely with the COJ to summarize and unify the work of the regional councils of judges, enhance regional cooperation between the councils and the JD divisions, and improve relationships between the judiciary and the mass media.

Joint conferences of the Council of Judges and heads of Judicial Department divisions. In 2003, at the request of the COJ and the JD, RAJP II conducted three conferences for chairs of regional councils of judges and heads of judicial department divisions in the Central Federal "Okrug," or district. The conferences were devoted to enhancing the interaction among judicial institutions, including divisions of the JD, and were attended by 175 participants from 68 regions including chairs of regional councils of judges, JD division heads, and press secretaries.

The conferences provided an opportunity to discuss changes in the federal law on the status of judges, to learn about regional experiences with the position of justice of the peace, and to discuss effective interactions between the courts and the media. Issues discussed included court financing and administration, functions of court administrators, and participation of legislative agencies in the judicial

reform and selection of judicial candidates. With participation of U.S. experts, participants learned about efficient court administration and how judges and the media interact in United States. The conferences also promoted linkages among regional councils of judges, built relations between councils of judges and JD divisions in the regions and matched Russian judges, court administrators, and media experts with U.S. colleagues, both federal and state, to discuss common solutions to common problems.

Maintaining relationships between Russian and U.S. judiciaries. The RAJP II team has strengthened and expanded relationships between the Council of Judges and U.S. judicial institutions, including the Committee on International Judicial Relations of the Judicial Conference of the U.S. Courts. As a result, the COJ regularly invites representatives of the U.S. judiciary to participate in the sessions and plenary meetings of the Russian judiciary.

In 2001, at the invitation of Justice Yuri Sidorenko, RAJP II arranged for a presentation by a U.S. federal court judge, and arranged again in 2002 for two U.S. district court judges to make presentations at the tenth anniversary meeting of the Council of Judges. At the 2002 meeting, U.S. Supreme Court Justice Sandra Day O'Connor addressed the judicial assembly by videotape from Washington D.C., "to bring a spirit of support and encouragement as Russia moves forward to improve and develop its judicial system."

Session of the Presidium of the COJ. In September 2003, in cooperation with the CIJR and at the request of the COJ and the JD, RAJP II participated in a meeting of the Presidium of the COJ. Twenty-two participants, including the COJ Chairman Yuri Sidorenko, members of the COJ presidium, representatives of the JD, U.S. District Judge Ronald Lew, and representatives of the Committee on International Judicial Relations (CIJR), gathered for a three-day session in Petropavlovsk-Kamchatsky. This was the first time that outsiders had been invited to participate in a Presidium meeting.

The purpose of this meeting was to discuss urgent issues such as draft budget for the general jurisdiction courts, changes to the Code of Judicial Ethics, preparation for the sixth All-Russia Congress of Judges, workload norms for judges and court personnel, management of the federal budget by courts and JD divisions, and publication of the federal judicial magazine. The participants expressed particular interest in the presentation of Judge Lew, who discussed the U.S. judicial system, judicial selection procedures, and the role and functions of the U.S. Judicial Conference.

Summarizing the results of the session, Justice Sidorenko thanked RAJP II and the CIJR for providing practical recommendations to the draft Code of Judicial Ethics for Russian judges, helping them to

learn about the U.S. experience of both federal and state court systems and U.S. judicial bodies and enhancing partnership between the Russian and U.S. judiciaries. Justice Sidorenko expressed his strong support for ongoing international meetings.

Assistance in drafting a new Code of Judicial Ethics for Russian Judges. RAJP II contributed to development of a new Code of Judicial Ethics for Russian judges starting in the first year of the project by providing the COJ committee with a Russian translation of several codes of professional conduct including the Code of Conduct for U.S. judges with annotations. After the COJ committee prepared the draft code, at the request of its chair, RAJP II facilitated a review by a U.S. federal judge, who provided valuable written comments and recommendations on the draft code, which were then translated by RAJP II team and delivered to the COJ. In 2004, the draft code was approved and adopted by the Sixth All-Russia Congress of Judges.

Sixth All-Russia Congress of Judges. A U.S. federal court judge, several RAJP II representatives and USAID representative Patrick Murphy, were invited to participate in the All-Russia Congress of Judges held in Moscow in 2004. RAJP II sponsored the attendance of a U.S. appellate court judge, Diane Wood. The event brought together 657 delegates from all regions of Russia. The presidium of the congress included: President Vladimir Putin, the chair of the Constitutional Court, the chair of the Supreme Court, the chair of the Supreme Commercial Court, the chair of the Council of Judges, the head of the Administration for the President, and the general prosecutor. The delegates evaluated the results of the past four years of work by the judicial community and discussed the most urgent problems facing the judiciary in Russia.

In his welcoming speech, PRESIDENT VLADIMIR PUTIN said: "Independence of the judiciary is a necessary condition for it to fulfill its constitutional function in the system where the branches of power are separated."

To enhance transparency of the judicial system, which is the cornerstone for improving perception of the courts by citizens, changes to the law "On the Status of Judges" were proposed. These revisions would make judges disclose their income and property. Delegates also proposed using the information provided by law enforcement agencies and special security services when investigating the background of judicial candidates.

Publications for the Sixth All-Russia Congress of Judges. In 2004, at the request of the COJ, RAJP II published 6,000 copies of the first "pilot" issue of the federal judicial magazine called "Judge," dedicated to the Congress of Judges. The founders of the magazine were the Supreme Court, the Supreme Commercial Court, the Council of Judges and the Judicial Department. The monthly periodical provides coverage of the daily activities of the courts and judicial bodies and discusses key issues in judicial reform. It aims to provide the

judiciary and the public with regular reliable information on current judicial issues and how the Russian judicial system works.

RAJP II also developed and distributed 1,500 copies of a two-volume publication called "The Normative Documents on the Courts and the Status of Judges in the Russian Federation." The publication was prepared for the Sixth All-Russia Congress of Judges and included federal laws and decrees, decisions of the Constitutional Court and the Supreme Courts, and recommendations and regulations of the COJ and the SJQC.

Study tour for members of the COJ. In 2004, at the request of the COJ and in cooperation with the Open World Leadership program, RAJP II organized and implemented a study tour to Miami and Washington D.C. for 11 members of the COJ, most of whom were chairs of oblast and supreme courts of Russian republics. The trip was designed to bring Russian and U.S. judges together to share knowledge and discuss current issues of concern to the COJ, such as judicial status and independence, and adherence to a code of judicial ethics.

U.S. judges' participation in the Council of Judges Meeting. In 2005, RAJP II sponsored two U.S. federal court judges' participation in a Council of Judges meeting in Moscow. The meeting addressed issues related to selection of judges, administrative management of the courts, budget preparation and decentralization, public relations, and relations with the legislative branch and the media.

On the same visit to Russia, the judges participated in other meetings organized by RAJP II jointly with ABA/CEELI, the Open World Leadership program, and two Russian NGOs, the Center Justice, and the Perspektiva. The judges met with Perspektiva, a Russian NGO working on amending the law concerning education for the disabled. The American judges made presentations concerning assertion and protection of the rights of the disabled in the United States, and the application of international documents on human rights to the rights of the disabled.

CHAPTER SIX

IMPROVEMENT OF RELATIONSHIPS BETWEEN THE JUDICIARY AND THE MEDIA

" Developing and promoting the position of the press secretary contributes to enhancement of interaction between courts and the media and thus contributes to transparency and openness of justice. "
– VADIM ZIYATDINOV, head of Section for Relations with Mass Media.

Training press secretaries of the general jurisdiction and commercial courts. Following the introduction of the new position of press secretary in courts of general jurisdiction and in commercial courts in 2003, and at the request of the JD, RAJP II conducted three workshops for 173 press secretaries of the general jurisdiction and commercial courts aimed at improving relations between the courts and the media and facilitating interaction between them for the purposes of strengthening public understanding of and respect for the judiciary.

During the workshops the press secretaries and judges exchanged experience and opinions on various issues, including the role and functions of press secretaries, how courts and the media can most effectively interact, ethical issues that arise from that interaction, and the role of media in court proceedings. The participants also learned about judicial interaction with the media in the United States. Materials related to courts and the media in the United States, translated into Russian, were given to participants.

CHAPTER SEVEN

BUILDING PARTNERSHIPS

RAJP II worked closely with its U.S. partners on program implementation and finding experts to participate in the new training efforts. RAJP II promoted sustainable partnerships between:

- The Russian Judicial Department and the Administrative Office of the U.S. Courts through the pilot court project and the budget program
- The pilot courts and the Federal Court Clerks Association through court administration and case management project
- The Russian Academy of Justice and the Federal Judicial Center, the National Judicial College and Indiana University School of Law through faculty training and distance learning student exchange programs
- The Russian Council of Judges, the Supreme Judicial Qualifying Collegium, and the U.S. Judicial Conference through joint judicial training programs

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