

AID RULE OF LAW PROGRAM FOR THE RUSSIAN FEDERATION

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FINAL REPORT BY ARD/CHECCHI MOSCOW CHIEF OF PARTY TO USAID

Submitted September 8, 1997 by  
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## AID RULE OF LAW PROGRAM FOR THE RUSSIAN FEDERATION

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### FINAL REPORT BY ARD/CHECCHI TO USAID

#### 1. INTRODUCTION

On September 29, 1993, the United States Agency for International Development (AID) and ARD/Checchi Joint Venture (the Rule of Law Consortium) entered into a professional services contract (CN-0007-C-00-3166-00) in support of the Rule of Law Program for the Russian Federation (RF). The goal of the Rule of Law (ROL) Program was to assist the creation of stable legal and political environments that facilitate the transition to democratic, market-based societies in the NIS region. Under its contract for the Russian Federation, the Rule of Law Consortium ("the Consortium") has three program objectives: (i) framing legal substance; (ii) strengthening legal institutions; and (iii) strengthening civil society.

ROLC later received approval for a no-cost extension of the contract through December 31, 1996.

In December 1996 AID offered a subject modification extending the contract on a no-cost basis to Sept. 30, 1997, and changing the contract Number to "CCN-C-00-93-00166-00."

From July through December 1995, funding under the current contract was suspended by direction of the Office of the Coordinator.

This report, required by the subject contract, was discussed with relevant officials at the Mission in Moscow prior to being drafted. It reaches some conclusions based on ARD/Checchi's experiences in carrying out rule of law activities in the Russian Federation between late 1993 and September 1997.

#### 2. ASSESSMENT

Even before the Chief of Party had assumed his post on Nov. 6, 1993, a contract had been signed on October 18 with the University of Wisconsin-Madison for an Assessment Team to visit Russia, meet with USAID officials, numerous possible Russian counterparts, other Rule of Law donors, and to report on program directions and priorities. An Assessment Team visited the ROLC project offices in Washington twice in November, visited four Russian cities between November 7 and December 3, and presented its report to ARD/Checchi at the end of December. The Report was presented to USAID in Washington and Moscow early in January, 1994 as an ARD/Checchi memorandum stating program priorities.

After the submission of the Assessment Report, and based upon its insights and conclusions, there followed a period of intensive consultations with prospective Russian partners and the development of an Action Plan. This was not a casual process. Rather, it was the heart of the Rule of Law effort: to identify reform-minded and fruitful institutions for cooperation, and to earn a "seat at the table" by establishing ROLC itself as a serious, competent partner. Time was invested to explore the prospects of cooperative work with such central institutions as the Legal Administration of the President, the Law Academy of the Ministry of Justice, the Supreme Commercial Court of the Russian Federation, six major law schools throughout Russia, the Constitutional Court (ultimately a false start, but seriously pursued), the Duma, and a wide range of Russian NGOs.

The ARD/Checchi program remained true to the substance and spirit of the Action Plan. The program was focused on core legal institutions. These were institutions whose function in the overall legal system was not only vital, but mutually reinforcing and interdependent. After a winnowing process, the core institutions were determined to be the following: the courts of general jurisdiction; the commercial (officially, the "Arbitration") courts; the law schools; and the Procuracy. In all cases the ROLC program was designed to work with the training facilities of these institutions, to introduce methods of training and approaches to substantive law that would enable the institution to train more effectively its own judges, professors, or prosecutors. This made the program manageable - it was not the task of the ROLC to train every judge in Russia. Instead, the Russian training institutions were exposed to the most effective techniques developed at counterpart institutions in the United States. The most receptive and strategically placed judges or administrators in the Russian training institutions were armed with techniques and equipment that would enable them to select what they experienced, to multiply its effect on their trainees, and ultimately, to sustain that effect in years of future training.

### **3. ACTION PLAN**

On March 30, 1994, the Action Plan was delivered to USAID/Moscow. It was revised in response to USAID comments and submitted in final form on April 22. USAID orally approved the Action Plan in a meeting in Moscow with Project Manager David Bronheim in May, 1994.

From contract inception to submission of an Assessment was three months; to submission of an Action Plan, six months. In the meanwhile, the office was staffed and housed and programs initiated. In retrospect, for a \$12.2 million contract, this was a lightning start. The Action Plan's conceptual approach to Rule of Law technical assistance was worth the wait. It defined the state of the art of delivery of technical assistance in post-communist

Russia. "Training the trainers" is now a fundamental precept of nearly every technical assistance program in the RF. ARD/Checchi's Action Plan and program put it on the map.

The task of planning technical assistance under the conditions of fluidity and uncertainty prevailing in post-communist Russia was a difficult one. To cite just one example, based upon the best information then available, the Action Plan projected work with the office of the Ombudsman of the RF; that office was ultimately never created or funded.

#### **4. OFFICE ARRANGEMENTS AND PERSONNEL.**

The ROLC first worked out of a temporary office near Metro Mayakovskaya while its permanent premises were being renovated.

The Chief of Party of the ROLC located sufficiently spacious premises at an excellent location in an apartment building in the heart of downtown, close to Metro Okhotniy Riad. He concluded a lease at a favorable rate considering the location and the size of the premises, although renovations were needed prior to occupancy. The renovations lagged behind schedule due to difficulties with the availability of building materials and other problems.

It was necessary to employ a guard service that would guard the premises 24 hours a day in order to discourage theft of office equipment. Considerable time was spent in arranging for such guard service.

The question of whether to register the office of the ROLC with the Russian authorities proved a vexing one.

Initially, expatriate personnel understood that the activities of foreign providers of assistance such as the ROLC would be covered by a bilateral treaty signed by the U.S. and Russian governments in 1993.

However, it soon became clear that the bilateral "treaty" under which technical assistance providers were supposed to operate was not recognized as binding on the Russian government by the Ministry of Finance, calling into question the tax status of activities under the program.

As could be expected so soon after the introduction of the market economy, some job applicants and employees had experience working only for the old Soviet-style organizations, whose predominant office culture had not encouraged displays of initiative by most employees nor been distinguished by high productivity.

The salaries ROLC was allowed by AID to pay its local employees, while quite good by prevailing Russian standards, were nonetheless not competitive with salaries paid by the burgeoning private sector market for law-related services. ROLC was, however, fortunate to assemble within its first year and a half at USAID-approved salaries a capable staff which remained stable over the life of the contract.

#### **5. ACTIVITY BY ACTIVITY DESCRIPTIONS**

## **"QUICK START" ACTIVITIES.**

In late 1993 and early 1994, ROLC was under enormous pressure from USAID to produce results quickly. Two "Quick Start" programs were initiated to respond to those demands. They were with two Russian NGOs, Interlegal Moscow and the Human Rights Project Group. Each program was aimed at the dissemination of public information about the election laws then in effect. This seemed valuable in view of the violent dissolution of the Duma in October 1993 and the importance attached to the parliamentary elections to be held that December. Both projects were timely completed with respect to the scheduled elections. Both strengthened elements that are essential to a politically stable civil society. Both were somewhat improvised, non-thematic undertakings to appease outside demands for immediate action.

### **JUDICIAL TRAINING--COURTS OF GENERAL JURISDICTION**

#### **Background.**

During the time the ROLC has been working in Russia, the Russian judicial system, at least the courts of general jurisdiction, has been in what can best be described as a state of crisis. (The smaller, newer commercial (arbitration) court system is separately and more adequately provided for.

The courts of general jurisdiction are seriously underfunded. Turnover among judges is high, morale is low, numerous judicial vacancies exist, caseloads are rising, and case-handling times are increasing. The salaries of supporting personnel are woefully inadequate, security for court buildings and for judges is poor, and the mechanism for enforcing court judgments is weak. The courts are being asked to interpret and apply a host of new legislative enactments in areas related to the new market economy and the emergence of a civil society, even as the number of criminal cases they must handle has soared.

Moreover, as described below, there have been conflicts over whether the courts of general jurisdiction would remain under the patronage of the executive branch (Ministry of Justice) or become an independent branch of government.

It is against this background that the ROLC has worked with the court system. The crisis situation and the political conflicts have at times complicated the ROLC's work with the courts of general jurisdiction.

A Russian law enacted on July 16, 1993 had provided for the reintroduction of jury trials in Russia. Russian government responsibility for overseeing this reform lay with a judicial reform unit in the State Legal Administration of the President of the RF (the "GPU"). The ROLC was mandated by USAID/Moscow to respond to GPU requests that it prepare a series of Russian language videofilms for juror education and public education concerning the jury system. On March 3, 1994, the ROLC signed a Memorandum of Understanding to this effect with GPU. On April 12, 1994, the COTR approved a subcontract for production of three films by a subcontractor, the Academy for Educational Development (AED).



The preparation of these films continued throughout 1994 and into 1995, at a time when the program with the core institutions was being launched. In January 1995, Judge Marasanova of the Moscow Oblast Court visited Vermont to produce the AED videotape on American criminal procedure as seen through the eyes of Russian judges. It and the other films were distributed throughout the courts of general jurisdiction.

At the time, the U.S. government believed that the reintroduction of criminal jury trials in Russia was the centerpiece of all legal reform in the country. It was expected that the initial criminal jury trial experiment, applicable to certain especially serious offenses in a limited geographical area of the RF, would in time be expanded throughout the Federation. Russian legal reformers and high-ranking American officials alike hoped that jury trials, in addition to introducing elements of due process that had been sorely lacking in Soviet justice, would also involve rank and file Russian citizens in the judicial process, encourage the growth of a higher legal consciousness, and stimulate democratization generally.

Moreover, jury trials enjoyed the happy dual status of being part of the pre-Communist Russian legal heritage (having been used in Russia between 1864 and 1917, and thus immune to claims that irrelevant foreign experience was being engrafted onto indigenous Russian institutions), as well as an institution concerning which the United States, among all countries, had the greatest wealth of experience and expertise. The enthusiasm of American officialdom in 1993-94 for the jury trial experiment is in retrospect understandable. In actual fact, however, the use of jury trials in Russia has yet to be expanded beyond a token level: it is presently authorized and funded in only nine of the country's 89 regions; in 1996 scarcely more than 200 jury trials were conducted in the entire RF. The reasons for the failure of jury trials to take hold as envisioned by their Russian and American proponents are beyond the scope of this report, although the expense of jury trials is the factor most often cited. Had jury trials caught on as was hoped, the juror training and other jury-related videos which the ROLC was required to fund might have made a significant impact nationwide.

**i) Law Academy of the Ministry of Justice of the RF ("Law Academy" or "LA")**

The GPU was engaged in a constant turf battle with the Ministry of Justice of the RF during the first years of the ROLC's operations in Russia. This turf battle was not without significance for the ROLC, because the Law Academy was historically responsible for training the approximately 15,000 judges of the courts of general jurisdiction. But with the collapse of the Soviet Union, the Law Academy had fallen upon hard times. Its financial resources and staff were greatly diminished. Its ability to cope with the rapidly changing conditions of the Russian legal system was questionable.

The vital question from early on in the contract was whether

to work with, and how much effort to invest in, the Law Academy.

The ROLC engaged the former dean of the National Judicial College (NJC), Judge Ernst Watts, as a consultant to assess the operations of the LA in the spring of 1994. He spent considerable time observing operations at the LA in Moscow and visited its branch in Irkutsk. One of his major conclusions was that the LA's operations as then constituted could not possibly reach enough Russian judges. Although there were some 15,000 judges in the courts of general jurisdiction, the LA's facilities were idle for substantial portions of the year. And although its physical plant was inadequate by American standards, even it was not being used to its maximum capacity--when sessions were held, the classrooms were not full.

In addition, Judge Watts found that the teaching methods in use did not reflect contemporary sound pedagogical practices. The material was presented by straight lectures. Judge Watts was amazed and dismayed to see that during its training programs, the LA not only did not use any audiovisual aids whatsoever (seldom if ever using even blackboards), but it did not even produce any handouts of materials to the judges. There was thus no written reinforcement of any of the subjects of the lectures. Rather, the class of judges would furiously take notes by longhand during the speaker's presentation. Only in this way would they have anything written to refer to later. He contrasted this to the methods which had been refined over some thirty years at the National Judicial College, which included audiovisual presentations and well-organized handouts, printed study aids, and the like.

Moreover, it was the opinion of Judge Watts that some of the leadership of the LA was more interested in getting trips to the U.S. and computers than in increasing the number of judges trained by the LA or in revising its teaching methods.

Thus, the LA represented a potential partner which clearly could benefit from the provision of U.S. technical and material assistance, but which apparently had not begun to respond to the need for training the Russian judiciary to assume the more important functions that judicial reformers hoped it would.

After extensive discussions between the ROLC and USAID/Moscow the decision was made to proceed with a cooperative relationship with the LA. In large part, this was for lack of an alternative. There was no other established vehicle for training judges. Also, the Law Academy, through its branches in major cities, offered a means to go into the regions, to train the trainers there, thereby reaching many hundreds of judges who did not have access to the centralized Law Academy structure in Moscow.

The ROLC entered into a general Memorandum of Understanding (MOU) dated 7 September, 1994, with the Law Academy which provided for ROLC assistance. ROLC worked closely with the Law Academy to develop the program. The interests of the Academy, its administrators, trainers, and selected judges were considered. Prior to the ROLC's activities with the Law Academy in the RF, a number of trainers and administrators from the Law Academy had already been brought to the NJC in Reno, and NJC personnel had

visited Moscow and made presentations demonstrating their teaching methodologies. The Law Academy and the NJC already had an existing agreement of cooperation antedating the ROLC's contract. Accordingly, the ROLC selected, with USAID approval, the NJC as the American counterpart institution for judicial training.

Pursuant to joint agreement with the Law Academy, selected experienced training judges from the NJC came to Russia, at intervals, to participate in and support the training programs of the Law Academy. These programs were held in Moscow, Yekaterinburg, Irkutsk, and Barnaul. The NJC trainers spoke on themes central to the craft of judging such as judicial ethics, role of the judge and counsel, and judicial decision-making. They also spoke on substantive topics requested by the Law Academy.

The NJC seminars were responsive to issues covering recent legislation, admissibility of evidence, and Fourth Amendment principles, which the Russians requested be treated. The NJC trainers demonstrated NJC teaching methodologies such as role-playing, for example staging suppression hearings and the taking of guilty pleas in response to the Russian interest in these topics. Explanatory printed materials in Russian were distributed, to be used in conjunction with the presentations.

The individual seminars are described in more detail below.

**ii) Seminars with NJC participation.**

**Seminar held at LA in Moscow-- Nov. 29-Dec. 5, 1995.**

In 1995 the ROLC began a program of seminars with the Law Academy, using the NJC as the implementing agency. The first such seminar was held in late November 1995 at the LA in Moscow for some 60 RF judges of courts of general jurisdiction from a broad geographical area. The NJC, which had already helped to implement the ROLC's program of technical assistance to the Supreme Commercial Court (SCC), supplied the American judge faculty for the seminar. In preparation for the seminar, the LA was given an NJC-produced video with Russian voice-over entitled "Bench Trial Skills and Demeanor" and a printed copy of a Russian translation of the accompanying book, "Bench Trial Skills and Demeanor--An Interactive Manual."

At the seminar, judges selected by the NJC prepared and presented materials on judicial training methodology and on substantive criminal procedure and evidentiary issues. Trainers from the Law Academy's regional centers in Irkutsk, Saratov, and Yekaterinburg also attended and participated. The seminar consisted of lectures and mock trial exercises using the methodology, experience, and techniques of American judicial training. The content of the seminar stressed American law of evidence and criminal procedure. The NJC, in planning for this and subsequent seminars, benefited from suggestions made by the ROLC Moscow office drawing on previous experience of the Vermont/Karelia program with judicial training programs.

In addition to lectures, during the seminar the NJC judges held three mock trials or judicial proceedings (or portions



thereof): one was a Suppression Hearing; one a Ruling on Evidentiary Objections; and one a Plea Bargaining and Taking of a Guilty Plea.

The NJC presenters were all experienced judicial educators who did a first-class job of capturing and holding the Russian audience's attention.

A course notebook in Russian, prepared by the NJC and covering all the above topics, was distributed to the participants. Also distributed to all participants was a bound set of materials, 90 single-spaced pp., entitled "Issues of Criminal Law and Criminal Procedural Law" (prepared by the LA with ROLC support and using velo-binding and other equipment purchased for the LA by the ROLC). Those materials covered the following topics, among others: Review of judicial decisions of the RF Supreme Court; Review of judicial decisions of not guilty; International standards in human rights law; Evidence issues in Russian law; and an Analysis of the draft Criminal Procedure Code of the RF.

**Seminars in Moscow (May 22-24, 1996 and Irkutsk (May 27-29, 1996).**

Successful seminars for Russian judges were given by NJC trainers in Moscow to approximately 60 judges (from many parts of Russia) on May 22-24, 1996, and to approximately 60 judges (mainly from Siberia and the Far East) (and attended by trainers from the Irkutsk branch of the LA) in Irkutsk on May 27-29, 1996.

A Russian-language binder prepared by the NJC was distributed to all participants at both locations, covering judicial independence, role of judges, the federal judicial system, search and seizure issues, mock hearing: suppression hearing; and most of the other topics included at the Dec. 1995 seminar described above.

In addition, two bound sets of materials (60 and 64 pp., single-spaced, small print) prepared by the LA were distributed to all participants at both the Moscow and Irkutsk seminars, and made available to the Saratov branch of the Law Academy.

One volume was on civil and civil procedural issues (constitutional law and the work of the Constitutional Court, the application of provisions of the new Civil Code of the RF and contractual agreements and property rights under the Civil Code, cases involving securities under the new Civil Code, the new Family Code, and other issues.

Another volume concerned criminal and criminal procedural issues (the content was not the same as the Nov.-Dec. 1995 bound volume prepared by the LA).

**Seminars Held at LA Branches in Barnaul (Nov. 20-22) and Yekaterinburg (Nov. 27-29), 1996.**

The ROLC organized two more NJC judicial training seminars with branches of the Law Academy at Barnaul and Yekaterinburg in the Fall of 1996. Again, the ROLC procured modest amounts of office equipment for the branches of the Law Academy to be used both for holding the seminars and for future use.

The attending Russian judges were primarily specialists in civil law rather than criminal law. Some 120 judges received training at these seminars--approximately 60 at each location.

Some topics were identical or similar to those presented by the NJC at previous seminars, e.g., judicial independence, judicial decisionmaking, etc., and some topics were similar to those which the NJC included in a seminar held for judges of the Supreme Commercial Court in Moscow in October 1995, but most of the materials were new.

The ROLC brought interpreting equipment technicians and interpreters to Barnaul and Yekaterinburg. The Law Academy made available for use at the programs the simultaneous translation equipment which was purchased by the ROLC for the Law Academy in 1995.

Materials on both civil and criminal topics were produced by authors' groups chosen by the Law Academy, and were distributed to the RF judges who attended the seminars. They were also later printed in a much larger print run (5,000 copies) for much wider distribution to additional RF judges (see below).

**iii) May 20-22, 1996 Seminar with Vt. Bar Foundation/Wyoming participation (at Saratov branch of LA).**

Building on the successful partnering which had been done between legal institutions in the Russian Republic of Karelia and the State of Vermont (see below), the Vermont team, assisted by some Wyoming attorneys, conducted a seminar in Saratov. It was intended to benefit the LA branch in Saratov and the specific audience of the seminar, and to foster ties between the legal communities of Saratov and Wyoming, which had already begun pursuant to an agreement between Saratov Oblast and Wyoming.

Approximately 60 Russian judges, mostly from Saratov Oblast and the Volga Region, participated in the seminar. The topics which received the greatest attention were jury trials (which have been actively conducted in Saratov Oblast since 1994) and family law.

The participation of the Wyomingers indeed resulted in the further development of ties between Wyoming and Saratov--as one example, a program was later inaugurated in Wyoming under which a graduate of the Saratov State Academy of Law went to Wyoming to attend the Law School for a semester and to work in the federal courts as an intern for a semester.

Bound materials prepared by the LA for the Moscow and Irkutsk seminars referred to above were made available to the LA branch in Saratov. Additional materials in Russian prepared by the Vt. Bar Foundation were distributed as teaching aids, including materials on family law/division of property and a case used in jury trial training.

**iv) Publications**

Some of the materials published with ROLC support and distributed at the various seminars are separately described above.

In addition, in early 1997, the Law Academy completed the printing of 5,000 copies of a 532-page hardcover volume of articles

and commentaries on civil and criminal law topics by leading Russian judges and scholars, entitled "Commentaries on Russian Legislation." Several hundred copies were distributed to RF judges and other participants at the May 20-22 seminar referenced above, with the remainder to be distributed later to more than one third of the sitting general jurisdiction judges of the RF.

**v) Lasting impact of the ROLC's Work with the LA.**

The ROLC's impact on the process of judicial training for the courts of general jurisdiction is difficult to quantify. The seminars presented by the NJC were enthusiastically received by the judges who heard them, and they also initiated new methodologies on the part of the LA. For example, the set of materials prepared by the LA for the Nov./Dec. 1995 seminar was the first substantial handout it had ever distributed to judicial trainees. The distribution of handouts was to become a more or less standard feature of the LA's judicial education methodology, a substantial breakthrough in enhancing the effectiveness of their judicial training programs.

In addition to organizing the seminars, the ROLC provided material assistance, including a set of equipment for simultaneous translation (transmitter and receivers for 80 persons) and binding and printing equipment for the LA in Moscow. This translation equipment was later used on many occasions by the ROLC (e.g., at the Law School Conference in May 1996; at the LA seminars held in Irkutsk in May 1996 and in Barnaul and Yekaterinburg in Nov. 1996; and at the COJ/RF Supreme Court conference in May 1997), as well as at other LA programs with foreign participants.

**vi) Construction of mock jury trial facility at LA**

The ROLC signed implementation Appendix I on Sept. 30, 1994 with the Law Academy to fund the remodeling and furnishing of an existing practice courtroom so that it could be used for jury trial instruction.

The remodeled jury courtroom was used during the seminars in Moscow referred to above (Nov.-Dec. 1995 and May 1996), and on numerous other occasions for training programs for RF judges put on by the LA itself and by other international assistance providers. This facility has been used consistently since it was built--hundreds of RF judges have been trained in this room, and the number continues to grow. It is seen and used by visiting judge trainees from all over the RF who regard it as a model, some features of which they are able to incorporate in their own existing courtrooms.

**vii) The changing picture within the Russian judiciary--  
ROLC's shift from work with the LA to the Council of Judges of the  
RF**

The rivalry between the GPU and the Ministry of Justice has been described above. In addition, Russian judges' relationship with the Ministry of Justice was traditionally an uneasy one (and became more uneasy as the expectations for the role of judges

rose); in recent years it acquired a somewhat adversary nature. These factors were ever-present in the ROLC's calculations as to how best to work with the courts of general jurisdiction. In addition, the ROLC had to contend with turnover in the leadership of the LA during its work with it.

During the entire time of the ROLC's activities in the RF, the leadership of the Russian judiciary (through the Council of Judges of the RF) has been working to get the judiciary out from under the control of the Ministry of Justice. Finally, on Dec. 31, 1996, the "Federal Constitutional Law on the Judicial System of the Russian Federation" was signed by President Yeltsin.

Significantly, the law provides for the creation of a Judicial Department within the Supreme Court of the RF, answerable to the chairman (chief judge) of the Supreme Court and to the Council of Judges of the RF. That Department is to provide for the needs of the courts of general jurisdiction (excluding the separate commercial court system, the Constitutional Court of the RF, and the Supreme Court itself). With the creation of the new Judicial Department, judges will depend on an organ within their own branch for the support which the Ministry of Justice has supposedly provided in the past. In fact, in anticipation of the enactment of this law, the Ministry of Justice withdrew some of the support it formerly provided, deepening the crisis of judicial administration.

It is now expected that either the Judicial Department will assume a research and training function, or that a separate research and training institute will be created in the judicial branch. Either way, the leadership of the COJ believes that judicial training should be accomplished within the judicial branch rather than under the Ministry of Justice's Law Academy as in the past. Accordingly, during much of the time that it has worked in the RF, the ROLC has tried to balance the fact that the Law Academy was the only existing training institution for the Russian judges of general jurisdiction, against the fact that many of the judges themselves, and their leadership, had lost confidence in the Ministry of Justice and its Law Academy.

Until such time as a new training facility within the judicial branch can be created and made operational, the LA will continue to be responsible for judicial training. The positive changes in it which the ROLC encouraged will thus continue to benefit additional Russian judges for some time to come.

The sheer size of the Russian general jurisdiction court system (15,000 judges), the totally inadequate level of financing and other Russian government support for those courts and for the LA's mission of judicial training, and the ongoing political turmoil surrounding the very place of the judiciary within the structure of the Russian government, meant that the ROLC, no matter how thoughtfully designed its activities, could not have as palpable an impact on the courts of general jurisdiction as we were able to on the much smaller and better financed commercial court system. But given the turbulent state of judicial affairs during the ROLC's work, the results that were obtained in the area of training of the courts of general jurisdiction represent a

considerable accomplishment in the face of great difficulties.:

**viii) Council of Judges of the RF (COJ)**

The COJ, the representative body of the Congress of Judges, has a membership of approximately 115 judges and meets twice a year; in between those meetings, its business is conducted by a Presidium of approximately 15 persons.

With the December 31, 1996 enactment of the new Constitutional Law on the Federal Judicial System, the organs of the judicial branch--the Council of Judges and the All-Russian Congress of Judges--which were formerly essentially voluntary associations, have been given official status, although it remains to be further specified by enactment of a separate "Law on the Organs of the Judicial Association."

One of the deterrents to work by the ROLC with the COJ early in the contract was that the COJ had no staff or facilities to speak of, being a pure membership organization to which all RF judges belonged by virtue of being judges. Thus, although the LA was weak in many respects, it at least had premises and staff with which to deal.

By 1996, the COJ had assumed a higher profile under the energetic leadership of Justice Yuriy Ivanovich Sidorenko, a Justice of the RF Supreme Court. The ROLC decided to reach out more to the COJ and find a way to work with it. The ROLC's subsequent work with the COJ was directly relevant to helping judicial reformers in Russia with the realization of the tasks involved in assuming control of the judicial branch.

**1. Aug. 25-Sept. 7, 1996 Training Program on "Key Issues In Judicial Administration" in Washington, DC**

The ROLC sponsored a training program in Washington for 19 persons, primarily chief judges of a number of key Russian courts from a wide geographic area (e.g., Yekaterinburg, Saratov, Irkutsk, Karelia, etc.), as well as other key players in the field of Russian judicial administration. They included the Chairman of the Council of Judges of the RF, the chairman of the Council on Judicial Reform of the President of the RF, a member of the Constitutional Court of the RF, a representative of the commercial (arbitration) court system; and a representative of the Ministry of Justice with responsibility in this field.

Prior to this trip, many RF judges and RF government officials had traveled to the United States on other programs for a variety of purposes, including familiarization with the general features of the American judicial system, to study American judicial education methodology, and to study the specifics of the American jury trial system. This trip is believed to have been the first for Russian judicial administrators (chief judges) devoted specifically to the important topic of judicial administration.

The implementing agencies for this program were the Federal Judicial Center and the Administrative Office of the U.S. Courts

("AO"), in cooperation with the International Judicial Relations Committee of the Judicial Conference of the United States. The program was held at the Federal Judiciary Building in Washington and at selected courts in Maryland and the District of Columbia.

Materials in Russian were given to the 19 participants, including on "Federal Judicial Administration and Organization," "Court Organization," Judicial Education, Court Personnel, the functioning of the organs of judicial self-government in the U.S., and many other topics.

The Russian participants saw the functions performed by various components in the courts and had ample opportunity to ask questions. They highly praised the content and organization of this program, and the leadership of the Russian and U.S. federal judiciary began to forge important personal and institutional ties.

### **2. Visit by members of Judicial Conference of U.S. to COJ Meeting Oct. 14-18, 1996**

Two members of the Executive Committee of the Judicial Conference of the U.S., Judges Michael Mihm, the Chief Judge of the Central District of Illinois, and Judge Lloyd George, the Chief Judge of the District of Nevada, had met with the Russian visitors in Washington in Aug. 1996 and made presentations on the work of the Judicial Conference and how the AO serves the judges. At the request of the COJ, Judges Mihm and George visited Moscow in October 1996 and made presentations to the COJ on these issues and answered questions about judicial independence, judicial self-government and financing, etc. There are six members of the Executive Committee of the Judicial Conference, plus Chief Justice Rehnquist. Accordingly, Judges Mihm and George represented the American judicial branch at the very highest level.

The most important of the materials given to the delegation of Russian judges who visited Washington in Aug./Sept. 1996 (see above) were distributed to the approximately 100 members of the Council of Judges, who represent the judiciary of all regions of the RF, at this meeting.

### **3. March 8-15, 1997 visit by leadership of COJ to the Administrative Office of the U.S. Courts ("AO") and Federal Judicial Center ("FJC"), Washington, DC**

Justice Sidorenko requested that a small delegation from the COJ be given the opportunity to immerse itself in the details of American judicial self-government so as to be able to make presentations on this subject to the full membership of the COJ, which was scheduled to meet March 31-April 4, 1997 in Moscow.

The delegation which went to the U.S. consisted of four members of the COJ Presidium. Their visit to the AO and FJC gave them a deeper and more detailed understanding of the system of judicial administration in the U.S. in light of the recent passage of the law authorizing the Judicial Department. They subsequently presented to the full membership of the COJ in Moscow March 31-Apr.

4, 1997 lessons learned from the experience of the American analogues to the Judicial Department.

Judges Mihm and George enjoyed excellent rapport with Judges Sidorenko and Ananyev from the training event in Washington the previous August. Judges Mihm and George again actively participated in this March program. Their participation forged further institutional ties between the Judicial Conference and the COJ as well as stronger personal relationships between the American and Russian judges.

The Judicial Department and the COJ under the new Law on the Judicial System are empowered to take part in the formulation of the judiciary's budget. The Judicial Conference has a committee which deals with budgetary issues, and the AO has staff with budget expertise; during the Russians' visit the budget function was covered in some detail.

#### **4. April 1997 visit by AO Assistant Director to COJ**

Both the ROLC and Justice Sidorenko believed that the American experience in judicial administration should be shared in as detailed a fashion as possible with the Russian judges who will be responsible for helping to inaugurate the operations of the Judicial Department. Thus, while the delegations that visited the AO and FJC in August 1996 and March 1997 could become the principal cadre of trainers of other Russian judges on judicial self-governance, there remained some questions answerable only by someone with an inside knowledge of the American system of judicial administration. Thus, the presence of at least one veteran American judicial administrator at the COJ meeting was requested.

Accordingly, an American judicial administration expert made presentations to the COJ meeting in Moscow, March 31-Apr. 4, 1997. The audience for these presentations consisted of the 100-plus members of the COJ elected by the All-Russian Congress of Judges (which last met in December 1996).

Assistant Director of the Administrative Office Peter McCabe, with thirty years' experience in judicial administration, attended the meeting of the COJ in Moscow and added to the Russians' presentations.

#### **5. Conference on Court Administration Issues for Chairpersons of Local Councils of Judges of RF in May 1997**

The ROLC sponsored a conference on court administration issues for the COJ in May 1997. The May program included as presenters the four judges who went to the U.S. in March 1997, by now expert presenters on many of the issues confronting the Russian judiciary, who could point to relevant examples from the American experience. It also included RF Supreme Court Chairman Vyacheslav Mikhailovich Lebedev; Professor Sergey Efimovich Vitsin, Chairman of the Council on Judicial Reform; and Judge Anatoliy Vasil'evich Zherebtsov, the chairman of the Higher Qualifying Collegium of Judges of the RF (which handles judicial discipline). Vitsin and Zherebtsov had also studied judicial administration in Washington in 1996 on the ROLC program.

The May meeting was attended by the chairmen of the local councils of judges from more than 70 of the 89 "subjects of the Federation"--oblasts, republics, krays, etc., and St. Petersburg and Moscow. While some of the local council chairmen are also members of the RF Council of Judges, membership in the COJ of the RF is not co-extensive with the chairmen of the local councils.

Thus, the May meeting reached a broader audience than those persons who were at the COJ meeting in March. This audience--the chairmen of the local councils of judges--is most vitally interested in the fate of the creation of the Judicial Department.

The COJ of the RF, the Supreme Court of the RF, and the local councils of judges must work in concert in order for the transfer of power and responsibilities from the executive branch to the judicial branch to be successful. The conferees in May were given that important opportunity, and reported that the experience had been a very valuable one.

The COJ reached agreement with the Ministry of Justice for the latter to print for all conference attendees a comprehensive collection of all of the resolutions of the COJ and its Presidium and of the Congresses of Judges that have been held going back to 1993. These materials were provided at no cost to the ROLC and COJ.

Two representatives of the American federal judicial system, both members of the Judicial Conference of the United States, attended. Interpreting equipment which the ROLC had previously provided to the Law Academy was provided for use free of charge.

#### **ROLE OF THE ROLC IN SERVING AS A "BRIDGE" TO THE WORLD BANK'S ACTIVITIES IN THE RF.**

The ROLC has served as a "bridge" to the forthcoming judicial training activities to be funded by the World Bank through the Russian Foundation for Legal Reform (RFLR) by involving the RFLR in planning, financing, and implementation of a ROLC judicial training event--the May 1997 COJ/Supreme Court Seminar for chairmen of local councils of judges referred to above. This helped to foster a working relationship between the RFLR and ROLC's Russian judiciary partners, including the COJ. Indeed, according to Justice Sidorenko, it is now planned that two projects which the COJ and the ROLC discussed implementing will be financed by the RFLR. One is to print a more comprehensive collection of resolutions and other materials of the COJ and the Congresses of Judges for widespread distribution. The other is to convene a meeting of the chairpersons of the local "supreme qualifying commissions"--the judicial bodies which handle issues of judicial discipline of federal judges in each of the oblasts and republics of the Russian Federation. The program on judicial discipline, tentatively planned for late October 1997, is needed in part to help the judiciary address what it acknowledges to be a problem with corruption within its ranks, and to help the qualifying commissions in the various localities act consistently with one another. (They presently are not sufficiently aware of each other's decisions, acting all too often in isolation from each other.) Thus, the ROLC's 1997 activities have paved the way for the financing by the World Bank

of projects that the COJ itself considers valuable.

#### **JUDICIAL TRAINING--SUPREME COMMERCIAL COURT**

The Supreme Commercial Court (SCC) is officially known as the Higher Arbitration Court. The word "Arbitration" is a vestige of Soviet times when the Court regulated disputes between state-owned industries that arose under the requirements of the Gosplan (state economic planning). That historical basis has taken an interesting twist in post-Soviet Russia. Because its jurisdiction is limited to governmental agencies and corporations, as opposed to individuals, the Court retains its former character as a resolver of commercial disputes between business organizations. Hence the name "Commercial" court. In today's Russia it is the paramount forum in which commercial disputes are resolved and commercial laws and regulations challenged, determined, and applied. It is a separate branch of the judicial system created in 1992, and from the outset was independent of the Ministry of Justice. With approximately 1,600 judges at the time the ROLC began working with it, it was about one ninth the size of the courts of general jurisdiction, an important factor permitting technical assistance efforts of less than Herculean scale to have a system-wide impact on the commercial court system.

ROLC pursued a highly successful program of technical and training assistance with the Commercial Courts. In brief, working with the higher echelons of SCC judges and administrators, the following areas were marked for joint efforts, and the following results achieved:

1) more than 50% of the core training staff of the SCC was exposed to National Judicial College training programs, and enrollment in the regular training programs offered by the SCC for its judges was increased by 40 percent for 1995.

The mechanism through which this was accomplished was through work with the NJC of Reno, Nevada, as the American counterpart institution for judicial training work with the SCC. Trainers from the SCC were brought to the NJC in Reno. They were exposed to NJC teaching methodology emphasizing use of handouts and video materials, the key psychological and pedagogical concepts in adult education, the importance of interactive teaching and engaging adult students in the training process, the role of evaluations, and much more. On a parallel track, they were acquainted with the NJC approach to presenting substantive law subjects: how laws and statutes are interpreted, the role of previous judicial decisions, the role of the judge in court, and the role of the judge as a trainer of other judges (in contrast to the use of non-judge educators as trainers, the usual practice in Russia).

2) the training curriculum for all Commercial Court judges was revised to include new courses essentially developed by SCC staff with comments as requested from the NJC.

3) a series of NJC and other training programs and seminars on new developments in the law, including Parts 1 and 2 of the Russian Civil Code, and the new Code of Civil Procedure in the commercial courts was conducted throughout 1995-96.

4) training video films for Parts 1 and 2 of the Civil Code and the commercial Procedural Code were produced and distributed by the ROLC;

5) NJC consultant Judge Ernst Watts worked with Judges and staff of the SCC to prepare a volume of training materials concerning 25 subject areas of law or practice relevant to the commercial courts' work. The volume is looseleaf in format, permitting it to be updated. By dint of great personal effort, Judge Watts prevailed upon the more than 20 Russian authors to adopt a uniform format which had been proven successful over many years of judicial education experience in the U.S. The uniform format permits instructors (or judges simply reading the volume) to focus attention on the primary lessons of each unit, and contains questions for discussion by groups of student judges. The book helps promote uniformity in the application of the laws by the SCC and the component parts of the commercial court system throughout Russia. The Court regards the book as an invaluable aid for already sitting judges, and as especially useful in helping newly appointed judges cope with the demands of the job.

6) in 1996, a local area network (LAN) was installed throughout the SCC Moscow offices, offering both significant immediate improvement and added long-term potential for more efficient case management and information retrieval. At present, the LAN is 40 percent utilized--it can accommodate 250 computers, but the SCC has only 100, a fact to which the SCC has repeatedly called attention in subsequent dealings with the ROLC. The LAN will permit the 100 computers (and up to 150 additional in the future) to access the Internet that is being installed at the SCC pursuant to another component of the ROLC's work (see below).

7) in response to a request from the SCC in early 1997, the ROLC has financed the connection of the SCC to the Internet. The high-quality leased line and provision of the necessary hardware and software will permit the SCC in the future to access information via the Internet, as well as the opportunity to disseminate information about its decisions, procedures, and other aspects of its work.

The suspension of funding that took place in the ROLC program from June - December 1995 adversely affected the program with the SCC, causing the shelving of ambitious and realizable projects to intensify judicial training throughout the SCC system, to develop trained court administrators, and to train appellate judges in appellate techniques.

ROLC views its work with the SCC as a signal success that will contribute to an undeniable improvement in the quality of the performance of the commercial courts. From the point of view of technical assistance, we believe it is a model of how to work with a court system so as to achieve sustainable institutional change. We regret only that budgetary limitations prevented us from doing much more.

Further details about some of the above work with the commercial court system are set forth below.

In late 1994 a Memorandum of Understanding was signed with the High Commercial Court (Supreme Commercial Court (SCC)) outlining assistance activities to be carried out. Additional detail about some of the activities pursuant to that Memorandum of Understanding and subsequent modifications to it is provided below.

**i) Improving Case Management capability; Local Area Network installation with Technical Assistance by National Center for State Courts (NCSC)**

Implementation Appendix I to the MoU with the SCC called for provision of electronic mail consultation and technical consultation regarding case management and database software. Pursuant to that Appendix, in the fall of 1994 NCSC computer expert Jim McMillan visited Moscow and assessed the needs of the SCC for a modern local area network that could be used for computerized case management.

During 1995, further design of the LAN and the procurement of the complex hardware and software necessary for it were carried out. By March of 1996, equipment for installation of the Local Area Network (LAN) at the SCC in Moscow had been given to the SCC and an agreement (in the amount of \$33,847) for the installation of the cable system for the LAN concluded.

A second agreement in the amount of \$33,455 for installation of the server and further work on the LAN was drafted in June 1996. An independent evaluation of the work done under the first agreement and of the proposed agreement for the second part of the work was conducted in August 1996. Work under this contract began in August 1996 and in December 1996 work on the installation of the LAN was completed.

At present, the LAN is used to connect 100 computers, and has the capacity to work with a total of 250 computers, affording the potential for long-term growth and development in the SCC's computer capabilities.

**ii) Seminars with NJC participation**

In October 1995, a seminar with participation by training judges from the NJC was held in Moscow and attended by approximately 100 judges of the commercial court system. It dealt with such topics as the role of judges in a democracy, judicial administration, contracts, securities law, and execution of judgments.

**iii) Training films**

The ROLC financed and organized the making of several instructional video films for use by the commercial court system.

The films treated Part One of the Civil Code (Grazhdanskiy Kodeks) of the RF; the Arbitration (commercial) Court Procedural Code; and Part Two of the Civil Code. (In February and March of 1996 the ROLC had purchased 2,500 copies of Part II of the Civil Code itself for distribution to all of the judges in the SCC system throughout the RF.)

In March 1996, a television for viewing videos was acquired for the SCC (a VCR and video camera had previously been provided).

In September 1996, 400 videocassettes containing 100 copies of the four-cassette, 12-hour film on Part II of the Civil Code, "Round Table in the SCC on the New Civil Code, Part II," Moderated by Chairman V. F. Yakovlev, were given to the Court for use in each court in the system.

**iv) "Instructional Handbook for Judges of Commercial Courts"**

This handbook is a loose-leaf binder, intended to be updatable, that uses a format that has been tested and found to be effective in the U.S. The handbook is a monument to the good work of the late Judge Ernst Watts. Judge Watts met with the authors and convinced them of the need to adopt the uniform format. Although some of them initially resisted, the final result justified Judge Watts's efforts.

Two thousand copies of the binder which Judge Watts oversaw the production of, were given to the SCC in 1996. The ROLC paid to ship copies by train to five regions for further distribution throughout Russia. In this manner, a copy of the handbook was made available to every judge in the commercial court system.

The SCC considers this binder to be an extremely useful training device. It helps ensure consistency in the application of law by judges around the RF, and is considered especially useful to new judges entering the system.

**v) Seminars without NJC participation**

The ROLC also rendered financial support to seminars held by the SCC without the participation of American presenters.

Thus, June 18-21, 1996 a seminar was held in the city of Tyumen' on Part II of the Civil Code at which 63 judges participated (from the Northwestern part of RF). SCC Chairman V. Yakovlev presided; seminar consisted of lectures and reports by experts who had participated in drafting the Code).

On July 5-6, a seminar was held in Irkutsk on Part II of the Civil Code, at which 82 judges participated, and Chairman V.F. Yakovlev presided. It consisted of lectures and reports by experts who had participated in drafting the Code.

During the third week of November 1996 a similar seminar was held in Kazan' (at Chairman Yakovlev's request). Forty commercial court judges of the Volga Region attended.

For the above seminars the ROLC paid for the travel expenses,

rent of the premises for the seminar, and lodging and meals of participants.

Additional seminars on Part II of the Civil Code were held in 1996 in St. Petersburg, Yekaterinburg, Briansk, and Krasnodar at which the ROLC paid only honoraria for two to three expert presenters at each seminar.

**vi) Follow-up training on LAN and other computerized court functions**

From Jan. 21-29, 1997 the ROLC sponsored training of two RF SCC computer specialists, Vyacheslav Pavlovich Ivanov and Vladimir Nikolaevich Vetluzhskikh in the U.S., part of which was conducted at the National Center for State Courts (NCSC) in Williamsburg, Va. This training followed from the activities that equipped the SCC with a computerized case management capability, including the earlier installation of the LAN.

**vii) Study tour on Administrative Law--April 19-26, 1997**

SCC Chairman Veniamin Fyodorovich Yakovlev in January 1997 raised with the ROLC and USAID the growing importance of judicial review by the SCC of various administrative decisions taken by component parts of the Russian government. Subsequently, the SCC provided the ROLC with detailed information on the types of administrative law issues it adjudicates, and submitted a list of 16 topics concerning administrative law in the U.S. on which it would like to be better informed. The SCC believed that such knowledge would help it cope with its burgeoning caseload of administrative law matters.

Accordingly, the ROLC invited a delegation from the SCC to the U.S. for a program on Administrative Law organized at the request of the ROLC by the Federal Judicial Center ("FJC").

Two of these judges subsequently made presentations to a seminar of some 45 of their colleagues in Moscow in May 1997, which the ROLC assisted in financing.

**viii) Internet connection**

As a direct result of its growing expertise in the use of computers, and of exposure to the use of court computerization at the National Center for State Courts in Williamsburg, Virginia, the SCC in early 1997 expressed to the ROLC an interest in being connected to the Internet. The connection is intended partly to enhance the court's ability to research foreign law and case studies, which will become increasingly important as the role of an independent judiciary in settling disputes in Russia becomes institutionalized. Equally important, the SCC will be able to engage more freely in dialogue with the international community, and make information about itself available to Russian citizens and organizations as well as to interested foreigners. This represents a quantum leap in transparency.

The ROLC had already worked intensively with the SCC in the area of modernizing the SCC's computer capabilities for case management, and introducing the use of computers in various

judicial tasks.

The ROLC in April 1997 entered into a three-party contract with the SCC and Infokom Service to connect the SCC to the Internet. (Infokom Service has for a number of years been the SCC's computer service firm, and is in an ongoing working relationship with the SCC. Infokom Service installed the Local Area Network (LAN) which the ROLC paid for at the SCC, as described elsewhere above.)

Assistance with the design of the Internet connection project was given by USAID/Moscow's TI department, consisting of Richard P. Peters, IT Manager for USAID/Moscow and Oleg A. Seminikhin, Computer Management Specialist for USAID/Moscow. Mr. Seminikhin and Mr. Peters assisted in reviewing several proposals by the SCC for the Internet connection, drawing on their expertise with computer systems, the Internet, and specifically, the market for the provision of Internet services in Moscow. (Mr. Peters had overseen the connection of USAID/Moscow to the Internet over the previous year.) Only after several different proposals were thoroughly reviewed by Peters and/or Seminikhin, was the final configuration approved. Among the points which Peters/and or Seminikhin reviewed were: technical feasibility of the project given the duration of the ARD/Checchi contract with USAID; satisfaction that the SCC had investigated the market for the goods and services and sought proposals from a variety of vendors, distributors, and suppliers; and an assurance by the SCC that it understood that there would be ongoing maintenance expenses in the future for which USAID and ARD/Checchi could not be responsible.

Under the subcontract, connection of the SCC to the Internet is expected the first week in September 1997.

## **LAW SCHOOL SUPPORT**

### **BACKGROUND--LEGAL EDUCATION IN POST-SOVIET RUSSIA**

Compared to the support it once enjoyed, Russian government-supported higher education fell on hard times after the collapse of the former Soviet Union. The introduction of a market economy, however, stimulated the demand for lawyers, and made law one of the more lucrative professions. Accordingly, law school admission became highly competitive, and legal education became a growth industry in Russia.

A legal education in Russia traditionally was and remains an undergraduate education, normally consisting of five years of schooling after graduation from the equivalent of high school. Traditionally, it was paid for completely by the government. Since 1992, state-owned schools of law have been able to charge some of their students tuition, and private law schools have also received licenses to offer a legal education. Although licensed, the private law schools are generally not yet accredited; it takes about seven years after licensing to meet the accreditation requirements (including having graduated three classes). Until the schools are accredited, their graduates cannot work for the courts

or prosecutorial system, but can work for business.

Since 1993, the possibility of a bachelor's degree in law for private schools with four-year programs has also been recognized by the State Committee of the Russian Federation for Higher Education.

In 1994, there were 84 state-owned higher education institutions with 84,000 students majoring in law, and in that year, some 9,000 students graduated with law degrees, while more than 23,000 students enrolled to study law.

As of late 1995, there were 185 higher educational institutions in Russia offering a legal education, of which one hundred twenty were government institutions and 65 were private.

The major government law schools and the newly emerging private law schools in some respects have an uneasy relationship. On the one hand, established government law schools believe that they provide a better legal education and that the quality of their faculty in terms of educational background, publications, etc. is higher than at the new schools, both government and private. Some of the schools, both government and private, now offering a legal education have tacked on law departments in response to market forces, but these departments often lack the breadth of experience of the established government schools. The traditional government schools are afraid that the new law schools are graduating unqualified lawyers and giving legal education a bad name. On the other hand, many of the teachers from the established government law schools also work on the side for the new schools (sometimes teaching at three, four, or five schools) because the salaries paid at the government schools are so low. Thus, the argument is made that were it not for the new schools and the opportunities they afford, even more state school teachers would have left teaching to work in private practice or business. As it is, the brain drain from the teaching profession into business has been substantial.

## **OVERVIEW OF THE ROLC'S WORK WITH LAW SCHOOLS.**

### **Design of the Program.**

ROLC worked with four major law schools, all outside of Moscow: St. Petersburg State University; Urals State Law Academy; Irkutsk State University; and Saratov State Academy of Law. These law schools were selected after meeting with their chief administrators and selected faculty, in the belief that these schools would be receptive to a sustained program aimed at encouraging necessary curricular changes, increased faculty independence for the publication of teaching materials, and new teaching methodologies and approaches.

The main features of the program design for the ROLC's initial work with these law schools had already largely been determined before ROLC staff in the field began to implement the design. The design for the law school work was based upon at least two major assumptions: One was that there was a dearth in Russia of suitable published materials that could be used to teach topics which had not figured in legal education under the Soviet non-democratic political system and its non-market economy--topics such as

commercial and business law and human rights. The other was that if Russian law schools were provided with the necessary technical base (better photocopiers, computers with desktop publishing capability, e-mail connections, etc.), their faculty members would, given the proper incentives, produce new contemporary "teaching materials" on the previously neglected topics.

A variety of highly competent law professors from the United States visited these law schools at different stages of the contract as part of a process intended to encourage such "curriculum development." It is instructive to assess the assumptions of the designers of the law school component of ROLC's work in light of certain developments and difficulties which were encountered in the actual process of contract implementation on the ground.

As to the first assumption, that there was a dearth of suitable published materials on certain legal subjects, it turned out to be the case that the workings of the market in large measure filled this vacuum. As the market economy took hold in Russia, legal texts related to commercial law and the legal regulation of a market economy proliferated to meet demand. (For example, within a very short time of the effective date of part of the Civil Code, purchasers had their choice of some half a dozen competing editions of the Code, each with commentary by scholars or practitioners.) The tables of sidewalk booksellers and bookstore shelves groaned under the weight of the large number of new publications on legal and business subjects--the texts of newly enacted laws with commentary on them, translations of standard Western textbooks on economics, business organizations, marketing, trade, and related topics, "handbooks" and "deskbooks" for the use of specialists within the legal profession and emerging business professions (e.g. for notaries, accountants, managers, etc.), specialized dictionaries, magazines and newspapers targeted to the emerging business community, and the like. True, many of these publications were of dubious quality and were thrown together quickly to "make a buck." Also, they were not written specifically for the purpose of being used as law school teaching materials, and their suitability for that purpose was not always ideal. But by and large, it must be said that following the lifting of Soviet censorship and the freeing of prices, the market did its work, and within an amazingly short time there was a plethora of materials available in Russian on many aspects of the legal workings of both the emerging Russian market economy, and on the legal aspects of trade and business in and between more advanced market economies.

It remained the case that Russian law schools normally did not have sufficient money resources to purchase all of the materials which should belong in a good law library, but at least as concerned subjects related to business and commerce, materials came into existence on numerous topics on which literally nothing had been available even one or two years earlier. The flooding of the market with materials on legal/business topics continues apace.

With respect to literature on less commercially relevant topics (such as human rights), the availability of published materials was less, but even here, commentaries to the new Russian Constitution and other materials relevant to human rights and their enforcement quickly became widely available. Russian NGO's which received funding from a variety of sources, private and international aid donors (e.g., USIA, the Council of Europe, Soros-funded groups, etc.) and other institutions wrote or published materials on human rights topics in much smaller editions than the materials on commercial law, but such materials nevertheless did quickly come into existence.

Thus, with respect to the availability of published materials on previously neglected topics, the situation in post-communist Russia quickly became more positive than the designers of ROLC's law school program had foreseen.

The designers of the program also assumed that central control over the curriculum at Russian law schools had broken down, and that the law schools needed assistance if they were to adopt new courses reflecting the dizzying changes in the economy and legislation. As the ROLC was to learn during the course of implementation, this assumption was only partially correct.

Because a legal education is an undergraduate degree in Russia, a considerable amount of the course of studies is required to be given over to philosophy, foreign languages, history, sociology, "politology," psychology and pedagogics, economics, physical culture and sports, and higher mathematics and the natural sciences. The Russian government continues to regulate the required content of a course of legal studies. (The "State Education Standard of Higher Professional Education" published by the State Committee of the RF for Higher Education, for field of study no. 521400 "Jurisprudence," lists as part of the "State Requirements for Compulsory Minimum of Bachelor Program Content" subjects which are outside the province of legal education in the U.S., such as "political and law-related teachings of Kant and Hegel" and the history of Russian law and of foreign law (including that of ancient Egypt and Babylon).

Notwithstanding this degree of continued regulation, law schools had, prior to the ROLC's work in the RF, already introduced "special courses" (spets-kursy) on many of the topics related to the emerging market economy and business. (Whether existing faculty were competent to teach courses outside their traditional areas of specialization is a different question which we will not touch on here.)

Thus, to some extent, the market was also pushing law schools toward a recognition of the importance of new topics in the curricula, independent of the activities of ROLC and other providers of technical assistance.

Representative of the equipment the ROLC provided to its partner law schools is the following equipment package that was delivered to the Irkutsk State University Law Faculty: four computers, one with a 520 MB hard drive; 2 CD-ROM Drives; 1 laserjet printer and 3 matrix printers; Windows 3.11 Russian; Word

for Windows 6.0 Russian; Aldus PageMaker 5.0 Russian; the aforementioned Risograph; several modems; and provision of an e-mail subscription. (Additional video equipment was provided for the Trial Advocacy component of the program, separately described below). The law schools in St. Petersburg and Yekaterinburg received similar equipment, and the Saratov State Academy of Law received somewhat less.

Experience showed that the ROLC program designers' assumption that Russian law faculties would eagerly utilize desktop publishing and other technical capacities if such were provided to them by the ROLC proved in practice to have been unwarrantedly optimistic. There were many reasons for this, but several of the problems encountered will be singled out for brief mention here.

**Problems encountered**

- 1) overextended faculty;
- 2) security problems making access to the equipment problematic;
- 3) continued central government oversight of curriculum, and the traditional organizational kafedra structure within the government law schools, which to some extent impeded "curriculum development";
- 4) the weak or non-existent Russian tradition of using "teaching materials" at all in the American understanding of that term.

Each of these points is addressed in more detail below.

1) Many of the teachers from the established government law schools with which the ROLC worked were simultaneously also working on the side for new private law schools (sometimes teaching at three, four, or five schools) because the salaries paid at the government schools are so low. Due to their holding down several teaching jobs simultaneously, it was difficult to get them to find time to prepare "teaching materials" as the ROLC desired, even when they were promised the payment of "honoraria".

2) Security problems with equipment provided to the law schools were a recurrent issue. For example, a computer provided to a law school and equipped with an e-mail account, which the ROLC hoped would be accessible to numerous faculty members, would be kept in a secure location to prevent its being stolen, but only one faculty member might have a key to that location, and would in effect convert the computer to his sole use. There were other variations on this theme.

3) There was resistance to introducing new courses not falling squarely within the province of one of the already existing "kafedras" (departments) at these government law schools--if the subject matter of a proposed course (e.g., "Human Rights Law" or "Client Counseling") did not logically belong within the 'jurisdiction' of a single kafedra, there was usually no administrative mechanism to introduce it into the curriculum. The

new "special courses" which had been introduced were shoehorned into the framework of the existing kafedras. (Some of the better private law schools which have sprung up have been in some respects more innovative than many of the government ones. In retrospect, it might have been wise for the ROLC to have instituted activities at one or more of these private schools. At the time the program was designed, however, such institutions were simply too new and unknown to have made reliable partners for the ROLC. Given the benefit of what the ROLC has since learned, it could today confidently nominate several private law schools as promising partners for projects in the area of curriculum development, faculty and student exchanges, etc.).

4) Traditionally, Russian law professors' publications tended to be highly theoretical, and to be published in specialized journals or as monographs, but not intended for use by their students. There was practically no tradition in Russian legal education of teachers preparing their own handouts or other written materials for their students. It was of course precisely this shortcoming that the designers of the ROLC's law school component hoped to address by providing a combination of equipment and technical assistance, but traditions can be tenacious, as ROLC implementers on the ground learned.

Thus, with the benefit of hindsight, it is not particularly surprising that overcommitted teachers, who for security reasons often did not have ready access to ROLC-provided equipment, operating under the strictures of the "kafedra" system, and without a tradition of producing "teaching materials" and no particular need to do so, even under changed conditions, did not produce reams of "new teaching materials" using the desktop publishing capabilities provided by the ROLC. This does not mean the equipment has not been used at all, or that it will not be more heavily used over time, or that its provision was a bad idea.

Despite the best efforts of the American professors who visited the Russian law schools as consultants for the ROLC, who were distinguished experts in their substantive legal fields, and despite interest on the side of the cooperating law schools, it is very difficult to correlate specific curricular changes with the cumulative effects of these visits (the subject of Trial Advocacy is the major exception to this statement, and is discussed separately below). This does not mean that the interaction by Russian faculty, administrators, and students with the American consultants was not worthwhile. It is simply the case that for various complex historical and logistical factors, the ambitious curriculum development component of the design for law school work which ROLC staff in Moscow was charged with implementing proved to be partially unworkable in practice.

The most conspicuous success achieved with the law schools was in the area of teaching methodology. ROLC fostered a close collaboration between two younger faculty members at Urals State and a seasoned Russian-speaking American law professor, William

Burnham, in the development of a Trial Advocacy textbook based on Russian fact situations and materials, but incorporating the pedagogical techniques of American law schools. The teaching methodology on which the textbook is based was demonstrated to a series of seminars and conferences by presentations involving Professor Burnham, the co-authors, and Russian law students, judges, and advocates. Proof of the success of this endeavor is that the book is widely used in Russian law schools. Also, the book stimulated discussions at the conferences which indicate that there is real ferment and increasing, although not unanimous, enthusiasm for new methodological initiatives based on the needs of the rapidly changing Russian legal profession. The ROLC's Trial Advocacy activities have contributed greatly to a strengthened capacity of Russian law schools to train attorneys for practice in adversarial proceedings.

ROLC's law school program also achieved notable success with the formation of an Association of Russian Law Schools (the Inter-Regional Association of Higher Legal Educational Establishments or "IRAHLEE"). This was the fruit of a patiently cultivated partnership between the ROLC law schools and the American Association of Law Schools (AALS). Fundamental to the undertaking was the visit of Russian law professors and administrators to the Annual Meeting of the AALS in January, 1996.

Through visits to Russia by AALS representatives and during the Russians' visit to the AALS Annual Meeting, the AALS shared information concerning its history, governance, and services it provides to member schools and to the U.S. legal teaching profession. These materials were translated into Russian and given to the interested representatives of Russian law schools. Their content is reflected in the charter documents which the Russian jurists drew up as the charter of their Association.

ROLC participated in the first two IRAHLEE conferences. These conferences strongly showed the value of breaking down the isolation in which Russian law professors often teach and work. They also showed the common interest of law schools in pursuing the business of legal education with less onerous oversight by the State Committee for Higher Education. With ROLC backing, IRAHLEE undertook the distribution of nearly 5,000 copies of the Trial Advocacy textbook to 55 law schools throughout the RF. The textbook itself is a real achievement that will help the development of an adversary legal system in Russia. At the law school conference the ROLC sponsored in Moscow in May 1996, the Executive Director of the AALS visited Russia and signed with IRAHLEE an agreement of cooperation concerning future contacts and efforts in such areas as the sharing of information, curriculum development, exchanges, and the like. Thanks in large measure to the ROLC, IRAHLEE is poised further to help the development of Russian law schools as institutions responsive to a free market economy.

Work with the law schools was not marked by success in all areas. Change in curriculum and methodology seems labor intensive. American technical assistance in the area of curriculum development is most successful when rendered by law professors thoroughly

conversant with the Russian legal system and solidly proficient in the Russian language. The sad truth is that there are perhaps six such professors in the United States.

#### **DETAILED DESCRIPTIONS OF THE ROLC'S WORK WITH INDIVIDUAL LAW SCHOOLS**

The ROLC's work with individual law schools and the law school association is described in more detail below.

##### **Work with Individual Law Faculties**

There were certain common elements to the work of the ROLC with the faculties at St. Petersburg St. University, Urals State Law Academy, and Irkutsk State University. In working with these law schools, the ROLC attempted to identify those persons at each school most interested in the reform of Russian legal education. This process was time-consuming and not without false starts.

##### **Material Assistance: Computer Equipment and Risographs**

The ROLC provided computer equipment to the law schools in Yekaterinburg, St. Petersburg, and Irkutsk, and later to Saratov, in hopes that faculty members would prepare and self-publish new teaching materials reflecting changed legislation and the new market economy. As discussed above, these hopes were not fully realized.

Representative of the material assistance provided to the law schools the ROLC worked with is the following list of equipment provided to the Irkutsk State University Law Faculty:

1. 3 IBM PS1 433sx/4MB RAM/170 MB computers;
2. 3 monitors
3. 3 mouses
4. 2 CD-ROM Drives
5. 1 HP LaserJet IVL printer
6. 3 Epson matrix printers
7. 4 parallel printer cables
8. 1 MBL 486BL3/75 8 MB RAM 520 MB computer
9. MBL mouse
10. Keyboard 101L/C
11. Color monitor
12. Windows 3.11 Rus
13. Word for Windows 6.0 Rus
14. Aldus Page Maker 5.0 Rus

The ROLC also purchased a Risograph for the Faculty as well as several modems and paid for an e-mail subscription.

When access to some of the equipment became problematic, the ROLC paid for security measures to ensure that the equipment would be both safer and more accessible to more persons.

Similar equipment and e-mail subscriptions were provided to the law schools in St. Petersburg and Yekaterinburg, and a somewhat more modest complement of equipment to the Saratov State Academy of Law.

### **Technical Assistance: Curriculum Development Work**

The ROLC undertook work in law school curriculum development (and later, in the area of law school administration and law school association development) with the aid of AALS consultants and other ARD/Checchi consultants and personnel in the RF.

### **Role of the American Association of Law Schools (AALS)**

COTR Allan Reed on Jan. 6, 1995 gave approval for the ROLC to enter into an agreement with the AALS to assist in implementing the Action Plan with respect to legal education. That approval contemplated funding in the amount of \$250,000. Pursuant to that approval, an initial subcontract was entered into between Checchi and Company Consulting, Inc., and the AALS, on May 25, 1995, for an estimated amount of \$34,594. The subcontract was later modified to a larger sum.

The AALS work included visits by American consultants--primarily law professors and deans--to the Urals State Law Academy (USLA) in Yekaterinburg; the St. Petersburg State University Law Faculties; and the Irkutsk State University Faculty of Law. (ROLC assistance provided to the Law Faculty of Petrozavodsk State University in Karelia is described separately below under the Vermont/Karelia activity description). These consultants worked with Russian faculty members at these schools to develop new and expanded course offerings in the areas of constitutional law, environmental law, real property/land use law, and business law, and with administrators on issues of law school administration. The AALS was also instrumental in assisting with the fostering of a Russian law school association (see below).

Outside the framework of its agreement with the AALS, the ROLC sponsored at USLA and St. Petersburg State University successful programs in trial advocacy training using American methodology; this component of technical assistance was later expanded to Saratov State Academy of Law and Irkutsk as well. Because the Trial Advocacy Training component was extremely successful at all four of those law schools, it is singled out for separate, detailed comment below.

### **TRIAL ADVOCACY TRAINING**

At Russian law schools, courses in the duties and function of counsel have traditionally been part of the curriculum, and some role playing is done in these courses. Law students also do internships (*praktika*), both unpaid (*uchebnaia praktika*)--typically 4 weeks, and *proizvodstvennaia praktika*, typically 8 weeks (in which advanced-level students work in judicial, prosecutorial, or law enforcement offices).

Russian role-playing is generally used to demonstrate how something is done, and only the individuals in that demonstration participate. The NITA methodology, by contrast, focuses on the experiential learning value of performing the role of lawyer, and gives all students the opportunity to play roles. Under the NITA approach, students 1) read and hear lectures on how to perform a task; 2) perform in a role-play exercise; 3) receive critiques of

their performance from instructor(s); 4) view their performance on videotape; and 5) get the opportunity in later sessions to implement what they learned from the critique and video review. In the NITA critique, teachers comment both on the student's live performance and during review of the videotape.

Patrick Murphy and ARD/Checchi consultant Prof. Richard Rosen met in Yekaterinburg on July 25, 1994 with Vice-Rector Viktor Dmitrievich Perevalov and other faculty members of the USLA. Rosen and the Russians exchanged views on a number of legal teaching and substantive law areas were exchanged, with the focus on the methods used by American legal educators in trial advocacy and clinical programs. Rosen assessed the Academy's need for and desire to participate in a Trial Advocacy workshop. Based upon the Academy's stated needs and willingness, preliminary agreement was reached with the USLA to conduct next quarter in Yekaterinburg a planning session for such a workshop, with the workshop itself to be held in the Spring of 1995.

In November 1994, ROLC consultants Prof. Adrienne Fox of NCSU Law School and Prof. William E. Burnham of Wayne State University Law School, both experienced in National Institute of Trial Advocacy (NITA) teaching, held a planning meeting in St. Petersburg with members of the Law Faculty's Criminal Procedure Department.

Wayne State University Law Professor William Burnham, a recognized expert on trial advocacy training and on Russian law, also visited USLA in Yekaterinburg in early December 1994 to aid in implementation of the Agreement between ARD/Checchi and the USLA. During his visit, Burnham met extensively at USLA with Vice Rector Viktor D. Perevalov; and with Civil Procedure Instructor Irina V. Reshetnikova and Criminal Procedure Instructor Aleksey D. Proshlyakov, the two coordinators designated by USLA to conduct the Trial Advocacy Workshop.

In cooperation with Jim Jeans, a consultant for ABA/CEELI who was also visiting Yekaterinburg, Burnham demonstrated NITA methodology to a group of 30 to 40 students and several faculty. Burnham spent considerable time with Reshetnikova and Proshlyakov planning the Trial Advocacy Workshop to be given in the Spring of 1995. He gave them considerable amounts of materials provided by NITA, as well as some of the materials which had been created or translated by the St. Petersburg law faculty members planning the Trial Advocacy Workshop at that law school.

To further expose the Russians to NITA methodology, in March 1995 the four faculty members--Reshetnikova, Proshlyakov, and St. Petersburg Department of Criminal Procedure instructor Julia S. Merkoulouva and dotsent Natalya A. Sidorova--attended NITA training programs in Chicago and at Harvard, and made visits to American law schools. Burnham, Fox, and ROLC attorney Scott Newton helped the visitors to assimilate the experience, and assisted them in further preparing the case files.

The Yekaterinburg class lasted six days (April 24-29) and the St. Petersburg class five (May 2-6). Video equipment given to the schools by the ROLC was used.

Enrollment was deliberately limited to approximately two dozen students at each school, although many more had wanted to participate. Burnham, who speaks fluent Russian and knows Russian courtroom procedures, advised at both courses and joined the Russian faculty in critiquing the students; specially invited prosecutors, lawyers, and judges also helped critique. The seminars started with case analysis and witness examination, dealt with such aspects of witness examination as impeachment and experts, and ended with closing arguments. Although jury trials are not yet being held in either of the oblasts where the schools are located, the courses were presented with an emphasis on the increasingly adversarial nature of Russian trials and on how various tactics would fare with the expected future juries.

The level of preparation for the seminars by the Russian faculty and students was extraordinarily high. The students were extremely enthusiastic about this approach to education. The novelty of using video lent a compelling quality of immediacy. The individualized, one-on-one attention provided by the critiquers made an enormous impact on the students, perhaps because it so contrasts with the usual "straight lecture" method of Russian classrooms. A number of students at both schools said that the course had been the best part of their law school education.

REPORT ON THE TRIAL ADVOCACY SEMINAR HELD IN ST. PETERSBURG  
May 2-5, 1995.

Instructor Julia S. Merkoulouva and dotsent Natalya A. Sidorova, teachers from the Department of Criminal Procedure at the Law Faculty, were the chief presenters. ROLC Prof. William Burnham also participated.

To achieve their goals, the instructors developed two criminal case files for the seminar: one based on a case prepared by NITA, translated into Russian and adapted to the Russian criminal trial context; the second based on materials from an actual criminal case. During the seminar the training video "Trial by Jury" was shown (one of the ROLC videotapes prepared in cooperation with the GPU and described above), and a video on cross-examination in the State v. Lawrence case (converted into the Russian video format by the ROLC) was shown.

In addition to Merkoulouva and Sidorova, several members of the City Collegium of Advocates of the City of St. Petersburg and a local People's Court judge participated as critiquers of the students' presentations.

Twenty-two students of the day and evening departments of the Law Faculty actively took part, and other students observed.

The videotaping and viewing of the videocassettes was done with equipment provided by ARD/Checchi.]

#### **Other Law School Work**

##### **1. St. Petersburg State University**

Agreements Signed:

June 5, 1994--Agreement on Cooperation signed.

Sept. 22, 1994--General Agreement with the Law Faculties

signed.

Sept. 22, 1994--Appendix I, Technical Assistance, provides for a Trial Advocacy Instruction Workshop in the spring of 1995 as part of the Consortium's support for curriculum development.

Sept. 22, 1994--Appendix II, Technical Assistance, Information Systems Modernization, provides for technical and material assistance in the provision and use of information services.

Oct. 4, 1994--Appendix III, Research Project: Legal Information, provides for the Special Faculty to act as the implementing agency for the Consortium's Legal Information Project, described separately below.

In June 1994 ROLC concluded a General Agreement Regarding Terms of Cooperation with the Law Faculty and Special Law Faculty of St. Petersburg St. University.

St. Petersburg State University is one of the two leading universities in the Russian Federation. The Law Faculty has more than 2,500 students, 800 of them full-time. Virtually everyone holding a legal position of any significance in the St. Petersburg area is a graduate of the St. Petersburg State University Law Faculty. Its Special Law Faculty is a separate legal entity which charges tuition to persons who already have a higher education and thus are not eligible for a second one without paying for it.

The General Agreement provided in three Appendixes for separate activities in Trial Advocacy Instruction; a Legal Information Project; and enhancement of the Faculties' computer capability, including connection to the Internet. In furtherance of the goals set forth in the General Agreement, in mid-July 1994 ARD/Checchi consultants Dean Ken Broun and Prof. Richard Rosen of the Univ. of N. Carolina School of Law, visited the faculties and met with instructors and administrators.

Broun and Rosen discussed with the Law Faculty its interest in participating in a Trial Advocacy workshop using American methodology, specifically NITA techniques. Based upon the Faculty's stated needs and willingness, preliminary agreement was reached to conduct in the last quarter of 1994 a planning session in St. Petersburg for such a Pilot Workshop, with the workshop to be held in the Spring of 1995 using methodology shared by the American side as well as video equipment to be procured by the ROLC. The experience with the Trial Advocacy program is separately described elsewhere in this Report.

Both the workshop held in St. Petersburg and that held in Yekaterinburg in the Spring of 1995 are discussed in detail above.

#### **Internet Connection**

ROLC Consultant University of Arizona Law Prof. William E. Boyd, a recognized expert on the use of computer technology in legal teaching, visited St. Petersburg St. Univ. Law Faculties for approximately seven days in late November 1994. He brought with him materials on computerization in legal education and the Internet. Boyd observed law faculty teaching of elementary computing, met with the Law Faculty Dean, Vadim S. Prokhorov, and

other faculty members and administrators.

Boyd addressed the Law Faculty's department of commercial law on computerization, the Internet, etc. During his address to the commercial law department, Boyd passed around materials accessed on the Internet and showed a printout of a flow chart of the steps in a bankruptcy case, which is part of a computerized bankruptcy law teaching/learning program he wrote, which can be accessed via Internet.

Boyd demonstrated the Internet from the Computer Service Department at St. Petersburg University. Using Mosaic, he got on the World Wide Net and demonstrated it to several people from the Faculties. He accessed a legal database at Cornell University and also brought up on the screen his bankruptcy flow chart and related materials, and showed how the blue words are linked by hypertext to other layers of information.

The proposed connection to the Internet was not realized due to a variety of factors. One was the departure from employment at the Faculties of the single individual who was somewhat knowledgeable concerning computer technology (Sergey Voitenko). Following Voitenko's departure, no one on the Faculties attempted to move the project along. The resident staff in the Moscow office of the ROLC did not possess the technical expertise to move the project along without a knowledgeable person on the staff at the Faculties. This is an example of the element of chance that can often thwart technical assistance to counterpart institutions. In this case, ROLC's threshold investment was not too great and the good relations established at the St. Petersburg Law Faculties were used in connection with other ROLC activities.

#### **Legal Information Activity**

Historically, access to the text of laws and implementing regulations was difficult in the Soviet Union. In recent years, computer data bases of legislation and regulations have become commercially available, but are prohibitively expensive for non-commercial organizations. Under this pilot project, ten non-commercial legal organizations in the St. Petersburg area, both non-governmental as well as some courts and related organizations, were equipped with computerized legal databases, e-mail capability, and the computer hardware to use them, and trained in their use. In return, the recipients agree to make available additional information to the data base provider(s) for possible inclusion in the database. It is hoped that having common access to legal information will facilitate the growth of the NGO community as well as the efficiency of court units, lawyers' organizations, etc.

Based upon extensive research and negotiations, ARD/Checchi determined that the Special Faculty (see above), given its familiarity with the St. Petersburg legal community and legal database providers, would be the best implementing agency to help the Consortium carry out the Legal Information Activity.

The Special Faculty interviewed and visited potential participants in St. Petersburg and tendered a list of potential recipient organizations. The first three organizations were

equipped and trained by January 1995, with the remaining seven organizations equipped and trained early in 1995. Depending upon the results of this pilot project with ten organizations, it was hoped that the Activity might be expanded to another 40 organizations later.

Pursuant to subsequent approval by the COTR, the participants were provided with one-year "Relcom" e-mail subscriptions (except for Memorial, which already had e-mail); with one-year subscriptions to the "Kodeks" specialized database of St. Petersburg legislation and legal documents (except for the City Collegium of Advocates, which already had Kodeks), and with one-year subscriptions to the "Iusis" database of Russian Federation national legislation (except for the Oblast Collegium of Advocates, which already had a partial version of Iusis, and received only a partial subscription, with more frequent updates).

The St. Petersburg Law Faculties were previously provided with a set of computer equipment pursuant to the Agreement with them, and received a Relcom e-mail subscription pursuant to the approved Protocol IV establishing the curriculum development Working Groups. The Law Faculties also received a subscription to the St. Petersburg Kodeks database and to Iusis pursuant to the Spetsfak's role as the implementing agency for the Legal Information Activity.

#### **Curriculum Development--St. Petersburg**

Prof. Dale Whitman of Brigham Young University Law School, an expert on real property, real estate, and law school administration, visited both USLA and St. Petersburg law schools for the ROLC in the spring of 1995. He met with faculty members ostensibly interested in real property and land use regulation. He also met with administrators of both the regular and Special law faculty, and as a former dean, shared his experiences concerning law school administration, fund-raising, alumni relations, etc.

Prof. David Cluchey of the University of Maine Law School in the Spring of 1995 worked with administrators and faculty of the USLA and the St. Petersburg State University Faculty of Law on revision of law school curriculum, on the development of new law school courses, on the development of materials for new and existing law school courses, and on innovative approaches to teaching methodology, with emphasis on approaches currently in use in U.S. law schools. In particular, he led discussions with law school administrators on issues of law school curriculum; met with faculty to discuss issues involved in the teaching of International Trade Law (Yekaterinburg) and Business Associations (St. Petersburg); provided to faculty members some basic books and materials on International Trade Law and Business Associations; and met with members of faculty working groups to plan development of specific courses and of materials for new and existing courses.

#### **2. Urals State Law Academy (Yekaterinburg)**

The Urals State Law Academy is one of the largest law schools in the former Soviet Union, with over 5,000 students in its full-time, part-time, and correspondence courses taken together.

Historically, the Academy (formerly called the Sverdlovsk Legal Institute) has been a training ground for many students who later pursued careers in the procuracy, law enforcement, and government ministries at the national level. It plays an important role as a regional educational center for the Urals and Western Siberia, and many of Moscow's important legal figures are graduates of it.

The ROLC sent personnel to visit the USLA in late May 1994.

On June 2, 1994 the ROLC and the USLA signed a General Agreement on Cooperation.

On June 29, 1994 a Memorandum of Understanding Concerning Curricular Expansion, Modification, and Development was signed, and on Oct. 18, 1994 a General Agreement formalizing the previously-reached understandings and providing for the proper use of material assistance. On Oct. 18, 1994 an Appendix was signed providing for a Trial Advocacy Workshop to be held in the spring of 1995 (separately described elsewhere herein).

#### **USLA Curriculum Development--Material Assistance**

The USLA had during a several year period prior to 1994 introduced new "special courses" (spets-kursy) in numerous commercial areas, civil law, criminal law and procedure, prosecutorial-investigative subjects, and legal defense subjects. The Academy committed to further developing the content, methodologies, and course materials for courses in the listed areas. Accordingly, the ROLC provided USLA with a technical base for Desktop Publishing: computer hardware, software, and reproduction equipment so that new course materials could be reproduced. Specifically, the equipment consisted of three 486-type computers with modems (one with CD-ROM drive); Windows, Russified WordPerfect, and Microsoft Works software; 2 laser printers; and reproduction equipment (a Risograph with sorter, computer interface, and supplies). These items were delivered to the Academy in the fall of 1994.

#### **USLA Curriculum Development--Trial Advocacy Teaching**

The ROLC's efforts in introducing Trial Advocacy teaching at USLA are described elsewhere herein. As at St. Petersburg, video equipment for use in trial advocacy training was provided to the USLA prior to the May 1995 workshop.

It should be noted that despite an initial appearance of being a very conservative institution, as might be expected from a training ground for the procuracy and law enforcement organs, the USLA in time showed itself to be very receptive to innovative teaching, especially trial advocacy. A great deal of the credit for this goes to Irina V. Reshetnikova personally, but the administration of USLA also supported the introduction of this methodology wholeheartedly.

#### **USLA Curriculum Development--International Transactions, Comparative Constitutional Law, Property Law**

The USLA identified these as subject areas in which it would

welcome technical assistance from the Consortium; agreement was reached to convene Working Groups of USLA professors to work with a visiting American specialist on curriculum development in each of these areas, with the new teaching materials produced as a result to be made available for use in other RF institutions as well.

Accordingly, Professor Gary M. Shaw of the Touro Law School visited Yekaterinburg to work with the working group on Constitutional Law at the Urals State Law Academy (USLA) in the spring of 1995.

Similarly, Prof. David Cluchey of the University of Maine Law School visited USLA in the spring of 1995 and held meetings with faculty to discuss issues involved in the teaching of International Trade Law.

Prof. Dale Whitman of Brigham Young University Law School also visited the USLA in April 1995 and met with faculty interested in teaching courses related to real property and land use regulation. As a former law dean, he also shared insights into the management of law schools in the U.S. and such issues as alumni relations and fund-raising.

The results of these groups' efforts (and of the groups from St. Petersburg and Irkutsk) were shared at the meeting held at the ROLC in November 1995 and at the Law School Conference in May 1996, as described elsewhere herein.

#### **Some Reflections on the Curriculum Development Process.**

The Working Groups at USLA and St. Petersburg that met with ROLC visiting consultants produced numerous translations of valuable materials carefully selected by the ROLC consultants, and produced a number of monographs and articles using inputs from the consultants. These texts were deemed generally not to be of publishable quality by persons who reviewed them for the ROLC in Moscow, but they were regarded as useful teaching aids, and were exchanged at the ROLC's Moscow meeting of law teachers in November 1995 and at the Law School Conference in 1996.

With the exception of Trial Advocacy (discussed separately herein), however, the stimuli provided by the interaction with the ROLC consultants and their materials failed to produce a significant volume of new publishable "teaching materials." Some of the reasons for this have been alluded to in the Overview above.

It should be emphasized that the American professors who visited the ROLC's partner Russian law schools for purposes of curriculum development prepared very well for their visits, worked very hard, gave very well-organized and informative presentations, and demonstrated an admirable flexibility, patience, and good humor under sometimes trying conditions. If these visiting consultant-professors' efforts failed to catalyze impressive quantifiable results in the area of curriculum reform at the Russian law schools, the fault is not that of the American professors. Rather, larger cultural and political factors, discussed in the overview above, must be looked to in explanation. Also, some complex

processes--and curriculum development in higher education turns out to be one of them--cannot be forced to occur according to a prescribed schedule. Some of the efforts of the visiting consultants are still bearing fruit, and will continue to do so in the future. (For example, in 1997 a constitutional law casebook reflecting the inputs of ROLC work in 1995 was published by a scholar at Urals State Law Academy. St. Petersburg faculty member Aleksandr Vershinin was exposed to materials on international business as part of a working group with Prof. Cluchey; Vershinin later became head of the St. Petersburg Arbitration Court, where his exposure to Cluchey's materials can be expected to assist him in this endeavor. Other similar examples could be cited).

### **3. Saratov State Academy of Law.**

In July 1994 ROLC Moscow staffer Patrick Murphy and ARD/Checchi consultant Richard Rosen met in Saratov at the Saratov Law Institute (later renamed the Saratov State Academy of Law) with the Rector and other faculty and staff. They discussed the Rule of Law Program, but no agreement was reached to conduct a trial advocacy workshop in Saratov.

At the Saratov Academy, 450 students enter per year, and there are about two and a half thousand students in the day division, 800 students in the evening school, and two thousand or more correspondence students.

Murphy and Rosen discussed the types of assistance which the ROLC had already planned with the St. Petersburg and USLA faculties. Saratov expressed an interest in acquiring American legislation and legal materials.

For various reasons, the ROLC did not work closely with the Saratov State Academy of Law until the fall of 1995. It began to work even more closely with it in the spring of 1996.

The ROLC purchased video and computer equipment for the Saratov State Academy of Law in connection with the trial advocacy teaching activity there during the first week of March 1996.

The equipment was for use in conducting the trial advocacy program, as well as for facilitating subsequent contacts among the Saratov State Academy of Law and other Russian law schools, as well as contacts with American and other foreign legal experts.

During the first week of March 1996, Prof. William Burnham of Wayne State University, together with USLA professor Aleksey Proshlyakov, worked with the faculty at Saratov State Academy of Law by conducting law teacher training in trial advocacy teaching skills and then assisting the teachers in conducting a mini-workshop or course in trial advocacy for a group of students.

### **4. Irkutsk State University Faculty of Law**

Irkutsk State University Faculty of Law is the leading law school in Eastern Siberia. With over 1000 students, it has been an active center for research and teaching in commercial law, criminal law and environmental law.

The ROLC signed a Protocol with Irkutsk in January 1995, and AALS Dean-in-Residence Mary Doyle visited the faculty and provided

expertise on environmental law.

Gary M. Shaw, Professor of Constitutional Law at the Touro Law School visited the law schools in Irkutsk and Yekaterinburg where he worked with the members of the working groups on Constitutional Law.

In its later work with Irkutsk, the ROLC provided Trial Advocacy instruction to faculty and students (see below).

#### **5. Petrozavodsk State University Law Faculty, Petrozavodsk, Republic of Karelia**

This smaller law school was the recipient of considerable technical and material assistance provided through the work of the Vermont Bar Foundation in Karelia. Such law school assistance is described separately below in the section about the Vermont/Karelia work.

#### **6. Organized Crime Study Centers (OCSC) at Irkutsk, Yekaterinburg, and Moscow**

Beginning in the second quarter of 1995, an additional component was added to the Law School Support Activity by the creation of and awarding of grants to Organized Crime Study Centers at the law schools in Yekaterinburg and Irkutsk. Examples of the work of these centers include a well-attended conference held in Irkutsk in May 1996, and the publication in Yekaterinburg in 1995 of a booklet entitled 'Organizovannaya prestupnost': sostoyanie i tendentsii (materialy issledovaniya) (Organized Crime: Its Condition and Tendencies).

#### **b. THE CREATION OF A RUSSIAN LAW SCHOOL ASSOCIATION (IRAHLEE)** **i) Demonstration and Planning Meeting - Nov. 1995**

The ROLC convened a meeting of Russian and American legal academics at the ROLC's office in Moscow in November 1995. A core group of approximately 13 Russian law professors and administrators who had worked closely with the ROLC was invited to Moscow for two working days of meetings with AALS officers.

Representing the AALS were AALS Dean in Residence Mary Doyle, who had worked with the Irkutsk Law Faculty on environmental law and law school administration issues and Brigham Young University (BYU) Prof. Dale Whitman, who had worked with the faculties at both USLA and St. Petersburg on real property and law school administration issues.

The meeting served several purposes:

1) it constituted the first stage in the exchange of newly prepared teaching materials that were being prepared at the three main law schools with which the ROLC was working.

2) both Americans and Russians demonstrated teaching methodologies--Prof. Whitman demonstrated how he uses a computer in the classroom and Russian instructors from USLA demonstrated the new trial advocacy teaching methods; others shared innovations from their schools (e.g., the publication of a periodical digest of court decisions by the law faculty in St. Petersburg).

3) the Russians exchanged ideas concerning the formation of a

law school association to enhance their status, and made a preliminary decision to establish such an association;

4) the Americans and Russians jointly planned for the Spring 1996 Law School Conference.

**ii) Visit to AALS Annual Meeting and American law schools--  
January 1996**

The next stage in the Law School Support Activity was the attendance by six Russian legal administrators and law professors of the AALS's annual meeting in early January 1996 in San Antonio, Texas. This trip opened the opportunity for cooperation between Russian law schools and American law schools at the organizational level.

The Russian delegation came from four Russian law schools (St. Petersburg State Univ. Faculty of Law; Urals State Law Academy; Saratov State Academy of Law; and Irkutsk State University Faculty of Law). At the annual meeting, they attended sessions on the subject areas of law of most interest to them; met with American faculty and administrators concerning topics not otherwise slated for the convention program; and, based upon their observations of the methods of the AALS, further developed plans for the May 1996 Russian Law School Conference and for the formation of a Russian law school association. The AALS provided copies of relevant portions of its charter and by-laws, which the ROLC had translated and provided to the visitors before they got to San Antonio. They actively studied them, and absorbed a great deal during the AALS annual meeting, where they were given a warm and well-organized reception--thanks to AALS Executive Director Carl Monk and his excellent staff.

In addition to attending the AALS conference, the Russian delegation visited four U.S. law schools--Brigham Young University in Provo, Utah; University of Utah in Salt Lake City; University of Miami Law School, and Nova University in Fort Lauderdale, Fla. At these law schools, the delegation observed classes in session, met with faculty and administrators, and inspected the buildings' libraries and facilities. They were accompanied to the AALS convention and to the law schools by a ROLC staff employee. In Utah and Florida, respectively, Prof. Dale Whitman and Prof. Mary Doyle rendered great assistance to the ROLC in making the Russians' visit as meaningful as possible.

Their experiences on this trip strengthened the resolve of representatives of the Russian schools to form a law school association.

**iii) The Founding of a Russian Law School Association  
(IRAHLEE)**

Although the charter meeting of this organization was not funded by the ROLC, it is fair to say that it would not have occurred without the technical assistance referred to above.

The charter meeting of the Inter-Regional Association of Higher Legal Educational Establishments (IRAHLEE) (Mezhregional'naya Assotsiatsiya vysshikh iuridicheskikh uchebnykh

zavedeniy), was held at the Law Faculty at St. Petersburg State Univ. Feb. 20-21, 1996. Representatives of about 25 law schools from all over Russia attended, mainly deans, vice-deans, and pro-rectors. They came from as far away as Vladivostok, from Barnaul and Tyumen', Perm' and Petrozavodsk, and many other places. With one exception, only government institutions were represented at the meeting.

There was spirited debate about several topics, including whether membership would be limited to law schools (faculties) only, or would include universities, or individuals (such as deans) who might represent their faculties. The provisions of the RF law adopted in Dec. 1995 on non-commercial organizations basically determined the charter as finally adopted. Essentially, only legal entities can become members, and most Russian law schools do not have this status, so universities will become members through their law faculties ("universitety b litse iuridicheskikh fakult'tetov"), and the charter provides that "academies, institutes, and colleges" can also become members.

The attendees discussed plans for enhancing the status of Russian legal education, forging ties among Russian law schools-- which have been badly out of touch with each other in recent years, improving curriculum and teaching methods, learning from foreign experience, trying to coordinate the publishing and distribution of publications, and their hopes to play a role in the process of law school accreditation.

The AALS materials and the positive experience of attending the AALS annual meeting were referred to during the charter meeting, and were reflected in the purposes the organization set for itself.

#### **iv) Law School Conference in Moscow, May 1996**

The May 1996 Law School Conference followed from the work done by the ROLC with Trial Advocacy training at the law schools in St. Petersburg and Yekaterinburg, and from the work on curriculum development done at those schools and at Irkutsk State University Faculty of Law in the areas of constitutional law, land use/ecology law, and commercial law. It also followed directly from the November 1995 small conference of Russian and American law teachers described above and the creation of IRAHLEE.

At the conference, the results of the collaborative efforts between the Americans and the Russians in the various legal subject areas were shared and exchanged among the Russians. There were presentations by both Russians and Americans on teaching methodology. Written materials generated at the various law schools working with the ROLC were distributed to conferees. Time was devoted to presentations and discussions on how Russian law schools can mutually reinforce each other in their dealings with the Ministry of Higher Education of the RF and other government entities on which they depend for their funding, accreditation, and job placement for their graduates. The Conference included not only professors and administrators with whom the ROLC had worked directly, but representatives from other law schools were invited,

as well as representatives from the Ministry of Higher Education, some practicing lawyers and representatives of the court system with an interest in legal education.

The conference was attended by approximately 45 Russian law teachers, nine American legal educators, and additional Russians and Americans, and representatives of a few international and European organizations.

In addition to the opportunity for Russian law teachers to share methodologies and materials with each other and to hear from and interact with their American colleagues, the bringing together of representatives from many Russian law schools at one time was enormously beneficial to sustaining the momentum of organizing the Russian law schools. Such opportunities have become virtually nonexistent in Russia in recent years.

Participants met for two full days of scheduled meetings, and there were informal meetings preceding and following the formal program.

At the conference, AALS Executive Director Carl Monk, one of the participants, signed with IRAHLEE an agreement of cooperation concerning future contacts and efforts in such areas as the sharing of information, curriculum development, exchanges, and the like.

**v) IRAHLEE meeting in St. Petersburg, Oct. 1-2, 1996**

Prof. Dale Whitman of Brigham Young University Law School met with the leadership of the Interregional Association of Higher Legal Educational Establishments ("IRAHLEE") in St. Petersburg and addressed a meeting of its membership on Oct. 1 and 2. Among the topics Prof. Whitman addressed, at the request of the IRAHLEE leadership, were criteria for membership in the Association of American Law Schools (AALS), criteria for law school accreditation in the U.S., the organization of legal education in the U.S., and the relationship of U.S. law schools to their universities.

At the October meeting in St. Petersburg the ROLC provided modems to representatives of seven schools which are active in IRAHLEE so that member schools of the organization will be able better to communicate with each other. The E-mail subscriptions for seven of the member schools of IRAHLEE were subsequently paid for March 11, 1997, with service beginning April 1, 1997. The ROLC also provided a computer, printer, and other office equipment to the office of the Executive Director of IRAHLEE.

**vi) AALS leaders' visit to RF, Nov. 1996**

In the fall of 1996, an AALS delegation visited Russia to assist in implementing the AALS-IRAHLEE agreement signed in May of 1996. It included Professors Elliott S. Milstein of American University Law School; Phoebe A. Haddon of Temple University Law School, and Bari R. Burke, Deputy Director, AALS.

Professors Haddon and Burke met with the leadership of IRAHLEE in St. Petersburg for two days on Nov. 12-13 and observed operations of IRAHLEE's leadership and the Law Faculty at St. Petersburg St. University. They then came to Moscow, where they visited the Law Faculty of the Russian University of the Friendship

of Peoples, which is a member of IRAHLEE and whose dean is a vice-president of IRAHLEE. They also visited the law faculty in Tver'. The AALS delegation also met with the RFLR while in Moscow (with Aleksey Demidov of the Russian Foundation for Legal Reform (RFLR) and then-President Garri Minkh).

As already noted, in early 1997, IRAHLEE completed the distribution of nearly 5,000 copies of the ROLC-sponsored Trial Advocacy textbook to 55 law schools throughout the RF. This could prove to be the first step toward realization of one of IRAHLEE's stated goals--to act as a clearinghouse of useful materials for its members and for other law schools in Russia.

**vii) Regional Law School Seminar in Yekaterinburg - Oct. 29-31, 1996**

The ROLC sponsored a joint Russian-American seminar emphasizing clinical legal education and use of computers in legal education, conducted for the benefit of faculty members of Urals-area law schools, and for both faculty and students of Urals State Law Academy. The seminar included participation by Vermont Law School Professors May and Yirka and faculty members from Petrozavodsk State University Faculty of Law (including new legal clinic director Irina Sukhova). Materials on clinical legal education used by Vermont attorneys and translated for use in Karelia were also distributed at this seminar. Vermont and Karelian participants thus built on work done by Vermont Bar Foundation on the Karelian regional legal development model--an example of the mutually reinforcing, synergistic tendencies that marked the late period in the ROLC's Russia contract. This seminar was attended by President of IRAHLEE Viktor Perevalov.

**viii) Regional Law School Seminar in Saratov - Nov. 18-19, 1996**

Professor Milstein (see above) and Professor John M. Burman, Acting Dean, Univ. of Wyoming Law School, Laramie, Wyoming, a leading specialist in clinical legal education and an expert in administrative law, made presentations on clinical legal education at the Regional Law School Seminar for law schools of the Volga Region held in Saratov on Nov. 18-19, 1996. Professor Burman is an expert in both clinical legal education and in administrative law and had visited the Saratov State Academy of Law in May 1996.

This seminar also furthered the agreement between AALS and IRAHLEE. Materials on clinical legal education used by Vermont attorneys and translated for use in Karelia were also distributed at this seminar.

Participation by Wyoming Law School Professor Burman furthered an existing agreement between Wyoming and Saratov Oblast, permitting this relationship to be improved utilizing the Vt./Karelia experiences.

**ix) Regional Trial Advocacy Seminar in Irkutsk - Nov. 21-22, 1996**

The ROLC sponsored a joint Russian-American seminar

emphasizing trial advocacy instruction was held for Siberian law schools at Irkutsk law faculty. Irkutsk Law Faculty members were trained in trial advocacy teaching techniques, and Irkutsk law faculty were equipped with video equipment for trial advocacy teaching.

Professors Burnham, Reshetnikova, and Proshlyakov were the main presenters. The seminar was similar to that conducted in Saratov in March 1996, and was well received by faculty and students alike.

**x) Publication and Distribution of Trial Advocacy Book Sudebnaya Advokatura**

Based upon the success of its Trial Advocacy work in Yekaterinburg and St. Petersburg, the ROLC conceived the idea of publishing a book on the subject that could be used widely in Russia. Prof. Burnham and Irina Reshetnikova and Aleksei Proshlyakov, the two teachers from USLA he had worked with, agreed to write the book, and began work on it in the summer of 1995.

Burnham met again with Reshetnikova and Proshlyakov in late November 1995 for several days to review the progress of the manuscript and discuss publication plans.

In early 1997, IRAHLEE completed Russia-wide distribution to 55 Russian law schools of 4,800 copies of the ROLC-sponsored trial advocacy teaching book Sudebnaya Advokatura. It is the first work of its kind in Russia and has proven very popular.

**xi) Active Teaching Methods Conference May 26-28, 1997**

Professor William Burnham of Wayne State University Law School was the principal American presenter (in Russian) at this conference.

Professors from Urals State Law Academy (USLA) in Yekaterinburg presented the use of modified American trial advocacy teaching techniques in the Russian context and made presentations on the case-based method of legal teaching and how it can be utilized in the Russian context.

Professor Gennady Danilenko, formerly chairman of a department of the Institute of State and Law in Moscow and now Professor of Law at Wayne State University Law School, Detroit, brought unique qualifications to the task of exposing Russian law teachers to the benefits of more active methods of teaching. Prof. Danilenko's participation in this conference was extremely valuable.

Professor Alice Dueker of Rutgers University Law School made a presentation on clinical legal education in the U.S. Prof. Dueker is an expert on clinical legal education, and was an ABA/CEELI volunteer in Byelorussia and presenter at an ABA/CEELI program for Russian law teachers in Moscow April 30-May 4.

The conference was well attended by representatives from law schools with which the ROLC had not worked extensively in the past, including from some of the smaller and more distant law schools. In selecting the participants to be invited, the ROLC conferred with COLPI (the Constitutional and Legislative Policy Institute), which

has conducted a number of training seminars for Russian law teachers. Such cooperation helped ensure the attendance of persons who had not previously participated in such programs.

## **GRANTS PROGRAM**

The Grants program has been alluded to as designed to support organizations committed to the values of a democratic civil society. The program collaterally supported ROLC's major rule of law selecting qualified organizations working in a field where the legal system might intervene to protect or assert social rights or concerns (as opposed to purely eleemosynary functions). All applicants were selected by rigorous competition and were required to have an American-based NGO partner. Grants were awarded up to \$100,000. In a summary such as this, it is not necessary to discuss individual grants. A final grants report was prepared at the time the grants program terminated, and that is attached as an Appendix hereto. Some types of grantee activity were mentioned above. In general, grantees worked in such areas as human rights, civic advocacy, alternative conflict resolution, and promotion of public awareness and knowledge of laws and legal procedure. It is worth adding that the grants program was conducted with impeccable accuracy and probity. Grantees were subject to periodic inspection and review. We believe the grants program was administered with fairness and integrity in a difficult environment. It should be noted, however, that the presence of the American-partner requirement undoubtedly limited the pool of applicants to more established Russian NGOs.

Certain grant awards were mandated by USAID outside of the ordinary small grant competitive process. These included the establishment of a number of regional labor law clinics conducted by the Free Trade Labor Institute, three Organized Crime Study Centers in Moscow, Yekaterinburg, and Irkutsk, and financing the construction of new premises for the Sakharov Center. These grant activities were entirely consistent with the direction of the grants program as previously stated. So great is the prestige of the late Academic Sakharov, that ROLC was deeply honored to help sustain his memory and continuing work for the growth of the democratic spirit in Russia.

## **PROCURACY TRAINING**

### **Background**

Under the current RF Constitution as well as the Federal Law on the General Procuracy, the Procuracy continues to exercise a power of "supervision" over administrative agencies, including law enforcement. Notwithstanding these similarities, there is no American institution comparable to the Russian General Procuracy in its broad scope of authority and functions. Despite personnel attrition and budget shortfalls, the General Procuracy remains the only integrated, centrally managed corps of trained legal

professionals in the Russian Federation. These attorneys have the capacity to significantly advance an emerging rule of law in Russia.

In this setting the Consortium decided in the Fall of 1994 to launch a program of technical and material assistance for the RF General Procuracy. In November, 1994, John Jay Douglass, Dean Emeritus of the National College for District Attorneys (NCDAA), visited training centers of the General Procuracy and recommended a program of support to these centers, the philosophy of which was to be the "training of trainers." Accepting this recommendation, ROLC adopted a strategy of maximizing multiplier effects and assuring sustainability of its program results by working with teaching/training cadres who would likely remain in place and disseminate lessons derived from collaboration with American counterparts.

Additionally ROLC believed that joint training programs between American and Russian prosecutors impart through example that prosecutors observing constitutional norms and safeguards may nonetheless enforce the law effectively and with high professional competence.

Finally, joint Russian-American training enhanced cooperation between American and Russian prosecutors and law enforcement agencies in the common struggle against organized and international crime. To this end, ROLC consistently sought ways in which to coordinate its Procuracy training programs with other USG criminal law reform in the Russian Federation, particularly the Office of Professional Development and Training (OPDAT) of the U.S. Department of Justice Criminal Division.

The program evolved in two distinct phases. Under the FY 1995 Work Plan, ROLC provided technical and material assistance in prosecutor training methodology and in showing the vigor and importance of the role of the prosecutor in a democratic society. Under the FY 1996 Work Plan, technical assistance focused upon selected prosecutorial functions with diminishing levels of material assistance. (In addition, under the FY 1997 no-cost extension, the Consortium supported the Center for International Legal Cooperation, Leiden, the Netherlands, in development of new course materials for the Advanced Training Institute for Investigators and Procurators in St. Petersburg.)

#### **Work with American Prosecutors Research Institute (APRI)**

Under both the 1995 and FY 1996 Workplans, the American Prosecutors Research Institute (APRI), a subsidiary of the National District Attorneys' Association (NDAA), has served as implementing agency. APRI is a leading US institution in the development of training programs and materials for state level prosecutors. Its experience and approach have proven appropriate and adaptable for use by Russian training institutions.

The ROLC Moscow staff, consisting both of Russian personnel and American expatriate lawyers with Russian language skills and area knowledge, served as a bridge between APRI and Russian partner institutions, especially during the second, technical phase of the program. The Moscow office selected topics for the focused seminars, translated and printed course materials, and actively participated in seminars to facilitate exchanges on legal questions.

Two delegations from the Procuracy Institute, the Regional Centers and the General Procuracy participated in training programs at APRI in 1995. Twice in 1995, faculty from APRI conducted teaching workshops in Moscow for the entire faculty of the Moscow Institute and regional training centers. The Consortium provided funds to upgrade the equipment for teaching, training and communications at the Procuracy Institute and the Regional Centers.

In the Spring and again in the Fall of 1996, the Consortium sponsored training workshops on selected topics at the Procuracy training centers in Vladivostok, Irkutsk, Yekaterinburg, Tver' and Belgorod as well as continuing workshops at the Moscow and St. Petersburg Training Institutes. APRI-trained District Attorneys from throughout the United States conducted these workshops. The unifying theme of these seminars was the role of the American prosecutor in a constitutional and adversarial criminal justice system in which the police and the courts are independent of prosecutorial control. USAID and the Department of Justice requested that ROLC train in the more theoretical subjects, e.g., the prosecutor's role in a democracy, and leave to other U.S. agencies training in specific criminal investigatory techniques, etc.

Mutual understanding between American prosecutors and Russian procurators was significantly strengthened through the joint training program. As a direct result of the 1995 training programs at APRI, the Moscow Institute faculty wrote a textbook comparing the American and Russian prosecutorial systems. The book was translated into English and reviewed by ROLC and APRI before its publication in 1996. It has been distributed to all regional training centers and to a select number of other educational institutions.

The Procuracy, with its massive training institutions, has the established means to transmit values and practices to generations of future prosecutors. ROLC has given these training institutions and their leadership a strong dose of American methodology, and exposure to U.S. prosecutorial practices and ethics in a constitutional framework. Selected interventions in the future should focus upon functions and problems common to both legal systems and traditions. A role exists for Western facilitators to provide in-country support for technical assistance to the Procuracy in Russia. The Procuracy's interest in Western

prosecutorial practices and techniques remains high. Its significance as a leading Russian legal institution is unquestioned.

#### **CILC/Leiden and Work with St. Petersburg PTI**

In 1997 USAID approved a subcontract between ARD, Inc., and the Centre for International Legal Cooperation (CILC), Leiden, The Netherlands. Under the subcontract, the CILC prepared materials to be used in training Russian procurators in modern criminal law. CILC cooperated closely with Professor Boris Vladimirovich Volzhenkin, Director of the Advanced Training Institute for Criminal Investigators under the General Procurator's Office ("Procuracy Training Institute" or "PTI") and with other personnel of the Training Institute. Relevant Western materials on a variety of substantive and procedural criminal law topics were selected by the CILC's experts in collaboration with Prof. Volzhenkin and his staff. ARD/Checchi arranged for the translation of some of the materials into Russian and oversaw the CILC's production of the materials for the Institute.

This activity was approved by the Mission as a continuation of previous criminal law reform and procuracy training work undertaken by the ROLC. Relevant officials of the ROLC and USAID met with Professor Volzhenkin and with personnel from the CILC prior to the design of this activity.

In accordance with the stated wishes of the Mission, the amount of funds required under this activity was not to exceed \$75,000. Towards fulfillment of work under this activity, a separate Purchase Order for approximately \$5,000 was prepared by ARD. Consequently, the subcontract was in an amount not to exceed \$70,000.

Approximately \$31,000 of the total monies available for this activity was spent directly by the ROLC Moscow office on translations into Russian of materials selected by the CILC. Topics translated for CILC included: human rights, European Community Law, prison systems, corporate criminal liability, Organized Crime, juvenile delinquency, terrorism, corruption, fraud, money laundering, environmental crime, narcotics trafficking, computer crime, and other topics.

A study tour to the Netherlands by trainers from the St. P. PTI was planned for September 1997.

## **REGIONAL MODEL**

### **OVERVIEW OF THE REGIONAL MODEL.**

ROLC was charged by USAID with developing the Vermont/Karelia relationship into a regional model that might be replicated throughout Russia. The V/K relationship was a variation on a theme. It involved all the core institutions with which ROLC was working: the courts of general jurisdiction, the commercial courts, the procuracy, and the law schools, to which

was added the local bar. Although the V/K program was not focused on training the trainers, it achieved much the same effect because it operated intensely on a small geographical area, with a small population, and a still smaller legal community. Thus, by the more conventional approach of regular exchange visits with significant professional content, most of the judges, lawyers, and procurators in Karelia participated in program events.

ROLC furnished the means for V/K programs to be broadened and funded at a level which permitted more frequency and more content. Karelia attracted the attention of the Russian legal authorities. Thus in November 1996, Chief Judge Yakovlev of the SCC combined a working conference of commercial court judges with a V/K program and praised the high level of improvement of professionalism in the Karelian legal community.

In confirmation of the generally acknowledged success of the program, the ROLC regional model was approved by USAID for application in other regions of Russia. The legal community of Maryland, headed by two judges of its Supreme Court, was linked with the Leningrad Oblast; the Wyoming legal community with Saratov; the Maine legal community with Arkhangelsk. ROLC was able to play an active role in the initiation of the first two applications. Unfortunately, USAID/Moscow had separated Vermont/Karelia from the ROLC portfolio before these replications of the regional model were brought to fruition.

These programs, which operate basically as volunteer exchange programs without any permanent office or staff in the host country, are particularly dependent on the personal attributes, enthusiasm, and level of commitment of their organizers. It is too early to predict the staying power of the replications in Leningrad, Saratov, and Arkhangelsk. ROLC was fortunate to have a capable partner in Justice Dooley, who operated with a good deal of autonomy, with excellent results. Even though it is but a small area in Russia, there is no question that the legal culture of the Karelian courts and community made giant strides in 1994-96 under ROLC auspices.

#### **a. VERMONT/KARELIA**

The Vermont/Karelia project (hereinafter "V/K") proved to be one of the most successful components of the ROLC's Russia contract. It made significant contributions in the areas of judicial training, advocate training and bar association development, procurator training, law school development and legal education, and judicial administration. Its impact was of course greatest in the Republic of Karelia, but over time the ROLC was able successfully to utilize Vermonters and Karelians with program experience, V/K training materials, and components of the V/K project design in other geographical areas of Russia, and at the national level.

#### **Background.**

The relationship between Vermont and the Republic of Karelia had been in existence for several years prior to the award of the instant contract by AID to ARD/Checchi. The Vermont-Karelia Rule of Law Project was established in 1991 to promote, maintain and manage the growing relationship between the legal communities of the Republic of Karelia and the State of Vermont, within the context of the sister state relationship formed in 1989. It is a partnership of the Vermont Sister State Committee, the Vermont Bar Association and Bar Foundation (VBF) and the Vermont judiciary, with participation by Project Harmony, Inc. and Vermont Law School. V/K sponsors law-related programs in Vermont and Karelia to help in the development of a rule-of-law-based legal system in Karelia and in building Russian legal institutions.

In 1991 and 1992, the V/K Rule of Law Program had delivered programs on American Law in Karelia. Its program in May of 1992 was on U.S. constitutional law, judicial systems, federalism, commercial law, property law and environmental law, was delivered over a week period to an audience that included all the judges of Karelia, the staff of the Karelia Ministry of Justice, most members of the Supreme Soviet of Karelia, law faculty and students of Petrozavodsk University, private lawyers, business persons, and environmental officials and planners. Over five hundred persons in Karelia attended part or all of this program. Over 500 pages of Russian language instructional materials were developed for the course. In 1993 four Karelian judges, three Ministry of Justice staff (including the Minister and Deputy Minister of Justice) and a law professor came to Vermont for two weeks to live with and work alongside their equivalents in Vermont institutions. Also in 1993, the Dean of Petrozavodsk State University Law Faculty visited Vermont and was very impressed with the work of the Vermont Law School legal clinic.

The ROLC built on these established relationships between the legal communities of Karelia and Vermont. In general, except for staff support from the Vermont Bar Foundation, all the time of Vermont participants was donated on a pro bono basis.

The leaders of the Vermont/Karelia project had learned that their objectives were best achieved through programs that developed the maximum professional and social interaction between members of the Karelian legal community and their equivalents in the Vermont legal community. Those contacts brought about enduring relationships that became the building blocks of professional development and, in the case of lawyers, led to professional opportunities, as economic ties continue to develop between Vermont and Karelia.

The Vermonters also realized that American participants in such programs need to be well-informed about Russian law and developments in order to have credibility with Russian partner organizations; the Vermonters worked hard to achieve this.

#### **Specific program activities.**

The following account does not reflect each and every visit by Vermonters to Karelia and vice versa, nor does it necessarily

capture every single activity of the three years during which ROLC funded the V/K project, but all of the important areas of V/K work are reflected in some detail below.

#### **1994-95 Activities.**

In May 1994 AID approved a proposed subcontract between ARD, Inc. and the Vermont Bar Foundation (VBF) for a further series of training and institutional development activities in the Republic of Karelia. The subcontract encompassed judicial training, improvement of court management and administration, continuing education and specialized training for legal practitioners, legal information systems development, modernization of law school teaching methods and curricula, and organizational strengthening of the bar association.

In June 1994, two Vermont lawyers traveled to Moscow and Petrozavodsk as representatives of the VBF to help set up e-mail communications linkages and prepare for bar association and jury trial seminars to be held in August.

The Karelian legal community, like its counterparts all over Russia, was in the early 1990's starting from the beginning in learning adversarial system skills. There was little in their experience in the inquisitorial system that taught lawyers how to be persuasive for juries or judges how to convey information to juries so they can perform their functions. These skills are of course well developed in American lawyers and judges. The Russians saw the Americans as a critical source of information on law to develop the needed skills. (During most of the first two years of the ROLC's financing of V/K work, the expansion of Russia's jury trial experiment to the Republic of Karelia was anticipated, and this assumption helped shape the emphasis on jury trials in 1994 and 1995. In fact, contrary to announced plans, jury trial has not been introduced in Karelia, but the Vermonters cannot be faulted for proceeding on the assumption that it would be. (In this connection, see the discussion in the section about work with the courts of general jurisdiction above about the failure of jury trials to take hold in Russia.)

On August 9-11, 1994, the V/K put on an instructional program in Petrozavodsk, Karelia, on Jury Trials in American Criminal Cases. The centerpiece of the program was excerpts of a videotape of the criminal trial of State of Vermont v. Ivan Alcid, a felony case tried to verdict in Vermont District Court in 1993. The program included an extensive set of materials on the case and the applicable Vermont criminal law and procedure. It was presented by a team of five persons who provided commentary and analysis, as well as demonstrations and role-playing. The jury trial program developed broad interest in criminal justice reform, particularly among the judges, but also with defense attorneys (as had been expected) and procurators (not as expectable).

Recruitment and publicity for the program was handled by the Karelian Ministry of Justice. The target audience was notified of the availability of the program and given a summary of the agenda. When the jury trial program opened, there were

approximately ninety persons in attendance. Although participation dipped during the second day, the closing day had an attendance of approximately one hundred persons. The vast majority of People's Court judges from all over Karelia, many from hundreds of miles outside of Petrozavodsk, attended the program and stayed through most of it. About half of the judges of the Supreme Court of Karelia and considerable numbers of advocates also attended.

Based upon the successful 1994 program, V/K's goal for work with judges during the next year was to focus on helping to create a high quality professional development program for judges in Karelia. The resources were to be directed toward a combination of Vermont technical assistance on judicial training, including assistance in developing specific skills courses, and support of judicial training in Karelia using primarily Russian trainers. It included hiring a part-time training coordinator in Karelia. The judicial training plan was developed by a team of three members appointed by the Union of Jurists of the Republic of Karelia (UJRK) and three members appointed by the VBF. Meetings of the joint planning group were held on November 20, 1994 in Montpelier, Vermont. Because the lawyer and judge training teams decided to hold a joint event in May, 1995, the lawyer team members also met with the judicial team members on December 6-8 in Petrozavodsk.

The judicial planning team worked hard to put together an effective program to be put on in the Spring of 1995. This planning activity required extensive interaction between the planning team members, as well as those who were selected for presenting the seminar. This interaction occurred by telephone conversations and e-mail (which had been provided by V/K with ROLC funding), primarily over the period from March 1995 up until the time of the program in May 1995.

#### **Bar Development.**

The Vermonters' previous contacts had revealed that for Karelian lawyers, there was no existing source of professional development. The Vermonters concluded that the logical place to create that source was in the bar association. Thus, drawing on the good models for professional development that existed for Vermont lawyers, V/K began a long term program of support for and cooperation with the UJRK. Accordingly, in addition to the jury trial program, there was also an August 1994 bar association program which increased the interest of the Karelian lawyers in professional development under the common banner of "lawyer."

A small team of Karelian lawyers visited Vermont in the fall of 1994 to see how the bar association runs in Vermont, with an emphasis on its continuing legal education programs, and to discuss what would work in Karelia.

#### **Law School Development--Petrozavodsk State University Law School.**

The law school at Petrozavodsk State University (PGU) had

been founded in the early 1990's, and had not yet graduated its first class at the time V/K began working with it. V/K began planning its law school support work in 1994 at meetings in Petrozavodsk between Vermonters and the PGU Vice-Rector and the law school dean, among others.

The law school was growing rapidly but had poor facilities. In mid-1994 it had 300 day students and 250 evening students--a fraction of the size of the other law schools that the ROLC worked with.

#### **1995 V/K Programs.**

On May 16-18, 1995, V/K conducted an educational program on jury trial procedure and lawyer and judge ethics and professionalism for a mixed audience of judges and lawyers. This combined lawyer and judicial training event introduced new methods of instructing lawyers and judges, and used a mixed Russian and Vermont team of presenters. At the opening there were present about 75 judges, 25 prosecutors and 25 defense lawyers. This audience was maintained for the first two days. A smaller audience participated in the discussion of V/K Rule of Law activities and the activities of the UJRK and training opportunities for the future.

Compared to its 1994 jury trial seminar, the V/K seminar in May 1995 tested several innovations: (i) the use of new methodologies in lawyer and judge education; (ii) the use of joint Russian/American teams to train, primarily in Russian law and procedure; and (iii) the training of judges and lawyers together. Each of these innovations was successful and was drawn on in future V/K work. Among the new methodologies at the 1995 seminar was the extensive use of small and larger group discussion using primarily Russian facilitators.

The May 1995 seminar involved an important shift in direction for the V/K program in that the training was primarily on Russian law, not American law. To the extent that American law was introduced, it was as a comparison to the Russian system to aid the discussion about challenges facing the participants in the Russian system. The direction of the seminar created a great challenge on the Vermont presenters to learn the applicable Russian law and procedure, but they successfully did this. It also required the involvement of the American presenters to be very targeted and narrow in the overall seminar. Often, their involvement was secondary to that of the Russian presenters, particularly the experts from the Russian Law Academy of the Ministry of Justice in Moscow and judges from Moscow who participated. This seminar showed that American expertise could be blended with the Russians' substantive knowledge for an effective presentation.

With respect to future programs on subjects other than jury trial, the Vermonters concluded that this blending should include fewer American presenters because there is less need to present American skill and experience on those subjects. Shifting to a reliance more on Russian presenters was also intended to move the

overall training effort toward self-sufficiency. Accordingly, some of the subsequent V/K programs tended to have fewer American presenters.

The materials given out in Russian at the May 1995 seminar included only those prepared by the American presenters. The Vermonters realized at that time that future programs would be strengthened if handouts integrated Russian materials with materials developed by the American presenters. Future V/K efforts adopted this approach.

Subsequently, the Vermonters also accorded a major role to the wishes of their Russian partners in the determination of seminar topics. Thus, for their upcoming Fall 1995 program, the Russian request that a family law topic replace the projected subject of the use of computers in instruction was honored.

**Inheritance, Wills, and Probate Seminar with Karelian Notaries, Sept. 23-24, 1995.**

Following months of collaborative preparation involving an exchange of materials between Russia and Vermont (translated into the respective languages), and several days of on-the-ground preparation in Karelia by two Vermont attorneys, the attorneys presented a seminar to an audience which was attended by virtually all of Karelia's 50 notaries as well as by law students. The seminar included a lecture by a retired Karelian Supreme Court judge and a lawyer from the Ministry of Justice. The focus of the seminar was on private ownership of property and its transfer and inheritance. The Karelian notaries in attendance evaluated the content and style of the presentations and found them informative and refreshing.

**Lecture Series on International Business Transactions, Oct. 8-13, 1995.**

Part of the support for PGU Law School, this lecture series was attended by law and business students, entrepreneurs, commercial lawyers, and others. Vermont Law School Professor Oliver Goodenough employed an interactive teaching style which was well received. While in Petrozavodsk, Prof. Goodenough also assisted in the development of the law school's commercial law curriculum.

**Judicial Training Seminar, Oct. 17-19, 1995.**

Most of Karelia's 140 judges attended some or all of the sessions of this three-day seminar. Presenters included judges and a forensic expert from Vermont, as well as several nationally recognized Russian experts from Moscow. The first two days focused on court use of forensic experts, largely in the context of a sexual assault case. A booklet of seminar training materials was distributed. The third day of the seminar focussed on children's rights.

**Opening of PGU Law School Legal Clinic, November 1995.**

This project was spearheaded by Professor James May, Director of the Legal Clinic at Vermont Law School. The project has two broad goals: first, to provide clinical and practical experience for students; and second, to provide low cost legal

services in critical areas to individuals who might otherwise not be able to afford them.

Prof. May had made a visit in July 1995 to assist with plans for the establishment of the clinic, which involved extensive work with the designated clinic director and others to facilitate the clinic's opening. As noted below, this pioneering effort in Russian clinical legal education has been followed with interest by other Russian law schools and by the World Bank in designing its work in support of Russian legal education reform.

**Legal Information Assistance, Oct. 31-Nov. 5, 1995.**

Part of the law school support effort includes a library/computer/legal database program. The ROLC had financed the purchase and delivery of ten computers to Karelia in late 1994, including one for the law school's use. That computer was used in the development of a Karelian legal database. Vermont participants over time also contributed a substantial number of English-language legal texts to the PSU Law School.

Vermont Law School Professor and Librarian Carl Yirka revisited Petrozavodsk in Nov. 1995 and met with librarians, computer specialists, and legal research experts. As a group, they designed an approach for increasing the dissemination of legal information within the broader Karelian legal community.

**Commercial Law Seminar, Nov. 10-11, 1995.**

This seminar was held at the Karelian Commercial (arbitrazh) court before an audience of judges, commercial lawyers and law students. The presenters included several Vermont participants, representatives of the Karelian Commercial Court, and the Deputy Chairman of the Supreme Commercial Court from Moscow. Before the seminar, Vermont participants spent two intensive days in the Karelian Commercial Court, observing court proceedings and talking with Karelian judges. In accordance with what the V/K program had found to be a necessary practice, the goal was to give the Vermont presenters as much contextual background as possible in order that their contributions be as germane and practical as possible.

Topics of the seminar included commercial dispute resolution in Vermont, international arbitration, the American model of bankruptcy, Russian commercial court practice and procedure, and recent changes to the Russian Civil Code. Participants constructively compared the approaches of their respective legal systems to bankruptcy problems and contractual disputes, among other topics.

**1996 V/K Activities.**

A training specialist from the Vermont Supreme Court, Marna Murray, attended the annual meeting of the UJRK on Feb. 22, 1996 and assisted it with plans to become a self-supporting organization. Among many other aspects of its work with the UJRK, the V/K project supported the publication of a periodic newsletter aimed at all the lawyers of Karelia. Murray also helped plan the spring 1996 events with the Karelian judge and lawyer training teams and the Karelian procuracy.

**May 1996 training programs.**

In May 1996 the V/K project put on a combined instructional program in Karelia for procurators and a program sponsored by the UJRK for lawyers and judges. It focussed on the adversary system. It was broadly similar to the program put on the previous year.

Also in May, V/K put on a program for court executors and people's court judges who supervise court executors. The program was jointly developed by the Vermonters, the Ministry of Justice of the Republic of Karelia, and the Association of Judges of Karelia. It was the first program of its type in Russia for court executors, a position whose role is changing as Russia attempts to improve its enforcement and collection of judgments. The program included participation by Russian Ministry of Justice officials from Moscow involved in the impending changes in the role of court executors.

The V/K project also used the May programs to work on expansion of the regional model from Karelia to another region in Russia. Representatives from Maryland and Leningrad Oblast attended the programs in Karelia and learned from observing them and from additional interaction with the Vermonters and Karelians about the methods used and the benefits that could be derived from a project like V/K. (Subsequently, in October 1996 a delegation from Leningrad Oblast visited Maryland, and in December 1996 a delegation from Maryland visited the Leningrad Oblast legal community in St. Petersburg. Maryland and Leningrad Oblast are still building on the experience of the V/K project with separate funding from AID apart from the ROLC contract.)

#### **Law School Support.**

Three Vermont attorneys visited Karelia in October 1996. They determined the continuing needs of the Legal Clinic, witnessed how changes in clinic staff had affected its functioning, and rendered assistance with computer capabilities. They also gave attention to the prospects for expanding the clinical experience to other Russian law schools. The Karelian legal clinic's experience has been shared with other law schools in Russia through participation of Karelian representatives at ROLC events including law school conferences in Moscow in May 1996, and in Saratov and Yekaterinburg in the fall of 1996, as separately described elsewhere in this Report.

#### **October 1996--Court Administration Visit.**

In October 1996 three Vermonters--a judge with experience in the V/K program, the Court Administrator for the State of Vermont, and a computer specialist for the Vermont court system, visited Karelia and rendered technical assistance on the subject of court and case management. In preparation for their Karelian visit, they visited the Oblast court in Moscow and obtained a copy of a software program the Oblast Court designed which allows it to track each case from the time it is filed to the time it is disposed. They visited the Karelian Supreme Court and People's Court for the city of Petrozavodsk and installed and demonstrated the program on the Supreme Court's computer in Karelia.

They met with judges as well as clerical staff, and at the

end of the week gave a presentation to judges and clerical staff on court administration and case management. The chief administrative judges of the three largest peoples courts attended as did the Chief Justice of the Karelian Supreme Court. The Vermont team discussed the principles of good court administration and case management from the Vermont perspective and discussed some of the strengths and weaknesses of the Karelian system from the perspective of those principles.

#### **November 1996 Commercial Law Program.**

Three representatives of the VBF had visited Russia in August 1996 to plan for a fall commercial law program. At that program in November 1996, Chief Judge Yakovlev of the SCC used the occasion of a combined working conference of commercial court judges with the V/K program in Petrozavodsk to praise the improvement of professionalism in the Karelian legal community--a fitting tribute to the years' of work by the Vermont volunteers and their Karelian partners.

### **CONCLUSIONS**

#### **SOME GENERAL OBSERVATIONS**

Where qualified American consultants and their Russian counterparts demonstrate good "chemistry," the likelihood of productive work and serious results is much higher. In many cases, the best provision of technical assistance is an organic process built upon personal contacts that are allowed to develop over time. Programs carried out are then an outgrowth of discussions between friends and colleagues, adding candor and credibility to the program. Although the Vermont/Karelia project was virtually unique among the ROLC Russia contract activities in being built upon such long-standing relationships, and was thus impossible to recreate in other settings, the Karelia experience shows that established personal relationships can be the cement that ensure the cohesion of discrete activities and make the whole greater than the sum of the parts. Even where longstanding relationships are not established, there should be opportunities for informal interaction between program participants so that they can get to know each other as people and discuss their common experiences.

Arguably the most valuable work done with Russian law schools (that done in the area of Trial Advocacy) grew out of the sincere personal relationships between Professor Burnham and Russian law teachers.

Similarly, the mutual respect and friendship that developed between U.S. federal Judges Mihm and George and the leadership of the COJ made the Russians more receptive to the content of the Americans' message.

The initial Vermont/Karelia contacts antedated the ROLC contract. Likewise, Judge George had visited Russia under other auspices before his involvement with the ROLC. Professor Burnham, although he had not previously worked with the particular Russian

professors with whom he collaborated for the ROLC, had been visiting Russia for almost thirty years and quickly established rapport with them.

In each of the above-mentioned instances, the ROLC facilitated repeat encounters between the Americans and their Russian counterparts. Each encounter was more productive than the last in some respects as barriers to understanding fell.

The undersigned initially was inclined to the view that the limited number of visits to Russia which the ROLC could offer American consultants should, in fairness, be shared widely among as many qualified Americans as desired to assist. Over time, however, I became convinced that, where it is possible in view of the consultants' availability, time commitments, etc., the goals of a program like ours are probably better served by developing a cadre of fewer American consultants, who invest correspondingly more time, and in the process become savvier about what they can accomplish in working with the Russians.

The other side of this coin is that it does not matter how accomplished a resume an American consultant has if he or she does not make a very good impression on the Russians. There were relatively few phony, pompous, or whiny Americans among our consultants, but there were a few. Subject to the ever-present realities of "Washington politics" and "home office politics," the assessment of field office personnel should be given great weight in the decision of which consultants to re-invite to Russia.

The Americans who are to work with Russians need to be well-informed about Russian law and developments in order to have credibility with Russian partner organizations; the Vermonters worked especially hard to achieve this. This is an area whose importance cannot be overemphasized.

A corollary of the principle discussed above--that personal relationships can go a long way toward enhancing the value of the technical assistance under a contract like ours--is the fact that the longer-term any particular program, the greater the likelihood that the valuable personal relationships will develop. Although there are exceptions, this factor argues in favor of protracted "partnerships" (with Vermont/Karelia being the ideal) rather than one-shot programs. It is my understanding that the concept of "partnerships" between U.S. and Russian institutions is a linchpin of further USAID plans in Russia. Based upon the ROLC's experience, this makes sense.

Many of the most successful training presentations to audiences in Russia were delivered by combined teams of Russian and American presenters. This was true of the later V/K programs and of the later Trial Advocacy programs and regional law school seminars. This methodology allows for the best comparison of United States and Russian methods on the issue involved, produces the most cross-fertilization, and often generates the most lively and productive discussions. It carries with it, however, an extensive preparation burden. That is, the Russian and American presenters must interact before the session so that their

expectations and understandings are shared. This requires more time on the ground in Russia for the American presenters prior to their presentations, but as the V/K experience demonstrated, it is time well spent.

An exception to the conclusions that the greatest value comes when relationships between Americans and Russians are cultivated over a protracted time, or that joint Russian-American teams are most effective, is when the chief value of a contract-sponsored event lies in the opportunity that it affords for interaction among Russian participants. Some of the law school conferences sponsored by ROLC demonstrated this principle--there was valuable participation by Americans, but probably even more valuable to most Russians who attended was the opportunity to learn what their Russian counterparts from other law schools were doing. Unfortunately, Russian law schools operate in relative isolation from each other--partly the result of years of being concerned with only one relationship: the relationship of the law school to the center, Moscow, from which their funding and orders came. The exchange of professional views among teachers and administrators from different schools is itself valuable, irrespective of the American role.

Where the greatest value of an event comes from the interaction among the Russians themselves, it is less important that the American attendees have close personal relationships with the Russians. It is taken as a given that care must be exercised in choosing the Russian attendees at such an event--there must be some very progressive, reform-minded Russian leaders in attendance. Fortunately, this was the case at all of the law school conferences.

#### **"Trips to America."**

USAID is sometimes said to disfavor "trips to America." Yet well-designed visits to America by carefully chosen groups of Russians played an important part in the success of the ROLC's work with the commercial court system; in ROLC's successful trial advocacy work and law school organization-building work; and in our work with the Council of Judges of the RF.

It should not be forgotten that a basic premise underlying our contract was that the Russians could learn something useful from the more developed American legal system. And there is no better place to observe that system at work than in America.

True, the value of trips to the U.S. as a learning experience was incontestably greater in years past, when many of the Russian visitors were traveling to the U.S. or even outside of Russia for the first time ever. But when the forum in the U.S. is wisely chosen, it is possible to achieve a concentrated learning experience in the U.S. that could never be duplicated by bringing Americans to Russia.

The most reliable way to convert a Russian legal academic into an innovator is to send that person to the U.S. on an academic exchange for a prolonged period of time (such as an academic year).

The Russian law professors who have spent considerable time in the U.S. benefit from it, and their broadened experience rubs off on other faculty and students. If the American experience is chosen carefully, however, even a mere two week stay in the U.S. can bring enormous benefits to the visiting Russians and their law schools. This happened with the two-week trial advocacy visit by four Russian law teachers to the U.S. in the spring of 1995.

**Synergy and cross-fertilization among different components of the contract.**

Over time, the ROLC achieved a multiplier effect or synergy between different elements of its program and different activities of its contract. For example, faculty from Urals State Law Academy who had learned trial advocacy teaching methodology became valuable assets in ROLC work with other law schools. (And the team of Bill Burnham and Irina Reshetnikova have worked successfully with Russian-speaking attorneys at programs funded by COLPI in Hungary and have been asked to work for the ROLC on programs in Central Asia.) Legal Clinic materials from Vermont and Karelia were used at ROLC law school conferences in Moscow, Saratov and Yekaterinburg and at an ABA/CEELI conference in Moscow. The NJC seminars at the LA and its branches benefited from the experience of the Vermont/Karelia program (for example, in learning that role-playing on certain topics would be especially well-received by the Russians).

The record of synergy and cross-fertilization from one contractor to another is less encouraging.

**ROLE OF ROLC IN SERVING AS A "BRIDGE" TO THE WORLD BANK'S ACTIVITIES IN THE RF.**

**Legal Education.**

ROLC experience paved the way for World Bank work with Russian law schools. Most of the Russian law schools which were chosen by the Russian Foundation for Legal Reform and the World Bank to be recipients of grants under the Legal Reform Loan were those with which the ROLC had worked, and the Bank's consultants acknowledge that the ROLC's work with these schools prepared them to make use of further technical and material assistance.

**Judicial Reform.**

The ROLC has served as a "bridge" to the forthcoming judicial training activities to be funded by the World Bank through the Russian Foundation for Legal Reform (RFLR) by involving the RFLR in planning, financing, and implementation of a ROLC judicial training event--the May 1997 COJ/Supreme Court Seminar for chairmen of local councils of judges referred to above. This helped to foster a working relationship between the RFLR and ROLC's Russian judiciary partners, including the COJ. Indeed, according to Justice Sidorenko, it is now planned that two projects which the COJ and the ROLC discussed implementing will be financed by the RFLR. One is to print a more comprehensive collection of resolutions and other materials of the COJ and the Congresses of Judges for widespread distribution.

The other is to convene a meeting of the chairpersons of the local "supreme qualifying commissions"--the judicial bodies which handle issues of judicial discipline of federal judges in each of the oblasts and republics of the Russian Federation. The program on judicial discipline, tentatively planned for late October 1997, is needed in part to help the judiciary address what it acknowledges to be a problem with corruption within its ranks, and to help the qualifying commissions in the various localities act consistently with one another. (They presently are not sufficiently aware of each other's decisions, acting all too often in isolation from each other.) Thus, the ROLC's 1997 activities have paved the way for the financing by the World Bank of projects that the COJ itself considers valuable.

#### **AMERICAN ASSISTANCE WITH RUSSIAN JUDICIAL REFORM--RESULTS ACHIEVED AND PROSPECTS FOR THE FUTURE**

The Dec. 31, 1996 Law on the Judicial System marks the second major influence of the American judicial model on the Russian one. The reintroduction of the jury system in Russia in 1993 was hailed by many commentators as a great step for the Russian judiciary. But the jury trial initiative thus far has been limited to a mere handful of regions and applies only in the most serious criminal cases, and has not had a great impact on the mass of Russian citizens. (The number of criminal defendants in the whole country whose cases were heard by juries during approximately the first eleven months of 1996 was only 264 persons, up from 126 in 1995.)

The strengthening of the Russian judiciary as a component of federal power, and the restructuring between the executive branch and the judiciary along the lines of the American model, as intended by proponents of the new Law, have great potential to work positive changes on the Russian justice system.

The Russian drafters of the Law followed American principles of judicial self-government. They hope that the Council of Judges will play a role analogous to that of the Judicial Conference of the United States. They hope the Judicial Department can become a Russian version of the Administrative Office of the U.S. Courts and the Federal Judicial Center. Many Russian judges have become acquainted with the American model through visits to the U.S. and programs conducted in Russia financed by the American government during the past five or six years.

In its broad outlines as well as in many of its details, the Russian judiciary is consciously borrowing from and adapting the American scheme of judicial self-government--a model that has served America's federal courts well, helping to insure powerful, independent American federal courts.

The new Law is evidence that the exposure of numerous Russian judges, policymakers, and legislators to the American model has had its effects. American aid programs are influencing important political processes in post-Soviet Russia, although not as quickly or steadily as some policymakers would have liked. In

the sphere of judicial reform, such programs have been a real factor.

A great relationship of mutual respect has developed between the leadership of the U.S. federal judiciary (in the persons of Judges Mihm and George) and the leadership of the COJ. As noted above, a great deal in programs like ours depends upon personal relationships between Americans and Russians; once a good relationship exists, nurture it!

The hoped-for restructuring of the balance of power between the executive branch and the judiciary in Russia along the lines of the American model, as intended by proponents of the new Law, has the potential to have a broad impact on the Russian justice system. The model of judicial self-government which the drafters of the new Russian law have consciously followed is the American one. They hope that the Council of Judges of the RF ("COJ") will play a role analogous to that of the Judicial Conference of the United States. The Administrative Office of the U.S. Courts ("AO"), and to some extent the Federal Judicial Center ("FJC"), are the basic models for the Judicial Department that is to be created.

The COJ has established permanent standing committees similar to the committees of the Judicial Conference of the United States. There is great potential for useful contacts at the committee level between the Judicial Conference and the COJ, and for direct contacts between the AO and FJC, and the Judicial Department.

It is understood that in general, USAID wants to get away from the phenomenon of financing American experts to teach Russians about American law. While this policy is perfectly understandable in most law-related fields, the area of judicial administration is probably the one area where this policy is less applicable, for the simple reason that Russian judicial reformers are making every effort consciously to borrow from the American model of judicial administration.

In the opinion of some informed observers, there is a two-year window of opportunity for valuable work on strengthening the independence of the Russian judiciary while Chief Justice Lebedev serves out the rest of his ten-year term as Chief Justice of the Supreme Court. Lebedev, these observers say, supports a strong, independent judiciary, but it cannot be known whether his successor will be in the same mold.

There are grounds for hope also in the fact that the legislative base for a more effective court system is improving all the time--witness the Law on the Judicial System of the RF discussed above, and the recently (July 1997) enacted laws on the Judicial Bailiffs system and on the Execution of Judgments. The COJ leadership is also hopeful that the law on the Judicial Department will be enacted this year. Moreover, after initial resistance, the Finance Ministry recently agreed to finance the Judicial Department. The COJ welcomes further American assistance with the establishment of the Judicial Department, both before and after enactment of the separate Law on the Judicial

Department, and this opportunity for American assistance to  
continue to have an impact should not be wasted.

Under this grant, ARD/Checchi has conducted a small grants program in which we have identified many U.S. and Russian NGOs dedicated to the development of civil society in the Russian Federation. These NGOs possess the legal expertise, experience, and organizational capabilities to conduct future programs which will coincide with both the goals of the World Bank and the U.S. Government in the advancement of rule of law in Russia. These NGOs have worked in such areas as human rights, civic advocacy, alternative conflict resolution, and the promotion of public awareness and knowledge of laws and legal procedure.

1) RUS-008

**U.S. organization:** Center for Public Representation  
**Russian partner:** The Public Advocate (Sutiashnik)  
**Project title:** "Accessing the Law through Public  
Advocacy: A Citizen's Legal Center in  
Yekaterinburg"

**Grant award:** \$77,713

**Grant period:** May 1, 1995 to August 1, 1996

The creation of a center in Yekaterinburg for legal assistance and community legal education was highly relevant to the promotion of rule of law in Russia, and Sutiashnik was able to accomplish much even though the grant got off to a slow start. Only after Sergei Belyaev, former head of FTUI in Yekaterinburg, became director of the center on October 1, 1995, did this grant begin to live up to its potential. During the course of the project, Sutiashnik participated in over 330 cases in the local courts and administrative tribunals and was involved in hundreds of weekly legal consultations with area groups and local citizens. The project successfully recruited local attorneys to work pro bono on specific cases as well as employed law student interns from local universities and institutes who received valuable practical experience working with the Center. The grantees conducted two training conferences for clients and staff which brought together many local groups working on civil and human rights as well as trade unions interested in legal reform. At the second conference lawyers at Sutiashnik gave presentations of typical cases in such areas as property rights, access to the courts, police procedures, and enforcing constitutional mandates for elections. Sutiashnik also published a number of notices, advice columns, and news articles on legal issues while utilizing press conferences, news releases, press coverage to publicize its work and issues addressed.

Sutiashnik is currently looking for funding through other private foundations such as the National Endowment for Democracy, the Ford Foundation, and the MacArthur Foundation, and is fairly confident that it will receive funding in the near future to continue its work.

2) RUS-019

**U.S. organization:** League of Women Voters Education Fund  
**Russian partner:** Moscow Center for Gender Studies  
**Project title:** "Strengthening Women's Rights in Russia"  
**Grant award:** \$100,000  
**Grant period:** May 1, 1995 to October 1, 1996

The grantees focussed on an area in which much work needed to be done: practical training and technical assistance for women NGOs in Russia. Overall, the grantees did a credible job. The conference in Dubna, Russia in May of 1995 was well-attended and represented a good forum for discussion among women leaders about defining the role of women and women's NGOs in contributing to the concept of Rule of Law in Russia. However, the subgrants portion of the project got off to a slow start since it took longer than expected to select the subgrantees and subsequently fund them. Only within the past few months are concrete results beginning to be seen from the subgrants program. Overall, I would recommend further funding especially for the Russian partner, because Valentina Konstantinova does a very good job with the meager resources she has at the Moscow Center for Gender Studies.

3) RUS-021

**U.S. organization:** Environmental Law Institute (ELI)  
**Russian partner:** Ecojuris  
**Project title:** "Strengthening the Rule of Environmental Law"  
**Grant award:** \$96,233  
**Grant period:** July 1, 1995 to September 30, 1996

The grantees received a grant to help shape environmental legislation in the city of Moscow and the Russian Federation, focussing on three main areas: 1) publication and distribution of ELI working papers; 2) law drafting assistance; and 3) follow up on law drafting work.

In the area of environmental law publications, ELI re-printed and distributed three previously existing Russian language translations of ELI working papers pertaining to environmental legislation. Written specifically in layman's terms, these working papers were orginally developed to provide the average citizen an opportunity to participate in government decision-making processes in the area of environmental law. ELI also developed and distributed three new publications in its series of working papers which Ecojuris distributed to all requesting organizations. Ecojuris also received from ELI a master copy of each publication in order to produce additional copies in anticipation of future requests. The grantees also published a "Deskbook" for use by governmental officials, lawyers, non-profit organizations, and ordinary citizens working in the area of environmental protection. Published in September 1996, the book

contains relevant Russian statutes, regulations, and agency documents governing the environmental impact assessment process with accompanying ELI analysis on these problems.

Ecojuris also worked on regular basis with the Federal Duma, the Ministry of Nature Protection, and the Moscow City Council by providing legislation expertise through expert working groups, meetings, and consultations as follow up to their law drafting work. Among other laws, Ecojuris provided law drafting assistance with the federal law on ecological expertise, the development of a federal legal framework for environmental protection, plus September 1996 working on amendments to law, and the protection of ambient air.

The grantees also conducted follow-up work on their legislative input by meeting with various government officials. For example, in September 1996, representatives of both ELI and Ecojuris met in Moscow with members of the Duma environmental commission, the Department of Ecological Perspectives, non-profit organizations such as the Social Ecological Union, Yuri Maximenko of the World Bank, and others to discuss such problems as the existing framework of environmental laws, legislation on the protection of air quality, and input of industry and NGOs on environmental legislation.

4) RUS-024

**U.S. organization:** The International Tax and Investment Center (ITIC)

**Russian partners:** Higher School of Economics  
All-Russia Association of Enterprises

**Project Title:** "Russian Tax Law Reform Project"

**Grant award:** \$100,000

**Grant period:** May 1, 1995 to April 30, 1996

The grantees assisted the Russian Ministry of Finance, the State Tax Service, and State Duma in their attempt to develop tax reform in the Russian Federation. Their goal was to bring together the key players in this area, including members of the federal government, businesses, and private investors, in order to help create comprehensive but fair tax reform legislation.

The ITIC and its Russian partners encouraged private sector input into the development of a Russian tax code by holding monthly tax policy forums in Moscow and Petersburg. The grantees also convened a meeting in St. Petersburg dedicated to discussing the proposed changes to the federal tax code. In addition, they provided educational programs about tax reform and provided source materials for the writers of the Russian tax code as well as assisted them with the drafting of statutory language for the code.

In September 1996, ITIC published a Citizen's Guide to Tax

Reform, partially funded with Rule of Law funding. Written for the average citizen, this guide is designed to help Russian citizens understand their obligations and responsibilities under the new tax code. The guide was originally planned to be completed before the end of the grant in April; however, since the country's tax laws have been constantly changing and newly created laws are often contradictory to previous ones, its publication was delayed until the end of September.

Overall, this has been an excellent grant all around. Dan Witt, president of the ITIC in Washington, is a talented administrator with a host of new ideas on how to bring about tax reform in Russia. Under the auspices of this grant, he brought together government, private investors, and businessmen to discuss problems with current tax law in Russia and possible reforms.

5) RUS-040

**U.S. organizations:** Center for War, Peace, and the News Media (New York University) and the Russian-American Press and Information Center (RAPIC)

**Russian partners:** Glasnost' Defense Foundation and the Commission on Freedom of Information

**Project Title:** "RAPIC Freedom of Information Program"

**Grant award:** \$99,998

**Grant period:** May 1995 to August 1, 1996

With funding from the ROL Small Grants Program, the Russian-American Press Center and Glasnost Defense Fund created a Commission on Access to Freedom of Information in order 1) to promote to monitor adherence by Russian government officials to existing freedom of information legislation; and 2) to conduct seminars to educate government officials, judges, journalists, and Russian citizens of their rights and duties regarding the right to freedom of information.

The program was professionally administered by qualified and experienced people. The newly-created Commission, among its many accomplishments, created a data bank of FOI materials from both the Western press and Russian government. It also documented violations of freedom of information in Russia and disseminated valuable advice and materials to journalists to help them gain access to information legally. In addition, the Commission conducted training seminars on FOI in Novosibirsk, St. Petersburg, Yekaterinburg, Vladivostok, Khabarovsk, and Novokuibyshevsk.

6) RUS-205

**U.S. organization:** University of Arizona

**Russian partner:** Association of Women Journalists

**Project Title:** "Women, the Law, and Domestic Violence in Post-Communist Russia"

**Grant award:** \$78,528

**Grant period:** October 1, 1995 to September 15, 1996

The participants have done an excellent job in increasing the awareness of citizens about the problem of domestic violence in Russia. The grantees held a five day seminar from February 8-12, 1996 with women activists from throughout the Russian Federation who received training, information, and materials about legal and organizational strategies to combat domestic violence. Topics of the seminar included law enforcement, the civil and criminal codes, treatment services, and fund raising. The American participants brought with them three films on domestic violence (with an accompanying Russian transcript), as well as various literature on domestic violence. One of the U.S. participants appeared on a local women's radio station, Nadezhda, and conducted a radio call-in show discussing issues ranging from sexuality to domestic violence. The conference also received media coverage due to the Russian partner's links to the local media, such as Nezavisimaya gazeta. The second part of the grant was to disseminate the materials and information from the February conference to the provinces. The Russian partner held training seminars from April to August in Novocherkassk, Mirnyi, Murmansk, Irkutsk, Petropavlovsk, Vladivostok, and Tomsk. In many of these areas, this information on domestic violence was being made available for the first time. In August 1996, the Russian partner completed a book entitled Who Will Defend Women? which contains 1) articles written by US and Russian participants of the February seminar; 2) Russian and foreign government documents dealing with women's rights; and 3) interviews with women activists, lawyers, government officials, representatives of crisis centers.

The grantees believe that the contacts they have made under this grant as well as their use of the media will enable them "to reach those people who are placed strategically in Russian society where they are in a position to make significant changes in how women are perceived and how women are treated." Such people include the Russian Orthodox clergy, the militia, physicians in emergency rooms and polyclinics, and authors of legal textbooks. Both the University of Arizona and Association of Women Journalists hope to build on the contacts made between U.S. specialists and Russian women activists to continue the struggle against domestic violence in the Russian Federation.

7) RUS-208

**U.S. organization:** Search for Common Ground

**Russian partner:** Fond Poisk Soglasia

**Project Title:** "St. Petersburg Labor Dispute Resolution Center"

**Grant award:** \$54,954

**Grant period:** February 1, 1996 to August 31, 1996

Under this grant, these two organizations created a alternative dispute resolution center in St. Petersburg and have accomplished much in a relatively short amount of time. The U.S. organization was very experienced in this field and the Russian partner possessed the necessary connections with representatives from local government and labor unions to make the project successful. They conducted two conferences, the first in June 1996 devoted to current problems in Russian labor law and possible solutions. In attendance were representatives of local trade unions, the Ministry of Labor, and the city government of St. Petersburg. At a second seminar the following month, former Assistant Secretary of Labor, Bill Hopgood, trained twenty-five local labor leaders in mediation of labor disputes. The newly-created Center also conducted regular labor forums for local union officials to discuss common problems and make recommendations for legislative reform. It also serves as a clearhouse of information in this area including written and video materials on U.S. collective labor agreements and mediation, Russian labor law resources, labor mediation training and videos, U.S. labor law documents and commentaries, information on U.S. union organization, and copies of recent or pending Russian labor legislation.

For the future, the Center hopes to continue its position as a forum for labor representatives to exchange opinions and make recommendations to the Duma about labor legislation reform. They also hope to continue to offer information on mediation and other dispute resolution to such organizations as the City of St. Petersburg's Office of State Mediation as well as the Russian-American Program of Conflictology. The Center is currently looking for additional funding but hopes to receive long-term assistance either from the local trade unions, the city government, the World Bank, and/or private foundations.

8) RUS-219

**U.S. organization:** University of Hawaii

**Russian partner:** Research and Educational Center for the Ethics of Non-Violence

**Project Title:** "Responsible Citizens-Rational Choices: A Voter Education Project for Kaluga and Ufa"

**Grant award:** \$43,627

**Grant period:** October 16, 1995 to July 31, 1996

The grantees of this program did a credible job within the limited aims of the project. The project was designed to educate both a group of participating students and their local communities about the candidates and issues in the December 1995 Duma elections. Initially, the students, selected from the Russian cities of Kaluga and Tver', participated in weekly seminars for a month and a half to examine the principles, practices, and procedures of democratic elections and studied

such topics as the principles of democracy, the nature of civil society, and the establishment of democratic government and the rule of law. They then met in Kaluga for a three day seminar with professors from the University of Hawaii and Chaminade University. The highlight of the conference was the interviewing by the students of actual candidates running for Duma seats. Unfortunately, they reported not achieving one of the goals of the project (impact on the public) due to the less than expected participation by candidates and the media itself. After the conference, the grantees worked on drafting a manual entitled **Civil Participation: Responsibility, Community and Power**, on how to conduct similar voters education projects in other communities in the Russian Federation. The volume is targeted to teachers, NGOs, and other groups interested in conducting similar projects. In addition, according to the University of Hawaii, the United States Information Agency has expressed interest in distributing the manual. They are planning to print two thousand copies and distribute them to schools and community organizations throughout Russia.

9) RUS-222

**U.S. organization:** Internews Network  
**Russian partner:** The Globe Independent Press Syndicate  
**Project Title:** "The Globe Legal Information Center"  
**Grant award:** \$64,025  
**Grant period:** January 1, 1996 to August 31, 1996

This project was designed to raise the level of legal education of the general Russian population through the use of the regional press. The Center's primary task was to distribute newspaper articles on legal issues to provincial newspapers. With grant funding, the Globe Legal Information Center was able to expand the circulation of its articles on various legal topics from 17 to 39 newspapers which covered 31 cities and 29 regions throughout the Russian Federation.

The Center wrote commentary on new laws passed by the Russian State Duma, for example, on the new Russian Family Code, the Presidential decree on a professional army, restrictions on the use of capital punishment, and the legal status of Cossacks. The grantee also provided commentary on criminal laws including explanations of the rights of persons accused, arrested, or detained. They also highlighted laws regulating family relations and women's rights including teenage pregnancy and its legal aspects, sexual harrassment in the workplace, divorce, and prevention of rape. Regarding military issues, the Center wrote about such topics as the civil rights of soldiers and conscripts, rights to alternative services, legal status of refugees, rights of soldiers and officers for compensation of disability, and the rights of detainee (POWs).

The grantee also published a question and answer column. Most of the readers' inquiries were concerning their legal rights in regards to retirement, workers' compensation, unemployment, veteran benefits, and medical insurance; however, many readers also wrote in with questions about their civil rights, including topics such as the right to trial by jury, refugees' legal status, and voters' rights.

During the grant period, the Center distributed more than 194 materials to local newspapers and claims to have reached an actual audience of more than 20 million readers.

10) RUS-223

**U.S. organization:** National Association of Social Workers  
**Russian partner:** Association of Social Pedagogues and Social Workers

**Project Title:** "Indigenous Peoples' Advocacy Project"

**Grant award:** \$60,000.29

**Grant period:** April 1, 1996 to August 31, 1996

This was an excellent program designed to help minority peoples in Siberia advocate for their rights. The project initially focussed on the estimated 10,000 Evenki living throughout Yakutia, but it is anticipated that the results of this project will eventually affect all of Siberia's 1.6 million indigenous peoples. With the help of Alaskan NGOs and attorneys, they conducted a study tour of Alaska for two native leaders from Yakutia as well as held training workshops in Neyrungri, Iengra, Yakutsk, and an Evenk reindeer-herding camp. The grantees worked with both the Evenki and Yakut peoples to teach them about advocacy, the role of civil society in a democratic society, and problem solving. Some of the successes of the project include: 1) the establishment of two coordinating committees (one in Alaska and one in Yakutia) to support Siberian native peoples; 2) a housing law which will benefit young native families passed by the Yakut Duma and awaiting the president's signature; and 3) a policy document on educational reforms for indigenous people to be introduced into the Yakut Duma. By the end of August, the NASW expects also to have completed and translated into Russian, Yakut, and Evenk an indigenous peoples' advocacy manual. The grantees did a very professional job conducting this program and the expectations of the local people have been raised considerably. NASW is seeking additional funding for a follow on-program; they will travel to Alaska to plan how to increase collaboration between Alaskan native peoples' NGOs and their counterparts in Yakutia. They plan to form an international NGO and possibly link it with other peoples in Siberia such as the Khanty, Mansi, and Komi peoples of the Tyumen region as well as with native peoples of Tyva where the NASW has conducted previous peoples' advocacy workshops.

11) RUS-225

**U.S. organization:** Child Welfare Institute International  
**Russian partner:** International Christian Solidarity  
**Project Title:** "Development of a Russian Foster Care Model"  
(Legal basis)  
**Grant award:** \$60,000  
**Grant period:** February 1, 1996 to August 31, 1996

This project represents an important step in preparing the legal conditions for developing a system of foster care in Russia. The grant was composed of three parts: 1) providing legal input and advice by a group of experts in this field, including lawyers, psychologists, and child care workers; 2) the convening, in May 1996, of an international conference in Moscow on developing a "Russian Foster Care Model;" and 3) the creation of a pilot foster care project for use at the local level in Russia. The working group and conference worked on draft legislation for the Russian State Duma to develop child protection structures and governmental standards for child protection at both the national and local levels. They also worked to set standards for the placement of children with foster parents. The Duma's Committee on Women, Children, and the Family agreed to incorporate much of the grantee's work into legislation then being written by the parliament.

Under this grant, the Russian organization took the lead in this project, and, on the whole, has done a credible job. The grantee claims that for the first time in Russia, a coalition involving a government agency (the Ministry of Education), a non-profit organization (CSI-Moscow), and leading experts collaborated to establish a legislative and administrative framework in the area of child care. Their recommendations have focussed on protecting both the rights of the children as well as the foster parents. The grantees hope, in the future, to use the training programs developed by the working group of experts to train local government managers of child care services in such areas as Karelia, Perm, Vladimir, and Rostov.

12) RUS-233

**Russian organization:** Mothers' Rights Foundation  
**Project Title:** "Legal Protection of the Rights of Parents of  
Soldiers Who Have Died While Serving in the  
Russian Army: Aid and Legal Advice"  
**Grant award:** \$9,966  
**Grant period:** October 16, 1995 to August 31, 1996

The Mothers' Rights Foundation has administered this project quite admirably. The Foundation has conducted legal consultations for parents to help them understand their legal rights while conscientiously and timely submitting their narrative and financial reports. They are currently planning

several publications before the conclusion of the grant.

13) RUS-235

**Russian organization:** Moscow Center for Prison Reform  
**Project Title:** "Mass Media for Regional NGO's"  
to September 15, 1996

The Moscow Center for Prison Reform professionally managed this grant. The Center produced weekly radio programs on legal issues in the areas of human rights awareness and criminal justice system reform for broadcast by government and independent radio stations. Program topics have included such themes as prisoner social rehabilitation, the procedure on how to obtain a presidential pardon, and the problem of prisoner abuse by prison guards. The Center also gave training to NGOs outside of Moscow to teach them how to conduct their own local weekly radio programs in their regions. Overall, this grantee competently administered this project, and I would support their receiving additional funding for future projects.

14) RUS-242

**Russian organization:** Moscow Independent Institute for  
International Law (MIIIL)  
**Project Title:** "Publication of a Volume entitled  
'International Humanitarian Law in  
Documents'"

Another good project conducted efficiently and professionally by a Russian organization. MIIIL timely complied with our reporting requirements and also produced, at the request of USAID, a list of NGOs working in the area of human rights which will receive this publication free of charge. We are currently awaiting the imminent publication of the book. The organization has not requested additional funding, but based on its competent administration of the grant, I would support future funding for MIIIL.