



**AMERICAN BAR ASSOCIATION
RULE OF LAW INITIATIVE**

**THE RULE OF LAW PARTNERSHIP PROJECT
JUSTICE SECTOR DEVELOPMENT PROGRAM**

WORK PLAN

SUBMITTED BY
THE AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE (PRIME RECIPIENT)

AND
THE RUSSIAN AMERICAN RULE OF LAW CONSORTIUM (IMPLEMENTING PARTNER)

SUBMITTED TO
THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Contact for Prime Recipient:
Donna Wright, Director, Europe and Eurasia
American Bar Association Rule of Law Initiative
740 Fifteenth Street, N.W., 7th Floor
Washington, D.C. 20005
Email: DWright@staff.abanet.org
Tel: +1-202-662-1987
Fax: +1-202-662-1597

Contact in Moscow:
Gleb Glinka, Chief of Party, RLPP
American Bar Association Rule of Law Initiative
24/7 Ul. Myasnitskaya.
101000 Moscow Russia
E-mail: glinka@abamos.ru
Tel: +7-495-624-8328
Fax: +7-495-623-9862

Year Two Work Plan

September 29, 2009-September 28, 2010

I. Introduction

The purpose of the Rule of Law Partnership Project (RLPP) is to provide technical assistance to build the capacity of Russian judges, lawyers, and court personnel to respond effectively to the needs of ordinary citizens. In accordance with the project framework as set forth in the cooperative agreement, RLPP will work towards the following goals in the second year of the four-year project cycle:

Goal A: Increased credibility and professionalism in the lower-level courts in pilot regions

Goal B: Improved standards and governing mechanisms for professionalism and accountability in the Russian legal system

The activities outlined in this work plan are designed to contribute toward the achievement of the stated goals and programmatic objectives. This work plan has been developed based on the progress achieved and challenges encountered during Year One. Significant accomplishments achieved in Year One include the following:

- Developed four curricula for Justices of the Peace (JPs) in two pilot regions
- Agreement and preliminary work with the Leningrad, St. Petersburg, and Ulyanovsk Chambers of Advocates to establish regional centers for continuing legal education
- Cooperation with the Center for Law and Mediation on the establishment of an alternative dispute resolution (ADR) center in Rostov-on-Don
- Completed and promulgated surveys on "*The Public Perception of the Justice of the Peace Court System*" in three pilot regions
- Conducted bench-bar meetings in four regions for approximately 129 members of the legal community.
- National conference on professional ethics for advocates, held in partnership with the Federal Chamber of Advocates
- Completed *Bench Book for Justices of the Peace*
- Completed four publications – *Life of an Advocate*, *Interactive Methods for Continuing Legal Education*, *Disciplinary Practice in Ulyanovsk Region*, and *Attorney-Client Privilege*
- Launched bilingual RLPP web site
- Twenty three (23) professional trainings (CLE and topical seminars) conducted for approximately 870 members of the legal community in 11 regions

During the past year, RLPP also faced significant challenges, notably the withdrawal of support from the Ulyanovsk judicial administration to participate as a pilot region under Component I and

a standstill in cooperation at the national level, including the Council of Judges, Judicial Department (JD), and Academy of Justice (AOJ). These issues are described in further detail under section III of this work plan.

As a result, this work plan is based on the current state of affairs in the justice sector and is therefore necessarily tentative and provisional. The ability to undertake activities, accomplish proposed tasks, and reach goals depends on the support and commitment of local partners, as well as favorable changes in the political and legal environment. Accordingly, RLPP will continue to assume a flexible and measured approach to accomplishing the goals under this plan, promptly notifying and consulting the Agreement Office Technical Representative (AOTR) before making required adjustments.

II. Management Structure and Implementation of Project

RLPP is a partnership of the American Bar Association Rule of Law Initiative (ABA ROLI) and the Russian American Rule of Law Consortium (RAROLC). Together as the RLPP, the ABA and RAROLC will implement the award with the ABA serving as the prime recipient and RAROLC serving as the core implementing partner. Although the ABA and RAROLC previously maintained separate management structures, the two organizations have devised clear roles, procedures, and modes of communication in the overall administration of this program.

The ABA and RAROLC will each be primarily responsible for the implementation of specific activities under various project goals and in some cases will jointly implement programming. The field office will maintain its headquarters in Moscow under the leadership of the Chief of Party and two Deputy Chiefs of Party. The Chief of Party will be responsible for overseeing all field-based operations and will work together with the Deputy Chiefs of Party in the coordination of all activities to maintain the project's cohesive approach.

The ABA's day to day work will be implemented by its long-term resident field staff, comprising three directing attorneys, two staff attorneys, two project administrators, and finance staff. The three ABA Directing Attorneys will oversee specific project components as follows: public awareness/access to courts; continuing legal education/professional training for lawyers; and attorney ethics/discipline/regulation. The ABA will continue to rely on a cadre of outstanding Russian legal experts in the implementation of designated activities.

RAROLC's day to day work will be implemented through its Deputy Chief of Party and other supporting Russian and American staff in conjunction with its steering committees, working groups, and sub-committees. RAROLC's Russia-based staff will also facilitate and direct the contact with Russian organizations responsible for developing and implementing each activity.

RAROLC Russian regional steering committees comprise judges, lawyers, law professors, and other legal professionals in the partnership regions. Steering committees in the United States also comprise judges, lawyers, law professors, and other legal professionals. Regional and national working groups assigned to the three pilot regions comprise legal professionals working with

justices of the peace, court administration, and court monitoring. RAROLC has set up subcommittees specific to the project work for five RAROLC regions outside the three pilot regions. These subcommittees will work with their Russian counterparts to advise them on project priorities and implementation strategies for activities related to substantive law, bench-bar, and judicial ethics. RAROLC will manage each activity with its organizational structure of partner steering committees in each of the Russian regions.

III. Political Considerations and Implementation

As mentioned above, the implementation of the project depends on a favorable political environment. In response to the challenges encountered in Year One, RLPP will adjust its approach moving into Year Two.

In November 2008, RLPP unequivocally confirmed with Judge Pavel Masliukov and several other key judges that the Ulyanovsk judiciary was receptive and interested in working with this project on continuing education for newly appointed and sitting justices of the peace (JPs) and administrative personnel under the auspices of the Academy of Justice. Despite continual unsuccessful efforts thereafter to meet or speak with Chief Judge Nina Pavlovna Lisyakova, RLPP was assured that cooperation would continue if support of the Council of Judges was secured. After a meeting with the Chairman of the Russian Federation (RF) Council of Judges, Justice Yuri Ivanovich Sidorenko, Justice Sidorenko sent a letter of support to Chairman Gusev of the Judicial Department. According to our information, Justice Sidorenko had earlier indicated orally to the Ulyanovsk judiciary that he had no objection to their cooperating with RLPP. Nevertheless, in March Chief Judge Lisyakova informed RLPP through Judge Masliukov that the Ulyanovsk judiciary was no longer willing to cooperate on the project.

In response to this decision, RLPP moved quickly to find an alternative pilot region for Component 1. After extensive discussions among the RLPP management team and with representatives of the Academy of Justice and Judicial Department of the RF, RLPP scheduled an assessment trip to Nizhni Novgorod to explore the prospects for cooperation. RLPP Chief of Party Gleb Glinka and Deputy Chiefs of Party Anton Alferov and Ilya Pachin had a successful meeting with the Chief Judge of the Nizhegorodsky Region Court, Boris Sergeevich Kanevsky. During this meeting, RLPP staff described the scope of work outlined in the work plan. At the close of the meeting, Chief Judge Kanevsky expressed his unqualified support for the project and confirmed that the judiciary of Nizhni Novgorod would participate in Component I activities. In response to RLPP's request, on May 7, 2009, USAID approved the substitution of Nizhni Novgorod for Ulyanovsk as a pilot region under Component 1.

While resolving the situation mentioned above, RLPP continued to implement a series of measures to cooperate and coordinate Component I activities with national partners, the Judicial Department, and the Academy of Justice. The Judicial Department was notified about RLPP plans to cooperate with pilot regions to develop JP curricula and a working relationship was established with the Director of the Academy of Justice. As progress toward the stated deliverables continued according to plan, RLPP prepared to facilitate a national conference for all

stakeholders and participants on the regional and national levels to discuss the project and define its future directions and the next steps to be taken.

Unfortunately, the planned conference on “*Administering the Activities and Training Justices of the Peace*” scheduled for May 28-29, 2009 in Moscow was cancelled at the last moment by Justice Yuri Ivanovich Sidorenko, the Chairman of the Council of Judges of the RF. As a direct result, the RF Academy of Justice also halted work and support on the implementation of all JP trainings. The judiciary of Nizhni Novgorod followed suit.

Although the full implication of these events is still not entirely clear, Justice Sidorenko informed USAID that RLPP may continue working with judges in those regions that are receptive to the project. To date, RLPP partners in Rostov-on-Don and in Leningrad region have confirmed their continued commitment and support for the work of the project.

As an overall strategy, RLPP will continue to focus primarily on the regional level and apply a structured and graduated approach, working on specific activities in certain pilot regions based on the need for, receptiveness to, and support of these activities in the particular region. In regions that do not now support certain activities originally proposed in this project, RLPP will seek to introduce a model of these activities from those regions where they have been successfully implemented. For example, RLPP will try to convince the JPs in Nizhni Novgorod to use RLPP’s curricula and methodology for training JPs based on the training conducted in Rostov-on-Don and Leningrad region in Year Two. Where appropriate, RLPP will present these successful models at the federal level, *e.g.*, to the Federal Chamber of Advocates, for broad dissemination throughout the RF. RLPP intends to continue work with its partners in Nizhni Novgorod in a variety of activities and will continue to engage members of the regional administration and the legal community to regain their support and approval. While these efforts may take some time, RLPP may also begin to test certain Component I activities in Component II regions. With regard to the national level, RLPP is hopeful that with its renewed focus on the regions it can gradually work upwards to revive relationships with the JD and AOJ. Of course, any action to rebuild these partnerships will be undertaken in consultation with USAID and the AOTR.

IV. Objectives and Activities

The project objectives and activities for each goal are provided in detail below. A summary chart delineating these activities is also provided under Appendix A. The lead implementer for each activity (ABA or RAROLC) is noted in each activity heading. The performance indicators for each objective can be found in the Performance Monitoring and Evaluation Plan (PMEP) under Appendix B.

Gender Considerations

During Year One, RLPP established a multi-disciplinary gender advisory committee to ensure that gender considerations are appropriately incorporated within all project activities. In 2008, the committee issued a comprehensive set of recommendations taking into account the

international obligations of the Russian Federation in the area of gender equality and the goals of the RLPP. The recommendations specifically acknowledge the need to actively implement a gender perspective into the mainstream of all RLPP programs, especially concerning gender-based violence, achieving gender equality, realizing equal and fair access to justice, and ensuring gender balance. During Year Two, RLPP will continue to use these recommendations as guidelines with a view to raising gender sensitivity and responsibility of judges, lawyers, and jurists in order to ensure accountability and increased professionalism.

More specifically, for example, in Year Two RLPP will carry out an analysis of domestic violence and gender discrimination cases in the pilot regions with the assistance of the Regional Courts, Justices of the Peace, Regional Chambers of Advocates, and NGOs. Based on the results of the surveys RLPP will continue to develop recommendations for the general public, social services providers, public reception rooms, and NGOs working with gender-based violence issues on providing legal aid and collecting materials in criminal and civil proceedings in cases of family abuse and discrimination.

A. Increased credibility and professionalism in the lower-level courts in pilot regions

Background

As a core component of the project, RLPP will work directly with Justices of the Peace (JPs) in selected target regions. JPs assume a central role in the administration of justice, yet their effectiveness is restricted by their limited practical experience and lack of formal training in most regions. The JP system as a whole also suffers from an underdeveloped court administration system.

RLPP worked throughout Year One in Moscow with the Director of the Academy of Justice, Valetin Ershov, to develop regional training curricula in the Leningrad, Rostov, and Ulyanovsk regions. Director Ershov signed the final curricula in April 2009 with the support of Academy of Justice Law Professor Lev Khaldeev. Professor Khaldeev provided assistance to the working groups established in each target region for developing and finalizing each of the curricula. As discussed above, Ulyanovsk was replaced by Nizhni Novgorod in April 2009 and a new working group has been established in this region. Each working group comprises the Chief or Deputy Chiefs of the regional courts, Academy of Justice branch office Directors, Chiefs of Departments on Administering the Activities of Justices of the Peace, Justices of the Peace, psychologists affiliated with the Academy of Justice or Ministry of Justice, and advocates.

The final Justice of the Peace training curricula include four components:

- 1) *Role of JPs in the judicial system of the RF and the types of cases heard by JPs*
- 2) *Civil and criminal case proceedings*
- 3) *JP personnel and operational administration*
- 4) *Judicial morals and ethics; psychological aspects of the work of JPs*

The curriculum requires a 72-hour training period over ten days. The first day is devoted to Train-of-Trainers (ToT) and the remaining nine days are devoted to training the JPs themselves.

During Year One, RLPP worked closely with its partners on the national level to prepare for the -aforementioned conference on *Administering the Activities and Training Justices of the Peace*, which had been scheduled for May 28-29, 2009 at the President Hotel in Moscow. . This conference would have included presentations from each of the three target regions of Rostov, Leningrad Region, and Nizhni Novgorod, providing overviews of their regional approach to the trainings based on the final version of the curriculum. Due to the cancellation of this conference, the AOJ of the RF has withdrawn its national support for the implementation of the RLPP JP training.

During Year Two, RLPP will continue its work at the regional level, cooperating closely with the regional branches of the AOJ to implement and test the newly developed curriculum.

During discussions in Year One with the regional administrations on training JPs, RLPP learned that each region was considering withdrawing the funding for JP trainings from the regional budgets that was standard practice in previous years. In light of this development, RLPP has agreed in Year Two to fund the first installment for JP training in the three target regions as a demonstration. The first series of trainings will take place in October in Rostov and Leningrad regions for approximately 37 JPs. The Academy of Justice regional branches will lead the training sessions with assistance from RLPP. Training in Nizhni Novgorod is expected to occur as soon as the newly established working group agrees on specific dates. It is expected that the target regions will resume payment from their regional governments for all or part of the costs during the remainder of Year Two and in years three and four. RLPP will roll-out the trainings in other regions in years three and four.

RLPP will enlist the support of the regional branches of the Academy of Justice to conduct pre- and post-training questionnaires to measure the knowledge gained by the JPs over the course of the trainings.

Objectives under this project component include the following:

Objective A: Improved capacity of judges

Objective B: Improved awareness of legal rights for citizens using the legal system and an enhanced capacity to assert rights

Objective C: Improved administration of justice and related procedures

Objective A: Improved capacity of judges

Activity 1: Judicial Training - RAROLC

- *New JP training course*
- *Basic JP training course*

- *Training course for administrators*

Implementation of trainings in Rostov and Leningrad regions

Based on RLPP's discussions with the regional working groups, JP training will begin at the end of October and last until the beginning of November. The training curriculum will be 72 hours and will last for ten days. The first training group will include 25 JPs 50 JP staff from Rostov Region. One month prior to training, the Rostov Regional Court will notify JPs in need of training and will allow them to suspend work on cases to complete the required training.

In Leningrad Region, the Northwestern Branch of the AOJ reported that 12 JPs and 25 JP staff members will participate in the first training period. As in Rostov Region, the training curriculum in Leningrad Region will be 72 hours.

In Nizhni Novgorod, RLPP will continue to assist the working group to revise and complete the curricula. Due to the cancellation of the May 28-29 conference by the Supreme Court, the Nizhni Novgorod judiciary is now hesitant to continue working with RLPP. Nevertheless, RLPP will attempt to use the success of its work in the other two pilot regions to implement JP trainings in this region by the end of Year Two. Nizhni Novgorod remains an important target because it is the fourth largest city in Russia, has 175 sitting justices of the peace, and maintains a branch office of the Academy of Justice.

Professor Lev Khaldeev will conduct ToT programs on the first day of the JP training for AOJ professors using his book, *How to Train Adults*. RLPP will continue to refine the curriculum in Year Two based on the evaluation of Lev Khaldeev and the working groups.

- *Meeting for JP members of the Council of Judges*

In Year One RLPP had scheduled a conference on Component 1 activities that would have directly involved JP members of the Council of Judges. Unfortunately, the Russian Supreme Court prohibited the JPs from attending this conference, which has had a negative impact on the ability of RLPP to hold future national conferences of this kind. The May 2009 conference in Moscow would have brought together all regional working groups, Justices of the Peace, Academy of Justice Moscow and Regional Branches, and Court Departments from both the national and regional levels. All aspects of Component 1 were to have been discussed, including training for justices of the peace, development of the bench book for justices of the peace, public awareness and access to justice, court administration, publication of court decisions, and court monitoring.

RLPP will await further news from the Russian Supreme Court to determine if such a conference is possible in Year Two.

Activity 2: Development of Judicial Bench Book – ABA

- *Develop, publish, and disseminate bench-book for JoPs in three pilot regions*

In 2008–2009 RLPP developed a first version of the JP Bench Book in cooperation with the Rostov regional court based on the work of the courts in Rostov-on-Don, which has been in the forefront of implementing legal reforms. The bench book will be completed and published by the end of Year One.

After analysis of the current situation, RLPP has decided to further develop the bench book for JPs based on current federal legislation and the work of JPs in Rostov Region, which the working group determined to be representative. After these adjustments, this comprehensive material will be useful for other regions in the Russian Federation.

In Year Two, RLPP will distribute this Bench Book in the two other pilot regions in an initial print run of 5,000 copies and will collect feedback from all users of the book. RLPP will include a questionnaire along with the publication, requesting users to complete and return it. Based on this feedback, RLPP will revise and update the second edition of the Bench Book by the end of Year Two.

Activity 3: Judicial exchanges - RAROLC

- *Conduct U.S. Study Tour for JPs (hosted in partnership with Open World)*

Due to problems in the nomination process of judges and JPs by the Council of Judges, the dates for the U.S. Study Tour for a delegation of national JP leaders will be postponed from September to December 2009. National JP leaders were to have been nominated by the Russian Federation Council of Judges Chairman Yuri Sidorenko. Due to changes in the law on the status of judges, however, Chairman Sidorenko is no longer able to perform this function. In response to Justice John Dooley's May 4th letter to Chairman Sidorenko seeking his approval for nominations, Chairman Sidorenko replied: "I cannot satisfy your request to nominate JPs for the visit to the U.S. The Council of Judges of the Russian Federation does not have the authority to send JPs on work-related trips." RLPP is currently working through Lidya V. Guseva, a JP from Kemerovo and a member of the Council of Judges of RF, to resolve this issue.

This delegation will be sponsored by Open World and USAID. Five national leaders from the JP community will travel to Delaware to gain a comparative perspective in four main areas: (1) the need for and content of training for JPs and their staff; (2) basic methods of court administration; (3) use of technology; and (4) citizen access, convenience, and reception.

Objective B: Improved awareness of legal rights for citizens using the legal system and an enhanced capacity to assert such rights

Activity 1: Public Awareness - ABA

In June 2009 RLPP completed its assessment and issued its report, *Public Perception of the Justice of the Peace Court System*. The main objectives of RLPP's initiative in sociological research were to address the familiarity, accessibility, responsiveness, and efficiency of court procedures and administration; to identify obstacles to access to JPs; to determine the attitudes and needs of actual court users (including also gender-based concerns); to examine the role of legal and judicial information in the interaction between courts and the general public; to analyze public access to judicial decisions; and to create a baseline of data.

The report revealed an encouraging dominant trend in public attitudes in the surveyed regions indicating that law is supreme and may be violated only in extreme circumstances, such as when the life of a friend or family member is at risk. This data allows a conclusion to be drawn that Russians believe that the laws must govern conduct while recognizing a kind of "necessity defense" for extraordinary circumstances. Invidious discrimination (unequal treatment) was a recurring theme. Most often, this concerned employment discrimination when a person was not hired for a particular job.

The survey also showed that consultation with a legal professional significantly increased the respondent's basic legal knowledge. Therefore, strengthening the role of legal advocates in disputes resolved both in and outside court will further the public's legal awareness and, as an indirect consequence, will increase the efficiency of the JP courts.

Those who have utilized the JP courts overall gave a positive response concerning both the individual and professional traits of the JPs, but complained about the inadequate infrastructure of the courts. Inefficiency, excessive paperwork, and superfluous rules and instructions make JP courts a less appealing means of legitimate conflict resolution. According to the survey, there is no universally prevailing perception of corruption and generally respondents felt that judges usually conduct themselves in accordance with procedural norms and the standards of professional ethics as generally understood by the public.

The survey also concluded that information provided by the JP courts regarding their activities is insufficient. Only 13 percent of the respondents who deal with the JP courts consider themselves to be well informed. Therefore, it is advisable to create a comprehensive educational campaign using all available means of communication (television programs, informational brochures and booklets, newspaper publications, public campaigns, and subject-specific Internet sites).

Despite a generally positive perception of the JP system among users in all three pilot regions, the report also highlighted a set of regional trends in public opinion.

As a result of this research, the sociologists developed a set of recommendations to strengthen the role of the JP courts in contemporary Russian society. According to their findings, two of the recommendations focused directly on public awareness:

- ***To educate citizens of all social strata*** about the basic principles of the way justices of the peace operate, the jurisdictional limits of the cases they hear, and the advantages of resolving disagreements and conflicts through legal means.

- ***To provide sources of in-depth, specialized information for those who use the justice of the peace courts.*** These could include information stands located inside the justice of the peace courts, specialized brochures and booklets, and Internet resources.

Accomplishing these and other goals will enhance the level of the public's legal knowledge and improve the public image of the JP courts. This in turn will make the justice of the peace courts a more popular means of legal dispute resolution and will enable JP courts to function more effectively.

In the third quarter of Year Two RLPP will convene the working group to adjust the methodology and content of the questionnaires and interviews as needed to conduct the second follow-up survey. Before the end of Year Two, RLPP will begin to conduct the second round of surveys in order to measure change in user responses and progress to date.

- *Legal literacy seminars –*

During Year Two, RLPP will highlight a set of specialized legal topics that are commonly adjudicated by JPs, including family law, property rights, and domestic violence, along with basic court procedures (e.g., how to file a complaint, how to assemble evidence, how to address the court) through three legal literacy seminars in the pilot regions for lawyers and non-legal specialists working with ordinary citizens, *pro se* litigants, and those helping citizens to exercise their legal rights, such as NGOs, public service professionals, and volunteer lawyers,.

- *Issue and distribute brochures and guides –*

RLPP, in consultation with the Judicial Departments, JPs, and NGOs, has developed three informational plain-language brochures on laws and rights for distribution to the general public: 1) *Free Legal Aid*, 2) *Divorce, alimony, division of property (frequently asked questions)*, and 3) *Domestic violence: private prosecution, and proceedings in the justice of the peace courts*. Five thousand copies of each of these brochures have been published and will be widely distributed to legal clinics, ombudsmen offices, reception rooms, social service centers, medical facilities, NGOs, and other public facilities. In Year Two, RLPP will publish at least three additional such brochures (5,000 copies each) for broad distribution to the general public: 1) *I Know My Rights*, 2) *Your Rights in Questions and Answers* (covering housing law, family law, property rights, probate, etc.), and 3) *What to Ask Your Attorney*.

In each pilot region, RLPP will continue to work to ensure that these materials reach vulnerable groups such as women, ethnic minorities, and the disabled.

Activity 2: Access to Justice

As mentioned, the surveys administered in all three pilot regions in Year One disclosed that the extent of the public's legal awareness is directly linked to the extent of its access to justice. Currently, legal aid to the poor and disadvantaged is sporadically provided in the project's target

regions by some of the following structures: public reception areas in NGOs, political parties, parliamentary deputies' offices, federal and municipal bodies, the Ombudsman for Human Rights and Ombudsman for Children's Rights, social support services, and legal clinics. Over the course of Year Two, RLPP will continue to cooperate with these service providers to expand and strengthen the provision of legal services, identifying mechanisms for coordinating such services, and opportunities for training providers.

- *Network of Volunteer Lawyers-ABA*

RLPP will continue to lay the groundwork for establishing a network of volunteer lawyers in receptive target regions. To date, for example, the Ombudsman of the Rostov Region offered to provide space in Rostov and in the 12 outlying towns to house volunteer lawyers who would provide services to clients free of charge.

In Ulyanovsk, in response to written questions on the willingness of advocates to participate in such a network, 142 of 184 Ulyanovsk advocates (or 77%) who submitted forms indicated that they were ready to provide legal consultations to the needy as a *pro bono* service. In light of this unexpectedly enthusiastic response, RLPP has agreed to hold a round table with the Ulyanovsk Chamber of Advocates on implementing a network of volunteer lawyers in Ulyanovsk in the first quarter of Year Two. This round table will explore models for coordinating existing legal services (chamber of advocates, legal clinics, NGOs, *etc.*) and training volunteer lawyers in the special skills and topics of concern to indigent clients in the region. Following the roundtable, RLPP will determine concrete action steps to implement throughout the remainder of the work plan cycle.

- *Public reception rooms for court users - ABA*

With the findings and analysis of the sociological surveys in the pilot regions completed, RLPP will continue to develop the content and format of public reception rooms for court users.

During meetings in Rostov in Year One, RLPP learned that the Ombudsman has signed an agreement to cooperate with the law schools in the universities and educational institutions in the districts of Rostov region in the creation of 12 public reception rooms as representative offices of the Office of the Rostov Regional Ombudsman for Human Rights. These reception areas are located on the grounds of the law schools in 12 different cities in Rostov region and are staffed by law school teachers to render free legal services to the general public on matters concerning human rights within the jurisdiction of the Ombudsman's Office, *i.e.*, matters involving governmental agencies allegedly derelict in their duties. Additionally the Ombudsman has entered into an agreement with the Rostov Chamber of Advocates to have advocates represent indigent clients in civil and criminal cases without charge. Under this arrangement, the Ombudsman directs cases involving potential litigation to the President of the Rostov Chamber, who assigns a particular qualified advocate to the case. The Chamber itself finances this activity, compensating assigned advocates from the dues paid by its member-advocates.

During Year Two, RLPP will continue to work on establishing public reception rooms either within JP courts or in nearby NGOs, taking advantage of the experience acquired in the first year of the project. Where possible, RLPP will explore the interrelation and try to dovetail the work of volunteer lawyers with such public reception rooms, coordinating these activities.

- *Roundtables - RAROLC*

RLPP had planned to discuss the feasibility of holding roundtables in the target regions at the May 2009 RLPP conference in Moscow. Due to the cancellation of the conference, these roundtables will be addressed during Year Two. The working groups will consider the feasibility of holding such roundtables for topics that are of greatest interest to the public. The expectation is that a justice of the peace in each region will facilitate a roundtable in their region at least once in year two.

RLPP will also investigate conducting roundtables on topics in civil law, such as housing, labor, and consumer bankruptcy. Rostov region may also be receptive to holding a roundtable on juvenile justice as this region is at the forefront of juvenile justice reform. In Nizhni Novgorod RLPP will explore the possibility of holding “clinics” for the public on procedural practices, such as how to file the necessary paperwork.

- *Alternative Dispute Resolution – ABA*

Alternative Dispute Resolution (ADR) is currently a widely discussed topic of considerable interest in the Russian Federation. President Medvedev and the Judicial Council have conspicuously included mediation in their overview of proposed legal reforms and a new law is now being drafted to provide mediation in non-commercial cases with a sound legal foundation. The initial impetus for this interest in ADR is, of course, the prospect of relieving some of the case load of overworked judges, but seems also to involve a recognition that in appropriate cases ADR might serve to resolve disputes more effectively and definitively.

In order to advance the use of ADR in the target regions, RLPP continued to establish strategic partnerships. During Year One, RLPP attended a conference sponsored by the Center of Mediation and Law (the “Center”). The Center enjoys governmental support at the highest levels and works with the Association of Russian Lawyers, focusing on the development of the legal profession and on mediation as an alternative to litigation. As a result, RLPP also met with a representative of the Association of Russian Lawyers to discuss potential areas for cooperation on future ADR activities. To date, RLPP and the Center have agreed to cooperate on all mediation-related events in Moscow. In addition, the Center will also provide trainers for activities held in the regions outside Moscow.

Establishing an ADR Center in Rostov

Following RLPP's introductory round table on ADR in Rostov, the Vice-Chair of the Rostov Regional Court, Judge Zolotykh, requested further assistance in creating a cadre of mediators as the backbone of a mediation center in Rostov. In cooperation with the All-Russia Association of Mediators and the Institute of Law and the State of the Russian Academy of Science, RLPP conducted the first of a series of intensive training sessions for approximately 25 potential mediators.

For Year Two, RLPP has negotiated an agreement with the highly regarded Center for Law and Mediation to conduct the remaining training sessions (120 hours) in order to establish teams of certified mediators in Rostov to handle cases, including those referred by the Rostov judiciary, and to support an ADR Center for the region. RLPP will identify a location and establish an organizational structure for the Center in Rostov, which RLPP expects to launch before the end of Year Two.

Objective C: Improved administration of justice system and related procedures

As part of its Year One activities, RLPP proposed court administration activities that built upon successes from USAID's judicial reform work with the district courts, with the goal of bringing JP courts up to the level of district courts in case management instructions and automation, at least in the pilot JP locations in each of the Component 1 regions. RLPP has not been able to implement this initiative because of suspension of work at any national judicial institutions, including the Judicial Department, until further approval from the Supreme Court of the Russian Federation. Meanwhile, there have been intervening events that suggest a change of direction: The first is the planned (but apparently not imminent) nationalization of JP court administration, and the second is the passage of Act No. 262-FZ.

If the first development is enacted, RLPP runs the risk of wasting efforts if it focuses on current court operational instructions. Once the nationalization of JP court administration occurs, local JP court operational policies will be eliminated in favor of national instructions based on the district court instructions. Meanwhile, the Judicial Department will not be working on these instructions until nationalization is imminent. Leonid Smertin, the official of the Judicial Department responsible for local court administration, has expressed the opinion that the timing is not right now for this work.

Instead, Mr. Smertin supports work on implementation of Act 262 – FZ, which was enacted in December 2008. Among other items, effective July 1, 2010 the act requires each court, including JP courts, to create a website on which information about the court and its operation must be posted.

The most important requirements are in Article 14(2), particularly (c) and (d), and Article 15. Article 14(2)(c) requires the court to post information about the cases in the court, including information about the "progress" of the case and the results of hearings. Article 14(2)(d) requires posting the text of court judgments. These requirements are particularly challenging because they presuppose a degree of automation not generally found in JP courts. Thus, every JP needs access

to a computer to prepare a judgment electronically and a network to send it to be placed on the website. There must be an electronic case management system that shows the progress of cases, select data from which can be placed on the website. In short, Act 262 requires a degree of automation that RLPP was intending to supply on a pilot basis.

There are three main reasons for working on Act 262 – FZ. First, this is what the Russians want and need right now. Therefore, we can establish credibility and obtain considerable information about their operation that will allow us to participate in other projects in the future. Second, this is such a major challenge that it will be difficult to engage them on anything else before the July 1, 2010 deadline. Thus, even if RLPP adhered to the Year One goal of proposing model court instructions locally, the work climate would make it difficult. Third, this is an excellent opportunity, for a high quality implementation of the requirements will make the Russian courts quite transparent and permit a serious analysis of court decisions.

RLPP proposes to offer expertise on certain aspects of the law. For example, RLPP can work on a system to make retrieval effective to find decisions on specific issues. RLPP could augment systems with training on how to write decisions to maximize research, retrieval, and use. Additionally, RLPP will provide expertise on public access to court records that would be helpful in creating access policies, expertise on designing court websites for easy access to information about court operations, and expertise in helping *pro se* court users navigate the procedures for at least minimally effective appearances without counsel. In Year Two, RLPP will also explore the introduction of a software-based system such as “A2J” to guide court users in the preparation and completion of standard pleadings, motions, and other legal forms.

Activity 1: Court Administration - RAROLC

- *Develop model court protocols for JoP courts in each pilot region (cooperate with court administrations, JPs, Judicial Department experts, and U.S. experts*
- *Develop standards for case management system for pilot region JP courts*

As mentioned above, RLPP has been asked by the Judicial Department in Moscow to assist the regions in implementing Federal Law 262 as a basis of mutual cooperation. RLPP is hopeful that this law, which focuses on transparency, will help further the objectives of publication of decisions and use of case management systems. Implementation of 262-FZ begins in July 2010. RLPP will offer peer-to-peer exchanges to realize recommendations on public access to court records, designing court websites, and helping *pro se* court users. RLPP will establish priorities from the work areas as defined in 262-FZ after consultation with Russian partners in the first half of year two.

Activity 2: Publication of Court Decisions - RAROLC

- *Selected model decisions for first JP electronic publication (establish JP working group in each pilot region)*

Publication of selected decisions of JP and District Courts will provide models of well-written and informed decisions based on sound legal reasoning. RLPP will use its new web site or another portal to publish selected JP and District Court decisions from the pilot regions to disseminate to all JPs in the pilot regions.

The regional JP working groups were asked to identify 15 court decisions for inclusion in a database managed by RLPP staff, including the decisions of district courts on appeals from JP courts. The working groups intended to present the decisions at the May JP conference in Moscow, where the representatives of pilot regions could discuss the decisions and introduce the criteria by which such decisions were to be selected. The decisions would then be edited for public use according to Article 4 of the Resolution of the Council of Judges of RF #162 of August 13, 2008. Each working group nominated a delegate, who would present the decisions from JP practice of his/her region. After these decisions are prepared, RLPP will collect them during future working group meetings and post them on the RLPP website. RLPP will also discuss the feasibility of publishing the decisions in Rostov on the newly established JP website. It is expected that each target region will establish a new JP website related to the requirements in 262-FZ.

Activity 3: Court Monitoring - RAROLC

- *Conduct first Court Monitoring Program*

A discussion of issues on court monitoring was to be held during the May 28-29 Moscow Conference on JPs. Presentations were prepared by Marina A. Yurkova, Dean of Department of Increase of Qualification of Judges and Court Personnel of North-western Branch of AOJ and by Alexander V. Gavritsky, Director of Rostov Branch of AOJ. RLPP had planned to finalize the monitoring methods and goals for court monitoring in the pilot regions from the discussions and outcomes of this conference. Due to the conference cancellation, RLPP has been working with the regional partners to accomplish this goal.

RLPP has established a subcommittee to identify U.S. best practices that will be presented to Russian colleagues and development of a model approach for Russian partners. The CourTools program developed by the U.S. National Center for State Courts (NCSC) is one such example of the approaches suggested by the subcommittee.

The three pilot regions will identify monitors from the Academy of Justice. Baseline data will be collected at the beginning of Year Two to establish a baseline and at least annually during the project cycle to measure improvement and to allow RLPP to refine and modify its approach as necessary. Data will be collected for all three pilot regions in at least five courts in each region to provide baseline data in year two.

B. Improved standards and governing mechanisms for professionalism and accountability in the Russian legal system

Background

The Russian legal and judicial professions have made substantial progress in the last few years toward enacting and applying ethical norms and enforcing these norms. Nevertheless, as demonstrated by continuing reports of corruption and public statements from President Medvedev alluding to “legal nihilism”, if Russians are to have faith in their legal system, the creation of new governance mechanisms is required to improve the credibility of the system as a whole.

Under Goal B, RLPP has undertaken a modified regional approach based on the demand for continued assistance and support from its existing regional partners. RLPP has targeted its work in the Russian regions as follows: Activities focusing on advocates and jurists will occur primarily but not exclusively in Rostov-on-Don, St. Petersburg, Leningrad region, Nizhni Novgorod, Ulyanovsk, and Moscow Region. The local bar chambers in these regions have committed to working with RLPP on ethics and continuing legal education (CLE). In 2009 the Association of Russian Jurists established regional branches in Ulyanovsk and Rostov-on-Don, both of which include advocates as well as jurists. Along with the national Association of Russian Jurists, these regional branches serve as partners in addressing issues of accountability and professionalism for non-advocates. In Year One activities that focused on the judiciary took place in Karelia, Archangelsk, Leningrad, Vologda, Novgorod, Pskov, Rostov, and Nizhni Novgorod to build on and strengthen existing U.S. and Russian partnerships. In the course of four years, joint activities with legal professionals and judges (*i.e.*, bench bar meetings, work on local rules of court, and topical seminars) will take place in those of the aforementioned regions that are amenable to the project. On the national level, RLPP will work closely with the Federal Chamber of Advocates, the Association of Jurists, the Institute of Advocacy at the Moscow State Law Academy, and to the extent feasible the Council of Judges.

Objectives under this project component include the following:

Objective A: Increased application of normative ethical standards

Objective B: Improved self-regulation and other forms of governance

Objective C: Expanded Technical Competence in Selected Thematic Subjects and Procedures

Activities

Objective A: Increased application of normative ethical standards

Activity 1: Legal Ethics - ABA

Before the adoption of the Code of Professional Ethics in 2003, each regional chamber of advocates established its own separate principles for what constituted professional and ethical conduct. The development of uniform standards now allows for the standardization and

institutionalization of ethics training for advocates and, potentially, the extension of these standards to jurists as regional associations of jurists are registered and gather momentum and credibility.

- *Ethics training for Advocates & Attorneys*

RLPP held a major nationwide conference on “*Professional Ethics of Advocates*” in Rostov-on-Don August 6-7, 2009, that was well-attended by both advocates and jurists. The goal of the conference was to increase the application of normative ethical standards within the legal profession. Over 100 participants took part in the conference and were provided with an open forum to express their opinions and ask questions of Russia’s leading experts in the field. The conference was conducted in partnership with the Federal Bar Chamber of Advocates of the Russian Federation, Institute of Advocacy at the Moscow State Law Academy, Association of Russian Lawyers, and the Rostov-on-Don Regional Chamber of Advocates. The conference also benefited from the participation of U.S. expert Mary Devlin, Regulation Counsel and Deputy Director of the American Bar Association Center for Professional Responsibility, which allowed participants to gain a broader comparative perspective about the ethical standards for attorneys in the United States and Russia.

In Year Two, RLPP will publish the lectures and proceedings of this conference as a separate book. In light of the published articles from this conference, RLPP and the St. Petersburg and Leningrad Region Chambers of Advocates will hold a round table in St. Petersburg on “*Developing Ethics Training*” for young advocates and jurists in the first quarter of Year Two. As a result of this round table, RLPP will develop a two-day ethics curriculum based on the ongoing compendium and analysis of disciplinary practice and decisions that RLPP will also publish in Year Two as a new edition of its manual on *Professional Ethics for Advocates*. After developing this two-day curriculum for an ethics course, RLPP will first conduct the course as part of a five-day training course in Leningrad Region and St. Petersburg, then, before the conclusion of Year Two, will conduct this course again in at least one additional region. RLPP expects about 100 participants to attend each of these ethics courses.

During Year One, RLPP also began working together with the Federal Chamber of Advocates and with the Institute of Advocacy of the Moscow State Law Academy on creating a four-hour training component for young lawyers and law students. RLPP will participate in completing and revising this four-hour ethics training in Year Two with a view to including this training as part of the mandatory continuing legal education (CLE) programs offered by each regional chamber.

The two-day course is a distinct enterprise (along with skills training, legal drafting, *etc.*) aimed primarily at new and less experienced advocates and jurists. The four-hour course is the core of a proposed federal curriculum for mandatory CLE for advocates that will first be tested on the students of the Institute of Advocacy of the Moscow State Academy of Law.

Activity 2: Judicial Ethics - RAROLC

- *Update AOJ ethics training curriculum; provide training for qualifying commission, ethics committee, and council of judges members in at least 3 regions*

During Year One, RLPP sponsored six one-day seminars for members of qualifying commissions, ethics committees, and councils of judges in Karelia, Novgorod, Leningrad Region, Rostov Region, Akhangelsk, and Pskov. The faculty for each of the seminars included leading Russian and American experts on judicial ethics from participating Russian regions and U.S. states.

The programs were based on a model judicial ethics training program outline developed by the RLPP that included a discussion of judicial independence and judicial accountability, sources of ethical norms in the U.S. and the Russian Federation, financial disclosures by judges in the U.S. and Russia, political affiliations of a judge, conflicts of interest and *ex parte* communications, judicial advisory commissions, and judicial behavior on and off the bench.

The seminars are opportune, focusing on the new requirements introduced by the recent amendments to the law *On the Status of Judges of the Russian Federation*, such as conflict of interest and financial disclosure. These new ethical standards will require further interpretation and amendments to the Code of Judicial Ethics. At this crucial juncture, analysis and comparison of these rules with the standards and experience of other legal systems, including the U.S., is especially beneficial.

During this hiatus period when the Academy of Justice is awaiting a determination from the Russian Supreme Court that it is appropriate to work with RLPP on national ethics training, RLPP will continue with regional training in the Component 2 regions. The 2009-2010 training will focus on the qualifying commissions and the judicial discipline process and on compliance with the new statutory requirements of asset and income disclosure. This training will occur in at least four regions and will develop materials for use throughout Russia. If it becomes possible to work with the AOJ, RLPP will develop national ethics curricula as specified in the RLPP proposal and Year One work plan.

RLPP is hosting a delegation from the Ethics Commission of the RF Council of Judges and from the RF Supreme Arbitrazh Court, on judicial ethics in Boston on September 10 and 11 in connection with the United States/Russia Foundation. The leader of the delegation will be the chair of the Commission, RF Supreme Arbitrazh Court Deputy Chief Judge Tatiana Andreeva. The visit to Boston is primarily to examine the Massachusetts system of binding advisory ethics opinions for judges.

The Commission has been charged with drafting amendments to the Russian Code of Judicial Ethics and developing a system of advisory ethics opinions. RLPP has offered its services to the Commission to provide relevant information from the U.S. system and to help with drafting. The specific terms of its assistance will be determined on September 11. RLPP will continue to provide assistance through the year.

- *Conduct Study Tour on ethics for judges (hosted in partnership with Open World)*

As part of its 2009 Open World delegations, RLPP hosted judges from regional councils, local qualifying commissions, and ethics committees to participate in professional programs on ethical standards and regulation. A delegation from Khabarovsk visited Alaska from June 22-26, 2009. Two of the five delegates were judges and held discussion sessions on judicial ethics. Two delegations visited Vermont and New York from July 27-31. These groups incorporated aspects of judicial ethics into the week-long program. For example, in Vermont the Karelian judges met with the Vermont Professional Responsibility Board and with the Chair of the Vermont Judicial Conduct Board. Materials that were developed for RLPP-sponsored programs on judicial ethics during the May-June 2009 seminars in Russia were used for discussions during the Open World visits.

Open World delegations in 2010 will also include judges from the regional councils, local qualifying commissions, and ethics committees to participate in professional programs on ethical standards and regulation. Approximately four states are expected to incorporate judicial ethics into their Open World program focus.

RLPP is also hosting a delegation from the Ethics Commission of the RF Council of Judges and from the RF Supreme Arbitrazh Court on judicial ethics in Boston September 10-11. The leader of the delegation will be the Chair of the Commission, RF Supreme Arbitrazh Court Deputy Chief Judge Tatiana Andreeva. The purpose of the visit to Boston is primarily to examine the Massachusetts system of binding advisory ethics opinions for judges.

Objective B: Improved self-regulation and other forms of governance

Activity 1: Regulation of Advocates – ABA

- *Training on disciplinary practice and proceedings*
- *Conference on disciplinary issues*
- *Publication of disciplinary decisions*

An important component of a well-organized and functioning legal profession is the ability of the profession to unite and organize itself to speak with one voice concerning legal and social issues, problems within the legal system, and proposed legislation that concerns its members. While it is difficult to foresee the specific areas of work that may fall under this category, RLPP will provide technical assistance to the Federal Chamber, as requested, on the amendment of legislation or policies currently in place that relate to the activities of advocates.

- *Training on disciplinary practice and proceedings*

In November 2009, RLPP will participate with the Federal Chamber of Advocates in conducting a five-day comprehensive training in Moscow on current disciplinary practice, proceedings,

decision-making, and appeals from decisions for all chairpersons and other representatives of the disciplinary commissions of all 83 regional chambers of advocates.

- *Conference on disciplinary issues*

At the conclusion of the foregoing training, RLPP will participate with the Federal Chamber of Advocates in a national conference in Moscow to take stock, summarize, and draw conclusions from the experience of the work of the regional disciplinary commissions in applying the Law on Advocacy and the Code of Ethics, conducting disciplinary hearings, and issuing decisions construing the provisions of the Law and the Code.

This comprehensive training and the ensuing national conference represent a major effort by all the regional chambers of advocates, under the auspices of the Federal Chamber of Advocates and with the assistance of the RLPP, to take a fresh look at and to integrate the best models from recent practices and results in the disciplinary self-regulation of advocates.

- *Publication of disciplinary decisions*

In Year One RLPP will have published the disciplinary decisions and appeals of the Ulyanovsk Chamber of Advocates with expert commentary provided by Professor Nikolai Kipnis, representing the exemplary work with a single region as a preliminary release of the more all-inclusive updated *Professional Ethics for Advocates*.

In Year Two RLPP will continue to work on developing the updated, expanded, and enhanced edition of this manual on *Professional Ethics for Advocates*. To date, some ten regional chambers (including Ulyanovsk) have submitted their decisions and the decisions on appeal for inclusion and analysis. When all the decisions have been collected and systematized according to the Code of Ethics, several foreign and Russian experts will provide commentaries, including Russian Professor and legal expert Nikolai Kipnis; former French Judge Anies Lalardrie; a Swiss advocate, Michael Mras; and a Norwegian advocate, Gunnar Nerdrum; as well as ABA ROLI staff. This comprehensive publication, which will include a generous cross-section of decisions across the RF, is scheduled to be released in the first quarter of 2010.

This publication will also appear on RLPP's new bilingual web site and the decisions themselves on the web site of the Federal Chamber of Advocates

Following a meeting with the Chair of the Committee on Ethics, Mr. Kalitvin, and committee members Ms. Bulgakova and Mr. Gerasimov, RLPP learned that the committee has been directed to publish an official commentary to the Code of Professional Ethics for Advocates and so expressed great enthusiasm about possible cooperation in this sphere. According to current procedures, the committee will formulate suggestions and then introduce them to the Board of the Federal Bar Chamber. If they are adopted, they will officially become obligatory standards for all advocates. RLPP will work with the Committee to ensure that the findings and recommendations

set forth in its new publication will contribute to this process and will assist the committee as it develops new provisions to the Code.

Activity 2: Continuing Legal Education (CLE) – ABA

- *Support establishing regional CLE Centers*

The mandatory requirements of the Federal Chamber of Advocates to provide 100 hours of CLE within five years for each advocate highlighted the necessity of creating educational facilities. In 2009, RLPP offered each of the chambers of advocates in its three pilot regions (Rostov-on-Don, Ulyanovsk, and Leningrad regions) help in establishing CLE centers. It turned out, however, that the Rostov-On-Don Regional Chamber does not need assistance in developing CLE programs and establishing a CLE Center, for the Chamber already has a well-developed CLE program conducted in partnership with the Southern Federal University. About 500 advocates participate in this program each year.

) The Leningrad Region Chamber of Advocates and the St. Petersburg Chamber of Advocates would like to develop a CLE system in their region, but they have no clear understanding of the content of possible CLE programs or the structure and operation of a CLE center. RLPP proposed adopting the structure successfully developed for the Krasnoyarsk Bar Chamber in 2006-2008 and the Leningrad and St. Petersburg Chambers agreed to use this model. The Ulyanovsk Chamber of Advocates is also interested in developing a model CLE system for this region.

RLPP will provide assistance to these three chambers of advocates in preparing trainers' teams, developing curricula and supplementary materials, and establishing self-sustaining regional CLE centers. In Years Three and Four, RLPP will explore establishing such CLE centers in Nizhni Novgorod and other regions, refining a model that can serve as the basis of a nationwide network of CLE centers by the end of the project.

) *CLE Program for Leningrad Region Chamber of Advocates and for the St. Petersburg Chamber of Advocates*

In Year One, RLPP arranged the first ToT program for the Leningrad Region Chamber of Advocates and for the St. Petersburg Chamber of Advocates in June 2009. In total, 22 advocates participated, all of whom will continue to participate in the program to become future CLE trainers.

In Year Two, RLPP will conduct two additional ToT programs. The first session, to be held in November-December 2009, will be devoted to advocates' ethics, the most controversial topic in the first ToT session in June 2009. The final session, set for April-June 2010, will concern attorneys' litigation skills. These training sessions will create a group of skilled trainers who will form the core for a CLE Center in St. Petersburg and Leningrad Region that can serve the legal community and satisfy the educational requirement for advocates in the RF.

CLE Program for Ulyanovsk Chamber of Advocates

In Year One, RLPP held three seminars on various topics for the Ulyanovsk Chamber of Advocates. One of the aims of these events was to evaluate their ability to establish a CLE system in the region. These events demonstrated that advocates in Ulyanovsk are ready and eager to establish and launch a regional CLE center. In June 2009, RLPP met with the President of the Ulyanovsk Chamber of Advocates Valeri Chernyshov, and arranged to conduct a ToT Program and assist with establishing a CLE center in Ulyanovsk for the Volga region. RLPP will provide the first such ToT program in Ulyanovsk in October-November 2009, and additional sessions in January-March 2010 and April-June 2010. RLPP intends to use the curricula developed for the centers in Krasnoyarsk and Leningrad regions with a few necessary adjustments. Accordingly, the program will include ToT sessions on the methodology of educating adults, training based on the ethical standards for advocates, and a final training session on trial skills for attorneys. RLPP hopes to launch the Ulyanovsk CLE Center by the end of Year Two.

- *Develop Training Model and Curriculum for Continuing Legal Education*

To ensure a high standard of professionalism among advocates, the Federal Bar Chamber, in cooperation with regional chambers, must develop an effective and sustainable CLE system. According to its regulations, currently a total of 100 hours of continuing legal education over five years is mandatory for advocates to retain their status. However, there is no standardized CLE program currently in place.

During Year Two, RLPP will continue work in cooperation with the Federal Bar Chamber to develop comprehensive standard curricula for the 100-hour CLE training course including content, methodology, and minimum standards and criteria, as described above.

Activity 3: Regulatory Issues for Lawyers and Judges (Bench-Bar) - RAROLC

As both lawyers and judges develop ethical norms and professional self-definition, and as courts improve service to litigants and the public, it has become critical for these professions to work together on a common agenda. Despite the development of the Association of Jurists that includes lawyers and judges, professional communication and cooperation between bench and bar has been difficult. Yet practicing jurists, advocates, prosecutors, and judges are integral, interdependent components of a single system of justice, each performing their distinct and indispensable functions.

By the end of September 2009 successful bench-bar meetings will have taken place in Karelia, Rostov, Novgorod, Leningrad Region, Arkhangelsk, Pskov, and Vologda. RLPP is working towards the development of a video in Russian to demonstrate how bench-bar meetings are conducted in the United States.

While the meetings have resulted in productive and interactive discussions, RLPP still faces certain challenges with regard to the willingness of regions to conduct regular meetings on their own. To address this challenge RLPP proposes to identify a handful of judges and advocates and work first with them to identify and discuss common issues in a less formal setting. RLPP may support smaller discussions or meetings in the beginning with the hope that participants will work together to advance the concept of bench-bar meetings on their own initiative. RLPP will also ensure that judges traveling through Open World Delegations also continue to observe bench-bar meetings in the U.S.

Activity 4: Regulation of Non-Advocates - ABA

The category of non-advocates includes all other professionals practicing law, *e.g.* notaries, prosecutors, in-house counsel, corporate lawyers, and others. Many of them, though they hold law degrees, are not regulated at all insofar as their responsibilities, ethics, and discipline are concerned.

In the first year RLPP prepared recommendations and established a working group to provide a forum for discussion of the current situation within the legal community.

During Year One, the working group determined that, although the topic is often debated within the legal community, self-regulation of practicing non-advocates does not represent a priority for the Association of Russian Lawyers at this time. The Association of Russian Lawyers includes less than 0.5% of the lawyers in the RF, though almost all are officials in high positions, including the President of the RF, the Vice President, and other top government officials. Even if the Association of Russian Lawyers were to adopt some mechanisms or rules of self-regulation, it will have little effect on the wider legal community because almost none of the members actually work with clients or practice law. Yet this organization has considerable influence on the legislative branch – therefore, the Association of Russian Lawyers is effective in supporting ready-to-implement solutions but is not the appropriate place to propose something new or experimental.

Accordingly, during the first half of Year Two, RLPP proposes to identify regional associations or other voluntary groups of non-advocate lawyers to work with in formulating and testing mechanisms for self-regulation, professional responsibility, and enhanced status and marketability. For example, the Association of Commercial Lawyers in the Urals, a growing group of non-advocates practicing commercial law in several adjoining regions, has contacted the RLPP for assistance in drafting a code of ethics and establishing a structure of self-regulation for this association of commercial lawyers, including jurists and non-advocates.

In the first half of Year Two, RLPP will survey current mechanisms for regulating non-advocates and advocates in post-Soviet countries, all of which share a common legal legacy. In addition, with the participation of the Association of Commercial Lawyers and other interested groups of non-advocate lawyers, RLPP will draft recommendations and analysis for the regulation of non-

advocates (jurists) based on the U.S. model, including such mechanisms as malpractice insurance, a system of mentors, code of ethics, advisory committee, clients' compensation fund, *etc.*

Once this work has been completed and the results of the survey of other CIS countries has been finalized, RLPP will hold a national conference in Moscow to present the results of this work and its recommendations to all interested regional or specialized associations of legal professionals, such as the Association of Commercial Lawyers.

The value of such work lies, first and foremost, in developing a roadmap for the self-regulation and increased credibility of any voluntary group of legal practitioners providing legal services in the marketplace, which may in turn encourage the creation of such groups and societies based on local circumstances or legal sub-specialties and the civil empowerment of the profession. A successful model might then be proposed to the Association of Russian Lawyers to recommend as a legislative initiative.

Activity 5: Judicial Discipline and Regulation - RAROLC

- *Organize and implement high-level two-day conference on judicial self-governance (participants will include leadership of Russian judiciary, U.S. and European experts)*

RLPP will determine the feasibility of conducting the event originally planned to occur during spring 2010 in light of the new law for judges enacted in December 2008. RLPP believes that this conference will be difficult to hold until a more propitious time for working at the national level with the Russian judiciary.

Objective C: Expanded Technical Competence in Selected Thematic Areas and Procedures

Activity 1: Substantive Legal Training - ABA and RAROLC

A critical component of strengthening the professionalism of judges and lawyers is ensuring they are knowledgeable about new legal developments. For example, the Russian Duma is expected to enact a law on personal bankruptcy for which RLPP has already received requests for assistance from its Russian partners. In 2008 Part IV of the Russian Civil Code dealing with intellectual property became effective. Although the precise kinds of legislation that may be considered during the next three years of the project are unknown, experience teaches us that new laws will undoubtedly be enacted and will require analysis and interpretation.

Topical Seminars

During year one RLPP conducted approximately twenty substantive law seminars for the legal community. These seminars included topics such as legal aid, domestic violence, insurance law, land law, and tax law.

During Year Two, RLPP will continue to provide standard topical seminars for attorneys, law practitioners, and judges on key issues of Russian law. Selected presentations and materials from

these seminars will be posted on the RLPP web site. RLPP plans to develop at least 10 new seminars and will train approximately 240 members of the legal community.

In an effort to reach law students and young people, RLPP will also conduct courses and seminars specifically directed at law students in the philosophy of law, ethics, skills training, and the U.S. legal system. In addition, RLPP will hold regular periodic informal evening seminars where outstanding invited speakers and experts discuss particular topics of interest to law students and other young people (e.g., economists and business students).

2. Publications and Informational Support - ABA

- *Publications*

During Year One, RLPP established an editorial board to publish selected texts by Russian experts or translations into Russian of legal texts and materials from conferences and seminars on advocacy skills and substantive or procedural legal issues.

As of Year One, RLPP will have completed the following books: S.L. Ariya's *Life of an Advocate*; *Interactive Methods for Continuing Legal Education*; *On the Attorney-Client Privilege*; *Professional Ethics of Advocates in Ulyanovsk Region*; and *The JP Bench Book*.

During Year Two, RLPP is considering the publication of a series of additional books, one of the first of which will be the publication of the materials prepared of the Conference on "Ethical Aspects in the Practice of Advocates" held August 6-7, 2009 in Rostov-on-Don. RLPP will continue work on the updated and greatly expanded edition of the manual on *Professional Ethics for Advocates*, which will include a CD with all the disciplinary decisions from the regional chambers of advocates and all appeals, as well as commentary by several foreign and Russian experts, including Professor Kipnis, former French Judge Anies Lalardrie, and others. In addition, the editorial board is considering publishing *Judicial Skills* by Professors Lev Khaldeev and Lidya Voskobitova, and Yulia Tarasova, psychologist; *An Introduction to Advocacy for Interns* by Svetlana Volodina, Yulia Lvova and Elena Mikhailova, well-known advocates; and the newly discovered *Lectures* by the legendary Judge A.F. Koni. The book by Koni on S.L.Ariya's *Life of an Advocate* will be independently financed by INL and the Moscow Region Chamber of Advocates, respectively.

Russian Language Project Website

RLPP launched its project website in Russian in test mode at <http://www.rlpp.ru/> in July 2009. This website will serve as an accessible resource and continuous repository for the legal community, scholars, NGOs, court users, and the general public. RLPP will use this site to broaden access to justice for the public and to enhance the professional competence of those working in JP and Federal Courts, posting practical information about the courts (address, telephone, hours, personnel), jurisdiction, model forms, how-to brochures (procedural and substantive), books, and written materials produced or published by the RLPP, additional

materials from other projects in this field and sources in the public domain, scholarly articles, updates, and news about the activities and work of the RLPP. The site will be continuously updated and will allow RLPP's publications, such as its volume on the decisions of disciplinary commissions of regional chambers of advocates, to be supplemented and kept continuously current.

V. Resource and Donor Coordination – ABA

In Year Two RLPP will continue to identify, collect, and disseminate relevant and current materials on rule of law in the RF produced by prior international and Russian projects and NGOs; collect and disseminate information about pertinent activities of other projects working on rule of law in the RF; and in the first quarter of Year Two will conduct an informal roundtable of providers to coordinate efforts in working on the rule of law in the RF.

VI. Operational Plan/Timetable (reference Appendix A)

VII. Performance Monitoring and Evaluation Plan (reference Appendix B)