



RUSSIAN AMERICAN
RULE OF LAW CONSORTIUM

Rule of Law Partnership Project (RLPP)

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Quarterly Activity Report April – June 2009

TO: Patrick Murphy, Rule of Law Advisor, USAID, Russia
Marina Mikhailova, Office of Democratic Initiatives, USAID, Russia

FROM: Gleb Glinka, ABA Rule of Law Initiative (ABA ROLI), Country Director
and RLPP Chief of Party

CC: Donna Wright, ABA ROLI Europe and Eurasia Division Director,
Washington, DC
Justice John Dooley, Russian American Rule of Law Consortium
(RAROLC) President, Colchester, VT
Anton Alferov, ABA ROLI Deputy Country Director, Moscow, and RLPP
Deputy Chief of Party
Ilya Padchin, RAROLC Program Coordinator, Moscow, and RLPP
Deputy Chief of Party
Julie Garuccio, ABA ROLI Senior Program Manager, Washington, DC
Karin Bourassa, RAROLC Executive Director, Colchester, VT
Katherine Wright, ABA ROLI, Washington, DC

RE: Rule of Law Partnership Project Quarterly Report for April-June 2009

DATE: 31 July 2009

EXECUTIVE SUMMARY:

RLPP is a partnership of the American Bar Association Rule of Law Initiative (ABA ROLI) and the Russian American Rule of Law Consortium (RAROLC). The purpose of 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. During the

reporting period April-June 2009, in accordance with the project framework as set forth in the cooperative agreement and work plan, RLPP made progress toward fulfillment of the following project goals:

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

Political Considerations

As described below (Goal A, Objective A, Activity 1), the participation of the judiciary in a major 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 Russian Federation. As a result, Valentin Ershov, the Rector of the Academy of Justice of the Russian Federation, has declined to work with RLPP in training justices of the peace according to the curricula developed by us.

Although the full implication of these events is not entirely clear, Justice Sidorenko has informed USAID AOTR Patrick Murphy (and repeated to Justice John Dooley of RAROLC) that there are no objections to the RLPP's working with judges in those regions that are receptive to working with this project. Of the RLPP's three pilot regions under Component 1, Rostov-on-Don has indicated a continuing eagerness to cooperate with RLPP in full measure, including on the training of trainers to roll out the curricula developed by RLPP for justices of the peace, creating a team of trained mediators and establishing a regional mediation center to relief the caseload of JPs, publishing the completed draft of the Judges' Bench Book, and attending seminars and round tables (such as the Public Awareness Round Table in Rostov on July 9, 2009). Similarly, in Leningrad Region, Chief Judge Irina Lodizhenskaya has recently confirmed their interest in working with RLPP on training JPs in this region, as well as in working with us in various other areas under our work plan. And RLPP is currently determining the extent and manner of working in the recently substituted pilot region of Nizhni Novgorod.

Change in Pilot Region

In April 2009, RLPP submitted a request to USAID to change one of its Component I pilot regions.

After several visits to Ulyanovsk beginning 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 our continual unsuccessful efforts thereafter to meet or speak with Chief Judge Nina Pavlovna

Lisyakova, we were informed that there should be no obstacles to our cooperation if we secured the support of the Council of Judges. After a meeting with the Chairman of the Russian Federation 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 verbally to the Ulyanovsk judiciary that he had no objection to their cooperation 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 Russian Federation, 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 Padchin had a successful meeting with the Chief Judge of Nizhegorodsky Region Court, Boris Sergeevich Kanevsky. During this meeting, Chief Judge Kanevsky and 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 the participation of the judiciary of Nizhni Novgorod in Component I activities.

In selecting this substitute pilot region, RLPP was guided by the fact that Nizhni Novgorod is the fourth largest city in Russia with a history of cooperation with foreign-funded projects supported by both USAID and the European Union, and that Nizhni Novgorod meets the criteria that RLPP has set forth for its pilot region work. Furthermore, Nizhni Novgorod has approximately 175 sitting justices of the peace and a branch office of the Russian Federation Academy of Justice.

On May 7, 2009, Donella Russell, Agreement Officer at USAID Moscow, approved RLPP's request to substitute Nizhni Novgorod for Ulyanovsk as a pilot region under Component 1.

Gender Considerations

During the reporting period, RLPP implemented a series of measures to include gender considerations within its project. RLPP's report on "*Public Perception of the Justice of the Peace Courts*" described in detail below, included two gender-related sections: the first addressed citizens' attitudes to discrimination and the second focused on domestic violence as perceived by the general public. The results of the survey revealed that there is little understanding of the concepts of "discrimination" and "gender-based violence" among ordinary citizens because the public dialogue about these issues is virtually non-existent. The steps undertaken to promote an awareness of the basic human rights and legal remedies in the field of equality between women and men have evidently been inadequate. RLPP will take these findings into consideration as it moves forward on the development of its public awareness program.

In accordance with recommendations of the RLPP's gender advisory committee several substantive law training seminars for judges and attorneys were held on domestic violence and family law during May and June 2009. Domestic violence seminars took place in Leningrad and Rostov and a family law Seminar took place in Novgorod. Materials prepared and distributed for judicial ethics seminars incorporated a gender equality component.

RLPP bench-bar meetings in Rostov, Leningrad, Novgorod, and Karelia also addressed gender issues. For example, in Rostov such discussions occurred during the bench-bar meeting when defense attorneys complained about court hiring practices because the court employees (mostly females) are allegedly hired based on their appearance and not necessarily their qualifications.

The Russian Branch of the International Jewish Women's Organization "Project Keshet" continued to disseminate ABA ROLI's "I Know My Rights" brochures within their project supported by the European Commission. The brochures "Domestic Violence," "Safety Plan," "Labor Rights," "Discrimination," "Human Trafficking," "Sexual Violence," and "Sexual Harassment" have been distributed in Volgograd, Orel, Balakovo, Bryansk, and Nizhni Novgorod.

RLPP Directing Attorney Julia Antonova took part in expert meetings on the elimination of pedophilia and child abuse in Russia held by the Committee on the Family, Women, and Children Affairs of the State Duma of the Russian Federation. According to an order issued by President Medvedev, state bodies, including executive, judicial, and legislative authorities, must develop the legal measures for protection of children's rights to safety in public and private spheres pursuant to the Convention on the Rights of Children. Ms. Antonova delivered a presentation on "Crimes against Children in the Family and Pedophilia" and distributed RLPP's Gender Recommendations to the attending experts.

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

Objective A: Improved capacity of judges

Activity 1: Judicial Training - RAROLC

- *New JP training course*
- *Basic JP training course*
- *Training course for administrators*

Russian Federation National Level Advancements on JP Training Curricula

During the reporting period, RLPP worked closely with its partners on the national level to prepare for a conference on *Administering the Activities and Training Justices of the Peace* scheduled for May 28-29, 2009 at the President Hotel in Moscow.

The conference agenda as well as a list of conference attendees is attached to this report in *Attachment A*. 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. The conference agenda was sent for review to the Russian Federation Academy of Justice, to the Russian Federation Court Department, and to the Council of Judges of Russian Federation. RLPP received feedback on the conference agenda, discussed the conference presentations with Russian and American participants, and coordinated all logistical issues. Unfortunately, RLPP was notified on Tuesday, May 26 that the conference was cancelled. As a result, the Russian Federation Academy of Justice halted work during the reporting period on implementing the training itself.

RLPP received a number of phone calls from Academy of Justice of the Russian Federation branches in Nizhni Novgorod and Leningrad Region with the news that the May 28-29 conference was cancelled by Rector Valentin Ershov. He also asked the members of regional working groups not to come to the conference. The formal reason given to RLPP staff was that the conference was not coordinated with the Supreme Court of the Russian Federation and Council of Judges of the Russian Federation.

On May 26, a RAROLC delegation consisting of Justice Dooley, Karin Bourassa, and Ilya Padchin met at the Supreme Court of the Russian Federation with the Head of the Council of Judges of the Russian Federation, Yuri Sidorenko. During the meeting, Justice Sidorenko stated that the conference was cancelled due to a misunderstanding between American organizers and Russian participants over the restrictions in the “Federal Law of the RF of December 25, 2008, N 274-F3, Concerning Changes in Various Laws of the Russian Federation in connection with the enactment of the Federal Law ‘On Combating Corruption’.”

After consulting USAID on Friday, May 29, RLPP sent a letter to the Chief of the International Legal Department of the Supreme Court of the Russian Federation, Vladimir V. Gukov, with a copy to the Chair of the Council of Judges of the RF, Yuri Sidorenko, with a request for approval to conduct the conference on JPs in September. As of June 30 no reply had been received. The Chief of Staff of the Council of Judges of the Russian Federation Zakharov confirmed that he showed this letter to Yuri Sidorenko, who read it and said that the reply to RAROLC would be prepared by Vladimir Gukov. (*Please refer to Attachment B for the English and Russian versions*).

Subsequently, RLPP learned through its USAID AOTR Patrick Murphy that Justice Sidorenko had expressly confirmed that there were no impediments to our working in those regions that were receptive to cooperating with the project. (*Please refer to Attachment C for English and Russian versions*). Accordingly, RLPP has continued to pursue its activities under Component 1 concentrating on the regional level in Rostov and the other pilot regions.

JP Training Curricula Development

As mentioned above, RLPP continued work on development of the training curricula for newly appointed JPs, experienced JPs, and JP staff. Curricula sections include 1) *Role of Justice of the Peace in the judicial system of the Russian Federation and the types of cases heard by Justices of the Peace*; 2) *Proceedings in civil cases; proceedings in criminal cases*; 3) *JP's personnel; administrating JP's operations*; and 4) *Judicial morals and ethics; psychological aspects of the work of JPs*. RF Academy of Justice Rector Ershov signed the updated curricula on April 17. The curricula were presented to each of the working groups during working group meetings that took place in the three target regions in April. Rector Ershov confirmed the final draft version and invited the regional working groups to edit the curricula according to local practice and the needs of local JPs. The regional versions of the curricula were to be presented at the May 28-29 Moscow Conference for final approval among all RLPP regional partners for implementation in Year Two. The signed training curricula were sent to the newly established Nizhni Novgorod working group for comment.

In addition to the development of the curricula, RLPP has investigated the cost of conducting training for justices of the peace in each of the regions. In previous years, the regional administration has covered training costs. However, RLPP was informed in the previous quarter that the regional administrations did not have sufficient funding for such trainings and they sought assistance from RLPP to cover the necessary costs. While not originally budgeted as part of the RLPP work plan, RLPP will pay for demonstration regions in Year Two for JP training. Details on regional costs are indicated in the regional summaries below.

Rostov

On April 20, 2009, a RLPP delegation consisting of Ilya Padchin, Lev Khaldeev, and Anton Alferov visited Rostov to participate in the JP training working group meeting. The meeting took place in the building of the Rostov Region Court. The Rostov Region working group consisted of:

1. *Vladimir V. Zolotikh, Deputy CJ of Rostov Region Court;*
2. *Galina I. Kraslavskaya, Deputy Head of Rostov Branch of AOJ;*
3. *Nikolay V. Kowlakas, Dean of the CLE faculty of Rostov Branch of AOJ;*
4. *Andrey E. Filippov, judge of Rostov Region Court;*
5. *Elena L. Voronova, Judge of Rostov Region Court;*
6. *Maria M. Kobleva, Rostov RAROLC coordinator, assistant of the judge at Rostov Region Court;*
7. *Vladimir V. Zavistyaev, Deputy Head of JP Department of Rostov Region;*
8. *Denis V. Lukyanov, Chair of the Council of JPs of Rostov Region;*
9. *Dmitry E. Kolesnikov, JP of JP district # 1 of Ust-Donetsky District;*
10. *Irina A. Rubinskaya, JP of JP district # 4 of Pervomaysky District of Rostov-on-Don;*
11. *Maxim P. Ushnikov, JP of JP district # 1 of Millerovsky District.*

Ilya Padchin and Lev Khaldeev introduced the latest versions of the JP training curricula. The working group agreed to use this version as the basis for the training in Rostov

Region, which will also incorporate local JP practices. The edited training curricula were to be presented by the Rostov participants at the May 28-29, 2009 conference in Moscow. The Rostov working group was also to propose the names of professors that would lecture on each topic of the training curricula. The Rostov working group suggested materials for hand-outs for JPs to combine with materials from Leningrad Region and Nizhni Novgorod. It is planned to distribute all materials among JPs undergoing training beginning in October 2009.

The working group determined that the 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 10 days. The first training group will include 25 JPs of Rostov Oblast and 50 JP staff. One month prior to training, the Rostov Oblast court will notify JPs in need of training and will allow them to suspend work on cases to complete the required training.

The working group informed RLPP that no funding is available this year in the Rostov government regional budget to train JPs or staff. The expectation is that RLPP will fund these revised training programs. It is uncertain if funding will be provided by the regional governments in subsequent years. The total estimated cost for this JP training is \$24,000.

Leningrad

On April 23, 2009, an RLPP delegation consisting of Gleb Glinka, Anton Alferov, Ilya Padchin, and Lev Khaldeev visited St. Petersburg to participate in the JP training working group meeting. The meeting took place in the building of North-Western Branch of AOJ. The Leningrad Oblast working group consisted of:

1. *Olga V. Nikolenko, Deputy Chief Judge of Leningrad Oblast Court;*
2. *Juri G. Ivanenko, Deputy Chief Judge of Leningrad Oblast Court;*
3. *Sergey B. Sazonov, Justice of the Peace in Gatchina district of Leningrad Oblast;*
4. *Natalya M. Bulgakova, advocate, Deputy Head of the Qualification Commission of Advocacy Chamber of Leningrad Oblast, RAROLC coordinator;*
5. *Sergey K. Dryakhlov, Director of North-Western Branch of AOJ of RF;*
6. *Marina A. Yurkova, Dean of Department of Increase of Qualification of judges and court personnel.*

Ilya Padchin and Lev Khaldeev introduced the latest versions of the JP training curricula, which included the recommendations of the Leningrad Region and Rostov working groups. Ilya Padchin also shared the Nizhni Novgorod working group's recommendations, which arrived after the April 17th final version and were not reflected in the final curricula. The working group will use this version as the basis for the training curriculum of JPs in Leningrad Oblast but will incorporate the needs of JPs of Leningrad Region and local JP practice. The developed training curricula were to be presented by Leningrad Region participants at the May 28-29 conference in Moscow. It was also to be announced at the conference which professors from the Leningrad Region working group will provide training on each topic of the training curricula.

The working group also discussed the similar problem with funding for training, as in Rostov. The expectation again in this region is for RLPP to fund the full cost of the training due to lack of funding from the regional government.

In Leningrad Region, the North-Western Branch of AOJ reported that the total cost of training would be approximately \$39,000 for 12 JPs and 25 JP staff members. The training curriculum will be 72 hours, the same as in the Rostov region.

Nizhni Novgorod

On April 9, 2009, Ilya Padchin, Anton Alferov, and Lev Khaldeev met at the Privolzhsky Branch of the RF Academy of Justice in Nizhni Novgorod. All meetings were organized by the Dean of the CLE faculty, Tatyana Anufrievna Terentieva. Nizhni Novgorod was represented by the Head of the Court Department of Nizhegorodskaya Region Tatyana Petrovna Zakharova, Deputy Head of the Department of Administration of Activities of JPs of Nizhegorodskaya Region Sergey Alekseevich Shuin, Director of the Privolzhskiy Branch of the RF Academy of Justice Andrey Vladimirovich Chubarov, Deputy Director on Science Yuriy Leonidovich Mariev, and Deputy Director on Educational Work Irina Germanovna Moiseeva.

During this meeting RLPP distributed the latest version of the JP curricula and the comments and suggestions from working groups in Rostov and Leningrad Regions. The Nizhni Novgorod participants reviewed the JP curriculum and sent in their recommendations. RLPP staff also distributed two articles by Federal District Judge Stephen Friot from the Comparative Constitutional Review to get the Nizhni Novgorod participants acquainted with Judge Friot, representative of the State of Oklahoma, a potential partner for the Nizhni Novgorod region. During the meeting RLPP gave detailed descriptions of both components of the RLPP work plan. The Head of the Court Department, as well as other participants, enthusiastically supported the idea of the partnership and the components of the work plan.

The cost of JP training is still under review in Nizhni Novgorod as the directive from the RF Academy of Justice, Rector Ershov, not to attend the May 28-29, 2009, conference in Moscow had a negative impact on the development of the project's work with JPs in this region.

Chief of the Court Department Zakharova did ask the Department of Administration of Activities of JPs to request that part of the budget for JP training come from the regional government. A working group was to be formed, which would decide the issues involved in training the JPs in October (number of JPs and JP staff, dates, and related questions).

The representative of the Department on Administration of Activities of JPs reported that there are 176 JPs in Nizhniy Novgorod Region. Occasionally, the local legislative branch changes the JP districts according to thresholds of 15,000–23,000 legal limits based on the complexity of cases and case load in particular JP districts. These changes are published in a regional newspaper "Nizhegorodskiy Rabochiy". The JP staff consists of

one assistant (assistants were introduced in 2008), two secretaries, and one administrator. All JP districts have Internet access. Information on JPs in Nizhni Novgorod can be found in the Report about the work of the Department on Administration of JPs in Nizhegorodskaya Region in 2008. RLPP had this report translated into English (*attached as Attachment D*). The Russian version can be found at <http://www.government.nnov.ru/?id=15513>.

RLPP staff also met with the Chief Judge of Nizhegorodsky Region Court, Boris Sergeevich Kanevsky, at the building of the Regional Court. Chief Judge Kanevsky reviewed the RLPP work plan that had been sent in advance of the trip. He fully supported a new partnership, particularly with the proposed RAROLC State of Oklahoma, and confirmed that Nizhni Novgorod judges would participate in the partnership activities with the one exception of Open World due to the restrictions of the December 2008 law that prohibits Russian judges from traveling to the United States on foreign funds. He pointed out that the law does not prohibit delegations of American judges visiting Nizhni Novgorod from participating in joint seminars.

Meeting for JP members of the Council of Judges; JP Working Group Meeting, May 28-29

As mentioned above, RLPP spent a majority of the reporting period organizing the May 28-29, 2009 conference for Component 1 activities that was cancelled at the last moment. This conference would have brought together all the 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.

Prior to the cancellation, various stages of planning occurred:

RLPP worked to secure the participation of the five justices of the peace who are also members of the Council of Judges of the Russian Federation. These members included:

1. *Almataev Rim Kamalievich, JP of JP district # 10, Privolzhsky district of Kazan*
2. *Guseva Lidia Viktorovna, JP of JP district # 2, Zavodsky District of Kemerovo*
3. *Danilov Juri Valeryanovich, JP of JP district # 93, St. Petersburg*
4. *Kadatsky Alexander Anatolyevich, JP of JP district # 49, Khislavichsky district of Smolensk Region*
5. *Kovalenko Irina Viktorovna, JP of JP district # 33 of city of Kizlyar of Republic of Dagestan*

Two of the delegates, Lidia Guseva and Alexander Kadatsky, agreed to participate and make presentations at the May conference.

RLPP continued working with its regional curriculum development working groups to prepare the following materials:

1. *Three training curriculums for newly appointed JPs, JPs, and for the JP staff*
2. *Hand out materials for JPs*
3. *Budget of JP training at the branch of the AOJ*
4. *Results and methods of May monitoring*
5. *Fifteen JP decisions for processing and publication*

RLPP created a list of tasks for work group discussions in the target regions in preparation for the conference including:

1. *Assignment of topics to Russian Academy of Justice Professors and informative content of the curriculum;*
2. *Determining the number of JPs and JPs' personnel for the first round of training;*
3. *Determining the date of the first round of training for JPs and personnel;*
4. *Calculating the financing from the project for the first round of training and technical issues of financing;*
5. *Preparing materials for the JP reference book and hand out materials for the JP training course;*
6. *Selecting 15 decisions by JPs of each region to agree with the Court Department and to publish;*
7. *Determining the way of monitoring JPs' qualification level in August 2009 prior to the beginning of training;*
8. *Selecting five JP districts in each region to start monitoring in September 2009; and*
9. *Selecting 7-8 delegates from each region to take part in the Moscow Conference May 28-29, 2009.*

As discussed above, RLPP remains committed to continuing the JP curriculum project and is currently working to develop an alternative approach to achieve this objective.

Activity 2: Development of Judicial Bench-book

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

RLPP's efforts to develop a judicial bench book in Rostov continued throughout the reporting period. The working group, comprised of Judge Vladimir Zolotikh, Vice-Chairman of the Rostov Regional Court; Judge Elena Voronova, Rostov Regional Court; Alexander Gavritski, Director of the Rostov Branch of the Academy of Justice; Anton Alferov, ABA ROLI Deputy Director Moscow; and Maria Kobleva, Rostov Regional Court, held a series of meetings to discuss the organization and content of this new resource for JPs. As a result, the working group formulated the following outline:

1. *Appeals in civil cases: questions of procedure and legal substance, examples of court practice (Elena Velichko)*

2. *Problems of cases of private prosecution within the jurisdiction of JPs (Vladimir Kapitanyuk)*
3. *Applying the rules of criminal procedure within the jurisdiction of JPs, including rules of special order (Sergei Tsyganenko)*
4. *Managerial aspects of the work of JPs in the Azov Municipal Court (Evgeniy Olifirenko)*
5. *Questions concerning the admission and evaluation of expert opinion evidence, psychological aspects of the work of JPs, pre-trial proceedings (Sergei Shipshin)*
6. *(Nina Shimbareva)*
 - a) *Principles and rules of sentencing in cases heard by JPs;*
 - b) *Grounds and procedure for exemption of criminal liability;*
 - c) *Considering mitigating and aggravating circumstances by JPs in sentencing; and*
 - d) *Criminal law characteristics of violent crimes*
7. *Outline of administrative procedures (B. Mamedov)*
8. *Legal writing style of court decisions (Tatiana Kosyanyuk)*
9. *Civil cases within the jurisdiction of JPs: legal proceedings and certain aspects of considering civil cases of various categories (Andrei Philippov)*

By June, each working group member had submitted its respective section to RLPP for compilation and review. A final draft will be circulated for expert commentary and feedback in July. RLPP will provide the book for review to experts in the Academy of Justice (Lev Khaldeev) and to an independent expert, Judge YuYa Makarov, the author of an earlier handbook for JPs. RLPP does not foresee any obstacles to rolling this Bench Book out for JPs in the pilot regions during Year Two of this project.

Activity 3: Judicial exchanges

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

The host date for a delegation of national JP leaders will be postponed from September to December 2009 due to the problems in the nomination process for judges and JPs through the Council of Judges. National JP leaders were to have been nominated by the Russian Federation Council of Judges Chairman Yuri Sidorenko. However, due to the changes in the law on the status of judges he is no longer able to serve this function. In response to Justice John Dooley's May 4th letter to Chairman Sidorenko (*see Attachment E*) seeking his approval for nominations, Chairman Sidorenko replied "I can't satisfy your request on nominating 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. (*see Attachment C*)" RLPP is currently also working through Lidya V. Guseva, a JP from Kemerovo and 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 in connection with the work of the Russian American Rule of Law Consortium. The purpose of the trip is to provide 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; (4) citizen access, convenience, and treatment.

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

Public Awareness Survey

As previously reported, in order to define and more accurately target the project's public awareness activities, RLPP began work to administer a survey in each target region. The main objectives of this research initiative 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; to examine the role of legal and judicial information in interactions between courts and the general public; to analyze the important issue of public access to judicial decisions; and to create a baseline of data.

After a competitive selection process, RLPP partnered with the Foundation for Economic and Social Research Institute, headed by Sergei Kruchkov, to develop and administer the survey and compile and analyze the findings. The final report, "***Public Perception of the Justice of the Peace System***," was completed in June (*English summary included in Attachment F. The full report in Russian only is included as a separate attachment*).

The report shows an encouraging dominant trend in the public attitude 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 that Russians believe that the laws must govern conduct while recognizing a kind of "necessity defense." Illegal 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 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 justice of the peace courts.

Those who utilize the justice of the peace courts gave an overall positive response concerning both the individual and professional traits of the justices of the peace, but complained of 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 overall 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 justice of the peace courts regarding their activities is insufficient. Only thirteen percent of the respondents who deal with the justice of the peace courts consider themselves to be well informed. Therefore, it is necessary to create a comprehensive education campaign using all available means of communication (television programs, educational brochures and booklets, newspaper publications, public campaigns, and subject-specific internet sites.)

The report also highlighted a set of regional trends in public opinion. For example, the residents of Leningrad Region who participated in the survey have more experience dealing with trial courts (courts of first instance). These respondents have a more skeptical view of the way the courts operate: they are more likely to complain about bureaucratic red tape and consider corruption to be a common occurrence. They rate highly the importance of knowing laws and norms and are more interested than other respondents in information about the way the justice of the peace courts operate. If their rights are violated, the residents of Leningrad Region are more likely to resolve the conflict through legal channels, to go to court, and to seek the advice of advocates or jurists.

The residents of Rostov Region are more satisfied with the results they obtain in justice of the peace courts and are better disposed toward proceedings that promote reconciliation. The residents of the southern region are less likely than others to encounter discrimination. If their rights are violated, these respondents are more likely to attempt to resolve the conflict independently. The majority of the residents of Rostov Region revealed less interest in information about the way the JP courts work.

Respondents from Nizhni Novgorod Region provided the highest number of positive responses about their perceptions of the various functions of trial courts. They consider the judges to be more independent, honest, impartial, and less predisposed to political influence. Survey respondents tended to believe that the level of corruption in the justice of the peace courts is minimal. Respondents varied in how they would resolve disputes and are also less likely to consult with lawyers. The survey indicated that the residents of this region are very poorly informed on the way the JP courts conduct their work.

As a result of this research, a set of recommendations was developed in order to strengthen the role of the justice of the peace courts in contemporary Russian society. Based on the findings, the recommendations are as follows:

RECOMMENDATIONS

1. 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.

2. 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.

3. *To develop the infrastructure of the justice of the peace court system* in order to raise the efficiency and effectiveness of these trial courts. This can be accomplished by encouraging “friendlier” interaction at the pre-trial stage of preparing and filing the appropriate paperwork.

4. *To create and maintain a positive image of the justice of the peace court system by increasing the competence of the justices of the peace.* This requires continuing improvement to bring the courts closer to international standards. Judicial ethics, that is, the problem of eliminating inappropriate judicial conduct, must also be addressed.

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

The information below details the steps undertaken during the project quarter to complete the survey and report:

Throughout the beginning stages of this initiative, ABA ROLI and its partner held a series of meetings to determine the scope of the survey, sample size, and the overall methodology. As indicated on the chart below, field work was conducted in Rostov, Leningrad, and Nizhni Novgorod regions with a total of 1,200 persons covering 315 localities surveyed, 468 of whom were male and 732 female. Of the interviewees, 70% were between 25 and 55 years old, 40% had a university degree, and 40% were highly qualified specialists. As part of the quality control over the data, all questionnaires were examined for their validity and reliability.

Survey results

Location	Number of Locations	Number of Interviews	
		Planned	Actual
Nizni Novgorod	63	200	200
Kstovsky & Nizhegorodskaya regions	24	100	100
Dzerzhinsky region of Nizhni Novgorod region	31	100	100
Rostov-na-Dony	57	200	200
Kagalnitsky region, Rostovskaya oblast	18	100	100
Myasnikovsky region Rostovskaya oblast	29	100	100

Tosno, Leningradskaya oblast	20	100	100
Tosnensky region, Leningradskaya oblast	22	100	100
Gatchina, Leningradskaya oblast	26	100	100
Gatchinsky region, Leningradskaya oblast	25	100	100
Total	315	1200	1200

In-depth interviews with federal and regional experts

In addition to the above surveys, in-depth interviews were conducted with representatives of the bench and bar (advocates) at the federal and regional levels to discuss salient features of the interaction between ordinary citizens and Justices of the Peace. Interview topics addressed the main aspects and problems with the JP system development, challenges surrounding citizens' access, increasing public awareness, interaction between JPs and citizens, ethical considerations for JP activities and issues of professional competence. Interview participants included:

1. *Rubinshtein Eugene – advocate, Moscow Chamber of Advocates*
2. *Voskobitova Lidya – professor, Moscow State Law Academy*
3. *Schwartz Olga – expert, World Bank*
4. *Zeidlitz Eygenya – Judge, Leningradsky regional court*
5. *Kovrigina Tatyana – attorney, Women's Crisis Center*
6. *Spiller Tatyana – Chair, JP Council*
7. *Vasilenko Olga – JP, District 201 St. Petersburg*

Findings and Report

Following the completion of the surveys and field work, ABA ROLI and the lead researcher finalized the structure for the report.

1. Description of the survey
2. Attitudes toward and familiarity with the law/court system/ judiciary/lawyers
3. Participation in court proceedings

- 3.1. Experience and rates of applying to the JP Court
- 3.2. Reasons for applying and status of this participation in court proceedings
- 3.3. Process of interaction with the JP Court
- 3.4. Estimate of the trial results/ results of the court proceedings/investigation
- 4. Attitudes toward the court
 - 4.1. Estimate of court's independence
 - 4.2. Estimate of other aspects of the activities of the court system
 - 4.3. People's opinions about the appointment process for JPs
 - 5. Information Awareness
 - 5.1. Informational level (how informed?)
 - 5.2. Peoples' interest in obtaining information
 - 5.3. Sources of information
 - 5.4. Difficulties in obtaining needed or helpful information
- 6. Perceptions of Corruption
- 7. Gender Considerations
- 8. Public Perception of Other Trial Procedures
 - 8.1. Reconciliation/mediation
 - 8.2. Lawyers/Advocates
 - 8.3. Domestic violence
- 9. Conclusion

The preliminary report was vetted and approved by an expert group comprising Sergei Kruchkov, principal sociologist; Elena Abrosimova, Associate Professor of Moscow State University; Olga Schwartz, World Bank consultant; and Julia Yurkevich, Project Coordinator-Staff Attorney with RLPP. The final version of the Analytic Report was submitted to ABA ROLI on June 28.

During the next quarter, RLPP will begin conducting presentations and open discussions surrounding the survey's results and conclusions in Component I pilot regions. The principal researcher, Sergei Kruchkov, will present the survey and its results during the first roundtable on "*Raising Public Awareness in Rostov Region*" in Rostov-on-Don on July 9, 2009. Preliminary results were sent to the Rostov Region Court in late June 2009.

- *Legal literacy seminars*

While awaiting the results of the aforementioned survey, RLPP undertook preparatory steps in support of the implementation of legal literacy seminars. The overall goals of the seminars are to inform the general public about the legal system in Russia, promote more proactive attitudes toward the exercise of constitutional rights and the use of available legal remedies, and strengthen the capacity of the general public in protecting their rights and increasing cooperation and respect between judges, NGOs, and ordinary people.

As mentioned earlier, the first round table on "*Raising the Public Awareness of the Residents of Rostov Region*" is scheduled for mid-July 2009. The objective of this event will be the creation of a draft action plan for the Rostov Region to strengthen public awareness of the Russian legal system including its resources and limitations. At this roundtable, taking into account the results of the recent sociological survey, participants

will review the current state of citizens' legal awareness in the region and their access to the JP courts, federal courts, free legal services, and legal reception rooms for ordinary people in the region. Participants will include representatives of NGOs, the Ombudsman for Human Rights, legislative bodies and regional and municipal authorities, justices of the peace, advocates, academics, and experts.

In order to support this activity, RLPP established working partnerships with Anatoly Kharkovski, the Ombudsman for Human Rights for Rostov region, Mikhail Bobyshev, Director of the Rostov NGO "Civil Accord," Alexandra Pyatakova, the Head of the Rostov Branch of the Russian Public Foundation "Russian Foundation for Support of Human Rights and Humanitarian Programs" and the Public Observer for the Rostov Region Commission on the Public Control of Human Rights in the Penitentiary System for the Public Chamber of the Russian Federation.

In cooperation with "Civil Accord," RLPP also secured support from Alexander Gnitsevich, the Head of the Legal Department of the Rostov Region Administration, who expressed his interest in RLPP's legal literacy initiatives.

Through meetings with these partners, RLPP learned that the majority of citizens' complaints to the Ombudsman's Office concern appeals of judicial decisions, rulings on migration services, the work of the prosecutors' offices, police determinations, and current civil and family litigation. During a discussion about raising the legal literacy of the general public, Mr. Kharkovski indicated his strong interest in cooperating with RLPP to develop and issue brochures and other materials jointly on substantive law and court procedures.

Currently, about 5,000 NGOs are officially registered in Rostov region, only 30 of which are currently active and enjoy any financial support. The Rostov Regional Administration and Rostov-on-Don City Administration provide little financial assistance to the NGO sector, which is patently insufficient for the normal functioning of such public organizations. Mr. Bobyshev, as a leader of one of the well-known NGOs in Rostov Region, and his colleague, Alexandra Pyatakova, the Head of the Rostov Branch of the Russian Public Foundation "Russian Foundation for Support of Human Rights and Humanitarian Programs," intend to create a forum of Rostov NGOs as a platform to consolidate the work of separate NGOs, to discuss their common problems, and to develop a strategic action plan. To support this effort, RLPP will cooperate with this new forum to conduct legal literacy seminars and to develop the training program on legal rights education for NGO leaders and activists.

- *Issue and distribute brochures and guides*

RLPP has begun work to issue the first set of public awareness brochures under the project. In cooperation with the Center for Independent Sociological Research (Saint-Petersburg), RLPP will develop a brochure on "*What One Should Know About Justices of the Peace*" This practical resource will be aimed at helping people to avoid the most widespread mistakes in their interactions with the JP system. RLPP will issue 1,000

copies of the brochure by mid-August and will broadly disseminate it in the pilot regions. The brochure will include model pleadings, JPs' contact information, and other practical information that will be included as an appendix in this brochure.

Following up on these meetings with Anatoly Kharkovski, the Ombudsman for Human Rights of the Rostov Region, RLPP will also publish a series of brochures and leaflets focusing on the more urgent aspects of protecting citizen' rights such as: *orders challenging the actions of state and municipal officials; rights of the plaintiff and defendant in civil proceedings; subpoenas of the suspect, accused, and defendant; subpoenas of witnesses; and subpoenas of victims.*

Activity 2: Access to Justice

As previously reported, legal aid to the poor and disadvantaged is fitfully provided in the project's target regions by 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.

- *Network of Volunteer Lawyers*

RLPP continued to lay the groundwork for establishing a network of volunteer lawyers in each target region. To date, the Ombudsman of the Rostov Region offered to provide space (free of charge) in Rostov and in the twelve 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 (*Please see Attachment G for the Evaluation Report*). In light of this unexpectedly enthusiastic response, RLPP has agreed with the Ulyanovsk Chamber of Advocates to hold a round table on implementing a network of volunteer lawyers in Ulyanovsk.

- *Public reception rooms for court users*

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. In the meantime, RLPP continued to collect information about available services in each target region to explore potential partnerships for collaboration and coordination of existing models.

During meetings in Rostov, 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 the Rostov Region in the creation of twelve public reception rooms as representative offices of the Rostov Regional Ombudsman for Human Rights Office.

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 for advocates to 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.

- *Roundtables*

RLPP had planned to discuss the feasibility of holding roundtables in both Rostov and Leningrad Region at the May 28-29 conference in Moscow. Due to the conference cancellation, the roundtables will need to be addressed during the next reporting period.

- *Alternative Dispute Resolution*

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. On May 29, RLPP Chief of Party Gleb Glinka and other RLPP staff members attended a conference sponsored by the Center of Mediation and Law. The Center enjoys governmental support at the highest levels and works with the Association of Russian Lawyers, focusing mostly 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 and the Center will also recommend trainers for activities held in the regions outside Moscow. RLPP also submitted a request to meet with the Director of the Center, Zesana Shamlikoshvily, and the Co-Chairman of the Association of Russian Lawyers, Veniamin Yakovlev, to discuss additional joint efforts in this field.

Establishing an ADR Center in Rostov

Following RLPP's introductory roundtable on ADR in Rostov, the Vice-Chair of the Rostov Regional Court, Judge Zolotykh, requested further assistance on the creation of a

group 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 an intensive three-day training session April 27–29, 2009. The training introduced the 25 participants (15 women and 10 men) comprised of advocates, judicial assistants, psychologists, NGO workers, administrators, and others interested in serving as mediators, to the concept and possibilities of mediation, exposed them to the main tools of mediation, demonstrated how they might be used in practice, and discussed how to structure their work with clients. The instruction was organized in the form of interactive participation and discussion, using illustrative examples, films, and presentations. The participants were given various tasks to work through in groups; then, under the guidance of the experts, each group presented its approach to mediating in a hypothetical fact situation. During the last day of the training, the participants tested themselves in the role of mediators when they were divided into groups of three, composed of one mediator and two parties of the conflict in each group. After this exercise, all members of the groups expressed and discussed their reactions and thoughts one by one. The experts analyzed all the cases and discussed their successes, mistakes, and alternative approaches and techniques with all the participants. Twenty participants successfully completed this initial training session and will go on to participate in the second training session.

On May 12, RLPP held a meeting with mediators and trainers Rustem Maksudov and Ludmila Karnosova. The discussion covered possible ways of developing a center for mediation in Rostov-on-Don. The feedback from the last training held by Rustem Maksudov and Ludmila Karnosova showed that the participants enjoyed the training but had hoped it would have more of a legal focus, taking into consideration court practice and legally cognizable conflicts. Accordingly, RLPP has researched all other possible mediators-trainers who could continue this training with a concentration on the legal aspects of mediation.

Objective C: Improved administration of justice system and related procedures

Activity 1: Court Administration -

- *Develop model court protocols for JP 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*

On May 26, 2009, RLPP representatives met at the Russian Federation Court Department to discuss developing model court protocols and other matters concerning court administration for justices of the peace. Maryland Court Administrator Pamela Harris who had previously met with the Russian Federation's Court Department in January 2009 was present, as well as Justice John Dooley, Ilya Padchin, and Karin Bourassa. Participants from the Russian Federation Court Department were Leonid Smertin, Chief of the Board for Organizational and Legal Support of Courts; Alexander Afonin, Chief of

the Board of Financial and Economic Management; Evgeni Popov, Chief of the International Legal Cooperation Department; Vinogradov; and Bodunko.

During this meeting RLPP was given Federal Law 262 as a basis of mutual cooperation, in addition to the stated work plan objectives. RLPP is hopeful that this law, which focuses on transparency, will help further the objectives of publication of decisions and case management systems. *A copy of FZ 262 can be found in Attachment H*

RLPP will begin working in this area in the next programmatic quarter

Activity 2: Publication of Court Decisions

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

During the April working group meetings in the pilot regions, the regional JP working groups were asked to identify 15 court decisions for submission into a database managed by RLPP staff, including the decisions of district courts on appeals from JP courts. It was intended for the working groups to present the decisions at the May JP conference in Moscow, where the representatives of pilot regions would have a chance to discuss the decisions and introduce the criteria by which the 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.

The JPs appointed by the regional working groups to the present decisions were:

- *Sergey B. Sazonov, Justice of the Peace in Gatchina district of Leningrad Region*
- *Maxim P. Ushnikov, JP of JP district # 1 of Millerovsky District of Rostov Region*
- *Dmitry E. Kolesnikov, JP of JP district # 1 of Ust-Donetsky District of Rostov Region*
- *Olga V. Podgornova – Justice of Peace of JP district # 4 of Sormovsky district of Nizhniy Novgorod.*

After these decisions are prepared, RLPP will collect them during the future working group meetings. These meetings will take place from July through September 2009.

Activity 3: Court Monitoring - RAROLC

- *Conduct first Court Monitoring Program*

During the reporting period, RLPP continued work on the preparation of court monitoring activities in the three pilot regions. During regional working group meetings in Rostov and Leningrad it was decided to cooperate with the regional branches of the AOJ to develop the methodology and approach for the project.

While preparing for the May-June events in the target regions, RLPP's U.S. partners prepared a set of materials on court monitoring to share with their Russian colleagues. These materials were sent for translation. During the meetings in May in Leningrad Region and Rostov Region the delegates from Maryland and Massachusetts discussed the issues of court monitoring with their Russian partners. For example, U.S. expert Glen Buscher advised on several ways that court monitoring is done in the U.S. He referenced the Court Tools program developed by the U.S. National Center for State Courts (NCSC) as a valuable and important resource for court performance measures. Justice Robert Cordy provided the Rostov judges with a copy of a recent report on the performance of the Massachusetts Courts.

A discussion of issues on court monitoring was to be held during part of 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 Northwestern 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. RLPP is now planning to conduct the discussions during the July-September timeframe in the regions with their U.S partners.

Court Monitoring in Nizhni Novgorod will begin in the next reporting period, as the working group has just been formed at the beginning of this reporting period.

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

Objective A: Increased application of normative ethical standards

Activity 1: Legal Ethics

- *Ethics training for Advocates*

Uniform ethical standards for advocates adopted in 2003 provide for the development of ethics trainings for regional chambers of advocates. Over the course of the reporting period, RLPP worked with the Federal Chamber of Advocates and with the Institute of Advocacy of the Moscow State Law Academy on the creation of a four-hour training course for advocates to be included as part of the continuing legal education (CLE) programs offered by each regional chamber.

The work on this task is being conducted simultaneously with the compilation of disciplinary decisions being prepared for publication. The most typical violations, misunderstandings, and mistakes will be described and included in the course.

To form a basis for the course, a five-day educational program for the Leningrad region has been undertaken (see section on CLE below). This program is mostly focused on young advocates, who more often have questions and problems with understanding and

implementing ethical standards. As part of the development of the CLE described below, RLPP will conduct ethics training for advocates in Leningrad and Ulyanovsk during the next quarter.

- *Conference on Ethics*

In consultation with the Federal Chamber of Advocates and the Rostov Regional Chamber of Advocates, RLPP is preparing to conduct a nationwide conference on professional ethics in Rostov-on-Don August 6-7, 2009. The primary goal of the conference is to provide an open forum among Russia's legal community to discuss and debate ethical issues and challenges facing the profession. It is expected that the participants will gain an enhanced level of competence. The presentations created for the event, a number of which will address new legal developments (i.e., amendment to the Code of Professional Ethics, prepared by Mr. Sharov, Federal Bar Chamber Vice-president) will be officially published.

RLPP has secured the participation of a select group of international experts including Anges Lalardrie, former French Judge and legal advisor to the French ambassador and currently a partner in the law firm "Yust" in Moscow and Mary Devlin, Director of the ABA Center for Professional Responsibility in Chicago.

RLPP, in cooperation with the Federal Chamber's Committee on Ethics and the Rostov Chamber of Advocates, agreed on the following topics for the August conference:

1. *Attorneys' immunity from testimony*
2. *Attorney-client privilege*
3. *Day-to-day work of advocates and possible types of activities*
4. *Bench-bar relations*
5. *Ethical aspects of the agreement with a client*

To date, about 100 advocates from regions across Russia have agreed to participate.

- *Study Tour on Ethics and Discipline*

The recently adopted ethical standards for advocates and their application are driving the development of a body of rules and guidelines that require study and assimilation through interpretation and comparison with the standards and experience of other legal systems. Therefore, the Federal Bar Chamber is interested in participating in a study tour to the U.S. in order to become better acquainted with the system of ethical regulation and disciplinary procedures in different jurisdictions. The expected time for this study tour is September 2009.

RLPP and the Federal Chamber of Advocates have agreed on the list of study tour participants as follows:

1. *Mr. Semeniako - Federal Chamber President*

2. *Mr. Sharov - Federal Chamber Vice-President*
3. *Mr. Pilipenko - Federal Chamber Vice-President*
4. *Ms. Denisova – St. Petersburg Chamber President*
5. *Mr. Baranov - Rostov-on-Don Chamber President*
6. *Mr. Rudenko - Stavropol Chamber President*
7. *Mr. Malinovsky - Astrakhan Chamber President*
8. *Ms. Potapova - Federal Chamber Presidential Advisor*
9. *Mr. Maguta - Federal Chamber Presidential Advisor*
10. *Mr. Reznik – Moscow Chamber President*
11. *Mr. Kipnis – Moscow Chamber advocate*
12. *Ms. Volodina – Federal bar chamber board member*

The purpose of this study tour is to allow the participants to be exposed to the application of the ABA's model rules and ethical standards, disciplinary practice, and procedural underpinnings for investigating, hearing, prosecuting, defending, and deciding cases of attorneys' unprofessional conduct. Participants will meet with representatives from the ABA's Center for Professional Responsibility and Ethics Division, the state bar association, and select law firms and courts.

Activity 2: Judicial Ethics

- *Update AoJ ethics training curriculum; provide training for qualifying commission, ethics committee, and council of judges members in at least three regions*
- *Conduct study tour on ethics for judges (hosted in partnership with Open World)*

During the reporting period RLPP sponsored four one-day long seminars for members of qualifying commissions, ethics committees, and councils of judges in Karelia, Novgorod, Leningrad Region, and Rostov Region, training a total of 108 judges. *Statistical breakdowns can be found in Attachment M.*

In Novgorod, Leningrad, and Rostov, the programs were based on a model judicial ethics training program outline developed by the RLPP Judicial Ethics Subcommittee and included 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. In Karelia, the program was developed independently by the Karelia Judicial Department and Council of Judges and focused on general discussion of judicial ethics practices in Karelia and development of a new Code of Judicial Ethics. The program also included a presentation by Justice John Dooley on a comparison of Judicial Ethics in the U.S. and Russia based on sample decisions of Karelia Qualifying Collegia and disciplinary decisions from Vermont.

The faculty for each of the seminars included leading Russian and American experts on judicial ethics from participating Russian regions and U.S. states. In addition, RLPP developed and distributed materials to the participants including: 1) *Judicial Ethics in the Russian Justice System* by Hon. E.A. Zolotareva, Chair of Criminal Division of Rostov Region court and Deputy Chair of Qualifying Collegium of Rostov Region; 2) *Comparison of United States and Russian Codes of Judicial Conduct* by Hon. Mary Ellen Barbera, Judge of Court of Appeals of Maryland; 3) disciplinary decisions from New York, Alaska, Florida, and Vermont addressing issues of financial disclosure, legal error vs. ethical violation, ex-parte communication, impartiality, practice of law, public attacks against sitting judges, failure to follow proper channels, inappropriate behavior (lack of patience, dignity, or courtesy) towards trial participants, and gender issues; 4) information on the structure and operation of Advisory Committees in the United States and several advisory opinions addressing issues discussed during the programs; 5) the revised *Code of Judicial Conduct of Federal Judges*. The base set of these materials was supplemented by additional materials from each participating state (Vermont, Maryland, New York, and Massachusetts) and materials developed by each Russian region participating in the training.

The seminars were timely as they focused on discussion of new requirements introduced by the recent December 2008 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 time analysis and comparison of these rules with the standards and experience of other legal systems, including U.S., is very beneficial.

All agendas and materials may be found on the RAROLC website at www.rarolc.net.

Leningrad Region

The Leningrad Region judicial ethics seminar took place on May 15, 2009 at the Saint-Petersburg Arbitrazh Court. The seminar brought together 18 Judges of regional and district courts, justices of the peace and the Arbitrazh court, including members of Qualifying Collegium and Council of Judges (*For a statistical breakdown please see Attachment M*). In addition, the seminar was attended by Tatyana Sinilova, Chief Judge of Pskov City Court and Chair of Pskov Ethics Advisory Committee and Dmitry Grishin, Deputy Dean of the Law Faculty of Leningrad State University, Member of the Qualification Collegium. American participants included Judges from Maryland and Connecticut. Key presenters at the seminar were: Hon. Alefina Timoshenko, Chief Judge of Arbitrazh Court; Hon. Mary Ellen Barbera, Maryland Court of Appeals; Hon. Eugenia Zeillits, Judge, Member of the Council of Judges, Leningrad Region Regional Court; Hon. Richard Bennett, United States District Judge; Hon. Nina Ekimova, Chief Judge, Member of the Qualification Collegium, Kingisepp district court; Hon. Jonathan E. Silbert, Connecticut Superior Court; Hon. Nina F. Elgo, Connecticut Superior Court; Hon. Michael R. Sheldon, Connecticut Superior Court ; and Hon. Sergey Vinogradov, Justice of the Peace, Member of the Council of Judges.

The program was well received and will serve as basis for further development of future CLE training for regional judges.

Rostov

The Rostov seminar on judicial ethics was conducted on May 26, 2009. Participants included 17 judges from Rostov region, including the Chair and members of Qualifying Collegium, Ethics Advisory Committee, Examination Committee, Judges of Regional Court and Chief Judges of District courts, two judges from Vologda and six judges and attorneys from Massachusetts (*For a statistical breakdown by gender please see Attachment M*). The seminar was also attended by Galina Kraslavskaya, Deputy Director of the Rostov Branch of the Academy of Justice.

Principal presenters were: Hon. Vladimir Lyahnitsky, Chair of Rostov Judicial Qualifying Collegium, Judge of Rostov Regional Court; Hon. Elena Anatolyevna Zolotareva, Chair of the Judicial Board on Criminal cases and Deputy Chair of Qualifying Collegium of Rostov Region; Hon. Robert Cordy, Justice, Massachusetts Supreme Judicial Court; Hon. Mark Green – Associate Justice, Massachusetts Appeals Court; Hon. Andrey Filippov, Chair of the Committee on Application of the Code of Judicial Ethics, Judge of Rostov Regional Court; Hon. Denis Lukyanov, Chair of Rostov Council of Justices of the Peace; Hon. Evgeny Oliferenko, Chair of Rostov Council of Judge, Chief Judge of Azov City Court; Hon. Evgeny Shapovalov, Chair of the Committee on Court Resources, Chief Judge of Millerovsk City Court; Hon. Elena Kobleva, Member of the Committee on Application of the Code of Judicial Ethics, Judge of Rostov Regional Court; Hon. Gennady Prodanov, Chair of the Committee on Assessment Court Practice and Current Legislation for Courts of General Jurisdiction, Judge of Rostov Regional Court; Hon. Alexander Moskalev, Chair of the Committee on Social Protection of Judges, Chief Judge of Zheleznodorozhny District Court.

Participants expressed a great deal of interest in exploring the U.S. model of issuing advisory opinions on ethical issues. At the conclusion of the program it was agreed that certain components could be used to update the current CLE program on judicial ethics in Rostov. Program participants requested additional information on Massachusetts advisory and disciplinary opinions, codes, and materials on conflicts of interest.

Novgorod

The Novgorod judicial ethics seminar took place on May 27, 2009, for 23 judges and 6 judicial assistants from Novgorod regional and city courts, including the chair and members of the Qualifying Collegium and Chief Judges (*For a statistical breakdown by gender please see Attachment M*). The seminar was also attended by the Director of Judicial Department, Vladimir Epifanov. RLPP's main presenter for the program, Judge Marlow from New York, was well received and delivered an outstanding presentation exploring in depth operations of the Judicial Ethics Advisory Committee: overview of the New York system including the ethical rules, the structure for discipline and the methods for seeking clarification on ethics issues. This was followed by a discussion of five high profile Russian cases involving removal from the bench. Russian presenters included

Hon. Svetlana Esakova, Deputy Chair of Qualifying Collegium of Judges who delivered a presentation on Appellate Review of Decisions of Qualifying Collegiums by Courts in Russia and Hon. Tatyana Grigorieva, Chair of Ethics Committee who discussed types of Complaints considered by the Novgorod Judicial Ethics committee.

Karelia

The Karelia judicial ethics seminar took place in Petrozavodsk on June 3, 2009 for 52 participants (*For a statistical breakdown by gender please see Attachment M*). The event was organized by the Council of Judges of Karelia, Supreme Court of Karelia, Court Department of Karelia, and the Arbitrazh Court of Karelia. The participants included Judges of General Jurisdiction Court and Arbitrazh Court of Karelia, representatives of Advocates' Chamber of Karelia, and Prosecutor's Office of Karelia. The first part of the program included a presentation by Professor V. Kainov from the St. Petersburg branch of the Academy of Justice.

Justice John Dooley presented on the comparison of judicial ethics practices in Vermont and Karelia, followed by a discussion of hypotheticals prepared by the Russian participants. The audience was divided into four groups and each presented separate hypotheticals, followed by active discussion. The U.S. participants were evenly split over during their discussion on each hypothetical as to whether it would constitute an ethical violation in Vermont or not. The hypotheticals were well thought out and well received.

Some of the issues raised during these seminars were further addressed during the RLPP Judicial Ethics Subcommittee conference call on June 25, 2009. *Full meeting notes are included in Attachment I.*

In addition to evaluating the seminars, the subcommittee identified the next steps to take, including the development of a program to help the Russian partners to begin issuing advisory opinions in their regions. The Council of Judges suggested creating these committees in the regions with a mandate to assist judges on judicial ethics. While there is no clear direction on how to do this nor instructions on how to issue advisory opinions, the spring 2009 program participants expressed a strong interest in learning about how U.S. Judicial Ethics Advisory committees operated. They were especially interested in learning all details about how the advisory opinions are issued and how the process can be made functional. It was also agreed that RLPP will need to identify individuals in various regions (probably from the members of Judicial Committees) that will have the authority to work on the development of curricula for Judicial Qualifying Collegiums and Judicial Ethics Committees. The Judicial Ethics Subcommittee can then work directly with these groups to provide them with all necessary information.

United States Study Tours on Judicial Ethics

As part of its 2009 Open World delegations, RLPP will host judges from the 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 (*For a statistical breakdown by gender please see Attachment M*). Two delegations will visit Vermont and New York from July 27-31. These groups will also incorporate aspects of judicial ethics into the week-long program. For example, in Vermont the Karelian judges will meet with the Vermont Professional Responsibility Board as well as 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 will be used for discussions in the Open World visits.

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

Activity 1: Regulation of Advocates

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

RLPP continued work on the development of the updated and expanded edition of the manual on *Professional Ethics for Advocates*. To date, approximately ten regional chambers have submitted their decisions for review. 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 Matveevich Kipnis, former French judge, Ms. Anies Lalardrie; a Swiss advocate, Michael Mras; and a Norwegian advocate Gunnar Nerdrum; as well as ABA ROLI staff.

Simultaneously, ABA ROLI is also working on a separate publication focused solely on disciplinary and appellate court decisions of the Ulyanovsk Chamber of Advocates, with expert commentary also to be provided by Professor Nikolai Matveevich Kipnis, to be published in the next quarter.

Following a meeting with Mr. Maltin, the Chair of the Committee on Ethics, and with Ms. Bulgakova and Mr. Gerasimov, committee members, RLPP learned that the committee has been directed to publish an official commentary to the Code of Professional Ethics for Advocates. The committee inquired about possible cooperation in this sphere. According to the current procedure, the committee will formulate suggestions and then introduce them to the Board of the Federal Bar Chamber. If they are adopted, they will become officially obligatory 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 they develop new provisions to the code.

Activity 2: Continuing Legal Education (CLE)

The Federal Chamber of Advocates has adopted a mandatory requirement of 100 hours of CLE courses every five years for all advocates. However, currently, there are insufficient opportunities for satisfying this strict requirement. To assist advocates, RLPP will work to replicate ABA ROLI's successful experience of establishing the CLE Center of the Krasnoyarsk Regional Chamber. RLPP has a preliminary agreement with the President of the Federal Chamber of Advocates, Mr. Evgeniy Semenyako, about implementing a "training of trainers" program in St. Petersburg for both the St. Petersburg Chamber of Advocates and the Leningrad Regional Chamber of Advocates. In addition, RLPP will develop, publish, and distribute supplementary materials for advocates and interns to assist advocates in establishing unified standards for the profession, including special skills and ethical decision-making.

- *Support establishing regional CLE Centers*

Leningrad and St. Petersburg Chambers of Advocates

Throughout the reporting period, RLPP continued to provide technical assistance and support to both the Leningrad Regional Chamber of Advocates and the St. Petersburg Chamber of Advocates on the establishment of a joint CLE Center. As part of the first phase of this effort, RLPP conducted the first training of trainers (ToT) seminar to provide a foundation for future CLE trainers on how to develop and administer quality CLE courses. The main purpose of the seminar was to introduce participants to interactive teaching methodologies for adults, particularly for practicing lawyers. Interactive methods are far more effective, but still unusual for most educational institutions in Russia, including those involved in continuing legal education. Lack of experience in interactive teaching decreases the level of comprehension and retention of any kind of continuing legal education curriculum. *See Attachment K for the agenda.*

A total of twenty-two (22) advocates participated in the training event, 11 from the Leningrad Chamber and 11 from St. Petersburg, (9 female and 13 male). RLPP Directing Attorney for Professional Development designed and implemented the program based on ABA ROLI's successful Krasnoyarsk model. Other trainers/experts included Lidya Voskobitova, law professor of Moscow State Academy of Law; Arkadiy Gutnikov, Vice Chair of the Institute of Law named for Prince Oldenburgskiy; and Roman Sidotov, justice of the peace and law professor of Tver State University. Many of the participants had teaching experience in addition to their legal practice. Participants had experience in different aspects of law including criminal and justice law, family law, real estate law, labor law, inheritance law, commercial law, and corporate law. All were successful practitioners and most were ready to take on an active role in the chambers' self-regulation, including the establishment of a CLE system.

The training focused on the following core topics and skills:

- *Interactive Methods:* interactive lecture, brainstorm, discussion, demonstration, creative projects, moot court

- *Lecture development* on analysis and case strategy in family cases and attorney-client privilege in commercial and civil cases
- *Rules and conduct for brainstorming*: managing for results and time
- *Preparing special projects*: preparing direct and cross-examination of one of two accused persons based on a hypothetical (moot court) case file
- *Moot court exercises*: purpose, rules, framework, advantages, and risks of such exercises

On the final day, experts and participants examined the possibilities for establishing a continuing legal education program for the Leningrad Region Chamber of Advocates and the St. Petersburg Chamber of Advocates. All participants recognized the need for establishing such a system. They demonstrated a high degree of motivation to be involved in this process, leading toward a possible joint CLE Center. They cautioned, however, that the administrative support of the Chambers for such a project could be more active.

RLPP will organize a seminar on ethics for the same group of participants before implementing the next two sessions of the ToT program in order to strengthen the cohesiveness of this group and address numerous ethical concerns that arose during the preliminary training.

Ulyanovsk Regional Chamber of Advocates

As part of the first stages of creating a CLE Center in Ulyanovsk, RLPP conducted a conference April 10-11 for approximately 336 advocates (123 female; 213 male) of the Ulyanovsk Chamber of Advocates. The purpose of the conference was to engage advocates and introduce them to a wide-range of interesting and relevant legal topics. Conference topics included: the role of the advocate in presenting evidence under the Code of Criminal Procedure; how to introduce exculpatory evidence; legal rhetoric in the legal profession; how to handle cases defending honor, dignity and reputation; and psychological-psychiatric expertise in the legal profession.

Legal experts included Nikolai Matveevich Kipnis, Professor of Law at the Moscow State Law Academy, Advocate, and Member of the Disciplinary Commission of the Member of the Moscow Chamber of Advocates; Svetlana Igorevna Volodina, Professor of Law at the Moscow State Law Academy and Director of the Institute of Advocacy; and Professor Andrei Anatolievich Tkachenko, M.D., Professor of Forensic Medicine and Director of the Department of Forensic Psychiatry at the famous Serbski Institute in Moscow.

Throughout this event participants were exposed to a range of knowledge and skills-based information, such as techniques based on the fundamental principles of the art of persuasion for attorneys, the role and qualifications of the forensic psychiatrist as a court-appointed or private expert, and a detailed overview of the prerequisites and techniques for presenting a compelling case on behalf of a client whose honor, dignity, or business reputation has been damaged.

After each presentation, the participants submitted questions both in writing and orally. At the conclusion of the conference, 184 of the 336 advocates in attendance submitted their evaluations. These evaluations were overwhelmingly positive, noting the outstanding quality of the speakers and requesting additional programs. *Please see Attachment J for the conference agenda.*

Following the training, RLPP staff met with Valeri Chernyshov, President of the Ulyanovsk Regional Chamber of Advocates to discuss the official launch of the CLE project. The Chamber notified RLPP that they had selected 25 advocates to participate in this new initiative. The Chamber also highlighted some of their ongoing efforts to support the professional development of their membership, including holding monthly roundtables and discussions on key issues facing the practice. The first phase of the CLE program will take place in fall 2009.

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

On January 22, Anton Alferov, Maria Voskobitova, Ekaterina Smolyannikova, and Julia Yurkevich met with Svetlana Volodina, the Director of the Institute of Advocacy, MSAL, and head of the Commission on CLE of the Federal Chamber of Advocates. Volodina suggested developing a reference book for interns of advocates. She pointed out that the most important focus of the CLE system was to work with young advocates and interns of advocates, as they are generally most open to all new information and highly motivated to improve their basic knowledge and develop new skills. This reference book also could provide unified standards for interns' level of knowledge and skills for all regional chambers. The text would include several parts: different forms of advocates' business procedures, advocates' records management, relations with clients, and relations with other players in the judicial system. The reference book may also be structured around case studies. To continue development of this reference book, RLPP established a working group which includes: Svetlana Volodina, Lidya Voskobitova (professor at MSAL), Ludmila Mikhailova (Professor of MSAL), Elena Lvova (criminal defense attorney in the Moscow City Bar), Evgeni Rubinstein (criminal defense attorney in the Moscow City Bar), and Maria Voskobitova, RLPP.

The working group will resume activity in September 2009.

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

During the reporting period, RLPP conducted several bench-bar meetings in Karelia, Rostov, Leningrad and Novgorod regions. *A breakdown of all participants is included as Attachment M.* The Russian partners proposed holding follow-up bench-bar meetings on a more regular basis in a particular region. RLPP will attempt to facilitate those follow-up meetings to occur once per quarter in the regions that are receptive to the concept. Several more bench-bar meetings will take place in the next reporting period in Arkhangelsk, Pskov, and Vologda. RLPP will continue to assist in the implementation of bench-bar meetings to have at least one meeting per region to have taken place in year one.

Prior the meetings, the U.S. bench-bar subcommittee conducted a telephone conference to plan for the implementation of this activity. *Meeting notes are included in Attachment L.* In addition, RLPP continued discussions with a professional videographer to videotape two or three bench-bar meetings in the United States to be dubbed into Russian and used for educational purposes. Two bench-bar meetings will be videotaped during the visit of Karelian judges to Vermont in July. This resource will be available on DVD in Russian for all RLPP Russian partners by the end of the next reporting period.

The following provides a summary of each bench-bar meeting. Materials presented to the Russian participants (and other information) may be downloaded at the RAROLC website at <http://www.rarolc.net/events/detail.php?cid=293>

Karelia

The Petrozavodsk bench-bar meeting took place on June 2, 2009, at the Petrozavodsk City Court. RLPP collaborated with Petrozavodsk City Court Chief Judge Alexander Sudakov in facilitating this event. Judge Sudakov moderated a lively two hour discussion between 40 judges (including justices of the peace), advocates, and prosecutors.

RLPP partner and Vermont attorney Larry Novins provided an overview of what a typical bench-bar meeting covers, answering such questions as: “*What is a bench-bar meeting?*”; “*How is the agenda set?*”; “*What is the purpose of the meeting?*” and “*What subjects are discussed?*”

The issues discussed during the meeting included problems with notification of advocates to appear in court, preparation for a case by advocates and their defendants, communication problems between advocates and judges, lack of interpretation support for non-Russian speaking defendants in court, judges not speaking loud enough in court, and problems with the scheduling of cases.

Justice John Dooley gave a final presentation highlighting the common elements in the issues raised here and those raised in Vermont, such as the problem of finding interpreters for defendants in court. Following the initial meeting, Judge Sudakov agreed to hold similar bench-bar meetings once per quarter. Vermont partners will continue to work with their Petrozavodsk colleagues to help facilitate these future meetings.

Rostov

The Rostov bench-bar meeting was held on May 26, 2009. A total of 23 Russian participants took part in this meeting. The meeting began with an overview of bench-bar meetings in Massachusetts by Massachusetts attorney Martha Howe. Ms. Howe reviewed the purpose and theory behind the bench-bar meeting and the reasons for interaction between bench and bar, including a lack of communication, problem solving, and improving the system for attorneys and public. She also reviewed what could be accomplished by bench-bar meetings, such as solving problems, learning from each

other, and communicating to improve the overall system. Ms. Howe provided examples of six bench-bar meetings in Massachusetts, all sponsored by local bar associations: Probate Court, Appeals Court, Superior Court – Criminal and Civil, Workers' Compensation. As part of the presentation, Ms. Howe briefly touched on some examples of bench-bar meetings and issues discussed in the United States. A copy of her Power Point presentation and other materials may be found at <http://www.rarolc.net/events/detail.php?cid=292>.

As a co-sponsor of this event, Rostov Region Court Deputy Chief Judge Zolotkykh then opened up the meeting for comments from participants including judges, prosecutors and advocates. The following represents some of the comments made by participants:

Prosecutor

- Prosecutors try to maintain friendly relationship with Judges and defense attorneys
- Defense attorneys working in good faith deserve respect
- Prosecutors must work in a very objective way
- Some parties try to distort and misrepresent facts
- If there is a legal and moral right to support evidence against Defendant then the prosecutor will demand a guilty verdict, especially in cases where s/he strongly believes in the guilt of the defendant
- Prosecutors must be good mannered and reserved, not rude; and cannot interfere while other parties are speaking
- There is a need for professional honesty and mutual respect. It is never right to humiliate the defendant or any witness

Advocate

- Cooperation is needed among the parties and unfortunately the older Judges that worked during the Soviet time like to work more towards convictions. They do not like attorneys; they look at them as enemies
- Charges of corruption or bribing jurors in order to achieve not guilty verdict by defense attorneys
- Complaints of incompetent and rude court employees
- Not accepting not guilty verdict as "the truth"
- Many interrogators work only with prosecutors. They do not understand the role of defense attorneys which is to defend rights of people and give them justice. An attorney who does not cooperate with the investigation becomes an enemy of the investigation.
- Actions of some judges are disrespectful: One judge listened to his mobile phone during the Court session.
- Attorneys cannot become judges, it is "practically impossible." It is a problem in all of Russia.

Judge

- Important for court to play role in facilitating defendant and prosecutor collecting evidence Need openness for public trust
- Judge Zolotkykh stated that Russian judges respect defense attorneys, although sometimes Judges criticize attorneys. If judges have problems they can write to the chamber of Attorneys
- Bench-bar meetings will help in the future to interact better and more quickly and address problems, whether it is the court employees' attire or management of the computer

system of the court. Rostov has an internet website where anyone may complain about the system.

Leningrad Region

On May 14, 2009, a bench-bar round table on ethics took place at the St. Petersburg Office of the Leningrad Region Bar Association for 18 participants. The program was organized and hosted by Natalia Bulgakova, Deputy Chairman of the Qualifications Commission of the Leningrad Region Bar Association. The round table discussion included judges, prosecutors, and advocates and gave rise to a discussion addressing ethics and professional standards. The judges and advocates noted that, while they operate under a code of ethics, there is no code applicable for prosecutors. Mr. Mihailov, the public prosecutor, stated that such a code is under discussion. The advocates also noted the need for regular meetings with the judges and prosecutors so that they can address court-related issues. Judge Barbera and Judge Bennett noted the frequency of interaction between judges, prosecutors, and lawyers at bar association meetings in the United States at the local, state, and national level.

Mr. Mihailov, the Public Prosecutor, and Mr. Laktinova, the private advocate, led a discussion relating to pre-trial procedures in criminal cases, including access to and interviews of witnesses. Judge Bennett and Judge Barbera explained the rights of criminal defendants under American law to pretrial discovery as result of Supreme Court decisions. .

Novgorod

A bench-bar meeting took place on May 28, 2009 in Novgorod at the Novgorod University Law School for 47 participants. U.S participants included Hon. George Marlow, Hon. Robert Wiggins, Hon. Ronald Reinstein, attorney Deborah Indivino, and attorney Mary Beth Feindt. The meeting included discussions on the following topics:

- *Antagonism/distrust between attorneys and prosecutors*
- *Interaction amongst parties in the criminal justice system - judges/attorneys/prosecutors*
- *Conferences with court and attorney/prosecutors*
- *Plea bargaining - how to accomplish, how to enforce agreements, how to avoid corruption in process of plea bargaining*

The discussion started with concerns by advocates about the arrogance of prosecutors and the problems they have in getting access to prosecutors to discuss their clients and cases. Included were references to the limited interaction between court/counsel and prosecution. The JPs and the prosecutor joined in the discussion with suggestions and asked for the US perspective. This led to a general discussion of the mechanics of court conferences in criminal cases in the US. There were many questions about the details of the process and discussion of whether or not such a process would work in Russia. The

possibility of more informal gatherings between the parties was discussed but the particular forum for such a meeting could not be confirmed.

The next major discussion concerned plea bargaining. The United States plea bargaining process was briefly explained. This evolved into a discussion about the balancing of interests and the effort to find justice, the importance of an attorney's credibility and obligations of prosecutors. Concerns about the closeness between prosecutors and judges were discussed. The U.S. participants discussed the ethical rules against ex parte communications and the reasons for same.

The Law School has committed to host a bench-bar meeting on a regular basis, although no specific date was chosen.

Activity 4: Regulation of Non-Advocates

- *Prepare analysis and recommendations on self-regulation by Association of Jurists*

The category of non-advocates includes all other professionals practicing law, e.g. notaries, prosecutors, in-house counsels, corporate lawyers, and others. Many of these professionals, though they may hold a law degree, are not regulated at all (e.g. individual lawyers providing legal services) so far as their responsibilities, ethics, and discipline are concerned. In order to provide a forum to discuss the current situation within the legal community, RLPP established a working group in February including Elena Abrosimova, MSU, Law faculty professor, PhD in law; V. Botnev, Advocate, Russian Academy of State Service under the President of the Russian Federation, professor, PhD in law; Maria Suchkova, attorney; and ABA ROLI staff including Anton Chazov, Ekaterina Smolyannikova, and Julia Yurkevich. The aim of the working group is to determine possible directions for research and implementation of results.

In cooperation with the association and the firm "legalstudies.ru" which provides managing services for legal firms, RLPP will begin to develop ethical and disciplinary standards in order to create a self-regulating organization with separate rules and norms for managing and regulating the member-lawyers. RLPP believes the following issues should be covered by these standards:

- access to the profession (who will have the right to provide legal services)
- responsibility before clients (liability insurance)
- ethics and discipline in day-to-day practice
- cooperation with other legal professionals (judges, attorneys, notaries etc.)
- technical organization of the association (committees/boards...etc)

The practical implementation of this plan will be discussed in July 2009. The delay is attributable to the fact that the firm "legalstudies.ru" was on vacation. As the working group is ready and eager to start work, the standards will be prepared by winter 2009.

- *Conduct nationwide conference in Moscow to discuss recommendations*

- *Support development of regional associations of jurists in pilot regions*
- *Study tour for Associations of Jurists to learn about work of local bar associations in U.S.*
- *Study tour to U.S. for judges, advocates, jurists, and experts preparing comparative study of rule of law in Russia and U.S.*

Activity 5: Judicial Discipline and Regulation

- *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 discuss the feasibility of implementing the originally planned event during spring 2010 in light of the new law for judges passed in December 2008. RLPP believes that this conference will be difficult to implement given the sensitivities in working at the national level with the Russian judiciary. RLPP will address these challenges as part of its Year Two work plan for 2009-2010.

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

Activity 1: Substantive Legal Training

- *Topical Seminars*

Over the course of reporting period, RLPP continued to provide topical seminars for advocates, lawyers and judges.

Lawyers and Advocates

Psychological Expertise in Court

On April 29, 2009, RLPP, led by Directing Attorney for Professional Development and expert Larissa Skabelina, professor of psychology at the Moscow State Academy of Law and Russian Advocacy Academy, conducted a topical seminar in Moscow on “*Psychological Expertise in Court.*” The effective and compelling use of expert psychological evidence in court proceedings is a timely issue of considerable importance in current legal practice in the Russian court system. Although in certain cases psychological expertise is mandatory, there is little history or experience in Russia of relying on such psychological expertise in court. Judges and attorneys encounter

problems in handling or evaluating such expert evidence, due to their lack of general knowledge in psychology and in differentiating psychology and psychiatry. Training participants included advocates and lawyers from NGOs.

The training started with a discussion on the differences between a “specialist” and an “expert” in Russian court proceedings. A “specialist” is someone possessing special knowledge, invited to take part in the proceeding to assist in exposing, confirming, and acquiring objects and documents, and in applying specialized techniques in the study of the case materials, formulating questions to be put to the expert, and explaining to the parties and the court the issues covered by his or her professional competence. An “expert” is a person possessing special knowledge who is appointed in accordance with the procedural rules for carrying out an expert analysis and for issuing written conclusions. Thus, attorneys and judges must know how to phrase questions to either a specialist or an expert, how to evaluate their conclusions, and how to apply these conclusions to the legal relevant circumstances.

Participants reviewed and analyzed a set of questions and discussed typical mistakes such as: posing questions beyond the psychologist’s professional competence (legal questions or psychiatric questions); ineffective formulations of questions (obscure, compound, *etc.*); and unethical or inappropriate questions. Ms. Skabelina emphasized that all psychological questions could be categorized as concerning psychological status (stress, frustration, affect), psychological processes (memory, attention, learning) or individual psychological peculiarities. Participants were also provided with a set of criteria for evaluating expert statements and practiced evaluating sample statements.

Overall, participants positively evaluated this seminar, praising the interactive format. They also asked many questions, including questions on conflicts of interest and collegial ethics of psychologists. RLPP intends to continue to develop educational opportunities for the legal community on issues related to the intersection of law, psychology, and psychiatry in their different aspects, topics that are new and in high demand, with a view to publishing a compendium on using, evaluating, challenging, and defending psychological and psychiatric expert evidence in court.

European Court of Human Rights (ECtHR)

On June 9, 2009, RLPP Director of the Professional Development Program conducted a presentation about the development of ECtHR case law for members of the Ulyanovsk Chamber of Advocates. The presentation focused on applications decided by the Court against Russia according to the following categories: typical applications, applications concerning the most aggravated violations of human rights, and applications involving “extraordinary circumstances.” The first group included judgments on the duration of judicial proceedings, non-enforcement of final decisions by state bodies, uncertainty of appellate review proceedings, length of pre-trial detention, and the conditions of pre-trial detention. A majority of applications fall into this group. There is also clear case law on such matters that help attorneys to win similar cases. The second group includes judgments concerning torture cases and cases on the right to life. There are a number of

such judgments and clear case law, but the main difficulties for attorneys who submit such cases concern collecting the necessary evidence. The third group of judgments includes various cases involving private and family life and also fundamental freedoms such as freedom of speech or freedom of religion. There are also a number of such cases, but it is necessary to study ECtHR case law carefully to represent similar cases successfully.

At the end of the session, RLPP also briefly explained the application process and internal procedures of the ECtHR and answered the participants' questions.

Judges

A breakdown of all participants is included as Attachment M.

Novgorod Family Law Seminar

Hon. George Marlow, Hon. Robert Wiggins, Hon. Ronald Reinstein, attorney Deborah Indivino, and attorney Mary Beth Feindt participated in a seminar on family law on May 27.

The seminar covered a wide range of issues such as:

- *Termination of parental rights in Russia - Judge Lidia Kovaleva*
- *Options for removed children in the U.S. - Judge Robert Wiggins*
- *Investigation and Prosecution of Child Abuse - Judge Ron Reinstein and Mary Beth Feindt*
- *Matrimonial Disputes/Jurisdictions - Judge Ludmila Bobryashova*
- *Custody Issues and Alternative Resolution Methods - Deborah Indivino*
- *Role of the Attorney for the Child - Mary Beth Feindt*

Russian attendees posed questions about the U.S. processes and how the separate family court came into being and how it functions in conjunction with other courts. The prevalence of parental terminations in Russia and the ways in which the courts might take a pro-active role in preventing some of these terminations were covered by the Russian presentations. There was a lengthy discussion concerning the differences between U.S. and Russian matrimonial law.

Details and materials on this event can be found at:
<http://www.rarolc.net/events/detail.php?cid=296>.

Leningrad Region Domestic Violence Seminar

A domestic violence seminar and round-table discussion was held at the Kirishi City Court building on May 13, 2009. The U.S. group was introduced by Nikolay Egorov, the Chief Deputy Prosecutor of Leningrad Region. Judge Bennett, Judge Barbera, and Judge O'Malley were greeted upon their arrival by Chief Judge Irina Lebedeva of the Kirishi

City Court. Judge O'Malley presented written summaries translated in Russian to the law students in Pushkin. Judge O'Malley explained the concept of protective orders and peace orders. The panel of Russian participants included Chief Judge Lebedeva, Mr. Egorov, Elena Melnilova, and Svetlana Bystrova, both Justices of the Peace in the Kirishi District, Sergey Kudriashov, Chief Prosecutor of Kirishi City, Andrey Panov, and Dmitriy Babiak, The Deputy Chief Prosecutors, Yuri Pavlov, Chief of Police of the Kirishi District, Vladimir Zemlianikin, Chief of the City Police Department, Yuri Andreev and Inna Yakovenko, both of the Juvenile Administration of the Kirishi District, Nadezhda Petushkova, Chairman of the Social Protective Committee, Ludmila Bogdanova, Chairman of the Educational Committee, and Irina Galushkina, Director of the City Social Center.

This seminar was covered by the Kirishi television station.

An integrated approach between law enforcement and social services initiatives has created an effective response system. Ms. Petushkova, Chairman of the Social Protection Committee, and Ms. Galushkina, Director of the Social Center, spoke about the use of shelters to protect children exposed to domestic violence. With the monthly police monitoring of families with a history of domestic violence, the social agencies in Kirishi play a proactive role in seeking early prevention of domestic violence. The seminar in Kirishi concluded with a visit by the American delegation to the Justices of the Peace Court and the local police station.

More information and materials can be found at:
<http://www.rarolc.net/events/detail.php?cid=290>.

Pskov Land Law Seminar

The seminar included "Land Law Cases in the Arbitrazh Court: An Overview of Significant Problems and Issues facing the Arbitrazh Court" (Arbitrazh Court Judges Artemii Yakovlev and Alexei Lebedev); "An Overview of Connecticut Law and Procedure relating to Land Disputes involving Entities" (Judge Michael Sheldon); "Eminent Domain: What Can We Learn From the Case of Kelo v. City of New London (Judge Jonathan Silbert; PowerPoint presentation); "Land Disputes in the Arbitrazh Court involving the Land Cadastre and Title Registration" (Mikhail Boksha, Natalia Malova and Sergei Krillov); "Historic Preservation Cases"(American Approach-Judge Nina Elgo; Russian Approach-Judge Olga Vasilieva); and discussion of problem cases previously distributed to the seminar attendees (Judge I.M. Zotova, Judge Larisa G. Rutkovskaya; L.G., Judge Lyubov V. Zhupanova).

Approximately 30 participants from the Arbitrage Court, Prosecutor's office, Pskov Land Cadastre, and Pskov Regional Law Chamber discussed the most interesting and challenging issues facing them today in terms of land disputes, land distribution, and land protection in Pskov as in ancient city with land under state protection. The following Russian experts took part in the conference: Sergey Krylov, Chief Consultant at the Department of Constitutional Basis of Private Property with specialization in real estate

at the Constitutional Court of RF (St.-Petersburg), Mikhail Boksha, Head of the Federal Real Estate Cadastre Agency of Republic of Karelia (Petrozavodsk) and Natalya Malova, Head of Department of State Land Control, Federal Real Estate Cadastre Agency (Karelia, Petrozavodsk) and also a land law professor at different universities in Karelia, holds a PhD degree in law.

The second day of the seminar featured a “Round Table Discussion of Land Cadastre Cases: Issues, Problems and New Ideas,” led by M.S. Boksha and N.B. Malova, a “Round Table Discussion of Historic Preservation Cases” led by Judges Vasilieva and Elgo, and “The Role of the Procuracy in Land Law Cases” (Olga N. Stepanova , Regional Prosecutor’s Office).

Details and materials from this seminar may be seen on the RAROLC website at <http://www.rarolc.net/events/detail.php?cid=291>.

Rostov Domestic Violence Seminar

On May 25 a domestic violence seminar was conducted with both American and Russian presenters. Judge Elizabeth LaStaiti from Massachusetts presented the “Massachusetts Response to Domestic Violence”. Justice LaStaiti is the First Justice of the Bristol County Probate and Family Court. As First Judge, she is the Administrative Head of the Court. Russian side presenters included Hon. Elena Voronova, Judge, Rostov Region Court presenting on “The forms of judicial protection against domestic violence”; Hon. Stella Vladimirovna Cherchaga, Judge Rostov Region Court presenting on “Civil cases of improper execution of the parents of their rights in relation to children”; and Hon. Inna Mikhailovna Strepkova, Justice of the Peace presenting on “Review of cases of inappropriate child-rearing responsibilities and child abuse, art.156 Criminal Code of RF.”

Materials were presented in Russian to Russian participants.
<http://www.rarolc.net/events/detail.php?cid=292>.

Petrozavodsk Legal Aid

On June 2, 2009, a two hour live video conference took place at the Karelia Arbitrazh Court for purposes of connecting leading experts in the legal aid field. Four U.S. experts, Alan Houseman from the Center on Law and Social Policy in Washington, DC, James May, Director of the South Royalton Legal Clinic at Vermont Law School, Vermont Legal Aid Director Eric Avildsen, and Vermont Law Line Director Tom Garrett, took part in this live video link, along with their Karelian professional counterparts. The U.S. by Karelia experts included Maria Garbuzova, Chief of the Karelia Legal Aid Bureau; N.A. Polyakova, Chief of the Ministry of Justice; other key members of the Department of Justice responsible for implementing the Karelia Legal Aid program, and members of the Advocates’ Chamber.

The discussion covered such subjects as evaluating service models in the U.S.; client eligibility and special projects; suing powerful institutions or people; and interacting with law schools.

The discussion followed the general outline listed below. Details on this event may be found at <http://www.rarolc.net/events/detail.php?cid=293>.

Petrozavodsk Insurance Law Seminar

On June 4, 2009, the Vermont Karelia Rule of Law Project participated in a seminar on the topic of mandatory automobile insurance, presented by the Union of Jurists of the Republic of Karelia (UJRK) at the Supreme Arbitrazh Court of the Republic of Karelia, in Petrozavodsk. The topic was chosen by the UJRK to study Russian Federation legislation mandating automobile insurance. The relevant Russian Federation legislation is Chapter 48 (Articles 927-970) of The Civil Code of the Russian Federation. Supplementing presentations by Karelian judges, Professor Mikhail Schwartz of St. Petersburg Law Faculty headlined the event.

Professor Schwartz discussed mandatory automobile liability requirements in Russia. Through case studies of actual court decisions, he illustrated coverage issues, damage calculations, covered drivers, and the role that police investigations of traffic accidents play in insurance claims.

Judges Strakatova and Toivonen also presented trial-level case studies and appellate decisions to illustrate current issues which Russian courts are confronting in the handling of insurance disputes.

Comparative U.S. law presentations were provided by the two Vermont lawyers. Harland Miller provided information on the regulation of insurance companies, the obligations of insurance companies to handle claims, unfair trade practices, and bad faith claims. Mark Oettinger presented on mandatory automobile liability insurance, subrogation rights and the role they play in civil litigation, and the computation of damages in insurance claims.

A highly interactive round table discussion was held at the end of the formal presentations, with the panelists answering questions from the audience, posing hypothetical situations, and comparing the law and practice of the Russian Federation with Vermont law and practice.

Details and materials on this seminar may be found at <http://www.rarolc.net/events/detail.php?cid=293>.

Activity 2: Publications and Informational Support

- *Publications*

The RLPP editorial board includes the President of the Federal Bar Chamber, Eugene Semenyako; Professor of the Moscow State Academy of Law, Lidya Voskobitova; Dean of the Institute of Advocacy, Svetlana Volodina; RLPP Chief of Party, Gleb Glinka, and Deputy Chief of Party Anton Alferov.

In April, RLPP received a letter from President of the Federal Chamber of Advocates, Mr. Semenyako, in his capacity as a member of the publications editorial board requesting to publish a collection of the closing arguments, speeches, and essays for the defense by Ariya, Russia's most famous advocate. Ariya is a living legend among defense attorneys for his tactical brilliance and exemplary integrity. This publication, which will be freely distributed to newly admitted and young advocates, will help to ensure a continuity of the best Russian traditions of independent, courageous, and persuasive advocacy.

RLPP conducted two meetings with Ariya to discuss the publication, "*Life of an Advocate*", and to collect information on Ariya's views, conclusions, remarks, and notes about different aspects of the Russian legal profession, his life's experience, and his legacy for new generations of advocates. During this period, Gleb Glinka conducted several interviews with Attorney Ariya to be included as an afterward to this book.

RLPP is also continuing to work on two additional publications, "*Interactive Methods in Continuing Legal Education*" and "*Attorney-Client Privilege*".

- *Russian-language project web site*

RLPP staff is working on identifying vendors for the Russian-language web site. After soliciting and examining three bids, the RLPP has identified a provider to host its web site, which is currently under development. RLPP staff began work on collecting information to publish on the website and designing the structure for access to information related to the project's activities on the web-site. This web site will be launched in July during the next quarter.

Resource and Donor Coordination

One of the useful aspects of our work has involved informally sharing information and resources between projects currently working on the rule of law in the Russian Federation, serving as a conduit for passing along information about their activities and assembling and disseminating written materials of interest. To promote the collaboration of the donors' community, during the reporting period RLPP continued to disseminate materials prepared and provided by other projects funded by USAID and the international community designed to promote the rule of law in the Russian Federation and also current information about existing projects active in this area (prepared and provided by the World Bank). These materials included: the Annual Report of the Russia judicial reform and partnerships program (JRP) for July 1, 2006-June 30, 2007 by Chemonics International Inc. (July 2007); a Program Final Report for Supporting Russia's judicial reform: innovation, efficiency, and partnerships, Russia judicial reform and partnerships

program final report by Chemonics International Inc. (30 June 2008); an updated list and description of all major rule of law projects active in the Russian Federation funded by development agencies current through April 5, 2009 by World Bank; recent materials on Justice of the Peace Courts by Peter Solomon; information about the sociological surveys on perceptions of the Russian judicial system conducted under the auspices of the INDEM Foundation, the results of which are available on its web-site at www.indem.ru.

RLPP will also expand the collection of materials from rule of law projects to include materials from other CIS countries. RLPP will provide the donors' community with materials from Ukraine concerning the establishment of a JP system and pertinent research prepared by Brian Z. Tamanaha of St. John's University of Law on "the Primacy of Society and the Failure of Law and Development." All relevant material and information collected by RLPP in June, including a synopsis of the activities of other ongoing projects by the World Bank, will be distributed to the donors' community in early July.