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SUPPORTING RUSSIA'S JUDICIAL REFORM: INNOVATION, EFFICIENCY, AND PARTNERSHIPS

Russia Judicial Reform and Partnerships Program
Final Report

JUNE 30, 2008

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JRP / NORMAN MEYER

Along with installing new security checkpoints at pilot courts (shown), USAID helped install a closed-circuit television system to protect the anonymity of witnesses and offered suggestions for further security enhancements.

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USAID Contract No. DFD-I-00-04-00171-00, Task Order 803 under the Rule of Law IQC



JRP / NORMAN MEYER

A judge of the Pushkin District Court in St. Petersburg (one of JRP's five pilot courts), preparing to hear a case in a courtroom equipped with a new audio system to record trials. The recording system will provide an accurate and complete record of the trial, increase court transparency, and build public trust in the judiciary.

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FRONT COVER: USAID supported the Russian judiciary's development efforts through technology, training, partnership building, and targeted technical assistance. From information kiosks (cover) supporting increased transparency in district courts to study tours in the United States to help establish international relationships and best practices, USAID and its Russian partners worked together toward comprehensive and long-lasting reform.

JRP / ROMAN RODIONOV

BACK COVER: A statue of Themis, the Greek goddess of justice, stands at the Moscow City Court.

JRP / PATRICK LOHMEYER



JRP / NORMAN MEYER

With a long history and a rich cultural heritage, Russia has broad experience from which to learn and to reform its judiciary.

EXECUTIVE SUMMARY

USAID's Russia Judicial Reform and Partnerships Program (JRP) was the latest in a decade-long series of projects designed to support the Russian Federation's judicial reform and modernization efforts. Judicial modernization is a lengthy process, and progress is measured by movement along a continuum rather than in short-term successes. The continuity of these projects conveyed to Russian counterparts USAID's ongoing commitment to supporting the Russian judiciary's modernization priorities and, in so doing, helping it advance toward increased judicial transparency and independence and a strengthened rule of law.

Since 2005, when this most recent USAID judicial reform contract began, JRP and its Russian partners have realized a significant cumulative effect by:

- Creating new draft case management instructions to

improve the performance of 2,500 district courts of general jurisdiction;

- Writing a standardized code of conduct for all of Russia's 80,000 court personnel;
- Training more than 1,800 judges and court personnel;
- Creating position-specific curricula to provide much-needed specialized instruction for court personnel;
- Supporting judicial independence by facilitating the publication of specialized publications on judicial ethics;
- Enhancing the judiciary's training and distance-learning capacity;
- Installing electronic information kiosks and audio recording equipment for court hear-

IT specialists for the commercial court system learn how to develop and implement e-filing and other modern technologies to improve the functioning of the commercial courts.

JRP / ROMAN RODIONOV



ings to improve transparency and public access to information; and

- Fostering leadership opportunities for women judges.

Like its predecessor projects, JRP featured a Russian-only staff, coordinated with international donor agencies and other donor-assisted projects, introduced beneficial technology innovations, and supported stronger domestic and international partnerships to establish the kind of professional relationships that will continue the open exchange of best practices well into the future. The generous long-term contribution of time and expertise by numerous U.S. judges and court system personnel, both on visits to Russia and in hosting Russian visitors to the United States, contributed immeasurably to the achievement of project goals.

The challenges posed by a judicial modernization project in Russia can be daunting. When USAID began the JRP project in 2005, the Russian court system had made great progress but still faced a large and dispersed population, public distrust, a generic court personnel training curriculum, and judges burdened with administrative tasks that kept them from focusing on administering justice. The sheer size of Russia and its judiciary posed a challenge for standardization of processes, practices, and beliefs. The Russian Federation is spread across 11 time zones and employs more than 30,000 judges. Any judicial modernization effort would have to consider activities that could be accurately replicated across this landscape.

Thanks in large part to the strong and productive partnerships established during more than 10 years of USAID collaboration

with the Supreme Court of the Russian Federation, Academy of Justice, Council of Judges, Supreme Judicial Qualifying Collegium, Supreme Commercial Court, district courts throughout the country, and others, JRP navigated the challenges facing the Russian judiciary and provided targeted and catalytic assistance to promote long-term and nationwide solutions. Pilot courts acted as laboratories to test innovations, which were refined and perfected before being introduced by the Russian judiciary into other courts in the country.

Some of the innovations introduced through JRP inspired activities in other USAID projects in the region. For instance, the production of a new judicial ethics journal in Ukraine directly benefited from

successes and lessons learned in Russia during JRP.

As the current contract comes to a close, USAID is pleased with JRP's success in helping the Russian judiciary advance its modernization efforts, while at the same time providing a model of successful intervention for other donor-assisted projects in Russia and in the region. Across a large and diverse country like the Russian Federation, judicial modernization is a long-term effort. For the past 11 years, USAID has established solid partnerships with key Russian counterparts, promoted lasting relationships between Russian and American professionals in the judiciary, and provided counterparts with targeted support of Russian reform goals to ensure lasting and meaningful impact.



JRP / NORMAN MEYER

The Russian judiciary serves a populace that is spread over 11 time zones, including high-profile cities like Moscow and St. Petersburg as well as thousands of small towns across the federation. JRP's activities and partnerships extended to every corner of the country.

CHAPTER ONE

THE EVOLUTION OF JUDICIAL MODERNIZATION IN THE RUSSIAN FEDERATION

ABIDING BY INTERNATIONAL STANDARDS

Russia ratified the European Convention on Human Rights in 1998. All Russian courts are now obligated to apply the jurisprudence of the European Court of Human Rights. The convention is the preeminent guarantor of human rights and fundamental freedoms for all 47 member states of the Council of Europe, and Russian courts are working to comply fully with its international fair trial standard. The impact of this development has only begun to be felt in Russia.

JUDICIAL REFORM IN RUSSIA — ISSUES AND CHALLENGES

Russia has undergone considerable transformation since the collapse of the Soviet Union in 1991, a transformation that continues to this day. Throughout this process, USAID has partnered with the government of the Russian Federation and the Russian judiciary to support their efforts to promote the rule of law, thus furthering democratization and the establishment of an effective market economy.

Rule of law is a central element of the good governance necessary for any country to achieve political, economic, and social development. It requires an effective judicial system with independent, competent, and ethical judicial officers, who have the resources and capacity to administer justice properly for all

citizens. At the time of independence, the Russian judiciary had limited capacity to properly select and train judges. Judges were burdened with excessive caseloads and administrative procedures, received inappropriately low salaries, and lacked a detailed and comprehensive code of ethics to govern their work. Most importantly, the judiciary was impeded by the fact of having been designed to work under a different political system, one without a market economy or the many rights and freedoms embodied in the Constitution of 1993.

THE EARLY PARTNERSHIP

Recognizing these and other challenges, USAID began its partnership with the Russian judiciary in 1994. The early emphasis was on exposing Russian judges, policy makers, lawyers, and other stakeholders

to international concepts of the rule of law, separation of powers, and other fundamentals of law in a functioning democracy. The international community also sought to create opportunities for Russians to interact with colleagues from other countries, share experiences, and build productive relationships.

RUSSIAN-AMERICAN JUDICIAL PARTNERSHIP I

By 1997, with impressive progress having been made, USAID launched the Russian-American Judicial Partnership (RAJP I) project. This project, implemented by Chemonics International and the National Judicial College (NJC), was designed to help the legal system support democratic processes and market reforms and better administer, apply, and enforce the law. In 1998, a judicial ethics component was added, as both the Council of Judges of the Russian Federation and the Supreme Judicial Qualifying Collegium (SJQC) of the Russian Federation gave increasing attention to judicial ethics.

When RAJP I concluded in August 2000, the project had conducted events on Russian law, best practices for judicial selection, ethics, and discipline for nearly 2,000 judges, court administrators, and court staff. RAJP I trained 181 Russian training faculty and used Russian and U.S. experts to prepare more than 2,000 pages of workshop materials, booklets, and manuals on Russian law, court procedures, ethics, and administration. The project also introduced electronic training and administration to

the courts, implemented the first e-mail system for disseminating commercial court decisions in Russia, and assisted in the creation of a Web site for the Judicial Department of the Supreme Court (the administrative body for courts of general jurisdiction).

RAJP I helped empower the Russian judiciary to police itself by defining and regulating ethical behaviors. For example, the project worked with the SJQC to prepare and disseminate a manual on judicial ethics, training, and discipline that has been used throughout the country.

Crucial to RAJP I's success was its emphasis on transferring judicial training and administrative skills to Russian institutions, judges, and court administrators to build their capacity to support judicial reforms. RAJP I activities kept Russian judges abreast of changes in the law while simultaneously building relationships between the Russian and U.S. judiciaries, especially between the Judicial Department of the Supreme Court and the Administrative Office of the U.S. Courts. Indeed, by the time the project ended in 2000, USAID had established lasting professional relationships with Russia's newly established judicial institutions.

RUSSIAN-AMERICAN JUDICIAL PARTNERSHIP II

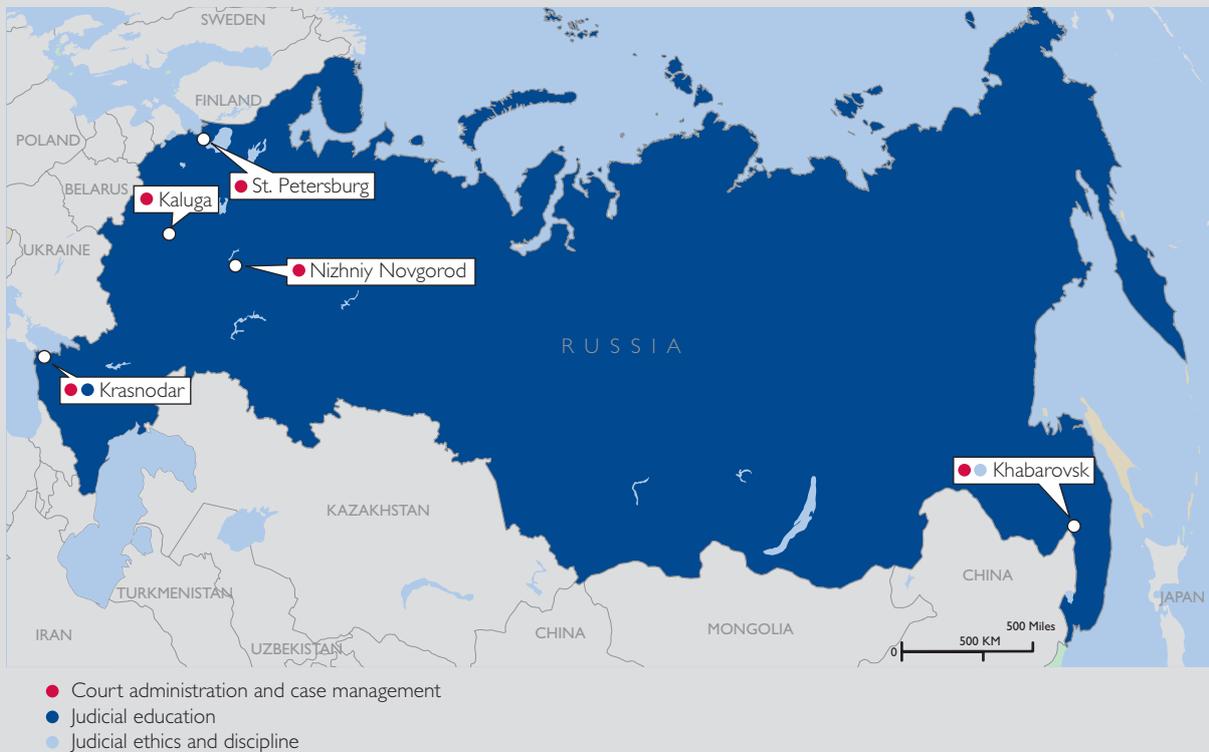
Starting in June 2001, the successor RAJP II project leveraged U.S. and Russian expertise to build on previous successes by further strengthening the capacity of the Russian

judicial system and increasing its transparency and efficiency. RAJP II improved training capacity and court administration, heightened awareness of judicial ethics, and fostered relationships between U.S. and Russian counterpart organizations and individuals, including judges, courts, training institutions, and court administration associations. In addition to its impact in these areas, RAJP II was also notable in that its project team in Moscow was entirely Russian, which further ensured

that all project activities were appropriate for the Russian context and emphasized Russian ownership of reforms and recommendations.

Under RAJP II, the Council of Judges asked U.S. judges to help develop a new code of judicial ethics for Russian judges. The project helped the SJQC produce a journal, *Vestnik (Herald)*, which published and disseminated judicial disciplinary decisions to the judicial community, media, and public. This was the first time such information had ever been

JRP PILOT COURTS



JRP helped a Russian Academy of Justice working group to develop specialized court staff training curricula. Court personnel and administrators now receive training that addresses the specific demands of their positions.



JRP / ROMAN RODIONOV

publicized, and was an important step toward judicial transparency, as citizens, judges, and the mass media now could learn about judicial misconduct and resulting disciplinary decisions. At the same time, the commentary and advice in this journal helped judges prevent behavior deemed by the SJQC as unbecoming or in violation of the Code of Honor, or later, the Code of Judicial Ethics.

To increase the judiciary's training capacity, RAJP II coordinated efforts with the Russian Academy of Justice (AOJ) — the official judicial training institution — and facilitated an agreement of cooperation between it and the National Judicial College in Reno, Nevada, the preeminent nongovernmental U.S. educational facility for judges and judicial personnel. Throughout the course of the project, RAJP II, NJC, and the AOJ together exposed more than 1,500 judges, court administrators, and other court staff to new and efficient

judicial training methods and substantive legal and judicial topics.

Significantly, under RAJP II, USAID began working with two pilot courts — the Pushkin District Court outside of St. Petersburg and the Priokskiy District Court in Nizhniy Novgorod — that would serve as laboratories to test new methods of customer service, case management and court administration techniques, random case assignment procedures, and improved archiving. These pilot courts were among the first in Russia to establish the position of law clerk, thus freeing judges from administrative duties, lessening potentially inappropriate contacts of judges with only one party to a case, and increasing the pace of case flow.

JUDICIAL REFORM AND PARTNERSHIPS

Despite these successes, when RAJP II ended in 2005, many challenges remained: the workload on judges and court staff

was still too high for efficient administration, and the AOJ lacked sufficient resources to train court staff. Consequently, that same year, USAID launched the Judicial Reform and Partnerships program to strengthen judicial independence, self government, and administrative development; increase the Russian judiciary's training capacity; establish clearer judicial standards and methods of enforcement; and promote partnerships between U.S. and Russian judiciaries and the sharing of best

practices. Since 2005, JRP has worked successfully with its Russian counterparts, including the Supreme Court of the Russian Federation, AOJ, SJQC, Council of Judges, Judicial Department, and Supreme Commercial Court. JRP also expanded reform efforts to three additional pilot courts — the Zhukovskiy District Court in Kaluga Oblast, Krasnoflotskiy District Court in Khabarovsk, and Pervomaiskiy District Court in Krasnodar. These partnerships were key to project success.

JRP's work with five pilot courts has led to tangible improvements in other Russian trial courts. For instance, the chairperson of the Angarski District Court's juvenile division emulated many of the pilot court innovations after attending several JRP events and visiting the pilot courts. Her court (at right) now has vastly improved records management, security, case management, and even a progressive media relations initiative.

JRP / NORMAN MEYER





JRP / ROMAN RODIONOV

Along with partners in the Russian judiciary and the Canadian Judicial Reform project, U.S. clerks of court worked pro bono for JRP with an Academy of Justice working group to create new training curricula for court staff.

CHAPTER TWO

GUIDING PRINCIPLES AND PROJECT OBJECTIVES

RECOGNIZING JRP

In May 2008, at its plenary session in the Black Sea town of Sochi, in recognition of USAID's contribution to rule of law in Russia, the Russian Council of Judges gave JRP Chief of Party Alexander Shibarov its prestigious Judicial Service Award, an honor usually reserved for judges with more than 20 years of service.

USAID's judicial reform activities under JRP were designed to enhance long-term sustainability and effectiveness. To this end, JRP maintained and promoted Russian leadership, encouraged and strengthened Russian-Russian and Russian-American partnerships to facilitate long-term direct knowledge sharing, and coordinated actively with other donors to leverage all available resources and shared experience. These guiding principles resulted in locally owned, long-lasting initiatives that should benefit the Russian judiciary for years to come.

PROMOTING RUSSIAN LEADERSHIP

Like its predecessor project, RAJP II, JRP was staffed entirely by Russians. Many members of the team had worked with USAID on judicial reform in Russia since 1997 and had built lasting professional

relationships with key counterparts in the Russian judiciary. Indeed, JRP carried the idea of local ownership beyond project staff. For instance, by working with the Voskhod Research Institute to create information kiosks for the pilot courts, JRP fostered Russian leadership in an important market for suppliers to the judiciary.

Capacity building often involved using the knowledge of Russian professionals to build stronger local relationships and encourage greater impact. For instance, in 2005, at the request of the Supreme Commercial Court and the Russian-American Rule of Law Consortium (RAROLC), a USAID sub-grantee, JRP arranged for Igor Drozdov, administrator of the Supreme Commercial Court, to participate in a conference on public access to court recordings and proceedings.

ENCOURAGING PARTNERSHIPS

JRP fostered enduring connections among Russian judicial institutions and between Russian judicial institutions and U.S. counterparts. JRP consistently used a small cadre of U.S. professionals, including federal clerks, representatives of the Federal Judicial Center, and federal judges, who had provided pro bono assistance through USAID for many years and developed first-name relationships with their counterparts at all levels of the Russian judiciary. These American participants, in turn, hosted Russian delegations — including court chairpersons, judges, pilot court administrators, and senior Judicial Department officials — on study tours to the United States. As described below, many of the study tours leveraged other U.S. government funding through the Open World program.

Before coming to the United States, study tour participants met to decide which practices they wanted to evaluate further on the tour, such as the introduction of judicial assistants, more efficient work organization in clerks' offices, delegation of some administrative responsibilities from the court chairperson to the court administrator, more efficient organization of archives, introduction of a case docket, and other changes in case management and court administration. Participants then examined these practices in action.

The study tours allowed participants to gain new insight

on innovations that had once troubled them. When pilot court representatives could see with their own eyes how these ideas worked in practice, things became clearer. As Judge Yury Danshin of the JRP-supported Pushkin District Court said about his 2003 study tour under RAJP II, “Better to see once than hear many times.” Moreover, the formal and informal relationships that resulted from the discussions led to lasting and productive friendships and greater cooperation between pilot courts and visiting American experts.

DONOR COORDINATION

Recognizing that judicial reform is best served when international donors coordinate efforts, JRP cooperated with the American Bar Association's Rule of Law Initiative (ABA/ROLI, formerly the Central European and Eurasia Law Initiative, or ABA/CEELI), the British Council's Department for International Development, the Council of Europe, the European Union's TACIS program, the Canadian-Russian Judicial Partnership (CRJP), Russian-American Rule of Law Consortium, U.S. Department of Justice, Open World Russian Leadership Program, and the implementation unit for a World Bank loan, the Russian Foundation for Legal Reform. This coordination included sharing materials and conducting joint activities.

Donor coordination also led to the cross-fertilization of ideas and innovation: when some projects lacked resources, others were able

On a study tour of Washington, D.C. and Anchorage, Alaska, jointly organized with Open World, Mikhail Yuryevich Ptitsyn, chair of the West-Siberian Military District Court; Dmitriy Anatolyevich Krasnov, chair of the Kaluga Region Court; and Aleksandr Nikolayevich Voskoboynikov, head of the Judicial Department for the Republic of Khakassiya, discuss the U.S. Supreme Court with a court representative in Washington, D.C.



JRP / JUSTIN DEGRANDE

to pick up on strategies and run with them. For instance, JRP worked with the World Bank in designing its Judicial Support Loan project. The World Bank project drew on USAID's experience under JRP to develop case management software, publish court decisions, provide audio recordings of trials, train court personnel in new systems, and use pilot courts to introduce reform. The result has been, in a sense, JRP writ large.

To further leverage donor cooperation and resources, USAID shared the costs of its U.S. federal court study tours to Maine, Alaska, and Washington, D.C., with Open World, a program managed by the Open World Leadership Center, an independent legislative branch entity in Washington, D.C. JRP has also co-hosted training sessions with ABA/ROLI, RAROLC, and CRJP. From frequent

donor coordination meetings to co-sponsoring large-scale conferences and roundtables, JRP has been a core support for USAID's rule of law activities in Russia.

Of course, the guiding principles described above are not goals, but means through which USAID has achieved results in judicial reform in Russia. Through JRP, USAID applied these principles toward the project's objectives (described below) of improving court administration, promoting judicial ethics, increasing judicial self-governance, building the judiciary's own training capacity, and fostering local and international leadership opportunities for women judges.

IMPROVING JUDICIAL ADMINISTRATION

JRP improved court administration by replicating the les-

BEFORE & AFTER

Where Efficiency Holds Court in Russia

USAID-supported pilot courts show the benefits of efficiency and provide better access to justice.

Some Russian courts, like the district court in Pushkin (right), badly needed organizational reform. USAID helped introduce case management, IT, staffing, and other organizational innovations in five pilot courts to make them more efficient, transparent, and just. Through USAID-supported case management automation, new archiving procedures, and e-kiosks, lawyers and the public can now accomplish most tasks in just a few hours. The clerk's office is open 45 hours a week instead of 12, administrative staff — not judges — deal with routine matters, and cases are processed in weeks rather than months or years. The innovations from these pilot courts will eventually be spread nationwide.



JRP / NORMAN MEYER

BEFORE Long lines and poor organization plagued Pushkin District Court. Judges were responsible for menial administrative tasks. Lawyers and citizens seeking files could do so only five hours a week. Documents were stitched together, cases were inconsistently numbered, and closed and open cases sat side by side. As a result, minor matters took up to three weeks to resolve, and cases dragged.



JRP / NORMAN MEYER

AFTER USAID provided recommendations to improve court administration in records management and efficient staffing, two of the areas with the greatest immediate need. Tamara Semenova, a long-term Pushkin lawyer, confirms that “the work organization in the Pushkin court is considerably better.”

sons learned from pilot courts to as many Russian courts of general jurisdiction as possible and increasing the administrative capacity of the Judicial Department of the Supreme Court of the Russian Federation. Judicial administration was a major project component because inefficient court management impedes court functioning and, consequently, leads to negative public perception of the courts.

JRP and the Judicial Department began by introducing court administration and case management improvements in two pilot courts, the Pushkin and Priokskiy district courts. Based on these successes, the Russian Judicial Department took the lead in expanding the improvements to three additional courts, which subsequently became JRP pilot courts themselves. JRP's activities focused on creating new draft case management instructions that contain the administrative policies and procedures that direct judicial staff and automating the pilot courts to improve efficiency, effectiveness, transparency, and customer service. The draft instructions and other changes will eventually apply to 80,000 court staff in 2,500 Russian *rayon* (district) courts.

PROMOTING JUDICIAL ETHICS

By helping to establish rules of conduct for court staff and mechanisms for ethical advice, JRP promoted their widespread adoption in Russia. Now, for the first time, there are established

expectations of conduct for all of the country's 80,000 court staff.

INCREASING JUDICIAL SELF-GOVERNANCE

JRP provided Russian judicial institutions with technical assistance from, and shared the best practices of, U.S. judicial bodies. JRP maintained ongoing relationships between the Council of Judges (the governing body for all Russian judges and the primary authority of self-government in the judicial branch) and the U.S. Judicial Conference's International Judicial Relations Committee. In December 2004, the sixth All-Russia Congress of Judges adopted a new code of judicial ethics. Although the code has been implemented, there is substantial debate over the meaning of its requirements and standards of judicial behavior and punishment for violation of code requirements. JRP worked closely with the SJQC to clarify these standards and requirements.

BUILDING THE JUDICIARY'S TRAINING CAPACITY

Cutting across these areas and keeping sustainability in mind, JRP specialists improved Russia's judicial training capacity by collaborating with the Academy of Justice to train local trainers and create specialized curricula for court staff, which were adopted for nationwide use. JRP gave the AOJ the necessary tools and international resources to ensure that court staff and administrators have the training and skills to adjudicate cases transparently and efficiently.

FOSTERING LEADERSHIP OPPORTUNITIES FOR WOMEN JUDGES

JRP encouraged dialogue on gender in judicial reform across all project components and sought out leadership opportunities for women in Russia's judiciary. In addition, JRP continued the work of RAJP II in sponsoring Russian women judges to participate in international events, such as the biannual conference of the International Association of Women Judges (held in 2006

in Australia), promoting the participation of women judges in conferences in Russia, and supporting women judges from the United States to share their experiences with Russian colleagues of both sexes.

By building domestic and international partnerships and fostering long-term cooperation, JRP has helped Russia's judiciary make notable progress, under challenging circumstances, toward a more transparent and independent judicial system.

Building on a previous initiative of the International Association of Women Judges and in cooperation with the Council of Judges, JRP held a conference in Moscow for 45 women judges and other high-ranking court personnel from throughout the Russian Federation. Participants discussed international treaties on women's rights, the status of women judges, the international experience on women's rights in the courts, and court remedies for the protection of women's rights.

JRP / ROMAN RODIONOV



CHAPTER THREE

BUILDING LOCAL CAPACITY IN JUDICIAL TRAINING

“ The workshop [on new judicial distance-training programs] was a breakthrough in developing training programs for the distance-learning system we hope to introduce through the Academy of Justice and its branches. ”

**VLADIMIR PEISIKOV,
PRO-RECTOR OF
THE ACADEMY OF
JUSTICE, 2005**

USAID has long understood that effective reform programs are built on local capacity, and particularly the ability of host-country institutions to develop and deliver training for themselves. JRP therefore worked closely with the Academy of Justice — the institution charged by the Russian government with training judges and court personnel — to introduce new distance-learning modules and help develop and revise training curricula.

DISTANCE-LEARNING PROGRAMS

Russia’s immense size poses a unique problem to judicial modernization because of the difficulty and cost of providing training and materials over such a vast area. JRP helped the AOJ develop its capacity to deliver high-quality educational programs efficiently and cost-effectively. The project coordinated its efforts with those

of its European and Canadian counterparts, who were also working to improve the level of judicial training and raise the status of court administrators in Russia. Donor cooperation played an important role in avoiding overlap and inconsistency.

Under JRP’s predecessor, RAJP II, USAID created 700 packages of general information about distance learning. In response to a request from the Russian judiciary, JRP built on this earlier work and invited a pro bono team from the Federal Judicial Center in Washington, D.C., to conduct a Web-based learning workshop for AOJ lecturers and IT experts. According to Vladimir Peisikov, former vice-president of the AOJ, the workshop was efficient and timely, “as the AOJ was, at that time, purchasing hardware and software to introduce e-learning in all AOJ branches.”

With the Academy of Justice and National Judicial College, JRP produced and distributed hundreds of distance-learning training packages (including pamphlets and videos) to AOJ branches and judges across the country to support the development of a national distance-learning program. These packages were subsequently shared with judiciaries in other countries to help them develop distance-learning programs.

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“ The train-the-trainers seminars showed us new educational methods, based on active involvement of trainees in the learning process. ”

**IRINA MOSTOVAYA,
TRAINER
AND DEPUTY
DIRECTOR OF THE
PRIVOLZHSKIY
BRANCH OF THE
ACADEMY OF
JUSTICE, 2005**

At the workshop, AOJ lecturers and IT experts created four e-learning modules. Moving beyond Soviet-era lecture-only methodologies to teach participants how to incorporate role playing, group discussions, and other effective training methods in designing e-learning courses, JRP, in the words of one participant, “didn’t just give us fish; it taught us how to fish.”

Recognizing the importance of this innovative and far-reaching program, the AOJ asked JRP to create a set of distance-learning materials that would teach AOJ lecturers and IT staff how to design e-learning training modules for judges and court staff. JRP subsequently developed new training materials, including a video and pamphlet about the e-learning workshop, and delivered 200 of them to all AOJ branches. As a result of JRP’s efforts, the AOJ learned to develop distance-learning packages on its own, independent of international donors. The AOJ is

still beginning to implement its e-learning programs.

DEVELOPING NEW TRAINING CURRICULA

JRP also showed that using unified curricula across a diverse country like Russia increases the effectiveness of the training, and consequently judicial capacity, consistency, and efficiency. Working with its partners in the Russian judiciary and Canadian Judicial Reform project, JRP established a working group including U.S. clerks of court working pro bono and Canadian and Russian experts to develop two new curricula — for court personnel and for court administrators — to be taught under the AOJ’s supervision.

When the working group started in July 2006, Russia had no unified training curriculum for court staff. Training for new personnel and continuing education differed from court to court and, in most cases, did not reflect changes in Russian law governing court

administration. There was also no specialized curriculum for court administrators. The two new curricula developed under JRP, which the AOJ approved for nationwide use in November 2007, sought to overcome these difficulties by achieving three specific goals.

First, the new curricula standardized and unified instructional topics and methodologies. JRP thus ensured that court administrators from Vladivostok to Kaliningrad now receive the same training and can run their courts in similar fashions, guaranteeing easier and more consistent access to justice for all Russians.

Second, the new curricula offer specialized content for court personnel and administrators to meet their specific needs. Previously, the AOJ's 10 regional branches had a common program for court personnel and administrators that did not distinguish between each group's unique roles and responsibilities. Now, roles are more clearly defined, and administrators and personnel are receiving the training they need to do their jobs effectively. For instance, the curriculum for court personnel focuses on case management, whereas the curriculum for court administrators includes such topics as court personnel management and providing technical and material support to courts. With positions more clearly defined, the Judicial Department and AOJ hope that court chairpersons will now be able to enhance court efficiency by delegating many of their administrative tasks to court administrators. This is already taking place in JRP pilot and implementation courts.

Third, the new curricula focus on urgent issues of court administration, such as access to justice, effective management and planning, and providing better service to citizens. The curricula also incorporate new concepts proposed by U.S. and Canadian experts to increase the status and effectiveness of court administrators and personnel in Russia. Already, pilot court chairpersons have noticed that, with the new technologies and better trained court personnel and administrators, citizens are happier with court services. They don't have to stand in line to obtain necessary information, service is quick, and court personnel are customer-oriented and friendly.

After the AOJ approved the curricula in 2007, USAID and its Canadian and Russian partners began developing accompanying textbooks for court personnel and administrators. These textbooks should be available in courtrooms and to court employees throughout Russia by the end of 2008, and will form the basis of training for new court personnel and administrators.

These new e-learning initiatives, the curricula and accompanying manuals for court personnel and administrators, the acceptance of innovations by AOJ branches across the country, and partnerships between key donors have provided a foundation from which the AOJ can lead Russia's courts into the future. These advances have shown that Russia can serve as an example of innovation to its neighbors.



JRP / NORMAN MEYER

At the Pushkin District Court in St. Petersburg (one of the five JRP pilot courts), a modern security system helps provide safety to the court and its staff.

CHAPTER FOUR

PROMOTING EFFICIENCY AND AUTOMATION IN COURT ADMINISTRATION

“ It is easy and convenient to use an information kiosk... Within seconds, you have the information you need!”

**VALENTINA
NIKOLAYEVNA
DEMINA,
SCHOOLTEACHER,
ON THE USAID-
INSTALLED
INFORMATION
KIOSK AT THE
PRIOKSKIY DISTRICT
COURT IN NIZHNIY
NOVGOROD, 2008**

Inefficient court management impedes effective court functioning and leads to a negative perception of the courts by citizens. Indeed, for many in Russia, the very thought of entering a courthouse brings to mind long lines, confusing and plentiful paperwork, and overworked and underpaid court staff. These concerns, along with questions on judicial autonomy and ethics, led many Russian citizens to develop negative perceptions of the judiciary over the years. At the same time, it is clear that transparent, effective courts are those that enjoy efficient case management and court organization.

For these reasons, USAID devoted considerable energy toward working with its Russian counterparts to improve the administration of Russia’s courts. JRP worked primarily through five pilot courts — the original two established under RAJP II (in

Nizhniy Novgorod and Pushkin) plus three added under JRP: Krasnoflotskiy District Court in Khabarovsk, Pervomaiskiy District Court in Krasnodar, and Zhukovskiy District Court in Kaluga Oblast. These five courts served as laboratories to test and refine court administration and case management practices that could serve as a model for gains in efficiency throughout the rest of the judicial system. Indeed, these courts and their personnel have set examples that are now being adopted throughout the Russian court system.

COURT AUTOMATION

One of the first and most far-reaching actions that JRP and its Russian partners undertook in this regard was the full computerization of the pilot courts. Automation of many tasks integral to court operations can improve efficiency, reduce overhead and paperwork, and boost public

support. The benefits in efficiency, financial savings, personnel satisfaction, and public support can be significant. The automation efforts involved two steps: testing a new case management software system and testing new draft case management instructions, both of which will eventually be used in all of Russia's 2,500 district courts.

More than five years ago, the Russian judiciary began working on an automated information system that could unify the information environment for courts of general jurisdiction and the Judicial Department of the Russian Federation. This system would also provide information

on and technological support for legal proceedings and balance the information needs of citizens and society with the judiciary's need to prevent the disclosure of private information. The result was Pravosudie (Justice), an automated information system that provides a single information-sharing environment for general jurisdiction courts and the Judicial Department and has 27 distinct modules (including case management, statistics, and financial monitoring) to improve the effectiveness and efficiency of court operations. By January 1, 2007, Pravosudie was being used in all of Russia's 2,500 district courts. Although not every court uses each of the 27 modules, they

JRP and its judicial counterparts worked closely with developers from the Vokshod Research Company to design the Pravosudie case management system, which has revolutionized the way the five pilot courts conduct business.

JRP / ROMAN RODIONOV



continue adding modules according to their needs.

With USAID support, the Judicial Department and the Voskhod Research Institute (the system's developer) procured software and hardware to fully equip the judges' and clerks' offices in the pilot courts and connect them into a single network. From the beginning of USAID's pilot court work under RAJP II, it was clear that a significant increase in case management efficiency would not be possible without automation. USAID therefore helped the courts acquire the necessary computer equipment and supported a comprehensive Judicial Department training program for all judges and court personnel.

Today, pilot court judges use computers to write their decisions and search legal databases, and all pilot court personnel — including judicial assistants, courtroom secretaries, and clerks — complete their work on computers. As a result, case management has considerably improved, document searches and preparation take less time, and the quality of work is higher.

CASE MANAGEMENT INSTRUCTIONS

At the same time, USAID worked with its partners at the Judicial Department to test and revise draft new case management instructions. The instructions, also known as "Instructions for Clerical Work Management," contain the administrative policies and procedures that direct 80,000 judicial

staff in 2,500 Russian *rayon* (district) courts.

Recognizing that the current instructions did not deliver the level of quality and transparency the judiciary sought, USAID, the Judicial Department, and the pilot courts created and tested revised instructions that would enhance court efficiency. Over several years, and with the voluntary assistance of several U.S. court administrators, USAID supported a Judicial Department working group that created new draft instructions and then worked with the pilot courts to test them in everyday situations.

Among the more significant changes in the new instructions was the introduction of a consolidated case docket, onto which all significant documents and events in a case are recorded. The docket offered judges, court staff, and citizens a single reference point for basic case information, status, and history, and replaced the multiple ledger books and subsidiary records currently used in the courts. The new instructions also call for unique case numbers to improve case tracking and flow and a random case assignment system to improve judicial transparency and accountability.

In May 2008, after several revisions based on pilot court feedback, USAID's partners and the Judicial Department collectively presented the Presidium of the Council of Judges of the Russian Federation with a final version of the new instructions. The council recommended the

JRP's five pilot courts are now a model of efficiency and organization. Case files are clearly organized and securely stored.

JRP / ROMAN RODIONOV



new instructions be introduced to more pilot courts and, if the trial is successful, will approve the instructions for the rest of Russia's district courts.

INTERNATIONAL BEST PRACTICES

Throughout its court administration assistance work, USAID worked to bring together Russian judicial leaders with international and U.S. colleagues. To support the roll-out of the Pravosudie system, for instance, USAID sponsored a study tour to Washington, D.C., and Annapolis, Maryland, in October 2005 for representatives of the Judicial Department, Council of Judges, and Voskhod Research Institute. During the trip, participants learned about the breadth of IT tools used in U.S. courts and were able to incorporate some of the new material into the software development process. After the trip, participants expedited necessary

improvements to the system. In addition, USAID sponsored the participation of several Russian judicial officials in two annual conferences of the International Association for Court Administration, which brought together court administration professionals from around the world to discuss innovations and best practices. At both conferences, Russian officials were exposed to best practices and learned from other countries' experiences with automation.

INFORMATION KIOSKS

Along with reforms at the central and national levels, USAID sought measures to improve customer service in individual courts throughout the country, especially by using information technology in innovative ways. Such technology allows Russian courts to meet their obligation to provide the public with free and accessible information on

the law and court activities. Without an automated system, court visitors typically have to spend considerable time to obtain simple information on how the court operates, how to prepare necessary documents, and how to receive updates on the status of their cases. To address these problems, many countries have installed electronic information kiosks in the entrances of court buildings.

After training IT staff and clerks to use the Pravosudie system, computerized information kiosks were purchased and installed through JRP in the five pilot courts. Located at the entrances of court buildings, these kiosks

provide a range of legal information, including an explanation of court structure and operating procedures, office hours of judges and court employees, samples of documents (applications, claims, and other forms), detailed information about laws in the Russian Federation, information about justices of the peace, and information about court hearings and decisions. The kiosks enable citizens to quickly access legal information and free clerks from having to answer routine questions, thus making the court's work more efficient. Further, they are compatible with Pravosudie, and thus enable citizens to access accurate, up-to-date, public information on their cases.

Victor Mishenko and his wife Elena use the Pushkin District Court's information kiosk to find information on fees and office hours for the judicial assistant, complete necessary documentation, and learn about the result of their land claim hearing.

JRP / ROMAN RODIONOV



RECORDING COURT PROCEEDINGS AND PUBLISHING JUDICIAL DECISIONS

In the final months of the project, USAID launched two initiatives to boost judicial transparency and increase public support for the judiciary: audio recordings of court proceedings and publishing judicial decisions online. In early 2008, USAID installed audio recording systems in all five pilot courts. Although the system was still in the testing and implementation stage when JRP ended in June 2008, the use of audio recording systems has great potential to lead to important reforms in Russia.

For instance, today there are few official standards for court reporting in Russia. Most case records are handwritten and, therefore, appeals often involve lengthy disputes over the accuracy of the record. Audio recording helps ensure that a complete and accurate record of trials exists, thereby improving court transparency, reducing opportunities for corruption, and improving citizen trust in the courts.

For this initiative, JRP drew guidance from USAID's Kazakhstan Judicial Assistance project, which has been implementing a novel video recording system in Kazakh courts since 2006. This has increased professionalism in

courtrooms, allowed courts to efficiently observe procedural norms, reduced the number of complaints about the quality of court records, improved the quality of court processes, and led to better citizen perceptions of courts and justice.

In addition, USAID supported the Russian judiciary's efforts to broaden its transparency by helping pilot courts publish their decisions online. In the first half of 2008, USAID helped the five pilot courts make their judicial decisions available to the public on their Web sites. A Judicial Department working group has been monitoring this project and expects to formalize its recommendations in the summer of 2008 on next steps to further develop and introduce this approach to other courts.

Through JRP, USAID has helped its Russian counterparts develop clear instructions, based on international standards, to court personnel about their roles and duties; automated administrative tasks that were potential sources of undue outside influence; and supported the introduction of new systems that Russians can use well into the future. Collectively, these advances have strengthened the rule of law in Russia and have opened doors for future reform activities.

SUCCESS STORY

Courtroom Assistance at Your Fingertips

IT innovation helps courts meet the public's needs.



JRP / ROMAN RODIONOV

Valentina Demina uses an information kiosk to quickly check the status of her case at the Priokskiy District Court in Nizhniy Novgorod, while a man receives assistance from a court assistant.

Russian citizens are used to waiting in long lines for judicial assistants to answer their questions about court cases, file legal documents, and collect payments. Those who cannot afford lawyers spend even more time navigating the legal system. The lack of readily available information about court operations and inconsistent customer service are two reasons why many Russians have lost confidence in their legal institutions.

USAID has shown that installing easy-to-use electronic information kiosks in courts is one way to address these issues and support Russian government judicial reform initiatives that put a priority on court automation.

In February 2007, USAID's Judicial Reform and Partnerships program installed tamper-resistant, touch-screen information kiosks at five pilot courts across Russia. These kiosks help citizens gain quick access to legal information while freeing court clerks from answering routine questions, thus making the courts more efficient. Software for the kiosks, developed by the Voskhod Research Institute, is integrated with the courts' IT systems, which gives the public direct access to accurate and up-to-date court information while protecting anonymity and privileged data.

The new kiosks are making things easier for court workers as well as the public. According to Ludmila Ilinichna Beliakova, head of the Priokskiy District Court's Case Management Department, "The kiosks save us a lot of time that we used to have to spend answering general questions on court operation that we can now spend giving people advice on more complicated, specific questions."

The five pilot courts are among the first in Russia to have such kiosks, and their success is catching on. The Russian Judicial Department has committed to financing the installation of information kiosks in all Russian courts by the end of 2011, thus spreading the benefits of this technology across the country.



JP / ROMAN RODIONOV

IT staff from the Supreme Commercial Court discuss e-filing at a Moscow workshop.

CHAPTER FIVE

STRENGTHENING JUDICIAL ETHICS AND SELF- GOVERNANCE

During Russia's transition from communist rule, corruption has been pervasive in some government institutions, and the judiciary was not immune from this problem. In his message to the Federal Assembly in 2005 (the year JRP began), then-President Vladimir Putin emphasized that efficient justice was impossible without public trust in the judiciary. According to the Russian government's own estimates, in its plan for the judiciary, "Development of the Russian Judicial System, 2007-2011," public trust in the judicial system was low: only 33 percent of the public trusted the judiciary.

To help the Supreme Judicial Qualifying Collegium with its long-term priority of restoring public faith in the Russian judiciary, USAID added the improvement of judicial ethics and self-government to JRP's activities.

ENGAGING NEGATIVE PUBLIC PERCEPTIONS

USAID and the Judicial Department understand that individual change is the foundation of institutional change. Though Russia's courts accomplished much through court automation and case management, real long-term reform would not come until court personnel changed their attitudes toward their work and the public. To do this, the Russian judiciary needed a standard to judge their behavior. Some progressive courts had been trying to create such rules, but these ad hoc efforts were insufficient to combat the negative public perception of the court system.

In 2005, JRP brought together U.S. federal court clerks, experts from the Russian Judicial Department, and court officers from its pilot courts to create rules of conduct for court personnel,

JRP helped the Supreme Judicial Qualifying Collegium launch its *Vestnik* publication as a sustainable way to publicize vital information on judicial ethics and discipline — the first time such information had been made public.



designed to help court staff understand their crucial role as the public face of the state within the courts and to help restore public trust in the judiciary. The preamble to the rules encourages “each court employee to recognize his or her responsibility before the state, society, and citizens to help strengthen judicial authority and foster a respectful attitude toward the court in the public consciousness.”

In addition, because court staff play an important role in preserving citizens’ rights and their access to justice, the new rules remind staff that “a person applying to the court has the right to a respectful attitude, help, and attentive service; his concerns shall not be considered burdensome.” The rules also include penalties for rude or disrespectful behavior toward citizens.

In April 2006, the Council of Judges put the new rules into effect for the country’s 80,000 court employees. Court employees were put on notice that “every court employee will be responsible for any inappropriate language,” as the widely read newspaper *Rossiiskaya Gazeta* reported.

TRANSPARENCY

Transparency is one of the most important elements in any drive to improve judicial ethics and self-governance. The capacity for judges to police themselves strengthens efforts to maintain ethical standards. For these reasons, USAID supported close cooperation with the SJQC and agreed to continue supporting the publication and dissemination of *Vestnik* (*Herald*), which had been launched under RAJP II.

Vestnik helps the SJQC publicize its efforts to hold judges accountable by publishing information on judicial disciplinary decisions,

including the removal of judges for ethical violations, and updates on the activities of the SJQC and Judicial Qualification Collegia of the Courts of General Jurisdiction, Commercial, and Military Courts. Since its inception in 2001, USAID has assisted with the publication of 7,000 copies of this journal, which have been distributed to and received positively by Russian courts, judges, lawyers, human rights NGOs, and the media. According to the chairperson of the SJQC, Justice V. Kuznetsov, “The publication of *Vestnik* is another step toward openness and *glasnost* in our work. We have received a reliable information channel to strengthen the authority of the judicial

branch and comply with the requirements set by the Judicial Code of Conduct. It was a real contribution of our American colleagues toward strengthening the judicial power in Russia.”

USAID continued to provide *Vestnik* with financial and technical assistance until 2006, when the SJQC began producing the journal on its own. From that time, JRP has supported *Vestnik* only in an advisory role. In fact, *Vestnik* has proven so successful that USAID and its judicial partners in Ukraine have used it as a model to create that country’s *Informatsiynyi Visnyk* (*Information Journal*), a similar judicial publication.



JRP / ROMAN RODIONOV

At the Pushkin District Court, information on the court, its hours, and its operations is now readily available for court users, thus making court visits faster and more productive.

SUCCESS STORY

Justice with a Smile: New Rules of Conduct

USAID is helping Russian court personnel build public confidence in their courts through a new code of conduct for court employees.



JRP / ROMAN RODIONOV

A USAID-supported working group of U.S. and Russian experts worked for two years on best practices that could define Russia's code of professional conduct.

In supporting court administration reform in Russia, USAID found that automation and case management were only part of the solution. Though some courts enforced strict adherence to rules and standards, the prevalence of poor behavior and attitudes undermined courts' overall reputation. With the adoption of a new code of conduct, Russia is building public confidence in the third branch of government.

Aleksei Melnichuk, a court administrator from the Tver Municipal Court, understands that the foundation of institutional change is individual change. Though Russia's courts have accomplished a great deal in court automation and case management, Melnichuk believes that "we cannot expect real changes until court personnel change their attitude toward work and citizens. To do this, we need some standard by which they can check their behavior." Progressive courts have tried to create such rules, but these ad hoc efforts have not been enough to combat the Russian public's poor perception of the court system.

In 2005, USAID's Judicial Reform and Partnerships program brought together U.S. federal court clerks, experts from the Russian Judicial Department, and court officers from the program's pilot courts to create a code of professional conduct. The working group recognized they needed to help court staff understand their crucial function as the public face of the state within the courts. In a preamble to the code, they encouraged "each court employee to realize his or her responsibility before the state, society, and citizens to help strengthen judicial authority and foster a respectful attitude toward the court in the public consciousness."

In addition, court staff play an important role in preserving citizens' rights and their access to justice. As a result, the new code reminds staff that "a person applying to the court has the right to a respectful attitude, help, and attentive service, and his problems will not be considered burdensome." The code also includes penalties for rude or disrespectful behavior toward citizens.

In April 2006, the Council of Judges put the new rules into effect for the country's 80,000 court employees. The public took notice that "every court employee will be responsible for any inappropriate language," as the widely read newspaper *Rossiiskaya Gazeta* wrote in 2006. The new rules have achieved the working group's goals. According to Maria Sidelnikova and Lyubov Olunina, who chaired pilot courts, this achievement is demonstrated by the simple fact that the public no longer files complaints about improper court personnel behavior.

JUDICIAL SELF-GOVERNANCE

On JRP's predecessor projects, USAID recognized that substantive collaboration between U.S. judicial personnel and their Russian counterparts encouraged judicial self-governance in Russia by providing forums in which Russian and American colleagues discussed international standards in judicial self-governance and methods for adapting them to the Russian context. Thus, JRP continued USAID's long-running practice of fostering international relationships and creating opportunities to exchange knowledge and experience.

Under JRP, U.S. judges and court employees traveled to Russia — pro bono — to share their experiences of judicial self-governance in the United States on topics including judicial selection, administrative court management, budget preparation and decentralization, public and media relations, and interaction with the legislative branch. These Americans also hosted their Russian counterparts during visits to the United States. Indeed, JRP benefited greatly from the generous long-term contribution of time and expertise by numerous U.S. judges and court system personnel, and the substantive collaboration between these individuals and an ever-widening core of Russian counterparts.

In particular, USAID strove to build and maintain productive relationships between Russia's Council of Judges and the U.S. Judicial Conference through the latter's International Judi-

cial Relations Committee. The council is the judicial branch's primary authority of self-government and has broad power to consider issues and define policies related to court administration and organization, judicial ethics, and the rights and guarantees granted to judges under the Law on the Status of Judges in Russia. The council also represents the interests of Russian judges by introducing its members to international standards on judicial ethics, court administration, and the protection of human rights.

As an example of this professional collaboration, in late 2005, Judge Robert Henry (U. S. Court of Appeals for the Tenth Circuit), then-chair of the International Judicial Relations Committee, traveled to Russia to participate in a Council of Judges meeting and make a presentation on post-conviction relief, at that time a major topic of discussion in the Russian judicial community. Judge Henry gave formal presentations, participated in topical meetings, and shared his experiences with Russian judges, particularly Justice Sidorenko, chair of the Council of Judges, and Chief Justice Ivanov of the Supreme Commercial Court.

On another occasion, the Council of Judges invited Judges Michael Mihm (U.S. district judge for the Central District of Illinois) and Lloyd George (U.S. district judge for the District of Nevada) to participate in its annual plenary meeting, at which the American judges spoke on the importance of judicial in-

dependence and the important role judges and lawyers play in a democratic society.

These and other exchanges elicited tremendous positive feedback from USAID's Russian counterparts and strengthened relations between the Council of Judges and its U.S. colleagues that will continue long after the end of the project.

JRP supported the Russian judiciary's improvement of

judicial ethics by encouraging and supporting broad reforms for all Russian courts and judicial employees, promoting judicial self-governance and transparency, and building and strengthening U.S.-Russian relationships around judicial training and ethics. JRP helped foster judicial support to institute these reforms and encourage sustainable U.S.-Russian relations, setting an example of sound and locally owned judicial reform for other post-Soviet states.

HELPING ACHIEVE GOOD GOVERNANCE IN THE COURTS: THE RULES OF CONDUCT

The rules of conduct that the Russian judiciary put into effect with JRP's support in 2006 now apply to 80,000 court staff across the country. Along with providing specific guidance on legal norms and ethics, the rules also frame the roles and responsibilities of court personnel at the broader level of overarching "priorities," such as:

- Judicial employees shall proceed from the fact that the defense of personal rights and freedoms is the purpose and content of the judicial system.
- Judicial employees shall fully understand their rights and responsibilities, carry out obligations asked of them, and remain committed to the principles of justice and civil service.
- Judicial employees shall remember that they have an impact on the individual (his/her intellect, conscience, freedom, health, conduct, etc.), society, institutions, and processes.
- Judicial employees shall always uphold personal dignity and honor; avoid conduct that might undermine judicial authority, damage the reputation of the court, or cast doubt on objectivity and impartiality.
- Judicial employees shall not commit actions that may damage their own dignity and honor.



JRP / ROMAN RODIONOV

With assistance from JRP, the Supreme Commercial Court now uses videoconferencing as an important judicial training tool and to connect judges from across the country to discuss judicial issues.

CHAPTER SIX

STRENGTHENING THE COMMERCIAL COURT SYSTEM

USAID and Russia's Supreme Commercial Court realized early the possible synergies between JRP and the court's goals of increasing the skills and knowledge of commercial court judges and staff and building relations between Russia's commercial courts and U.S. courts focused on business issues.

During the project's first year, USAID, with input from organizations like the Russian-American Rule of Law Consortium, developed a draft strategy to support Russia's commercial court system. Over the ensuing years, JRP and its partners worked to strengthen commercial courts by enhancing the professional skills of judges and court staff — particularly IT specialists — and by building relationships between U.S. judges familiar with commercial litigation and Russian commercial court judges. This approach focused on modern

communications technologies to improve the functioning of the courts and exposing judges to the latest international standards so they could serve as leaders and educators within the Russian judiciary.

TRAINING COMMERCIAL COURT JUDGES

With additional financial support from USAID, Russia's Supreme Commercial Court, and Open World, JRP trained more than 1,000 commercial court judges and staff in topics that the Supreme Commercial Court identified as priorities: protection of intellectual property rights, application of provisional remedies in federal courts, taxation, court transparency, use of information technology, and implementing e-filing systems. Some of this work was made possible through a cost-sharing arrangement with the Supreme Commercial Court, which is further evidence that

the court recognizes its vested interest in modernizing Russia's judiciary and developing strong, productive partnerships with the U.S. judiciary.

Through participatory workshops, study tours, published materials, and videoconferences, USAID and its partners bolstered the performance of the commercial court system. These events used information technology (such as videoconferencing) in innovative ways, both to reduce costs and to build the professional competencies of IT staff in commercial courts.

VIDEOCONFERENCING AND IT TRAINING

The first USAID-sponsored events for commercial court staff were a series of videoconferences in October 2006, during which Russian and U.S. judges discussed the important issues of transparency and accountability in dealing with commercial cases. Using videoconferences as the medium for these trainings enabled court IT staff to become familiar with the technology required to implement such events and helped build support within the judiciary for their continued use. In a country as vast as Russia, where the sheer distance often makes in-person training prohibitively expensive and time-consuming, videoconferences can bring people together virtually to facilitate training and learning opportunities.

Those who attended the first videoconference were extremely pleased with the format. According to Igor Soloviev, head of the

Supreme Commercial Court's Information Technology and Communications department, "videoconferences were very timely" as the court was beginning to use them for communications with its courts all over the country, and the USAID events helped them gain proficiency in the technology.

The project continued to seek other ways to use technology to improve the functioning of commercial courts. USAID led additional training sessions for commercial court judges and IT staff on electronic case filing, technical obstacles to transferring to e-justice systems, and court technologies for commercial litigation. After visiting the United States in 2006 with JRP's chief of party, the Supreme Commercial Court's new chairman decided to promote such IT and e-filing initiatives.

EXPOSING JUDGES TO INTERNATIONAL STANDARDS

In addition to providing specialized training to commercial court staff on tax policy, bankruptcy, and other important topics for economic development, JRP, with the American Bar Association's Central European and Eurasian Law Initiative Institute in Prague, provided a one-week course on international and comparative standards on intellectual property rights for 15 high-ranking commercial court judges and staff. The program, designed in conjunction with the Rome-based International Development Law Organization, exposed the Russian judges to the latest information and methodologies on this

issue. After returning to Russia, the 15 participants conducted meetings in their regions where they shared their knowledge with 300 commercial court judges throughout Russia. This core team remains available to serve as a valuable resource within the commercial court system.

Through its partnership with USAID, Russia's commercial courts became familiar with the experiences of their American colleagues on urgent issues such as the protection of intellectual property rights, taxation, e-filing, the application of provisional remedies, and court transparency. To achieve significant changes in this area, commercial courts of the Russian Federation will need more time and effort but, thanks to JRP, the Supreme Commercial Court has established sustainable relations with the U.S. Judicial Conference and will be able to

continue to communicate by videoconference even after the project closes.

The Supreme Commercial Court's present leadership is committed to moving forward rapidly with changes that will increase the transparency of the commercial court system in Russia, as shown by its support and cost-sharing of USAID-led initiatives. The U.S. court system has had rich and successful experiences with many of the procedures that Chief Justice Ivanov seeks to introduce. This combination of the Supreme Commercial Court's political will to move forward quickly and JRP's U.S.-based expertise and established partnerships resulted in a timely opportunity to positively influence the development of the Russian commercial court system now and in the future.



JRP / ROMAN RODIONOV

USAID supported the installation of high-tech audio recording equipment in its five pilot courts. These systems provide an accurate, clear, and unquestionable record of court proceedings and increase the transparency of the judicial process.

CHAPTER SEVEN

LESSONS LEARNED

USAID laid out clear objectives for its Judicial Reform and Partnership program: 1) Improve Russia's administration of justice by strengthening its judiciary's independence, management procedures, use of international fair trial standards, and ability to set standards of conduct and hold members accountable for meeting them, and 2) Promote U.S.-Russian partnerships and sharing of best practices. With strong support from Russian and international counterparts, USAID has achieved long-term impact in these areas by focusing JRP on U.S.-Russian judicial cooperation and targeting areas where sustained intervention would lead to reform.

Sustained USAID assistance over the past decade has been vital to helping the Russian judiciary achieve success in several areas. Since the first iteration of its judicial reform projects in Russia, USAID has focused on long-term and lasting impact. USAID's goal was not

just to improve court administration in the five pilot courts but to replicate their best practices in all 2,500 district courts. To not just hold train-the-trainer workshops but to raise the level of judicial training in all 10 Russian Academy of Justice branches. And to not just share views on judicial discipline and ethics at conferences but to create sustainable mechanisms to prevent judicial misconduct.

Under JRP, USAID helped the Russian Judicial Department develop new rules of conduct for court personnel that govern citizen and court staff interaction in all Russian district courts. The project also helped develop new curricula for court personnel and administrators, which the director of the Russian Academy of Justice approved in November 2007.

USAID helped high-ranking Russian judges from the Supreme Commercial Court, Judicial

Moscow's Red Square at night. After a turbulent transition, the country is enjoying a period of growth and stability. Targeted assistance from projects like USAID's JRP can continue to support Russia's development goals.

JRP / NORMAN MEYER



Department, Supreme Qualifying Collegium, and Academy of Justice build relationships with U.S. judges, the International Judicial Relations Committee, Administrative Office of the U.S. Courts, Federal Judicial Center, and numerous federal courts. JRP trained 1,800 judges and court staff throughout the country, with U.S. experts involved in nearly all trainings either directly or in initial planning. These relationships have contributed to the project's success and have opened the possibility for future collaboration.

Understandably, opportunities remain for further judicial modernization in Russia. Some that show the promise of lasting impact include:

COMMERCIAL COURTS

The leadership of Russia's Supreme Commercial Court has made clear its desire to continue growing through collaboration and partnerships with international colleagues. Specifically, the court indicated that commercial court judges need continued exposure to international standards on tax law, land issues, corporate law, economic free zones, and alternative dispute resolution. Recently, the commercial courts expressed particular interest in assistance with the introduction of a personal bankruptcy law. These issues will only gain in importance

as Russia continues its economic development and becomes further integrated into the global economic and legal system.

PUBLIC ACCESS TO INFORMATION

USAID helped increase transparency in the judiciary and made more information available to the public by supporting the publication of *Vestnik*, implementing procedural changes to make pilot courts more user-friendly, and using technology to make more information available to the public through electronic information kiosks, audio recording systems, and publishing judicial decisions online. These practices, however, have yet to be introduced into the rest of Russia's district courts of general jurisdiction, and Russia's judiciary will need assistance in this respect. The chief justice of the Supreme Commercial Court has made improving public access to justice a key goal, saying, "The courts should be open to citizens, and court Web sites are the first step in this direction."

PILOT COURTS

The pilot courts discussed throughout this report worked with USAID for several years, and some innovations introduced there were replicated throughout Russia. USAID installed high-



tech audio-recording systems to support the pilot courts' efforts to professionalize courtroom behavior, make courts more efficient by reducing the number of appeals, and provide a clear record in the event of appeal. Currently, only about 240 of Russia's 2,500 courts of general jurisdiction use such a system. The Judicial Department is working to spread this technology throughout the country. It is quite possible that the World Bank's Judicial Support Loan will tackle this, but there may be needs and opportunities for complementary assistance.

CASE MANAGEMENT

One of USAID's key innovations under JRP was to prepare new draft case management instructions for 80,000 court staff. The new instructions must undergo further field testing before they can be adopted nationwide. Once adopted, however, the judiciary would benefit from assistance in implementing the instructions. The Judicial Department expects that after district courts adopt the new instructions, it will be necessary to develop instructions for *oblast* courts as well, so there are unified instructions for courts at both levels.

JUSTICES OF THE PEACE

Other branches of the Russian judiciary need similar assistance.

The Institute of the Justices of the Peace, for instance, is developing and hearing more and more cases that had previously been decided at the district court level. This has made dispute resolution more efficient, but practical experience has also shown that justices of the peace need additional training to handle the increased workload, and the Russian Academy of Justice needs to develop training programs for justices of the peace to meet current requirements.

Despite a notable record of development over the last decade, the Russian judiciary still faces challenges that require continued coordination among executive and judicial groups and would benefit from sustained assistance. However, the fact that Russian counterparts continue to seek cooperation with USAID and international partners to implement further reform is testament to USAID's impact under RAJP, RAJP II, and JRP.

Together, Russian and U.S. judges, court administrators, and other experts have shown that international collaboration leads to sustainable improvement in transparency, efficiency, standardization and adoption of ethical behaviors, public perception of this critical branch of government, and rule of law.

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USAID
FROM THE AMERICAN PEOPLE

**SUPPORTING RUSSIA'S JUDICIAL REFORM:
INNOVATION, EFFICIENCY, AND PARTNERSHIPS**

Russia Judicial Reform and Partnerships Program
Final Report

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