



CHEMONICS INTERNATIONAL INC.



**JUDICIAL EXCHANGE PROGRAMS
BETWEEN THE RUSSIAN AND U.S. JUDICIARIES**

ACADEMY OF JUSTICE FOLLOW-ON PROGRAM ACTIVITY REPORT

Moscow, Russia
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Submitted by:
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Federal Judicial Center

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Academy of Justice Follow-On Program

I. Overview

The week of April 21-28, Emily Huebner, James Buchanan, and John Cooke of the Federal Judicial Center, traveled to Moscow, Russia, to meet with senior officials and faculty of the Russian Academy of Justice (AOJ). The purpose of the meeting was to discuss adult education, training methods, and particular issues and challenges in judicial education. The program was funded by USAID and the logistics coordinated by Chemonics International.

II. Background

The AOJ is a new organization. It has existed on paper for less than three years, and recently it has begun to assemble staff and occupy facilities of its own and to conduct educational programs. The mission of the AOJ is to provide education for Russian judges and judicial staff. The AOJ's headquarters are in Moscow, but it will have 9 regional offices as well.

In January 2001, AOJ officials visited the Federal Judicial Center and other judicial institutions in the United States. AOJ's Acting Rector, Ludmila Korol, her deputy, Vladimir Peysikov, and faculty member Lev Khaldeev were among the six individuals on that visit. The January visit included discussions and planning for the April program including our request to see Russian courts. These discussions established the purpose and subject matter for the Moscow program.

III. Logistics

Chemonics and USAID handled most of our administrative arrangements. Chemonics arranged official business visas, which we received about three days before we were to depart. Chemonics arranged for the US Embassy to reserve our rooms at the Marriott Grand Hotel in Moscow. We highly recommend this hotel. Its rates (about \$180 per night) are reasonable, and it is modern, well maintained, secure, and offers excellent services, including a superb breakfast buffet, bottled water, and on-site currency exchange. The hotel is conveniently located on a major street about a 20-minute walk from Red Square.

The Chemonics Washington and Moscow offices translated the agenda and presentation materials and arranged for the Russian dubbing of our training videotape.

The Chemonics representatives in Moscow, Svetlana Vonskaya and Tatiana Shalimova, were especially helpful and a pleasure to deal with. They provided a dedicated van and driver for all our needs, although we declined rides in the evening, preferring to walk in the beautiful spring weather we enjoyed.

We made our own airplane reservations with Delta Airlines.

Louise Williams of the Administrative Office of U.S. Courts helped secure Official Passports for us; it is hard to tell whether these made much difference in clearing Immigration at either end, but it was reassuring to have them.

IV. Visits

On Sunday evening, we had dinner with Patrick Murphy, USAID Senior Rule of Law Advisor in Moscow. Patrick gave us a general overview of the judicial system in Russia and the current situation at the AOJ.

On Monday we visited two courts. These visits had been arranged by Mr. Peysikov of the AOJ and were immensely helpful to our understanding of the Russian court system.

In the morning, we were hosted by Judge and Court Chair Alexander Lukashenko at the Mestchanski Inter-Municipal Court. This is a court of first instance for civil and criminal proceedings. It has eighteen judges and comprises two of thirty-three districts in Moscow. As such, it is one of the larger courts of its kind.

Judge Lukashenko graciously spent about two hours with us describing the court's operations and showing us the courthouse. Judges specialize in either criminal or civil cases, and most of the judges tend to be much younger and less experienced than ours when appointed. Each judge has a secretary whose duties are roughly analogous to a deputy clerk of court in the United States. In most cases, secretaries have no specialized training. However, the position of secretary is the most common stepping-stone to becoming a judge. Although we saw a few computers, most of the case processing is done with hand-written records and ledgers.

In the afternoon, we visited the Moscow City Court where we were hosted by Judge Eugenia Kolyshnitsina, Deputy Court Chair. The Moscow City Court hears initial actions and reviews decisions from the district courts. This is a much larger court, with some fifty judges. Nevertheless, it too relies on hand-prepared case-processing methods, and secretaries to support the judges.

We were able to observe two criminal proceedings – reviews of convictions in the district courts. One involved four defendants in a robbery case, and the other six defendants (three of whom were not present) in an illegal vodka-making enterprise (a serious offense, since the product is often lethal!). The defendants present were in the prisoner cage. Although they were purportedly represented by an attorney, their attorneys were not present. An attorney for one of the absent defendants in the second case made a plea for clemency. The three-judge panel also heard from the prosecutor and engaged in a colloquy with the defendants which included ensuring the defendants understood certain rights and questioning the defendants about their misconduct. In each case the judges retired to deliberate for about ten minutes before announcing their decisions. The three-judge panel told us they would hear about twenty-three such cases that day.

Judges, and, even more, their meager support staff, lack training and experience. Nevertheless, the judges with whom we spoke seemed to take their work seriously, and evinced what seemed

to be a genuine desire to improve the procedures and status of the courts. Although we asked about the role of court administrators, the judges at these two courts seemed unaware of the recent appointments in the Russian judiciary.

On Tuesday we visited the AOJ, to coordinate the sessions of the program. We met with Ms. Korol and Mr. Peysikov, along with Valentin Yershov. Mr. Yershov previously headed the Russian Law Academy, an agency within the Ministry of Justice that has had responsibility for judicial training.

We toured the facility. It is still under renovation, but already promises to be a fine educational facility. We visited a computer lab with ten new linked computers. It appears the infusion of money the AOJ is receiving is being put to good use.

V. Program

The agenda for the program is attached. Participants (about 35) were almost evenly divided from the AOJ in Moscow and from the ten regional offices. Mr. Yershov, Ms. Korol, and Mr. Peysikov were present at the beginning of the program, but only Peysikov was able to be present for most of it. After opening comments, they turned the program over to us.

Emily, Jim, and John led discussions on adult learning, instructional systems design, distance education methods, and particular problems and concerns with judicial education. These sessions actively engaged the participants – especially the “straws and pins” exercise, which most participants seemed to enjoy. The verbal feedback we received was favorable. Jim Buchanan’s separate class on technology was especially well received.

At the January meeting in Washington, our presentation included Power Point materials in Russian. Mr. Peysikov asked us to do this for the April program. The Moscow participants appeared to appreciate the Russian/English Power Point presentations, participant guides, and certificates which we prepared; the Russian translations also created a lively discussion about the correct word choices for a couple of educational terms.

On the request of Mr. Yershov and Ms. Korol, John Cooke led a discussion session with about 50 Russian civil judges. This session ended up lasting about two hours. The judges asked many questions about the U.S. judicial system and judicial education in the U.S.

Mr. Yershov chaired the concluding session on Thursday afternoon. His remarks about developments in the Russian judicial system and the role of the AOJ stimulated good discussion.

The program concluded with an exchange of gifts (we gave Mr. Yershov, Ms. Korol, and Mr. Peysikov West Virginian hand-blown glass mugs with the U.S. Supreme Court seal on them) and a magnificent reception, with caviar, sturgeon, and other Russian delicacies, as well as vodka, wine, and fruit drinks. There were many toasts and the event was marked by good humor and expressions of warm feelings.

VI. Assessment

We made good progress in forging a positive and respectful relationship with leaders in the AOJ, and in stimulating creative thinking about professionalism and effective training techniques. The participants seemed, for the most part, genuinely interested in discussing innovative approaches and improving the quality and independence of their judiciary. Some caveats are in order.

First, we recognize that our impressions are based on the skills of the translators and the barest of observations, so any conclusions should be considered with that in mind.

Second, it is difficult to determine how representative of the Russian judiciary and its training component were the participants with whom we met. These people seemed (for the most part) genuinely interested in improving judicial training and the judiciary.

Third, the participants responded enthusiastically to each interactive exercise and technique we were modeling; however, adapting these methods for AOJ programs is another step; the FJC stands ready to assist in this next phase as our resources permit.

Fourth, our visit demonstrated, as no amount of reading could, the huge differences – in resources, procedures, and culture – between our system and the Russian judiciary. Real change in the Russian judiciary will take a long time (as the participants themselves remarked) and depends on developments elsewhere in the Russian political system.

Given all this, we think the Federal Judicial Center should remain engaged with the AOJ. Our limited resources oblige us to ration our support, but as long as the Russians are as receptive as they are now to cooperation and discussions, we feel we can make a useful contribution to their efforts to enhance judicial and staff training and, ultimately, the quality of the judiciary in Russia. At the same time, exchanges like this expose us to different ideas and approaches and help us to understand our own system better.