



CHEMONICS INTERNATIONAL INC.



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

**JUDICIAL DEPARTMENT FOLLOW-ON PROGRAM
ACTIVITY REPORT**

Astrakhan, Russia
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Administrative Office of the U.S. Courts

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Judicial Department Follow-On Program

I. Introduction

Chemonics International, with the assistance of the Administrative Office of the U.S. Courts, presented a three-day program on court administration for chief judges, court administrators, and Judicial Department regional officers from several regions in southern Russia. The program's focus was on the roles and responsibilities of chief judges and court administrators. The program was the fifth and final program under the "bridge" contract between USAID/Moscow and Chemonics.

Also participating were two judges from Moscow: I.A. Konorev, Chief Judge of the Tula Oblast Court and a member of the Council of Judges of the RF, and N.I. Valikova of the Moscow Oblast Court. Five high-ranking representatives from the Judicial Department of the Russian Federation also played an active role in the program: A.Y. Perepechenov, Chief of the Office for Legal and Organizational Support Activities of Court Activities; Petr Obgolts, his Deputy; V.A. Niyesev, Assistant to the General Director and head of research activities; Boris Shipov, Chief of the Public Relations Office; and Yevgeny Popov, head of the international office.

The American delegation consisted of Chief Judge Michael Hogan of the District of Oregon; Donald Cinnamond, Clerk of Court for the District of Oregon; Peter McCabe, Assistant Director of the Administrative Office of the U.S. Courts; and Glen Palman, Chief of the Bankruptcy Court Administration Division of the Administrative Office. The Administrative Office (AO) is roughly equivalent to the Judicial Department of the Supreme Court of the Russian Federation.

II. Preliminary Activities

The American delegation visited the Moscow Oblast Court to speak with the chief judge and visit court facilities. They also had a very productive visit with Justice Yuri Sidorenko, Chairman of the Council of Judges of the Russian Federation. The leaders of the U.S. federal judiciary have maintained good personal relations with their Russian counterparts, and due to these excellent relationships, Justice Sidorenko has been very supportive of judicial reform and has actively sought out American assistance. Both Judge Hogan and Mr. McCabe worked with him on earlier programs, and this workshop was a good opportunity to continue a good personal relationship with a key influential member of the Russian judiciary.

III. Program

The American delegation, plus Chemonics/Moscow and Judicial Department representatives, flew from Moscow to Astrakhan. They were greeted in Astrakhan with an impressive public ceremony conducted by the governor of the Astrakhan region. Television reporters were present and speeches were made extolling the importance and value of cooperation between the Russian and American judiciaries.

The workshop itself was held on a Volga River tour boat operating out of Astrakhan. There were between 35 and 40 Russian participants, including judges, court administrators, Judicial Department officials, and local court personnel. Also in attendance were two interpreters and two members of the Chemonics/Moscow staff.

The focus of the program was on the effective use of court administrators and their interaction with the chief judges of their courts. The Russian Federation recently authorized the courts of general jurisdiction to hire court administrators, but there are several weaknesses in the governing law relating to status and definition of functions. Improvements in the law will be sought by the Judicial Department.

The Russian court administrators are brand new to their jobs. The workshop emphasized the principle that chief judges and other judges should delegate most of their purely administrative and operational responsibilities to the court administrators. In turn, the court administrators should work under the supervision and direction of the chief judge and other judges. That is essentially the system in the United States and many other countries.

Chief Judge Ramazanov presided over the workshop and participated actively in the entire program. He was an excellent chair. He is a former member of the Soviet and Russian Federation Supreme Courts who decided to leave Moscow to return to his native region. Greetings were also given by Chief Judge Hogan, Mr. Perepechenov of the Judicial Department Delegation, and Mr. McCabe.

Presentation of Mr. McCabe

Mr. McCabe provided an overview of management of the U.S. courts, highlighting the similarities of the U.S. federal structure with that of the Russian court system and pointing out the differences. (This approach worked very well, as several participants later declared that many foreigners tout their own legal systems and talk down to the Russians. But they were impressed and flattered that the American participants were so knowledgeable about the progress made by the Russian court system.)

The American delegation also provided extensive materials on federal court management that were translated into Russian by Chemonics and provided to the participants as part of their workshop materials.

Presentation of Anatoli Y. Perepechenov

Mr. Perepechenov, Chief of Legal and Organizational Support of Court Activities of Judicial Department, is a former Supreme Court justice. He gave a presentation on the Judicial Department and the various support services it provides for the Russian courts of general jurisdiction. He noted that this is only the third year that the Judicial Department has been in operation. It is relatively new, but has made a good deal of progress.

He described the organizational structure of the Judicial Department and pointed out that all of its regional offices have now been staffed. He detailed the principal tasks of the Judicial Department, pointing out that the Legal and Organizational Support Division is the key office of the Department, performing a wide array of services, including development of legislation, information technology, manuals, and support for the Council of Judges and the Supreme Qualifying Collegium.

He noted that the duties of court administrators are not specified in a statute, although the Judicial Department has developed a definition of the position and its functions. The Department has produced a manual for court administrators.

The Judicial Department will seek to amend the legislation on court administrators to make them a part of the staff of the local and regional courts. Under the current law, they work under the control of the regional offices of the Department. But the law also states that court administrators report to the chief judge. Thus, there is a conflict of interest - they are hired by the Judicial Department, but report to the judges. They serve two masters. The Judicial Department wants to change the law to make them an integral part of the staff of the courts.

Mr. Perepechenov reported that there are also some problems with implementing the new law on justices of the peace. About 2,000 justices of the peace have been appointed, but this number is not nearly enough to reduce the work of the federal district courts. In addition, their duties are not properly defined in the law. The Judicial Department pays their salaries, but operational support and buildings for them are provided by local governments. A key issue is who should provide them with manuals and operational support.

He added that computer support and information technology for the courts are critical, but the Judicial Department has only 9 positions on its staff for all IT support.

Presentation of Glen Palman

Mr. Palman made a presentation on the role that the Administrative Office of the U.S. Courts plays in providing support to the federal courts in the U.S. and the special services that it provides to court administrators.

Presentation of Chief Judge Ramazanov

Chief Judge Ramazanov made a presentation on the progress and priorities of the Oblast Court for the Astrakhan region. He said that there is no question that the Russian courts need court administrators badly. He added that the Russian judges are in agreement on this point. But, he said, the Judicial Department appoints the court administrators, and they do not have legal status as court employees. Their pay is very low, and their qualifications are low. Most of them have little experience, and most have a background in law enforcement.

Presentation of Chief Judge I.A. Konorev of the Tula Oblast Court

Chief Judge Konorev gave a presentation on what the Russian courts need and expect from their new court administrators. It was clear that all the judges and other participants in the program strongly support the objective of having court administrators take over most of the operational functions from the judges.

He also said that the courts need to take over the bailiffs and create a new Judicial Police Service. Security is currently controlled by the Department of Interior. There is adequate security at court buildings, but not for judges personally. In addition, bailiffs sometimes fail to bring prisoners to court.

Presentation of Chief Judge Hogan

Chief Judge Hogan gave a presentation on the work of a chief judge in a U.S. district court and the relationship between the chief judge and the clerk of court. He emphasized that the judges of the court, and the chief judge as their representative, are in charge of the court and make all final policy decisions. Nevertheless, they delegate virtually all their administrative functions to the clerk of court and hold the clerk responsible for keeping them informed and running an efficient operation.

The Russian participants were clearly impressed with the message and the messenger and clearly bought into the concept of having a competent, professional administrator working under the authority of the chief judge.

Break out sessions

The participants were divided into two groups -- one of chief judges and the other of court administrators. The participants of both groups were asked to identify the duties that they thought were most important for the court administrators, the most important skills needed by court administrators, and how court administrators should spend their time. There was agreement among the judges that these duties should be spelled out specifically in the law.

Chief Judge Hogan and Mr. McCabe said that the primary functions performed by clerks in the U.S. are generally similar to what the Russian judges expect in their court administrators. Clearly, future regular exchanges between U.S. and Russian chief judges and court administrators can be of assistance on these topics.

Presentation of Peter Obgolts

Mr. Obgolts, Deputy Head of the Office for Legal and Organizational Support for Court Activities of the Judicial Department, made a presentation on judicial reform in the Russian Federation. He emphasized that there is a rich legal tradition in Russian history, including jury trials. He described in detail the pending judicial reforms proposed by a presidential task force

and said that funding will be the key to achieving them. The American delegation then gave their views on several of the topics covered by the proposed reforms.

Presentation of Judge N.I. Valikova of the Moscow Oblast Court

Judge Valikova gave a presentation on her own experience and the experience of the Russian courts generally in conducting jury trials. She described the procedures used by the courts in preparing for and conducting jury trials. One of the key problems is that most people do not show up for jury duty. Chief Judge Hogan explained the processes used in the U.S. courts to call jurors and enforce the laws.

Presentation of Mr. Pavlosky - Head of the Judicial Department for the Rostov area

Mr. Pavlosky pointed out that the role of court administrators is not fully defined by statute. He said that they should both be managers of the court's staff and serve as assistants to the chief judge, particularly on financial matters. He noted that the term "court administrator" is awkward in Russian. It tends to connote a low-level position. A new term, such as "court manager" should be devised. He outlined the types of duties that he believed court administrators should perform.

He added that court administrators do not enjoy the salaries or the benefits of regular court staff, even though they have high status. Court administrators make less money and have fewer benefits than the very court staff that the judges want them to manage.

Presentation of Judge Hogan and Mr. Cinnamon

Chief Judge Hogan described his case management philosophy and procedures. He pointed out that he settles almost all his cases. Cases are set for trial in one year or less. The participants said that a trial in Russia is required by law to be held in a much shorter time frame. Judge Hogan congratulated them on their speediness.

Presentation of Chief Judge E. E. Dakinov of the Supreme Court of Kalmykia

Chief Judge Dakinov said that the court administrator program has worked very well in his republic. He personally has now passed along 70% of his work as chief judge to his new court administrator. He said that he is very fortunate to have found a very good court administrator, a former judge. He said, though, that placing court administrators on the rolls of the Judicial Department was a mistake. He also added that the prosecutors have been fighting judicial reforms because they want to hold on to their powers, resources, and privileges.

Presentation of Boris A. Shipov - Chief of Public Relations for the Judicial Department

Mr. Shipov spoke about the program of the Judicial Department to place full-time press officers in each of the 89 regions of the Russian Federation. He detailed the duties of the press officers and court administrators regarding dealing with the media.

Presentation of Chief Judge Hogan and Mr. McCabe

Chief Judge Hogan and Mr. McCabe gave a presentation on how to deal effectively with the public, press, and bar.

Presentation of Chief Judge Hogan and Mr. Cinnamond

Chief Judge Hogan and Mr. Cinnamond gave a presentation on conduct of court employees, focusing on establishing and enforcing guidelines for ethical conduct.

Presentation of Vladimir Niyesov- Assistant to the General Director of the Judicial Department

Mr. Niyesov, head of research for the Judicial Department, spoke at length about the status of information technology in the Russian courts. There are great disparities among the courts in the amount of equipment provided. Some courts have several computers, and others have none.

Mr. Niyesov said that additional money would be provided over the next few years to equip the courts with information technology tools.

Mr. Niyesov expressed considerable interest in the Administrative Office's work measurement formulas and judgeship criteria. Mr. McCabe promised to give him the AO's formulas and welcomed his comments on its methodology. They agreed to carry on a dialogue on these matters.

Presentation of Messrs. Palman and McCabe

Mr. Palman spoke about what a well-designed automation system can do for a court, using some of the materials prepared by Bob Wily. He also addressed the key design principles for developing court automation and avoiding common mistakes.

Mr. McCabe gave a brief history of the automation program in the federal courts and described the decision-making structure and funding arrangements. He touched upon the case management and docket systems, office automation, computer-assisted legal research, the special automation fund of the federal courts, the national communications network, various administrative applications, courtroom technology, video conferencing, and electronic case files.

Mr. McCabe also presented a list of 12 helpful "lessons" that he and the AO have learned from their automation experiences.

IV. Conclusion

The workshop was a very great success. It was truly an equal exchange of ideas among colleagues – judges and judges, court administrators and court administrators, and central office executives and central office executives. The topic was extremely timely, as the Russian courts

begin their experience with court administrators. The American court system, clearly, can provide additional guidance, assistance, and moral support.

The people chosen for the U.S. delegation were very important to the success of the program. They were very personable and “clicked” well with their Russian counterparts. There was a good deal of personal exchange, since the workshop was held on a boat. There was much singing and dancing, and the development of real friendships.

Chief Judge Hogan agreed to work with Chief Judge Ramazanov to develop a “sister court” relationship between the federal district court in Oregon and the courts of the Astrakhan regions.

The workshop also helped substantially to cement the continuing collaborative relationship between the Administrative Office of the U.S. Courts and the Judicial Department of the Russian Federation.