CHEMONICS INTERNATIONAL INC.

RUSSIAN-AMERICAN JUDICIAL PARTNERSHIP PROGRAM

SEMI-ANNUAL PROGRESS REPORT

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RAJP Semi-annual Progress Report

A. Introduction

Chemonics International and the National Judicial College (NJC) conceived the Russian-American Judicial Partnership (RAJP) project. The two-year contract, awarded to Chemonics in September 1997, supports USAID/Russia's Strategic Objective 2.2, Legal systems that better support democratic processes and market reforms, and its IR 2.2.2, Better administration, application and enforcement of law.

This delivery order and the judicial ethics component identify three results:

Result A: By September 1999, a new system exists under which commercial court judges are rapidly and effectively trained in commercial law while, along with the investment community, kept fully informed of current decisions in important cases.

Result B: By September 1999, the Courts of General Jurisdiction have effective governing, training and administrative organs to aid it in attaining independence from the Ministry of Justice.

Result C: By October 1999, the judicial branch organs responsible for enforcing judicial ethics will have improved communication among themselves and will have been exposed to additional models and ideas concerning judicial ethics.

RAJP works to improve judicial understanding of law and judicial ethics, improve court administration, and enhance continuing judicial education. This report provides an overview of the project and its focus on developing sustainable partnerships between the National Judicial College, American judicial entities, and the Russian judiciary.

In the section below, Programs and Activities, the project's major activities and accomplishments with each Russian partner are surveyed. The following section, Partnership for Freedom, details RAJP's efforts to promote judicial partnerships. Next, under Coordination, project coordination with other assistance providers is discussed. The report's final section, Program Expenditures by Activity, provides a chart with program expenditures and number of participants and faculty, broken down by activity.

B. Programs and Activities

RAJP's institution-building programs and activities have included such tools as workshops, publications, and U.S.-based training programs and assistance, all proven effective. However, based on the National Judicial College's many years of judicial-training experience and the experience of RAJP's training programs to date, special mention should be made of the particular effectiveness of workshops in building institutions and catalyzing positive change.

Several factors explain the special effectiveness of workshops. First, targeted workshops provide an open forum for discussion and comparative analysis of important judicial and legal reform issues; in some instances, workshops have brought about new laws or changes to existing laws. Second, when judge-participants use workshop materials and training in their own work and go on to train other judges in their regions, a ripple effect takes place. Third, workshops expose judges to modern pedagogical techniques and adult-training methods, such as small discussion groups, demonstrations, role playing, case studies and hypothetical situations, and the use of audiovisual aids and printed materials. Finally, as the U.S. experience in judicial education has shown, workshops provide an invaluable opportunity for judges from different regions, countries, and judicial levels to discuss problems and potential solutions.

Below, we discuss in detail RAJP activities and accomplishments with the project's Russian partners: the Courts of General Jurisdiction, the Commercial (Arbitration) Courts, the Collegia on Judicial Qualifications, the Council of Judges, and the Academy of Justice.

B1. Courts of General Jurisdiction (Judicial Department)

RAJP activities with the Courts of General Jurisdiction focus on promoting greater independence throughout the Judicial Department. For nearly two years, the Judicial Department has assumed administrative and financial responsibility for court management, a responsibility previously held by the executive branch under the Ministry of Justice. RAJP places a high priority on Judicial Department development, and views the department's increased responsibilities as a promising sign of the emergence of a free and independent judiciary in Russia. RAJP team members view these activities as particularly critical for the Judicial Department at its current stage of development.

From April 1999 to September 1999, RAJP made progress in achieving Judicial Department goals and activities set out in the project's Year 2 work plan. Team members built on the success achieved by the February 1999 U.S. study tour for Judicial Department leaders, targeting specific areas of interest including the development of a guide to court automation and a training manual for court administrators.

In May 1999, RAJP court administration and management information systems consultants Joseph and Thomas Jordan worked directly with counterparts at the Judicial Department. Following meetings with the Judicial Department's general director, Valentin Chernyavsky, the Jordans agreed to produce a guide to case-management automation for Russian Federation courts. The Judicial Department currently lacks a uniform guide or system for case-management automation; the proposed guide will help improve court processes, promote a uniform case-management approach, and ultimately enhance the system's ability to reduce delays and backlogs. The guide will also be used as a training tool for court staff and judges throughout Russia. A copy of the report prepared by the Jordans is attached to this report as Annex B.

Also at the request of Mr. Chernyavsky, RAJP provided assistance to the Judicial Department in defining the roles, responsibilities, and requirements for the newly created position of court administrator. Team members supplied the Judicial Department with materials prepared by the National Association for Court Management (NACM) and the Jordans on selecting and training

court administrators. RAJP continues its work with the Judicial Department, NACM, and the Jordans on a training manual for court administrators.

RAJP also engaged a senior consultant in court administration, Stephen Flanders, to assist the Judicial Department with court administration training. Unfortunately, Mr. Flanders was forced to abruptly leave Russia after five days due to a family emergency in the United States. Nevertheless, he prepared a proposal for possible future RAJP Judicial Department activities. Mr. Flanders' proposal is found in Annex ***

Regrettably, the first two of a series of workshops with the Judicial Department were cancelled in early May 1999 due to circumstances beyond the project's control – the international political crisis in the Balkans. RAJP agreed with the Judicial Department to postpone the workshops and redirect its efforts to publishing the proposed training guides on court automation and administration. As noted above, once completed, the training guides will be used to carry out future workshops for Judicial Department staff throughout Russia. RAJP is also assisting the Judicial Department in curriculum development and organizational issues for the department's first major conference, to be held in Moscow in December 1999.

B2. Commercial Courts

The project's assistance to the Commercial Courts has several goals. First, RAJP is helping increase the courts' capacity to train judges in substantive Russian commercial and administrative law. The project is also working to develop reference material in commercial and administrative law and improve Internet access to allow courts to publish decisions and training materials on-line. A final goal is to improve court administration.

To increase the Commercial Courts' capacity to train judges in substantive Russian commercial law and develop Russian-language materials, team members conducted a series of workshops in cooperation with the Supreme Commercial Court training staff. In preparing and implementing the workshops, Commercial Court judges and training staff were exposed to modern pedagogical techniques and material preparation that will enhance the courts' ability to effectively train judges in commercial law.

At the request of the Supreme Commercial Court, RAJP conducted workshops in Rostov-on-Don and Moscow in April 1999 on issues in bankruptcy law, joint stock company law, and corporate governance. With guidance from RAJP staff, Russian law faculty prepared printed materials. The judge-participants attended the following sessions, which were led by a state supreme court justice from Delaware: "Corporate Criminal Liability in the U.S." and "Piercing the Corporate Veil: A Comparative Analysis." Participants also received training from a judge from the United States Bankruptcy Court on ways to improve bankruptcy trusteeship in Russia. In their workshop evaluations, the judge-participants noted that they would like to organize similar workshops in other regions of Russia, as well as learn more about judicial practice in the United States. Annex A provides results from the workshop evaluations.

To improve decision quality, predictability, and standardization, RAJP held workshops in June 1999 in St. Petersburg and Moscow. Topics explored in the workshops included commercial disputes involving foreign companies, mutual legal assistance, international civil procedure,

case-recording systems, and opinion writing. The faculty included Russian experts in international corporate law and procedure, and American experts in opinion writing and international civil procedure. For most – perhaps all – of the participating judges, the workshop provided their first exposure to methods for improving opinion writing. The judges expressed great interest in this area and requested additional information on the subject.

In September 1999, the project team conducted workshops in Kharbarovsk and Moscow on the settlement of tax, customs and other administrative disputes. The Supreme Commercial Court (SCC) – which may propose and draft legislation similar to the United States Administrative Procedure Act – had expressed an interest in focusing on administrative adjudicative procedures prior to filing suits and procedures for appealing administrative actions. In response to this interest, the workshops explored methods for reducing the number of cases involving tax, customs and other administrative disputes the already-overworked Commercial Courts must consider.

American faculty at the workshops included judges from the United States Tax Court and the United States Court of International Trade; the latter court primarily handles customs disputes. Since the SCC is interested in creating specialized courts, workshop participants benefited from learning about these courts, as well as gathering information on the administrative procedures – including the exhaustion of administrative remedies – that help such courts function effectively. The Russian faculty – who prepared printed workshop materials on Russian administrative law – used modern pedagogical techniques learned at project-sponsored training check at the National Judicial College in Reno, Nevada.

In response to a Supreme Commercial Court's request, RAJP continued to finance the SCC's Internet connection through September 1999, building on work begun by the USAID-funded ARD/Checci Rule of Law Consortium. As a result of RAJP's assistance, the design of the court's Web site has improved. SCC leadership is committed to continuing the Web site, which provides an opportunity to disseminate information on decisions, procedures, and other aspects of the court's work. In addition, the Internet allows Commercial Court judges to access information on foreign legislation and international judicial practice. According to the SCC, its Web site has already attracted thousands of users.

Following the recommendations of a RAJP management information systems consultant, RAJP plans to continue providing electronic mail service to the system's 10 regional appellate commercial courts and will train commercial court staff to use electronic mail to rapidly disseminate decisions in important cases. In August 1999, the project purchased 10 computers with high-quality, high-speed modems; team members have planned a training program to be conducted in Moscow in November 1999.

Through the activities described above, RAJP has made significant progress toward achieving the goals presented in its Year 2 work plan. In the project's view, RAJP's successful work with the Commercial Courts has contributed to the undeniable improvement that has taken place in the courts' performance. From a technical assistance perspective, we believe this work provides a model for successfully working with court systems to achieve sustainable institutional change.

B3. College on Judicial Qualifications

The objectives of RAJP's work with the College on Judicial Qualifications (CJQ) are to reduce corruption and improve the integrity of judges by strengthening the CJQ's institutional capabilities. This effort has three subcomponents: selection of judges, rules of conduct, and judicial discipline. Over the past six months, RAJP has addressed these areas through seminars, consultations, publications, and equipment procurement.

A U.S. study tour for the Supreme CJQ, scheduled for April 1999, was unfortunately cancelled due to events in the Balkans. The CJQ chairman wants to reschedule the tour, as he and his colleagues seek greater exposure to U.S. judicial ethics and discipline, as well as more information on the U.S. system for selecting and investigating judicial candidates.

In June 1999 RAJP conducted the third and final of a series of workshops with the CJQ in Irkutsk, focusing on judicial selection, ethics, and discipline, as set out in the project's Year 2 work plan. Workshop participants included representatives from the Council of Judges, Judicial Department, Presidential Administration, and the media. Joint planning for the workshop series was carried out by the project, CJQ's leadership, National Judicial College, and Committee on International Judicial Relations of the United States Judicial Conference. The National Judicial College and Committee on International Judicial Relations provided American faculty for the workshops; the CJQ provided Russian faculty.

More than 150 judge-participants from Siberia and Russia's Far East were trained in new models and best practices in judicial ethics, selection, and discipline. In their evaluations, workshop participants commented that the session was interesting, informative, and practical. Participants requested additional information and training on judicial selection and discipline procedures in the United States and Russia.

Following the workshops, the project produced and disseminated training videotapes and printed Russian-language materials to promote uniform procedures for selecting and disciplining judges throughout Russia.

Building on momentum created by the workshops, RAJP and the CJQ prepared an ethics manual to help local CJQs standardize operations and provide a source of information for Russian judges on a wide range of topics in judicial selection, ethics, and discipline. The manual was produced in a loose-leaf format, permitting it to be updated. In October 1999 the manual's first 1,000 copies will be published and sent to all regional CJQ members for comments.

We view our ongoing work with the CJQ as a success. As set out in the Year 2 work plan, RAJP has improved the CJQ's capacity to fight corruption by exposing judges from all regions of Russia to new models and ideas concerning judicial selection, ethics, and discipline.

B4. Council of Judges

RAJP's work with the Council of Judges (COJ) is targeted to improving the council's ability to function as a governing body for Russian judges. The project has assisted the COJ by providing presenters for the council's semi-annual meeting and supporting a promising partnership between the COJ and United States Judicial Conference.

In May 1999, RAJP arranged a meeting between Justice Sidorenko and Judge Lloyd George of the United States Judicial Conference to discuss future activities. The project has also promoted possible COJ membership with the International Association of Judges in discussions with Justice Ernst Markel of the Supreme Court of Austria, the vice president of the International Association of Judges. This, we believe, will assist the COJ and Russian judges in meeting international standards and helps add prestige to Russia's judiciary.

At the request of Justice Yuri Sidorenko, chair of the Council of Judges, RAJP arranged for United States Federal District Court Judge Michael Mihm to prepare and present materials on the historical evolution of the U.S. judiciary for COJ's October 1999 meeting. Also at the October meeting, United States Federal District Court Judge Alan Nevas, former president of the Federal Judges Association (FJA), will review FJA's development and discuss possible cooperation and joint activities between the FJA and the COJ.

B5. Academy of Justice

RAJP is prepared to provide assistance to the Supreme Court and the Supreme Commercial Court in creating the Academy of Justice (AOJ). The project has already created a judicial training database for the AOJ, which will be used to track faculty, judge-participants, and training programs. Although the AOJ was established by presidential decree in May 1998, its leadership has yet to be officially announced; classes are expected to take place in late 2000. Once the academy's leadership is announced, RAJP will provide assistance in general curriculum development; the project will also develop training materials for the academy based on substantive Russian law and train AOJ staff in modern pedagogical techniques.

If possible, the project will also prepare a study tour of the National Judicial College in Reno, Nevada, for AOJ leaders and assist the AOJ in developing a judicial-training tracking system and certificate program to promote long-term training for Russian judges.

In the interim, RAJP personnel are working toward the development of a deskbook for new judges. This book will contain general information of interest to judges, including information on ethical, work/family, and financial concerns, as well as other issues that new judges face, apart from substantive legal matters. In Russia, judicial training is neither required nor regularly provided, making the new deskbook an invaluable source of information for new judges assuming the bench.

In short, RAJP considers its work with the AOJ to be a critical element in the academy's development. The project will continue to provide assistance to the academy in institutional development whenever possible.

B6. International Judicial Conference

In May 1999, the Center for Democracy's Seventh International Judicial Conference was conducted for the first time in Moscow. The conference focused on the Council of Europe's major legal achievements during its first 50 years, the new Court of Human Rights, and judicial independence. Conference participants included leaders from Russia's judiciary system, as well as supreme court justices and judges from over 50 countries in Europe, Africa, Asia, and North America. By helping judges stay abreast of legal changes and educating them on effectively serving in their new role as Russia's guardians of justice, the conference supported a key goal shared by USAID and RAJP: promoting legal systems that support democratic processes.

The Center for Democracy requested RAJP's participation and assistance during the conference. Conference hosts Chief Justice Vyacheslav Lebedev of the Supreme Court and Chief Justice Veniamin Yakovlev of the Supreme Commercial Court agreed that a reception – co-sponsored by RAJP and the Russian judiciary – would be a positive addition to the conference. In response, the project team held a reception for conference participants on May 28. The reception served as a forum for informal discussions between Russian judges and international colleagues, encouraging relationships that will support future judicial reform in Russia and attracting international recognition for the Russian judiciary.

C. Partnership for Freedom

In light of USAID's diminishing role in Russian legal reform, RAJP has focused on creating sustainable partnerships between the National Judicial College, American judicial entities, and the Russian judiciary. The development of partnerships between the judiciaries of the two countries is prompted by several factors: first, the similar functions of U.S. and Russian judicial institutions; second, the potential for continued support for reform after USAID funding ceases; and third, the clear mutual benefit that such relationships bring to both U.S. and Russian institutions.

RAJP continues to work with the National Judicial College, American judicial entities, and the Russian judiciary to promote and institutionalize partnerships. For example, RAJP is promoting the development of sustainable partnerships between the Judicial Department of the Supreme Court and the Administrative Office of the United States Courts; the Council of Judges and the United States Judicial Conference; and the Academy of Justice and the National Judicial College.

In June 1999, RAJP began an exchange program for appellate court judges. Two appellate court judges from the United States lived and worked with two Russian appellate court judges in St. Petersburg for two weeks. In October 1999, the two Russian host judges will travel to the United States and stay with the families of American judges. The travelling judges will cover travel expenses, while host families will pay for living expenses. At least 16 American judges have expressed an interest in participation in the program, including hosting Russian judges and travelling to St. Petersburg in the future; on the Russian side, enthusiasm for the program has been notable. Given this display of support, RAJP will work to regularize the arrangement.

D. Coordination

To ensure that RAJP efforts reinforce rather than duplicate existing or previous efforts, the project team coordinates activities closely with other Rule of Law programs funded by USAID and other donors. Coordination includes sharing RAJP-developed materials, informing other programs of upcoming activities, and developing joint efforts.

From October to September 1999, RAJP coordinated activities with the USAID-funded American Bar Association Central and East European Law Initiative (ABA/CEELI), the USAID-funded IRIS Russian Bailiff's Reform project, United States Department of Commerce, World Bank-funded Russian Foundation for Legal Reform, Britain's Know-How Fund, the European Union's Tacis Democracy Programme, and the Council of Europe.

E. Program Expenditures by Activity

As required in Article VI of the delivery order, Annex A of this report includes a chart, broken down by activity, that details program expenditures and number of participants and faculty from April 1998 to September 1999.

ANNEX A

RAJP Activities, Workshop Evaluations, and Materials

Russian-American Judicial Partnership Activities: April 1998-September 1999

Activity	Cost	Number of Participants	Russian Faculty	Other Faculty
Court administration training at RAJP's offices, Moscow, Russia April 28-30, 1998	$22.19	15 participants: 5 judges, 10 court administrators	Leonid Efremov, SCC	Prof. Ernest Freisen, NJC
Commercial Court workshop, "Calculation of Damages, Federal Claims and the Enforcement of Judgements," Moscow, Russia, May 21-23, 1998	$9,917.26	47 judge-participants	Judge Anatoly Babkin, SCC Judge Lev Belousov, SCC Judge Oleg Boikov, SCC Judge Vladimir Slesarev, SCC	Judge Bernice Donald, U.S. Federal District Court Steven Walther, lawyer
Commercial Court workshop, "Calculation of Damages, Federal Claims and the Enforcement of Judgements," Sochi, Russia, May 25-27, 1998	$31,803.46	43 judge-participants	Judge Georgy Rud, CC Judge Anatoly Babkin, SCC Judge Lev Belousov, SCC Judge Vladimir Slesarev, SCC	Judge Bernice Donald, U.S. Federal District Court Steven Walther, lawyer
U.S.-based training program for the leadership of the Russian Commercial Courts, Reno, Nevada; San Francisco, California, and Washington, D.C., June 5-20, 1998	$79,720.00	13 participants: 9 judges, 4 court administrators	Russian participants: Judge Sergei Amosov, FCC Vladimir Andreev, director, Personnel Dept., SCC Judge Galina Gorsheva, FCC Judge Viktor Elizarov; FCC Leonid Efremov, director, International Legal Dept., SCC Tamara Jukova, director, Finance Department, SCC Judge Alexander Komarov, FCC Judge Ludmila Maikova, FCC Judge Vladimir Polipontsev, FCC Judge Yury Romanets, FCC Judge Faruk Sungatullin, FCC Judge Gennady Stoyakin, FCC Yury Teterev, deputy director, Administrative Dept., SCC	Pres. Robert Payant, NJC Prof. Ernest Freisen, NJC Joseph Jordan, NJC Prof. Deborah Ballard-Reisch, NJC Nancy Yeend, lawyer Judge Robert Kuebler, NJC Judge Thomas Carlson, U.S. Bankruptcy Court Mark Mendlehall,U.S Court of Appeals for the Ninth Circuit William Suter, Clerk of Court, U.S. Supreme Court James Apple, FJC Judge Frank Nebeker, U.S. Court of Veterans' Appeals Judge Brenda Murray, U.S. Securities and Exchange Commission
Federal Commercial Court for the Northwest Okrug workshop, "Appellate Procedure and Public Opinion," St. Petersburg, Russia, September 24-25, 1998	$4,581.44	26 participants: 20 judges, 6 court administrators	Judge Alexander Komarov, CC	Judge Barteau Betty, RAJP David Vaughn, lawyer, RAJP

Courts of General Jurisdiction workshop, "The Judiciary and Human Rights," Ulyanovsk, Russia, October 6-8, 1998	$12,571.93	28 judge-participants	Justice Alexie Shurygin, SCt, CGJ Judge Kailan Beskembirov, CGJ	Prof. Erwin Chemerinsky, USC Judge Robert Jones, U.S. Federal District Court James Voyles, lawyer Justice Alexander Arabadjiev, European Commission of Human Rights David Vaughn, lawyer, RAJP
Council of Judges presentations, "The International Associations of Judges and Plea Bargaining in the United States," Moscow, Russia, October 28, 1998	$100	100 judge-participants	Justice Yuri Sidorenko, COJ	Judge Andre Davis, U.S. Federal District Court Justice Ernst Markel, Supreme Court of Austria and International Assoc. of Judges David Vaughn, lawyer, RAJP
Commercial Court Workshop, "Tax Law, Pre-Trial Procedures and Settlement Conferences," Omsk, Russia, October 27-30, 1998	$23,262.6	58 participants: 52 judges, 6 court administrators	Prof. V. Sherstyuk, SCC Justice Tatyana Andreeva, SCC Justice Oleg Boikov, SCC	Judge Brent Adams, Nevada District Court Judge Steven Plotkin, Louisiana Court of Appeals Judge V. Sue Shields, U.S. Federal District Court Justice Ernst Markel, Supreme Court of Austria and International Assoc. of Judges Sharon Hester, lawyer Rick Chewning, U.S. Department of Treasury Judge Stephen Swift, U.S. Tax Court
Commercial Court workshop, "Tax Law, Pre-Trial Procedures and Settlement Conferences," Moscow, Russia, November 2-5,1998	$10,521.46	54 participants: 50 judges, 4 court administrators	Justice Nadezhda Vyshnyak, SCC Prof. V. Sherstyuk, SCC Justice Tatyana Andreeva, SCC Justice Oleg Boikov, SCC	Judge Brent Adams, Nevada District Court Judge Steven Plotkin, Louisiana Court of Appeals Judge V. Sue Shields, U.S. Federal District Court Sharon Hester, lawyer Rick Chewning, U.S. Department of Treasury Judge Stephen Swift, U.S. Tax Court
Collegia on judicial qualifications workshop (1 of 3) "Judicial Selection, Ethics and Discipline," Belgorod, Russia, November 16-18, 1998	$40,083.85	119 participants: 114 judges, 5 court administrators	Judge Anatoly Zinovyev, CGJ,CJQ Judge Natalya Senatorova, CC,CJQ Justice Valentin Kuznetsov, SCt, CGJ, CJQ Judge Valentin Emenko, CGJ,CJQ Judge Viktor Terekhin, CGJ,CJQ Judge Alexei Simonov, CGJ,CJQ Judge Valery Rudnev, CGJ,CJQ	Judge Sam Ervin III, U.S. Court of Appeals for the Fourth Circuit Marla Greenstein, exec. dir., Alaska Commission of Judicial Conduct Judge Michael Hogan, U.S. Federal District Court Pres. Robert Payant, NJC

Commercial Court workshop, "Tax Law, Pre-Trial Procedures and Settlement Conferences," Moscow, Russia, December 1-4, 1998	$20,285.6	102 participants: 96 judges, 6 court administrators	Judge Mikhail Yukhney, CC Judge Svetlana Gerasimenko,CC Judge Valery Finogenov,CC Judge Alexey Chistyakov, CC Judge Vladimir Tumarkin,CC Judge Vsevolod Levi,CC Judge Gennady Tabachenko,CC	Judge George Ellis, Tennessee District Court Judge V. Sue Shields, U.S. Federal District Court Sharon Hester, lawyer, GSU Rick Chewning, U.S. Department of Treasury Judge David Laro, U.S. Tax Court Marlene Laro, tax lawyer
U.S.-based training program for the Judicial Department, Reno, Nevada; San Francisco, California; and Washington, D.C., February 15-28, 1999	$80,000.00	15 participants: 5 judges, 10 court administrators	Judge Mikhail Averin, CGJ, COJ Judge Islam Burlakov, CGJ, COJ General Director Valentin Chernyavsky, JD Justice Vladimir Demidov, SCt, CGJ Vasili Dergachev, JD Pletnev Vyacheslav, JD Eugene Popov , JD Judge Viktor Ryazantsev, CGJ, COJ Judge Petr Serkov, CGJ, COJ Alexei Slotyuk, JD Judge Valentina Soboleva, CGJ, COJ Valentin Voronov, JD Valery Yurchenko, JD Valentina Zabegaeva, JD Alexander Zinchenko, JD	Judge Michael Mihm, U.S. Judicial Conference Peter McCabe, AOUSC Judge Sam De Simone, NJC Judge Robert Payant, NJC Joseph &Thomas Jordan, NJC Doug Somerlot, Justice Management Institute Mary Francis Edwards, NJC Judge Janet Berry, Nevada District Court Dale Sipes, AO California Courts Tony Wernert, AO California Courts
Collegia on judicial qualifications workshop (2 of 3) "Judicial Selection, Ethics and Discipline," Kazan, Russia, March 23-25, 1999	$33,396.2	142 participants: 132 judges, 10 court administrators	Judge Oleg Markov, CJQ Judge Nikolai Petukhov, CJQ Judge Valery Rudnev, CJQ Judge Alexie Simonov, CJQ Judge Vladimir Kalanda, CJQ Judge Anatoly Babenko, CJQ Judge Ivan Ovcharuk, CJQ Judge Mar Shtchekutova, CJQ	Judge Bowie Peter, U.S. Bankruptcy Court Judge Sarah Barker, U.S. Federal District Court Pres. Robert Payant, NJC Judge Betty Barteau, RAJP
Commercial Court workshop "Bankruptcy and the Application of Corporate Law," Rostov-on-Don, Russia, April 7-9, 1999	$20,036.35	59 judge-participants	Judge Albert Zhuravsky, CC Judge Svetlana Karpacheva, CC Judge Natalya Kandaurova, CC Judge Vladimir Naumov, SCC Judge Viktor Anokhin, CC Justice Alexander Arifulin, SCC Judge Ildar Faizutdinov, CC Leonid Efremov, SCC	Justice Joseph Walsh, Delaware Supreme Court Judge Sidney Brooks, U.S. Bankruptcy Court
Commercial Court workshop, "Bankruptcy and the Application of Corporate Law," Moscow, Russia, April 13-15, 1999	$13,351.00	87 judge-participants	Judge Alexey Guznov, CC Judge Pavel Bunich, CC Judge Viktor Golubev, CC Justice Vasily Vitryansky, SCC Judge Tatyana Prudnikova, CC Judge Olga Nikitina, CC Judge N. Veseneva , CC Judge N. Ivannikova , CC Judge Alexander Kurepoi, CC	Justice Joseph Walsh, Delaware Supreme Court Judge Sidney Brooks, U.S. Bankruptcy Court

Commercial Court workshop, "Disputes Involving Foreign Companies and Mutual Legal Assistance," Moscow, Russia, June 9-11, 1999	$14,761.9	76 judge-participants	Leonid Efremov, SCC Judge Marina Komolova, CC Judge Komarova, CC Prof. Tatyana Neshataeva, SCC Judge Shebanova, CC Prof. Svetlanov	Prof. Ronald Hofer, staff attorney, Wisconsin Court of Appeals Judge Evan Wallach, U.S. Court of International Trade
Commercial Court workshop, "Disputes Involving Foreign Companies and Mutual Legal Assistance," St. Petersburg, Russia, June 15-17, 1999	$ 24,868.22	43 judge-participants	Leonid Efremov, SCC Prof. Tatyana Neshataeva, SCC Judge Shebanova, CC Prof. Svetlanov Judge Alexander Komarov, CC	Prof. Ronald Hofer, staff attorney, Wisconsin Court of Appeals Judge Evan Wallach, U.S. Court of International Trade
Collegia on judicial qualifications workshop (3 of 3) "Judicial Selection, Ethics and Discipline," Irkutsk, Russia, June 30-July 2, 1999	$ 86,711.88	136 participants: 119 judges, 17 court administrators	Judge Natalya Senatorova, CC Vladimir Kalanda, Administration, R.F. president Judge Galina Fedorenko, CGJ Vladimir Andreev, director, Personnel Dept., SCC Judge Viktor Borisenko, Military Court Judge Sergei Dementyev, CC Justice Valentin Kuznetsov, Supreme Court, CGJ Velery Rudnev, head editor, *Russian Justice* magazine Alexey Simonov, president, Glastnost Protection Found. Alexey Slotyuk, JD Justice Alexander Arifulin, SCC Judge Viktor Pashkov, CGJ Judge Viktor Tkachev, CGJ Valentin Voronov, JD Anatoly Perepechenov, JD Valentina Kuzmina, JD	Judge Betty Barteau, RAJP Judge Gerald Cohn, U.S. Federal Magistrate, Southern District of Illinois Judge Henry Politz, U.S. Court of Appeals for the Fifth Circuit Judge John Baker, Indiana Court of Appeals
Commercial Court workshop, "Comparative Analysis of the Settlement of Disputes Arising from Tax, Customs and Other Administrative Matters," Moscow, Russia, September 22-24, 1999	$19,116.1	93 judge-participants	Justice Oleg Boikov, SCC Justice Nadezhda Vyshnyak, SCC Justice Mikhail Yukhney, SCC Svetlana Gerasimenko, SCC Gennady Tabachenko, Tax Ministry	Judge Sue Shields, U.S. Federal Magistrate, Southern District of Indiana Judge Delissa A. Ridgway, U.S. Court of International Trade Judge Juan Vasquez, U.S. Tax Court
Commercial Court workshop, "Comparative Analysis of the Settlement of Disputes Arising from Tax, Customs and Other Administrative Matters," Khabarovsk, Russia, September 28-30, 1999	$25,794.9	65 judge-participants	Justice Oleg Boikov, SCC Justice Mikhail Yukhney, SCC Justice Oleg Naumov, SCC	Judge Sue Shields, U.S. Federal Magistrate, Southern District of Indiana Judge Delissa A. Ridgway, U.S. Court of International Trade Judge Juan Vasquez, U.S. Tax Court
Total expenditure: $550,906.34		**Total participants: 1,321: 1,243 judges and 78 court administrators**		

Key to Table:

SCC	Supreme Commercial Court		
CC	Commercial Court	AOUSC	Administrative Office, U.S. Courts
FCC	Federal Commercial Court (Commercial Court of Appeals)	SCt	Supreme Court
		RAJP	Russian-American Judicial Partnership
COJ	Council of Judges		
CGJ	Court of General Jurisdiction	NJC	National Judicial College
JD	Judicial Department	CJQ	Collegia on Judicial Qualifications

Workshop Evaluation Response Summaries
April 1998 – September 1999

* Numbers in parentheses indicate the number of judge-participant respondents

Activity	Specify subjects of the workshop that require additional information	Specify subjects of the workshop that should be extended	Your suggestions on ways to increase your professional level within the RAJP network
CommercialCourt workshop, "Calculation of Damages, Federal Claims and the Enforcement of Judgements," Moscow, Russia, May 21-23, 1998	• Judicial ethics (2) • General information about the U.S. judicial system (1) • Case evaluation • Determining the amount of damage in violations of judicial ethics (1) • Liabilities (1) • Any subject would be interesting and useful; U.S. courts' competence and jurisdiction (1)	• Claims against U.S. federal government (2) • Claims against Russian federal government (2) • Evidence (1) • Judicial ethics (1) • Determining damages in commercial disputes (1) • Information on U.S. federal and circuit courts (1)	• VisitU.S. courts and look at processes on site; train Russian judges at U.S. institutions (6) • Seminars on specific subjects, e.g., "Tax Disputes," "Bankruptcy Disputes" (2) • Organize such workshops more often (2) • Case study methods would be useful (1)
Commercial Court workshop, "Calculation of Damages, Federal Claims and the Enforcement of Judgements," Sochi, Russia, May 25-27, 1998	• Structure of U.S. courts (including administrative law courts) (1) • More information on U.S. administrative law courts (1) • Tax cases (1) • Tax cases in Russia and the U.S. (1) • Disputes between legal entities (1) • Disputes involving foreign entities(1) • Recovery of damages caused by tax and custom authorities (1) • Company liability for damages by affiliate (1) • Claims against the federal government (1) • Land tenure (1)	• Examining, choosing and appraising evidence (3) • Enforcing judicial decisions (2) • Judicial ethics (2) • Tax cases in Russia and the U.S. (1) • Arbitration practice (1) • Disputes between legal entities (1) • Problems for judicial activity and technical support for judges, which is essential for judicial independence (1) • Liability for breach of contracts (1) • Independence of judges (1) • Claims against the federal government (1)	• Case study methods would be useful (6) • If possible, visiting U.S. courts and looking at various processes on site; training of Russian judges at U.S. institutions (4) • It would be good to organize such workshops more often (2)
U.S.-based training program for Russian Commercial Courts leaders, Reno, Nevada; San Francisco, California; and Washington, D.C., June 5-20, 1998	• Leadership skills (1)	• Leadership skills (2) • Information systems in the courts (1) • Roles of chief judge and court administrators (1)	• Organize such workshops on a regular basis (1) • Develop cooperation among Russian and American judges (1)
Courts of General Jurisdiction workshop, "The Judiciary and Human Rights," Ulyanovsk, Russia, October 6-8, 1998	• Compare Russian and U.S. judicial systems (3) • U.S. judicial system (1) • Evaluation of cases (3) • Civil procedures (practice) (1) • Independence of judges (1) • Judicial ethics (1)	• Professional level of judges (1) • Criminal procedure (1)	• Case study methods would be useful (2) • Use videotapes (2) • Organize such workshops more often (2) • Such workshops are very useful from the practical point of view (1)

Commercial Court workshop, "Tax Law, Pre-Trial Procedures and Settlement Conferences," Omsk, Russia, October 27-30, 1998	• Application of tax legislation in the R.F. (1) • Pretrial procedures and settlement conferences (2) • Examining, choosing and appraising evidence (1) • Claims against federal government (1) • More detailed information on U.S. courts (1) • General information on current U.S. legislation (2) • Compare Russian and American legislation (3) • Arbitration procedures (4) • Independence of judges (1) • R.F. tax code (1) • Structure of judicial system in the U.S. (1) • Consideration of disputes in different spheres (2) • Decision enforcement (1)	• Structure of judicial system in the U.S. (2) • U.S. tax legislation (1) • Examining, choosing and appraising evidence (2) • Pretrial procedures (3) • Enforcement of judicial decisions (1) • Problems for judicial activity and technical support for judges (1) • Arbitration practice (1)	• Visit U.S. courts and look at various processes on site, train Russian judges at U.S. institutions (22) • It would be useful to visit courts (2) • The videotapes with the same could be distributed in the courts, and there is no need to go to a workshop (1) • Use video records that depict real disputes (1) • Organize such workshops more often (2) • Provide more time for discussion (2) • Case study methods would be useful (4) • Compare Russian and American legal systems (1)
Commercial Court workshop, "Tax Law, Pre-Trial Procedures and Settlement Conferences," Moscow, Russia, November 2-5,1998	• Tax disputes between legal entities (1) • Examining, choosing and appraising evidence (2) • Compare Russian and American legislation (1) • International cooperation between Russian and American courts (1) • Enforcement of judicial decisions (1) • Arbitration procedures (2) • The role of the Supreme Court in the U.S. (1) • Pre-trial procedures (1) • Judicial selection and discipline (1) • Case consideration (1)	• Examining, choosing and appraising evidence (1) • Consideration of disputes in the courts of general jurisdiction (1) • General information about bankruptcy (1) • General information about the judicial system of the U.S. (1) • Judicial procedures (1) • Comparison with other courts (1)	• If possible, visiting U.S. courts and looking at various processes on site, training of Russian judges at U.S. institutions (9) • It would be useful to invite American judges from U.S. commercial courts (1) • It would be useful to invite judges from different countries (1) • The materials should be distributed in advance (2)
Collegia on judicial qualifications workshop (1 of 3) "Judicial Selection, Ethics and Discipline," Belgorod, Russia, November 16-18, 1998	• Information on the Collegia of Judicial Qualifications of the R.F. (1) • Practical part of the workshop (5) • General information on the U.S. judicial system (1) • Judicial selection and discipline (9) • U.S. judiciary (1) • Independence of judges. (1) • Pre-trial procedures (1)	• It is necessary to compare Russian and American legislation (1) • Judicial selection and discipline (1) • Case consideration (2) • Selection of judges (3) • Judicial selection and discipline (5) • Comparison with other courts (1)	• It would be useful to have written materials from Russian judges (2) • Visit U.S. courts and look at various processes on site; train Russian judges at U.S. institutions (12) • Invite American judges from U.S. commercial courts (1) • Invite judges from different regions of the R.F. (1) • Organize workshops in different regions of the R.F. (1)

Commercial Court workshop, "Tax Law, Pre-Trial Procedures and Settlement Conferences," Moscow, Russia, December 1-4, 1998	• The R.F. tax code (5) • Application of tax legislation in the R.F. (2) • Special taxes (1) • Environmental law (1) • Enforcement of decisions (4) • Consideration of disputes in different spheres (2) • International law (1)	• Taxes (4) • Tax legislation (5) • Case consideration (1) • Application of tax legislation in the R.F. (2) • VAT (7)	• Visit U.S. courts and look at various processes on site; train Russian judges at U.S. institutions (15) • Only practical information should be used (1) • Use videotapes (1) • Organize workshops in different R.F. regions (4) • Invite judges from different regions of the R.F. (3)
U.S.-based training program for the Judicial Department, Reno, Nevada; San Francisco, California; and Washington, D.C., February 15-28, 1999	• (0)	• Civil legislation (1)	• Spend more time in courts (1)
Collegia on judicial qualifications workshop (2 of 3) "Judicial Selection, Ethics and Discipline," Kaman, Russia, March 23-25, 1999	• More information on practice (2) • U.S. judicial system (2) • Criminal law (1) • More examples (2) • Technical support of judges (3) • Fulfillment of judicial decisions (1) • More time for presentation for Russian judges (2) • Selection of judges (4) • Independence of judges(2) • Judicial ethics (1) • Corruption in judicial system (1)	• Time for discussion (2) • Practical questions (1) • Impeachment of judges (3) • Judicial ethics (3) • Judicial system (1) • Cooperation with mass media (3)	• Only practical information should be used (6) • Organize workshops in different regions of the R.F. (9) • Organize training of Russian judges at U.S. institutions (12) • Use videotapes during presentations (2) • Not enough time for discussion (1)
Commercial Court workshop, "Bankruptcy and the Application of Corporate Law," Rostov-on-Don, Russia, April 7-9, 1999	• Application of bankruptcy legislation (5) • Judicial procedure (2) • Shareholders (1)	• Case consideration (1) • Application of bankruptcy legislation (3) • Application of bankruptcy legislation in the R.F. (1)	• Only practical information should be used (3) • Organize workshops in different R.F. regions (11)
Commercial Court workshop, "Bankruptcy and the Application of Corporate Law," Moscow, Russia, April 13-15, 1999	• Application of bankruptcy legislation (1) • Application of legislation (2) • Time for discussion (3) • Practical information (1) • Judicial procedure (2) • Labor law (1)	• Practical information (3) • Fulfillment of judicial decisions (1) • Consideration of bankruptcy cases in Russia and the U.S. (1) • Case consideration (1) • Application of bankruptcy legislation in the R.F. (1)	• Only practical information should be used (3) • Organize workshops in different R.F. regions (1) • VisitU.S. courts and look at various processes on site; train Russian judges at U.S. institutions (2) • Not enough time for discussion (1)

Commercial Court workshop, "Disputes Involving Foreign Companies and Mutual Legal Assistance," Moscow, Russia, June 9-11, 1999	• International civil procedure (1) • Judicial mistakes (1) • Examining, choosing and weighing evidence (1) • Cases between legal entities (2) • Practical examples (2) • Judicial practice (1) • Writing resolutions (1)	• American private law (1) • International agreements (1) • Consideration of cases between legal entities (2) • International civil procedure (1) • Russian legislation (1)	• Organize training of Russian judges at U.S. institutions (2) • Organize round tables (2) • Use videotapes during presentations (1) • Organize workshops in different regions of the R.F. (1)
Commercial Court workshop, "Disputes Involving Foreign Companies and Mutual Legal Assistance," St. Petersburg, Russia, June 15-17, 1999	• Give more information about practice (2) • Cooperation of Russian and American judges (1) • Fulfillment of judicial decisions (1)	• International civil procedure (2) • Writing resolutions (2) • Practical questions (1)	• Organize round tables (3) • Organize workshops in different regions of R.F. (2) • Use videotapes during presentations (1) • Not enough time for discussion (2) • Organize training of Russian judges at U.S. institutions (2)
Collegia on judicial qualifications workshop III/III "Judicial Selection, Ethics and Discipline," Irkutsk, Russia, June 30-July 2, 1999	• Role of the chairman of the court (1) • Discussion of questions after each presentation (2) • International law (1) • Judicial selection and discipline (2) • Independence of judges (1) • Information about Collegia of Judicial Qualifications of the R.F. (3)	• Selection of judges (2) • Financial support of Russian judges (1) • Judicial discipline (1) • Bankruptcy legislation (1) • Judicial selection and discipline (3) • Practical part of the workshop (1) • Judicial ethics (3)	• Visit U.S. courts and look at various processes on site; train Russian judges at U.S. institutions (11) • More information about Collegia on Judicial Qualification and Judicial Department (6) • Use video materials during presentations (3) • Organize workshops in different regions of R.F. (4)
Commercial Court workshop, "Comparative Analysis of the Settlement of Disputes Arising from Tax, Customs and Other Administrative Matters," Moscow, Russia, September 22-24, 1999	N/A	N/A	N/A
Commercial Court workshop, "Comparative Analysis of the Settlement of Disputes Arising from Tax, Customs and Other Administrative Matters," Khabarovsk, Russia, September 28-30, 1999	N/A	N/A	N/A

Russian-American Judicial Partnership Materials Available in Russian and English

* Materials prepared by Russian and American experts for RAJP programs and activities

	Title	Author	Position
1	Calculation of Damages	Bernice Donald	Judge, U.S. District Court
2	Principles of a Bankruptcy Court and Reorganization System	Bernice Donald	Judge, U.S. District Court
3	Principle Difference Between U.S. and Russian Bankruptcy Laws	Bernice Donald	Judge, U.S. District Court
4	U.S. Bankruptcy Law	Bernice Donald	Judge, U.S. District Court
5	Tax Fraud and Customs Violation		
6	Overview of the United States Courts	Steven Walther	Lawyer
7	U.S. Court of Federal Claims	Loren A. Smith	Judge, U.S. Court of Federal Claims
8	Suits Against the Government	Loren A. Smith	Judge, U.S. Court of Federal Claims
9	The Constitution of the United States		
10	A History and Guide to the United States Courts		
11	Administrative Structure of the Federal Court in the U.S.	Lloyd D. George	Judge, U.S. District Court
12	Seven Principles Under Which the Judicial System of the U.S. Operates	Federal Judicial Center	
13	Twelve Building Blocks of an Independent Judiciary		
14	Federal Judicial Organization and Administration	Peter McCabe	Administrative Office of the U.S. Courts
15	Court Organization in the U.S.		
16	Dramatis Personae		
17	Federal Appellate Procedure	Betty Barteau	Judge, chief of party, RAJP
18	Leadership Skills: Training Program (Available only in Russian)	Deborah Ballard-Reisch	Professor, UNR
19	Small Claims Rules of Different States		
20	Using a Small Claims Court: A Handbook for Plaintiffs and Defendants		
21	Uniform Rules on Small Claims		
22	Act on Courts of General Jurisdiction in New York		
23	Legal Protection of Civil Rights	E. Chemerinsky	Professor of law, USC
24	Application of International Human Rights Law in U.S. Courts	D. Vaughn	Deputy chief of party, RAJP

25	The European System for the Protection of Human Rights	A. Arabadjev	Member of the European Commission of Human Rights
26	Jury Trials	R. Jones	Judge, U.S. District Court
27	Criminal Legal Proceedings	E. Chemerinsky	Professor of law
28	International and European Judges Associations	E. Markel	Vice president of the International Association of Judges
29	Federal Rules of Criminal Procedure and Plea Bargaining	A. Davis	Judge, U.S. District Court
30	Commencement of a Case	Stephen J. Swift	Judge, U.S. Tax Court
31	Choice of Forum in Civil Tax Litigation	Stephen J. Swift	Judge, U.S. Tax Court
32	Mock Tax Trial		Harvard Institute
33	Tax Appeal	Kristine Roth	IRS
34	Appeal to U.S. Supreme Court	Kristine Roth	IRS
35	Pretrial Procedures and Settlement Conferences	V. Sue Shields	Magstrate judge, Southern District of Indiana
36	The Judge's Role in Alternative Dispute Resolution	Brent Adams	District Court judge, Nevada
37	Rule 55. Default Judgement	Federal Rules of Civil Procedure	
38	Rule 56. Summary Judgement	Federal Rules of Civil Procedure	
39	Case Disposition Rules and Techniques	Steven R. Plotkin	Judge, Louisiana Court of Appeals
40	Rule 16. Pretrial Conferences	Federal Rules of Civil Procedure	
41	Rule 26. General Provisions Governing Discovery. Duty of Disclosure	Federal Rules of Civil Procedures	
42	The Pretrial Conference		
43	Judicial Selection and Judicial Discipline in the U.S. Federal Court System	Sam J. Ervin III	Judge, U.S. Court of Appeals
44	State Systems for Selection of Judges	Marla N. Greenstein	Executive director, Alaska Comm. of Judicial Conduct
45	Ethical Training in the Profession: The Special Challenge of the Judiciary	Robert Payant	President emeritus, NJC
46	The United States Judicial Code of Ethics	Michael Hogan	Chief judge, U.S. Federal District Court, Oregon
47	Courtroom Demeanor		
48	Disqualification		
49	Rules and Procedures	Committee on Judicial Ethics of the California Judges Association	
50	Judges' Code of Honor of the Russian Federation		
51	Code of Conduct for Judicial Employees	Judicial Conference of the United States	

52	Outline of Federal Judicial Organization and Administration	Administrative Office of the U.S. Courts	
53	Judicial Conference Procedures	Administrative Office of the U.S. Courts	
54	Brief Description of Administrative Office of the United States Court and the Federal Judicial Center	Administrative Office of the U.S. Courts	
55	Excerpts From Getting Started as a Federal Judge	Administrative Office of the U.S. Courts	
56	The Court Administrator: A Manual	National Association for Court Management	
57	Excerpts From the Judiciary's Strategic Business Plan		
58	Summary of Federal Judicial Budget. Budget in Brief. Fiscal Year 1998.		
59	Elements of Judicial Education	William Schwarzer	Federal Judicial Center
60	Code of Conduct for United States Judges		
61	Law of the R.F. "On Judicial Department"		
62	State Selection Methods	Betty Barteau	Judge, chief of party, RAJP
63	Ethical Training in the Profession: The Special Challenge of the Judiciary	Peter Bowie	U.S. Codes of Conduct Committee and U.S. Bankruptcy judge
64	Ethics Hypothetical	Robert Payant	President emeritus, NJC
65	The United States Judicial Code of Ethics	Peter Bowie	U.S. Bankruptcy Judge
66	Regulations of the Judicial Conference of the U.S: Establishing Standards and Procedures for the Appointment and Re-appointment of U.S. Magistrate Judges	Peter Bowie	U.S. Bankruptcy Judge
67	Judicial Ethics in the Russian Federation (available only in Russian)	Markov, O.N.	Member, Supreme Collegia on Judicial Qualifications
68	Judicial Discipline in the R.F. (available only in Russian)	Terekhin, V.A.	Member, Supreme Collegia on Judicial Qualifications
69	Judicial Selection in the Regions of the R.F. (available only in Russian)	Fedorenko, G.V.	Member, Supreme Collegia on Judicial Qualifications
70	Bankruptcy Trusteeship	Sidney Brooks	Judge, U.S. Bankruptcy Court
71	The Defining Tension in Corporate Governance and Corporate Criminal Liability in the U.S.	Joseph Walsh	Justice, Supreme Court of Delaware
72	Application of Bankruptcy Law While Considering Commercial Disputes (available in Russian only)	Naumov O.A.	Head of Dept., Supreme Commercial Court
73	Various Aspects of Applying JSC Law (available only in Russian)	Shapkina G.S.	Judge, Supreme Commercial Court
74	Piercing the Corporate Veil: A Comparative Analysis	Joseph Walsh	Justice, Supreme Court of Delaware

75	United States Court of International Trade: General Information		
76	Letter of Supreme Commercial Court No. OM-230, 08.16.95		
77	Issues in International Procedure	Evan Wallach	Judge, U.S. Court of International Trade
78	Convention on the Recognition and Enforcement of Foreign Arbitral Awards	United Nations Publications	Register of Text of Conventions and Other Instruments Concerning International Trade Law, Vol. II. New York, 1973.
79	Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters	United Nations Publications	Register of Text of Conventions and Other Instruments Concerning International Trade Law, Vol. II. New York, 1973.
80	Convention on the Taking of Evidence Abroad in Civil or Commercial Matters	United Nations Publications	Register of Text of Conventions and Other Instruments Concerning International Trade Law, Vol. II. New York, 1973.
81	Rule 27. Depositions Before Action or Pending Appeal	Federal Rules of Civil Procedures	
82	Rule 28. Persons Before Whom Depositions May Be Taken	Federal Rules of Civil Procedures	
83	Rule 29. Stipulations Regarding Discovery Procedure	Federal Rules of Civil Procedures	
84	Rule 30. Depositions Upon Oral Examination	Federal Rules of Civil Procedures	
85	Rule 31. Depositions Upon Written Questions	Federal Rules of Civil Procedures	
86	Rule 32. Use of Depositions in Court Proceedings	Federal Rules of Civil Procedures	
87	Rule 33. Interrogatories to Parties	Federal Rules of Civil Procedures	
88	Rule 34. Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes	Federal Rules of Civil Procedures	
89	Rule 35. Physical and Mental Examination of Persons	Federal Rules of Civil Procedures	
90	Rule 36. Requests for Admission	Federal Rules of Civil Procedures	
91	Rule 37. Failure to Make Disclosure or Cooperate in Discovery: Sanctions	Federal Rules of Civil Procedures	
92	Chapter 113. Process	Title 28, U.S. Code	
93	Chapter117. Evidence; Depositions	Title 28, U.S. Code	
94	Chapter 125. Pending Actions and Judgements	Title 28, U.S. Code	
95	General Issues of Considering Disputes with a Foreign Company as a Party by Commercial Courts of the R.F. (available only in Russian)	Neshataeva, T.N.	Judge, Supreme Commercial Court

96	Preparing a Case with a Foreign Company as a Party for Consideration at a Commercial Court (available only in Russian)	Shebanova, N.A.	Judge, Federal Commercial Court of Moscow Okrug
97	Various Aspects of Application of International Contracts on Mutual Legal Assistance in the Process of Work of Commercial Courts of the Russian Federation (available only in Russian)	Efremov, L.V.	Head, International Legal Department of Supreme Commercial Court
98	The Art of Writing Resolutions	Ron Hofer	Professor, staff attorney, Wisconsin Court of Appeals
99	Overview of the United States Judiciary	Betty Barteau	Judge, chief of party, RAJP
100	Rule 11. Plea Bargaining	Federal Rules of Criminal Procedure	
101	Draft Law on Judiciary Bodies in the Russian Federation		
102	Historical Evolution of the U.S. Federal Judicial Branch	Michael M. Mihm	District judge
103	Judicial Independence in the U.S.	Lloyd D. George	District judge
104	Planning and Control Arrangement in the Offices (Sections) of Judicial Department in the R.F.	Skapishev, S.A.	Deputy head, Org. Planning Department, Judicial Department
105	Consideration of Civil Applications Coming Up Before the Bodies of Judicial Department	Pichuzhkin, Yu. A.	Consultant
106	Professional Preparation and Advancement of Qualification in the Court System of General Jurisdiction and Organs of Judicial Department	Budenko, N.I.	Head, Educational Programs, Judicial Department
107	Administrative Settlement of Tax Disputes in the United States	Juan F. Vasquez	Judge, United States Tax Court
108	State Administrative Procedures	V. Sue Shields	Magistrate judge, U.S. District Court, Southern District of Indiana
109	Customs Law and Administration in the United States	Delissa Ridgway	Judge, U.S. Court of International Trade
110	Jurisdiction of U.S. Court on International Trade (available only in Russian)	James L. Watson	Judge, U.S. Court of International Trade
111	Overview of U.S. Anti-dumping Legislation (available only in Russian)	James L. Watson	Judge, U.S. Court of International Trade
112	Administrative Procedure Act	U.S. Code	
113	General Issues of Liability for Administrative Misdemeanor in the Practice of Commercial Courts (available only in Russian)	Naumov	Head of department., Supreme Commercial Court
114	Speedy Trial Act	Federal Rules of Criminal Procedure	

115	Instruction (Court Rule) 1. Introduction to Instructions	Judicial Department	
116	Instruction (Court Rule) 2. Functions of a Regional Court Chairman	Judicial Department	
117	Instruction (Court Rule) 3. Functions of the Criminal Court Clerk	Judicial Department	
118	Instruction (Court Rule) 4. Functions of the Court Session Secretary	Judicial Department	
119	Instruction (Court Rule) 5. Functions of a Court Office Manager	Judicial Department	
120	Instruction (Court Rule) 6. Functions of a Court Forwarding Agent	Judicial Department	
121	Instruction (Court Rule) 7. Functions of the Court Session Secretary	Judicial Department	
122	Instruction (Court Rule) 8. Functions of the Civil Court Clerk	Judicial Department	
123	Instruction (Court Rule) 9. Functions of a Court Archivist	Judicial Department	
124	Instruction (Court Rule) 10. Functions of a Judge Regarding the Preparation of Civil Cases for Court Examination	Judicial Department	
125	Instruction (Court Rule) 11. Functions of a Judge Upon Examination of Civil Cases	Judicial Department	
126	Instruction (Court Rule) 12. Departments with which the Regional Court Interacts	Judicial Department	
127	Instruction (Court Rule) 13. The Rules of Court Sessions on Criminal Cases	Judicial Department	
128	Federal Law on the Judicial System of the Russian Federation		
129	Federal Law on Magistrates in the Russian Federation		
130	Decision of the State Duma on Certain Questions of Applying the Federal Law on the Introduction of the Amendments and Addenda into the Law of the Russian Federation on the Status of Judges in the Russian Federation		
131	Resolution of the Supreme Soviet of the Russian Federation on Certain Materials, Associated with the Application of the Law of the Russian Federation on the Status of Judges in the Russian Federation		
132	The Law of the Russian Federation on the Status of the Judges in the Russian Federation		
133	Core Competency Curriculum Guidelines: History, Overview, and Future Uses	National Association for Court Management	

ANNEX B

Report on Court Administration and Case-Management Automation in the Russian Federation

By Thomas M. Jordan and Joseph C. Jordan

August 30, 1999

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ANNEX B

Report on Court Administration and Case-Management Automation in the Russian Federation

A. Introduction

In early 1999, we were approached by the Russian-American Judicial Partnership (RAJP) with a proposal to prepare curriculum and conduct training for a series of seminars in the Russian Federation on the applications of case-flow management technology in courts. In February 1999, we provided training in case-flow management technology to leaders of the Russian Federation's Supreme Court Judicial Department at the National Judicial College in Reno, Nevada. This assignment was designed to build on the presentations to Judicial Department officials.

Judicial Department General Director Valentin Chernyavsky and USAID approved the seminars. We then prepared materials and developed a curriculum for the training sessions, to be conducted in May 1999 in Nizhny Novgorod and Ul'yanovsk. Due to unforeseen political events, the seminars were abruptly cancelled after our arrival in Moscow. We then considered other possible assistance to meet the Judicial Department's immediate needs.

After meeting with Mr. Chernyavsky and Judge Betty Barteau, chief of party for the Russian-American Judicial Partnership, we agreed to work with our Russian counterparts to draft a plan for creating the "Guide to Case-Management Automation in the Courts of the Russian Federation." The Judicial Department does not currently have a uniform court guide or system for case-management automation. The proposed guide will improve court processes and promote a uniform approach to case management. It will also be used as a training tool for court staff and judges throughout Russia.

During the meeting, Mr. Chernyavsky noted the recent creation of the position of court administrator in the Russian Federation. In response to his request, we agreed to examine and develop materials on Judicial Department court administration, using models from the United States.

The original concept for these efforts was drawn from Mr. Chernyavsky's letter to Judge Barteau of March 12, 1999, provided in Annex A. Among other things, he requested RAJP assistance in the following areas: developing scientifically justified workload standards for judges and court employees; creating models of qualification requirements for court administrators; and establishing legal and organizational methods for securing reliable, objective court statistics.

This report provides an overview of our activities in the Russian Federation from May 8 to 29, 1999. Below, under Case-Management Automation, we describe our work in case-management automation and the creation of the guide. Next, under Case-Management Automation, we discuss

the development of the court administrator position in Russia. In the report's final section, we provide our conclusions and recommendations.

B. Case-Management Automation

During the first week in Moscow, we scheduled observation and data collection visits with local court judges and staff, as shown in Annex B. After conducting a preliminary review of the system currently used by the courts, we sent a letter, found in Annex C, outlining our activities and the draft guide to Mr. Chernyavsky for his approval. After he approved the plan, we submitted a timetable to RAJP and USAID based on projected translation and document acquisition timeframes (see Annexes D and E). We used the remaining two weeks in Moscow to gather information on current methods of case tracking and management. Through visits to court facilities in Moscow, we collected samples of court administration-related documents that the courts had created and used.

The existing system. We began the assignment with a review of the Russian Federation's existing case-management system. We visited two district courts, one regional court, the Supreme Court of the Russian Federation, the Department of Legal Information of the Ministry of Justice, and the Judicial Department. During these visits, we sought to identify the system's major components and how these components interacted, both in theory and in actual practice. The collected materials – all needed to complete the guide – included general information on court activity operation, court personnel job descriptions, case-flow information, and documents on case-management software.

B1. Gagarinsky District Court

Our first visit was to the Gagarinsky District Court in Moscow. This court, along with two other Moscow district courts – the Ostansky District Court and the Nagatunsky District Court – was used as a beta test site, or pilot project, to identify potential faults in case-management software developed by Agora, a Russian scientific research center. In total 33 district or courts of first instance exist in Moscow.

At the Gagarinsky Court, we met with chair of the court, Judge Natalya Afanasyeva, and the court's administrative staff. Vladimir Niyesov, the Judicial Department's chief expert on legal information technologies, was also present during our visit. We reviewed the court's current system by observing clerical personnel and data-entry pools, in addition to observing 2 of the court's 12 judges. We discussed with court staff the existing system for processing cases, from filing to disposition, including archiving paper and electronic files.

Processing cases involves comprehensive, parallel systems for hard and virtual copies of case dockets. A tag on each file indicates the level of offence and type of case – criminal or civil – as well as a court-issued index number, the judge's index number, and a four-digit year date. A tracking number below this tag is used internally by the court. If the data-entry pool or judge lack a physical document, they can access a virtual copy with the proper system password. The public can request hard copies of dockets from clerks, and review the materials in adjacent reading facilities. Physical dockets are archived in a data-entry room and an adjacent storage area.

B2. Moscow City Court

At the Moscow City Court, we met with the chair of the court, Judge Zoya Korneva. We soon learned that Agora had used the Moscow City Court as a pilot project site for its new case-management software, prior to beta testing at the Gagarinsky District Court and Moscow Oblast Court. We discussed the new system's effectiveness with Judge Korneva who told us that the current less-paper solution was at least 50 percent faster than the old case-flow management method. Judge Korneva was enthusiastic about the project and ensured her staff's full cooperation.

Following our meeting with Judge Korneva, we toured courtrooms, data-entry pools, and clerical stations. The judges and court staff we interviewed seemed pleased with the new case-management system. Several interviewees suggested possible changes and modifications to the software and hardware. The suggested changes ranged from the plausible to the impossible. Many clerks and data-entry staff maintained that increasing the number and speed of computers would have a significant impact on their workflow. The judges we met were quick to suggest ways to use existing equipment to network judges and court databases involving similar cases. All interviewees wanted improved software documentation and more training in software use.

B3. Moscow Oblast Court

At the Moscow Oblast Court, we met with the deputy court chair, Judge Tatyana Omel'chenko. We discussed similarities and differences between systems at the Moscow Oblast Court and the Gagarinsky District Court with Judge Omel'chenko. Both courts used software that Agora had provided on a pilot basis; the courts reported satisfaction with the results.

The primary difference between Moscow Oblast Court and the others visited during this assignment was the Moscow court's wide geographic area of responsibility. The court, which communicates with dispersed groups in its work, must have a communication system that is readily understood by commercial interests and the public alike. To better understand the system's capabilities to accurately track and contact people within its jurisdiction, we visited the court's jury-management department. Clerks in the department send out summons via an automated system, achieving a high level of accuracy. The department's accuracy is no doubt partially explained by the Moscow government's historic efficiency in cataloging individuals. Future-matched-diligence may be required to maintain an accurate population database.

B4. Supreme Court of the Russian Federation

After meetings at district and regional courts, we visited the Supreme Court of the Russian Federation. We were first introduced to Justice Vladimir Radchenko, first deputy chairman of the Supreme Court. Justice Radchenko expressed great interest in our plan to produce a guide on court automation with the Judicial Department, which, as he noted, promised positive, substantive results for the Russian court system. Justice Radchenko requested our suggestions for improving case management in the Russia Federation; in our response, we noted that enacting speedy trial legislation in the United States has improved case management. We pointed out that such legislation helps ensure that workload and case-processing standards are justified, and cuts time from arrest to trial to a minimum. Justice Radchenko remarked that the Russian Federation

needs similar legislation; she also requested detailed information on U.S. legislation to speed trials, which RAJP subsequently provided. In conclusion, Justice Radchenko endorsed our work with the Judicial Department to develop a court-automation guide.

On our second visit to the Supreme Court, we visited the court's Legal Information Department to review its use of computers in caseload management. There, we met with Sergei A. Kryukov, chief of the Legal Information Department, and examined the department's hardware and software use, and discussed the solutions that the department has achieved through these new tools.

Implementing an automated caseload management system has greatly increased the efficiency of registering and accessing case dockets. However, the system software imposes a considerable strain on the department's computers. A hardware upgrade is required before adding additional software or software updates to the machines on the court's local area network (LAN). A potential cost-saving measure is to reserve current LAN components that can be used with newer motherboards, processors, and disk drives. We agreed with the court's staff that more terminals are needed to accommodate the court's data-entry requirements.

B5. Ministry of Justice, Department of Legal Information

At the Ministry of Justice, we met with Andrei Morozov, director of the Department of Legal Information. Mr. Morozov explained the department's management of a legal database made available to all Russian Federation courts via a bulletin board systems (BBS). More central to our assignment, though, is the fact that this department is responsible for organizing all case-management systems and statistics, and must deal with real threats to data security. We took a brief tour of the department's computer room and paper archives.

We discussed potential threats to database integrity with IS staff. Apparently, a minor security breach had already occurred when a disgruntled employee tried to sabotage department files on a massive level. One security problem we noticed was that RAID file servers – a system that uses several hard disks to store data – had no off-site mirror or back up. In the event of a building-wide shutdown, data would be totally unavailable to Russian Federation BBS users.

Historic documents – stored in the building alongside contemporary documents – are threatened by decay from mildew and other environmental factors. A text from czarist Russia was a meter away from a current reference book.

On our second visit to the department, we met with Konstantin Guertsev, Irina Polopanova, and Larissa Marshalko to further review the case-management software that Agora created. As documentation on the software was unavailable, we also met with Akhmet Mansurov, leader of the group within Agora that developed the court document-processing software.

The Agora product is a windows-based, user-interfaced, front-end software with database functionality and graphics capabilities. Users – ranging from data-entry clerks to judges and court chairs – navigate through a system of tabs and drop-down menus. The system provides a parallel electronic version of the court's physical docket, keeping all docket fields and features as true to form as possible. Users primarily use the software to enter or review case data.

B6. Judicial Department

At the Judicial Department, we met with Valeri Dobryshev, deputy head of the Department for Organizational and Legal Support of Court Activities. We discussed integrated criminal justice information systems that exist in the United States and their potential application in the Russian Federation. We took particular note of the department's requirement that information exchange be coordinated among integrated system participants.

Vladimir Niyesov of the Judicial Department asked that we prepare a short write-up on the Agora software used by their courts. According to Mr. Niyesov, the lack of system documentation was complicating a United Nations-backed effort to provide the Judicial Department with the necessary hardware to implement the software throughout the federation's court system. Mr. Chernyavsky seconded Mr. Niyesov's request, and we agreed to provide a brief review of the software's specifications, provided in Annex F. Mr. Niyesov also requested that we provide sample system documentation for software similar to the Agora product in scale and application.

C. Court Administrators

On May 13, 1999, Valentin Chernyavsky announced that the position of court administrator would be created in Russia to support and improve administration throughout the court system. Over 2,500 court administrator positions will be created, allowing each court in Russia to have a court administrator.

Mr. Chernyavsky requested RAJP assistance in two related areas: developing model qualification requirements for court administrators and developing a court administrator curriculum and training manual. We agreed to provide the Judicial Department with substantive input to support creation of the court administrator position, as well as provide the department with court administrator training, using models from the United States. Mr. Chernyavsky noted that such assistance would be highly significant in the Judicial Department's development at this critical juncture.

C1. Objectives, Qualifications, and Responsibilities

In response to Mr. Chernyavsky's request, we drafted an outline for developing the court administrator position. This outline, provided in Annex G-1, is divided into three sections – objectives, qualifications, and administering responsibilities – which are described below.

C1a. Objectives

Establishing the position of court administrator requires a vision of the court administrator's role and an understanding of how performance will be judged. An orientation and training program provides information on the professional standards and expectations for court administrators. Developing an action plan to formulate this position is proposed under "Professional Development Action Plan."

C1b. Qualifications

Selection criteria for court administrator candidates must be based on the skills and experience needed to achieve expected performance. Candidate experience in organizational administration ensures that the transition to court systems will only require an academic orientation to the new environment.

A court administrator's success will depend on both personal and professional skills. The ability to analyze problems, formulate recommendations, build consensus, empower people, and foster change are among the qualifications of a successful administrator. Successful court administrators in complex court environments exhibit recognized abilities in these areas.

C1c. Administering Responsibilities

Judges and court administrators work in complex environments, environments that are often characterized by ambiguity and an adherence to local custom, both on the political and organizational level. Within that environment, one of the most significant relationships is the one that exists between the judge and the court administrator. Judges are ultimately responsible for courts' effective administration. In the United States, constitutions and statutes often make this duty clear; in other instances, the duty is implied. In either case, effective administration takes place when the judiciary and court administrator work together to provide court management. Effective administration systems allow judges to participate in developing court policy and planning. Through collaboration between the court administrator and chief judge, court policy is implemented, facilitated, and monitored.

C2. Court Administration Skills Development

With respect to court administrator training, we developed an outline for court administration skill development, found in Annex G-2. This outline is divided into four phases: pre-academy project, academy course topics, internship program, and certification program.

C2a. Pre-Academy Project – Phase 1

This phase of professional development provides an immersion into the court environment. As described in the outline, activities are designed to provide the candidate with a comprehensive survey of court operations and management application areas.

C2b. Academy Course Topics – Phase 2

Course content is directed to specific areas of court operation. The organization of the material allows its use in presentations in addition to fulfilling its primary role as a working guide for court administration. An updateable format ensures that subject-matter experts can keep the administrative guide current.

C2c. Internship Program – Phase 3

This phase of candidates' development focuses on the practical application of material mastered during the program's earlier, more academic phases. A secondary goal is to identify areas of administrative responsibility and document solutions. The development of administrative literature – an ongoing process in professional development – is an area that requires the participation of court administrators.

C2d. Certification Program – Phase 4

Each successful candidate for the position of court administrator will be issued a certificate, presented by the appropriate official, ensuring the competency of individuals appointed to the position.

D. Conclusions and Recommendations

On our return to the United States, we reviewed and assessed the data collected in Russia. We organized and prioritized materials collected from courts and facilities, and prepared them for translation. The materials included general information on court activity operation, court personnel job descriptions, case-flow information, documents produced by the federation's current case-management software, case-flow statistics, and similar information. Comparisons were then made to identify transferable solutions from the U.S. model to the Russian Federation. This work will continue through future visits to the courts where we have established points of contact.

D1. Preparation of the Case-Management System

D1a. Compilation of Software Options

All courts we visited used a mix of case-management software developed by Agora and Microsoft Office applications. The software, which appears to operate seamlessly, shares many user-interface features, including drop-down menus and radio buttons. All individuals interviewed – ranging from judges to data-entry pool clerks – reported that the new software reduced by 40 to 60 percent the time needed for re-keying, locating, and filing case dockets.

Agora's case-management software has been chosen for rollout in Russian Federation courts. As part of our options compilation, we looked at the integration of various word processors, spreadsheets, and databases from third-party vendors. Due to the inherent seamlessness of the current Microsoft/Agora software combination, as well as financing constraints, the federation's software solution will remain unchanged. The only notable additions will be to add network interoperability over existing long distance communication lines and to document the software to assist users and allow eventual outside evaluation.

D1b. Compilation of Hardware Options

Most courts we visited were running at least Pentium-class computers – for example, computers with Pentium processors, 32mb RAM, and 1g hard drive. Almost all machines were networked via 10bt Ethernet LANs. Given that these machines are often used for several tasks at once led us to suggest that more RAM – a form of memory that increases a processor's speed – be added to computers. We also noted a lack of attention to ergonomic requirements, with data-entry personnel especially vulnerable to repetitive stress-type injuries.

To maximize dollars spent by the Russian Federation or sponsoring entities on the rollout and maintenance of case-management hardware, we must explore every possible use of current hardware platforms. From the brief visits we paid to courts and judicial facilities during our stay in Moscow, we concluded that one solution is to carry out component upgrades on selected machines instead of replacing all outdated or inappropriate machines on a wholesale basis. Technical experts associated with our team are currently identifying machines that are candidates for upgrades and machines that should be scrapped. This effort will continue on subsequent visits to the Russian Federation.

D2. Court Administrators

The court administrator serves dual functions: He or she allows a judge to spend more time on adjudication while bringing professional management knowledge and capacity to the judiciary. In courts without administrative support, judges must divide their time between judicial and administrative functions. With mounting caseloads and increased pressure for more case depositions, judges have little time to direct the court system's day-to-day operations, implement enhanced technologies, or integrate new procedures that improve system performance.

Court administrators can help courts develop and recommend policies and coordinate work processes that enhance system performance, while maintaining the independence of individual judges. They can also provide the following assistance:

- Help courts develop goals
- Prepare and execute budgets
- Identify caseload or demographic changes that affect court operations and funding
- Manage court personnel and programs for staff development
- Improve jury systems and public services
- Implement automated information systems
- Plan space requirements
- Administer systems for assessing and collecting fees
- Establish procedures for handling information requirements

D3. Recommendations

D3a. Case-Processing Standards – Performance Guide

The core requirement for monitoring and controlling activities within court case-processing systems is the establishment of a set of standards by which performance can be measured. Without this tool, technology cannot effectively assist administration in managing case volume and complexity. The process of establishing standards involves tracking the flow of cases through courts, a process that also produces useful information for developing remedial actions when needed. Justifiable workload standards for judges and court employees should be established as part of this review.

Equally important, these standards should be incorporated into the design of an automated system that provides administrators with the information they need to effectively monitor and control court processes. Incorporating standards into software designs helps achieve a practical, economic use of technology that supports court administration and achieves optimal results.

Developing a certification process for court administrators requires curriculum materials that represent professional documents. The standards-development effort would benefit by developing such materials.

Annex H of this report contains two documents: Processing Standards for the Case-Management System of the Courts of the Russian Federation, and Developing Case-Management Standards. These documents serve as an introduction to the process of developing case-processing standards.

D3b. Guide to Case-Management Automation in the Courts of the Russian Federation

The Judicial Department is currently developing plans to automate courts in the Russian Federation. This effort must be uniform in hardware and software applications. The system's successful rollout to courts involves site planning, hardware and software installation, training, and converting from manual to automated systems. Prototype software documentation is an essential element of all aspects of this effort. As previously mentioned, the Judicial Department has expressed its interest in the proposed guide. The production of this document will incorporate much of the information produced by standard development efforts. The guide will also serve as a training document for judges and court staff. Initial contents of the guide are provided in Annex I.

D3c. Modeling of Qualification Requirements for Court Administrators

An overview of the elements involved in establishing the position of court administrator is described above in this report. The following outline is a proposed action plan for initiation of the court administration academy. Time lines are not included, as they will be established as the plan progresses.

Court Administrator Professional Development Action Plan

1. Appoint members of a committee for the development of court administrator certification

2. Prepare the academy formation plan

3. Designate areas of court administrator skill development for curriculum design

4. Identify subject-matter experts to consult on content and materials

5. Prepare course materials

6. Identify and train faculty

7. Visit jurisdictions with model court administration operations

8. Report conclusions to formation committee

9. Select candidates for initial academy

10. Conduct phases 1-4

11. Evaluate court administrator certification process

Upon the approval of the approach outlined above, specific areas within the court administrator certification program will be supported with documentation.

JORDAN REPORT: ANNEX A

Letter of March 12, 1999, from Valentin Chernyavsky to Judge Betty Barteau

(Translated from Russian)

Judicial Department
Under the Supreme Court
of the Russian Federation

March 12, 1999

Dear Ms. Betty Barteau,

During 1998 and until now we have had fruitful cooperation with Russian-American Judicial Partnership, aimed at improving organizational support of federal courts of general jurisdiction in Russia.

I would like to express my gratitude for this cooperation and at the same time I want to emphasize my interest in future joint activities, since I am confident that our partnership will play a positive role in solving many problems that exist in the system of federal courts of general jurisdiction of the Russian Federation.

I believe that our cooperation might further develop along two priority directions:

1. Professional training of judges, court administrators and court employees by RAJP experts on site, in regions of the Russian Federation.

2. Participation in developing a target program in organizational support for federal courts of general jurisdiction and other bodies of judiciary, as well as providing consulting services and carrying out research in the area of increasing the efficiency of the courts' activities.

Among the important areas where RAJP contribution will be greatly appreciated are the following:

1. Issues of state service within the system of federal courts of general jurisdiction.

2. Development of scientifically justified workload standards for judges and court employees.

3. Drafting staffing plans for the courts of general jurisdiction.

4. Organizational and legal issues related to justices of the peace.

5. Modeling qualification requirements for the position of justice of the peace.

6. Modeling qualification requirements for the position of court administrator (courts of general jurisdiction).

7. Increasing the efficiency of the system for advanced training of judges and court employees.

8. Selection of judges and court personnel and methods for training.

9. Speeding up the process of considering and deciding cases and making the process cheaper.

10. Organizational and legal issues of case management in courts of general jurisdiction.

11. Development of an efficient system of information support for judges.

12. Accountability and reporting in courts of general jurisdiction.

13. Legal and organizational ways of securing reliable and objective judicial statistics.

14. Scientific and practical approaches to keeping judicial archives.

15. Introducing telecommunications in the judiciary.

16. Preparing ergonomically and architecturally justified drawings of buildings and facilities for courts.

Our suggestions are preliminary. They should be discussed in detail and the key points should be agreed upon. Obviously, a lot will depend upon RAJP resources.

However, since the Judicial Department and the Russian-American Judicial Partnership have established good working relations, I have all reason to think that our further cooperation will make it possible to solve the above-mentioned problems and improve general organizational support for court activities.

Sincerely,

V.S. Chernyavsky
General Director of the Judicial Department

JORDAN REPORT: ANNEX B

Meetings Conducted in Moscow, May 18-24, 1999

ID	Task Name	Duration (hours)	Start	Finish	Resource Names
1	A. Perepechenov	0.125	5/18/05 9:00	5/18/05 10:00	Judicial Department
2	V. Chernyavsky	0.1875	5/13/99 8:00	5/13/99 9:30	Judicial Department
3	N. Budenko	0.125	5/13/99 8:00	5/13/99 9:00	Judicial Department
4	E. Popov	4	5/13/99 8:00	5/18/99 17:00	Judicial Department
5	V. Dobryshev	0.25	5/18/99 8:00	5/18/99 10:00	Judicial Department
6	V. Niyesov	6	5/11/99 8:00	5/18/99 17:00	Judicial Department
7	V. Radchenko	0.125	5/17/99 8:00	5/17/99 9:00	Supreme Court of the Russian Federation
8	S. Krukov	0.25	5/18/05 8:00	5/18/05 10:00	Supreme Court of the Russian Federation
9	N. Afanasyeva	0.25	5/11/99 8:00	5/11/99 10:00	Gagarinski District Court
10	A. Morozov	0.375	5/12/99 8:00	5/12/99 11:00	Scientific Center of Law Informatics (at the Ministry of Justice of the Russian Federation)
11	A. Mansurov	0.25	5/14/99 8:00	5/14/99 10:00	Scientific Center of Law Informatics (at the Ministry of Justice of the Russian Federation)
12	T. Omel'chenko	0.25	5/12/99 8:00	5/12/99 10:00	Moscow Oblast Court
13	Z. Korneva	1	5/24/99 8:00	5/24/99 17:00	Moscow City Court

ID	Task Name and Title
1	A. Perepechenov Anatoly Perepechenov – Head, Chief Department of Organizational and Legal Support of Court Activities
2	V. Chernyavsky Valentin Chernyavsky – General director, Judicial Department
3	N. Budenko Nikolai Budenko – Head, Education and Training Department
4	E. Popov Eugene Popov – Head, Department for International and Legal Cooperation
5	V. Dobryshev Valeri Dobryshev – Deputy head, Department for Organizational and Legal Support of Court Activities
6	V. Niyesov Vladimir Niyesov – Chief expert, Department of Law Information
7	V. Radchenko Vladimir Radchenko –First deputy chairman, Supreme Court of the Russian Federation
8	S. Krukov Serguei Krukov – Head, Information Department
9	N. Afanasyeva Natalia Afanasyeva – Chair, District Court and administrative employees of Gagarinski
10	A. Morozov Andrei Morozov – Director, Center of Law Informatics Deputies -Larrisa Marshalko -Konstantin Guertsev -Irina Polopanova
11	A. Mansurov Akhmet Mansurov – System programmer, head of the group for development of court document processing software
12	T. Omel'chenko Tatyana Omel'chenko – Deputy court chair
13	Z. Korneva Zoya Korneva – Court chair

JORDAN REPORT: ANNEX C

Letter of March 27, 1999, to Valentin Chernyavsky on Proposed Guide to Court Automation

May 27, 1999

Valentin Chernyavsky
General Director of the Judicial Department

Mr. Chernyavsky,

The previous two weeks have been very productive. As a result of our meeting and your directions on May 13, we have continued working with the judges and staff of the courts specified in our plan. We have been gathering the necessary documents to thoroughly analyze the existing conditions within these courts. Besides analysis of the documents within and produced by the case-management software, we have held discussions with key court personnel. The observation and study of the current case-flow techniques used within the criminal and civil courts of the Russian Federation has been met with great co-operation from all parties involved.

Your considerations, voiced through Mr. Niyesov, on our proposed resulting document have been incorporated. As per your instructions, we will continue working with both the Russian American Judicial Partnership, the Judicial Department of the Russian Federation, the Scientific Center for Law Information at the Ministry of Justice of the Russian Federation, and the prescribed participating courts until such time that a draft guide is suitable for presentation.

In closing, please be assured that during our absence from the Russian Federation communication will be continuous with the previously mentioned entities. Pending our return to the Russian Federation, we will present the Guide to Case-Management Automation to you and those persons of your choice for review prior to finalization.

Respectfully,

Thomas M. Jordan
Joseph C. Jordan

cc: B. Barteau

Enclosure: Proposed Guide to Case-Management Automation, Table of Contents
Initial schedule for preparation of Guide to Case-Management Automation

JORDAN REPORT: ANNEX D

Initial Schedule of Activities

ID	Task Name	Duration (days)	Start	Finish	
1	Initial meeting and project proposal	1	5/10/99 8:00	5/10/99 17:00	
2	Develop contents list of guide to case-management automation	1	5/11/99 8:00	5/11/99 17:00	1
3	Observation and study of the current case-flow techniques used within the criminal and civil courts of the Russian Federation	11.5	5/12/99 8:00	5/27/99 12:00	2
4	Review approach to documenting the court process	2.5	5/12/99 8:00	5/14/99 12:00	
5	Document the court process	9.5	5/14/99 8:00	5/27/99 12:00	
6	Identify information requirements for managing case-flow	1	5/12/99 8:00	5/12/99 17:00	
7	Review materials collected at civil and criminal courts of the Russian Federation	25	5/31/99 8:00	7/2/99 17:00	
8	Review proposed plan to develop draft guide	2	5/24/99 8:00	5/25/99 17:00	
9	Review progress of information acquisition within the courts of the Russian federation	1	5/26/99 8:00	5/26/99 17:00	
10	Submit initial recommendations and work plan for guide for review by USAID and V.Chernovsky	1	5/27/99 8:00	5/27/99 17:00	9
11	Prepare a suggested court information system design	1	5/27/99 8:00	5/27/99 17:00	
12	Prepare a phased plan to implement suggested court system design	1	5/27/99 8:00	5/27/99 17:00	
13	Produce a draft guide (rough) to case-management automation	65	6/21/99 8:00	9/17/99 17:00	
14	Finalize draft guide to case-management automation	16	9/20/99 8:00	10/11/99 17:00	13
15	Prepare to present draft guide to courts of the Russian Federation for approval	7.5	10/12/99 8:00	10/21/99 12:00	14
16	Deliver draft guide to courts of the Russian Federation	4	10/21/99 13:00	10/27/99 12:00	15

JORDAN REPORT: ANNEX E

Schedule of Activities Revised May 20, 1999

ID	Task Name	Duration (days)	Start	Finish	
1	In residence NJC	6	6/13/99 8:00	6/18/99 17:00	
3	Prepare case-management section	10	6/21/99 8:00	7/2/99 17:00	
4	Software options compilation	5	6/21/99 8:00	6/25/99 17:00	
5	Hardware options compilation	5	6/28/99 8:00	7/2/99 17:00	4
6	Forward drafts to office for translation	66	7/2/99 8:00	10/1/99 17:00	
7	Overview automation of case management	5	7/5/99 8:00	7/9/99 17:00	
8	Case-process descriptions within R.F.courts	5	7/12/99 8:00	7/16/99 17:00	
9	Case-management plan development	27	7/5/99 8:00	8/10/99 17:00	
10	Database definition	15	7/19/99 8:00	8/6/99 17:00	
11	Data element definition	10	8/9/99 8:00	8/20/99 17:00	10
12	Case-management application design	15	8/23/99 8:00	9/10/99 17:00	
13	Intra/Internet requirements	5	9/13/99 8:00	9/17/99 17:00	
14	Design case-management reports	10	9/13/99 8:00	9/24/99 17:00	
15	Terms/glossary development	5	9/20/99 8:00	9/24/99 17:00	
16	Technology application descriptions	5	9/27/99 8:00	10/1/99 17:00	
17	Final review/project management plan finalization	10	9/27/99 8:00	10/8/99 17:00	15
18	Prepare final draft	11	10/12/99 8:00	10/26/99 17:00	
19	Present and review	1	10/27/99 8:00	10/27/99 17:00	18
20	Sign off	1	10/28/99 8:00	10/28/99 17:00	19

JORDAN REPORT: ANNEX F

Letter of May 27, 1999, to Valentin Chernyavsky on Case-Management Analysis

May 27, 1999

Valentin Chernyavsky
General Director of the Judicial Department

Mr. Chernyavsky,

As requested on May 13, we have briefly studied the current pilot implementation of the case-management software to be used throughout the Russian Federation. In conclusion of this limited study, we have compiled an assessment. This assessment supplements other projects we have agreed to do, and therefore is not complete now due to time limitations of our originally scheduled visit. Subsequent visits will undoubtedly provide more insight on the functionality of this system, and further comments will be forwarded to you.

The pilot case-management software shown to us is in use by three different courts and was presented by the programming team during our visit to the Scientific Department. During our visits to the courts that use this system, we were very impressed. The facility of the system was evident by the immediate adoption by all levels of court personnel. The data-entry pools, in which the bulk of data entry is carried out, were happy with the changes and increased efficiency. The need to re-key data has been reduced dramatically, increasing workflow and opening up bottlenecks inherent in the business of operating courts. The Judges also were very pleased with the functionality of the system, and were in consensus that it saved at least 50 percent of their time when compared to the previous, manual system. During our visit with the programmers, we enjoyed total cooperation. All aspects of the system were patiently explained and displayed to us. At no point were we limited in the acquisition of documents both within, and produced by, the case-management software. As there is a significant amount of translation involved, we are not yet in a position to speak intelligently on these forms. Over all, they seemed to be both all-inclusive and concise.

One aspect of our analysis of this case-management software was to assess the transferability to other courts of the Russian Federation (for instance, the upcoming pilot implementation in the city of Tver) From what we have seen up to this point, the system should be replicable with little or no adjustment to the code of the current software. This is a vital component to any programming endeavor, as it ensures a uniform system throughout the courts of the Russian Federation.

We look forward to continued contact with both the Judicial Department and the various courts of the Russian Federation. During our absence from the Russian Federation, we will continue to

work closely with the Russian American Judicial Partnership, the Judicial Department of the Russian Federation, the Scientific Center for Law Information at the Ministry of Justice of the Russian Federation, and the prescribed participating courts as you requested.

Sincerely,

Thomas M. Jordan
Joseph C. Jordan

cc: B. Barteau, Chief of Party, Russian-American Judicial Partnership

JORDAN REPORT: ANNEX G-1

Outline for Development of the Court Administrator Position

I. Objectives

- A. Provide a format for professionalizing position of court administrator
- B. Identify content and method of certification for this position
- C. Outline an action plan to accomplish these goals

II. Qualifications

- A. Mid-level manager with demonstrated administrative skill
- B. Committed to mid-career change in responsibilities
- C. Capacity for vision and innovation in new career path

III. Administrative Responsibilities

- A. Judge and manager cooperation and support
- B. Coordination of all activities related to court operation
- C. Preparation of staffing assignments to support mission of the court
- D. Monitoring budgeting and financial areas of court operations

JORDAN REPORT: ANNEX G-2

Court Administrator Skill Development

I. Pre-academy Project - Phase 1

A. Observe court processes with reference to events and activities
B. Interview judges and staff concentrating on their responsibilities and functions
C. Prepare an outline of content of civil and criminal codes
D. Identify terms unique to courts and define them
E. Prepare a report on observations

II. Academy Course Topics - Phase 2

A. Case and jury management
B. Personnel and staffing
C. Records management
D. Financial management and budgeting
E. Court technology
F. Project planning and management
G. Court facilities and space management
H. Information and statistics collection and reporting

III. Internship Project - Phase 3

A. Select an area of court operations for intensive review
B. Secure approval from mentor
C. Prepare plan for conducting study
D. Publish findings and recommendations; present report to academic group

IV. Certification Procedure - Phase 4

A. Continuing professional development

1. Court administrator conferences
2. Specialized advanced topics (distance education media)

B. Publications

1. Pre-academy project study guide
3. Court administration guide
4. Internship project guide
5. Court administration journal and updates to court administration guide

JORDAN REPORT: ANNEX H

Processing Standards for Design and Development of an Automated Case-Management System for Russian Federation Courts

Critical to any management process are the goals and standards by which performance is judged. Since justice standards are almost impossible to establish, delay, as one of the causes of injustice is treated as an objective measure of justice. It may well be the principal *controllable variable* in doing justice.

Controlling the behavior of participants in a system controls delay. Thus, continuances or other postponements, by whatever name, must be carefully considered and granted only when there is an honest, adequate reason. Experience has demonstrated that recorded and monitored continuance procedures are a necessary standard in limiting delay. This becomes data available at all stages of the procedure to decide on changes and understand the causes for changes in the time required to reach trial.

Several delay-producing principles must be dealt with on a sufficiently regular basis to be the subject of standards. Competency to stand trial examinations often causes unnecessary delay. Monitoring this delay can be minimized. Allowing pleas on trial day to an arrangement that could have been decided several days before unduly complicates trial calendars and postpones dispositions. The control of last-minute pleas thus becomes an important subject for standards. Guilty pleas often consume excess amounts of judge's time. They can be dealt with better and more expeditiously when a petition is signed which contains representations on many issues. Wherever an effective procedure is discovered, the court, by adopting the procedures as court standards, saves time. The operating standards require attention for addressing the information system.

To design an effective management information system, the decision points must be identified and the information that best supports the decisions must be specified. Flexibility must exist in the design so that the experience gained in using the information can be used to refine the process. The information provided to the decision-maker must often be increased or changed to provide for better decisions. This is a continuing process, which allows the information system to adjust incrementally as the managerial skills of those using it improve.

More specifically, to meet the information requirements contemplated and the critical factors concerning case management, the operating characteristics of the courts of the Russian Federation must be examined in detail. This is accomplished by a step-by-step "walking the track" to identify the sequence and flow of work processes. During this review the individuals that are in the daily operation of the system are identified so that the classification of their function pinpoints decisions that they make. As the individuals in their roles in the decision-making process are identified, it becomes possible to determine not only what information they require but also with what frequency and in what format to meet their needs. Included in the critical factors that we have discussed

is the itemization of the information, which is essential to the initial development of a monitoring and controlling process for case flow. The user and the format are a product of local operating procedures.

In the absence of an automated case-management system a simple manual system may be preferable in the initial stages of development. This provides an opportunity to start the development of this system with minimum confusion and thus provides some clear definition as to what would be appropriate for automation. After the usefulness of the information and the report formats are determined, the program for developing an automated system can be undertaken with insurance that the information reported is useful.

Included is an outline and discussion of the kinds of information that would serve as a foundation for the courts information systems. For each event (*arrest, first hearing*, etc.) four main categories of information have been designated to enable the courts to effectively monitor the case flow. They are elapsed time, event occurrence, interval time, and status.

Under the heading of the elapsed time, information is collected to determine the following:

(1) The amount of time which occurs between two events

(2) The time difference between the elapsed time for the case in question and standards set fourth by the court

(3) A special characteristic of those cases less than or more than the standard time, such as the number of defendants and type of case

Included under the heading of case occurrence is the specification of each process that was to occur at the event. Information collected here allows the court to detect whether the process at the event did or did not occur. Two principle reasons why the event does not occur, are the lack of available resources or persons at the event and lack of preparation by participants. Information required to monitor this, is specified in the remaining two categories.

Under the heading of interval time is a specification of tasks or activities that are part of the process. There are two components to the measurement of interval time. The first is measurement of the time that represents preparation. This is the time that it takes for the processors to perform this task. An example of this is the amount of time necessary to identify the need for and prepare a document that would be significant for the case to move, such as the preparation of the notice. The other component of the interval time is the waiting time between the activities that the processor experiences. An example of this would be the time during which no action is taken because the processor can't or doesn't take any action.

Interval time activities can take place either simultaneously or in sequences. These activities that represent simultaneous tasks would be items such as the ordering and receipt of a laboratory report together with the ordering and receipt of a psychiatric report. On the other hand, tasks that might be performed in sequence are the identification of the individual to whom notices are to be sent, followed by the actual preparation of the notice.

Information collected under the fourth information category, status, reflects the availability of resources and participants at the event. Depending upon which event is addressed, this information could include the availability of courtrooms, judges, defense lawyers, prosecution lawyers, defendants, witnesses, juries, police reports, lab reports, etc. The key monitoring concern here is to learn how often the unavailability of the resources or participants interfered with the event. The use of these four measurements in monitoring total case process is extremely important in identifying the necessary resources at each case-movement point; also, the systematic identification of activities and processes within the events identifies all the tasks that must take place for the case to move forward. The failure of any important task to take place therefore can be tracked back to the root cause. Also, sharpening management skills will play a role in identifying the types of control that are most effective in attaining desired goals for particular case-management situations, and thus required reporting frequency for information.

Developing Case-Management Standards

A strategy for developing case-management standards is contained in the following steps:

(1) Identify and describe the content and sequence of necessary court events. These elements include: identify the due process events, identify the control events (decision and monitoring points), and identify the preparations and the time necessary for preparations to make the events successful

(2) Measure the normal time interval between events

(3) Determine the age of the inventory of cases in appropriate time spans

(4) Identify the relationships of the actors with respect to the significant events and their preparations

(5) Convene the principal actors and present the above prospective on the system

(6) Organize task groups to work on identifiable problems

(7) Provide staff assistance to the tasks groups

(8) Develop and present to the principal actors standards and goals that can be reached within available or obtainable resources

(9) Reinforce with information the accomplishment of the goals

1. Identify and describe the content and sequence of necessary events

The significant events in a case-management program are those necessary for due process or for controlling the progress of cases through the system. Most due process events can and should be used for control as well as due process. A hearing held to determine the probable cause *...a crime event committed...* should be used to plan for and schedule the next event. If counsel is needed to prepare for the next event, the occasion should be used to ensure the presence of counsel. Notice should not be sent; it should be given at the event. The event is thus defined by its purpose and its effectiveness evaluated in terms of accomplishment of the purpose.

2. Measure the normal time interval between events

The system and the approach in terms of its necessary events and the time it takes to have them occur must be identified. The description should be limited to the normal process of significant categories of work. By knowing normal time intervals of the principal case flows of the system, the preparation time necessary can be judged and realistic time limits set based upon the necessary time for preparation.

3. Determine the age of the inventory of cases in the appropriate time spans

Normal time lapses between necessary events are meaningless if there is an accumulation of cases that do not reach these events. An aged inventory of cases in time spans appropriate for the process tells how the cases are moving toward the necessary events. In a summary sense, it tells whether the system is building backlog within a generally even flow.

4. Identify the relationships of the actors with respect to the necessary events and their preparations

All of the relationships of the actors need to be described in terms of the actions they take or do not take which may affect the orderly processing and preparation of cases. This must follow the identification of the events and preparations since it is the events and preparations that are being described. In effect, this step defines the impact on the progress of the case. Again, normal or routine relationships – not the unusual – is sought.

5. Convene the principal actors and present the above prospective on the system

When time and participant relationships are graphically expressed, they leave lasting impression on the principal actors. The participants in the case-flow process confronted with longer than necessary lapses in time in their area of operations will find solutions. For the most part, they see facts displayed which has not occurred to them.

6. Organize task groups to work on identifiable problems

In many instances the perceived problems exist where two of the organizations meet. Work does not progress, nor are preparations made because each institution is waiting for the other to act. Task groups are assigned to address these problems report.

7. Provide staff assistance to the task groups

Meet with the groups on a weekly or monthly basis. Gather data about the effectiveness of the events and the preparations necessary. Emphasize the need to develop subsystem communication links and maintain internal monitoring statistics that meet these criteria: they measure progress, feed back to operating personnel with respect to success achieved, and reward productive behavior. Task groups tie the system together at the working level.

8. Develop and present to the principal actors standards of performance and goals that can be reached with available or obtainable resources

All subsystems should be examined in the light of the overall operations of the system. Once the subsystem changes are assimilated, standards and goals must be adopted, but they must only be adopted when the measure of accomplishment can be defined in advanced.

9. Reinforce the accomplishment of goals with information

The information defined in the beginning as indicative that goals were being attained must be collected and organized to show the success, which is being reached. Negative results are, of course, necessary when these results are not being attained. The progress must be genuine if it is to last.

JORDAN REPORT: ANNEX I

Outline of Proposed Guide to Court Automation

As a result of the observation and study of the current case-flow techniques used within the criminal and civil courts of the Russian Federation, we propose to produce a guide to case-management automation that follows the outline provided below:

Contents:

Chapter 1 Overview of suggestions/introduction to automated case management

Chapter 2 Court organization and process descriptions for both civil and criminal courts

Chapter 3 Description case-flow processes and example case-management plan

Chapter 4 Database definitions/elements necessary

Chapter 5 Computerized case-flow application design principals – Intra/Internet requirements

Chapter 6 Management reports and statistical analysis considerations

Chapter 7 Project plan management and development

Appendices:

A. Terms glossary
B. Technology applications currently used and sample applications
C. Typical training plan for court employees/staff
D. Hardware/software options
E. References
F. Bibliography

Requirements for Producing this Document:

1. Job descriptions for court employees/staff and paper -low tracker or chart

2. Print-outs from all current case-management software

3. Any documents produced by case-management systems used in criminal and civil courts

4. Terms used within criminal and civil courts and their definitions

5. Solid points of contact with individuals at different, relevant courts

6. Training plans used by court employees/staff

7. Flow of documents from beginning of suit to resolution/a review of what each person who handles documents does

8. Civil and criminal procedure books and 1999 case-management guide for civil practice published by the Judicial Department

ANNEX C

Project Letters

November 5, 1998

Betty Barteau
Chief of Party
Russian-American
Judicial Partnership

Dear Judge Barteau,

I would like to express my gratitude for your assistance in arranging the participation of Justice Ernst Markel and Judge Andre Davis in the plenary meeting of the Council of Judges of the Russian Federation.

Justice Markel and Judge Davis are highly qualified professionals. Their presentations were of great interest and benefit to the members of the Council of Judges.

I look forward to our future cooperation.

Yours sincerely,

Yuri Sidorenko
Chairman of the Council of Judges
(signed)

Совет судей
Российской Федерации

103289 *г.Москва, ул.Ильинка, д.13*
тел. 222-03-67, 290-61-27
№ СУМС - 61
«4» ноября 1998 года

Руководителю проекта
«Российско-Американского
партнерства»
Бетти Барто

Уважаемая госпожа!

Благодарю Вас за организацию участия судей Эрнста Маркела и Андре Девиса в работе Совета судей Российской Федерации.

Судья Э.Маркел и судья А. Девис являются высококвалифицированными специалистами. Их выступления были выслушаны членами Совета судей с большим интересом и были очень полезны.

Надеюсь на наше дальнейшее сотрудничество.

С уважением,

Председатель Совета Ю.И. Сидоренко

March 12, 1999

Judicial Department
Under the Supreme Court
of the Russian Federation

Dear Ms. Betty Barteau,

During 1998 and until now we have had fruitful cooperation with Russian-American Judicial Partnership, aimed at improving organizational support of federal courts of general jurisdiction in Russia.

I would like to express my gratitude for this cooperation and at the same time I want to emphasize my interest in future joint activities, since I am confident that our partnership will play a positive role in solving many problems that exist in the system of federal courts of general jurisdiction of the Russian Federation.

I believe that our cooperation might further develop along two priority directions:

1. Professional training of judges, court administrators and court employees by RAJP experts on site, in regions of the Russian Federation.

2. Participation in developing a target program in organizational support for federal courts of general jurisdiction and other bodies of judiciary, as well as providing consulting services and carrying out research in the area of increasing the efficiency of the courts' activities.

Among the important areas where RAJP contribution will be greatly appreciated are the following:

1. Issues of state service within the system of federal courts of general jurisdiction.

2. Development of scientifically justified workload standards for judges and court employees.

3. Drafting staffing plans for the courts of general jurisdiction.

4. Organizational and legal issues related to justices of the peace.

5. Modeling qualification requirements for the position of justice of the peace.

6. Modeling qualification requirements for the position of court administrator (courts of general jurisdiction).

7. Increasing the efficiency of the system for advanced training of judges and court employees.

8. Selection of judges and court personnel and methods for training.

9. Speeding up the process of considering and deciding cases and making the process cheaper.

10. Organizational and legal issues of case management in courts of general jurisdiction.

11. Development of an efficient system of information support for judges.

12. Accountability and reporting in courts of general jurisdiction.

13. Legal and organizational ways of securing reliable and objective judicial statistics.

14. Scientific and practical approaches to keeping judicial archives.

15. Introducing telecommunications in the judiciary.

16. Preparing ergonomically and architecturally justified drawings of buildings and facilities for courts.

Our suggestions are preliminary. They should be discussed in detail and the key points should be agreed upon. Obviously, a lot will depend upon RAJP resources.

However, since the Judicial Department and the Russian-American Judicial Partnership have established good working relations, I have all reason to think that our further cooperation will make it possible to solve the above-mentioned problems and improve general organizational support for court activities.

Sincerely,

V.S. Chernyavsky
General Director of the Judicial Department
(signed)

СУДЕБНЫЙ ДЕПАРТАМЕНТ
при
ВЕРХОВНОМ СУДЕ
РОССИЙСКОЙ ФЕДЕРАЦИИ

103289, Москва, ул.Ильинка, д.7/3

12.03.99 № СХ-4/178

Руководителю проекта
«Российско-Американское
судейское партнерство»
судье Б.Барто

Уважаемая госпожа Бетти Барто!

На протяжении 1998 года и по настоящее время Судебным департаментом при Верховном Суде Российской Федерации осуществлялось конструктивное и плодотворное сотрудничество с ассоциацией «Российско-Американское судейское партнерство», направленное на совершенствование организационного обеспечения деятельности федеральных судов общей юрисдикции России.

Выражая Вам глубокую признательность за сотрудничество, вместе с тем хочу подчеркнуть искреннюю заинтересованность в его дальнейшей перспективе, поскольку убежден, что наши партнерские отношения в немалой степени будут способствовать успешному решению многих проблем, существующих в системе федеральных судов общей юрисдикции Российской Федерации.

В этой связи представляется, что углубление сотрудничества Судебного департамента с РАСП может осуществляться по двум приоритетным направлениям:

1. Профессиональная подготовка судей, работников аппаратов судов и органов Судебного департамента представителями РАСП непосредственно в субъектах Российской Федерации.

2. Участие в формировании Федеральной целевой программы «Организационное обеспечение деятельности федеральных судов общей юрисдикции и органов судейского сообщества», а также оказание консультационных услуг и проведение исследований по проблемам, связанным с совершенствованием деятельности федеральных судов общей юрисдикции.

К числу актуальных проблем, в разработке которых желательно участие РАСП, относятся следующие:

1. Вопросы государственной службы в системе федеральных судов общей юрисдикции.
2. Разработка научно обоснованных норм профессиональной нагрузки судей и работников аппаратов судов.
3. Разработка штатных структур судов общей юрисдикции.
4. Организационно-правовые проблемы введения института мировых судей.
5. Моделирование квалификационной характеристики мирового судьи.

6. Моделирование квалификационной характеристики администратора суда общей юрисдикции.

7. Проблемы оптимизации системы повышения профессиональной квалификации судей и работников аппаратов судов.

8. Формы и содержание профессионального отбора и подготовки работников судебной системы.

9. Проблемы удешевления и ускорения рассмотрения дел в судебном процессе.

10. Организационно-правовые проблемы делопроизводства в судах общей юрисдикции.

11. Разработка оптимизированной схемы информационного обеспечения деятельности судей.

12. Проблемы учета и отчетности в деятельности судов общей юрисдикции.

13. Организационно-правовые средства обеспечения надежности и объективности судебной статистики.

14. Научно-практические вопросы ведения судебных архивов.

15. Внедрение телекоммуникаций в практику судопроизводства.

16. Разработка архитектурно и эргономически обоснованных проектов зданий и помещений судов.

Выдвинутые предложения носят предварительный характер и нуждаются в дальнейшей конкретизации и согласовании позиций. Разумеется, их реализация в значительной мере зависит от возможностей РАСП.

Однако, как представляется, сложившиеся между Судебным департаментом и ассоциацией «Российско-Американское судейское партнерство» деловые отношения дают все основания полагать, что дальнейшее плодотворное сотрудничество будет способствовать не только успешному решению упомянутых проблем, но и совершенствованию организационного обеспечения деятельности судов Российской Федерации в целом.

С уважением

Генеральный директор В.С.Чернявский

March 19, 1999

Chairman of the Supreme
Commercial Court of the
Russian Federation

Judge Betty Barteau
Chief of Party
National Judicial College
Moscow Office

Dear Ms. Barteau,

I congratulate you and your colleagues on the first anniversary of the National Judicial College in Moscow.

With great satisfaction I would like to point out that during this year Russian-American Judicial Partnership has been very active in cooperating with the Supreme Commercial Court, exchanging experts, and holding workshops for judges of the commercial courts on various aspects of commercial law and procedures.

I hope that in the coming year our cooperation will also be fruitful and mutually beneficial.

I would like to wish you and your colleagues success, joy, and health.

Respectfully,

V. Yakovlev
Chairman of the Supreme Commercial Court
of the Russian Federation
(signed)

ВЫСШЕГО АРБИТРАЖНОГО СУДА
РОССИЙСКОЙ ФЕДЕРАЦИИ

101000, г. Москва, Центр
Малый Харитоньевский пер., 12

19.03.99г. № ОМ-90

На № _____

судейского колледжа США

судье госпоже Бетти Барто

Уважаемая госпожа Барто,

Поздравляю Вас и Ваших сотрудников с годовщиной деятельности Московского представительства Национального судейского колледжа США.

С удовлетворением отмечаю, что за истекший год Представительство активно сотрудничало с Высшим Арбитражным Судом Российской Федерации в организации обмена опытом работы российских и американских судов и проведении семинаров для судей арбитражных судов России по применению коммерческого законодательства и судебных процедур.

Выражаю надежду, что в текущем году наше сотрудничество будет столь же активным и взаимополезным.

Желаю Вам, уважаемая госпожа Барто, и Вашим коллегам всяческих успехов, радостей и здоровья.

С уважением,

В.Ф.Яковлев

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May 13, 1999

Supreme Commercial Court
of the Russian Federation

Judge Betty Barteau
Chief of Party
Russian-American Judicial Partnership

Dear Judge Barteau,

I would like to hereby inform you that upon completion of all the workshops and other events planned by the Supreme Commercial Court and RAJP for the current year the Supreme Commercial Court would be interested in continuing cooperation with the Russian-American Judicial Partnership in the future. These are the topics that we are mostly interested in:

1. General jurisdiction and specialized courts in the United States (status, competence, activities, procedures, selection of personnel for specialized courts, interaction with the general jurisdiction courts, providing for uniformity of the judicial practice).
2. Pretrial settlement of disputes arising from administrative misdemeanor at appropriate state or governmental institutions, administrative enforcement of judgments and recovery of damages, liability of state enterprises and commercial companies for actions of their employees. Status, powers and scope and process of work of bodies settling administrative disputes.
3. Control over the legality of the resolutions made by executive bodies by the court.
4. Ethics, discipline and liability of judges for misbehavior and mistakes in their work, role of the chairman of the court in handling such issues.

We wish we could have not only workshops on the specified topics but also we would like to be able to meet our colleagues from the US specialized courts.

We would be also very much interested in a possible assistance in providing our courts with computer equipment.

Sincerely,

O. Boikov
Deputy Chairman of the SCC
(signed)

ЗАМЕСТИТЕЛЬ
ПРЕДСЕДАТЕЛЯ
ВЫСШЕГО
АРБИТРАЖНОГО СУДА
РОССИЙСКОЙ ФЕДЕРАЦИИ

101000, Москва, Центр,
Малый Харитоньевский пер., дом 12

№ ОМ-167 13.05.93.

На №

Руководителю Московского
Судейского колледжа США

госпоже Бетти Барто

Уважаемая госпожа Барто,

Согласно договоренности сообщаю Вам, что по завершении намеченных на текущий год взаимных мероприятий Высший Арбитражный Суд Российской Федерации заинтересован в продолжении сотрудничества по следующим темам:

1. Общие и специализированные суды США (статус, компетенция, организация работы, особенности судебной процедуры, подбор и подготовка кадров специализированных судов, взаимодействие с судами общей компетенции, обеспечение единства судебной практики).

2. Досудебное рассмотрение споров, возникающих из административных правоотношений, в органах соответствующих ведомств, в том числе применение мер административного воздействия и возмещение ущерба; ответственность государственных учреждений и торгово-промышленных компаний за действия своих работников. Статус, полномочия и организация

работы ведомственных органов, разрешающих споры в сфере административных отношений.

3. Судебный контроль за законностью актов органов исполнительной власти.

4. Вопросы этики, дисциплины и ответственности судей за упущения в работе и неправильное поведение; роль председателя суда в решении этих вопросов.

По указанным вопросам желательно было бы не только получение соответствующей информации, но и организация встреч судей арбитражных судов с их коллегами в специализированных судах США.

Мы были бы также заинтересованы в получении помощи в оснащении арбитражных судов компьютерной техникой.

С уважением,

О.В.Бойков

July 9, 1999

Supreme Collegia on
Judicial Qualifications
of the Russian Federation

Judge Betty Barteau
Chief of Party
RAJP

David M. Vaughn
Deputy Chief of Party
RAJP

On behalf of the Supreme Collegia on Judicial Qualifications, chairs of regional courts, and regional collegia, I would like to thank you and RAJP for your assistance. The recently completed series of three seminars on judicial selection, ethics, and discipline provided an opportunity for over 500 judges from Kalinigrad to Vladivostok to study these very important subjects. We also had the opportunity to discuss practical issues related to the activities of the collegia. Additionally, the seminars provided an opportunity for the direct transfer of knowledge, skills, and best practices from United States judges. The printed and videotaped materials from the seminars will be disseminated to a wider audience and used to train other Russian judges and collegia members.

I would also like to express our appreciation for the office equipment provided by RAJP for the Supreme Collegia. The equipment assists our staff in preparing training materials and supports the day-to-day operations of the collegia.

We would also like to recognize the contribution that the ethics manual will make to the standardization of collegia operations nationally. The manual will be used to inform and educate a broad range of judges, particularly new judges, on issues related to judicial selection, ethics, and discipline.

Your work has increased the capacity of the Russian judiciary to enforce judicial ethics.

We look forward to our future cooperation.

Sincerely,

Anatoly Zherebtsov
Chairman
Supreme Collegia on Judicial Qualification
(signed)

Высшая
квалификационная коллегия
судей
Российской Федерации

103289, Москва, ул. Ильинка, 7/3

№ ВКК- 211 / 99
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Судье Бетти Барто,
руководителю проекта РАСП

Дэвиду М.Вауну,
заместителю руководителя
проекта РАСП

От имени Высшей квалификационной коллегии судей Российской Федерации, председателей региональных судов и региональных квалификационных коллегий судей я хотел бы поблагодарить лично Вас и сотрудников проекта «Российско-американское судейское партнерство» за оказываемую Вами помощь.

Благодаря трем проведенным семинарам, посвященным отбору судей, судейской этике и дисциплине, более 500 судей из разных городов от Калининграда до Владивостока получили возможность изучить эти очень важные для них темы. Во время проведения семинаров мы также имели возможность обсудить насущные практические вопросы, относящиеся к деятельности Высшей квалификационной коллегии судей Российской Федерации. Кроме того, благодаря семинарам судьи Соединенных Штатов смогли непосредственно поделиться своими знаниями и опытом с российскими судьями. Печатные материалы и видеозаписи этих семинаров будут в дальнейшем распространены среди российских судей и членов квалификационных коллегий судей и использованы для обучения по данным вопросам.

Я бы хотел также выразить признательность за предоставленное Коллегии офисное оборудование. Данное оборудование значительно облегчает работу наших сотрудников по подготовке обучающих материалов и успешно используется в ежедневной работе офиса Коллегии.

Нам также хотелось бы отметить важное значение разрабатываемого пособия по судейской этике, которое внесет значительный вклад в процесс стандартизации деятельности Коллегии в масштабе всей страны. Это пособие будет использоваться в качестве информационного и обучающего материала для широкого круга судей, особенно тех, кто только начинает профессиональную деятельность, по вопросам отбора судей, судейской этики и дисциплины.

Ваша работа позволила расширить возможности российского судейского сообщества в сфере обеспечения требований судейской этики.

С надеждой на дальнейшее сотрудничество,

С уважением,
Председатель Высшей
квалификационной коллегии
судей Российской Федерации А.В.Жеребцов

August 24, 1999

Judicial Department at the
Supreme Court of the Russian Federation

Judge Betty Barteau, Chief of Party
Russian-American Judicial Partnership

Dear Judge Betty Barteau,

Cooperation between the Judicial Department at the Supreme Court of the Russian Federation and the Russian-American Judicial Partnership, which started only last year, has already concrete, positive results, not only in the area of developing professional interaction between the Russian and American judiciary, but also in strengthening Russian-American friendly relations.

Together with RAJP we were able to translate into Russian various documents and important reference materials. We are planning to hold a series of seminars in Moscow and other regions and publish training materials and brochures. The study tour of the key Judicial Department staff to the United States was very useful, since the heads of the branches of the Judicial Department were exposed to best practices in court administration in the United States and were able to establish contacts with representatives of the Administrative Office of U.S. courts, the Federal Judicial Center, and other organizations. Another important part of the first stage of our joint work is the research carried out by T. Jordan and J. Jordan aimed at developing a guide to court automation and a manual for court administrators. It is undoubtedly a timely, necessary effort.

The results that have been achieved during the period of our joint work have proved the necessity of further developing our relations and cooperation. The priority areas should be: (1) further development and implementation of training programs for court administrators and court staff; (2) development of materials and programs related to case management, staffing concerns, as well as statistical and budgetary matters to improve court organization and efficiency, and (3) expanding exchange of experience and information between judiciary bodies in Russia and the United States with similar functions and aims, e.g., the Administrative Office of U.S. Courts, the Judicial Department, and many others.

Dear Judge Betty Barteau, let me express our appreciation and gratitude to you personally and to all the employees of Russian-American Judicial Partnership for all your work. I would also like to kindly ask you to inform USAID, the Board of Trustees of the National Judicial College, and the Board of Directors of Chemonics International about our deep interest in continuing and increasing our joint work with RAJP, a true representative of the American judiciary in Russia.

We look forward to our future cooperation.

Sincerely,
V. Chernyavsky
General Director
(signed)

СУДЕБНЫЙ ДЕПАРТАМЕНТ
при
ВЕРХОВНОМ СУДЕ
РОССИЙСКОЙ ФЕДЕРАЦИИ

103289, Москва, ул. Ильинка, д.7/3

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Уважаемая судья Бети Барто!

Сотрудничество между Судебным департаментом при Верховном Суде Российской Федерации и ассоциацией "Российско-американское судейское партнерство"(РАСП), начавшееся лишь в прошлом году, позволило добиться определенных результатов не только в направлении активизации профессионального взаимодействия между российскими и американскими судьями и судебными структурами, но и, несомненно, способствовало укреплению двусторонних российско-американских связей, сближению народов наших стран.

При содействии и непосредственном участии "Российско-американского судейского партнерства" проведена серия ответственных семинарских занятий в Москве и регионах России, издано значительное количество лекционных материалов и брошюр, переведен на русский язык большой объем корреспонденции и действительно необходимой информационно-справочной документации. Особенно полезной, на наш взгляд, стала поездка-стажировка в США руководящего состава Судебного департамента, благодаря которой установлено деловое партнерство между Судебным департаментом и Административным управлением федеральных судов США, изучен опыт работы Административного офиса и Федерального судейского центра. Важным итогом начального периода сотрудничества является также исследовательская деятельность американских специалистов (Д.Йордан, Т.Йордан) по подготовке руководства по компьютеризации судебной системы и пособия для администраторов судов, необходимость и своевременность которых не вызывают сомнений.

Результаты, достигнутые за период нашего сотрудничества, убедительно свидетельствуют в пользу целесообразности дальнейшей активизации взаимодействия Судебного департамента и ассоциации РАСП. При этом наиболее перспективными направлениями могли бы стать: дальнейшее развитие и внедрение программ обучения администраторов и других работников аппаратов судов; подготовка материалов и разработка программ судебного делопроизводства; исследования в области судебной статистики и финансирования; расширение обмена опытом между идентичными по целям и задачам структурами – Судебным департаментом и Административным управлением федеральных судов США, а также многие другие.

Позвольте, уважаемая судья Бети Барто, выразить лично Вам, а также всем сотрудникам ассоциации РАСП, искреннюю благодарность за проведенную в рамках нашего сотрудничества работу.

Одновременно прошу Вас проинформировать представительство Агентства по международному развитию США, руководство Национального судейского колледжа США и директорат компании "Кемоникс Интернэшнл" о нашей заинтересованности в непременном продолжении и наращивании взаимодействия с ассоциацией "Российско-американское судейское партнерство", достойно представляющей американскую судебную систему в Российской Федерации.

С наилучшими пожеланиями

В.Чернявский
Генеральный директор