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Russia Rule of Law Partnerships

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EXECUTIVE SUMMARY

This assessment was conducted on behalf of the Europe and Eurasia Bureau of USAID. It is the last in a series of assessments focused on the results and impact of US assistance to Rule of Law development in the Newly Independent States. Although this assessment was not as comprehensive as the other studies done in this series for a variety of practical reasons, it does represent the only intensive examination of the “partnership” mode for delivering technical assistance as well as advancing other US government objectives in the Russian Federation.

This assessment examines the evolution, activities, results and longer-term impacts of a Russian – American Rule of Law Partnership. The Russian American Rule of Law Consortium (RAROLC) of 7 Russian Oblast and Republic Rule of Law partnerships with American State level judges and other members of the legal profession began in 1992 with an initiative by jurists in Vermont and the Russian Republic of Karelia (the V-K Partnership) using private funds. After several years, USAID began supporting the partnership, urging it to develop other state level partnerships modeled after the V-K experience. Gradually, the V-K partnership was replicated in 6 other American states and Russian oblasts, at which point the RAROLC Consortium was formed. For the last several years, RAROLC has operated as the major sub-grantee of the long standing American Bar Association-Central European and Eurasian Law Initiative (ABA/CEELI). RAROLC also has a role in developing two new partnerships between the Russian Far East (RFE) and Alaska and Oregon, as well as undertaking special projects for USAID.

RAROLC is a Vermont registered NGO. Its Chairman (and founder) is Justice John Dooley, of the Vermont Supreme Court. Members of the American steering committees of the individual partnerships form the Board of Directors or Executive Committee. There is one full time Executive Director in Vermont. The Russian partnerships also have Steering Committees. Administrative coordination in Russia is provided by a full time coordinator based in Moscow, working with part-time liaisons in each Russian Oblast. With these exceptions, all the rest of the professional experts are volunteers, whether senior judges, attorneys, prosecutors, court administrators, or other members of the state legal community.

The budget for RAROLC has grown considerably, although there is considerable fluctuation in the totals received. Core funding comes from USAID and has stabilized at about \$300 to \$400 thousand each year. The U.S. Congress program Open World is the second most important supporter, using its funds to finance the organization of delegations of Russian jurists to the U.S. and to the member partnership states.

Because of the gradual emergence on line of all seven partnerships, it is difficult to generalize about results and impact. Still, the partnerships have built an impressive record of accomplishment, including development of the first legal clinics; fostering curriculum reform in law schools, assisting with the development of modern informatics for case and court administration, introducing now sustainable methods and approaches to adult in service professional education, preparation of all legal disciplines for the advent of jury trials, and development of specialized approaches to the emerging challenges arising from the development of a capitalist economic system.

Longer term impact on Rule of Law is more difficult to ascertain, but evidence suggests that in the more mature partnerships, there has not only been the successful adaptation of new legal methods and innovations, but also the emergence of attitudes and personal behavior changes important to the institutionalization of the Rule of Law in Russia. Examples include greater status and self-confidence of judges, recognition of the need for judicial system transparency, and more effective use of judicial resources through the introduction of procedural innovations such as mediation and plea-bargaining. An intangible but important impact is the development of the beginnings of a sense of belonging to a legal community in Russia.

The report finds the partnership modality to be a workable one relevant to the achievement of specific development objectives, albeit without the forced time pace and structure of a normal USAID project. In the longer term, the establishment of durable personal and professional relationships between Russian and American jurists is of considerable value to the management of both U.S. and Russian interests in a highly inter-connected global economy and, increasingly, society and polity.

The report's conclusions and lessons learned state that in a post USAID relationship, the RAROLC partnership should be continued using some mixture of public and private funds, both U.S. and Russian. The partnership does serve U.S. and Russian interests in the development of a functional rule of law, and by maintaining access to each other's legal communities.

I. INTRODUCTION

This assessment of the Russian American Rule of Law Partnership (RAROLC) is the last in a series of retrospective assessments of USAID sponsored Rule of Law development programs in nations that emerged from the former Soviet Union. After some discussion, due to funding and time limitations, the Bureau for Europe and Eurasia and USAID/Moscow agreed to a more restricted Scope of Work for this study focusing on the RAROLC experience. Unlike the comprehensive assessments conducted in Bulgaria, Ukraine, Kazakhstan and elsewhere, this assessment focused primarily on the "partnership" modality as a means for promoting Rule of Law. RAROLC was selected for study among several "partnerships" as an example of what USAID Moscow believes to be a successful partnership, worthy of closer scrutiny to determine whether that belief is well founded, and, if so, what factors contribute to partnerships' success.

The term "partnership" deserves some discussion. It is a term frequently used to describe USAID projects that foster and financially support cooperation between a host country organization and one in the United States. Under the most typical arrangement, USAID takes the initiative through an implementing agency (NGO or contractor) to identify, promote and sustain the partnership relationship with significant reliance on USAID funds. The purpose of most partnerships is to transfer information, technical solutions, and organizational arrangements from the American partner to the host country partner. In some cases in the Newly Independent States (NIS), the American partner helped to establish the NIS partner as a new entity. In others, the NIS entity was in process of adjustment to a new political environment, with the American partner providing advice, counsel, technical assistance, and training. During the early stages of the transition from communism, USAID sponsored many partnerships in the civil society and commercial sectors. American organizations like the YMCA, Chambers of Commerce, and medical associations were solicited to form partnerships with Russian counterparts, both new and evolving.

Experience has shown that partnerships of this kind can be quite successful in promoting institutional change and capacity building consistent with free market and democratic systems in formerly Soviet societies. The influence and "legitimacy" brought by the American partner can be a source of strength and protection during the early, difficult phases of creating a new organization. If the American partner is well organized and committed to carrying out a fairly sophisticated mentoring program, the chances of success are substantial. If the NIS partner is well grounded in the needs and expectations of its own local environment, and is able to transform inputs from the American partner into relevant activities in the local context, the partnership can mature into something quite different and relevant.

Partnerships initiated and supported through USAID projects also have potential weaknesses. First, the initiative for the partnership often comes from the USAID interest and funding commitment, rather than from a natural selection process of two entities that discover common interests that can be advanced by working together. There may be genuine interest on both sides, but it may be insufficient to sustain

partnership activities beyond the funding period. Second, the typical project funded partnership must operate within USAID project time frames, usually 3 to 5 years. In this time the partnership must go through conceptual, start up, technical assistance, maturation and sustainability phases, with relatively little time for mistakes, false starts, ironing out difficulties and a myriad of other problems that can emerge in a partnership. The time period required for substantial and sustainable change in institutional capacities and behaviors may be much longer than permitted under the USAID project model. Third, partnerships formed with USAID funding may enjoy relatively high levels of financial support during the project period but also may have close accountability and control relationships with USAID or the primary implementing agency. This often constrains flexibility and the freedom necessary to respond to emerging interests and agenda items put forward by the host country side. As a result, a certain amount of the “ownership” responsibility shifts back to USAID. When the project is over, the partnership may fall apart as this money may be the only real glue that keeps the partnership going.

Partnerships do emerge between international development initiatives with different origins, trajectories, and purposes. Rather akin to a marriage, these partnerships frequently begin by chance, through serendipitous events that bring together people with common interests. Discovering this, they find it useful to begin a discussion, which may become a dialogue around common problems, or both sides may find complementary values and/or concrete utility from interaction with the other. If time, energy and resources permit, the dialogue may become more structured, interests may evolve, other parties may join in, and some kind of organizational structure may begin to emerge to support the relationship. These serendipitous partnerships grow more or less organically and can be quite important to the members, commanding considerable amounts of time and energy for their maintenance.

Key features of “serendipitous” partnerships are: a rich array of common interests sufficient to initiate and sustain the partnership without external incentives; significant time and personal commitment of participants on both sides (especially the leadership as the partnership evolves into a more structured affair); a flexible and “non-bureaucratic” style of organization and decision making; and, perhaps most important in the international development arena, mutual respect and reciprocity.¹ A sustainable developmental partnership has to be an adult relationship between people who fundamentally respect each other, even if there is an imbalance in the technical skill level between the two sides or important differences in culture or history or ways of doing “business”. This kind of partnership can manage a certain amount of “mentoring”, so long as it is balanced with other forms of reciprocity and respect. . Both sides have to benefit, perhaps in different ways, for the partnership to be successful and sustainable. This kind of partnership can be advanced through external financial support, but the conditions of support must never contravene the fundamentals that make the partnership work in the first place.

From a development perspective, partnerships of this nature can fail to go beyond pleasant and mutually rewarding friendships and exchanges of views. These partnerships have to balance the value of personal benefits and achieving public interest purposes that lead to observable results. Development is a process of change to desirable goals. What these goals are and the extent to which they are “desired” by both sides is an open question for the partnership to resolve. It is also an issue for the funding source to consider in deciding whether or not to provide financial support. Funding sources for these partnerships often have an agenda, a strategy, and a set of expectations about change for which they are accountable, whether through a foundation board of directors or the Congress and President of the United States.

¹ The term “serendipitous partnerships” is a term of art that emerged from our efforts to understand the differences between some partnerships that seemed to be well rooted in the convictions and commitments of the partners, and those more similar to other USG funded activities. While not all RAROLC partnerships developed spontaneously, several of them were rooted in earlier sister city or state relationships and when Justice Dooley began the campaign to replicate the partnerships in other states, he found fertile ground. After all, it would be difficult to explain the level of commitment shown by the leaders and activists in all of these partnerships based on a meager activity budget of \$37000 per annum per partnership, the amounts available in 2003 and 2004.

This assessment focuses primarily on the evolution of a “serendipitous partnership”, the Vermont-Karelia Rule of Law Partnership, into the Russian American Rule of Law Consortium (RAROLC), which currently involves seven partnerships directly, as well as fostering two others using a similar model. We examine the Vermont-Karelia origins, its spread to other Russian and American partners, the decision-making and management processes, their accomplishments, results, and impacts, and their collective long term viability and sustainability. Through this examination we hope to describe what makes these partnerships work, as a guide for more general application. We also propose to recommend to USAID approaches to building on partnership model strengths, overcoming partnership weaknesses, and helping to design strategies that will promote long term partnership sustainability and further the interests of their members as well as the interest of our two nations, Russia and America.

II. METHODOLOGY AND APPROACH

A. Scope of Work

The formal Scope of Work (SOW) for this assessment states:

“The scope of the impact assessment in Russia will be limited to an assessment of the impact and effectiveness of so-called “partnership” arrangements for providing rule of law assistance...at a minimum, this will include a review of the Vermont-Karelia Program and its offspring, as well as other activities which have had as their objective the establishment of long-term, continuous and collaborative relationships between the judiciaries and legal professions in the two countries”.

The SOW continues to stress that the assessment “focus primarily on determining the impact and effectiveness of the partnering mechanism as a model for delivering rule of law assistance, the benefits and limitations of such arrangements, and issues of sustainability”.²

The formal SOW of work was supplemented by an informal memorandum from the USAID CTO further elaborating the questions to be covered as follows:

- What are the main features of the partnerships?
- What makes partnerships different from other USAID assistance modalities?
- What are the main characteristics and features of a successful partnership?
- What causal factors are operating to explain results?
- What factors help to explain problems or the absence of results?
- Are the partnerships sustainable (without USAID)?
- Are the partnerships unique or special to the Russian situation?
- Do Partnerships complement or conflict with other ROL activities?
- What are the opportunity costs of using the partnership modality?
- Why should we do or not do partnerships as opposed to more traditional contract/cooperative agreement projects?³

² Although not mentioned in the SOW or subsequent addendum, more recent correspondence has raised the question of whether RAROLC-type partnerships may serve as good models for USAID “legacy” organizations. Indeed, the issue of what kinds of activities and modalities would serve the US public interest assuming a USAID withdrawal has become an important contextual factor for this report. It is important to bear in mind that the primary context for this report is an on-going USAID development program. In a post USAID environment, a closely managed USAID Mission Project model would not pertain and comparison of projects and partnerships in that context are largely academic and speculative exercises.

³ USAID E-mail Memorandum from Paul Scott, manager for the E & E ROL Assessment study. September, 2003.

Additional input to the SOW and memorandum was provided by Patrick Murphy, ROL Advisor for USAID/Russia.

B. Methodology

The two partnerships most directly relevant to the SOW are the RAROLC partnerships at the US State level, and the Russian American Judicial Partnership (RAJP I & II). The primary focus of this assessment is on the RAROLC partnerships, as they provide the longest and richest array of experience and results. The team does address the RAJP activities, but also directs the attention of the reader to a report done in 2003 on the future of that partnership (Annex H to this report). Other more general partnership programs have provided additional funding for RAROLC, most prominently the Newly Independent States College & University Partnership Program (NISCUPP) for Russian American University partnerships, operated by the U.S. Department of State. RAROLC, along with RAJP, has also benefited from the Open World (Russian Visitors) Program of the U.S. Library of Congress.

Team methodology included extensive document review, site visits to all but one of the east coast American and Russian partnerships; structured interviews with 150 partnership leaders, professional colleagues, and liaisons; a written questionnaire to other Russian participants; and extensive follow up questions to the American RAROLC leadership after completion of our field work. A second questionnaire focusing on the impact of the Petrozovodsk clinical training experience on recent law school graduates was prepared by Vermont Law School Clinic Director Jim May, but as it took more time than is available, its results are not included in this report.⁴

Fieldwork began September 24-26, 2003 with U.S. site visits to Vermont, Maryland and Rochester, followed by three weeks in Russia, including team travel to Karelia, Pskov, Novgorod, Leningrad Oblast, Vologda and Arkangelsk. Team members attended a Library of Congress Open World program involving participants from RAROLC and RAJP prior to departure, and also met with Federal Judicial and State Department officials involved in ROL partnership activities. In Russia, the team attended a RAROLC-wide two-day workshop on Jury Trials in Vologda that had participants from eight Russian regions and five U.S. states and also observed the conference organized by then Duma Deputy Elena Borisovna Mizulina in St. Petersburg on October 14 to discuss possible amendments to Russian jury trial law and procedures.

Additional interviews were held in Moscow with ABA/CEELI, USAID, Open World, and with Russian national level figures familiar with RAROLC programs.

A preliminary briefing was presented to the U.S. Embassy and USAID Mission team directly responsible for various USG ROL programs on October 24, 2003.

Additional field visits to Maine, New Hampshire, and Connecticut were conducted October 27 through November 7, 2003. Follow-up questions were presented to the American RAROLC leadership on issue of program impact, based on questions raised at the debriefing in Moscow by US Mission Director Terry Myers. Team members Vitaly Charushin and Katya Greshnova completed analysis of mailed questionnaire data with assistance from MSI's Chad Hespell.

III. THE RAROLC CONSORTIUM

A. The Consortium

The Russian-American Rule of Law Consortium (RAROLC) is the legal entity for building bi-lateral Rule of Law Russian-American partnerships at the State/Oblast level. The first partnership, which

⁴ All questionnaires used by the assessment team may be found in Annex E to this report.

became the model for others, commenced in 1992 with an exchange of delegations between the State of Vermont and the Republic of Karelia, in northwest Russia. The Vermont-Karelia Rule of Law Project became a registered NGO In 1994 USAID became interested and provided the first of several grants to the V-K partnership to support its activities. Initially, the project was administratively located as a sub-grant under the USAID-funded ARD/CHECCHI Russian Rule of Law Consortium Project. It was transferred to ABA/CEELI'S Cooperative Agreement with USAID in 1999. USAID encouraged the V-K partnership to encourage other state level legal communities to replicate the V-K model by forming partnerships with other regions in northwest Russia. As additional partnerships got under way, a Russian American Rule of Law consortium was created as a registered NGO in the U.S.

RAROLC now includes seven official American partner members, governed since 2000 by a Board of Directors consisting of a representative (in six of the seven cases a widely-respected state court judge) from each participating U.S. jurisdiction, plus two additional affiliates. Justice John Dooley of Vermont is the chairman. Vermont Attorney Mark Oettinger serves as second in command During Justice Dooley's absence. Each partnership is governed by a Russian and American steering committee, which meets separately and together as needed. The main responsibility of the steering committees is to decide on partnership work and events agendas for the year and to oversee the organization necessary for the implementation of various activities.

Ongoing administration of the partnership is carried out by a full time us administrator in Burlington, Vermont and in Moscow, a Russian coordinator located in the ABA/CEELI office. Partnership administration on the American side is usually the task of one or two steering committee members, using their own office facilities. A local coordinator represents the Russian side of each partnership. These local coordinators, with only one exception, are not legal professionals but do have strong English skills and access to an extensive network of oblast or republic judges, advocates, law faculty, procurators, and other members of the legal community.

RAROLC also administers USAID Russia's Foundation for Russian American Economic Cooperation (FRAEC) grants to two ROL partnerships in the Russia Far East (RFE), one with Alaska and the other with Oregon. These partnerships were initiated with RAROLC assistance. RAROLC employs another administrator residing in California for day-to-day management support for these partnerships.⁵

Following the V-K experience, RAROLC encourages and supports partnerships to develop grant proposals for support from other USG and private foundations. For example, critical funding and program cooperation has developed between RAROLC and the Open World Program, funded by the US Congress and implemented by the Library of Congress. Also, RAROLC has won grant support for legal clinics and other aspects of legal education development from the U.S. Department of State NISCUPP program.

RAROLC's overall programming reflects a balance between the requirements of various donors for clearly delineated program goals and objectives, and the need to be responsive and flexible with respect to different local level priorities in each of the consortium's partnerships. RAROLC program agendas are included in the overall CEELI Cooperative Agreement renewal proposals, and meet the standards of USAID requirements, including specifying overall objectives, results expected, and means by which results will be assessed. These objectives are consistent with USAID Strategic Objectives and progress towards achieving them is reported in the overall ABA/CEELI reporting process.

⁵ FRAEC is based in Seattle, Washington and administers a wide variety of Russian-American collaborative efforts, such as the Russian-American Partnership Program. Further details are available on its web site, <http://www.fraec.org>.

B. RAROLC Relationship with ABA/CEELI

As noted above, when the Vermont-Karelia Partnership was replicated by other U.S. states and Russian oblasts, the amount of funding available from USAID increased as well to cover the additional costs of what became seven partnerships organized into the current RAROLC. For reasons unrelated to the Consortium, USAID Russia asked long time Rule of Law grantee ABA/CEELI to manage an annual sub-grant for the new Consortium. In 1999 CEELI began including RAROLC financial and program data in its reports to USAID.

CEELI's substantive relationship with RAROLC has been very limited. In essence, RAROLC became a sub-grantee with a separate line item under the overall USAID cooperative agreement with CEELI. As RAROLC partner activities expanded to include more coordinated programming among the Russian regions, the administrative burden on CEELI also grew, resulting in the creation of a RAROLC Coordination position in ABA/CEELI's Moscow office funded by the RAROLC grant. This local hire person receives general guidance from CEELI's Moscow Country Director, but works under the supervision of the Chairman of the RAROLC Consortium, Justice John Dooley and in close coordination with the Vermont-based Consortium Executive Director, Karin Bourossa. CEELI's direct contribution to RAROLC has been to provide physical space, utilities and logistical support for the coordinator's office in the CEELI offices. These overhead costs are absorbed by CEELI.

Not surprisingly, RAROLC's rule of law program objectives and activities are similar to those pursued by CEELI. There are, however, important differences between the two programs. RAROLC's partnerships are 'holistic', intending to include the active engagement of all parts of the legal profession within a specific geo-administrative and political unit. Also, the RAROLC activity agenda setting process is responsive to local level ROL implementation priorities, whereas CEELI's agenda is more responsive to USAID and national level issues.

C. Partnerships

In this section we discuss in some detail the original Vermont-Karelia Partnership, as it was the 'serendipitous' model that originally attracted USAID, and it is the most mature of the seven.⁶

D. The Vermont-Karelia Partnership: 1992-Present

The Vermont-Karelia partnership began in 1992 with non-governmental resources from both sides, though by 1994 [it began to receive U.S. funding under a subcontract from the USAID ARD/Checchi Russia Rule-of-Law contract. The partnership had four original goals: (i) development of a bar association for lawyers in Karelia; (ii) creation of a judicial training program and other related professional activities; (iii) development of curricula at the newly established law school of Petrozavodsk State University to prepare lawyers for work in a market economy and adversarial system of justice; and (iv) specific training for lawyers and judges in the institution of jury trials in criminal cases.

Over the years, Vermont-Karelia partnership goals grew and evolved. One of the first accomplishments was the creation of the Union of Jurists of the Republic of Karelia (UJRK). The formation of this fulfilled one of the main goals of the original partnership. UJRK continues to this day, with an expanding membership and a professional secretary for day-to-day administration. UJRK serves as a counterpart organization to the V-K partnership. Its executive secretary also assists in organizing partnership programs, and is an active participant in the partnership.

⁶ Readers interested in more detailed accounts of the development of each of the partnerships from the time they began their activities may refer to Annex C. This Annex contains the partnership histories and a description of their major themes and it provides a rich set of data with respect to how these partnerships have furthered the development of ROL in the Russian Federation. Additional details of RAROLC activities are also described at the organizational web site, <http://www.rarolc.net>.

Because UJRK drew from a wide cross-section of the Karelian legal community leadership – for example, its first president, Ludmilla Zharkova, was then Deputy Minister of Justice, and then became a member of the Karelia Constitutional Court and now (since 1997) sits on the Constitutional Court of the Russian Federation – it has been able to have a major impact on local legal institutions. Review of a 1998 Vermont-Karelia report indicates that there had already been about twenty seminars for the Karelian legal community, including broad commercial law themes, inheritance issues, trial practice, criminal law and procedure, banking and securities law, and human rights issues. By then Karelia was also serving as a venue for northwest regional and Russia-wide conferences and semi-annual educational seminars, including presentations from the Presiding Judge and four other Judges of the Supreme Commercial Court and three Judges from the Russian Constitutional Court. Karelia was also selected by USAID as home for development of an American jury trial practice video, translated into the Russian language, that was used nation-wide for training Russian judges, prosecutors, and defense advocates for the new (though subsequently delayed) institution of jury trials. The total of training events as of 2002 approximates 100, with 2000 legal profession person-participants, many on a regular and recurring basis from event to event and year to year.

The Vermont/Karelia partnership also pioneered in the development of clinical legal education in the Russian Federation. In 1995, under the leadership of Prof. James May, director of the Vermont Law School Clinic, Petrozavodsk University Law School established the first such clinic in Russia, where students, (very much like in an American setting) provide free legal assistance - under the guidance of experienced advocate practitioners - to poor citizens in Karelia. Professor May has made numerous visits to Karelia to assist in the development and growing sophistication of this clinic. By 2001, under the direction of its current head Anastasia Nikitina, and with additional resources from USIS NISCUPP funding and the International Research and Exchanges Board (IREX) SPAN program, law students in Petrozavodsk were providing legal assistance to approximately 1600 community residents.⁷ May's commitment was paralleled by that of Vermont Law School Head Librarian Carl Yirka, who led the way in the development of the law school library (20,000 volumes by the time of official dedication in February 2002) internet research capability for the law school and the broader university community (assisted by a Soros Foundation grant for internet development) as well as institution of an annual Environmental Summer School, with citizen participation and clinical components, that is widely known as the best in this field in Russia. Specific mention should also be made of Mark Oettinger, who utilized a Fulbright Fellowship to develop a commercial law course for the law faculty at Petrozavodsk, and who has visited the legal community in Karelia on 12 occasions since the program began in 1992.

The broader Vermont/Karelia program was also greatly assisted during the period 1998-2002 by the NISCUPP resources. These moneys allowed for a sustained interchange between Vermont Law School and Petrozavodsk State University Law faculty, which, according to the NISCUPP Final Report, allowed for 20 U.S. participants to spend 612 days in Karelia and 16 Russian participants to spend 382 days at Vermont law school over the course of the program.⁸ Another measure of the degree to which the partnership has taken root in the Karelian legal community is provided by the current makeup of the board of the UJRK, which has as President the Deputy Chief Judge of the Arbitration Court. One Vice-President is the Deputy Chief of the Department (Ministry) of Justice, the other Vice President is a Judge of the Arbitration Court, and Members include the Director of the Center on Real Property Rights and

⁷ Another U.S. legal clinic director who had had experience in promoting clinical legal education under USAID's law school work under the ARD/Checchi ROL Consortium, University of Wyoming Law Professor John Burman chose Petrozavodsk as the place he spent his Fulbright scholarship residency, where he studied and later assisted in the development of the Clinic, going on to work with ABA/CEELI's own law clinic development program. Memorandum from USAID ROL Advisor, Patrick Murphy, January 21, 2004.

⁸ The total expenditures over the 4-year 1998-2002 NISCUPP grant were \$253,491. For comparative purposes, this is about equivalent to the cost of placing one expatriate family in Russia for a two year assignment (check)

Contracts Registration, three Advocates, the Deputy Chief Judge of the Supreme Court, the Chief and Deputy Chief of the Legislative Committee of the Legislative Assembly, the Senior Assistant to the Karelia Republic Prosecutor, a Judge of the District Court, the Vice-President of the Karelia Branch of Sberbank, the Dean of the Law Faculty of Petrozavodsk State University, the Director of the Northern Branch of the Russian Law Academy, and as Executive Secretary, responsible for assisting in RAROLC-wide developments since 1992, Sergey Pavshukov. The Vermont side of the partnership operates through a Board of Directors chaired by Justice John Dooley of the Supreme Court of Vermont, with active participation from Vermont Law School faculty, many members of the private sector bar, and a staff that administers both the Vermont-Karelia partnership and the overall broader RAROLC program activities.

Perhaps the most interesting aspect of the original Vermont-Karelia program is that, under the guidance of Justice Dooley, this institutional structure has served as a template to replicate the Vermont-Karelia experience. This process unfolded, with significant variations, in both the Maryland-Leningrad Oblast and Maine-Arkhangelsk partnerships, in 1996-1997, and with additional modification in some of the more recent partnership developments.⁹ By 1998, a Rochester-Novgorod and New Hampshire-Vologda partnership had been formed, with Massachusetts-Tomsk and Connecticut-Pskov formed in 2001.

E. FY 2002-2003 and FY 2003-2004 Partnership Work Plans

As of September 2003, the partnership work plans for the balance of fiscal year 2002-2003 and prospective fiscal year 2003-2004 are another relevant way to capture these collaborative efforts. For Vermont-Karelia, the balance of '02-'03 envisions a law school visit and an adversarial methods delegation program in Petrozavodsk, plus funds for Karelia attendance at the Vologda jury trial conference. For '03-'04, the \$37,600 budget and current calendar includes a May 2004 program on real property dispute litigation in the commercial courts; a Summer School contemporary environmental law issues program; an advanced trial techniques presentation; an international business transactions seminar; a RF Land Code implementation program; and a judicial and advocates' ethics program. All of these latter programs are scheduled for Karelia in September 2004.

For Maryland-Leningrad Oblast, the current calendar includes a court delegation due in Maryland in November for educational programs designed to inform Leningrad judges about new legislative and judicial developments - decision bulletins, a judges' bench book, and specialized videotapes - all modeled on Maryland state and federal approaches to continuing judicial education. The work plan also includes a December follow-up in Leningrad, which will include efforts to link the Leningrad State University Law School and the University of Baltimore Law School. Spring 2004 also has plans for a follow-up Leningrad visit to the University of Baltimore Law School and an additional judicial visit to Maryland to focus on a range of trial practice, court administration, and public and media relations aspects of the new jury trial system.

For Maine-Arkhangelsk, the balance of '02-'03 provides funds for the Vologda jury trial conference while the '03-04 calendar provides for an Arkhangelsk legislative delegation coming to Maine in November for discussion of environmental and domestic violence reform legislation; an Arkhangelsk program on bankruptcy issues in March 2004; a follow-up spring '04 meeting in Arkhangelsk on the domestic violence issue; and additional work on the publication of decisions of general jurisdiction and commercial courts.¹⁰

New Hampshire-Vologda plan to allocate the 03-'04 budget to a needs assessment of options for adult education programs for the judiciary and to a corporate law topics program in Vologda in March of 2004.

⁹ An Information Bulletin, issued in June 2003, mostly in the Russian language, provides a short summary history of the RAROLC partnerships.

¹⁰ Maine has been granted an additional \$20,000 of ABA/CEELI money for the domestic violence issue and is supplementing this sum with \$11,000 from its RAROLC allotment.

Subsequent programs will involve alternative dispute resolution and real property issues, leading to a conference to involve the seven Russian regional partners (and their American counterparts) scheduled for June 2004 in Vologda. New York State-Novgorod is planning for a bankruptcy/commercial law conference in Novgorod in May 2004. Connecticut-Pskov is planning to allocate its \$37,600 '03-'04 budget for a series of civil and criminal law seminars to be held in Connecticut in April 2004, followed by a corresponding series of seminars and meetings on civil law topics to be held in late May or early June in Pskov. Most of the partnerships have a line item in the budget for \$1200 annually for their Russian regional program coordinator.

F. Support for Alaska-KHABAROVSK Krai and Oregon-SAKHALIN Oblast since 2002

Beginning in 2002, with direct solicitation from USAID Russia, the RAROLC partnership activities have expanded to U.S. west coast collaborations with the Russian Far East. Linkages have included an Alaska-Khabarovsk Krai Rule of Law Partnership, an Oregon-Sakhalin Oblast connection, and a Washington-Primorski Krai enterprise. The latter has decided not to be associated with RAROLC, and is now totally independent. The Alaska-Kharabovsk endeavors have included initial steps at establishing a “sister bar” relationship, with programs planned on judicial ethics, discipline, and selection; a “Court Watch” program; the purchasing of court equipment; establishment of a partnership web-site; and perhaps most importantly, the holding of a 5 day conference which more than 100 participants from both communities attended. Alaska-Kharabovsk has also been establishing connections between the National Judicial College in Reno, Nevada, and the Russian Academy of Justice branch office in Kharabovsk. This partnership has also become a separate project outside the RAROLC purview. The Oregon-Sakhalin efforts have also used the “sister bar” approach, with particular emphasis on support for jury trial development.

G. Conceptual/Organizational Perspective

Each of the partnerships has its own history and has taken its own evolutionary path. However, as part of the RAROLC common objective and agenda setting process, partnerships have had similar activities and in many cases shared each other’s experiences comparatively.

The most common partnership activities have involved some form of judicial training or capability enhancement: in the art and science of being a judge; in exposure of the Russian judges to the ways civil, criminal, and commercial law cases are handled in the American context; and in programs focused on the advocacy process, often on the subject of jury trials (each of the partnerships has had at least several individual and/or joint programs devoted to this topic), but also on advocacy issues more broadly. Activities designed to strengthen the capabilities of the Russian judicial system to efficiently manage its court system, via the structuring of case-processing and allocation of professional and technical assistance (such as legal clerks and other support personnel) have also been a centerpiece of efforts, particularly in the case of Maryland-Leningrad and Maine-Arkhangelsk.

As to substantive legal topics, apart from Vermont-Karelia, which over the course of its ten year history has had the full spectrum of enumerated program activities, most of the partnerships have had meetings devoted to commercial law topics like bankruptcy (Maryland-Leningrad, New Hampshire-Vologda, Maine-Arkhangelsk – '04, pending or land title issues (Maryland-Leningrad, Maine-Arkhangelsk, New Hampshire-Vologda). The Massachusetts-Tomsk partnership has moved quickly to form an agenda somewhat different, focusing on mediation for Arbitrage courts, domestic violence and judicial education. Jury Trial workshops in Tomsk have been delayed until 2004, but through Open World, judges and other jurists have been exposed to U.S. jury trials procedures. The menu for Connecticut-Pskov and Novgorod has focused mainly on jury trial and related matters, with Pskov branching out now into ethical issues. Meanwhile on the relationship side, Vermont-Karelia, Maryland-Leningrad, and Maine-Arkhangelsk have also placed particular emphasis on the development of high level official contacts, often including the executive and/or legislative branches of their respective communities.

Several of the partnerships have established very successful and long-term relationships between their respective law schools. In both cases, the glue in the relationship has been provided by a strong clinical legal education program, which in turn has had a substantial impact on the university legal environment and the law faculty's role in its community. Exchanges of law faculty and student visitors for both short-term teaching or study and longer sustained experiences have also been part of the law school components of the partnership. In a number of cases (Maryland-Leningrad and New Hampshire-Vologda) the law school element of the program has not jelled and this will be discussed in the analysis and recommendations section.

A number of the partnerships have developed unique features in their programs. The Vermont-Karelia Environmental Law Summer School and the Maine-Arkhangelsk domestic violence initiatives come to mind. Simultaneously, partnerships have taken different approaches to common issues. One example concerns the publication of judicial decisions and broader questions of information availability and transparency. Here Vermont-Karelia decided on summary publication of selected court decisions; Maine-Arkhangelsk chose a more extensive publication of a much larger universe of cases; New Hampshire-Vologda is trying an approach to arrange for on-line court decision availability; while Maryland-Leningrad has opted for the development of judicial "bench books".

Although the Partnerships have addressed a wide array of issues, the issues faced by the Russians share a degree of commonality that provides coherence and focus to the entire program.

With variable ways and means for getting at these issues as warranted by the different conditions and interests in the partnerships, the following issue categories have prevailed:

- Preparing for jury trials, adversarial proceedings,
- The changing role of the judge in trial proceedings,
- Improving management, administration and professional in-service training
- Specific areas of substantive law, mainly economic (titling, bankruptcy, other), environment and domestic violence;
- The courts and the public, including transparency, advocacy, press, ethics.
- Legal education category, mainly clinics, research support and introduction of new curriculum and teaching methods, but also supporting interactive and localized in service training for judges and other jurists.

Longer term and goals and objectives represented in proposals and interviews include the following:

- Building a Rule of Law Community
- Enhancing the status and credibility of the judicial system
- Easing the transition from a State dominated system to a balanced and independent system.
- Building self-confidence and a problem-solving mind set among all players.

What is interesting is that nearly all of these categories involve the entire legal community in one venue or another, not just judges or advocates.

H. Funding for the Partnerships

Funding for the partnerships has fluctuated but in the main, the trend has been towards increased project related funding while the core grant has begun to stabilize. The Vermont-Karelia Partnership began in 1992 with private funds from the local bar foundation. This was the only source of funds until 1994, when

USAID agreed that V-K should be a sub-contractor to the major Russian ROL project implemented by ARD/Checchi. Private funding continued to be a factor through 1996. 1997 was the last year of ARD/Checchi's project, and USAID agreed to directly fund the V-K partnership, which now included Maryland-Leningrad as well.

V/K and RAROLC Funding 1992-2005¹¹

Funding Source	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Total
Private Funds	5000	5600	8500	3000	1000				5000 est.						28300
ARD/Checchi (USAID)			9500	170000	176000	52000									407500
USAID direct						130000									130000
ABA/CEELI (USAID)							133000	150000	280000	322000	250000	400000	300000		1835000
IRIS (USAID)							10000	67000							77000
FRAEC (USAID)											110000				110000
SPAN (USAID)								60000	60000						120000
NISCUPP (STATE)							100000	200000	200000	100000		127000	127000	127000	981000
OPEN WORLD								7000		80000	319000	319000			725000
TOTAL	5000	5600	18000	173000	177000	182000	243000	474000	535000	502000	679000	846000	427000	127000	4393800

USAID moved funding for the partnership to ABA/CEELI as a line item sub-grant in 1998. Core funding has been made available through this conduit ever since. As the figures show, there has been considerable fluctuation of the core funding, largely associated with various USAID requested efforts to either expand or replicate the partnership model, especially in the Russian Far East. These efforts have generated still other funds from other USAID projects, including IRIS, FRAEC and SPAN. As the number of partnerships increased, the Consortium was formed with a full time director in Burlington, Vermont. The V-K partnership has been successful as well in helping win grants from NISCUPP, and substantial funding from the Congressional Funded Open World Program. NISCUPP supports Law School Partnerships, such as the ones between Vermont and PSU Law School. Open World funding has allowed RAROLC partnerships to bring Russian counterpart delegations to the partner states for intensive briefing and exposure to such issues as jury trial procedures.

Over the 12 years of the V-K Partnership, now RAROLC, the initial investment of \$28,000 in private funds, along with the growing reputation of the V-K model, has led to a total USG funding commitment of nearly \$4.5 million.

IV. OTHER USG PARTNERSHIP PROGRAMS

The RAROLC partnerships have not been the only U.S. government funded efforts in the rule-of-law arena in Russia. It should be noted that while some of these other activities are also called 'partnerships', none of these arrangements operate with the same degree of joint agenda setting and issue selection procedures as the RAROLC partnerships described above.

A. Russian American Judicial Partnership Projects

The first official USAID Russian rule-of-law endeavor was the ARD/Checchi Rule-of-Law Consortium, which operated during the time frame 1993-1997. As the initial effort, the Consortium covered a wide spectrum of activities. As noted in the ARD/Checchi 1997 Final Report, these ranged from judicial training for the courts of general jurisdiction, the commercial courts, and the Council of Judges; to partnership type arrangements between four Russian law schools and American counterparts; grants to

¹¹ Financial data supplied by Justice John Dooley, Memorandum to Richard Blue December 5, 2003.

support NGOs working on the development of Russian civil society; to preliminary efforts to build cooperation with the Russian procuracy in particular on issues of organized crime.

The ARD/Checchi Consortium portfolio largely focused on traditional rule-of-law issues while advocacy of specific economic law reforms and Russian market-oriented legislative initiatives were also under consideration. A number of these eventually dramatically expanded under the portfolio of the Harvard Institute for International Development. For purposes of this Report, we note that during the 1993-1997 time frame, Vermont-Karelia partnership activities were in part funded by a consortium subcontract in the law school category.

The ARD/Checchi Consortium was succeeded by the Chemonics led Russian-American Judicial Partnerships program, RAJP I and II. After an initial rocky start, when both the Chief-of-Party and Deputy-Chief-of-Party left Russia on extremely short notice, under the leadership of Judge Betty Barteau as the new COP, Chemonics developed RAJP I and II into a potentially long term institutional partnership mechanism that created working relationships between the National Judicial College and other American judicial entities and Russian partners – specifically the Judicial Department of the Russian Federation, the Academy of Justice, the Collegia of Judicial Qualifications, and, to a lesser extent, the Commercial Courts and the Council of Judges. Programs were directed at improving Russian judicial understanding of law and judicial ethics, improving court administration, and improving continuing judicial education.

A complete description of RAJP I and II activities is beyond the scope of this Report.¹² However, a summary of program activities includes: training of large numbers of Russian judges, court administrators, and staff in Russian law, issues of judicial selection, ethics, and discipline; preparing thousands of pages of Russian language specialized materials on these subjects; developing a manual on judicial selection, ethics, and discipline for the Collegia on Judicial Qualifications; training court staff from the 10 regional appellate commercial courts on e-mail usage; arranging for joint activities between the United States Judicial Conference and the Russian Council of Judges; assisting in the publication of a Guide to Automating the Courts of General Jurisdiction; creating a web-site for the Judicial Department; and carrying out a number of seminars for Commercial Court judges on selected topics such as bankruptcy, tax law, pre-trial procedures, and settlement conferences.¹³

An important difference between the RAJP and RAROLC approaches has been the ability to sustain ongoing follow-up activities after RAJP project visits. RAJP follow-up activities have, on occasion, been made possible through collaboration with the Open World program in some important subject areas. For example, Russian judges and court administrators working on innovations in two pilot courts under the RAJP contract were able to visit courts in the U.S. and continue their work with the U.S. court clerks who had initially visited the pilot courts under the RAJP contract. Similar ongoing contacts have been made in other subject areas. However, as emphasized by Judge Paul Magnuson, Chairman of the Committee on International Judicial Relations (the Federal entity that coordinates U.S. judiciary international activities), and someone familiar with U.S. programs with Russian judges, these effective programs need to move beyond the stage of one-time exchanges and “friendship” visits.¹⁴ RAJP program design and mandate has lacked the administrative and localized pool of volunteer talent to make this happen on a regular basis. In contrast, the essence of the RAROLC partnerships is to integrate exchange visits into ongoing and follow-up programs and a process of continuous dialogue and training specifically linked to RAROLC program themes and objectives. For example, a visit of Russian jurists to Maine to examine jury trial management would be followed up by one or more seminar/workshops in Russia on related aspects of this same issue

¹² Interested readers may wish to go to the RAJP web site, <http://www.rajp.org/>.

¹³ RAJP has worked especially closely with the Judicial Department of the Supreme Court of the Russian Federation, which since 1998 has been the body responsible for the administration of the system of Russian courts of general jurisdiction (although not the arbitrazh/commercial matters courts).

¹⁴ Judge Magnuson has been succeeded as Chair of this Committee by U.S. District Court Judge Fern Smith.

over several years. Moreover, RAROLC programs are not restricted to the judicial branch. Instead, Russian counterparts normally include all sections of the legal community in the make up of Russian delegations to the U.S. and a similar mix of judges, prosecutors, defense attorneys, private practitioners, and academics typifies the American counterpart hosts and visiting delegations.

B. US Department of State: NISCUPP/EPP

The Newly Independent States College & University Partnership Program (NISCUPP), now the Educational Partnership Program, is another U.S. government mechanism that has been used for supporting rule-of-law partnership activities.¹⁵ Funded by Department of State/USIS channels, NISCUPP has contributed significantly to the work of two of the RAROLC partnerships. The first was a four-year 1998-2002 grant, in the amount of \$253,000 plus, to the Vermont-Karelia partnership. The major goals of the grant were to further develop the Petrozavodsk State University Law School legal clinic; to improve curriculum, teaching methods, and law school resources; to build special expertise in programs in environmental law, comparative law, and alternative dispute resolution methods; and to strengthen the law school library and internet data-base capabilities. (This grant has been supplemented by an additional \$200,000 for the period 2002-2005). The second was a grant to the New Hampshire-Vologda partnership, directed primarily at making major impact on Vologda law faculty teaching methods. This grant is \$299,000, over a period of three to five years duration, and appears to be overcoming the difficulties described in the New Hampshire-Vologda section of this Report (Annex C).

C. Other USAID related partnerships

The IREX/SPAN program, Sustaining Partnerships into the Next Century, is yet another USG program that has funded RAROLC rule-of-law partnership components. Again Vermont-Karelia was the beneficiary of a grant (\$180,000 over a twenty-month period from March 2000 through October 2001.) The specific purpose of this grant was to dramatically expand the capabilities of the Petrozavodsk State University Legal Clinic to meet the civil legal needs of indigent citizens in Karelia's capital and surrounding region. During this time period, a full-time equivalent of six advocates, together with student assistants, served 1600 clients in Karelia, approximately 600 more than originally planned for. They handled both routine service cases and more complex issues, engaged in law reform advocacy and litigation, carried out a substantial menu of citizens' legal education, and produced a significant number of topic-specific legal rights brochures. A second IREX/SPAN grant will renew support to the PSU Legal Clinic.

D. Library of Congress: Open World

The Library of Congress Russian Visitors "Open World" Program is another activity, partly funded by U.S. government resources, that warrants mention here. Open World, of all the programs mentioned in this Report, besides RAROLC, is the one most explicitly directed at building relationships and good will between Russians and Americans. The fact that Congress has seen fit to respond (\$10 million in the most recent appropriation) to the initiative of Dr. James Billington, the Librarian of Congress, is worth noting for analysis of the questions here under consideration. The Open World Program provides opportunities for nearly a dozen different categories of Russians, from parliamentarians to business people to medical professionals to, in this case judges, to come to the United States for a one or two week professional and personal exposure to American counterparts. Over the last few years, nearly every RAROLC partnership has hosted Russian judges and other legal professionals under Open World auspices. This has both provided additional badly needed financial resources for RAROLC and also allowed the RAROLC partnerships to arrange professional contacts and activities that have made these visits more useful for the Russian visitors. It was the general consensus of both the Open World and RAROLC partners interviewed

¹⁵ NISCUPP funds have been used to advance a wide variety of U.S. university relationships with counterparts in the New Independent States in a number of disciplines. (See "Twenty Years of Strengthening Institutions and Bridging Cultures – Educational Partnership Programs", listed in Annex I to this Report).

that the rule-of-law component is considered one of the most successful of the Open World program activities.

V. ANALYTIC FINDINGS

A. General Accomplishments: Survey Results

“Systemic change has occurred in Russia...it is slow, but rightly so. Laws change, but people and institutions change more slowly; the partnership contributes substantially to the latter process.”

A Russian Chief Judge

Each of the RAROLC partnerships has its own record of results and impacts. In this section we present generalized findings from all of the partnerships, with illustrative examples drawn from specific cases. The caution here, as noted previously, is that while the partnerships are similar, there are differences in duration, leadership style, identity, issue agendas, and other factors that discussed in subsequent sections. Our findings are drawn from the mailed questionnaire, interviews, written communications from various leaders, and document review.

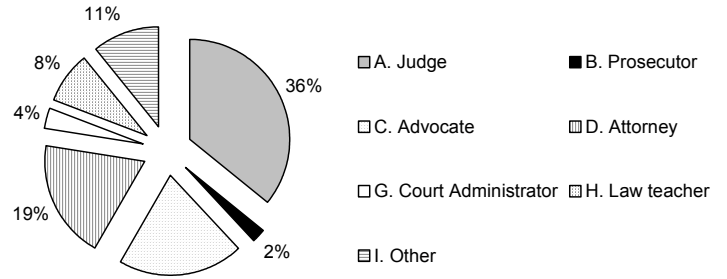
In discussing the findings, we depart somewhat from conventional USAID usage; in this study, a ‘result’ is an intermediate change stemming directly from the activities of the partnership. It is more than an “output”, if an output is something like “20 judges were trained in commercial mediation practices at an RAROLC program”. One example of a result is a change in attitudes, behavior, or institutional practices directly linked to RAROLC activities in that area. In the Massachusetts-Tomsk case, workshops, exchange visit exposure, dialogue with U.S. jurists, all served to change Tomsk jurists from a position of polite skepticism to one where they are now engaging their American partners in setting up a system of commercial mediation procedures appropriate to Russian law. Such change is a “result”. The “impact” of this change can only be surmised, but it could include speedier resolution of disputes, more efficient use of court time, greater confidence in the courts’ ability to resolve commercial conflicts and others.

We begin our discussion with an analysis of results, followed by some observations about long-term impact. In assessing the latter, we are conscious of the fact that RAROLC is not a national level program, although we may be able to identify possible national level impacts from RAROLC programs. Moreover, the chain of causation between immediate results and long-term impact is long and subject to many factors, complicating the task of direct attribution.

First we examine some quantitative data from questionnaires completed by 86 Russian participants in various RAROLC programs. The survey was administered to Russian partnership activists, many of whom could not be interviewed and who were not considered to be “leaders”, although some did classify themselves as such. The following table shows the makeup of this “non-random” survey.

Table 1. Respondents Position

Respondee Position	Response	% of Total
A. Judge	30	36%
B. Prosecutor	2	2%
C. Advocate	17	20%
D. Attorney	16	19%
G. Court Administrator	3	4%
H. Law teacher	7	8%
I. Other	9	11%
TOTAL	84	100%

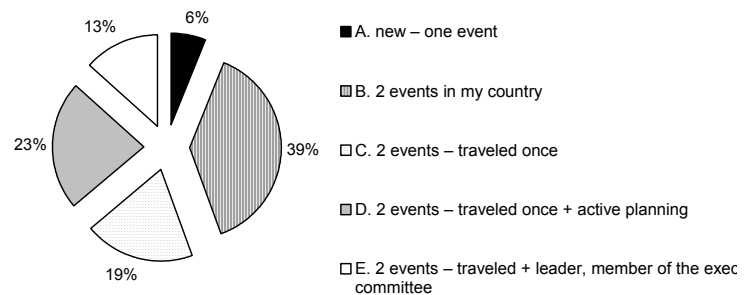


This survey was not a random sample. The instructions to Russian RAROLC liaisons in each partnership were to give the questionnaire to as many participants as possible within a 10-day time frame. Among those who responded, Table 1 shows that judges make up the largest category of activists, while prosecutors the least active. Attorneys, Advocates and Law Faculty make up almost 40%. One cannot generalize from this to the universe of all RAROLC activists, but the involvement of attorneys and advocates is encouraging, while the low level of participation by prosecutors indicates an area where more effort needs to be made. This was confirmed by many of our Russian interlocutors.

We asked respondents to indicate their level of activity in the partnership. Table 2 shows that 62% were active participants, but not active in decision-making. Leadership positions were held by 13% of the respondents.

Table 2. Level of Participation

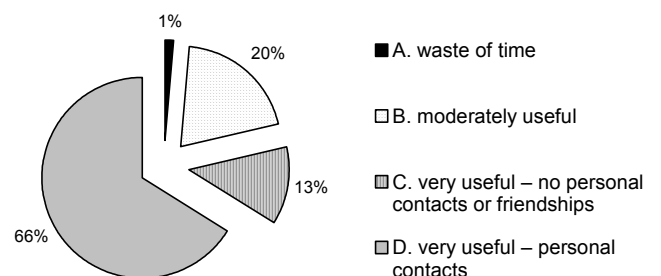
Respondee Position	Response	% of Total
A. new – one event	5	6%
B. 2 events in my country	32	39%
C. 2 events – traveled once	16	19%
D. 2 events – traveled once + active planning	19	23%
E. 2 events – traveled + leader, member of the exec. committee	11	13%
TOTAL	83	100%



We asked respondents to assess the RAROLC activities in two ways: first, the overall value and utility of the program; second, their assessment of major results. Both questions used closed responses.

Table 3. How would you assess the value and utility of RAROLC program?

Respondee Position	Response	% of Total
A. waste of time	1	1%
B. moderately useful	16	20%
C. very useful – no personal contacts or friendships	10	13%
D. very useful – personal contacts	53	66%
TOTAL	80	100%



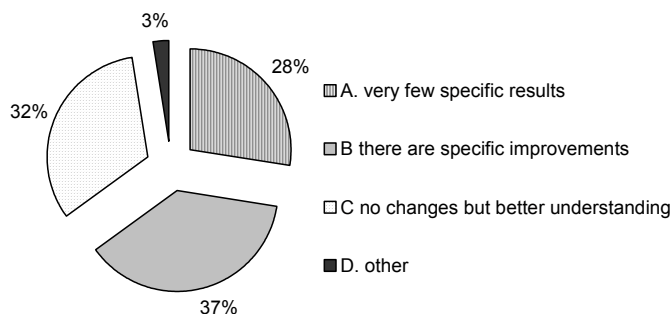
Personal interviews with many Russian jurists stressed the linkage between effective learning and positive affect or emotional ties between Russians and Americans. This is especially true at the leadership level.

The responses to the survey confirm this connection even for more general participants in partnership activities. The clear majority, 66%, identified both personal contacts and utility as the main benefits, while 33% found the programs moderately to very useful, without mention of personal contacts.

We then asked if the respondent could identify specific improvements that resulted from their involvement in partnership activities.

Table 4. Major Results

Responsee Position	Response	% of Total
A. very few specific results	22	28%
B there are specific improvements	30	37%
C no changes but better understanding	26	32%
D. other	2	3%
TOTAL	80	100%



From this table we see that 37.5% stated that they could identify specific improvements resulting from the partnership, while 32.5% cited better understanding as the primary result. 27.5% indicated that few specific improvements resulted from the partnership. If one counts a specific improvement as a direct and tangible result, 37.5% of respondents agree they are there, while 32.5% thought the results were more intangible, for example, fostering better understanding.

Some readers might interpret these responses as a lukewarm assessment of the results value of the partnerships. It should be noted that 44% of the respondents had attended only two or fewer activities. Also, the survey results include the views of respondents from more recently established partnerships, such as Pskov. With less exposure over time and attendance in fewer events a feature of many of the respondents, the results are not surprising. On the other hand, any one familiar with similar questions given to recipients of training programs will recognize how difficult it is to get trainees to identify specific changes that have occurred because of a training program.¹⁶ From this perspective, a response of 37.5% stating that specific improvements had occurred would be considered by many to be quite respectable evidence of program impact.

More specific evidence of direct results emerged from interviews and document review. While there is a slight “tilt” in the presentation of results toward the achievements of the Vermont-Karelia partnership, as this is the oldest and best funded of the partnerships, and since results take time to mature, it is not surprising that more specific results are noted here. However, the records of all the other partnerships are impressive, with each having a number of noteworthy accomplishments. Even the youngest partnerships, Massachusetts-Tomsk, and Connecticut-Pskov have achieved important results, as will be noted.

B. Legal Education

In the legal education field, RAROLC partnerships have established two legal clinics that give senior law students practical supervised experience in handling actual cases. One of these, the Petrozavodsk State University (PSU) Law School Clinic was the first established in Russia. This clinic, started in 1995 through joint efforts of the Law Dean at PSU and Prof. James May, Director of the Legal Clinic at Vermont Law School. The clinic partnership continues to grow and Prof May, along with others, has been instrumental in helping other partnerships develop this aspect of their program. With help from Vermont-Karelia, the Maine-Arkangelsk partnership began its law clinic at Pomor State University Law School in 1998 and through the efforts of Dean Tatiana Zykina, the Arkhangelsk clinic also expanded to

¹⁶ See, e.g., the report on the Bulgaria Rule of Law Assessment prepared for USAID, 2004.

Arkhangelsk State Technical University in 1999. Both clinics continue to operate today. Other partnerships are in various stages of clinic development.¹⁷ One of the American partners, Western New York, mainly Rochester, NY, has no law school in the immediate area, causing that partnership to temporarily abandon the clinic effort with their partners in Veliky Novgorod.¹⁸

We consider the establishment of these law clinics a significant result for three reasons; first, the V-K clinic was the first in Russia and received national attention resulting in considerable emulation and replication, often with CEELI and Open Society help; second, the RAROLC clinics have become an integral part of Russian legal education and, unlike similar clinics in Bulgaria, for example, are “on budget” at their respective law schools; third, the establishment of the clinics opened the door to partnership involvement in other aspects of legal education reform. Several faculty members of PSU and Vermont Law School and Arkhangelsk and Maine regularly interact to support a modernized legal education curriculum at these schools.

Another direct educational result was the substantial contribution made by the V-K Partnership to the establishment of the PSU Law Library. PSU law students had no law library before V-K stepped in. In addition to hard copy volumes, PSU students now enjoy full access to Internet legal research sources. PSU credits the Partnership for this success, which benefited from NISCUPP funding as well. This result is significant because there was no law library before, and equally important, availability of “on line” research services has opened up a world of legal practice and research information to Russian students.

An additional RAROLC achievement at PSU was the establishment of an Environmental Law Center stimulated by the very strong environmental law program at Vermont Law School. The PSU Center is organized as an academic-based research and advocacy center focused on developing better legal regulations relevant to the environment via advocacy and litigation activity.

The RAROLC partnership has also helped modernize the commercial law curriculum at PSU, Arkangelsk and Vologda, including several long-term American visits funded from RAROLC and other sources. Courses on such topics as property law and land titling and registration are now a part of the PSU curriculum, drawing on the expertise of both Russian and American members of the V-K partnership.

C. Training for the Legal Profession

Improvements in Russian legal education are not limited to academic institutions. Almost every partnership has instituted locally based judicial training programs run under the leadership of senior judges who are active in the partnerships. With the exception of the Massachusetts-Tomsk partnership, this change in the way the Russian judiciary takes responsibility for interactive programs of in service training is an indirect

Tomsk Judicial Education

Until 2002, judicial education in Tomsk comprised periodic lecture series arranged by the Ministry of Justice or subsequent offices. There was little enthusiasm and judges were neither trained by peers nor were they given opportunity to otherwise learn from one another. Our first four delegation trips included, at the very least, an introduction to interactive judicial education. The Russian reaction was that it was “fun” but not of much use in Russia. Now, every third Wednesday, Tomsk Judges troop to the Oblast Court for interactive training given by Judges and Law Professors who have been involved with RAROLC and Open World.

Judge Chernov, Massachusetts

¹⁷ As described at page nine of our Report, ABA/CEELI has been very active in supporting the development of legal clinical experience in Russia and throughout the region. Although there is an ongoing battle for resources (as is also the case in American law schools), clinics in Russia now often receive budgetary support for supervising directors and staff, indicating that they have become an accepted part of Russian legal education.

¹⁸ Novgorod already has a law clinic that was established in the late 1990s through a long-term collaboration with Cleveland State University and financial support from CEELI and Soros. This clinic is still operational. While there may be room for more than one clinic in a major city, the need in Novgorod is less pressing than other priorities.

result of the Russian interaction with their American partners. These training programs have adopted contemporary judicial learning methodologies introduced at partnership workshops, and are often in marked contrast to previous, Moscow organized legal training sessions. Especially in the mid 1990's, Karelia had a leading role in Russia-wide educational programs involving members of Constitutional, Supreme Commercial and Supreme Court. To this day senior judges and other judicial officials from the national judicial system headquartered in Moscow are frequent participants in Partnership programs, most recently in Vologda. Helped by partnership efforts, Russian partner judicial training programs have achieved two major results; they are now firmly grounded within the judicial leadership of the oblasts or republic and they have become contemporary "adult education" efforts appropriate for judges, rather than the passive form of traditional "training".

It should also be noted that the team saw documentation and heard from several respondents that for the first time judges and other jurists were actively participating in conferences and seminars with others from the region, without direct support from RAROLC. This is an initiative inspired by RAROLC's leadership in holding regional meetings. Again, the result here goes beyond the number of judges or advocates who "graduate" from these sessions; it is a demonstration of initiative by Russian jurists to create a new form of systematic in-service training and interaction that is important.

D. Performance and Attitudes of the Judiciary

**"The role of judges is different in the U.S. ... I want the judges here to change"
Chief Judge of Partnership Oblast**

Demonstrating causal effects and "tangible" results is a much more complicated process when it comes to performance and attitudes in the Judiciary. Many of the changes noted by the team through interviews with Russian jurists have to do with relationships, roles, and behavior of those responsible for the administration of justice in the Russian courts. The principle actors are the judges, the advocates and the prosecutors, though the role of Court Administrator (and subordinate professional staff) is becoming more important and RAROLC programs are significantly contributing to this process, especially in Leningrad and Pskov Oblasts.

The increasing professionalism and judicial leadership role being assumed by Russian judges is a significant phenomenon of rule-of-law development in

"Our attitude about the trial process is changing. Before, the legal outcome was the most important aspect; now I know that to resolve a conflict peacefully is more important... compromise is important"
Russian Senior Judge

the Russian Federation. In the previous Soviet system, judges were not independent actors, nor did they have the same status as a judge in the West. Today, particularly in the older RAROLC partnerships, where Russian and American judges have been working together for five years or longer, judges have become more independent, more knowledgeable in the law, and more respected in their profession and by the general public. Judges are learning to take charge of their courtrooms, and to become the impartial manager of a judicial process that is increasingly organized on adversarial principles. While we have no independent observation of this change, the testimony of nearly all respondents, American and Russian, judges or not, supports this result. Even prosecutors recognize that the courtroom environment has changed.

In the Soviet justice system, Advocates were generally the weakest link in the process. Today, through Partnership programs, advocates have increased opportunities to improve their trial skills. As one advocate in Pskov put it, "our attitude about the process of trials is changing; now we recognize we are part of a 'team' whose job it is to apply the Rule of Law". In Vologda, a senior advocate is also Vice President of the national association and is pushing hard to establish an in-service training center for

advocates. Advocates actively participate in the role-playing hypothetical jury trial exercises introduced by RAROLC, both in individual regions and in Partnership-wide programs, like the recently completed seminar in Vologda. Advocates report that these workshops improve their skills not only for jury trials, so far comparatively few, but for the adversarial process more generally.¹⁹ Again, we have no independent data on this finding, but it reflects the general view of all of the jurists we interviewed, including judges and, in at least one partnership, prosecutors.

Prosecutors have been the most difficult group to engage in Partnership activities. This is understandable. In the past, the Prosecutors were the dominant force in the courtroom and as representatives of the state their position usually prevailed. Today, this is changing, largely because the Russian Federation (following a ruling of the Constitutional Court and a revised Criminal Procedure Code) has extended jury trials to all of Russia, and this imposes major structural change on all components of the judicial system.

Finding results regarding the attitudes and behaviors of prosecutors has been more difficult. Prosecutors have the most to lose by reform, are traditionally very conservative, and have been reluctant to engage. In Pskov, a meeting with the senior prosecutor and six of his officers explored this question in some detail. Initially, Pskov prosecutors did not want to get involved with the partnership, but were convinced to try it by Oblast Chief Judge (and reform advocate) Judge Bodnar and Connecticut Prosecutor Mary Gaitlin. Prosecutors joined a delegation visiting the US, and found that there was much to learn; also much to lose by not participating. Accordingly, they now see the value of certain reforms previously resisted, and in general, have become more open to professional interaction and dialogue with their colleagues.

RAROLC partnership prosecutors have been very active in helping to prepare their Russian counterparts for the implementation of jury trials, both through trips to the U.S. to observe the American jury trial process in action and to experience its operation in Russia, through a combination of videotape, seminar, and role-playing exercises. Results have varied. At one end of the spectrum, Arkhangelsk Oblast, through the leadership of Tatiana Zykina (herself a former prosecutor before she made a career transition to law faculty and legal clinic leadership) the prosecutorial community is thoroughly integrated into partnership activities. In other partnerships, (Novgorod for example, where up until very recently prosecutors refused to engage in RAROLC activities) this group has yet to be engaged, preferring to hold back and resist change.

In general, as a result of efforts of American prosecutors active in the partnerships, prosecutors in Pskov, Tomsk and elsewhere now recognize that they too are part of a justice team. While getting prosecutors to participate in Open World trips or in workshops along with advocates and judges may not seem like much, for Russian prosecutors it is a major change in behavior and attitude, stimulated by their own real needs to meet the challenges of jury trials, adversarial fact finding, and the possibility of plea bargaining.

E. Plea Bargaining

When Russian jurists first learned about the American legal practice of plea-bargaining, many were appalled. How could one “bargain” away the state’s right to mete out a sentence appropriate to the crime? How could a prosecutor bring an indictment and not see it through to trial and sentence? Today, after participating in working visits to the Maine, Connecticut and other partnerships, Russian judges, prosecutors, and advocates are beginning to see value in the concept of plea bargaining, and to think about how it can work in the Russian system without undermining the judicial process. As one crusty prosecutor said to us: “before I got involved with the partnership, I was completely opposed...now, I

¹⁹ At the Mizulina conference in St Petersburg, it was reported that to date, there have been some seven hundred plus jury trials throughout the Russian Federation as of October 2003. This number includes both the original nine regions that experimented with jury trials initially and statistics from those additional locations where jury trials have since taken place. A number of the RAROLC Russian partners report that their regions are in the process of beginning their jury trials in the near future. Interview, October 2003.

realize that my opposition was based on a concern for the formalities rather than solving problems”. The evidence for this change comes from interviews with prosecutors and judges, as well as from Advocates, who, in some cases, oppose plea-bargaining in the Russian context on the grounds that such practice does not adequately protect the rights of the accused. This suggests that plea-bargaining may be on the way to becoming a “real issue” in the Russian context, with professionals on various sides of the issue forming their own positions based on their interest.

F. Mediation and Alternative Dispute Resolution

In several of the partnerships, mediation has become a dialogue and workshop issue, mainly with respect to the Commercial Courts. The newly established Justice of the Peace courts in Pskov, Vologda, and Tomsk have also expressed interest in mediation practices as a result of exposure to the way it can work in practice. Across the board, the judicial systems in these regions are becoming more conscious of the need to serve justice by experimenting with ways to resolve conflict “out of court” as possible. In Tomsk, a mediation process is being established in Arbitrage courts as a direct result of Partnership activities.

The Tomsk partnership began exposing Russian Arbitrage Judges to the idea of Mediation in 2002. At first, the reaction was polite disinterest, then, good idea but Tomsk is not “authorized”. In 2003, Arbitrage judges asked the American side to help them sell the idea to commercial attorneys. With much dialogue and some new ideas, the partnership is now helping the courts to develop a fledgling mediation system.

G. Information Management and Information Sharing

When Russian courts emerged from the Soviet system, information flow patterns were top down, secretive, and insufficient to meet the needs of a Rule of Law democratic society. This led to poor system management, and more importantly, citizens feeling that their judicial system was aloof from their concerns.

RAROLC efforts have introduced a variety of improvements into the handling of judicial information, including the leadership of Arkangelsk and Petrozavodsk in publishing court decisions, to setting up LAN type systems within courts, to publishing court dockets and other information at the courthouse or on web sites. As already mentioned, substantial progress has been made in some partnerships in developing Internet based legal information search systems for use by students, attorneys and judges.

Novgorod City Courts

Sitting with the Novgorod City Courts Chief Judge and several of his colleagues, we observed that it was interesting to see the widespread use of computers in the courts. He laughed and told us that 5 years before, they didn’t have any...then the Partnership got underway and an information expert from Rochester came out, bringing a few computers. “He advised on how to lay the basis for an expandable network for linking up all our judges...later as we began to acquire more equipment, we were able to expand the system very easily. We would have been able to do it ourselves, but it would have taken much longer. The partnership gave us a big head start.”

Overall, Russian judges are beginning to accept two major requirements of a rule of law system: first, that information has to be shared whether for improving efficiency or to protect the rights and fulfill the obligations of all actors in the judicial system; second, only through information sharing by the judiciary can a balance be struck between judicial independence and accountability for a justice system responsive to the needs of a democratic society. RAROLC can take some credit for helping Russian jurists experience the attitudinal changes that accompanies the “technologies” of modern information systems.

A separate item warranting special mention is the use of email by Russian and American jurists to stay in touch with each other. While Internet access and e-mail would be there without the partnership, the personal relationships that have flourished through the use of e-mail have furthered the development of mutual trust and paid rich dividends in reducing the costs of dialogue and technology transfer between

Russian and American jurists. Many Russians testified that they use this access to discuss and seek advice on issues as was confirmed by the American partners.

H. The New World of Property

“The American side has ideas and experience; we develop these for the Russian Context. If they make sense, then we can do them.”

---Senior Official in Land Title Office

The gradual privatization of land and property in Russia has led to the necessity to establish the legal procedures appropriate to new markets, most particularly, land and real estate. Land titling and registration is a bedrock legal activity, without which a well ordered real estate market cannot develop. Agencies charged with these functions have been established in several of the Russian partnership cities, and have called on the American side for assistance in developing their titling and registration practices.

Petrozavodsk, Novgorod and Vologda

have been especially active in this area. Real estate law is attracting interest among commercial lawyers and law students as well, and American partnership lectures are well attended.

Title Registration in Karelia

Title registration is a new activity in Russia, so we are very interested in the US experience. We have been active with the Partnership for 5 years, participating in seminars and workshops on mortgages, title registration and credit. Two local banks also took part. As a result of the seminars I decided that the system of title registration should be simplified. We set up a “one stop” system to facilitate transactions. We also introduced changes in the title registration of land plots. It is important for us to be client oriented and to charge fees for our services. Also, I now deliver a course on title registration at PSU and introduce international experience. The RAROLC events are very useful because we have discussions and email exchanges with our American colleagues, but also because of the opportunity to interact with our Russian colleagues from the North-West region. In Vologda, for example, there is a strong group of experts in real estate law with whom we work.

I. The Development of A Rule Of Law Community

“The partnership gives us an easier, less formal way to work together”

A Senior Prosecutor

In America, while judges, prosecutors, defense attorneys and lawyers of all types may reflect different disciplinary and institutional interests, for the most part, all think of themselves as legal professionals, who seek opportunities for sharing common values in a variety of bar associations. In Russia, a tradition of separation of different parts of the legal profession is deeply entrenched. Judges, prosecutors, advocates and other attorneys told us repeatedly that before the partnership, they did not talk to one another except in a courtroom or office. They did not feel that they belonged to a profession in common, with shared responsibility for upholding professional standards and its fundamental values.

RAROLC partnerships have done much to create opportunities for Russian jurists to know each other and to work together on issues of common concern. This is an intangible result, but one which, in the long run may do as much to advance the Rule of Law in Russia as any other change. In two partnerships, Petrozavodsk and Pskov, the partnership has established a Bar like association. In Petrozavodsk it is the Union of Jurists, now over 200 strong, and an active advocate for professional upgrading of the entire legal profession in Karelia. In Pskov, after judges, prosecutors and advocates traveled together to the U.S. on an Open World/RAROLC study tour, the Russians discovered that they had much to talk about, and, on their return, they established an organization peculiarly called, the Skyway Club. This has grown in two years from a few members to now about 30, and will soon be registered as a formal NGO. Development of this kind of “outside the office” association may be particularly hard to quantify if not reflected in a formal Bar-type organization, but there is strong evidence of increasing interaction among jurists in many of the other oblasts, especially in Arkangelsk and, more recently, Tomsk.

VI. LONGER TERM IMPACT ON RULE OF LAW IN RUSSIA

Demonstrating evidence of a chain of causal linkages between an activity, a result, and fundamental changes in the effectiveness and status of an abstract concept such as “rule of law” is at best a task fraught with methodological and logical difficulties. This study of the RAROLC partnerships had neither the resources nor the mandate to undertake this effort. Nevertheless, the question is an important one. Ultimately USAID has to make judgments and report to the U.S. Congress on whether and how its programs are contributing to Rule of Law development in Russia. RAROLC does not operate Russia wide. If one includes the two Far East partnerships that RAROLC has helped to develop, as well as the Federal Judicial Center’s partnership in Khabarovsk and the Seattle School of Law partnership, direct impacts from all of these represents about one eighth of all Russian regions. Demonstrable effects on Rule of Law nationwide will be contributory and indirect at best.

So what can be said about impact? Surprisingly, several observations are possible, based on the evidence we saw and on the documentary record.

A. Improving Citizens Access to Rule of Law

Activities of RAROLC programs do have direct impact on citizen access to and attitudes toward the Russian judicial system. Prominent among these changes is the two-fold impact of legal clinics. It is now widely accepted that the availability of a clinical experience produces better Russian lawyers. This finding is certainly confirmed for the Partnerships by interviews with recent graduates, who point out that their clinical experiences made them understand what legal work was actually about. Also, faculty members note that graduates with clinical experience are more likely to find good positions than others, an observation also made by one of the “employers” of law graduates.

A Win

An elderly woman lived with her common law husband for many years in an apartment building owned by the city. When he died, she was evicted from the apartment because she lacked a legal claim as a widow. She was on the street! She found out about the legal clinic, sought their services, and they took up the case. The city stonewalled the claim, and an initial effort to get a favorable ruling from the court failed. The students and their advisors stayed with the case, and eventually got a judicial decision in favor of their client. She is now back in her apartment after 7 homeless months.

Petrozavodsk Law Clinic

An equally important impact of the clinical experience is that the clinics provide legal services to people who, as in the U.S., would not be able to afford to hire lawyers to represent them. For example, the Petrozovodsk clinic, the oldest in Russia, has provided legal services to 2393 persons since its inception in 1995. The effectiveness of these services is demonstrated by the many examples given to us by clinic directors where access to the legal services of the clinic not only provided representation to people that would otherwise have none, but by the number of “wins” in which a client was successfully represented in their claims. Moreover, as during the period when IREX/SPAN funds were available to the PSU Clinic, the demand for legal services increased substantially as more attorneys and advocates became available to help out. If the general population did not hold these services in reasonably high regard, it is unlikely that these increases would be seen.

As in this example, it does seem reasonable to suggest that, along with other RAROLC supported reforms, the combination of training better lawyers and providing legal services contributes to a more effective and responsive legal system in Karelia, Arkangelsk, Novgorod, and other areas where clinics are active, hence to the development of a Rule of Law.

B. Modeling Good Rule of Law Behavior

The Vermont-Karelia Partnership is well known both in Russia and in America and has become something of a “model” for how to proceed with the difficult transformation to more effective Rule of Law institutions, certainly in so far as USAID Moscow is concerned. Besides the Russian government’s involvement in various programs of national scope (e.g. the various High Court Justice presentations) Justice Dooley and his American and Russian colleagues have been asked by USAID to introduce the V-K model to other Russian regions and American states with some success. Beyond the Consortium partnerships, V-K is active in sharing its experience with the Russian Far East and, more recently, exploring the possibility of initiating some kind of activity in other environments such as Ukraine and Uzbekistan.

Another illustration of national level RAROLC impact on Russian ROL is the fact that one partnership activist (Justice Lyudmila Zharkova, from Karelia) was appointed to the Russian Constitutional Court in Moscow. Additionally, the fact that partnership participants include respected senior level judges (for example, Karelia Arbitrazh Court Chairman Alexander Petrovsky and Arkhangelsk Oblast Court Chairman Mikhail Averin) who are active members of the Russian Council of Judges and thus in a position to influence the terms of national debate on legal reform issues is similar evidence of this impact. More broadly, persons interviewed in Karelia, Leningrad, Arkhangelsk, and elsewhere all confirmed that Partnership activities played a constructive role in increasing the status and advancing the professional standing of political reformers in each of their regions. Moreover, the frequent participation of senior persons from Moscow as trainers in RAROLC events provides further evidence of the continuing role that the Partnerships are playing. For example, in Vologda most recently, a senior official from the National Prosecutor’s training and research institute gave an excellent presentation to attendees at the jury trial workshop.

As the Russian RAROLC activists increased their own level of regional interaction, and examples are numerous, they inevitably began to create a kind of “movement” in support of reform and progress that went beyond the oblast level. Partnerships’ competitiveness (for example on the subject of court decision publication Karelia did this, first; No, Arkhangelsk is doing it better!) tends to be of the healthy kind rather than information hoarding. There is a growing professionalism at the regional level that hastens the spread of specific ideas and experiences in one oblast to others in the network and, in some cases to Moscow. For example, the Deputy Director of the Title Registration office told us that she and her colleagues in other northwest region partnerships formulate specific recommendations and pass them up to Moscow, with some success.

C. Coping with Change: Confidence Building

Most of the significant structural changes in Russia’s legal system come from executive, legislative, and judicial branch decisions made in Moscow. Jury Trials, new Criminal and Civil Procedural Codes, the development of commercial courts, the new Justice of the Peace system, new land and property laws among others have helped set the agenda for the partnerships. Russians jurists at the local level have turned to RAROLC to help make these reforms a reality. By providing technical knowledge, international “validation”, opportunities for interactive learning, and venues for sharing ideas the partnerships contribute to Russian self-confidence and support for these changes. It is reasonable to posit that without building capacity and fostering self-confidence at the local level, as noted above, national structural reforms will remain paper exercises, and opportunities for positive effects on the rule of law in Russia will be missed.

Unlike most other countries where Rule of Law studies in this series have been done, the Russian government is actively supporting rule-of-law institution building with political and financial investments. Russian courts are clearly benefiting from an infusion of capital and technology. Computers and whole information systems are in place or being installed. Courtrooms are increasingly well

maintained and reasonably attractive. The introduction of the Justice of Peace courts has relieved the caseload burden on higher-level courts. Judges report that execution of judgments has improved and courtroom security is better. Court administrators in some oblasts have become an important part of a professional support staff to improve court management.

D. Creating Russian – American ‘Ties That Bind’

“From the beginning, we were a family”.

Senior Russian Judge

“I have formed a lasting friendship with my counterpart; we are like brothers”.

Senior American Judge

Perhaps the most lasting impact of the RAROLC partnerships is at the personal level. Russians and Americans have formed bonds that can only be described with terms like good will, affection, friendship, and love. In the email questionnaire we asked Russian jurists active in the partnerships to identify how they benefited from their engagement. Some stressed professional knowledge, but 66 % said personal friendship and professional knowledge. Both Russians and Americans repeatedly commented during our interviews that without the personal affection that has developed, it would be difficult to sustain the level of volunteer commitment on both sides. The peer pressure that comes from these personal attachments is formidable. Neither side wants to let the other down, no matter how busy one is or how complicated the organization of large events like the Vologda Jury Trial seminar may be. This mutual trust and friendship between former Cold War enemies is important and must be considered a major partnership impact in its own right.²⁰

VII. WHAT MAKES PARTNERSHIPS DIFFERENT: UNIQUE TO RUSSIA? VOLUNTEERS, LEVEL OF COMMITMENT, BENEFITS, CONSTRAINTS

Each of the partnerships in RAROLC has its own “constitution”, leadership style, and programmatic thrust. Still, there are common features of all that derive from the original, Vermont-Karelia model. Recognizing that the partnerships continue to evolve, expand, and take on additional tasks, it is nonetheless possible to analyze the main factors that contribute to shaping this particular modality.

A. Origins

The first partnership emerged from the Sister Cities programs that became important in the late 1980s during the Gorbachev era of opening to the West. As the V-K partnership took on the challenge of encouraging replication of the V-K model, it focused first on other American cities and states with sister city or state relationship and this approach strengthened the idea that the judicial partnership was a natural evolution of something already in place.

As part of an exchange of high level visits between Burlington and Petrozavodsk, American and Russian Judges and other jurists met. At a personal level, both sides found that they had something in common. Some of the Americans had studied Russian or Russian history in college; some had ancestral linkages to Russia or the Ukraine; others were simply people of strong professional curiosity and good will. On the

²⁰ Media coverage of RAROLC events has been widespread and positive, according to USAID observers. In the US, state-level professional journals frequently publish articles by partnership members, and visits by Russians have received favorable coverage in the general press, according to respondents. Memorandum from USAID ROL Advisor Patrick Murphy, January 21, 2004 and respondent interviews.

Russian side, the initial novelty of Glasnost and the possibility of making lasting professional contacts with Americans were compelling enough.

By 1992 when the V-K partnership was formally established, Russian jurists were interested, but skeptical and a bit nervous. “We didn’t dare do it at first” commented one of the founders, now on the Constitutional Court of the Russian Federation. A prosecutor who joined in said, “We had little experience with this kind of program and were hesitant to get involved.” A senior judge in Karelia said at the beginning, “we were afraid the Americans would come and try to tell what to do...it was not that way, but we were very skeptical”.

B. Professionalism and Mutual Respect

“They (Americans) don’t come here to lecture, they ask us professional questions and we discuss”.
Senior Russian Judge

Russians quickly found that the American partners had a number of characteristics that eventually overcame Russian hesitation and skepticism. First and foremost, the Americans were leading members of their own state legal structure, including justices and judges, senior prosecutors, and attorneys. Second, they were volunteering time out of very busy and significant jobs in their home states. Third, they came to help by being responsive, not by imposing an agenda or a solution. Fourth, several of the leading American jurists had studied Russian history and spoke or learned to speak Russian, lending increased credibility to their commitment. Fifth, and this took a while for the Americans to realize, their credibility in part depended on doing their homework on Russian law.²¹ Sixth, they demonstrated a pattern of professional interaction within their legal community that was open, inclusive, and at the same time competitive, showing that a judge or a prosecutor could interact professionally without losing integrity or independence of judgment. Last, they carried with them the peculiar American optimism that said, “let’s do it, we can do it together.” In the light of 70 plus years of Communism and perhaps traditional Russian pessimism, this American optimism must have seemed both naïve and refreshing, especially to those leading Russian jurists who knew or at least hoped that change was coming to their society.

On the Russian side, skepticism was gradually overcome, most frequently when a senior judge or official stepped up to the plate in a leadership role. Of the partnership participants who responded to email questionnaires, when asked how they learned about their first partnership event, 42 % said “from a colleague”, but 46% said they were “urged by their superior to get involved.” In Russia, professional relationships are much more hierarchical and it was important for the partnerships to engage a senior person on both sides. Today 6 of the 7 partnerships have senior judges as the chairman of the respective steering committees. The emergence of Russian judges as key players in the partnerships and in the local judicial reform process is a marker as well for the increased status and authority of judges in Russia.

As American’s learned more, and Russian self-confidence increased, the best partnerships developed levels of mutual respect and reciprocity that has been key to the partnership’s effectiveness and longevity. Both sides might get benefits, but without reciprocity there would be no balance, and no real reason to make the commitment needed to make a volunteer effort last.

As we have noted above, the affective dimension of the partnership relationship is important in its own right. Another consequence of positive personal ties needs mention. Adult learning is more difficult when the learners are defensive, skeptical, distrustful or simply don’t want to be in the learning situation. The personal relationships formed by the partnerships reduce these barriers to adult learning and open doors to new ideas, methods and processes that can, and some may believe, should be introduced into the Russian legal system. Positive affect makes for effective learning.

²¹ The RAROLC web-site describes these efforts to acquaint American participants about developments in Russian law at <http://www.rarolc.net/events/>.

C. The Holistic Approach

Each partnership has as one of its objective the development of a “legal community” that is inclusive and shares common values and interests in advancing the rule of law. RAROLC’s general approach is based on the recognition that for Rule of Law to develop, all elements of the legal system must work together. Reform cannot become truly institutionalized by relying on one element alone. Although RAROLC does develop specialized programs for specific sub-groups, e.g., property or environmental law, in general RAROLC’s activities strive for inclusiveness and professional diversity.

RAROLC’s holistic approach involves more than just a series of training programs. Most program workshops employ a variety of techniques suitable for adult learning, but beyond that, the specific trainings are reinforced by other forms of discussion, dialogue, “show me” visits, even disagreement and debate.

The advantage of a holistic approach is that it can generate self-reinforcing processes, while neutralizing to some extent the resistance of some groups that may resist change. Its disadvantage is that this approach is inevitably more complex and takes more time to show results. A major supporting factor in explaining partnership success, especially in the more mature partnerships, is the simple fact that both sides have been at the reform process for 10 years (in the V-K case), and nearly 7 years in several of the others. This long time horizon allows the partnerships to pace the introduction of change more realistically, rather than trying to meet a pre-determined work schedule. No one training course has to carry the burden of change. As clearly indicated by the variety of workshops and visits on Jury trials over several years in nearly all of the partnerships, the programming philosophy is to re-visit the issue in as many ways as necessary.

Domain size is a third factor that helps to make this approach a workable model. Each partnership works in a geographic-administrative space that is small enough to make it possible for sustained effort to make a difference. The populations of the 7 partnership regions range from 727,000 (Novgorod) to 1.666.000 (Leningrad Oblast). The overall number of jurists, including judges, court administrators, prosecutors, advocates, attorneys, and MOJ officials in a typical oblast is estimated to be no more that 2000, and among them, the relevant leadership-activist groups may be around 200. Over a decade, it is quite feasible for a partnership to have touched directly all of the leadership and most of the practitioners in one form or another.

VIII. MUTUALITY OF DECISION MAKING: EVOLUTION OF ORGANIZATIONAL MODEL. STRENGTHS AND WEAKNESSES

The RAROLC model continues to evolve from the V-K experience, and different partnerships operate in ways that fit leadership styles and the work agendas in which they engage. The organizational model might best be described as minimalist. The original V-K Partnership was a registered NGO in the US with some support from the Vermont Bar Foundation. As funding from USAID became more of factor and the Consortium was formed, the need for more structure became apparent. Now each partnership has a steering committee for both the Russian and the American side. Since the funds come to the American side, each American steering committee chairman constitutes an overall executive board for RAROLC. Most monthly meetings are done by conference call, mainly to review past events, plan new ones, and check on funding balances. Individual American partnership groups are generally led by one or two principal leaders, usually judges. On the Russian side, two of the partnerships have more or less formal associations, Petrozavodsk and Pskov, which act as the counterpart for the Russian partnership, but for most, the leader is a Chief Judge.

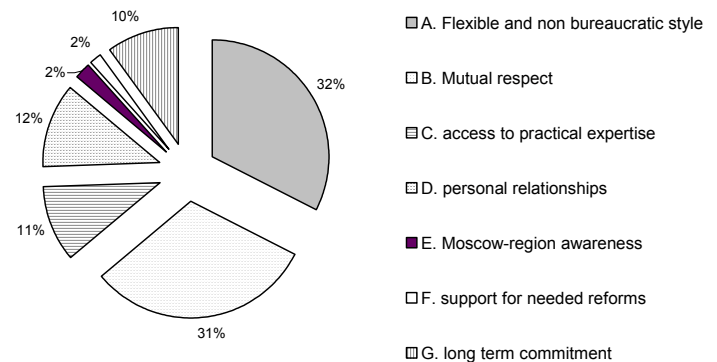
As we have noted, RAROLC does develop specific program objectives and expected results in its proposals to USAID and to other donors. Within that framework, evidence from field interviews with Russians and Americans indicates that decision-making on substantive agenda items and types of events

is very much a mutual process, with Americans, for the most part, reporting that they defer to Russians on what issues to take up. On the other hand, the record shows that some agenda items, such as mediation and alternative dispute resolution, were of less interest to Russians, at least initially. Also, the issue of domestic violence is one with more support from the U.S. side than the Russian side, at least at present, with the exception of Arkhangelsk. As Justices of the Peace are brought in to the partnership process, they may be keen to work on this issue.

It is clear from the review of program activities that RAROLC agenda setting responds to two major determining factors: first, as noted above, what is most useful to the Russians at the local level; second, what will contribute to strengthening the overall performance of the Russian legal system. For example, RAROLC stated as an objective the preparation of its partnerships for the successful management of a new legal institution, the jury trial. The origin of this issue came from Moscow and was rooted in national and international events of the previous decade. Every partnership recognized that there was much to do to prepare for this, from setting up proper courtrooms to how to manage jury selection and more. Every partnership has focused on this issue. The variability comes in the timing and the sub-agenda of activities. Some partnerships may focus more on jury management, others on introducing adversarial methods, still others on plea-bargaining, etc. The point is that by allowing the partnerships to tailor specific programs within overall themes, they can be responsive without sacrificing the goal orientation and continuity of effort needed to accomplish change.

Table 5. Major Strengths

Select up to three responses from list		
Respondee Position	Response	% of Total
A. Flexible and non bureaucratic style	61	32%
B. Mutual respect	59	31%
C. access to practical expertise	20	11%
D. personal relationships	22	12%
E. Moscow-region awareness	4	2%
F. support for needed reforms	3	2%
G. long term commitment	19	10%
TOTAL	68	100%



This type of operation is highly personal, very fast, and involves a good deal of trust that things will get done well. The last thing busy people volunteering their time want is endless meetings. And although event planning and implementation may sometimes resemble “chaos theory” in action, the professional quality of the events for both sides is remarkably high and effective. The most recent Workshop on Jury Trials in Vologda is a good example. Presentations were highly professional and sometimes dramatically effective. Informational lectures were interspersed with active learning. Schedules were maintained, and self-congratulatory speech making was held to a minimum. An official American observer stated that the Vologda workshop was the best he had seen after attending a number of such events in Russia.

The “get it done” quality of American partners is much appreciated by Russian participants in the consortium. Of the respondents to the email questionnaire, when asked what they thought contributed to the partnership success, 32 % cited Flexible and Non-Bureaucratic Style, followed closely by Mutual Respect with 31%.

IX. CONSTRAINTS AND CORRECTIONS

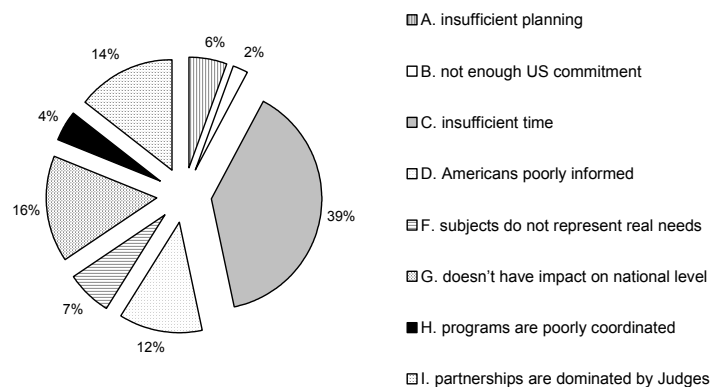
Impressive as the accomplishments of the various partnerships are, there are some natural constraints and some areas that may need strengthening. In noting these issues, we have stayed within a volunteer based partnership paradigm. However, some of these critical assessments may apply equally well to project type organizations.

A. Survey Responses

We asked the Respondents to our questionnaire to identify areas where they felt the partnership was weak. The reader should bear in mind that 98 % of these same respondents agreed that the Partnerships should continue even if USAID funding were withdrawn.

Table 6. Major Weaknesses

Select up to two responses from list		
Responsee Position	Response	% of Total
A. insufficient planning	5	6%
B. not enough US commitment	2	2%
C. insufficient time	35	39%
D. Americans poorly informed	11	12%
F. subjects do not represent real needs	6	7%
G. doesn't have impact on national level	14	16%
H. programs are poorly coordinated	4	4%
I. partnerships are dominated by Judges	13	14%
TOTAL	48	100%



39 % of the Respondents agreed that the major weakness was “Insufficient Time to really learn anything significant”. This response suggests that substantial number of participants in the most common form of event, a two-day workshop, are going away frustrated because there has not been enough time to cover the matter sufficiently thoroughly. Our interviews did reveal that partnership leaderships were aware of the issue. Two suggestions were consistently made. One was that an extra day or two might sometimes be necessary for a particular topic. The second was that for a comparatively short trip, such as the Library of Congress Open World program visitations, the scope of issues covered should be narrowed. That is, either participants should be grouped by their own areas of interest (e.g. commercial law judges and practitioners) or the emphasis should be on more specialized events and/or more narrowly defined topics.

The general response of partnership leaders as to the number of events that each partnership can handle based on the current level of human resources available was that the present level of programming was about right. Here with the exception of Maryland-Leningrad (where more events would be welcomed, assuming the availability of sufficient financial resources) the consensus was that two events per year in Russia and maybe one Open World visit in addition to the regularly scheduled partnership work plan visits to the U.S. was about all they could manage.

Other shortcomings often mentioned were: No Impact at the National Level; 16 %; Partnerships dominated by Judges, 14%; and Americans Poorly Informed about Russian Law, 12%. The concern about National Impact is a proper one, and may reveal a frustration caused by the comparison between American practices and the resistance to change experienced by many Russian jurists in a still hierarchical unitary system. The comments regarding domination of judges reflect the views of Advocates and other attorneys, in the main, since only 2 % of our respondents were Prosecutors. The American lack

of information about Russian legal system development is something the RAROLC leadership has noted. It has begun to take steps to make sure that American participants are reasonably well informed about Russian law before participating in RAROLC events.

From the team's perspective, other areas that give cause for some concern relate to the volunteer partnership model.

B. Constraints of a Volunteer Approach

Any volunteer organization must rely on people's good will, commitment, and sense of benefit to ensure that participation will remain at a high professional level. Inevitably, volunteer organizations depend on the management and leadership skills of a few, highly dedicated people to keep the entire enterprise going. Outstanding examples of such leaders include Tatiana Zykina in Arkhangelsk, Judge Bodnar in Pskov, and others on the Russian side. In the U.S., the leadership provided by Justice Dooley is extraordinary, in large measure because he respects the good sense of other Americans who have taken leadership roles in their respective partnerships. To mention one would be to slight others. At least one of these Americans estimates that he might spend 20 hours a week, more when events are coming up, on partnership business.

Managing a non-hierarchical, flexible and non-bureaucratic organization is, as one respondent put it, like herding cats. Skills required combine diplomacy, decisiveness, and lots of trust and respect. In fact, RAROLC reflects a great deal of already existing social capital in the U.S. legal profession at the state level, especially in smaller states with a tradition of activism.

This leads to a second concern. How does an organization like this deal with adversity? How does RAROLC insure that its "expected results" are actually achieved through the work of the Partnerships?²² What steps can be taken when a partnership appears to be floundering, or event planning seems so weak that some are afraid to participate in a potential failure? What can be done if leadership appears to be going off track and threatens the long-term stability or effectiveness of a partnership? Most organizations have a variety of means for dealing with poor performance, or, put more positively, for organizational learning. In looking towards the future, planning should be aware that not all RAROLC partnerships have been equally effective, some have come close to dissolving, and some have managed to become more broad based and inclusive than others.

There is evidence of non-formal self-correcting dynamics in the RAROLC experience. Sometimes peer pressure and "everyone pitching in" has produced a correction that may well be long lasting. In other instances, a quiet conversation may be necessary. In other cases, leadership has changed and a "reconstitution" process has taken place. Generally, such corrections have to be done quietly and informally, simply because a largely volunteer organization operates on good will and a sense of professional commitment, not on the imperatives of a "job description", salary and hierarchical authority. There are no "bosses" in RAROLC.

A more formal means for positive corrections might be to adopt some organizational learning techniques that have become widely used, ranging from relatively low cost performance evaluations to holding

²² RAROLC does prepare a list of "Results Expected" for inclusion in the ABA/CEELI grant proposal and workplan for USAID Russia review. The achievement of these results requires a certain amount of organizational discipline and uniformity, which is difficult to achieve in practice, especially as the individual partnerships are primarily concerned with being responsive to the needs of their Russian partners. Some issues are Russia wide, such as the introduction of Jury Trials, but others issues, such as the decision to publish oblast court decisions or the participation of prosecutors in training workshops, can be quite area specific. There is a trade-off between the flat, non-bureaucratic and decentralized type of organization and the capacity to realize uniform objectives in a given time frame.

structured review sessions after each major event. If part of the secret of the American side's success is "modeling" forms of professional interaction, then adoption of a structured feedback and review procedures could have a positive effect on the Russian side as well.

A third area of possible concern is the extent to which this kind of partnership can stimulate organizational development among its counterparts in Russia. RAROLC has helped the Russian side to develop steering committees similar to the American side. However, only two of the partnerships have clearly identifiable Russian counterpart organizations. Others get the job done in other ways, but in at least one we were surprised to find almost no sense of partnership identity on the Russian side, good personal relationships notwithstanding. Since the value of having a "legal association" of some kind for promoting professionalism and interaction among various components of the legal profession is demonstrable and one of the formal objectives of RAROLC, it is unfortunate that only two have emerged. This is a delicate issue and cannot be "forced" through a project requirement or conditionality. On the other hand, some gentle persuasion and "positive modeling" might plant the right seeds for further organizational development on both sides.²³

With volunteer organizations there is also a danger that new initiatives arise without "doing homework" to find out if other programs have already developed similar experience or have lessons learned that could be used or built upon. A good example of RAROLC building on the past is its use of Russian (and ABA/CEELI) experience with the 9 Jury Trial pilot oblasts earlier in the 1990s. Other relevant CEELI experience exists in judicial training and in the area of domestic violence. For example, CEELI produced a "bench book" in the 1990s that might be updated in view of substantial new procedural and substantive legislation in Russia since that time. RAROLC leadership has been especially sensitive to a critique often advanced by Russians in other ROL programs, namely, that the Americans don't take the time to learn about Russian law or legal institutions. As noted above, some 12 % of the survey respondents identified this as a weakness. RAROLC now requires that new American participants attend seminars on Russian law and legal systems, and, as this interaction begins, the benefits become obvious to both sides.

C. The Challenge of Success

Perhaps the most important challenge for RAROLC is its own success. RAROLC leadership is constantly being urged to use RAROLC experience to replicate the V-K model in other Russian regions. The experience with the Russian Far East partnerships may be instructive in this regard. Also, as USAID attention shifts away from Russia to the more difficult terrain of Kazakhstan, Uzbekistan and other southern tier states on the front line with Iraq and Iran, RAROLC might be urged to work its magic under much more difficult circumstances. As USAID has learned from other studies in this series, the presence or absence of political will and strong incentives for a host government to pursue serious Rule of Law development is the most critical factor affecting the success of specific projects and programs.

D. Costs and Value

As it presently stands, the overall RAROLC program does require a significant level of funding. As noted above, in absolute terms, compared to the average ABA/CEELI program, the overall USG contribution to RAROLC Russia is somewhat higher. USAID -CEELI funding in countries such as Armenia, or Macedonia, runs between \$400,000 and \$500,000 per year. However, on a per capita basis, a CEELI program in Armenia, with a real population of just over 2 million, is actually more expensive than the RAROLC program. The seven RAROLC partnerships cost about \$530,000 in USAID core and Open World Grant funds for a combined population of 7.8 million. From these same funds, RAROLC supports partnership development in the Russia Far East, and though CEELI and RAROLC are dependent on

²³ The ABA/CEELI experience in attempting to form national comprehensive bar associations in the NIS is instructive here. Most of these efforts did not succeed for reasons deeply rooted in legal culture and the political history of legal institutions in Soviet Russia.

volunteer time, this has been a shrinking component of the overall CEELI ‘value added’, but remains a major component for RAROLC.

As a volunteer program, RAROLC has taken advantage of the experience and commitment of some very highly trained and professionally busy people on both sides. While it is difficult to calculate the average value of volunteer time, a rough estimate can be made based on interviews with American leaders and activists. A very conservative calculation is that across all seven partnerships, all leaders and activists devote a total of 1050 days per year in preparation, travel to Russia, hosting delegations to the US and for the leadership especially, maintaining an on going dialogue with Russian colleagues. Using the Senior Foreign Service daily rate as a modest co-efficient, the total value of all US volunteer contributions is estimated at e\$540,750 per year. It may well be substantially higher than this conservative estimate.

RAROLC has been very successful in leveraging its track record, first, to secure USAID financing; and second, to find other monies either directly or indirectly, including Open World, NISCUPP, SPAN, IRIS and FRAEC. In several instances, RAROLC has been asked by USAID to take on additional funds to promote USAID objectives in other regions, such as the Russian Far East initiative.

The indirect costs of running the program are low, with one full time administrator and office in Burlington, a part time administrator for the RFE programs, a full time Russian coordinator in Moscow, and liaisons in each of the partnerships on a part time basis. Additional indirect costs are associated with travel by Justice Dooley, most often related to USAID requested consultancies and replication of the Partnership model to other areas. It should be noted again that other indirect costs associated with RAROLC are absorbed by ABA/CEELI. Without CEELI’s operation, maintaining a Russian office for RAROLC alone would increase the indirect cost. On the other hand, RAROLC does not carry the burden of a “parent” organization’s indirect cost load as CEELI does with the American Bar Association.

Compared with the record of results and impacts of the RAROLC model, the low overhead, the value of volunteer time, and record of providing additional services to meet USAID programming needs, the USG investment in RAROLC has been very cost effective.

X. PARTNERSHIPS VERSUS OTHER MODALITIES

An empirical comparative analysis of this issue is not possible based on the time and resources made available for this study. However, team members have had extensive experience with the USAID project mode over the years, and some qualitative comparison is possible.

As stated at the beginning of this study, USAID uses the term “partnership” very loosely to cover a wide range of arrangements it finances to achieve USG development objectives. USAID refers to any entity, whether a contractor or a NGO as a “partner”. Project-developed partnerships abound; in this study, RAJP is one and the Russian Far East partnerships are others. Some partnerships involve already established institutions, such as the National Judicial Training Center in Nevada, or a Washington Law School in Seattle. These may or may not be interested in sustaining the partnership if and when USAID funding has stopped.

Two other features of the RAROLC partnerships are worth noting. First, for the most part, RAROLC is not on the front line of interaction with the USAID Mission, although RAROLC keeps the Mission ROL Advisor very much in the loop regarding activities. Unlike other USAID Cooperative Agreements and Contracts, USAID does not exercise the same level of management control, - quarterly reports, detailed work plans, and approvals of sub-activities and personnel - that USAID normally applies to regular projects. This gives RAROLC the space to remain flexible, non-bureaucratic, and relatively low cost. The second feature has to do with “time.” RAROLC partnerships are on one level continuous dialogues, built

around more structured events such as a Russian delegation visit to a partnership state, or a workshop in Vologda. Each partnership works out a schedule in coordination with the entire consortium for the year, but the partnerships generally don't abide by the normal "project cycle" of start up, implementation and close out that is characteristics of most regular projects. This form of serendipitous partnership could go on for as long as there is a demand and interest in the functions it performs, and the benefits it produces. Given the ever changing and evolving nature of rule of law issues, this could be for a very long time.

In the context of normal USAID Mission strategies, the case for partnerships should not be made in opposition to the case for projects, although efforts to use the project mode to foster true partnerships are often misguided and not very productive. Projects, whether implemented by contractors or by NGOs through cooperative agreements, can and do succeed when the context is reasonably favorable, the objectives are clear and agreed to by both sides, and the methodology for achieving results is appropriate for the given situation.

Partnerships, on the other hand, may be best when the context is only marginally favorable, when overall objectives are ambiguous or constantly changing, and when the methodologies for achieving results are not well known and must, therefore, be experimental and innovative. Partnerships may be especially effective when the pace and direction of reform depends on the extent to which the need for change is internalized in and owned by the relevant stakeholders and counterparts, in this case Russian jurists at the local level. In our view, this is the situation in most Rule of Law development environments. If building trust, mutual respect, and a common purpose are preconditions for success, then the kind of partnerships represented by V-K and the best of the RAROLC group clearly have a substantial comparative advantage.

In the context of Russia and other former Soviet States where USAID may soon withdraw, the comparison between partnerships and projects becomes irrelevant, as the USAID project activity is a form of foreign assistance provision that is dependent on a USAID program of some kind.

XI. SUSTAINABILITY OF PARTNERSHIPS BEYOND USAID: THE LEGACY ISSUE

When we asked our questionnaire respondents whether the partnerships should continue after USAID funding was finished 98 % said "Yes"! As to how the program might be financed, most said that the US and the Russian governments should provide funds on a matching basis. When the same question was posed to the American side, most replied that the partnerships would continue, but at much lower levels of activity.

Much of the partnership budget currently goes for travel to Russia and expenses associated with various events, like judicial training, seminars on real property issues, etc. Additional USAID funding pays for U.S. and Russian administrative support, and a small amount of funding is made available from partnership budgets for publication of court decisions.

If both USAID and Open World were to stop funding support, then Russian visits to the US would cease or be substantially reduced, removing one of the more powerful instruments for promoting change, especially in the early stages of activists' involvement in a partnership. Predictably, the number of U.S. and Russian activists would shrink, and the level of dialogue and workshop type activity would have to be substantially reduced. At the very beginning, V-K managed to secure a maximum of \$8,500 from non-USG sources, compared to a combined partnership budget today of \$37,000 from USAID core funds, plus additional funds from Open World. Whether it could replace USG funds from private or philanthropic sources is a major question.

RAROLC leadership is beginning now to consider how best to meet the future financial needs of the Consortium, including the possibility of private sector funding, foundation funding, funding from State

budgets, and various bar associations. Some efforts have been made already without too much success. Experience of other organizations shows that serious money cannot be raised without a long term, well conceived and professionally executed fund raising campaign. Finding the resources for that will, in itself, be a difficult task.

What issues need to be considered as the USG begins to address the issue of sustaining long-term relationships with key Russian institutions of interest to economic, political, and security interests of the United States?

The first question to address is whether there is a sufficient rationale and “public interest benefit” in continuing the ROL relationship in some form. This rationale needs to be articulated and debated by policy makers and interested stakeholders in the context of a broader discussion about the future US-Russian relationship.

The second question, assuming there is a convincing argument for maintaining a ROL relationship, is what should it look like? Should it continue to be a “development” relationship, or should it be premised on a level of maturity where both sides find benefit from a multi-faceted relationship? In the ROL area, most experts recognize that the evolution of law is a dynamic that is closely associated with the persistence of old social and economic problems, and with the emergence of new ones. In the current global economy, and increasingly a global “polity”, the interconnectedness and transnational nature of many public problems requires a high degree of legal cooperation between major states. In our view, U.S. and Russian investments in maintaining an ROL dialogue and relationship is “money in the bank” of international social capital upon which both sides can draw in the future.

The third question is, what kind of organizational structure makes the most sense? One answer might be to simply adopt one model, such as the RAROLC partnerships, and attempt to expand it to cover all needs. But simple expansion may run the risk of transforming RAROLC into a large ROL NGO, not unlike CEELI. Alternatively, replication of RAROLC by other U.S. Russian sub-regions, such as a Mid-West – Volga region consortium might be more sensible. Another, perhaps more promising approach, is to recognize that this kind of process may benefit from multiple channels for its activity, and USG policy should be to encourage several different channels to flourish. In order to keep the administrative costs as low as possible, it might be desirable to nonetheless find one “organizational house” in which the several substantive partnerships could reside for administrative and financial accountability purposes.

The fourth question, one which affects all the others, is who should pay and how much? If there is a mutual public interest and benefit for the U.S. and Russia, then it follows that there should be an investment of public monies from both sides. This is what the respondents to our questionnaire advised. But exclusive reliance on public funding has several dangers. First, the accountability and control requirements of direct government funding might be too onerous, raising costs and reducing the very important “non-bureaucratic” and professional character of the current partnerships. Second, total reliance on appropriated public funds means one “lives by the sword and dies by it”. As discovered by The Asia Foundation in 1994, a new Congress saw no need for “old cold war institutions” and zeroed out the TAF budget. Ultimately a budget line was restored, but at a substantially lower level than the previous year. The frequently advanced answer to this danger is to set up an Endowment, governed by a private or private-public Board of Directors. USAID has some experience with this approach and the difficulties one encounters when attempting to use congressionally appropriated funds for an Endowment. Other sources of potential financial support that need to be explored are: private foundations, the corporate sector, and state level appropriated funds. Establishing an organizational arrangement to develop a funding base that is 1) secure and stable 2) allows a reasonable degree of freedom of action and 3) demonstrates broad support from public and private sources is perhaps the most important challenge faced by any “legacy” organization.

XII. CONCLUSIONS

Based on our assessment and analysis of the evidence, we offer the following conclusions.

1. The RAROLC partnerships have produced significant and long lasting results in a number of rule-of-law dimensions, especially in the more mature partnerships. Results and Impacts were found at the local and regional level, and to some extent, at the national level as well. Moreover, benefits from the partnership were multi-faceted and reciprocal for both sides.
2. The RAROLC partnerships are very cost-effective means for achieving knowledge transfer and attitudinal and behavioral change consistent with progress toward a democratic rule of law state.
3. RAROLC's extended time frames and holistic view of promoting change is fundamental to the partnership's achievements and impact. This approach is consistent with generally accepted knowledge about adult learning and behavioral and attitudinal change. It is particularly appropriate to the people intensive nature of change toward more just and effective Rule of Law systems.
4. The RAROLC partnerships may be somewhat unique in that they do not represent a single "institutional partnership", e.g., between a U.S. federal judiciary entity and its Russian counterpart, as much as they do multi-faceted relationships between legal professionals operating in the context of a sub-national arena, the American State and the Russian Oblast or Republic. Key to their success is their ability to elicit a high level of commitment from very senior and respected members of the local state and oblast or republic legal communities.
5. The RAROLC partnerships must be assessed in their own terms. Although RAROLC does conform to the need for any organization to set objectives and be accountable for programs and financing, RAROLC should not be assessed solely through the normal USAID project lens. If the latter is used, the partnerships may fall short, lacking most of the formal structure, results monitoring and tightly scheduled character of a project. To force the partnerships into a project mold would be a mistake, resulting in not very effective projects, while losing the flexibility, mutuality, and more naturally paced character of the partnership's ability to promote change.
6. RAROLC has been remarkably successful in leveraging other funding sources. USAID's investment in the core costs of RAROLC, and in its administrative partner, ABA/CEELI, has produced major additional dividends from Open World, NISCUPP, as well as other USAID programs such as IREX and FRAEC.
7. Whether in the long run there is USAID or other forms of USG funding for RAROLC and other similar ROL partnerships or not, the Assessment team believes it is in the long term U.S. and Russian interest to find ways to support the kind of broad based cooperation between the two legal communities. U.S. interests served include continued support for Russian progress in developing a Rule of Law democracy, creating a secure and attractive legal environment for investment and trade, access to Russian leadership in Rule of Law and legal developments, and alliances with Russian prosecutors and other jurists who share our concern about the rising level of "global crime" through increasingly well organized cross border trade in drugs, weapons, and human beings.
8. The time is ripe for beginning a comprehensive discussion of the US Russian legacy issue, including the future role of RAROLC and other ROL partnerships. Although the American side has started to think about this, so far as can be determined, the debate is not yet well formulated. On the Russian side, as well as at the level of the individual American States, there is little

evidence that these issues have been seriously joined. Given the complexities and time needed to put alternative arrangements into place, the time to begin a systematic process of discussion and decision is now.

XIII. LESSONS LEARNED

The lessons learned below represent an attempt to generalize from our experiences a set of ideal characteristics for successful partnerships. They are derived directly from the team's findings, analysis and conclusions about the RAROLC partnership, but may be applied more broadly to partnerships in other sectors and other countries. Some of the lessons we suggest may be very controversial. They are as much designed to stimulate thinking and debate as they are to guide specific actions.

1. Successful development assistance is as much about human relations as it is about strategic planning and highly articulated project management. In the development context, the relationship is usually an unequal one, as one side has the money, experience and technical skill, and the other does not. This is a critical lesson from the RAROLC partnership. In any partnership, if it is done well, there is a good chance that the superior-inferior stigma attached to foreign assistance can be substantially reduced. In partnerships like the ones described in this report, there is reciprocity, respect, and a willingness to "value" the other side's experience. When reciprocity and respect are present, the doors to learning, attitudinal and behavioral change are more easily opened. Change becomes internalized, and therefore lasting.
2. Institutional change is problematic and complex. It occurs in response to personal, policy, political, economic and contextual factors. A key factor in this is the extent to which the system being affected is moderately open to new ideas and new ways of doing business. This, in turn, is at the early stages very much a function of progressive leadership. Progressive leadership is not necessarily the same as strong leadership. Several of RAROLC's newer partnerships have had strong leaders, whose personality and will power served to "get things done" in the short run, but possibly hindered the long term institutionalization of the partnership in a variety of ways. When the first round of leaders pays attention to the need for building inclusive and human resource rich institutions, the process of partnership growth and evolution becomes much easier.
3. The existence of successful partnerships in important areas of USAID programming is a challenge to USAID's tendency to "projectize" all assistance programs. The problem with a partnership is that it doesn't conform to the acceptable model of USAID led foreign assistance. Partnerships are sprawling, somewhat inchoate efforts to help others achieve what both sides, if all were thinking clearly, would clearly want to achieve...in this case an impartial, effective, responsive and efficient system for resolving disputes and rendering justice in a society. The "lesson" is that partnerships, despite their sometimes ungainly appearance, can be effective instruments for promoting and supporting lasting change. USAID needs to develop criteria for determining when a partnership is more likely to achieve lasting results than a project.
4. Sustainability has long been a major issue for USAID. Much of the answer to the sustainability question rests in the answer to the next question, where will the money come from? In the partnerships reviewed, there is sufficient momentum and self-interest to insure that some form of partnership activity will continue, regardless of USG funding. Realism also dictates that much more could be possible if funds were available. For USAID and the USG in general, the key issue is whether or not some means needs to be established whereby the kinds of relationship and activities assessed here could be continued. The lesson is that at present, neither the U.S. or the Russian side have given much thought to the ways and means by which valuable professional partnerships can be sustained in the U.S. and Russian national interest.

Annexes

Annex A.
Scope of Work

ANNEX A. SCOPE OF WORK

Scope of Work Task Order No. 4 Contract No. AEP-I-00-00024-00

1. **Objective:** Performance of a rule of law of law impact assessment in one additional country (Russia). Except as otherwise indicated in this modification, the additional country assessment funded under this modification will be carried out in accordance with the requirements and procedures set forth in the Task Order and in accordance with the methodology developed by the Contractor under the Task Order for the conduct of country assessments. The result of this country assessment will be fully integrated into the regional comparative synthesis/lessons learned analysis to be produced under the Task Order.

2. **Country and Timing for Field Work:** The Contractor will perform an assessment of the impact of rule of law activities in Russia. Because of the limited funding and time available for additional assessments under the ROL Impact Study Program, the scope of the impact assessment in Russia will be limited to an assessment of the impact and effectiveness of so-called “partnership” arrangements for providing rule of law assistance, i.e., arrangements under which U.S. state and federal judiciaries and bars have joined and worked together with Russian counterparts to advance law reforms in Russia. This typically involves the provision of substantial amounts of *pro bono* services by legal professionals on both sides as well as other no or low-cost contributions from the partnering organizations. At a minimum, this will include a review of the Vermont-Karelia Program and its offspring, as well as other activities that have had as their objective the establishment of long-term, continuous and collaborative relationships between the judiciaries and legal professions in the two countries.

The assessment will focus primarily on determining the impact and effectiveness of the partnering mechanism as a model for delivering rule of law assistance, the benefits and limitations of such arrangements, and issues of sustainability. The assessment will not include an in-depth assessment of all activities that have been carried out under each partnership arrangement, but will assess a sufficient number of such activities in sufficient depth to provide an adequate basis for findings regarding the results achieved or not achieved through these types of mechanisms. The specific scope of the study will be further defined through the Country Assessment Plan (CAP) review and approval process. The assessment will require fieldwork in the U.S. and Russia. It is anticipated that U.S. fieldwork will start on or about September 15, 2003 and Russia fieldwork on or about October 15, 2003. The dates for fieldwork may be adjusted as necessary and agreed to by the Contractor and the CTO.

3. **Deliverables:** The Contractor will provide briefings and reports as called for in paragraph 1.4.II of the Task Order with respect to the country assessment to be done under this modification. Upon completion of the final synthesis report, the Contractor will provide a presentation of the report and its findings to senior USAID managers and rule of law specialists and, subject to the availability funds in the task order and upon request from the CTO, a similar presentation as part of training for USAID DG officers planned for December 2003 in the Washington, D.C. area.

Annex B.

People Interviewed

ANNEX B. PEOPLE INTERVIEWED

People Interviewed (Rough Chronological Order)

RAROLC Russian Partners and Activist

Petrozavodsk, Karelia – 10/8-10:

Sergey Pavshukov, Executive Director, RAROLC Vermont/Karelia & Coordinator of the Union of Jurists of the Republic of Karelia.

Alexander Petrovsky, Chief Judge of the Commercial Court, Republic of Karelia.

Igor Toivonen, Judge of the Commercial Court & Deputy Chairman of the Union of Jurists of the Republic of Karelia

Sergey Chernov, Dean of the Faculty of Law of Petrozavodsk State University.

Prof. Rostik Dussayev, former Dean of the Faculty of Law of Petrozavodsk State University Law School, now Director, Northern Branch of the Russian Law Academy.

Oksana Repina, Deputy Director, Center for Title Registration.

Nelly Kabanen, Deputy Chief Judge, Supreme Court.

Anastasia Nikitina, Director of the Legal Clinic, Petrozavodsk State University.

Ekatrina Toivola, Manager, Legal Clinic.

Svetlana Agarkova, Director of the Environmental Law Center.

Elizaveta Yblonskaya, Manager, Environmental Law Center.

Alexander Rekhlov, Deputy Department Chief, Department of Justice of the Republic of Karelia.

Svetlana Vecherskaya, Advocates' Chamber, Republic of Karelia

Natalia Konstantinova, College of Advocates (Firm Finkar).

Loudmilla Garist, Student, Law Department, Petrozavodsk State, University, 5th year

Julia Sarycheva, Student, Law Department, Petrozavodsk State, University, 5th year

Elena Novozhilova Student, Law Department, Petrozavodsk State, University, 4th year

Julia Tretyakova, Student, Law Department, Petrozavodsk State, University, 4th year

Pskov Oblast – 10/13-14

Bodnar Anatoliy Vassilyevich, a Chief judge of Pskov Regional Court

Plyushchenkov Nikolay Petrovich, a Head of Court Administration office of Pskov region

Enislavskaya Luiza Stepanovna, a judge, President of “SKYWAY” Club

Nikolay Nikolayevich Lepikhin – Chief prosecutor of Pskov Region (region level)

Vassiliy Konstantinovich Manyasev – Deputy, Chief Prosecutor of Pskov region

Ludmilla Leonidovna Pavlycheva – Prosecutor (regional level)

Ivan Viktorovich Shinkevich – Prosecutor (regional level)

Valeriy Maksimovich Fomin – Pskov City Chief Prosecutor (city level)

Gerasimov Anatoliy Ivanovich – President of Advocates Chamber of Pskov region, vice-President of Federal Union of advocates of Russia

Kashtelyanov Vassiliy Yevgenievich, a defense attorney

Gerasimov Alexey Anatolievich, a defense attorney

Sokolova Oksana Alexandrovna, a defense attorney

Alexander Younnel - Rector of Pskov branch of MOSU (Moscow Open Social University)

Novgorod Oblast – 10/15

Tarassov Mikhail Gennadievich – Chief Justice of Novgorod Region Court, Chairman of Council of Judges of the Russian Federation

Liapin. Personal Administrative Assistant to Justice Tarassov

Klubin Sergey Nikolayevich, a judge of the Criminal panel of Novgorod Region Court (of common jurisdiction)

Smirnova Larissa Nikolayevna, a deputy Chairman of Novgorod City Court

Lvova Lidiya Sergeevna, a judge of district court of Novgorod

Khrabrov Viktor Alexandrovich, Head of Department of the Ministry of Justice of the RF in Novgorod region

Osipova Marina , a director of Legal Clinic under the auspices of Novgorod State University

Kovalev Boris Nikolayevich, professor of theory and history of State and Law, PhD, Novgorod State University named by Yaroslav Mudryi

Kovalenko Gennadiy Mikhailovich, Associate professor of history and archeology

Volodina Tatyana Vladimirovna, professor of theory and history of culture

Grokhotova Valentina Vladimirovna, Associate professor, International Public Law and Human Rights.
Novgorod State University Department of Law

Devyatkin Sergey Viktorovich, Associate Professor, head of department of philosophical anthropology,
Department of Philosophy Novgorod State University

Leningrad Oblast – 10/11-14:

Vladimir Sudilovsky, Chief Judge, Leningrad Oblast Court.

Vladimir Ruzhenikov, Director, Leningrad Oblast Court Administration Department under the Supreme
Court of the Russian Federation.

Gennadyiy Dedov, Deputy Director, Leningrad Oblast Court Administration

Vladimir Shuchalin, Judge & First Deputy Chairman of the Leningrad Oblast Court.

Vladimir Telyatnikov, Judge & Deputy Chairman of the Leningrad Oblast Court.

Loudmilla Soukhankina, Judge & Deputy Chairman of the Leningrad Oblast Court.

Gennady Perfiliev, Judge, Leningrad Oblast Court & Head of the Qualifying Collegia of Judges of
Leningrad Oblast.

Svetlana Naumova, Judge, Leningrad Oblast Court.

Sergey Naryshkin, Chairman, Committee for External Economic Relations of Leningrad Oblast.

Stanislav Rudovski, Chief of Legal Department of the Committee for External Economic Relations.

Olga Malinovskaya, RAROLC Coordinator, Leningrad Oblast & Advisor to the Committee for External
Economic Relations.

Anna Denisova, President, Leningrad Regional Bar Association.

Vologda Oblast – 10/15-17:

Osipova Irina Germanovna, Deputy of the Chief Justice of Vologda Arbitrazh Court

Sheppel Vladimir Stepanovich, a judge, member of the Commission on Jury Trial of the Vologda-
New-Hampshire Partnership

Spiridonova Zinaida Zakharovna, a judge, a member of the Commission on support of the project
“Vologda-New-Hampshire= Power of Law”

Veniamin Kutuzov – Head of the Vologda Region Court Administration under the Supreme Court of the
Russian Federation.

Jury Vladyko – Deputy Chief Manager of the Vologda Region Court Administration.

Victor Degtiakov, Judge, Vologda Oblast Court.

Nikolay Materov – Chairman, Arbitration Court of the Vologda Region.

Svetlana Levicheva – Vice Chairman, Arbitration Court of the Vologda Region.

Elena Vetrova, New Hampshire/Vologda RAROLC Program Liaison.

Ivanov Sergey, President of the Chamber of Advocates, of the Vologda oblast, , advocate,

Zhuravlev Andrey, Vologda city court, Chief judge,

Davydova Olga, Vologda city court, judge,

Kukushkina Galina, Vologda city court,

Glazkova Natalia, Chief of Department, Oblast Prosecutor's office, prosecutor,

Kornilov Alexandr, , Oblast Prosecutor's office, prosecutor,

Zhuravlev Mikhail Osipovich, Head of department on land titling and resources of the city of Vologda

Arkhangelsk Oblast – 10/18-21:

Tatiana Zykina, Professor/Legal Clinic Director, Pomor University Law Faculty & Arkhangelsk State Technical University.

Sergey Orikanov, Deputy Prosecutor, Arkhangelsk Oblast

Ludmilla Kovtuniuk, Deputy Prosecutor, City of Arkhangelsk Oktyabrsky District),

Chertova Nadezhda, Pomorsky State University, legal department, dean,

Skorikov Nikolay, Dean of Archangelsk State Technical University, legal Department,

Galina Komarova, Archangelsk State Technical University, legal Department, professor,.

Yarmoliuk Sergey, professor of the legal clinic, Lawyer of the North Steamship Line,

Gavriliuk Ekaterina, professor of the legal clinic, lawyer of the Center for NGO Support "Garant",

Shushpanova Svetlana, professor of the legal clinic, Archangelsk Oblast Court, assistant to the deputy chairperson

Zykin Nikolay, professor of the legal clinic, justice of peace,

Andreychev Igor, professor of the legal clinic, Archangelsk Oblast Department of the Ministry of Justice, leading expert

Galina Komarova, Vice Rector of International Affairs, Arkhangelsk State Technical University.

Vladislav Gudkov, Chairman, Arkhangelsk Oblast Commercial Court.

Alexander Shashkov, Vice Chairman, Arkhangelsk Oblast Commercial Court.

Tatiana Yakovleva, Vice Chairman, Arkhangelsk Oblast Commercial Court.

Vladimir Bunkov, Deputy Chair, Arkhangelsk Oblast Court.

Sergey Burmyagin, Deputy Chair, Arkhangelsk Oblast Court.

Yevgeny Martinov, Head of Civil Division, Arkhangelsk Oblast Court.

Lydia Hiyuzova, Criminal Court Division, Arkhangelsk Oblast Court.

Marina Handrusenko, Assistant to the Deputy Chair, Arkhangelsk Oblast Court.

Vitaly Fortygin – Chairman, Arkhangelsk Regional Assembly of Deputies.

Vasiliy Popovskiy - Administrator, Justices of the Peace, Arkhangelsk Oblast Mirovi Sud.

Sergey Smirnov – Deputy Administrator, Justices of the Peace, Arkhangelsk Oblast Mirovi Sud.

Margarita Fedoroschuk - Justice of the Peace, Arkhangelsk Oblast.

Elena Morgunova - Justice of the Peace, Arkhangelsk Oblast.

Tatiana Feduk – Justice of the Peace, Arkhangelsk Oblast.

Moscow- 10/21-24:

Hon. Lyudmila Zharkova – Justice, Constitutional Court of the Russian Federation.

American Participants and Stakeholders

Moscow

Patrick Murphy – USAID Moscow ROL Advisor

Christopher Scott – ABA/CEELI Moscow, Country Director

Sergey Medvedsky, RAROLC Program Coordinator (CEELI).

Natella Lvova, Staff Attorney, Advocacy Program (CEELI), former Novgorod RAROLC Program Coordinator.

Judge Betty Barteau, Chief of Party, RAJP II (Chemonics).

Alexander Shibanov, Deputy Chief of Party, RAJP II (Chemonics).

Alexander Khilkov, Program Coordinator, Center for Russian Leadership Development (Open World/Library of Congress).

John Pollock, American Councils, Program Manager Open World.

Lisa Baker, American Councils, Program Manager Open World.

USA

Paul Scott – USAID ROL Advisor: E and E Bureau and CTO

Karen Hanchett – Administrative Office, US Federal Courts, Washington, DC

Lewis Madanick – Program Advisor, Library of Congress, Open World Program

Michael Maya – ABA/CEELI Washington, DC. Former Russia Country Director

Michelle Johnson, Program Officer, U.S. DOS, Bureau of Educational & Cultural Affairs
(NISCUPP).

Hon. Michael Mihm, US District Judge, Central District of Illinois

Andrey Kortunov, President ISE Center (CASE Program, inter alia. – briefly).

John Evans, Director, Office of Russian Affairs, Department of State (briefly).

Vermont - 9/23-25:

Hon. John A. Dooley, Associate Justice, Vermont Supreme Court, RAROLC Program Head.

Karin Bourassa, RAROLC Program Executive Director.

Mark Oettinger, Attorney & Adjunct Law Professor, RAROLC Steering Committee.

Harland (Hal) Miller, Vice President, First American Title Insurance, RAROLC Steering Committee
Member.

Conference Call with RAROLC Partnership U.S. Representatives.

James C. May, Director, South Royalton Legal Clinic at Vermont Law School, RAROLC Steering
Committee Member.

George Burrill, President, Associates in Rural Development (ARD/Checchi Rule-of-Law Consortium.

Massachusetts

Hon. Paul A. Chernoff, Associate Justice, Superior Court, Commonwealth of Massachusetts, Chairman,
RAROLC Steering Committee

Maryland – 9/28:

Hon. Alan Wilner, Judge, Maryland Court of Appeals, Chairman, RAROLC Steering Committee.

Maine – 10/29-30:

Prof. Judy Potter, University of Maine School of Law.

Hon. Margaret Kravchuk, Federal Magistrate Judge, Bangor Maine

Gail Fisk Malone, Assistant U.S. Attorney, Bangor, Maine.

Hon. Caroline Glassman – Retired Associate Justice, Maine Supreme Judicial Court.

Hon. Leigh Ingales Saufley, Chief Justice, Maine Supreme Judicial Court.

Hon. Ronald A. Cole – Superior Court Justice, Portland, Maine.

David Cluchey - Associate Dean & Professor, University of Maine Law School.

Ray Pelletier – Attorney, Verrill & Dana, LLP.

Faye Luppi, Attorney & Project Director, Violence Intervention Project, Portland, Maine.

William Savage, Attorney at Law & Member of the Maine State Legislature.

Western New York: Rochester

Hon. Patricia D. Marks – County Court Judge, Rochester, New York.

Hon. Thomas A. Stander – Justice, New York State Supreme Court, Commercial Division

Mark Bennett, Attorney

Chris Thomas, Attorney

Mary Beth Feindt, Attorney

Jason R. Waters, Attorney

Paul L. Leclair, Attorney

Ronald Reinstein, Investigator, Rochester Police Department

New Hampshire – 10/30-31

Hon. Kathleen McGuire - Judge, Merrimack County Superior Court (RAROLC Steering Committee Chair).

Elizabeth Hodges - Deputy Legal Counsel, Office of General Counsel, New Hampshire Supreme Court.

Bjorn Lange – Federal Public Defender, Concord, New Hampshire.

Mark Zuckerman – Assistant United States Attorney, District of New Hampshire.

Charles Szypszak – Attorney, Orr & Reno (by phone).

Steven Burt – Burt PC Consulting (by phone).

Hon. Linda Dalianis – Associate Justice, New Hampshire Supreme Court (by phone).

Cathy Frierson – Professor, University of New Hampshire – Center for International Education (NISCUPP grant – by phone).

Buzz Sher – Franklin Pierce School of Law (NISCUPP grant – by phone).

Connecticut

Hon. Jonathan Silbert – Judge, State of Connecticut Superior Court.

Hon. Michael Sheldon, Judge - State of Connecticut Superior Court.

Hon. A. Pelligrino, Chief Judge, Court Administration, State of Connecticut

Mary Gaitlin, Prosecutor, State of Connecticut

William Dow, Defense Attorney

Prof. James A Trowbridge, Quinnipiac University School of Law

Annex C.

Partnership Profiles

ANNEX C. PARTNERSHIP PROFILES

Detailed Description of Other RAROLC Partnerships

MARYLAND/LENINGRAD OBLAST (1996 – PRESENT)

Because the Maryland/Leningrad Oblast partnership involved an extremely broad range of subject matter, these activities are best described chronologically.

May 1996: This partnership began when a three member Maryland delegation, including the State Attorney General, a Judge of the Court of Appeals (the highest court in Maryland), and the Chief Judge of the Court of Special Appeals (Alan Wilner, now himself on the Court of Appeals) traveled to Russia to attend a rule-of-law program in Karelia and to discuss cooperation with Leningrad Oblast officials, based on a pre-existing sister state relationship. Discussions were productive, as during the delegation's visit, they met with the Procuror General and the Chief Judge of the Leningrad Oblast Court. The Russian side expressed interest in the institution of jury trials for serious criminal cases, internal court administration, correctional institutions, federalism, and the legislative function. *Contacts were also initiated with the St. Petersburg Law School.*

October: A Russian delegation - a prosecutor, court chairman, legislative committee chairman, advocate association chairman, and foreign economic relations senior staff member (Olga Malinovskaya, Russian program liaison for Leningrad Oblast ever since) - visited Maryland. They received briefings and undertook site visits to jury proceedings, court administration facilities, and a detention center. The Russians expressed further interest in a future program on jury trials in St Petersburg.

December: A U.S. delegation paid a return visit to St. Petersburg. As the circle of discussants was widened, Russians expressed mixed views on the subject of jury trials, and in particular the likelihood that their national Legislature would support this institution, but nonetheless planning went forward for a future jury trial program.

May 1997: A three-day seminar took place in St. Petersburg on the American jury trial system. A Russian judge from Moscow Oblast who had jury trial experience and a mock jury trial videotape prepared by the Maryland delegation were both presented. Separate meetings took place between prosecutors, judges, and defense attorneys. Senior level political contacts were established, including an invitation to visit extended by the Vice Governor of the Oblast to the Governor of Maryland. The Russians presented an extensive menu of topics for future collaboration.

October: A Russian delegation came to Maryland for a commercial law topics program – business entity organizational options, protection of trade secrets, alternative dispute resolution methods, and organization of law firms.

April 1998: A Russian delegation came to Maryland for a program on anti-monopoly law and procedure. Topics covered included FCC & Department of Justice cooperation, federal tax issues, and state level enforcement matters.

July: A Maryland delegation went to St. Petersburg for a conference on licensing and regulation issues. 100 Russian participants attended, coming from Moscow, St. Petersburg, and various other regions.

October: A Maryland delegation went to St. Petersburg for a program on state regulation of business activity. Topics covered included licensing, anti-monopoly laws, tax administration, federal and state court procedures, alternative dispute resolution (ADR) versus litigation, creditors' rights, injunctions, and post trial enforcement of judgments.

April 1999: A Russian delegation came to Maryland for a program on Russian and American marshals and bailiffs activities. Topics covered ranged from civil judgment enforcement to court security to discovery and attachment of assets.

April 2000: A Russian delegation came to Maryland for a program on comparative real property law and land registration issues. Topics covered included assessment, zoning, and transferring interests in real property.

November: A Maryland delegation went to St Petersburg for a program on judicial administration. Topics covered included the structure of the Maryland court system; judicial selection, discipline, and compensation; the role of the Administrative Office of the Courts; personnel administration; case management; and data processing. A separate program addressed issues of surveying and cadastral management of property.

March 2001: A Russian delegation came to Maryland for a program on court administration. Topics covered included the roles of the administrative judge, the court administration office, and clerks; case flow management; and the operations of the civil, criminal, and financial and technical services departments. Issues of bail review were also discussed. The programs also involved Governor Glendening, the U.S. federal courts in Maryland, and the Administrative Office of the federal judiciary in Washington, D.C.

May: A U.S. delegation went to St. Petersburg for a seminar on judicial and court personnel training and education. Seminar activities took place in the Kingisepp district and there was discussion of the Judicial Institute, judges' Bench Books, and various Bar CLE programs. Bail reform and pre-trial release issues were also covered.

July: Under the auspices of the Open World Program, a Russian delegation came to Maryland for a program on American Judicial practices. Topics covered included circuit court administration, sentencing, the functioning of the prosecutor's office, and observation of a criminal jury trial, domestic violence issues, and the Legal Aid Bureau.

October: A Maryland delegation went to St. Petersburg for a series of programs on plea negotiations, interaction among various law enforcement agencies, and court relations with prosecutors, defense attorneys, the media, and the public. Attendees represented most municipalities in Leningrad Oblast. Another program covered natural resources and environmental issues.

April 2002: A Russian delegation came to Maryland for programs on federal, state, and local relationships in legislative and legal matters. Topics included cooperation of federal and state officials in police and prosecution activities, the operation of professional support services for the Maryland legislature, the relation between the executive and legislative branches in Maryland, the role of the Attorney General in Maryland, and federal and state collaboration on natural resource and environmental issues.

October: A Russian delegation came to Maryland under the auspices of the Open World Program, for a seminar on jury trials in the United States. Topics covered included juror selection, the roles of lawyers and judges, jury instruction, opening statements, and closing arguments, deliberation, and the recording of verdicts. A separate visit covered Maryland election law.

November: A Maryland delegation went to St. Petersburg for programs on election laws and procedures, government assistance to small and medium size business, and the legislative drafting role of the Governor's office.

May 2003: A Russian delegation came to Maryland for programs on government support for small and medium size business and environmental safety issues in ports. A Maryland delegation also went to St. Petersburg to begin dialogue with the law faculty of Leningrad Regional State University on the subject of establishing a sister-school relationship with the University of Baltimore School of Law. These discussions are continuing.

November: A Russian delegation is due in Maryland on November 15 for further work on judicial education issues.²⁴

There are clear order-of-magnitude differences, due to factors like the amount of funding and the extent (number of participants and frequency/duration of events – to a large degree correlated with funding) between the Vermont/Karelia and Maryland/Leningrad partnerships. If Vermont/Karelia (and other partnerships, like Maine/Arkhangelsk and New Hampshire/Vologda) operate with at least a semi-formal steering committee arrangement and regular or occasional meetings, Maryland/Leningrad operates more like a “pick-up” softball game, where anybody who shows up gets to play, at pretty much the position they want and are skilled at, with one person (in this case Judge Wilner) serving informally as manager. The most striking feature of the Maryland/Leningrad history is the extremely high level of official contacts (Governor, Vice-Governor, Procurator General and Attorney General, senior level state and federal judges, etc...) routinely made, the ease with which these contacts translated into substantive programs for Russian visitors and American visiting expert presenters, and the mutuality of agenda setting, decision-making, and follow-up. Review of these programs shows repeated examples of the Russians requesting a program on topic A, which then goes on the calendar for the next visit, and is often the subject for further treatment in the next exchange. Leningrad Oblast participants interviewed, especially members of the judicial community, emphasized this mutuality and high level professionalism and it has implications for the conclusions and recommendations section of this report.

MAINE/ARKHANGELSK OBLAST (1997 – PRESENT)

The Maine/Arkhangelsk partnership differed from the Maryland/Leningrad Oblast approach conceptually, as fairly early on the partners reached common agreement on a number of specific themes that have largely remained constant during the life of the relationship. This partnership grew out of the combination of a long-standing sister city relationship between Portland, Maine and the City of Arkhangelsk and a request of Justice Dooley to the Chief Justice of the Maine Supreme Court to consider a bilateral relationship to promote rule-of-law institution building. More or less simultaneously, in early 1997, a Maine steering committee was formed, including a Supreme Court Justice, two trial judges, the Dean of the University of Maine Law School, a law professor, and five other members of the state bar, including the association President. Meanwhile in Russia, the Minister of Justice of Karelia, the Chief Judge of the Supreme Court, and the Dean of the Petrozavosk University Law School approached their Arkhangelsk counterparts. An Arkhangelsk steering committee was also duly constituted, including the Chairman of the Oblast Regional Court (C. Michael Averin), another Judge from that Court, the Dean of the Pomor State University Law School (Tatiana Zykina) – three representatives who attended a meeting in Karelia – along with the Chairman of the Arbitrazh Court, the Head of Oblast Justice Administration, the Chairman of the Praesidium of the College of Advocates, a commercial lawyer, and the City Procurator.

²⁴ An English language history of activities under the Maryland/Leningrad Oblast partnership, prepared by Maryland Steering Committee Chairman Judge Alan Wilner, is attached as Appendix _.

The two initial priorities of the Arkhangelsk side of the partnership were to form a legal clinic modeled on the Petrozavodsk State University clinic and to set up a bar association similar to UJRK. The first goal was substantially advanced when Tatiana Zykina attended an ABA/CEELI conference on clinical legal education in the U.S. En route back to Arkhangelsk, Zykina visited Maine at local community expense for further discussion of law school cooperation and clinic and other program development.

September 1997 saw a three-member Maine delegation - Supreme Court Justice Caroline Glassman (retired), Judy Potter (founder of the University of Maine legal clinic), and a commercial lawyer (George Burns) – participate in Karelia and Arkhangelsk programs on taxation. In subsequent meetings, the partnership agreed that establishment of the legal clinic would be their first priority and that development of a system for publication of the decisions of the Arkhangelsk Regional and Arbitration Courts would be the second priority. Finding financial resources for this latter effort proved to be a somewhat time consuming process

The Arkhangelsk Pomor University Law School opened its legal clinic in the fall of 1998. Through the efforts of Tatiana Zykina, a legal clinic was also set up at the law faculty of Arkhangelsk State Technical University, and by the end of 2001, through an agreement between the rectors of these two universities, the clinics set up a joint program which, through faculty supervision of participating students, has already assisted more than 2000 needy clients in the Arkhangelsk community.

The Maine/Arkhangelsk partnership has also taken the lead in use of mock proceedings in family and criminal law issues. There are regular exchange visits between Maine and Arkhangelsk law faculty members to each others universities; Arkhangelsk and Maine partners have met at a number of RAROLC programs in St. Petersburg and Novgorod, as well as hosting RAROLC seminars in Arkhangelsk; and Arkhangelsk delegations of judges, procurators, and attorneys have had the opportunity to visit Maine in 1998, 2001, and 2002 for exposure to the American judicial system. By 2001 resources were finally obtained for the court precedents publication project and to date, two published volumes have appeared, totaling more than 800 pages of various categories of civil, criminal, and commercial law cases.

A third major theme of the partnership – directed at the problem of domestic violence – has taken on increasing prominence over the past year. This emphasis developed from concerns expressed by Arkhangelsk judges, in particular Justices of the Peace (mirovi sudi – the first level courts), who were living with the experience of having these kinds of cases come into their courtrooms without having the judicial experience, or for that matter, the legislative framework, to cope with them. Because of the expertise and commitment on this issue of a number of key Maine partnership participants - Justice Glassman, Prof. Potter, and Faye Luppi (Director of Maine’s Violence Intervention Partnership) - a strong program has developed in this area, including elements of judicial training, the development of holistic community-centered and victim protection intervention policies, and exposure of Arkhangelsk legislators to the need for innovations in their local laws.

WEST NEW YORK (ROCHESTER)/NOVGOROD OBLAST (1998 – PRESENT)

Although called West New York, the American center for this partnership is Rochester, NY. The partnership started with a Sister Cities program in the 1970s. In the 1996, attorney Chris Thomas was approached to join the ABA/CEELI program, but though interested he could not take on the position. Justice John Dooley contacted Chris a few months later, invited him to go a workshop in Petrozavodsk with a view to starting a partnership between Rochester and Novgorod. At the same seminar the Minister of Justice from Novgorod met with Chris, and the initial contacts for the partnership were completed. Later, Lydia Vinogradova visited Rochester and seeing the array of justice institutions there, she forged ahead. She was a very strong and forceful leader, who saw the merits of reform and the value of the partnership in assisting.

After hosting an Open World delegation made up of jurists from all over Russia, Rochester and Novgorod decided to use Open World as an integral part of the partnership working relationship. Three more Novgorod Open World delegations have gone to Rochester, and together, the partnership has held 6 workshops in Novgorod. The topics include land registration, enforcement of civil judgments, domestic violence and jury trials. Rochester has also worked with Novgorod on the introduction of computerized record keeping and court management. These subjects are similar to those undertaken by other partnerships, and do reflect some of the most important changes in Russian law that the local legal systems now have to implement.

NEW HAMPSHIRE/VOLOGDA OBLAST (1998 – PRESENT)

The first contacts between New Hampshire and Vologda Oblast were established in May 1998 by Judge Kathleen McGuire, who went to Vologda along with a Justice of the Vermont Supreme Court and the administrator of the Vermont/Karelia rule-of-law partnership. For Judge McGuire, the key question Vologda jurists wanted answered was why do people in the U.S. obey judicial orders. Her observation that for the U.S. rule-of-law is institutionalized and has the momentum of an ocean liner while in much of Russia the rule-of-law is more like a rowboat, with much less history and much more possibility for both constructive influence or capsizes, is an apt one for the experience of the New Hampshire/Vologda partnership to date.

The first partnership priorities were something as simple as getting thirteen hours of monthly internet access to the Vologda law school and, on a much higher level of sophistication, setting up an annual judicial conference on a professional level. The first such conference took place in November 1998 and while that event was troubled by factors like unprepared translators, **at least links** were formally established and relationships began to be built. Over the four subsequent years, Judge McGuire has noted major changes in the tone of the conference – from criticism of judges by higher-ups and lectures at the podium to presentations on substantive legal issues in a variety of interactive ways.

A significant proportion of partnership efforts have gone towards helping Vologda judges get access to the decisions of other courts and in preparation for the institution of jury trials by observing American proceedings in the U.S., translating jury trial materials into Russian, and using partnership funds to support participation at jury trial seminars elsewhere in Russia. Additionally, over the last two years, through the efforts of a New Hampshire court information system technology specialist, there have been sustained efforts at helping the Vologda courts, on both the City and Oblast level, deal with issues like the publication of decisions and broader questions of court information management, case processing, and the like. Other efforts, like those to involve advocates in jury trial training activities have until recently run into the resistance of Vologda judges towards their participation in joint activities with advocates

One of the partnership's first activities involved a 1999 meeting with the Head of the Vologda region title registry. This has turned into one of the more sustained subject matter interchanges, as there have been six property-oriented programs under partnership auspices, focusing on problems of property valuation for tax assessment, training of city tax assessors, and concepts of land valuation for mortgage purposes. In May 2001, New Hampshire sent a team over to train Vologda judges in developing educational programs and curricula for their colleagues. All in all, since the partnership was established (through June 2003) there have been eight exchange visits between Vologda and New Hampshire, five to Vologda and three (19 Vologdians in all) to New Hampshire.

Since September 1999, Franklin Pierce Law Center (FPLC) and the University of New Hampshire (UNH) have been working on legal education reform issues with the law school at Vologda State Pedagogical University (VSPU). This activity has been carried out with NISCUPP funding (\$299,000 for a period of three to five years) which on a comparative level far surpasses the sum of RAROLC resources made available to the partnership since its inception. Thus far, nine Vologda law faculty members have visited

FPLC and UNH while four FPL and two UNH law faculty and other professors have visited Vologda. Vologda visits to New Hampshire have ranged from a week to eight months, while New Hampshire trips to Vologda have normally been for a three-week period. The primary purpose of the university legal education program is to change the traditional podium lecture method of instruction through assistance in the development of clinical education in Vologda and exposure of instructors there to comparative materials and techniques.

These first five years of the New Hampshire/Vologda partnership (as set out in a June 2003 New Hampshire Bar Journal issue) have not been free of complexity. Unlike in the case of most other partnerships, the New Hampshire/Vologda university partnership has proceeded largely independently (apart from synergies like making sure that New Hampshire and Vologda visitors have the opportunity to interact with their judicial or academic colleagues) from other partnership activities. This separation turned out to be fortuitous when tensions within the law school clinical program led to a difficult and uncertain situation that for a time raised the question of whether the grant program would continue. The Vologda law faculty clinic grant director was fired for breach of labor discipline, a judge upheld the university's action, and many younger participants felt for a time threatened and reluctant to continue in these efforts. Most observers of the situation fault the Dean of the Vologda law school for acting in an inappropriate and tyrannical manner, although there is some indication in speaking to a full cross section of the New Hampshire participants that the facts of the situation were a little more ambiguous

CONNECTICUT/PSKOV OBLAST (2001 – PRESENT)

The Connecticut-Pskov Oblast Partnership, along with Massachusetts-Tomsk Oblast, is one of the two most recent partnerships in RAROLC. It began when Connecticut Judges Barry Sheller and Jonathan Silbert traveled to Petrozavodsk in May 2001 at the invitation of the VK Partnership, where Silbert met the Chief Judge of the Pskov Oblast Court, Anatoly Valilievic Bodnar. Silbert had learned Russian in college, and could still speak enough to converse, a fact appreciated by the Russians. Later, Judge Michael Sheldon, also a Russian speaker, joined in, giving the American side additional stature among their surprised Russian colleagues to be. The Connecticut group went to Pskov on the same trip, and planning began for a Partnership proposal to RAROLC, which was submitted and approved in August 2001. After several programs of education in Russian law and legal issues at RAROLC sponsored seminars in Boston, along with hosting an Open World delegation of Russian judges, the Connecticut side of the partnership had grown to include additional U.S. judges, a senior judge/administrator, a senior prosecutor, a leading defense attorney, and a law school dean. Planning began in earnest on a trip to the U.S. by Judge Bodnar, (by this time a friend and kindred spirit to Judge Silbert), and several of his colleagues.

Judge Anatoly Vasilievich Bodnar

“A wise, courageous and humanitarian man, he is committed to seeing his region develop a system of criminal justice of which all *Pskovichi* will be proud. Though a product of the Soviet era, he has made an extraordinary transition as the proponent of modernization in Pskov's legal system. In doing so, he enjoys the respect not only of his fellow judges, but also of prosecutors, lawyers, ordinary citizens, and, now, his new Connecticut colleagues.
Hon. Jonathan E. Silbert: from an article in Connecticut Lawyer, May 2003

The first series of activities of the Connecticut/Pskov Partnership were held in conjunction with the Rochester-Novgorod group and focused on jury trial preparation. Novgorod is only 2 hours drive from Pskov, and since the Rochester – Novgorod Partnership was older, it made sense to join forces at the outset. This seminar was followed by a second jury trial seminar in September 2002. By this time, Connecticut Prosecutor Mary Gatlin had convinced Pskov prosecutors to join in. The critical trip for the Russian side of the Partnership was a nine-person Pskov visit under Open World auspices to Connecticut

in October 2002. Consisting of three judges, three prosecutors and three defense attorneys, the delegation profited greatly both from detailed exposure to Connecticut's judicial system and from the opportunity to travel together and discover they had common interests and concerns. On return to Pskov, they formed the Skyway Club as a venue for professional interaction and development among all Russian jurists in Pskov.

The Jury Trial III Seminar was held in Pskov, where the subject of plea-bargaining was introduced. The Connecticut side began discussions with Moscow Open Social University (MOSU) with a view to developing a legal clinic program in collaboration with Quinnipiac University Law School in Connecticut. MOSU faculty came to the U.S. on Open World funds in July 2003 to observe legal clinics, and to discuss collaboration. Judge Bodnar continued to expand Russian participation in the partnership by organizing a fourth Open World delegation to Connecticut, consisting of 4 judges, two prosecutors and two defense attorneys. By this time Skyway Club was beginning the process of legal registration as an NGO.

The initial issue agenda developed jointly by Judge Bodnar and Judge Silbert has been substantially advanced. Consisting of Jury Trial Preparation, Introduction to Plea Bargaining, and Judicial Ethics, this agenda has moved forward through 4 Open World trips, 4 workshop/seminar events in Novgorod and Pskov and an exclusive Pskov event on Judicial Ethics, attended by over 60 participants, in October 2003. With the active participation now of Pskov Chief Court Administrator Nikolai P. Plushcenkov and Connecticut counterpart, Hon. Joseph H. Pellegrino, it is likely that Court Administration and Management issues will soon be prominent on the Partnership agenda.

Annex D.

RAROLC Steering Committees List

ANNEX D. RAROLC STEERING COMMITTEES LIST

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Annex E.

Open-Ended Questionnaire

ANNEX E. OPEN-ENDED QUESTIONNAIRE

RAROLC INTERVIEW QUESTIONS

October 2003

These questions are to be used to structure your interviews with RAROLC activists and participants. Please ask each question during the interview, and probe for in depth responses as much as possible. We prefer that you record your notes on this questionnaire form. You may keep your notes separate from this guidance document, but please organize your respondent's (R) comments under one or more of these questions in your notebook. Indicate which question number the response goes with if you keep separate notes.

Try to get specific and concrete responses, even if anecdotal. If the respondent says some RAROLC event was useful, get R to be specific, what was useful, how, why. If R gives you an especially good statement, copy it as a Quotation. If R tells a good story of something relevant to our issues, summarize it for use in the report.

In conducting the interviews, we are not looking for general history of RAROLC or descriptions of each event. We have good written documentation for that. What we are looking for is R's motivations and assessments of benefits, results, problems, issues, potential for future programs and insights as to the strengths and limitations of the RAROLC type partnerships.

1. Respondent's Name
Position (judge, advocate, etc)

Location (Partnership)

Gender
Age (approx)

2. When did R first get involved with RAROLC activities?

3. How did R learn about Partnership/

12. Most partnerships manage about 2 events each year. Is this about the right level of activity...too much, not enough??

13. What steps could be taken to make the partnership more effective?? (Probe for changes in organization, longer exchanges, more sustained skill-building programs...but don't force R to say things.)

14. What other issues, needs, problems, in Rule of Law development should be addressed by the Partnership in the future? (Probe for subjects such as "adversarial process", or education reform in Law Schools?)

15. The RAROLC partnerships are funded largely by USAID, which may end its programs in Russia in the near future. What are R's thoughts about continuing the program after USAID has finished? (Probe also for R's ideas about how Partnerships should be organized and FUNDED...Russian funding, private sector funding???)

16. Ask R if he/she is familiar with other USG/USAID Rule of Law technical assistance projects, such as Chemonics program. If so, ask R to compare those types of projects (with long term foreign advisors, support for institutional development, with heavy emphasis on skills training, etc) with the Partnership program supported by RAROLC...are there important differences between partnerships and "projects"?

17. Does R have any other thoughts about the Partnership he/she wants to share?

Review to make sure you have addressed all the questions... Thank Respondent for time and sharing experience and judgments.

Indicate Date:

Time:

Place:

Name of Interviewer _____

Annex F.

Mailed Questionnaire

ANNEX F. MAILED QUESTIONNAIRE

Russian American Rule of Law Consortium Assessment Questionnaire October, 2003

I. Introduction

USAID is conducting a series of studies of US sponsored Rule of Law Programs throughout the NIS region. In Russia, the Russian-American Rule of Law Consortium (RAROLC), known as the Rule of Law Partnerships, has been selected for a special study. RAROLC is a consortium of partnerships between mainly New England states in the U.S., and selected northwestern regions in Russia. Beginning with the original Vermont-Karelia Partnership in 1992, there are now 7 partnerships active in the consortium, the most recent of which are Tomsk-Massachusetts and Pskov-Connecticut.

The USAID purpose in conducting this assessment is to learn from your experience so that future USAID programs may become more effective in helping to promote effective and just Rule of Law institutions and practices. The Partnership concept is quite different from other USAID programs, where the typical approach is to hire a competent US company to organize technical assistance activities through a multi-year contract. Another approach is the ABA/CEELI programs, which like RAROLC uses volunteers, but with one-year assignments which focus on specific thematic subjects, such as commercial law or judicial management.

The RAROLC program is unique for several reasons. First, except for several Russian and American administrative staff, all programs are organized and implemented by American and Russian professionals who volunteer their time. Second, RAROLC partnerships are organized on a sub-national level, for example, the Vermont-Karelia Partnership. Third, the partnerships are not time limited. The Vermont-Karelia Partnership has been active for a decade. Fourth, the RAROLC has a regional geographic focus, mainly the US New England states (and Western New York), and selected oblasts in the northwest of Russia. Finally, unlike a typical USAID project, the activities of the partnerships are intermittent, perhaps 2 main events each year.

We are asking your help in assessing the impact, benefits, problems and potential for further growth of the RAROLC program. We are especially interested in the viability and sustainability of the program in the longer term. In the event that the formal USAID program in Russia should end in the next few years, should the RAROLC find a way to continue its activities in a post USAID Russian American Rule of Law relationship?

Please complete the brief questionnaire that follows and return it by email to _____ no later than October 15, 2003. Your responses to the questions will be kept strictly confidential and will appear in statistical form. If quotations are used in the final report to illustrate a finding, NO ATTRIBUTION to the person quoted will be made.

Some of the questions below require written answers. Please be as frank and open as possible with your views. Your participation and advice will be critical to providing USAID with an accurate assessment of the RAROLC program.

Richard N. Blue
Team Leader, USAID RAROLC Assessment Study

II. Questionnaire

1. Please tell us which of the seven partnerships you are a part of.

- a. Karelia – Vermont _____
- b. V. Novgorod – Western NY (Rochester) _____
- c. Arkengelsk – Maine _____
- d. Leningrad – Maryland _____
- e. Vologda – New Hampshire _____
- f. Pskov – Connecticut _____
- g. Tomsk – Massachusetts _____

2. What is your primary current position? (Circle one or more)

- a. Judge
- b. Prosecutor
- c. Advocate
- d. Attorney
- e. Justice of the Peace
- f. Bailiff
- g. Court Administrator
- h. Law teacher
- i. Other _____

3. Please indicate your level of participation in the RAROLC program. Check the statement that best matches your situation.

- a. I am new to this program and have attended only one event. _____
- b. I have attended 2 or more events in my own country only _____
- c. I have attended 2 or more events and have traveled to the partnership country 1 or more times. _____
- d. I have attended 2 or more events, traveled to the partnership country 1 or more times, and am actively involved in planning new programs.
- e. I have attended 2 or more events, traveled to the partnership country, take a leadership role in keeping the partnership going, and am a member of the executive committee for the partnership. _____

f. Other or additional comment: _____

4. How did you learn about the RAROLC program?
Check the statement that comes closest to your experience.

- j. I heard about on the TV or in a newspaper. _____
- k. A professional colleague told me about the programs _____
- l. I was urged to get involved by my superiors in the organization where I work. _____
- m. I was required to attend events by my superior. _____
- n. I was involved with a predecessor program involving Russia and liked so I got involved with this (Sister Cities, other)

o. Other

5. Please tell the subject and approximate date of the last RAROLC program you attended.

6. How would you assess the value and utility of that RAROLC program? Think about the professional AND the personal value of the program.

Please check the statement that best corresponds with your opinion.

- a. It was pretty much a waste of time...interesting but not worth the effort. _____
- b. It was moderately useful from a professional and personal perspective. _____
- c. It was VERY useful from a professional perspective, but I did not make any interesting personal contacts or friendships. _____
- d. It was very useful professionally and personally rewarding...I have made enduring friendships through this program. _____
- e. Other comments on the value and utility of the program are very welcome.

7. What would you say have been the major results of the partnership from a Rule of Law system perspective? Please check one of the statements below that fits your overall judgment of the program. We encourage you to give us additional thoughts and specific examples.

- a. There are very few specific results that can be traced to RAROLC partnerships. _____
- b. I am able to identify specific improvements that are a direct result of the partnership activities. _____
- c. I can't name any specific changes, but I know I have a better knowledge and understanding of certain legal issues as a result of my involvement in the partnership. _____
- d. Other Results you have seen???

8. In your opinion, what have been the major weaknesses of the partnership program? (Read all statements, then select up to two from the following.)

- f. Insufficient planning and organizational support
- g. Not enough commitment and activism from the other side
- h. Insufficient time to really learn anything significant
- i. The American side is often poorly informed about Russian legal systems
- j. Russian side is not really very interested in learning about American legal practices.
- k. Program subjects do not represent real needs of Russian judiciary or legal practitioners.
- l. Program doesn't really influence or have impact on national level changes.
- m. Programs are poorly coordinated with what is going on in other fields of Russian Rule of Law development.
- n. Partnerships are dominated by Judges, and do not reflect needs of other parts of legal system
- o. Other weaknesses

9. What have been the major strengths of the Partnership?
Please circle up to 3 statements that come closest to your judgment.

- p. Flexible and non bureaucratic style of working together
- q. Mutual respect and responsiveness between both sides, Russian and American
- r. Gives us access to practical expertise in areas of concern to us.
- s. Establishes personal relationships that can be activated for professional purposes through email.
- t. Recognizes that what is right for Moscow may not be right for our region.
- u. Helps us to gain recognition and support for needed reforms.
- v. The professional relationships are not time or project limited, there is a long-term commitment from both sides.
- w. Other _____

10. What should be the future direction of the Partnership you are involved in? Please circle up to three statements that are closest to your view.
- x. The activities and relationships should continue to evolve on their own.
 - y. The activities should be more frequent and there should be opportunities for longer visits by both sides.
 - z. Partnerships should be set up in many other Russian oblasts and American states.
 - aa. More administrative support is needed in America and in Russia.
 - bb. All Partnerships should be pursuing the same activity themes in the same time frame.
 - cc. More effort needs to be made to include the US Federal judiciary and legal establishment in partnership programs.
 - dd. The Russian side needs to be better organized and more self confident in proposing new activities and issues for discussion.
 - ee. Partnerships should be allowed to run their course and disband if there is lack of interest.
 - ff. Other _____
11. Should the RAROLC partnerships continue after USAID is finished in Russia?
- gg. Yes
 - hh. No
 - ii. Don't Know
 - jj. Other _____
12. If the Partnerships should continue in your view, where would the money come from to support the partnership activities?
- Select the statement that comes closest to your views
- kk. The US government should find some other to fund the program
 - ll. Funding should be provided by Russian and US governments on a roughly equal basis.
 - mm. There should continue to be public funding from the US and if possible the Russian government, but most of the funding should come from professional associations and private sources.
 - nn. US State and local governments should begin to provide some of the money.
 - oo. Other _____

Annex G.

**Questionnaire
Data Tables**

ANNEX G: QUESTIONNAIRE DATA TABLES

Table 2. Respondents Position

Respondee Position	Response	% of Total
A. Judge	30	36%
B. Prosecutor	2	2%
C. Advocate	17	20%
D. Attorney	16	19%
G. Court Administrator	3	4%
H. Law teacher	7	8%
I. Other	9	11%
TOTAL	84	100%

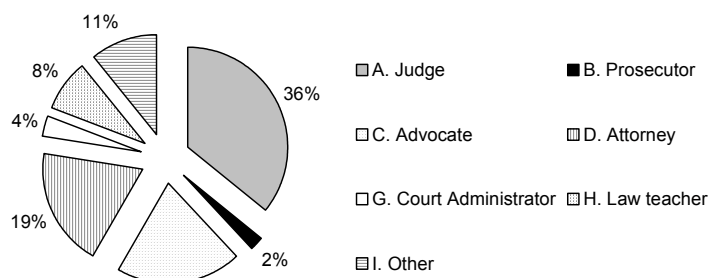


Table 3. Level of Participation

Respondee Position	Response	% of Total
A. new – one event	5	6%
B. 2 events in my country	32	39%
C. 2 events – traveled once	16	19%
D. 2 events – traveled once + active planning	19	23%
E. 2 events – traveled + leader, member of the exec. committee	11	13%
TOTAL	83	100%

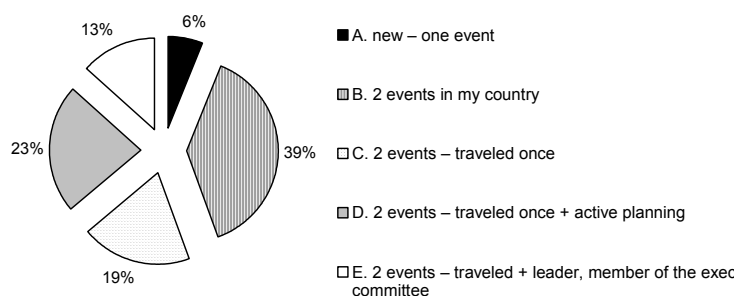


Table 4. How did you learn about RAROLC?

Respondee Position	Response	% of Total
A. colleague	33	42%
B. superiors urged	37	46%
C. superior required	3	4%
D. predecessor program	4	5%
E. other	2	3%
TOTAL	79	100%

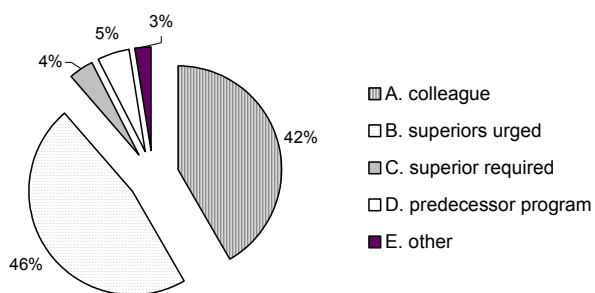


Table 7. Major Results

Respondee Position	Response	% of Total
A. very few specific results	22	28%
B there are specific improvements	30	37%
C no changes but better understanding	26	32%
D. other	2	3%
TOTAL	80	100%

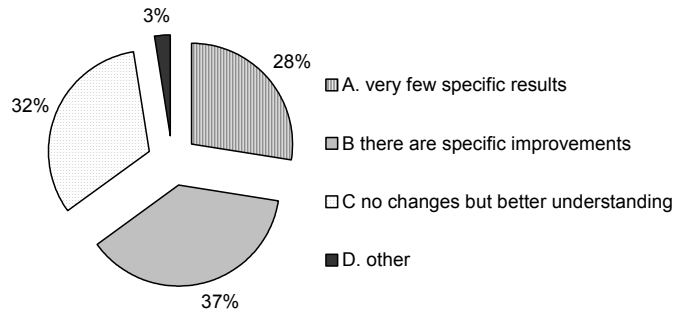


Table 10. Future Direction

Respondee Position	Response	% of Total
A. should continue to evolve on their own	8	5%
B. should be more frequent	54	33%
C. partnerships should be set up in many other	24	15%
D. more administrative support is needed	15	9%
E. the same activity themes in the same time frame	1	2%
F. should include the US Federal judiciary and legal establishment	20	12%
G. Russian side needs to be better organized	23	14%
H. partnerships should be allowed to run their course	15	9%
I. other	3	1%
TOTAL	62	100%

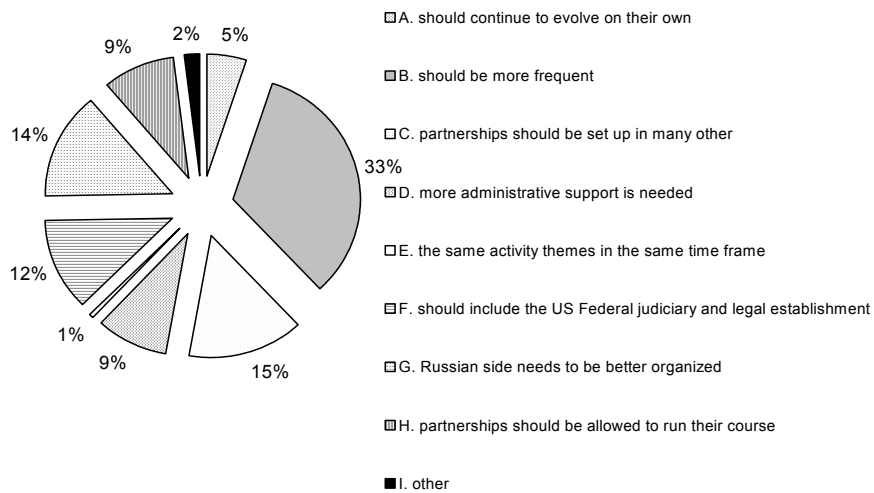


Table 11. Should the RAROLC continue after USAID is finished in Russia?

Responsee Position	Response	% of Total
A. Yes	81	98%
B. No	1	1%
C. Don't Know	1	1%
TOTAL	83	100%

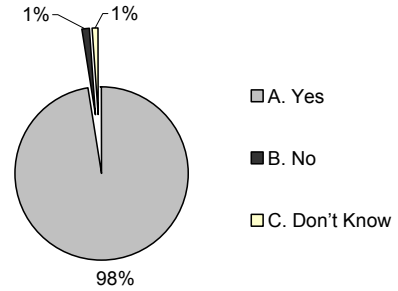
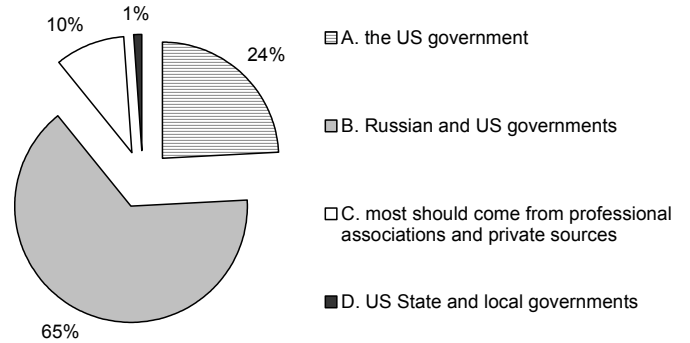


Table 12. Where would the money come from?

Responsee Position	Response	% of Total
A. the US government	20	24%
B. Russian and US governments	54	65%
C. most should come from professional associations and private sources	8	10%
D. US State and local governments	1	1%
TOTAL	83	100%



Annex H.

Assessment of the Sustainability of the Russian-American Judicial Partnership II Project Activities

**ANNEX H: ASSESSMENT OF THE SUSTAINABILITY OF THE RUSSIAN-AMERICAN
JUDICIAL PARTNERSHIP II PROJECT ACTIVITIES**

USAID Contract No. 118-C-00-01-00076-00



Submitted for the

Russian-American Judicial Partnership II Project

by

**Chemonics International, National Judicial College,
and East-West Management Institute**

May 2003

I. PURPOSE

The purpose of the Assessment Report is to ascertain how the Russian-American Judicial Partnership II (RAJP II) can best build upon its successes by promoting the sustainability of its activities. The Report reviews the local interest in supporting the continuation of RAJP II project activities, provides an assessment of which RAJP II activities should be continued, surveys existing organizations, both U.S. and Russian, which may contribute to the sustainability of RAJP II activities, suggests an informal mechanism for sustaining the judicial relationships under RAJP II, and reviews domestic and international funding mechanisms.

II. SUMMARY

RAJP II exchange activities among the judicial partners are self-sustainable, and the absence of RAJP II will not result in the termination of the judicial partnerships. However, given the continuing needs of the Russian judiciary, and the benefit of the relationship between the Russian and American judiciaries nurtured by RAJP II, a continuation of the RAJP II activities would be beneficial. Thus, if USAID is interested in continuing RAJP II activities and has funding, there are three mechanisms for USAID to consider: 1) creating an NGO, 2) enhancing the capabilities of an existing NGO, and 3) providing through an institutional contract an individual liaison to facilitate exchanges of personnel and information, and creating an advisory committee to coordinate the exchange activities.

III. WHICH ACTIVITIES OF RAJP II SHOULD BE SUSTAINED?

The major goal of RAJP II is the establishment and facilitation of Russian and American judicial partnerships, including exchanges of judges and court personnel between the United States and Russia. In consulting with Russian and American judges and judicial personnel, there is an unanimity of opinion that a continual exchange of information and personnel between the United States and Russian judicial systems is essential in the development of the Russian judiciary.

Since 2000, circumstances surrounding the Russian judiciary have evolved which reduce the demand for American financial and technical assistance for certain RAJP II activities. For example, each of the judicial organizations which RAJP II has supported, Academy of Justice, Judicial Department, Supreme Qualifying Collegia, and the Council of Judges, has developed or is in the process of developing its own web site, and none of the organizations reported that they are in need of additional U.S. assistance in enhancing their own web sites.

Similarly, *Vestnick*, the publication for the Supreme Qualifying Collegia, published by RAJP II will soon be published only by the Supreme Qualifying Collegia. RAJP II is in the process of providing technical expertise to the Collegia that will eventually receive funding from the Judicial Department to publish *Vestnick*. Although the Russian judiciary will have sufficient funding and technical expertise for publications such as *Vestnick*, and the widely-used benchbook, initially published with American assistance, there is a benefit to have American guidance on the types of publications which are useful for a modern judiciary.

A. Substantive Needs of the Russian Judiciary

Given that the Russian judicial system is developing into a blend of civil law and common law judicial practices, the Russian judiciary has an ongoing interest to be exposed to American civil and criminal trial procedures, particularly jury trials, the role of a judge in an adversarial proceeding, the responsibilities of attorneys, parties and witnesses during trial, the role of court administrators, court bailiffs and judicial law clerks, and the publication of judicial decisions.

Although jury trials were first held in Russia in 1864, there is an overwhelming need for Russian trial court judges to develop a deeper understanding of the concept and use of jury trials by observing jury trials in the United States. The Open World Russian Leadership Program (“Open World Program”) has provided numerous Russian judges with the opportunity to observe first-hand American common law

trials, which has greatly impacted the quality of jury trials, conducted in Russia today. In 2002, the Open World Program sponsored six visits for a total of 213 Russian judges to numerous cities in the United States.

The Open World Program has been highly successful and, without a doubt, should be continued with an even greater focus not only on U.S. trial court procedures, but also other specialized areas such as court management procedures and the effective use of court personnel, areas in which the Open World Program has done programming. The use of court administrators and professional law clerks, components of the U.S. judicial system, are being incorporated into the Russian judiciary. Since many of the administrative duties are being shifted from the judge to the court administrator, and since some of the legal research and writing is being shifted from the judge to the law clerk, the roles of each professional must be understood by the others.

Further, with the new criminal procedure code, Russian judges and prosecutors need considerable training by American judges in plea bargaining, since 99% of all criminal cases go to trial, and witness protection, two concepts also influenced by the U.S. justice system.

One of Russia's newest methods for ensuring transparency of the judicial system and accountability of judges is the requirement that certain judicial decisions be published. The publication of judicial decisions is also one of the most effective methods in enhancing the quality of judicial decision-making. Although Russian judicial decisions do not set precedent, except for decisions subject to certain provisions set forth in the Commercial Code, judicial decisions can provide other judges and the public with a deeper understanding of the law. The Russian judiciary needs technical assistance in developing standards for identifying and publishing important judicial decisions.

In the opinion of Vladimir Peysikov, Vice-Rector of the Academy of Justice, the United States has premier judicial training capabilities, and frequent exposure to institutions such as the National Judicial College will continue to enhance the Russian judiciary's capacity to provide high-quality education and training to all judges. Due in large part to the exchange of Russian and American judges and judicial personnel, the training provided by the Academy of Justice has quickly developed. The Academy conducts seminars and conferences on a monthly basis, which are greatly enhanced with the participation of foreign judges, particularly American judges.

Judicial ethics is an area, according to Valentin Kuznetsov of the Supreme Qualifying Collegia, in which Russian judges would welcome more exposure to the American judicial system. Russian judges need extensive training in ethical behavior and in understanding their own code of ethics. In order to reduce the time and expense in prosecuting code violators, the Collegia would prefer that considerable effort be put into training judges about ethical behavior. Also, the Collegia needs technical assistance in the selection of candidates and guidance concerning the type of substantive and psychological questions to include in its examinations. Since the Collegia receives sufficient funding from the Judicial Department for its activities, continued cooperation with American judges would be cost-effective.

Although the Supreme Arbitration Court was not a partner during RAJP II, we had the opportunity to meet with Veniamin Yakovlev, Chief Justice of the Supreme Arbitration Court, and with Leonid Efremov, Director of the Office for International Legal Affairs of the Supreme Arbitration Court, who presented two major areas in which Russian judges are greatly interested in receiving American judicial assistance.

The first pertains to the administrative justice system in Russia, particularly in resolving disputes between citizens and the state. They stressed a serious need to revise the Administrative Code to incorporate modern and efficient pre-trial procedures. There is a need to bring judicial experts from several countries, particularly the United States, to Russia to present a variety of administrative justice systems so that the

Russian judiciary may decide which administrative procedures to adopt in overhauling the Administrative Code.

The other area of concern is alternative dispute resolution, ADR. Given the heavy caseload of many judges, which has resulted in a serious case backlog, the Arbitration Courts, as well as other courts, need to encourage attorneys and parties to a lawsuit to employ alternative dispute resolution mechanisms. Further, corporations need to embrace ADR and include in their policy statements the requirement of ADR. A novel concept in the Russian judicial system, ADR requires judges and attorneys to develop additional legal skills, and since the United States has a highly-developed alternative dispute resolution structure, American judges would be extremely useful in training Russian judges and attorneys in ADR.

B. RAJP II Partnership Exchanges

Throughout the period of RAJP II, excellent relationships have been developed between the Russian judicial organizations, Academy of Justice, Judicial Department, Supreme Qualifying Collegia, and Council of Judges, and American judicial organizations, Federal Judicial Center, National Judicial College, Administrative Office of the Federal Courts, and Committee of International Judicial Relations of the Judicial Conference. These professional and personal links between American judges and Russian judges are invaluable, and, according to many, must be maintained.

Russian judges take very seriously their contacts with American judges. Although the relationship between Russian and American judges was slow to start, once trust was established, the benefit of being exposed to the common law judicial system became readily apparent to the Russian judiciary. Valentin Kuznetsov of the Supreme Qualifying Collegia commented that American judges are highly qualified and Russian judges want to emulate them. He noted that Russian judges are delighted to have become well acquainted with American judges and had they not enjoyed such exchanges, Russian judges would be turning to European courts for assistance.

According to Vladimir Peysikov, Vice Rector of the Academy of Justice, Russian judges continue to compare their views and experiences with American judges and other judicial experts from the U.S. They appreciate their professional relationships with American judges who can describe from experience the pros and cons of certain trial court and court administrative procedures. Further, many of the relationships between Russian and American judges have developed into personal ones that include socializing with family members.

Many members of the Russian judiciary are familiar with the American judicial system, either through individual study visits to U.S. courts and judicial institutions, or through the participation by American judges in conferences and seminars held throughout Russia. Thus, even though the learning curve for many Russian judges has been considerably reduced during the past years of cooperation with American judges and judicial institutions, there is a continual need to expose the intricacies of the American judicial system to more Russian judges.

While the Open World Program provides for one-way exchanges, i.e. Russian judges and judicial personnel visiting U.S. courts, there is a need for targeted reverse exchanges, and to provide a systematic basis for American judges, judicial administrators and other legal professionals to visit Russian courts as part of a sustainable technical assistance effort. The impact in transferring information about the American judicial system is greater and more extensive as conferences and workshops conducted in Russia can accommodate greater numbers of Russian judges. The importance of the ongoing personal relationships established by these reciprocal visits to courts, and being hosted by a Russian or American community, can be easily quantified by the influence these visits have had on the Russian courts and the emergence of sister court relationships.

There is tremendous praise for the Open World Program and the logistical capabilities of the American Councils for International Education. Given that the Open World Program is currently proscribed by law to use its congressional appropriation to fund working trips by American judges, judicial administrators and other legal professionals to Russia, which would greatly benefit the Russian judiciary, attempts should be made, once again, to remove the congressional restriction, increase the annual allocation, and allow for effective and well-planned, two-way exchanges and the development of ongoing sister court relationships. Additionally, private, unrestricted funding of the Open World Program should be sought within the U.S. and Russia for the purpose of funding working trips by representatives of the American judicial system to Russia.

The Russian judiciary enjoys the presence of foreign judges, particularly American judges, at its conferences and seminars as international involvement in domestic judicial activities lends a degree of respect to the Russian judiciary. Those who were interviewed stated that the American judicial system is more sophisticated than other foreign judiciaries, specifically in the area of court administration and jury trials. The level of expertise of American judges has a great influence in enhancing the level of competency of Russian judges. Mr. Evgeny Popov of the Judicial Department believes that it is essential to continue activities with American judges and judicial institutions, as the U.S. court system is the most advanced judiciary in the world. Even if Russian judges do not have the resources to apply all that they learn from American judges, it is helpful to them to be exposed to different judicial systems as it widens their horizons and creates a flexible approach toward solving their own judicial issues.

There is tremendous value added provided by American assistance to the Russian judiciary and a formidable benefit to both countries to continue the momentum created during the past decade. Given the impressive progress of the Russian judiciary in such a short period of time, its adoption of several American judicial and court administrative practices, and the extraordinary professional and personal relationships which have been established between judicial institutions and judges, most substantive needs of the Russian judiciary can be satisfied by the continual exchange of information and personnel between the Russian and American judiciaries.

IV. WHAT MECHANISM SHOULD BE EMPLOYED TO SUSTAIN RAJP II ACTIVITIES?

As RAJP II nears its end, the paramount issue is whether the relationships, which have been established during the past ten years between Russian and American judges and judicial institutions, will continue without the catalyst of RAJP II? Will Russian judges and judicial personnel who have made contact with their American counterparts, who have visited American courts and have hosted American judges, continue their association with American judges and judicial institutions, learning and exploring new legal and judicial concepts without the presence of an American judicial project?

The consensus is that the presence of an American judicial project in Russia to facilitate exchanges and other projects would be helpful, but the absence of one would not result in the termination of the relationships. The Russian judicial institutions have developed the skills and mechanisms to continue the cooperation with their American counterparts and the personal relationships between American and Russian judges, some of which were initiated by RAJP II, are now self-sustainable.

Nevertheless, given the progress of the Russian judiciary during the past ten years, the earnest desire by the Russian judicial leadership to continue developing their justice system, the adoption of certain American judicial practices and the need to effectively develop those practices, and the willingness of American judges and judicial institutions to continue assisting the Russian judiciary, it would be beneficial for USAID to develop a mechanism to continue the facilitation of exchanges between Russian and American judiciaries.

There are three mechanisms, two of which are structural, either to create a new NGO or to enhance the capacity of an existing Russian NGO, and the third is informal, relying upon the personal services of an individual and an advisory committee, which can be employed by USAID to sustain RAJP II activities.

A. Creating an Autonomous Non-Commercial Organization (NGO)

According to Russian law, there are several organizational forms of non-governmental, non-commercial organizations (NGOs) that can legally exist as public organizations, foundations, institutions, non-project partnerships, and autonomous non-commercial organizations. The Federal Law on Public Associations and the Federal Law on Not For-Profit Organizations, along with the Civil Code, are the major sources of law pertaining to the regulation of NGOs in Russia. The legal framework for creating an NGO is complex and time-consuming, and the NGO, throughout its existence, is subject to much regulatory scrutiny.

NGOs are generally exempt from income tax on funds received in the form of grants, charitable contributions and other donations that support the statutory activities of the NGO. Individuals who donate money, rather than in-kind services, to certain types of NGOs for certain purposes stipulated by law may deduct up to 25% of their taxable income. Legal entities may not receive any tax deductions or credits for donations to NGOs. Because of these strict tax limitations, most of the NGO funding is derived from foreign donors, particularly those donors whose names are listed in a specific Russian law, thereby exempting their contributions from the 21% profit tax imposed on NGO contributions.

In conducting my research regarding the feasibility of creating an NGO, USAID directed me to two newly created Russian NGOs that were funded by USAID grants.

The **Institute for Election Systems Development (IESD)** was created in 1999 for the purpose of providing Russian society with objective information about elections. Directed by Alex Yurin, who is the only professional with a small technical staff, IESD works with mass media and citizens on voter education, elections, and public advocacy. IESD has developed an Election Resource Center, a library that houses over 4,000 items. Although the Advisory Board has become defunct, the Board of Directors continues to meet. IESD has received \$1.3 million, almost 100% of its budget, from USAID.

From a cursory meeting, it appears that IESD is essentially a one-man organization propped up with USAID funding, and without such funding, despite its success in promoting democracy in Russia through the election process, would immediately cease to exist.

The **Institute for Urban Economics (IUE)** was created in 1995 for the purpose of providing analysis and assistance to cities and regions in social and economic development. Initially, it received 100% of its budget from USAID and has now expanded its funding base to include other foreign donors, such as the Charities Aid Foundation. Additionally, IUE engages in commercial contracts which amount to 15% of its annual funding.

By providing assistance to certain city administrations, IUE receives a fee paid out of the research and development line item budget of the municipality. IUE's income relating to such commercial services is taxed. However, only that portion of its income relating to commercial services is taxed, whereas in the past, all funds of an NGO were taxed if any portion of its income related to commercial activity. This revision in the tax law helps IUE, as well as other NGOs, to become financially self-sufficient by allowing them to seek profit-making income that no longer changes the character of the tax-free donated funds.

As USAID's funding decreases, IUE will also have to decrease the extent of the work and number of staff members, of which there are 100; however, Alexander Puzanov, General Director of IUE, does not regret the reduction in his overall funding as he believes he will have greater quality control over IUE's work

product. Even with the reduction of USAID support, IUE remains largely dependent on USAID funding even after eight years of existence.

From a cursory meeting, it appears that IUE is a model NGO that has engaged in significant and worthwhile endeavors affecting the social and economic development of Russia, and through its formidable efforts has developed credibility among domestic and international communities.

It is evident from observing the operations of IESD and IUE that the compelling obstacle in self-sustainability of an NGO is funding, and *unless a significant, multi-year funding source is available* to start up and maintain a new NGO in Russia, it is sure to fail.

B. Enhancing the Capacities of an Existing NGO

Given the legal complexities of creating an NGO in Russia and the prerequisite of significant donor funding to ensure self-sustainability, a survey of existing NGOs headquartered in Moscow was conducted to ascertain whether USAID could enhance the capabilities of an existing Russian NGO to support the partnership activities of RAJP II.

The level of development of the NGO is extremely important in determining whether it has the organizational capacity to enlarge its scope of work to include specific judicial reform activities. Some NGOs, despite their significant funding sources, appear to be fledgling organizations, while others, despite their youth, appear to be developing into formidable organizations.

The issues that need to be considered are whether the NGO has a board or independent oversight body that is well-functioning or whether the organization is controlled by a single, dynamic individual; whether the administrative process is formal or haphazard; whether programming is conducted according to a precise mission statement and purpose or is ad hoc and donor-driven; and whether the funding mechanisms are multi-sourced and based on a multi-year program budget or are sole-sourced and provided on a project-by-project basis.

A detriment to using a Russian NGO to continue the activities of RAJP II is that the Russian government and the judiciary have a historically negative view towards civil society organizations. This view is attributed in part to the mismanagement, even fraudulent activities, carried out by some NGOs. Although this has existed in the past and may continue to a lesser degree, the Russian judiciary and government have yet to vigorously prosecute those individuals and organizations that run afoul of the law. Thus errant NGOs have little incentive to mend their ways.

Additionally, the lack of sophistication of legitimate NGOs gives credence to the State's and judiciary's opinion that Russian NGOs are not sufficiently influential and powerful to reckon with. Slowly, however, this is changing. NGOs have been proving their effectiveness over the past few years and the State is beginning to cooperate with certain NGOs, particularly those involved in the social arena rather than the legal arena, as social welfare is a high priority of the State.

The Russian judicial partners of RAJP II who were consulted, except for the Academy of Justice, stated they believe receiving technical assistance from a Russian NGO that has a corporate sponsor is an anathema to the independence of the judiciary, and they would seriously consider rejecting such assistance. Even if the Russian NGO had several corporate sponsors with co-mingled funds that could not be traced back to a particular corporate donor, the common belief is that judges would be put at risk of succumbing to corporate pressure and would be perceived by the public as engaging in conflicts of interest.

The Academy of Justice, as will be noted below, is receiving assistance from the Foundation for the Development of Parliamentarism in Russia in providing judicial education courses. Since the assistance is not directly affecting a particular court or signaling out an individual judge, the Academy of Justice believes it is providing the necessary separation between the Russian NGO funded, in part, by a corporate sponsor, and the courts.

For USAID to select a Russian NGO, consideration must also be given to the fact that a Russian NGO with no affiliation with the United States, i.e. with no American organization as its partner or funding source, or an American on its staff, may not be taken seriously by the Russian judiciary while engaging in RAJP II exchange activities. Even if the Russian NGO has the capacity to do the work without American assistance, an American affiliation will lend credibility to the NGO.

The survey of existing Russian NGOs was conducted in meetings at the headquarters of each NGO. Typically, the executive director attended the meeting. Occasionally, one or two support staff also attended. The critique is cursory as it is based on the impression of those individuals in the meetings, the documentation provided, and the impact of the office surroundings. The survey of Russian NGOs is presented in the order of their apparent competency and interest in pursuing additional judicial reform activities.

The Institute for Law and Public Policy (ILPP) is an autonomous, non-commercial organization whose mission is to promote the rule of law, pluralistic democracy and the full equality of individuals in Russia. The Institute engages in research and education in developing policy on the federal and regional levels in the field of constitutionalism and law, particularly federalism, judicial reforms, administrative justice, and good governance. The purposes of the Institute are to: promote international and inter-regional legal policy dialogue; develop a constitutional and legal informational infrastructure throughout Russia; facilitate Russia's integration into the international legal community; strengthen the legal basis of public policy-making in Russia; form a new generation of specialists in the field of law and public policy; improve Russia's legal culture and respect for law and democratic values; and enhance ethical standards in public life.

To accomplish its purposes, the Institute conducts comparative studies in the field of law and public policy, publishes legal journals, organizes conferences and workshops on issues of law and public policy, develops educational programs concerning new areas of law and public policy, and engages in studies on ARD in resolving legal, political and social conflicts. One of its well-known publications is the Russian edition of *East European Constitutional Law*, which is also published in the United States. A recent publication of the Institute is a human rights case law book that will be used in 16 law faculties throughout Russia to teach human rights law using the Socratic method.

The Institute has an international Board of Trustees that is responsible for ensuring the realization of the Institute's purposes. The Board meets annually and is chaired by Gadis Gadzhiev, Justice of the Constitutional Court of the Russian Federation. Other members include lawyers and judges from Russia and the United States, university professors from Russia, the United States, specifically Stephen Holmes of NYU, Canada, France, Hungary and Germany, and governmental representatives.

The Institute employs 34 staff members of which 7 are professional. Much of Institute's work is carried out by independent contractors of whom there are 400 experts around the world. The Institute receives funding from the Ford Foundation, the MacArthur Foundation, the Eurasia Foundation, the Open Society Institute of the Soros Foundation, Carnegie Corporation, and the European Union TACIS Democracy Program. In attempting to achieve more flexibility in fundraising, the Institute is presently working with the MacArthur Foundation to create an endowment.

While meeting with Olga Sidorovich, Director of the Institute, we discussed the idea of increasing the scope of work of the Institute to include judicial reform activities. She was very interested particularly since judicial reform is a component of the Institute's work on constitutional and legal reform in Russia. She referred to a recently held conference in Moscow in October 2002 and a follow-up conference to be held on April 24, 2003 in Moscow on the Institute's Legal Reforms Process in Russia Project. Access to justice is a key element of the Institute's Legal Reforms Process in Russia Project and enlarging the scope of work to include the administration of justice and the quality of judicial decision-making is a natural progression of the Institute's work.

Ms. Sidorovich does not believe there would be any hesitancy on the part of the Russian judiciary to work cooperatively with the Institute as a Russian NGO. The Institute has an excellent reputation in Russia and those judges who are familiar with the Institute speak highly of it. Furthermore, everyone whom I met who knows Ms. Sidorovich or know of her praise her intelligence and integrity.

Clearly, if USAID wants to enhance an existing Russian NGO to continue the partnership activities of RAJP II, I would highly recommend pursuing further discussions with Ms. Sidorovich and the Board of Trustees.

The Foundation for the Development of Parliamentarism in Russia (FDPR), directed by President Sergei Mndojants, was created in 1994 to provide assistance to the committees and commissions of the Federal Assembly and to political parties regarding law drafting. By Executive Order No. 171-RP, issued on April 15, 1994, the President of the Russian Federation supported the creation of the FDPR. In 1998, the FDPR became a non-commercial, charitable foundation.

The main projects of the FDPR are to draft laws and to provide an independent assessment of draft laws; to forecast political, social and economic trends; to provide the parliamentary structures with information services; to create conditions for efficient interaction between the executive and legislative branches of power; to promote relations between Russian and foreign parliamentarians; and to facilitate a dialogue between the Parliament and civil society.

The FDPR has a Justice Program, headed by Marina Chekunova (who participated in an Open World Program study trip to the United States in 1998) that became fully operational in March 2003 after a slow start. The Russian judiciary was reluctant to work directly with FDPR until Justice Vyacheslav Lebedev of the Supreme Court of the Russian Federation recommended that the Justice Program associate with the Academy of Justice in order to keep an arms-distance between the FDPR and judges. According to Ms. Chekunova, the Justice Program does not interfere with the substance of the judicial training provided by the Academy of Justice, but does encourage training pertaining to: the courts and mass media; the courts relationship with society and the legislature; Civil Procedure and Criminal Procedure Codes from the citizen's perspective; judicial ethics; and judicial courtroom behavior. The goal of the Justice Program is to increase the number of judges trained by the Academy of Justice to 3,000 judges annually.

Another law-related project of the Foundation is the \$600,000-700,000 Lawmaking Program, which attempts to improve the content of draft laws before they are adopted by the Duma. The staff of the Lawmaking Program not only analyzes the draft laws themselves, but also posts many of the draft laws on FDPR's web site for public review and scrutiny whose views are then incorporated into the final analysis of the draft laws. The Lawmaking Program receives funds from the Open Russian Foundation.

Those who participated in the discussion, Andrei Zakharov, Vice President; Marina Chekunova, Project Director; Ekaterina Mishina, Legal Advisor to the President; and Valeri Kravchenko, assistant, were extremely impressive. Not only were they very intelligent, they appeared to be deeply committed to their work. Although they were not forthcoming about their funding sources, except for the Open Russian Foundation, the International Republican Institute and the British Council's DFID, it appears that the

FDPR is closely connected to certain political parties and, therefore, has a good relationship with the Duma.

As with the Institute on Law and Public Policy, I would recommend further discussions with FDPR should USAID be interested in enhancing a Russian NGO to continue the partnership activities of RAJP II. In discussions with USAID, FDPR would be willing to reveal all sources of their income.

The **Indem Foundation** was created by three of President Yeltsin's advisers as a think tank organization with a 40-member Board of Founders and a Board of Directors. The President of the Foundation is Georgi Satarov. The Foundation's annual budget for 2003 is approximately \$550,000 with funds provided by the National Endowment for Democracy, the Eurasia Foundation, the Mott Foundation, Alpha Bank, the Open Russian Foundation, and others.

The Foundation serves as an umbrella organization for approximately nine projects, one of which is **The Center for Justice Assistance (CJA)**, created in 2001 and directed by Melanie Peyser, an American attorney. The CJA's mission is to enhance Russia's criminal justice system so that it becomes effective, fair and humane. The annual budget of the CJA is \$280,000 with funds specifically provided by the Hewlett Foundation, Ford Foundation, the Open Society Institute, and DFID.

The level of organizational expertise in management and funding appears to be professional, thus should the CJA be interested in enlarging its scale of work to include the partnership activities of RAJP II, I would highly recommend further discussions with Melanie Peyser and Georgi Satarov. At the present time, Ms. Peyser prefers to focus only on criminal justice issues as CJA's narrow jurisdiction gives her the opportunity to provide high-quality work.

The **Council of Legal Expertise (CLE)** was registered in 1996 as a regional non-commercial organization and is engaged in analyzing and reporting on federal and local laws relating to human rights. Recently, CLE received an official request by the President's administration to analyze laws concerning human rights. Most of the work is contracted out to forty consultants who have legal and scientific expertise, thus there are few full-time staff members. The CLE receives its funds from the Open Society Institute of the Soros Foundation, Ford Foundation, MacArthur Foundation, and the National Endowment for Democracy.

Although many individuals suggested that we meet with the Chairperson of CLE, Mara Poliakova, she did not appear to have the intellectual finesse or the necessary management skills to effectively absorb the partnership activities of RAJP II. In some respects, the CLE may share a fate similar to the Institute for Elections Systems Development, as both NGOs appear to be headed by intelligent, committed individuals who lack skills in developing a viable, well-functioning NGO.

The **Center for the Development and Human Rights (CDHR)** was created five years ago by a group of individuals interested in human rights to increase the influence of the civil society on the Russian government. With ten staff members of whom seven are professional, the CDHR engages in public policy research, produces policy papers and lobbies the government concerning legislation affecting democratic and human rights issues. CDHR receives its annual budget of \$200,000-\$300,000 from the Ford Foundation, Mott Foundation, the Open Society Institute of the Soros Foundation, the National Endowment for Democracy, DFID, and the German Green Party Foundation. CDHR does not receive any Russian government funding.

Yuri Dzhibladze, director of CDHR, is an extremely impressive individual who is deeply committed to the development of a civil society in Russia. Although his organization does not engage in judicial reform issues and thus CDHR is not in a position to continue the partnership activities of RAJP II, Mr.

Dzhibladze should be consulted throughout the process of identifying an appropriate NGO, as he is very knowledgeable of the legal and financial environment affecting Russians NGOs.

The **Foundation for the Promotion of Legal Initiatives** is a newly created NGO registered in 2002 as the successor to the **Russian Foundation for the Promotion of Judicial System Reform**. The three founders are the International Union of Lawyers (the successor of the USSR Union of Lawyers), the Law Faculty of the Moscow State University, and the Institute of Law and Comparative Law Science of the Russian Federation. Varvara Blischenko is the Director of the Foundation, and works along with Ruslan Titov on the Foundation's projects. The most recent project of the Foundation was the international conference entitled Globalization, State, Law, XXI Century held in Moscow from January 22-24, 2003 in which three hundred international participants attended.

There are three full-time technical staff members and ten legal professionals who are hired on a part-time basis depending upon the project. There are no future projects planned, however Mrs. Blischenko is considering several projects, including projects to raise the judicial qualifications and skills of judges; to enhance the Arbitration Courts; to review and revise the Bankruptcy Code; and to provide assistance to the justices of peace. Once a project is developed, Mrs. Blischenko then seeks funding as funding for the Foundation is on a project-by-project basis.

Since there appears to be no guaranteed annual funding base, no organizational infrastructure and no on-going programs of the Foundation, it does not appear that the Foundation is a good candidate to continue the partnership activities of RAJP II at the present time.

Even though the creation of an NGO or enhancing the capacities of an existing NGO to continue RAJP II activities is problematic, on-going discussions by USAID with those Russian NGOs that I have identified as potential partners would be beneficial. Additionally, I would suggest a meeting with the Saratov Legal Reform Project and the Institute of State and Law of the Russian Academy of Sciences, both of which were highly recommended to me.

The purpose of the on-going discussions is to keep options open in the event USAID wants to continue RAJP II activities and has significant funding to do so. Under such circumstances, having identified an existing Russian NGO and nurtured its capabilities so that it becomes a well-functioning and well-respected NGO, the RAJP II activities could then be smoothly transitioned to the Russian NGO.

C. Utilizing the Services of an Individual and Creating an Advisory Committee

Although there is a consensus that the relationships between American and Russian judges and judicial institutions are capable of being sustained without the catalyst of RAJP II, a change in personnel in the institutions could result in a weakening of the professional relationships and judicial activities. Thus, having an individual in Russia who has knowledge of the comparative legal systems of Russia and America, is known to the Russian and American judicial institutions, and has established a personal relationship with the judges, would ensure that there is no break in the continuity of activities.

Since the capacity to conduct exchanges, study tours, conferences and seminars has been developed within the administrative structure of the Russian judicial institutions, the individual liaison would be a conduit for information between the Russian and American judicial institutions, and would facilitate communication when bilingual services and translations are needed. The liaison would be the agent for a multitude of projects, help to coordinate joint activities, and assist in the logistical details of the exchanges.

Because the liaison would need limited administrative support and guidance this role could be provided through an institutional contract. The liaison would then operate from a dedicated office for that purpose or might have an office within one of the Russian judicial institutions, such as the Academy of Justice,

within a Russian NGO, or within an American organization, such as ABA/CEELI . If placed within the Academy of Justice, the liaison would help to enhance the level of services provided by the Academy of Justice, but may be limited in assisting the other judicial partners of RAJP II. If the liaison were placed with a Russian NGO, there would need to be an American affiliation with the NGO in order to give the liaison and NGO credibility by the Russian judiciary in the continuation of RAJP II activities. The most likely placement would be with ABA/CEELI, given that it is an American organization engaged in legal reform in Russia and has already established a similar liaison arrangement with the Russian-American Rule of Law Consortium.

In addition to an individual liaison, an Advisory Committee of prominent Russian and American judges and judicial personnel representing Russian and American judicial institutions would be created to develop a framework of continual cooperation. The Advisory Committee would be the focal point for the Russian judiciary to present its on-going needs directly to the American judicial institutions and judges, while the American members would collaborate on providing the necessary assistance.

The Advisory Committee would consist of members representing not only the partnership institutions of RAJP II, the Academy of Justice, Judicial Department, Supreme Qualifying Collegia, Council of Judges, Federal Judicial Center, Administrative Office of the Federal Courts, Judicial Conference, and the National Judicial College, but also the Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation, and the Constitutional Court of the Russian Federation. Individual Russian and American judges who have established long-standing professional and personal relationships with each other should be identified and included on the Advisory Committee.

The Advisory Committee would meet annually and, if necessary, hold periodic video-conferencing meetings. Several American judicial institutions, such as the International Judicial Relations Committee of the Judicial Conference and the National Judicial College, have support staff and limited funds, which may be available to assist in facilitating the meetings and financing the expenses of the Advisory Committee.

In addition to being the focal point for the exchange of information between Russian and American judicial institutions, the Advisory Committee may also serve as a funding mechanism to support the exchanges of Russian and American judges. Since American corporations and law firms doing business in Russia would require that any corporate contribution to facilitate exchanges between Russian and American judges be tax deductible, a domestic 501 (c)(3) organization must be identified to be the recipient of its funds. The Advisory Committee could either become a 501 (c)(3) organization and solicit funds directly or select an NGO member of the Advisory Committee, such as the National Judicial College, to obtain restricted funds designated for judicial exchanges. Since most members of the Advisory Committee will be individuals representing governmental institutions and will be prohibited from fundraising, only the NGO members would be able to seek funds.

During my telephonic meetings with the American partners of RAJP II, there was strong support for the creation of an Advisory Committee which they thought was an intriguing idea, and one that could be extremely useful in continuing the relationships and activities of the Russian and American judicial partners.

V. WHAT FUNDING MECHANISMS ARE AVAILABLE TO SUSTAIN RAJP II ACTIVITIES?

A survey was conducted of international donor organizations and individual country aid programs to ascertain which judicial reform programs are or will be funded that may have an impact on the project activities of RAJP II, and which funding mechanisms may be available to support the continuation of RAJP II activities.

The **European Commission**, through the TACIS program, operates a “Bistro” grant process, which provides for the on-going submission of proposals by Russian NGO’s for a maximum of 200,000 Euros with a project duration not to exceed one year. The European Commission's geographic focus is the European portion and Western Siberia, rather than the Eastern Siberia portion of Russia.

The European Commission, through the TACIS program, will be providing around 10 million Euros annually for the three years to enhance court administration in the Russian courts and to increase public awareness of the Russian legal system.

Recently, TACIS awarded to Acojuris-Thales, a European consortium, a two-year, 4 million Euro project beginning in July 2003 that will train between 1,000-1,500 judges and court administrators in general jurisdiction courts in court administration. During the project, a train the trainers program will be conducted to replicate throughout the country the knowledge and skills developed during the initial training programs, thereby enhancing the sustainability of the initial training. The project will also feature a distance-learning component.

Beginning in October/November 2003, a 30-month, 4 million Euro project will be initiated to train 750 judges and 750 court administrators of the Arbitration Courts in court administration as well as substantive areas such as bankruptcy, shareholders' rights and alternative dispute resolution.

At the request of the Duma, the European Commission will initiate a 3 million Euro project in 2003 to provide civil education courses in schools and with citizens' groups to explain the legal rights and obligations of the citizens, and the role of citizens in the courts as plaintiffs, defendants, victims, witnesses and jury members. In 2004, the European Commission will also work with the Russian Ministry of Justice to engage in a legal aid project for Russian citizens.

The **World Bank** is in the process of preparing a \$100 million, five-year loan agreement with the aim to improve the Russian court system beginning in 2004. The potential reform program is so substantial that it is being called the “Microsoft of judicial assistance”. The reform program will generally help to modernize the case management and court administration systems of Russian courts, improve access to justice and legal education, promote alternative dispute resolution, and develop a legal and institutional infrastructure in the priority areas of economic reform. The **Russian Foundation for Legal Reform** was established by presidential decree as a project implementation unit to improve the performance of Russia’s legal system in areas key to the functioning of a market economy, and is funded with loans by The World Bank.

Charities Aid Foundation (CAF) is an international NGO, which provides financial services to other NGOs by increasing their resources, and by assisting individuals and corporate donors to add value to their generosity. Since its inception in Russia in 1993, CAF Russia has provided over \$6 million in grants to NGOs in developing civil society in Russia. CAF Russia provides information, education and advice to hundreds of NGOs to help increase their professional skills so that they may become effective and trustworthy organizations. Russian donors contribute over 70% of CAF Russia’s funds.

The **British Council’s DFID** will be engaging in a major judicial reform project beginning in September 2003. The project will include the Supreme Court of the Russian Federation, the Judicial Department, the Academy of Justice, and the Justice of Peace. It will also include a component concerning citizens’ access to justice. Yana Pavlovskaya indicated that DFID has provided funding to the Foundation for the Development of Parliamentarism in Russia and the Institute of Law and Public Policy.

The **Canada/Russia Judicial Partnership Programme** is a joint project between the Office of the Commissioner for Federal Judicial Affairs of Canada, the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian

Federation. The main objectives of the joint project include the efficiency, transparency and fairness of the judicial process. One of the major components of the project includes the creation of three district model courts as centers of training and bringing the capacity of the three model courts up to the level of a typical Canadian district court. The focus of the model courts is to create effective court procedures and management at the district level, and to redistribute responsibilities among judges, administrators and court staff. The three model courts are the Kaluga District Court, the Kursk District Court, and the Voronezh District Court.

The **Eurasia Foundation** promotes the advancement of democratic institutions and private enterprise in Russia by promoting the skills necessary to bring the greatest social and economic benefits to individuals and the Russian society. The Eurasia Foundation provides grants affecting civil society, small businesses and local government. The Eurasia Foundation is in the process of creating a new Russian foundation and, with a mix of other donors, will contribute \$15 million to the new foundation.

The **Open Society Institute of the Soros Foundation** is in the process of restructuring and will be creating a new NGO in July called **Lawyers for Constitutional Rights and Freedoms**. This new NGO, to be directed by Anita Soboleva, will engage in three major areas: developing the Russian court system, developing legal clinics, and enhancing legal education. The new NGO will receive approximately \$400,000 seed money from the Open Society Institute.

The first two activities of the new NGO will be to conduct seminars with Russian judges. The first seminar will be held in Rostov-on-Don in May on the protection of constitutional rights within the Civil Procedure Code and the Administrative Code. The second seminar will be in October for judges from 26 courts on civil, criminal and administrative matters facing juvenile justice judges. A third activity will be conducting a \$200,000 program to provide free legal aid to those individuals who have cases of public interest.

The **Ford Foundation** has had limited involvement in judicial reform activities in the past, but, according to Dmitri Shabelnikov, program assistant to the Human Rights and Justice Program, the Foundation is seriously considering increasing the extent of its judicial reform activities in the future. It is too soon to determine which judicial reform programs will be considered by the Ford Foundation as the new program director for the Human Rights and Justice Program, Borislav Petronov, a Bulgarian, will be arriving in his new position in June 2003 and will not be making any determination until the summer.

Recently, the Foundation has focused on juvenile justice issues and has provided grants to the Center for Justice Assistance of the Indem Foundation and to the St. Petersburg City Court to train judges specialized in juvenile justice.

The Ford Foundation gives two types of grants depending on the type of project. The first grant is dedicated to a particular project and the range of the grant is from \$30,000 - \$200,000. The second is a small grants program where the grant is approximately \$500,000 for two years to one NGO that then re-grants to smaller NGOs for individual projects.

The **MacArthur Foundation** has provided funding to Russian NGOs for legal reform projects, specifically in the area of human rights. The Independent Council of Legal Expertise has received two multi-year grants, \$225,000 and \$450,000, to improve mechanisms for the protection of human rights in Russia; the Saratov Legal Reform Project (located in Saratov with a reputation of an excellent law faculty and judicial academy) has received two multi-year grants of \$116,000 and \$450,000 to improve the understanding of human rights laws, and the new methodology of legal science and legal practices in Russia; and the Institute of Law and Public Policy has received \$250,000 for the promotion of legal reform in Russia.

According to Tatiana Zhdanova, Co-Director, and Galina Ustinova, Program Associate, the MacArthur Foundation recently restructured its strategy and has no plans to provide funding for judicial reform efforts other than those, which support human rights issues.

Corporate Philanthropy is slowly emerging in Russia. Typically, Russian financial and industrial leaders provide funding to social projects in close proximity to their domicile or the site of their corporate activities; however, the trend is changing. Wealthy Russian corporate leaders are now interested in contributing to the social fabric of the entire Russian society, and enhancing the life of all Russians.

Russian corporations are in critical need of improving their books by unloading social assets that have been historically connected to the corporation. Many large domestic corporations have made the strategic decision to participate on the international stage and compete in global markets. But in doing so, they are required to discard those assets unrelated to the business purposes of their corporation. While unloading community assets from their books, such as schools, hospitals, etc., corporate leaders are also funding the improvement of those assets.

Like other international corporations, Russian corporations are keenly aware of the public relations benefit of engaging in social reform in their local community and country. Recently, their priority has been in social areas as they receive better publicity for assisting orphanages, art and other cultural institutions. Corporations are leery of funding projects which are perceived to be too political or controversial or too closely connected with the rule of law, democracy or human rights, as corporations are heavily dependent upon State support and do not want to be in a position of displeasing the government.

Even though there is an unwillingness among Russian judges to accept services provided by an NGO that has corporate sponsors, and although there may be good reason for such an attitude, the climate will change. Eventually, foreign donor organizations and country aid programs will reduce their presence in Russia leaving the Russian corporate community as the major source of charitable contributions in Russia. The concern over meddling by corporations in judicial proceedings is shared by judges around the world; however, a legal framework has been developed in other countries, particularly the United States, which allow for corporate funding of judicial programs, particularly where there is no direct link between the corporation and judge. Further, in countries where codes of judicial ethics are vigorously enforced, there is little incentive to yield to corporate pressure.

While corporate philanthropy in Russia is on the rise, emphasis should be placed on developing the legal framework of regulatory and fiscal laws in Russia to allow for tax-deductible corporate philanthropy and for a broader range of tax-deductible areas for individual philanthropy. Simultaneously, a code of ethics that gives a disincentive as well as a shield for judges from succumbing to corporate pressure must be fully embedded in the Russian judicial system.

The **Russian government**, particularly President Putin, has provided significant funding for the judiciary within the past few years. The government has shown a commitment to the independence of the judiciary and to enhancing the quality of the justice system and judicial administration. Representatives of the Judicial Department and the Supreme Qualifying Collegia indicated that foreign funding is not needed for their continued operations as they can rely solely upon the annual allocation from the State budget. The Academy of Justice expressed an interest in an increase in the State budget allocation, as there is an ongoing need to provide continual education and training to the judges.

VI. NEXT STEP

A suggestion made by Lev Khaldeev at a joint USAID/RAJP II which received strong support is for USAID to hold a roundtable meeting in the Fall 2003 to discuss the needs of the Russian judiciary and

joint goals in continuing cooperation between the Russian and American judiciaries for representatives of all partner organizations of RAJP II.

Other interested organizations and groups, such as the National Center for State Courts in its capacity as an expert in state court systems, the Open World Program, and the Russian-American Rule of Law Consortium, foundations previously listed which have provided funds to Russian civil society, and other funders such as the National Endowment for Democracy and the Foundation for Russian American Economic Cooperation would be invited. The list is illustrative.

The U.S. Ambassador to Russia could make the opening remarks at the roundtable meeting, which would demonstrate the U.S. Government's commitment to such continued cooperation.

The ideas expressed herein as well as other ideas that will emerge over the next few months would be presented as the basis of discussion. The result would be to develop a critical understanding of the type of assistance the Russian judiciary is seeking and a general consensus of how to meet the need.

SCHEDULE A LIST OF CONTACTS

Russian Courts and Judicial Institutions

Supreme Arbitration Court of the Russian Federation, Veniamin Yakovlev, Chief Justice
Supreme Arbitration Court of the Russian Federation, Leonid Efremov, Director of the Office for International Legal Affairs
Judicial Department, Evgeny Popov, Director of the International Legal Cooperation Division
Supreme Qualifying Collegia, Valentine Vacilevich Kuznetsov
Academy of Justice, Vladimir Peysikov, Vice-Rector

Russian Foundations and NGOs

Institute for Election Systems Development, Alex Yurin, Executive Director
Institute of Urban Economics, Alexander Puzanov, General Director
IREX Promoting and Strengthening Russian NGO Development Program, Elena Kordzaya, Co-Director, and Elena Abrosimova, Program Officer.
Russian Foundation for Legal Reform, Olga Schwartz, Project Coordinator, Judicial Reform
Center for the Development of Democracy and Human Rights, Yuri Dzhiblادze, President
Institute of Law and Public Policy, Olga Sidorovich, Director
Council of Independent Legal Expertise, Mara Poliakova, Chairperson, and Olga Popova, Director
The Center for Justice Assistance, Indem Foundation, Melanie Peyser, Director
Foundation for the Development of Parliamentarism in Russia, Andrei Zakharov, Vice President; Ekaterina Mishina, Legal Advisor to the President; Marina Chekunova, Project Director; and Valeri Kravchenko, assistant
Foundation for the Promotion of Legal Initiatives, Varvara Blischenko, Director, (successor to the **Russian Foundation for the Promotion of Judicial System Reform**)

Donors

European Union, Delegation of the European Commission in Russia, Pierre Dybman, Project Officer, Operations Section
World Bank, Olga Schwartz
Council of Europe, Danuta Wisniewska-Cazals and Arkadi Sytine
The Eurasia Foundation, Stephen Schmida, Regional Director
Ford Foundation, Dmitri Shabelnikov, Program Assistant, Human Rights and Justice Program
MacArthur Foundation, Tatiana Zhdanova, Co-Director, and Galina Ustinova, Program Associate
Open Society Institute of the Soros Foundation, Anita Soboleva,
New Perspectives Foundation, Vera Gorbachyova
Charities Aid Foundation
British Council's DFID, Yana Pavlovskaya
CIDA, Canada/Russian Judicial Partnership Programme, Gabrielle Constant, Second Secretary

United States Organizations and Individuals

Committee on International Judicial Relations, Judicial Conference, Paul Magnuson, Chair and Chief Judge Emeritus, U.S. District Court, District of Minnesota,
Committee on International Judicial Relations, Judicial Conference, Michael Mihm, U. S. District Judge, Central District of Illinois, and first Chair of the Committee
National Judicial College, Peggy Vidal and Liz Scott
Federal Judicial Center, Mira Gur-Arie, Senior Attorney for Inter-judicial Affairs
Administrative Office of the Federal Courts, Peter McCabe (information is pending)
Center for Russian Leadership Development, Library of Congress, Lewis Madanick, Program Manager
Russian-American Rule of Law Consortium, Justice John Dooley

ABA/CEELI, Chris Scott, Director of Programs, Russia & Belarus

IFES, Keith Henderson

International Committee for Not-for-Profit Law (ICNL), Stephan Klingelhofer and Natasha

Bourjaily
Natasha Lisman

Annex I.

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ANNEX I. BIBLIOGRAPHY

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Basic Research & Higher Education Program

Annex J.

Glossary of Acronyms

ANNEX J. GLOSSARY OF ACRONYMS

ABA/CEELI	American Bar Association/Central European and Eurasian Law Initiative
ADR	Alternative Dispute Resolution
CASE	Centers for Advanced Scholarship and Education
COP	Chief of Party
CTO	Contract Technical Officer
E and E	Europe and Eurasia Bureau
FPLC	Franklin Pierce Law Center
FRAEC	Foundation for Russian American Economic Cooperation
GAO	General Accounting Office
IREX SPAN	International Research and Exchanges Board - Strengthening Partnership into the Next Century
MOSU	Moscow Open Social University
NDI	National Democratic Institute for International Affairs
NGO	Non-Governmental Organization
NIS	Newly Independent States
NISCUPP	Newly Independent States College & University Partnership Program
PSU	Petrozavodsk State University
RAJP	Russian American Judicial Partnership
RAROLC	Russian American Rule of Law Consortium
RFE	Russia Far East
ROL	Rule of Law
SOW	Scope of Work
UJRK	Union of Jurists of the Republic of Karelia
UBLS	University of Baltimore Law School
UNH	University of New Hampshire
USAID	United States Agency for International Development
USG	United States Government
USIS	United States Information Service
VK	Vermont/Karelia Partnership
VSPU	Vologda State Pedagogical University
YMCA	Young Men's Christian Association