

NACM

Provides Leadership in Groundbreaking

RUSSIAN EDUCATIONAL CONFERENCE

by Norman Meyer

The end of the Soviet Union and the emergence of many of its former republics as individual countries was one of the biggest events of the last century. The largest of these new nations is the Russian Federation, which now is in the middle of an epochal transformation from its Soviet past to the establishment of a free-market economy and democratic government. As those of us who work in the courts know, the success of this change in great part depends on the emergence and strength of an independent judicial system and adherence to the rule of law. In the last several years, many measures have been taken to achieve these legal goals in Russia.

Russia adopted a new constitution in 1993 and, over the next several years, passed basic laws establishing a new federal court system. In early 1998, Russia took a very significant step and created its new Judicial Department, separate from the Ministry of Justice. Thus, Russia now had an entity to support the courts independently of the executive branch of government, much as the United States created the Administrative Office, U.S. courts, sixty years ago.

Over the past two years, the massive effort to create a new Russian national court structure has been accelerating. One part of this effort was to study how other national court systems are organized, particularly their administrative components. In February 1999, a delegation of Russian judges and court administrators visited the United States to learn about how its courts operate. This trip was coordinated from Mos-

cow by the Russian-American Judicial Partnership (RAJP), under the auspices of the National Judicial College, contractor with the U.S. Agency for International Development (USAID, part of the Department of State). The RAJP supports and implements programs throughout Russia that provide a forum for studying both Russian and American judicial systems in relation to new Russian legislation. This effort involves Russian judges and court staff in areas of continuing education, including faculty training and curriculum development. For over two years, the RAJP has worked closely with the Russian judiciary, and with the judicial department since its inception.

During its trip to the United States, the Russian delegation spent several days in Washington, D.C., hearing from judges and administrative staff about how the federal courts operate. I was privileged to be included on a panel discussing trial court administration. Much to my surprise, the general director of the Russian judicial department, Valentin S. Chemyavsky, asked if anyone knew anything about NACM. As a past president of NACM, I described NACM's primary goals and functions. After the meeting, I offered to provide further information about American trial courts and NACM.

In the summer of 1999, I was contacted by the RAJP with an invitation for NACM to participate as faculty in a groundbreaking educational conference for Russian court personnel, most of whom would meet each other for the first time. This conference would be the first for Russian judicial department



Norman Meyer presents to conference participants along with other important panel guests.

employees from throughout the Federation. The RAJP, under the leadership of Judge Betty Barteau, RAJP Chief of Party and former judge of the Indiana Court of Appeals, developed and organized the conference curriculum. The conference focus was to be court administration and current issues within the Russian judicial department. NACM designated me as its representative, and in December 1999, I traveled to Moscow and gave two presentations: "The Roles and Responsibilities of a Trial Court Administrator" and "What is NACM."

Also attending the conference as faculty from the United States were the following: Chief Judge Paul A. Magnuson, U.S.

- If the ideal is to act as a team, what if the court administrator and chief judge disagree? This is a very serious question in Russia, as there is no history of such a team, and there are some fears that the administrative arm of the court will control the judicial arm. In addition, the role of the new trial court administrator is not well-defined yet. I responded that the judge and administrator should build up a healthy, professional relationship, in which differences of opinion are important avenues to reaching sound decisions, and in which good interpersonal communication skills



Four of the first trial court administrators in Russia

District Court of Minnesota and chairman of the International Judicial Relations Committee of the U.S. Judicial Conference, who spoke on federal judicial selection and the administrative role of a chief judge; Peter McCabe, assistant director of the Administrative Office of the U.S. Courts, Office of Judges Programs, who spoke on the history of the Administrative Office, U.S. courts, the organization of the federal courts, and how the federal court budget process works; and Joe and Tom Jordan of Jordan & Associates, who spoke on automating case management systems. Judge Barteau helped moderate the conference and was a speaker on methods and criteria for selecting judges.

The Russian audience of over 300 included supreme court justices, regional court chairs, court administrators, and financial officers. All were very attentive and clearly interested to learn about trial court administration. During my presentations I was asked several questions from the audience, which included the following:

- What percentage of U.S. court administrators are female and male? I stated that the balance was roughly 50-50, as evidenced by the membership and leadership of NACM. This question was revealing, because apparently there is a large legacy of male chauvinism in Russian society, which may skew the personnel practices there for some time.

are used. Both people should contribute their own areas of expertise and respect the other person for the sum is greater than the parts. Ultimately, however, the judge should be the ultimate decision maker, not the other way around.

- How do you recognize good performance by a court administrator and share those accomplishments? The questioner was primarily interested in how to spread good ideas, techniques, or projects to other administrators and courts. I suggested that a good start is a mechanism to identify when good perfor-

RUSSIAN COURTS' ORGANIZATIONAL STRUCTURE

There are 12 judicial regions, with 87 regional and 2,470 local (district) courts, and over 20,000 federal judges. There is no equivalent to the independent state court systems of the United States. The Russian courts are administratively governed by the Judicial Department, headquartered in Moscow. Separate military and "arbitrage" (commercial) courts exist. The system is governed by the national Judicial Council. The Russian legislature, or Duma, appropriates an annual budget for the operation of the entire court system.



Norman Meyer
(Photo by Peter McCabe)

mance has occurred. A formal performance appraisal system is a basic element, along with assessments of special programs or projects at the local, regional, or national levels, perhaps done at the regional or central offices. An association, such as NACM, could also do a good job in identifying exemplary performance (the NACM Justice Achievement Award and Award of Merit come to mind). The next step is to get that information out so others can benefit from it. Information sharing can be done with recognition programs, publications, electronic networking (e.g., e-mail and Web sites), and incorporation of the good ideas into training efforts.

As a part of my presentation, I displayed and described the value of NACM publications. In the conference materials were translations of the NACM booklet, "The Court Administrator," and the NACM membership and strategic plan brochures. I cited the fact that there were no current NACM members from Russia (we have 60 members from 12 other coun-

tries), and invited all to join. I am pleased to report that complimentary year 2000 memberships have now been extended to Director Chemyavsky of the Russian judicial department and Justice Yuri Sidorenko of the Russian supreme court. Justice Sidorenko is chairman of the Council of Judges of the Russian Federation, which governs the court system.

After the conference, Judge Magnuson, McCabe, and I met with USAID officials at the U.S. Embassy and with the American Bar Association's Central and Eastern Europe Law Initiative (ABA-CEELI) staff in their office in Moscow. We discussed how successful the conference had been and how all of us could further assist the Russian Federation in establishing the rule of law.

Having traveled in the U.S.S.R. over 23 years ago, I was impressed with the significant changes and accomplishments that have occurred in Russia since 1976. A new nation has been born, retaining many of the traditions of the past, but embracing the challenge and exhilaration of a free-market economy and a democratic government. There are many problems, and Russia is still a long way from achieving all of its economic and governmental goals. The current economic recession, a need for more modern infrastructure, the corruption in many areas of government and society, the severe tensions between the regional/local and the national governments, along with the inertia of the former Soviet justice system—all impede progress. Establishing the rule of law in society is a monumental task and will undoubtedly take many years to accomplish. The foundations are being laid, but winning the hearts and minds of the population, governments, corporations, and foreign entities so that they will be willing to trust and use the new court system is not going to be easy.

It is striking to see the parallels between the issues brought by the structural changes in the Russian court system and the transition to unitary court structures and central funding in many of the state court systems in the United States over the past 30 years. Issues to be decided include how much central versus local authority and autonomy is best; whether there should be only one level of trial courts or a national court and the option for local courts; how judges should be selected, evaluated, and appointed; how to measure workload and then determine staffing levels and the size of the budget; the role of the local court administrator, and to whom this position reports; and what sanctions should exist if local or regional court entities do not adhere to national policies. The lessons learned by the state courts in resolving these issues may prove useful to the Russian courts.

The Russian judicial department is working in many areas to improve the courts. Severely limited budgets, poor court facilities and security, staff problems of all types (recruitment, pay, training, retention, etc.), and a lack of automation are the most pressing administrative challenges being faced by the Russian courts. One response, started in September 1999, was the experiment of hiring five trial court administrators in pilot sites across the country. Since this has been a success, plans are now being made to create and fill trial court administrator positions for each of the 2,500 district courts in the Russian Federation within the next two years! One can imagine the work that must be done to develop and execute recruitment plans, including refining job descriptions, defining qualification standards, advertising, screening and interview-

ing, orienting and training the new hires, and providing logistical and administrative support. The RAJP, with possible collaboration from NACM, is planning to assist the Russian judicial department in developing model qualification requirements for court administrators and in developing a court administrator educational curriculum and training manual.

The Russians may need to place an advertisement in NACM's *Court Communiqué* newsletter, like this:

HELP WANTED:

New court system seeks self-starting, innovative, and professional court managers to fill 2,500 trial court administrator positions. Wide choice of court locations, including large urban cities (Moscow and St. Petersburg), historic river cities (Novgorod, Volgograd, Rostov, Omsk, and Yakutsk), rural areas (the Far East, Siberia, Urals, etc.), coastal locations (Sochi, Irkutsk, Vladivostok, and Archangelsk), etc. Challenging duties. Pay and benefits negotiable. Contact the Russian judicial department, Moscow, for details.

Another effort of the Russian judicial department, in collaboration with the RAJP, is to develop a guide to case management automation. The goals are to improve processes, promote a uniform case management approach, and enhance the system's ability to reduce delays and backlogs. At present, automated case management systems are very scarce in Russia, and this guide will be a big help.

Now that I am back in the United States, the immensity of the challenges facing the Russian judicial department continue to astound me. Although the individual problems are not

unique or insolvable, the vast size of the country raises the tasks to a daunting level not approached by other nations currently trying to establish the rule of law. I am impressed with the obvious initiative and dedication of the Russian court officials, who are laboring against tall odds to create a whole new judicial system almost overnight.

When our U.S. group met with officials in Moscow, we explored how to follow up on our visit. Options are now being explored for further collaboration between the Russian judicial department, the RAJP, the U.S. federal and state courts, and NACM. Perhaps a second group of Russian court officials will come to the United States in 2000, whose focus will be to learn more about trial court administration. A library of useful materials may be translated into Russian for training and later referenced by the new Russian court administrators. NACM will likely assist the RAJP with the trial court administrator qualification standards and training efforts. More trips to Russia by U.S. court managers to help train and give on-site technical assistance are also possible. In addition, the USAID and ABA-CEELI efforts will undoubtedly continue for the foreseeable future.

As democratic governments and free-market economies spread to more and more countries, it is important to the world as a whole that efforts be made to ensure these changes succeed. Without the rule of law, supported by a strong judicial system, such successes will not be fully realized or stand the test of time. NACM is now playing a significant role in the Russian Federation's establishment of its new judicial system, and all NACM members should feel proud to be a part of an organization whose strength and leadership Russia has recognized. It is my hope that the collaboration of last December will be followed by many more significant steps in the future.

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Church of the Assumption inside the Kremlin