

Activities of the Committee on International Judicial Relations

Operating within its mandate from the Chief Justice and the Judicial Conference, the Committee's work encompasses a broad range of activity in the international judicial arena. Under governing policy, funds appropriated by Congress for the operation of the federal courts may not be used to assist foreign judiciaries. Rather, the judiciary must rely on foreign countries themselves, international organizations, USAID, the Department of State, or other Executive Branch agencies to fund assistance programs and activities. Some of the activities of the Committee are described below.

Russian Federation

The Committee has devoted substantial effort to assisting the Russian Federation in building an independent and efficient judiciary. In 1993 and 1994, the Committee sponsored four programs in this country to assist the Russian judiciary in implementing its newly-authorized jury system. Over the last five years, the Committee has received a number of Russian judicial officers who have traveled to this country to understand better the management and administration of the U.S. federal judicial system. At the same time Committee members and staff have traveled to Russia to meet with Russian judicial officers to provide on-site guidance to policy makers.

Over the past several years, the Russian judiciary has made significant progress towards achieving an independent judiciary. It has now separated from the Ministry of Justice, the prosecutorial arm of the Russian government, and has modeled its new institutions closely on those of the U.S. federal judiciary. The courts of general jurisdiction, for example, now have a Council of Judges — similar to the U.S. Judicial Conference — to set policy for the judiciary. In 1997, the Duma created a Judicial Department, an administrative arm of the Russian courts that is modeled after the Administrative Office of the U.S. Courts.

Through the ARD/Checchi Rule of Law Consortium, USAID sponsored a training program on judicial organization and administration sponsored by the Committee for senior Russian judges and legal officials in Washington in September 1996. Two members of the Committee then traveled to Moscow to address the Russian Council of Judges on judicial organization and administration. Two Committee members traveled with other specialists to Moscow to discuss court structure, the judicial budget process, and legal education with members of the Council. A training program on judicial organization and administration for the chairman and three members of the Council was held in Washington through ARD/Checchi.

Committee representatives traveled to Moscow to assist the Russian-American Judicial Partnership, a USAID-funded project of Chemonics International and the National Judicial College, in (1) planning and developing curricula for several seminars for Russian judges on judicial selection, ethics, and discipline, and (2) initiating personal contacts with the new Russian Judicial Department. Federal judges subsequently made presentations at ethics seminars held in Russia in 1998 and 1999.

The Committee assisted the Russian-American Judicial Partnership in a 1999 study tour of the United States for a number of high-level Russian judges and administrators, including the General Director of the Russian Judicial Department. Committee members and staff conducted a four-day program in Washington, D.C., on court administration, including presentations on the organization, governance, and administration of the federal judiciary, budget and legislative relations, the selection and training of judges and staff, accountability and integrity, and human resources issues.

Russian judges and court administrators have expressed interest in establishing ongoing relationships with their federal counterparts in the United States, and the USAID mission in Moscow has expressed interest in facilitating such continuing relationships. Committee representatives recently traveled to Russia to address the Russian Council of Judges. And a delegation from the federal judiciary will attend a conference pertaining to the Russian Judicial Department in late 1999.

Newly Independent States

Similarly, under the auspices of the ARD/Checchi Rule of Law Consortium, a USAID funded contractor, the Committee has provided ongoing assistance to Kazakhstan, Kyrgyzstan, and Mongolia on judicial reform and judicial administration issues. Impressed by the U.S. federal model of judicial administration, the countries have taken steps to emulate it. A program was held in Washington on court organization and administration issues, and Committee representatives subsequently traveled to Asia to participate in programs in Kazakhstan and Kyrgyzstan on the establishment of an independent administrative organization and an independent budget for courts outside control of the Ministry of Justice. They also participated in a workshop that built on the earlier programs and addressed judicial resources, legislative and public relations, long-range planning and strategy, and financial disclosure.

The most recent program focused on automation and technology for judges and court administrators from Kazakhstan, Kyrgyzstan, and Mongolia, with observers from Armenia and Georgia. ARD/Checchi worked closely with the Administrative Office in designing and planning the workshop, which was intended to provide technical assistance on the basic tools necessary to support the functioning of a modern court system.

At the invitation of ARD/Checchi, a Committee member and an Administrative Office executive traveled to Kyrgyzstan and Kazakhstan to continue providing assistance on establishing effective administrative structures to support an independent judiciary in both countries.

Kyrgyzstan has now established a court support organization similar to the Administrative Office, and its parliament increased the appropriation for its judicial system following the Committee's September 1997 program in Bishkek. As a result of the recent automation workshop, the countries represented established pilot projects to implement

recommendations on court administration developed during the program.

Conference of Supreme Courts of the Americas

In October 1995, the Committee coordinated the Conference of Supreme Courts of the Americas held in Washington. The Chief Justice invited the chief justice of every supreme court in this hemisphere (excluding Cuba); delegates and representatives from 27 supreme courts attended.

The substantive program included panels on judicial independence, due process, the organization of justice in the 21st Century, judicial ethics, and the relationship of international courts to national courts. A mock federal criminal jury trial was also held (in Spanish) for the benefit of those unfamiliar with the U.S. form of adversarial oral proceedings, and speeches were given by U.S. Attorney General Janet Reno, Leonidas Ralph Mecham, Director of the Administrative Office, and Alexander F. Watson, Assistant Secretary of State for Inter-American Affairs. Papers presented at the conference were published in the *Saint Louis University Law Journal*.

At the conclusion of the conference, each delegate approved a charter for the Organization of Supreme Courts of the Americas with the purpose of promoting judicial independence and the rule of law throughout the hemisphere. The Chief Justice has ratified the charter for the United States, and has sent representatives to subsequent conferences.

Latin American Judicial Training Seminar

In November 1996, as a follow-up to the Conference of Supreme Courts of the Americas, the Committee sponsored a two-week seminar on judicial administration and its relation to judicial independence was held in Washington. Eighteen judges from five Latin American countries— Panama, El Salvador, Guatemala, Peru and Honduras— attended. [All Spanish-speaking countries with USAID missions were invited to participate through their mission's democracy officer.]

Extensive reference materials on judicial administration were sent to the participants after the seminar, and a second evaluation was conducted six months later to determine how the participants were using techniques learned at the program. The survey responses indicated that the participants followed a "train the trainer" model by giving presentations to their colleagues at home and by making administrative changes when they had such responsibilities in their home courts.

Conference on Judicial Education for the Americas

Last fall, the Committee sponsored a conference on judicial education program evaluation in Puerto Rico for 63 judges and judicial education officials from Western Hemisphere countries. It comprised a plenary session, small group sessions, and small group reports to the plenary sessions for each of four program phases: needs assessment, design, evaluation, and revision. The participants also had an opportunity to observe adversary proceedings conducted in Spanish in the courts of the Commonwealth of Puerto Rico.

The Committee noted strong interest in the concept of needs assessment and program design, as well as in the Puerto Rican court system and the window it provides on the U.S. adversary legal system without the language barrier.

Bolivia Budget Assistance

A new judicial council (generally equivalent to the Judicial Conference of the United States) is now responsible for preparing the Bolivian judiciary's budget request. An Administrative Office representative recently visited Bolivia to assist with the development of the Judicial Council's first budget submission by designing and preparing an automated financial "tool" that could serve as a framework for building the judiciary's budget requirements. The AO representative also briefed Bolivian budget staff on the U.S. judiciary's budget formulation and execution structure and process and developed a strategy for identifying sufficient resources necessary to complement the ongoing judicial administration improvement project.

Venezuela Judiciary Needs Assessment

This year, Venezuela replaced its inquisitorial criminal process with a new adversarial code of criminal procedure. A delegation of U.S. judges and judicial officials, led by a Committee member, visited Venezuela last fall to conduct a judicial training needs assessment in anticipation of the transition to the new system. Federal public defenders from the United States subsequently traveled to Venezuela to provide preliminary training to their Venezuelan counterparts. A member of the Committee helped coordinate these programs, which were funded by the Venezuelan Judicial Council through a pre-existing World Bank loan. USAID's Bureau for Latin America and the Caribbean plans to fund training for Venezuelan defenders in fiscal year 2000.

Brazil-United States Judicial Training Project

Cosponsored by the Committee and the University of Baltimore School of Law's Center for International and Comparative Law, this project brings together Brazilian and United States judges, court administrators, law professors, and other legal professionals to exchange ideas about their respective legal systems through reciprocal visits and workshops.

The first phase of the project was a July 1998 workshop in this country that included discussions on problems of the Brazilian and American judiciaries, the role of precedent, court administration and case management, legal education, and procedural and court reform. The American participants, including a Committee member, traveled to Brasilia and Rio de Janeiro to continue the dialogue on comparative judicial practices and administration of justice with their Brazilian counterparts. The final phase of the project is the preparation and publication of papers on judicial reform topics focusing on a comparison of Brazilian and United States practices.

Needs Assessments Programs

At the request of USAID and its contractors, the Committee has sponsored travel by judges and court staff to countries seeking assessments of the needs of their judicial systems. In addition to the countries named above, the Committee has sponsored needs assessment trips to Bulgaria, Liberia, and South Africa. The needs assessment programs are often necessarily technical, for it is the administrative operations of the host country judiciaries that are often most in need. The Committee has found that judges and court administrators are uniquely qualified to study the needs of judiciaries in developing countries. The long history of the development of the U.S. federal judicial system has been marked by much trial and error. Federal judges and court administrators at some time in our history have faced many of the same problems that now confront the judiciaries in developing countries, and the Committee believes that the federal judiciary is now in a special position to offer significant assistance to the judiciaries of the less developed world.

Related Programs

The Committee has long been active in commercial and insolvency issues, and a Committee member has participated in several conferences in Moscow that have addressed the Russian Federation's new insolvency law. Committee members have also worked with judicial officials in Malaysia, Singapore, Philippines, Thailand, and Hong Kong.

This report is from the Administrative Office of the U.S. Courts. For more information, please contact Louise William at Louise_Williams@ao.uscourts.gov

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