

DISPATCHES FROM ABROAD

A RUSSIAN LEGAL EXPERIENCE

Dianne Post is Co-Chair of the State Bar of Arizona World Peace Through Law Committee and currently Senior Attorney at the ABA ROLI office in Vladivostok, Russia. She has worked to end violence against women and children since 1980 in the United States and 12 other countries. She has argued cases at the European Court of Human Rights and the InterAmerican Commission on Human Rights.

After the fall of the Soviet Union, the American Bar Association established a legal project to assist the newly independent states. The Central and East European Law Initiative (originally CEELI, now known as the Rule of Law Initiative, or ROLI) sent more than 60 attorneys to dozens of countries in Eastern Europe and the former U.S.S.R. They worked pro bono on a vast array of projects, including new constitutions, laws and procedures; training of judges, prosecutors and attorneys; and establishment of the bar, Rule of Law and human rights concepts within the practice. →

From 1998 to 2000, I worked in Moscow on the Gender Program. Other Arizona attorneys also have worked at CEELI, including Victor Aronow, who helped to establish a law library in Uzbekistan. (See Victor Aronow, *Law Reform on the Silk Road: America Lawyers and Democracy's World Tour*, ARIZ. ATT'Y, Mar. 2001, at 30.)

I returned to Russia in the ROLI program in May 2007, seven time zones and a nine-hour flight away from Moscow, to Vladivostok. Vladivostok means "Lord of the East" and is indeed the capital of the Russian Far East. It is a major naval port and thus was a closed military city for years. It sits in a most strategic location—across the sea from Japan, bordering China, within sight of North Korea, and its northern peninsula nearly touches Alaska. Its latitude is the same as that of Wisconsin, and its weather is similar. The city is very like San Francisco—on ice.

The ABA office in Vladivostok had existed a year when I arrived, but due to administrative difficulties, it had not been able to do programming. So my initial charge in my first two months was to establish a system that other pro bono liaisons—attorneys—could use; that would preclude them from wasting significant time creating a structure. Thus, I created detailed and elaborate work and operational plans. Once done, though, things changed again: I was named the senior attorney and the one responsible for implementing the programs.

In August 2007, we delivered an all-day training on sex trafficking at the U.S. consulate. The program was for visa and consular officers from all the local consulates. The turnkey package included local studies on sex trafficking, criminal law applications and tips for those interviewing visa applicants to ascertain if such trafficking was occurring. One problem that became obvious was that even if consular officers suspected trafficking, confidentiality regulations precluded them from alerting local police.

The regional bar in Vladivostok charges

\$2,000 for annual membership, but all CLE is then free. Members are required to have 70 hours of training in five years, and the bar offers a full week of training every month on different topics. We developed a close relationship with their Continuing Legal Education department (using that term loosely), and I began offering two to four trainings at every monthly CLE.

THE REGIONAL BAR PRESIDENT STATED THAT HE DIDN'T BELIEVE ANYTHING WE HAD SAID: THERE WAS NO DOMESTIC VIOLENCE IN RUSSIA.

Because jury trials are fairly new, our Moscow office presented a five-day jury trial workshop in July 2007, and I now follow up with mini-seminars on open/closing, direct/cross and objections/motions/organization. A glaring absence noted in the jury trial skills workshop was strategy and planning of a case. The reason for and method of doing this was virtually absent. The defense attorneys acted more like prosecutors and did not focus on options for their clients or how the law could be used to their advantage. Predictably, the mini-seminar on strategy and planning is now the most popular one offered.

Our most ambitious project was the Traveling Lawyer program. We intensively trained 10 lawyers for five days in both legal and psychological dynamics of domestic violence and child abuse. They then created a one-and-a-half-day training for other lawyers, government officials and

those who work with victims. Each month, two of the eight lawyers go out to a rural community where such training is not available and present the workshop. In the afternoon of the second day, they offer free legal consultation for victims. Legal aid as we know it in the United States does not exist. Pro bono is not a requirement but is a concept the ABA hopes will spread, and

each of our traveling lawyers has agreed to take at least one pro bono case in a year.

The first of these traveling lawyer seminars was in December 2007, and it was a great success—except for the free legal consultation. No one came. We attribute that to the fact that the town had no women's groups working on the issues, and, in general, lawyers are not seen as trusted, helpful professionals because they were not during the Soviet era. However, of the 15 lawyers who attended, eight offered to take a pro bono case. After a few more trials, we hope to expand the idea to other regions.

The Vladivostok area is very progressive in some ways. A domestic violence shelter will soon open, which will be only the third in the nation. Also in

the planning stages is a sex trafficking shelter—the second in the country. Vladivostok is the headquarters for the Center on Corruption, and its mayor is in jail awaiting trial for corruption.

But a nearby town, Khabarovsk, reminds me how far we still have to go. We were having a roundtable discussion with 11 lawyers organized by the Bar President and Vice President. The President waited until the end of the discussion to state that he didn't believe anything we had said: There was no domestic violence in Russia (even though the government admits that 14,000 women a year are murdered in domestic violence-related incidents), no one had ever called him for a survey about violence, nor did he know of any in his family. Therefore, it didn't exist. Women beat themselves up and then go to the police to get their husbands arrested (though he admitted that men are never arrested, and there are no men in jail or prison for domestic violence, so if this is

women's strategy, it is indeed a very bad one). The most violent people in the world, he asserted, are women and children.

When he said this, I thought I understood his Russian, but his statements were so incredible I checked with the translator

to confirm what I thought I heard. When she verified it, I burst out laughing. The other women in the room and one man joined in the laughter, and we ended the meeting on that note, much to the surprise and bewilderment of the President. But,

ever a politician (he was running for re-election), he asked if I would return soon and do a training for him in a far-flung town.

He was re-elected. I have not been back. **AP**

A TRIP TO COURT

2 AUGUST 2007

I meet Tatiana today at the Leninski Region district court to watch a criminal trial. The building was old but maintained and clean. The court was on the third floor. There was a metal detector that we passed through, but it didn't appear to be used for anything but a gateway. A guard on the other side looked at passports and wrote down numbers. He told Tanya that maybe it wasn't legal for a foreigner to go into court to watch. She assured him it was. I found out later that she had worked there last summer, so the guards and others knew her.

The room was small, about like our family courtrooms, with the judge and clerk arrayed across the front, the prosecutor and defense attorney next to each other down the left side under the windows, the defendant in the cage on the right side, two guards near the door and the cage, respectively, a podium no one used in the middle of the room, and two and a half benches. Tanya and I sat on the back bench, and the grandmother and granddaughter sat on the one in front of us. The half one near the podium was not used.

The prosecutor was a tall, young woman in a black dress. Tanya said it was the first time she had ever seen a prosecutor without the uniform.

The trial was to start at 10 a.m. Shortly before that, two officers brought a man past us in the hall and into the room. The man was in his 30s or 40s, small and slim, dressed in black, with his head shaved and his hands cuffed behind him. He was put into the cage, and the prosecutor and defense attorney entered the courtroom; the rest of us were then allowed in with the clerk. The judge, new and young in a bright orange shirt underneath his robe, arrived at 10:10.

The judge read the charge and got all the information from the victim, witness, defendant and attorneys. The witness was then told to wait outside. I had noticed her immediately talk to the defendant when she came in and grab his hand. When she rose to leave, she squeezed the older woman's hand, so I figured it was a family affair.

There was a computer on the judge's desk, but it wasn't used. The clerk took the only minutes in handwriting.

The judge read the victim's rights and the charges, and the prosecutor the police reports and other documents. The prosecutor asked the defendant no questions. The defense attorney asked questions of the defendant, who told his story and admitted that he stole a 4,000 ruble (about \$160) mobile phone from his mother that she had bought for his daughter; he sold it for 100 rubles to buy alcohol. That would buy about four bottles of cheap beer. The main issue was when this happened. No one could remember for sure whether it was last fall or last spring. The judge asked the defendant some questions. The noise from the

street outside was very loud, so we could hear nothing and had to close the windows, which made it very hot.

When the victim testified, she rambled for a long time and cried. The judge warned her more than once to just answer the questions. Of course, it was her own son who had committed the crime. She lived on a 3,000 ruble pension—about \$120 a month—and had saved to buy the phone for his daughter. The judge also warned the prosecutor to ask proper questions when she questioned the victim.

The daughter, with dyed jet-black hair and slashed Levis, then testified. She was 17. The prosecutor and judge asked her questions, but the defense attorney did not.

The prosecutor then was given the file to read out a recitation of the evidence that had been collected. The defense attorney sat and filled out some forms. Neither Tanya nor I could figure out what was going on. His entire file consisted of about 15 pieces of paper, like the prosecutor's file, so there had not been much preparation on either side. The court file was about 60 pages long.

The judge questioned the victim again, and the defense attorney did, as well. The defendant agreed he did it and said he was sorry. The mother said that she wanted him not to go to prison but to get a job and pay her back.

The judge took a 15-minute break, telling the prosecutor she had to get prepared. That was rather surprising, because the prosecutor should have been prepared before she came in, but clearly she was not. After we returned from the recess, the defense attorney was doing a crossword puzzle.

The prosecutor gave her closing argument, asking for two years in prison. The defense gave his closing, saying that the victim agreed that the defendant should not go to jail. He cooperated with the police and admitted it.

Both presentations were very short. Then, for some unknown reason, the judge again left the room, saying he would return in three minutes and instructing us to wait. He was back soon, and the defendant gave the last word.

That took about 30 seconds and then there was yet another break for an hour and half when the judge said he would return with his verdict. The trial itself took 80 minutes, and he was taking 90 to render his decision. We did not wait for the decision, but Tanya said she would call later to get it.

She discovered that the man had been sentenced to two years.

This was not his first time in court; previously he had "borrowed" a car without permission. He had been in jail since 15 July, so that time would count on his two-year sentence.

—DIANNE POST

