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Local lawyers exchange ideas about legal system in Russia

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Margrethe K. Kearney said a glass cage sitting in a Moscow courtroom caught her eye during a recent trip to Russia.

The cage, which is used to house defendants during court proceedings, reflected just one of many differences between the law in Russia and the United States, said Kearney, an associate at Latham & Watkins LLP.

"It's not unusual over there," Kearney said in reference to the use of glass cages in courtrooms. "But, here in the U.S., we are so careful to make sure there is no stigma to the defendant. It was interesting to see all of the differences."

Kearney and Michael J. Faris, a partner at Latham & Watkins, made the nearly 5,000-mile trek to Russia last month to spend two weeks learning about the country's legal system.

On top of learning about it from their hosts and members of Russia's legal profession, Kearney and Faris also did some teaching on their trip.

They presented lectures to law students at Penza State University about 350 miles southeast of Moscow as well as at a school in Belgrade, the capital of Serbia.

The trip, which occurred from Sept. 11 to 28, came through the

two attorneys' involvement with the Rotary Club of Chicago. Both are members of the club's board of directors.

For the past several years, Faris said he has helped the club host groups of Russian judges in Chicago as part of the Open World Program, which is operated by the Open World Leadership Center.

Funded by Congress, the program brings delegations of people from Europe and Asia to the United States.

Lewis Madanick, program manager for the center, said the program's judicial exchange component has brought dozens of Russian judges to Chicago in recent years. He said other programs are designed to focus on business, education and politics.

The point of the program, Madanick said, is to not only show leaders from other countries what life is like in the United States, but to give Americans the chance to learn about other cultures by hosting the program's visiting participants.

Faris said while he and Kearney did not go to Russia through the Open World Program, they probably wouldn't have gone if it didn't exist.

"This last group came through in March," Faris said of the most recent time he hosted visitors through the Open World

Program. "We got to talking and they said, 'You should come visit us and we could show you our system.'"

Faris said he has had that same discussion with other visitors in the past, but actually followed through this year.

He said the dean of the law school in Penza offered to host him and Kearney if they presented a series of lectures to the students. Faris said a similar offer was made by a law school in Belgrade.

Faris said he focused his lectures on the American judicial system with the intent of giving the law students in Russia an overview of how the system works and a breakdown of the courts in the U.S.

He said the biggest difference between the two countries' legal systems is that Russia uses a code-based system while the United States applies common law.

Kearney said she originally planned for her lecture to be about constitutional law, but that it ended up focused on free speech.

"There just wasn't enough time to get to everything," said Kearney, who used the U.S. Supreme Court case involving Westboro Baptist Church as an example. "It was really interesting to hear their take on the case.

I got responses that ran the gamut."

Faris said from what they saw and heard it appears there are also some differences in teaching styles between the two countries.

"It's much more based on lecture. It isn't like our Socratic method," he said. "I tried to present my lecture using the Socratic method with a translator ... the poor translator was probably losing her mind, but I think they got a sense of it."

Tatiana Goshulyak, assistant to the vice chairwoman of the Penza Regional Court, served as the translator for portions of Faris' and Kearney's trip.

Goshulyak said in an e-mailed response to questions that the last time she hosted an American in Penza was in 2010, when Collins T. Fitzpatrick, circuit executive of the 7th U.S. Circuit Court of Appeals, came to Russia.

"I think that such trips are interesting and useful for both Americans and Russians," Goshulyak said. She said while the two countries have different cultures, food and traditions, they are similar in the problems the people face.

Faris and Kearney said the hospitality they received from their hosts and other people in Russia made their trip even more special.