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often frustrated by bungling bureaucracy (both ours and theirs) and callous corruption.

Small Steps in Far Away Places

Edited by Peter Kiefer¹

When Andra Motyka asked me to write about my experience providing technical assistance to the Liberian court system, I knew there was a larger story to be told. It was a story about our fellow court professionals performing difficult, challenging, and occasionally dangerous work in distant lands. I therefore asked five of our fellow court administrators (in addition to myself) to provide a sampling of their lives assisting countries in great need. We were often deeply moved by the people with whom we worked. We were often frustrated by bungling bureaucracy (both ours and theirs) and callous corruption. We

were often sobered by the realities of geopolitics and the *realpolitik*² in which we found ourselves.

What was Your Greatest Success?

Pamela Harris
Leningrad Oblast, Russia

Pam, who still consults in Russia, says the judges, administrators, and judicial assistants (clerks) in Russia should receive all the credit for the

reform measures implemented.

For instance, the Maryland-Leningrad Rule of Law Project hosted a three-judge delegation from the Kingesep City Court in the United States. The Russian judges were particularly impressed with the Montgomery County, Maryland, teen court and thought it could be utilized as an educational tool for younger citizens to understand the role and responsibilities of jurors.

“Following their return home to Russia, Judge Kulshina immediately met with local legislative officials, municipal leaders, and school officials to begin

the educational process of establishing a teen court within her district. Today, Kingsepp has a fully functioning teen court, which provides an alternative response for trying and sentencing offenders, where teens prosecute, defend, and determine appropriate sanctions for the offender.”

Brian Doran *Kabul, Afghanistan*

Brian’s success was with his staff. “I had four that just graduated from their one year of law school, which is a major at the undergraduate level, and one supervisor with a philosophy degree. They knew nothing of court administration. But within four months of interviewing the local judges and clerks for the flowcharts, my staff were being asked what court they worked for and how long had they been judges.”

Ralph DeLoach *Jakarta, Indonesia*

“Of course helping the court become more transparent through the implementation of modern court systems is also very gratifying, as it greatly enhances the confidence of the public in the judiciary and the rule of law.”

Denise Kyman Doran *Kabul, Afghanistan*

Like her husband, Denise also thought the success was with the staff. “They were eager to learn as much as possible about court administration. Each one brought different skills that were useful to the project. As their knowledge and confidence grew, it was exciting to watch their peers approach them for advice.”

Denise also recounts that what might have seemed a small accomplishment was actually significant. For example, the courts’ filing system was very poor quality. Denise wrote a grant to USAID,³ which turned it over to The Defense Department for funding. She went out to bid and then she found a local metalworker who would build cabinets. “On the day we delivered the cabinets to the supreme court, a representative from the U.S. Department of Defense remarked, the next time a bomb goes off ‘I know where to take cover.’ The metalworker used this remark to sell his cabinets to other government departments and ministries, which increased his business tenfold.”

Norman Meyer *Russia and Serbia*

Norman, who still regularly consults in Russia, points to numerous examples of how the Russian general jurisdiction trial courts are better off today as a result of collaboration with his team.

Norman cited the greater public access and transparency of the Russian courts. There were improvements such as court calendars posted in courthouse lobbies, expanded business hours, public information desks in lobbies, touch screen kiosks, mandates for open public court files, greatly improved records administration, random assignment of cases to judges, and the introduction of digital audio recordings.

In Serbia, Norman helped convert a military court building into the Belgrade District Court War Crimes and Organized Crimes Divisions. He determined what it would take to make the building usable and secure, and to make the proposed court operational. Norman made four trips to help

THE CONTRIBUTORS

PAMELA HARRIS
Court Administrator for the Circuit Court
for Montgomery County, Maryland

ASSIGNMENT LOCATION
Short assignments, primarily in
Leningrad Oblast, Russia

ORGANIZATION
The Russian-American Rule of Law
Consortium (RAROLC) funded by USAID
through the American Bar Association

WORK PRODUCT
Report to RAROLC on the capacity
of local Russian legal institutions to
implement reforms



Pam Harris (right) working with court administrator in Leningrad.

RALPH DELOACH

Recently retired as the court administrator for the United States District Court for the District of Kansas, Ralph did short term pro bono work in Russia, Bosnia, and Macedonia before retiring.

ASSIGNMENT LOCATION

Currently in Indonesia

ORGANIZATION

Blue Law International subcontracted with Booz Allen Consulting funded through USAID

WORK PRODUCT

Currently documenting caseflow for an automated case management system and developing streamlined procedures for case processing and digital audio recording



This is a photo of Ralph (right), with court registry staff, surveying the file storage capability of the district court in Makassar, Indonesia.

shepherd the conversion along. “It was really neat to see our recommendations taking form and being realized, to the point that when I went the last time, there were cases actually being heard in one of the most technologically advanced and secure courtrooms in the world. The jurisdiction was over Serbian criminal cases associated with the Balkan Conflict in the late 1990s not prosecuted at the International War Crimes Court . . .”

Who was the Most Impressive Individual You Met?

Brian Doran (Afghanistan) appreciated Afghan court personnel who worked in the provinces outside of Kabul with little or no security. “The Taliban and opium producers were shooting, bombing, kidnapping, and beheading them and their families, but the staff kept coming back. When I visited these courts, the staff would tell me as long as I continued to visit without body/vehicle armor or military escort, then they would continue to come to work. I didn’t have the heart to tell them that if our company offered body/vehicle armor or military escort, I would have taken it.”

Ralph DeLoach (Indonesia) was most impressed with the competence and work ethic of the professional Indonesian staff. “They are all more than capable of doing this work themselves. They are simply in need of a little guidance about modernization techniques and the important benefits of a transparent court system.”

Peter Kiefer (Monrovia, Liberia) With corruption rampant within the judicial system, truly dedicated individuals trying to improve the courts were rare and cherished.

“I was fortunate enough to work with Associate Justice Kabinah Ja’Neh of the Liberian Supreme Court. Justice Ja’Neh was a visionary with a practical sense of what needed to be done. He was instrumental in starting the Liberian Judicial Training Institute, which held its first session this past June.”

Denise Doran (Afghanistan) was very impressed by the strength of the women working at the supreme court. “Prior to the Taliban, much like Western women, a good number of them had earned a university degree, held professional positions, and contributed to supporting their families. After the Taliban, these women emerged widows, had lost numerous family members, and in some instances now provided the sole family income — with their wages less than \$40 per month.”

Norman Meyer (Russia and Serbia) was impressed and inspired by the dedication of judges, court staff, and project staff to improve their judicial systems. In particular, Court Chairperson Maria Sidelnikova of the Priokski District Court in Nizhni Novgorod, Russia, related how she and her judges obtained their courthouse. After the breakup of the Soviet Union, a law was passed to transfer former communist party headquarters buildings to courts in need. In Judge Sidelnikova’s case, they asked for the building, but the party officials refused. So, one night the judges and staff simply occupied the building and refused to leave. And her courage and leadership worked!

What was Your Greatest Challenge?

For *Norman Meyer (Russia and Serbia)*, it was the cultural differences, setting reasonable expectations, lack of funding, and resistance to change.

“We often were told that the laws or ‘instructions’ wouldn’t allow for many of the reforms we proposed. So we took a step back and worked with the Russians to redraft those instructions — but this took several years and still isn’t complete. Very frustrating.”

Ralph Deloach’s (Indonesia) biggest challenge has been convincing judges and court staff to embrace new approaches to the way they conduct the business of the court. “Resistance to change is a common human trait that afflicts all of us. Utilization of effective change management strategies can significantly enhance the possibility of successfully introducing new ways of doing business.”

Ralph realizes that it is human nature to resist change. He advises that, when managing change, it is helpful to be familiar with some common change management techniques.

- Involve the users from the beginning.
- Provide time to introduce the change so that you can plant a seed and let it grow.
- Develop user ownership.

“Whether or not you’re introducing digital audio recording, a new file management system, or an automated case management system, the change must be managed because of the natural tendency to resist. Users need to genuinely believe that the change will help them do their work more efficiently and effectively. Change cannot occur for change’s sake.”

Denise Doran’s (Afghanistan) greatest challenge was addressing cultural expectations and role differences between males and females in Afghanistan as opposed to the United States. “In the beginning, after speaking with small groups of employees at the supreme court, I would return

to the office thinking the staff was extremely interested in the meeting and conversation. Not long afterward, I learned that many wanted to know why I — a woman — was there, curious if my husband had been killed in a war, and if so, why wasn’t his family taking care of me.”

Brian Doran (Afghanistan) said his greatest challenge was managing both Afghan and USAID expectations. “The Afghans watched America remove the Taliban in a matter of months when the Taliban had been there for years. Then came satellite television beaming the message that billions of dollars of aid would be arriving. The Afghans would come with their shopping lists, and I would have to slow them down to develop a sustainable plan.”

United States and United Nations representatives (who rarely came out into the countryside and had high turnover), would push Brian to purchase computers and a case management program and then start training. This pressure would start a cycle of conversations to develop a plan, get the Afghans to agree to the plan, establish processes, and then apply the technology. “What it boiled down to, for both groups, was to understand in real time the need to ‘teach a man to fish not give the man a fish.’”

Peter Kiefer’s (Liberia) challenge was understanding and acknowledging the pervasive corruption. “I would sit in the magistrate court day after day watching the bailiff walk through the courtroom collecting twenty-dollar bills (Liberian) from the families of victims and the families of prisoners. Only after a bribe was paid would the bailiff tell the magistrate a case was ready to be heard. Prisoners for whom no one paid a bribe would be returned to the Monrovia Central Prison without a future court date. The prison population has tripled in three years.”

BRIAN E. DORAN

Worked in court administration for 23 years in six different states

ASSIGNMENT LOCATION
Kabul, Afghanistan

HOST AGENCY
Afghan Rule of Law: USAID

WORK PRODUCT
Needs assessment workshops, conferences on improving court management, and flowcharts for standardizing court procedures



This is a photo of Brian along with interpreter Mohannad Ayad (left) at a meeting of Afghan judges in Kandahar taken in July 2005.

NORMAN MEYER

Clerk of Court for the United States
Bankruptcy Court for the District of
New Mexico

ASSIGNMENT LOCATION

Short assignments to Serbia, Albania,
Moldova, and other locations in the
Russian Federation

AGENCIES

Chemonics International “The Russian-
American Judicial Partnership” funded
by USAID

National Center for State Courts
(Serbia) funded by USAID

East-West Management Institute
(Albania) funded by USAID

MP3 Partners (Moldova) funded by
Millennium Projects

WORK PRODUCT

Many comprehensive assessment
reports, training materials for caseload
and records management, revised
case management procedures,
redesigned records systems,
remodeled courthouse, and prototype
design for new Russian courthouse and
upgraded court security systems.



This is Norman in St. Petersburg, Russia. The golden spire in the background is the Peter & Paul Cathedral where the Romanov dynasty tsars and family from Peter the Great on are buried.

For Pam Harris (Russia) it was learning Russian. After her first trip, she didn't think she would return to Russia. After 10 years of trips, she understands much more. “Our Russian coordinator, Judge Olga Drobichevska, has joked about me being a spy, and her son, Sasha, who speaks English very well, tries his best to assist me, and we have wonderful times laughing over my pronunciations!”

What was Your Greatest Disappointment?

Denise Doran was disappointed at not being able to stay more than a year. “There was so much to do that I felt as if the job was undone. However, the bombings, kidnappings, and overall violence against internationals were increasing beyond the point that travel, even in Kabul, was restricted and reduced our ability to conduct missions.”

Pam Harris' greatest disappointment was in herself. Pam described a time when she was part of a delegation of judges and lawyers having a private lunch with the president of the Duma and some Russian legislators to discuss judicial reform. Pam mentioned the need for higher judicial salaries since corruption was rumored to be rampant (at that time judges' salaries were approximately \$200 U.S. dollars per month). The president paused “. . . and said ‘my naive little girl’ . . . corruption is not rampant in Russia and neither is bribery. Unlike the United States, where most business decisions or political agreements are made behind closed doors, citizens in Russia know exactly what fees are required and to whom those fees shall be paid . . . it's just a difference in perspective or cultures.”

“My naïveté was only surpassed by my arrogance with thinking that our

system of government in the United States was beyond reproach and that we could begin a cultural revolution against corruption in the Russian Federation.” Since then, Pam says the Russian government has taken strides to increase judicial salaries, streamline antiquated processes, and speak out against corruption. “Indeed, legislative, judicial, and executive branches of government in both countries ought to aspire to greater ethical and moral standards.”

Like Denise, *Ralph Deloach's* only disappointment was that the projects were not long enough to institutionalize improvements. “I have found that it is much more rewarding to be in a country on a long-term basis than to make periodic short visits. It's very gratifying to get to know the people of another culture and country in a personal way — to have dinner in their homes, attend their weddings and celebrations in addition to sharing their occasional heartbreaks. It is in growing to know the people of another culture that makes the work so worthwhile and gratifying.”

Peter Kiefer's disappointment was in the lack of coordination between the myriad of foreign-aid agencies working in Liberia. “It was a literal alphabet soup of agencies from the United States, the United Nations, the European Union, and various private or semiprivate nongovernmental organizations. Many of the agencies were territorial and did not play well with others. We would frequently hold meetings with as many agency representatives as we could find to coordinate. We sarcastically called these ‘let's get organized’ meetings.”

For *Brian Doran*, it was not having the strength to continue past 20 months. “We were at the point of establishing a Supreme Court Rules Committee to review and recommend court administration rules for

implementation that the eight local courts and my staff had prepared. I knew my staff and the local court members were prepared, and I had developed strong relationships with the chief justice that would have smoothed the road. But after 20 months of limited electricity, heating, water, with the constant threat of bombings, kidnapping, and the disappearing later-to-be-found-murdered court staff that you had become friends with, Denise and I needed a break.”

Norman Meyer's disappointment was not getting final official approval of revised case management instructions for the Russian trial courts, leaving national adoption of several major reforms with an uncertain future. This is a good example of the need to have a lot of patience and understanding of how things get done — not necessarily by the most direct route.

What was Your Strangest Story?

On *Pam Harris'* very first trip to Russia, she attended a joint judicial administrator conference on U.S. court administration. “I was traveling with an appellate judge, and we were driving about two and a half hours outside St. Petersburg on a long straight road on which I did not see another car after the first half hour. As it was my first trip (late 90s), I was very nervous, and the driver and administrator with us did not speak English. All of a sudden, they pulled off the road and started driving straight into the woods. I leaned over to the judge traveling with me and I said very seriously, ‘Is this where they kill us?’ Needless to say, we are still here, but what they did do was have a spectacular picnic with people from the local town and judiciary, where we ate

local dishes and toasted each other with vodka until dusk.”

When *Norman Meyer* first arrived in Serbia, the USAID officer took him to lunch at a nearby restaurant. Upon leaving, the officer pointed to an upstairs window of the building and said that was the place where an assassin had recently shot and killed Prime Minister Djindjic. (The prime minister was getting out of his car about two blocks away, behind the parliament building.) This brought home the volatility of Balkan politics and the need for improved rule of law in a very real way.

Denise Doran arrived in Kabul in January. In February, she, Brian, a short-term consultant, and a staff member traveled for hours on icy roads to the Ghazni Province Court to check on construction of a new courthouse. “Upon our arrival, we noted the new courthouse was behind schedule, so we met the chief judge in the current building, which served as the judges’ residence and the courthouse. As we entered the sparsely appointed chambers, we followed the Afghanistan custom of removing our shoes; we then noticed there was no electricity and only a potbelly stove for heat in the center of the room. On closer examination, I noticed the chief judge was barefoot. Minding manners and culture, and seeking warmth, we sipped hot tea, sat on cushions, shoes off, and huddled around the stove, trying not to look cold, watching our breath, and conducting our four-hour meeting. Every now and then, the tea person (I would learn later that every judge had a staff person whose only job was to serve tea and tend to the judge) would rap on the door, scurrying in with twigs to add to the fire. Later, the judge offered us lunch prepared by court staff: a meal of naan (similar to pita bread) and green lamb kebab (it tasted like

DENISE DORAN

Graduated from the University of Denver College of Law with a masters in court administration. Denise worked in both limited and general jurisdiction trial courts. In 2004, she and her husband, Brian Doran, started Doran Consulting.

ASSIGNMENT LOCATION

Kabul, Afghanistan, for one year

AGENCY

Management Systems International funded by USAID

WORK PRODUCT

Documented flowcharts on personnel recruitment, selection, retention, and dismissal of court staff and judicial officer processes.



This is Denise in typical work clothes, in the supreme court rose garden, Kabul.

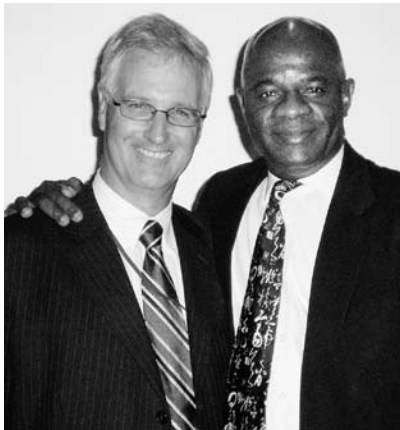
PETER KIEFER

Deputy Court Administrator for
the Maricopa Superior Court in
Phoenix, Arizona

ASSIGNMENT LOCATION
Monrovia, Liberia, for three months

AGENCY
National Center for States Courts
teamed with PAE, funded by the
State Department INL⁴ Unit

WORK PRODUCT
A strategic plan to implement a
non-automated case management
plan for the Liberian criminal courts



This photo of Peter, with Associate Justice Kabinah Ja'Neh, was taken at the opening of the Liberian Judicial Training Institute.

lamb, but not sure why it was green). Around 3:00 p.m., the judge announced in a monotone voice that the Taliban would be arriving soon to take up forced housing with the villagers, and it was best if we were not here. With that, quick goodbyes were said. On the trip back to Kabul, the full weight of where I was hit me.”

While visiting the Parwan Provincial Criminal Court, Brian learned of the differences between victims and defendants in the United States and Afghanistan. Unlike in the United States, where the victim can make a statement at a sentencing hearing, in Afghanistan the oldest male member of the victim's family (or tribe) must agree with the sentence or else he may ask the prosecutor to appeal the case for a harsher sentence.

“The courtroom was the judge's chamber, which was long and narrow with the defendant in chains sitting on a wooden bench on one side and an old man sitting on a wooden bench on the other side. Accompanying the defendant were his two daughters dressed in blue burkas (I could only see their ankles, but guessed their ages to be around 10 and 12), and accompanying the old man was his grandson (around 13 years old) with his wife in a brown burka. The case was vehicular manslaughter. The defendant ran over the only son of the old man, and the court had sentenced the defendant to 25 years, of which nine months had been served. The old man wanted death by hanging. The final outcome was the defendant gave his two daughters to the old man and his sentence was reduced to time served. I asked my interpreter if this was common practice. He said yes, because women are property. When I asked him what a woman's worth was, he said without batting an eye, ‘four goats.’”

What was Your Biggest Surprise?

Denise was surprised at the resourcefulness of the court staff in dealing with everyday shortages of office supplies. “As an example, their court records were more similar to the size of our old-style docket books, only the covers were hand-stitched. Staff repaired and recycled these files repeatedly. The court staff even shared desks, sometimes with two other coworkers.”

Ralph's biggest shock occurred after he landed at the airport just outside of Jakarta and arrived at his hotel. “Then when I arrived at the entrance to the hotel there were imposing gates, barriers, and guards carrying machine guns. There was a machine used to sniff the inside of the car for bombs. I thought, ‘What in the world have I gotten myself into?’ This place was not supposed to be that dangerous. In fact, it is not that dangerous, and maybe that is because they have made themselves ready for any security eventuality. I actually feel very safe here.”

Peter was most surprised by the Liberians' perception of a ‘special relationship’ they have with the United States and Americans. “Since Liberia was founded by free black men and women coming from America to Africa, Liberians strongly feel a special bond. Liberians often refer to their country as ‘America's step child’ or the ‘51st state.’ This is both amazing and sad, since I doubt many Americans are aware Liberia has this sense of connection with us.”

Norman was surprised by the disconnect between the public and media's perception that the Russian courts are rife with corruption, and his experience with judges and staff in the trial courts. At the local level, Norman found that the courts have dedicated

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individuals who are working very hard to improve, and that corrupt practices are not evident throughout the system.

Brian was surprised while conducting a conference in Heart. He was having trouble convincing a group of judges, prosecutors, and court administrators to embrace a new, improved technique. After repeated attempts to explain, Brian flippantly said ‘the times they are a-changing.’ “Immediately five men in the front light up and began speaking directly with their peers for the next fifteen minutes until someone from across the room said ‘oh, Bob Dylan.’ A few others said Bob Dylan, and with that I was informed by the chief judge they understood why the new procedure should be applied. After the conference, the five gentlemen told me that at their grade school, an American Peace Corps officer was teaching English to them by using Bob Dylan vinyl records and a suitcase phonograph. They agreed that *Blonde on Blonde* was Dylan’s best work. The lesson? You never know what it will take to get on the same page.”

Would You Take Another Assignment?

All the contributors said they would definitely take another assignment. Ralph DeLoach said he believes the work helps increase the possibility that judiciaries in emerging democracies will have the needed help to instill public confidence. Pam said the experience, the people, the culture, the history, and the beauty of Russia will always have a place in her heart. Norman said yes for many reasons. “I’ve learned a lot about other cultures, I’ve been to many places that most Americans have never been to, and it fulfills my strong desire to improve courts wherever they may be.” Brian

and Denise both definitely would take another assignment, because it is an opportunity to make the world a better place, but also a humbling experience.

Brian’s reasons are particularly moving. “Building friendships with lunches spread out on the floor, eating with your hands, laughing with your Afghan hosts, comparing court systems with expats from around the world, developing solutions with a world view, actually living and working in three countries at the beginning of their democracy (Kosovo 2001, Afghanistan 2004– 6, and Iraq 2007 to present), and helping to establish the rule of law is a once-in-a-lifetime experience for a person with an undergraduate degree in history and graduate degree in court administration. This kind of work is personally and professionally very rewarding.”

Did You Make A Difference?

Pam hopes the professional programs completed and personal contacts made over the years have somehow impacted her Russian counterparts and the Russian citizens for a better Russia. “They certainly have made a difference in my professional and personal life, and I thank them for that!”

Brian says seeds have been planted with . . . “[the] many Afghan judges and court staff, my interpreter and I had the pleasure of spending long hours with. They understood the value of court administration and continually applying case management techniques long after the mentoring from my staff.”

Ralph made a difference by exporting the good will of the American people and the United States. We have a common intellectual understanding that

is only realized when we spend time together and recognize that we are more alike than we are different. “We all — I find this particularly among the judges I have worked with — work hard and have the same aspirations for a peaceful world, to be successful in our jobs through hard work, and to provide for our families and help to make a better life for our children through education.”

Norman has seen many changes. Judges and court staff have been trained and have implemented many reforms in Russia (which are now spreading throughout the system), the Serbian judicial system has been convicting war criminals, and there is a heightened appreciation for, and commitment to, the rule of law in the countries he has worked in. Norman agrees that he has been greatly impacted by these assignments, giving him a profoundly better perspective on his work in the United States.

There were large accomplishments, such as the war crimes court, and small but critical improvements, such as better shelving. There was the respect for courageous locals braving possible death to continue working for better courts. There was the frustration at facing entrenched corruption and brutal gender bias. It was worth it. We all certainly learned as much as we contributed to these different stories.

Thanks to Pam, Norman, Brian, Denise, and Ralph for their stories and their work bringing the rule of law to these countries.

NOTES

1. Many thanks to Brenda Varty-Bly, who assisted me in editing this article.
2. Realpolitik: a term first coined by Ludwig August von Rochau in the nineteenth century to describe diplomacy based on practical considerations rather than ideology.
3. United States Agency for International Development
4. International Narcotics and Law Enforcement Unit