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The Judicial Observation Program for International Law Students, Lawyers, and Judges

The Honorable Myron H. Bright*

I want to start out by telling you about the Three Big Lies: The first lie, of course, is that “the check is in the mail.” The second lie is “of course everything will be the same after the merger.” And the third lie is “we’re from the government; we’re here to help you.”

Well, I am here from the government, and as a member of the International Judicial Relations Committee, I am here to help you bolster your curricula for international students and assist you in your work with international lawyers and judges in this period of globalization. It is not only me who wants to help—the federal judiciary, as well as the state courts, are involved in a program designed to help judicial systems abroad to foster globalization and to help judiciaries in newly-developed countries and emerging democracies to develop improved judicial systems.

Before continuing, I would like to introduce Louise Williams from the Administrative Office of the United States Courts and Chief Judge Paul Magnuson, also a member of this committee, who are here in the audience today. Judge Magnuson will be speaking at lunch about our work.

Since 1994, the International Judicial Relations Committee, a committee of the United States Judicial Conference, has had as its primary goal the promotion of the democratic rule of law throughout the world. As a catalyst in these efforts, this Committee works with others to develop what has become quite an extensive and successful program. This program is designed to give inter-

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national LL.M. students a better idea of democratic accountability and how the rule of law works in the United States. Incidentally, this program also helps United States law schools to enhance their LL.M. curricula. And the real beauty of this program, ladies and gentlemen, is that you can do this without it costing you a single dime. And that's a bargain under any law school's budget!

There is not enough time today to discuss all aspects of the program, but I would like to briefly introduce it to you and let you know about some materials that we have about the program. Once you hear more about the program, we hope that you will be interested in bringing such a program to your law school.

Let me tell you how the program developed and what we have done with it. Actually, it started with Chief Judge William Downs, United States District Court for the District of Wyoming. A couple of years ago we were in a meeting together. He told me that he was bringing to the University of Wyoming Law School a very bright young lawyer from Russia who was going to serve as an extern to the federal judges while he studied for his LL.M., and who then would go back to help his own country. The idea was based on the need to help foster the development of the rule of law and democracy throughout the world by giving these students access to the United States judiciary, so students who would go back either work with judges or teach academics to bring about improvements in their own legal systems.

So, of course, I thought that was a wonderful program, and I thought to myself, "How can we develop such a program without having to actually pay to bring the students here?" At the time, I had a clerk from Minnesota who told me about the LL.M. program at the University of Minnesota. I soon learned that LL.M. programs with international students existed in just about every law school in this country. So I contacted Judge Magnuson in the District Court of Minnesota and we got together with Meredith McQuaid, Associate Dean at the University of Minnesota Law School and Director of the LL.M. programs there, and we decided to try a pilot program.

I want to tell you about the pilot program and what has developed since then so that you can determine for yourselves whether some aspect of the program could be helpful to you in your own law schools, particularly for the LL.M. programs.

We geared this program primarily to newly-developed countries and emerging democracies as the place where this kind of work was most needed. Our first observer was Anvar Mukanbaev, a talented young lawyer from the Kyrgyz Republic in the eastern

part of the former USSR. He attended the LL.M. program at the University of Minnesota. He had a scholarship from his own government. The idea being that the government would send talented young scholars to study in the United States with the hope that they would return to help the country to develop a better judicial system.

Anvar became an observer with Judge Magnuson. During his year of LL.M. studies, he spent about five hours a week with Judge Magnuson. He also came to my chambers in Fargo where, as an appellate judge myself, I gave him an intensive course in appellate practice. In a letter expressing his gratitude to me and Judge Magnuson for what we had done for him through this program, he wrote the following:

Kyrgyzstan now is an independent country. But it was formerly part of the USSR. There were no important things in our country such as trade, business, commercial, enterprises, partnerships, companies, corporations, market economy. Now we have a fledgling community that is rapidly developing.

As the purpose of this program is to assist international lawyers in learning about the American legal system, helping a judge to do actual work along with his clerks gives international lawyers great experience that allows the lawyers to return home with practical knowledge about the operation of the judicial system in this country.

So Anvar went back to his home country and he is a deputy now in what would amount to the administrative office of the courts in our country. Kyrgyzstan is still a fledgling country, but it is an important job. Anvar is doing exactly the kind of thing that we had hoped we would be able to accomplish with this program. Without this experience, Anvar's knowledge of the rule of law and the operation of the United States judiciary would have been limited. His work with Judge Magnuson and me really made his experience so valuable in helping him to work towards a more democratic and responsible judiciary.

From this pilot effort, a more extensive program has developed. Last year there were seven students in the program who worked with federal judges, magistrates, bankruptcy judges, and state judges. There are now eleven students in the program at the University of Minnesota Law School. All of the judges who worked with us have volunteered again and there are many other judges at both the state and federal level who have expressed an interest in taking part.

In addition, other programs have developed. For instance, Washington University School of Law in St. Louis, Missouri has a summer program. Judge Peter J. Messitte in the United States District Court for the District of Maryland, also a member of our committee, works with the law schools in the D.C. area and invites students to visit informally in his courtroom, takes them around to the various offices, and lets them see what's going on generally.

As you can see based on these examples, the Judicial Observation Program is flexible. There is really no limit on the kind of program that any law school can develop. All we need are your ideas, your enthusiasm, and some interested students, and we will be more than happy to work with you to develop a program that will meet your needs and interests, and those of your international students.

I have talked to Toni Fine about working collaboratively with her and this section, if you have an interest. We are working now very closely with the American Bar Association on some of their international projects and they are expanding far beyond the Central Eastern European Project.

You have to take the leadership in deciding whether you want such a program for some of your students. There are hundreds of judges who are interested in helping and who have backgrounds in many nations of the world.

Thank you very much, and I look forward to working with many of you as we all continue to work to enhance the rule of law in today's world.