



**PART 1 of 3**

# **SIBERIAN JUSTICE**

## **An American Lawyer's Experience Teaching Criminal Law to Russian Law Students**



by  
**Scott  
Richardson**

*November 6, 2008, 8:11 p.m.  
Philadelphia International Airport*

This is the first leg on a four-day journey to Novosibirsk, Russia (via London to visit my son, Brendan). Novosibirsk is in Siberia. I will be teaching a two-week class on American Criminal Law and Procedure at Novosibirsk State University, which is actually outside the city, in Akademgorodok. Most people think that Siberia is a barren and inhospitable place, and have questioned my sanity in wanting to go there. But it's for a good cause; The Center for International Legal Studies Senior Lawyers Program. The program associates with dozens of universities and law schools in Eastern Europe and the former Soviet Union to send lawyers from the U.S., Canada, and Australia to teach short (two to four weeks, usually) courses in a variety of subject matters.

I've participated in this program in Kaunas, Lithuania and Dnepropetrovsk, Ukraine. Lithuania was a five-night-a-week

intense course on White Collar Crime. The students were second- and third-year law students at Vytautas Magnus University School of Law (perhaps the only law school in Europe similar in structure, course content and Socratic-method teaching). The former dean is an American who modeled the program after U.S. law schools. The students at VMU will ultimately be lawyers.

The Ukraine assignment was to the Ukrainian Academy of Customs, and the students were younger, training to be customs agents for their country. The class was more of a basic introduction to the American legal system, including discussions of civil and criminal trial procedure. Some of the students will go on to be lawyers. This time will be a little different. With the guidance and support of the university, I have planned a course that starts with a discussion of the American governmental and legal systems. Then, we will discuss in detail the criminal justice system, including

**PROLOGUE:** Below, I share my experiences as a teacher of American Criminal Justice. As a participant in the Center for International Legal Studies Senior Lawyers Program, I had the opportunity to share with legal scholars from Russia what makes American Jurisprudence so special. What I learned in return is that Americans enjoy rights envied by others around the world. Yet, unless we work hard to protect the Constitution from continual erosion, especially during the hardest of times (wartime), we give up our place in the world as the model for democratic ideals and human rights. This icy corner of the world taught me a lot—but I also could not wait to return home...



investigations, arrest, formal charges, pretrial procedures and discovery, and trial. The culmination of the class will be a mock jury trial, with students assigned as prosecutors, defense counsel, jurors and witnesses. The students will deliver opening statements, conduct direct and cross examination of witnesses and present closing arguments. This exercise is designed to bring to life the concepts we will have talked about in previous classes. I'm sure they will never have done anything like it before. As I have stated to many people, it will either be a smashing success, or a dismal failure.

### **November 8, 2008**

It's 11 p.m. in Moscow and I need to get to sleep before leaving tomorrow for Novosibirsk. But a little about today. Moscow was easy getting through passport control. And customs? Nothing. The driver I hired was waiting for me and we headed off to the city. Here is dumb mistake #1: Instead of staying in a hotel at the airport, I HAD to come into the city, just so I could walk around a little. Error. The trip took almost two hours—traffic in Moscow is horrendous. The driver was getting a little antsy, and when we got to the street the hotel is on, I realized why. He stopped just short of the entrance and hopped out. Nature called. Right on the sidewalk next to a building. I felt like that on the Heathrow Express last night, but couldn't quite bring myself to it.

Walked to Red Square, which is always a big thrill. Luckily it was open. It isn't always. The Hotel Moscow is being redone, with the same two different facades as before (legend has it that when the architects presented the plans to Stalin, he inadvertently chose two dissimilar facades on either side of the front entrance. Not wanting to bring this error to his attention, and risk his wrath, both were built. And so they are once again).

### **Moscow November 9, 2008**

It's Sunday morning in Russia. I'm at Domodedovo airport, the more modern one, south of the city. It is incredibly busy. Surprisingly, there is free wireless Internet. Why don't they have that in the

U.S.? In Philadelphia, there wasn't even Internet you pay for. Interesting, all of the announcements are in Russian and English. Although, the clerk at check-in didn't speak English. And hardly anyone else does. When you walk into the departure area, you have to look at the screen to see where your flight is checking in. There are over 100 check-in stations. When I got to mine, I was informed that I was over the weight limit on baggage. I kind of knew that because I had been in contact with the airline before I left. You get a slip and then go to the cashier to pay. My surcharge was 5,100 rubles (\$186). You pay that and then get a slip to go back to the counter and pick up the boarding pass. Then you go to the area where your gate is.

Security: There is a desk where your passport and boarding card are checked, similar to the U.S. The security line is very short. A woman approached me and asked me something in Russian, to which I said, "No." I didn't know what she was asking. Then she said, "Belt, watch, jacket." I understood that. The computer didn't have to be taken out. After I exited the detector, the woman on the other side, speaking only Russian, motioned to my denim on the outside/flannel on the inside shirt. After several attempts to tell me what she wanted, she finally started buttoning up the front. I guess I needed to be more presentable.

The gate area is very modern, with cafes all over. At the moment, I'm on my second cappuccino. European coffee is much preferable to American coffee. I don't think they know how to make cappuccino in America. The flight leaves in 90 minutes. The screens are very helpful, because they constantly update the status of the flight and gate assignment, in Russian and English. It's time to pack up and go. Next, from Novosibirsk.

### **Novosibirsk, November 9, 2008, p.m.**

This will definitely be an adventure. Bear with me.

Postscript to previous post: Imagine, if you will, sitting in the gate area of the airport in Moscow, Russia, taking in the surroundings. Would you ever expect to

see the following: surfboards hanging from the bamboo roof of a tiki bar?

Arrival in Novosibirsk was at 6:30 p.m. in pitch-black darkness. We could tell that it was cold outside by the ice on the airplane window. The flight from Moscow was fine. There is more leg-room in these airplanes than in planes in the States. At least that's what I thought about the British Midland plane to Moscow, and the S7 (Siberian) Airlines plane to here. Much more room than the overnight flight to London.

I never talk to seatmates, preferring to read or doze. But the young man next to me spoke English, so we engaged in conversation for almost the whole flight. He works for Bank Gazprom as an auditor of sorts. He and a team work in Moscow and travel once a month to cities in Russia to check on branches there. He is here for a week. The conversation began on a political note. He asked me what I thought of our election results. I told him that I was pleased and that I hoped that America's standing in the world would improve. We talked about how McCain and Obama reacted to the Russia-Georgia war. He said that the information we received was distorted, that the Georgians were the aggressors and their president was akin to a criminal. I mentioned that our media (*New York Times*) had printed recent articles suggesting that Georgia indeed was the aggressor, and he knew what articles I was referring to. We in the U.S. are so insulated and isolated. We know less about other countries than they do about us. It's all part of the smugness and arrogance we project, which is definitely felt by citizens of foreign countries.

The conversation was limited to his views on America (actually, the government). I knew better than to delve into my perception of my host country's recent boldness and flexing. The conversation then turned to much more non-controversial topics: vacations, family, dogs. We ended up exchanging phone numbers and email addresses.

Upon disembarking from the plane, it was apparent that this was going to be so much different from my other trips. The



airport actually looked similar to the old, old Palm Beach International terminal: mall, spare. I was amazed at what I think is the security setup to get in; just one metal detector. Maybe that is for everyone who enters the airport, rather than passengers. We'll see when I go back (it was).

The baggage claim consists of two carousels and one exit door. Baggage claim tickets are verified by one man at that door. I could see Ian, the International Affairs contact, with my name on a sign. He was extremely friendly. We drove about an hour to the campus, on icy streets. I actually nodded off once or twice. Having seen Akademgorodok on GoogleEarth, I recognized the entryway to campus, and the main administration building. Lots of people walking on the icy sidewalks. We turned left down Piragova Street and to the dorm where I will be living for the next two weeks.

I am a totally spoiled American. I can't remember the last time I shared a bathroom with anyone other than my wife. This apartment reminds me exactly of where our son Adam lived in Moscow when he studied there: old, smelly, bare, one room with the toilet (corroded yellow seat) about 2 feet wide, and another for the shower. At least it's enclosed. The two separate rooms actually make sense: when one roommate is showering, the other can use the toilet in privacy. My host informed me that someone will be sharing the apartment with me. He wasn't there yet. Kitchen with all the amenities, including brand new stove and washing machine (not yet hooked up). Bedroom: two twin beds, a desk, an Internet cable (to be registered tomorrow), closet and two nightstands. The room is about 10 x 20, with a balcony. I was told that the item on the other bed was a towel. Not correct. It is a bedspread. But that wasn't noticed until after I got back from a trip to the main street. That will have to be taken care of tomorrow.

We walked to the main street, along the icy sidewalk, to get something to eat. We went into the Trade Center, which I've heard so much about, where there is a market on the first floor. "It's just a department store." Upstairs to the

café, where I reminded Ian that I am a vegetarian (Ian: "I don't think they serve pizza without meat on it.") Pickings were slim: a salad with about three slices of cucumber, five slices of tomato, and spaghetti with ketchup and cheese.

During dinner, we talked about the educational/professional system in Russia. They have nothing like the legal education system in the U.S., where law grads take a bar exam, accountants take a CPA exam, etc. There'll be more of my conversations with Ian.

We went downstairs to the market for a few provisions and then walked back to the dorm. As I was unpacking, I heard the buzzer ring. Not sure if it was outside our apartment, I opened the door and met Benedikt, the student from Iceland. He has previously studied in Egypt. His forte is languages. He speaks three fluently and is studying Russian here. He said that the only way to really learn a language is to study it where it is spoken. I once again offered my opinion (as I have to so many others, an opinion that my father instilled in me) that it is embarrassing to travel the world and note that so many people speak English, whereas we don't require our students to master a foreign language.

Benedikt noticed the Internet cable in my room and stated that he didn't have one. He goes to an Internet café 100 metres away. All you need to do is buy a cup of tea and it's a free wi-fi zone. I had to briefly turn on the iPhone to see if I had any messages.

The adventurer in me looks forward to this totally different experience. The 55-year-old pampered American is full of trepidation. I don't know anyone else in West Palm who would do this (I was politely reminded by my friend Michael that he has climbed some of the highest mountains in the world. OK, so he would be the only other one).

It's time to knock off. Meeting Ian at 9:30 and Almira at 11:30. No idea what to expect other than friendliness.

### **November 10, 2009**

It's 8:15 a.m. I am to meet Ian at 9:30 and get some administrative stuff done.

I want to wander a bit before that. I especially want to go to La Chocolat, the place my blogging buddy Luc told me about. Ian referred to it as the Travelers' Café (they are actually different).

It snowed a little last night, and it is snowing again. When I awoke at 7, it was totally dark out. It's now much lighter and you can really see the snow falling.

First impressions are lasting, but not indelible. Arriving in a totally foreign environment at dark gives you no sense of the place other than foreboding. In the light of day, you appreciate more. Some good, some not so good. On the minus side, I'm glad I brought those Charmin To Go Toilet Seat Covers. On the plus side, this will be fascinating.

### **7:20 p.m.**

The first item on the agenda today was to meet with Ian and register with the University. Walking through the peaceful snowfall, I managed to slip only four times, but never fell. Ian met me at the entrance and we went to the registration office, where they took my passport and gave me an ID card. You apparently need it to get around, if they check you. This was accomplished rather quickly, after which we went to Ian's office just to see where I would need to go if I have any problems. He then took me over to the Economics Department, where I will be teaching. He had already made arrangements with Almira to meet with me at 11:30, so I was shown where the computer lab is, which allowed me to use the Internet for an hour and read and catch up on emails.

At 11:30, Almira met me and we walked to the Economics Department lounge area for a planning meeting. She told me that we would have our first meeting with the students at 4:00 p.m. Tuesday (tomorrow). She didn't know how many students there will be, or what year they would be in. Most students are in four-year programs. The law students are in five-year programs. I asked her if she thought the students had read the materials beforehand, and like so many of us know, they usually don't. I told her that we would definitely need them to read the fact pattern and the jury instruc-



tions. We also need at least 19 students, 10 to play lawyers, six to play jurors, and three to play witnesses. She posted the course outline in two places in the department, and told her students about the class. That is about it in terms of advance publicity. We shall see.

Almira also mentioned some outside activities that I might be interested in, such as the Minerals Museum. I mentioned to her that I saw that there was a jazz concert Sunday night at the House of the Scientists and she said she would look into getting tickets. She also inquired about the opera in Novosibirsk and I said I'd be interested. We talked about the various ways to get into the city, taxi being the most reliable but also the most expensive. She is experienced in hosting foreign lecturers, so she will be very helpful in making things a bit easier. Although I don't want things to be too easy, since part of the adventure is the struggle.

Almira and I walked through the snow down Ilyicha Street, one of two main streets, and then down Morskoy Prospekt, the other one. I found La Chocolat, the place Luc favored, and decided to get lunch and a coffee there. They were very nice, and I tried out some of my Russian, aided by the application I downloaded which audibly repeats the phrase, with the anglicized spelling under the Russian spelling. Snickers behind my back, I'm sure, but I'm trying.

Ian wanted to meet up again at 2:30, which we did, and went to the computer office to get hooked up to the Internet. All this stuff about IP addresses, masks, gateways and DNS something or other. I was sure it wasn't going to work, and it isn't. I'm going to have the same problem another visiting professor had when he was here. Life without the Internet, oh my.

Time to walk back to the flat, stopping at the trade center and market for a few items, such as a towel (Ian had arranged for a towel tomorrow, but I don't like using dirty T-shirts to dry off after a shower).

Shortly after arriving back at the flat, the electrician came to hook up the new stove and washing machine. He was still at it when Benedikt suggested we go to the Internet café around the bend. It's

downstairs from a restaurant, and you just plug in, order a tea, and you're online. Benedikt introduced me to his American friend, Ben, from LSU. Ben is also studying Russian, and teaching English. He spent a year in Germany before coming here. So we spent some time on the Internet and chatting away, introducing ourselves to each other. They graciously invited me to accompany them to the city (we are 30 km away), and to dinner after Ben taught his class. The gazpacho had no meat in it, I'm sure, but it certainly looked like it. Both Benedikt and Ben have the same view of Akademgorodok: way out in the middle of nowhere, but a great place to learn.

I took the opportunity to Skype with Leslie and caught up, basically telling her that this was going to be much different than Lithuania and Ukraine. But you know what, I asked for it, didn't I?

#### ***Novosibirsk November 11, 2008, 11:08 p.m.***

It snowed all night and it was still snowing when I woke up. Not a blizzard, but pretty steady. That's not the challenging part; the ice is just waiting for you to make a misstep, and send you flying. The walk from the dorm to the University is about 15 to 20 minutes. There is a road from the dorm to the street, about 250 yards long. The more cars that traverse the road, the more packed the snow gets, and the more slippery the walking. For a Floridian like me, learning to walk on ice takes time. Plus, I bought something called YakTrax, which fit over your shoes and grip the ice. Most everybody here just zooms down the sidewalks, including those Russian women with their stiletto heels (they're like Lithuanian and Ukrainian women in this regard) just digging into the ice as they teeter but never fall. Me? I've got to look exactly where I'm going, and frequently sidestep the more treacherous looking patches. I'm usually good for four to five slips on the way to or from the University. Luckily, I hadn't fallen in the midst of any crowd of people just waiting to confirm my status as a non-Siberian. The people who saw my dive were just a couple out for a stroll. I

made a quick recovery and jumped right back up as if nothing happened.

#### ***November 12, 2008, 9:30 a.m.***

The morning was spent making sure that the PowerPoint was ready to go and my notes matched up. I really wanted to mark on my notes when to move to the next slide, but that's a little too compulsive. It took about three hours of preparation in order to feel comfortable.

In the late morning, I placed a call to Ian to let him know that the computer wasn't hooked up properly. I remember my colleague Paul Smith mentioning that he had the same problem. Ian called me back and said to come on over and they'd get it worked out ("no worries" is his mantra). I got all my stuff together, dressed like a lawyer, and headed over to the university.

There are about 7,000 students at NSU. Almira says it is one of the smaller universities, but one of the most highly regarded. If the proof of that is in the looks on the faces of the students as they hustle from class to class, that indeed is the case. It was solidified for me when we had our first class session, but that comes a bit later. The campus is in a beautiful setting. Akademgorodok is a large community about 30 kilometers from Novosibirsk, nestled in a pine forest. It was built in the 1950s. They only carved out what they needed for buildings; the rest they left alone (here, we level everything and then truck in trees to plant). It is a center of learning. There are multiple institutes of all kinds, as well as commercial sections, cultural buildings and private industry. My online friend Luc from Ohio spent some time here earlier this year, working with some folks in the computer field. There is much more to explore here, once I get the teaching schedule set, and it isn't snowing so much. Plus, although the Ecco shoes I bought in Kiev have NEVER given me a problem, all of a sudden I have blisters on my toes, which even I know can be aggravated by walking. Up until now, I've mainly just gone from the dorm to the main building, except for Monday when Almira walked with me from



the University to her institute. I've got another eight days here, so I plan to see all of Akademgorodok before I leave.

I was wondering how I was going to do this: I'm wearing a suit for class, and I brought dress shoes (soft-soled). How am I going to negotiate the treacherous ice patches in those shoes? Solution: wear the Eccos with the treads to campus, and carry the dress shoes in a knapsack. See what we can do when we are forced to adapt? One of the real highlights of this program is seeing how well we can figure out how to do things in a foreign country with not a lot of the amenities of home. So far, so good.

When I arrived at the University, Ian took me to the IT guys. Macs are a problem apparently. They were trying to figure it out when one of the guys triumphantly marched into the room with a sheet of paper spelling out exactly what needed to be done. Following the directions, the computer was configured to allow access, both for the wireless network on campus, as well as the cable in the dorm room. What a feeling! We (I) get so tethered to the Internet that being without it is like being without Twizzlers (in joke). But it truly is the case when so far away from home. We are eleven time zones away from Florida, and when I log on, it's nighttime there, and I have to catch up on all the emails and news from the previous day. If I had access to the Internet in the room I'd be able to IM or Skype at a time that would work for both here and Florida. The only other option is to go to the University early in the morning or late at night. That is, until the IT boys fix(ed) the problem. (Read on). As I left the IT room, they asked if I needed anything else. They said they could give me some viruses if I liked (IT humor is universal).

So, anyway, I went to Ian's office, logged in wirelessly and was in heaven for about an hour and a half. When I unplugged to go to class, I was SO looking forward to being able to come back to the dorm and connect.

Switching over to the dress shoes, I made my way to the meeting place for the class. Almira said that the students would be waiting in the hallway outside

of a specific classroom, and I was to meet her and them there, then figure out where the class would be held. We needed to see how many students there would be before deciding what room to use, and we needed a computer to be able to use the PowerPoint. As I stood in the hallway, feeling totally out of place but oddly serene, I saw that there were quite a few students milling about. Good sign. Almira came up and told me which room we would be using, so we walked in. Sitting around an oval table were about 18 students, mostly women, notebooks out. Almira (one of the nicest persons I have ever met) told me exactly what she was going to do: she was going to begin the class in English by introducing me, and then speak in Russian to the students to get a sense of when they would like to meet. She polled them, and asked me if it was alright to meet on Thursday at 12:30. I said that whenever they wanted to meet, I was available. She then turned the class over to me.

I've always tried to start these classes in Eastern Europe and here in Asia (!) by introducing myself in the native language. So, here's how it went:

"Menya zavoot Scott Richardson." (My name is Scott Richardson). "Ya iz SeShAh." (I am from the USA). "a ne gavaryu pa Rooskie." (I don't speak Russian).

I said that I thought I said what I intended to say, and they said that I had.

Mostly bright faces, much giggling, and we were off.

I gave them a little personal and professional background, using the PowerPoint. I even threw in the picture of Brendan and me walking across Abbey Road. "Do you know what that is?" "Yes, Abbey Road." Good start. Smart people.

Part of my interest in this program is traveling to interesting places, getting a sense of the world beyond our shores, and conveying a desire to promote communication and understanding. If we communicate, and understand one another, we may be able to prevent conflict and enhance our futures. This is what I conveyed to them.

We talked about the class structure,

and what my plan was, ending with the mock trial. Not too many of them had read the syllabus, so some of this was coming not necessarily as a shock to them, but definitely as something they had never done, nor were likely to ever do again.

It was then their turn to introduce themselves, stating their names (which I will never remember), their hometowns (mostly from Novosibirsk; one from Akademgorodok), their course of study (there are four divisions in the faculty of Economics: Economics, Management, Economics and Law, and Sociology). Finally, I wanted them to tell me what their expectations were for the class. Part of this exercise was to get an idea of their level of English-speaking ability. Almost everyone said that the expectations for the class were to learn about the American legal system, as well as to speak English for an hour and a half each session. I took the opportunity to tell them something that I truly believe: that I greatly admire their educational system, which emphasizes the learning of foreign languages (one person here asked: "How can Condoleezza Rice claim to be an expert on Russia when she can't speak the language?"). I lamented our system in the U.S., which makes a feeble attempt at teaching foreign language, but doesn't require mastery. I commended all of them for their English, and asked "How many of you speak more than two languages?" thinking I was asking about Russian and English. One of the students replied: "You mean foreign languages, other than our native Russian?" Touche. Half of them speak English and one other foreign language. They are so far ahead of us in this way. We are in a cocoon. We will be surprised when we emerge to see that the rest of the industrialized world is lapping us.

Several of the students want to be lawyers. In fact, two of them want to practice criminal law, and one wants to go to law school in the U.S. She wants to talk to me more about that later. She has been to Minnesota twice, and wants to apply to many law schools, but she is concerned about cost and her grades. She is very aware of the LSAT, so I told her



that I would show her the website which lists the average GPAs and LSAT scores of the American law schools' recent entering classes. I told her that I thought many law schools would be interested in students from foreign countries who want to study law in the States.

It seems that most, if not all, of the students were very familiar with our governmental system, including the doctrine of separation of powers. However, I got the impression that they were not aware of the doctrine of judicial review. So I spent a (very) little time talking about *Marbury v. Madison*, the 1802 case which established this principle. Then I thought it would be a good idea to demonstrate its practical application by discussing the recent Supreme Court case upholding the right of alleged enemy combatants in Guantanamo to seek judicial review of their detentions. We talked about the fact that the president and Congress tried every which way to limit the detainees' rights to challenge their detentions, but that the Court ruled against the other two branches of government and said "we say what the law is, not you." This case demonstrated the legal principle, in the context of a case which hopefully had some appeal to them here.

When we got to the structure of the federal and state court systems, it seemed that everyone was writing notes. This was the nuts and bolts of the subject matter. The jurisdiction of the various levels of the court systems was of particular interest. We concluded just before addressing the subject of sources of law.

After class, Almira said that she thought we got off to a good start.

By this time, it was 5:45, and it had been dark for an hour. Eager to get connected to the Internet at the dorm, I carefully made my way over the ice field. Funny, no one else was having too many problems walking. Cracking open my computer, attaching the cable, and mashing the on button, I was so hopeful. But life is full of joys and disappointments. No matter what I tried, I could not get online. The computer said I was connected to NSUNet, but

nothing. Choices had to be made: do I go to the café around the corner, hope that no one else is using the outlet, and order some tea? Or do I go back to the university area, eat dinner in one of the restaurants recommended to me, and then go into the building and attempt to use the wireless network? There was also the issue of a pending invitation from Ben the Texan to meet up with him and his English students for a drink. Sensing that my need for an Internet fix was more immediate, I opted for the solitary path. Good thing, because when I got back to the University at around 9 p.m., there was an outlet in a wall in a corridor that offered some privacy. No bench or chair, but an outlet. So I plunked myself down on the floor and plugged in. Success. There were a lot of emails I needed to respond to, and I also sent a lot of emails along with some pictures that won't make it onto this blog.

Dinner: the most memorable part was at the end, when a beautiful woman stepped onstage to sing in Russian to the accompaniment of a guitarist and a synthesizer, to an audience of five. Four, after I left.

One final stop at the market and back "home."

It is about noon, the sun is trying to poke its head through the clouds, and I am going to go to the University to go wireless, try to get the IT guys to fix the situation in the room, and make a guest appearance at Ian's English language class for Oriental Studies students. ☸

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He is a member of the National Association of Criminal Defense Lawyers, the Florida Association of Criminal Defense Lawyers and the Palm Beach Association of Criminal Defense Lawyers. He is on the Executive Council of the Criminal Law Section of The Florida Bar. He also has served on the Supreme Court of Florida Committee on Standard Jury Instructions in Criminal Cases since 2004.

Since 1993, he has participated as an instructor with the Gerald T. Bennett Prosecutor/Public Defender Trial Training Program, sponsored by the Florida Bar and the University of Florida in Gainesville.

Additionally, he has acted as a visiting professor with the Center for International Legal Studies at the Vytautas Magnus University School of Law in Kaunas, Lithuania (2006); Ukrainian Academy of Customs, Dnepropetrovsk, Ukraine (2007); Novosibirsk State University, Novosibirsk, Russia (2008) and the Belarusian State University, Minsk, Belarus (2009). The courses taught have varied from White Collar Crime to an Introduction to the American Legal System, including criminal procedure and mock trials.

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# SIBERIAN JUSTICE

## An American Lawyer's Experience Teaching Criminal Law to Russian Law Students



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### PROLOGUE

**B**elow, I share my experiences as a teacher of American Criminal Justice. As a participant in the Center for International Legal Studies Senior Lawyers Program, I had the opportunity to share with legal scholars from Russia what makes American jurisprudence so special. What I learned in return is that Americans enjoy rights envied by others around the world. Yet, unless we work hard to protect the Constitution from continual erosion, especially during the hardest of times (wartime), we give up our place in the world as the model for democratic ideals and human rights. This icy corner of the world taught me a lot—but I also could not wait to return home...

*Novosibirsk • November 12, 2008*

Success! The Internet is now working in the flat. I may never turn the computer off for fear that I won't be able to connect again. I have returned several emails, and made several calls via Skype (the greatest invention since CDs).

The weather was actually a little warmer today. What that means is that the snow melts, and then freezes over at night. No real benefit there. There are trails all over the place, short cuts in silence.

As previously noted, the Internet connection at the flat needed to be fixed, because it is intermittent. So, I got to the University early in order to work online via wireless connection. There are outlets unevenly spaced along the corridor walls, but nowhere to sit (ergo, how I ended up on the floor last night). I finally found a space at a small table next to a rather glum-looking young man playing with his phone. I made hand gestures asking if it was alright to sit next to him. After a

few seconds of staring at me, he nodded his head ever so imperceptibly. Great! I could go online. Wait. The outlet doesn't work. Packed my bags and went looking elsewhere. Nothing to be found, so it was back to the computer lab to fork over 30 rubles for one hour of computer time.

After that, I picked up my passport from the registration office, and Ian allowed me to use his office to go online. He had some business to attend to elsewhere. After about an hour, he came back and we chatted. I learned that in addition to his duties at the University, he has two other jobs, at least one of which is teaching English classes elsewhere (see! everyone wants to learn).

Dinner would be early, and quick, because I needed to get back to the apartment by 7:30. Ian had arranged for an IT guy to try to get me connected here. I went to a small (very small) cafeteria upstairs in the trade center, where I announced to the server, in Russian, that I am a vegetarian. I then pointed to the



mashed potatoes, kasha and vegetables. All for 89 rubles (\$3.23). Trudged back to the flat and passed out on the bed waiting for the IT guy, who arrived at 9:30. But, he got it fixed! The proof will be if I turn it off, and it comes back when I turn it on again. We'll see now. It worked. I am a happy man. I can go to sleep now. It's only 1:30 a.m. My body clock may have to change to keep up with this new opportunity to simultaneously connect with the folks back home, rather than wait until the next day.

### ***Novosibirsk • November 13, 2008***

The best part of my morning was when I turned the computer on immediately after awakening, and found that it worked. As Ian says: "No worries."

We did two class sessions today. Some of the students couldn't make the 12:30, so we did another one at 2:15. Today's topic was criminal procedure, federal and state. Their system is so different from ours, it's like a foreign language. But these students are so adept at learning foreign languages, that this is just like learning another. Like when we were talking about jury trials. I made the point that my view of jury selection is that it is more jury de-selection, weeding out the potential jurors you don't want. Even though they only have jury trials five to ten percent of the time, and most of these students aren't in the law program, they made very astute observations. Such as when I asked them what they would do with a juror who answered questions that indicated she wanted to hear both sides of the story (we had already gone over burden of proof and presumption of innocence). They appropriately said, "Doesn't the judge tell them they have to follow the law?" The answer is yes. I then said, "What if that juror says that if that's what the judge tells me I have to do, then that's what I'll do." I asked them whether they thought that a defense lawyer would want that juror. Most said no. I asked why. Their answer: because she is only telling the judge what he wants to hear. I like these kids!

All of the students showed up for this class, even though it is an optional

class and they won't be graded. They have a real hunger for learning that is contagious. I guess that's why I like doing this so much. It reinvigorates me (much like when I leave the building and walk outside and the 14-degree weather smacks me in the face).

I already have students who want to be lawyers in the mock trial. They are interested in how this is done and they agree that learning by doing is invaluable. I intend next session to coach them through the phases of the trial, so that they have a framework. I've never done anything like this (putting on a mock trial, writing a set of facts and pulling together the appropriate jury instructions), so we're all learning.

After class, it was a visit to the friendly neighborhood bank to exchange dollars for rubles. I had \$500 in hundreds and fifties. The bank teller puts the bills under a light and hands me back \$400. "We only change new bills." New bills? Are you going to give ME new bills? What was wrong with the bills? An ink stain here, a slight bend there? Hell, back in the day they didn't care WHAT was on the bill. If it was a U.S. dollar, it was like gold. I got \$150 worth of rubles (I had some real clean \$10s).

Everything is within walking distance here. There are cars, yes, but they don't always stop when they are supposed to. Don't even think about crossing the street until the car that is 1,000 meters away passes you. If you slip on the ice in the middle of the street (which I didn't), you'll lay there as the cars whiz by (actually, slide by; they're on ice too). I went back to La Chocolat for an early dinner and then "home."

Man, it's cold outside.

It was too good to be true. I allowed myself to become fat, dumb and happy. I deluded myself into thinking that things wouldn't change. I was settling into a comfortable routine—until the Internet went out right in the middle of watching the NBC Nightly News from last night (today). At first I thought it was a server problem. Hey, "no worries," it'll get fixed. As time passed, and my repeated clicking of the access icon resulted in

the same message, I began to worry that maybe I had run out of my allotted purchase of MBs. There would be no way to fix it without walking through this snowstorm to the University and putting more money into the account. (Well, it's a snowstorm to me. I recorded it for possible future placement on the blog, assuming I ever get back online. For those who choose to live in climes similar to here, this is just a minor "snow shower.") I finally placed a call to Ian, Mr. Fixit. He said that it was probably just a server failure; it happens often on Fridays; they are connected to the Academy. Great. So, my choices were to go to the tea place and get wi-fi, or just stay here and work. Considering the time here versus the time back home, I opted for the latter, because any emails won't be coming in until this evening, which would be morning back home. I was able to email the course materials to students who weren't able to get copies yesterday.

This got me thinking about being tethered. We (I admit to being among them) have our computers, our laptops, our Blackberrys, our iPhones, our PDAs, everything we need to keep in touch. Some of us are constantly checking our emails remotely for fear that something important happened and we couldn't dare miss it. How long have we had the ability to do this? Maybe 10 percent of my lifetime? The more technology allows us to get info faster (iPhone 3G), the more we need it. Or feel we need it.

Now, here I am in Siberia, and while there is normally instantaneous connectivity (as unreliable as it may be), as I sit and watch the snow falling outside my window, muting all sound, there is a sense that the world really does go on. Do I need the ability to receive spam email every five minutes? What about the news? Do I need to know now how the U.S. government has changed course regarding the bailout (at least I think that is what is happening; I haven't had Internet access for two hours)? Is it important for me to know that Jen is letting Angelina have it?

Yes. I am a junkie in that sense. I hear people say "Unplug, unwind, relax."



Easy to say when you're half an hour from your house. Harder to say when you're two days travel time and eleven time zones away from home. Here, we who participate in these teaching assignments crave contact with home. We may enjoy the beauty of our surroundings, as I do here. We may find fascinating the cultural differences we observe as we go into stores, or restaurants (what was I supposed to do with the glass of water the waitress brought me last night with my hot chocolate? The hot chocolate wasn't drinkable; it needed to be spooned. Was I supposed to mix them together?). But there is always that need to be close to those we love, even if it just means an email, or a Skype call. It is a comfort we can't do without.

Thank God we just got a new washing machine in the flat. I was wondering what I was going to do with my dirty clothes. I remember in Lithuania how the ladies who took care of the building washed my clothes, leaving a handwritten bill on top of the neatly tied pile of underwear. And in Ukraine, after being assured by the lady at the counter in the dry cleaner that they could launder my shirts, only to bring them back the next day to find a different woman who said they "don't do that." So I did what the students do: washed them in the tub. There is no tub here.

Anyway, the snow is falling harder, I am waiting for Benedikt to call and see if he and Ben want to go "downtown" today, and I just clicked the Internet connect button for the 85th time today. The PowerPoint for Tuesday is done, there is a second load of wash going (the machine spins one way for 30 seconds, pauses for a couple of seconds, and then reverses itself), and I have several things I can do here. None of which involve connectivity.

***Novosibirsk • November 15, 2008,  
11:00 a.m.***

The previous blog entries should really be labeled "Akademgorodok." There is a difference between Akademgorodok and Novosibirsk. Novosibirsk is the city north of the

academic, scientific and cultural enclave that is Akademgorodok, which is where Novosibirsk State University is, and where I have spent all of my time until last evening. But, I'm not going to go back and change anything, because this post primarily concerns the trip three of us made to Novosibirsk last evening.

It was unfortunate the trip was made after dark. The central part of the city, especially on a cold, snowy night, was beautiful. Sometimes cities are even more striking when night falls, and the lights on the buildings illuminate some, but not all, of their intricacies. Although I have no basis of comparison, Novosibirsk at night displayed a warmth and character I did not expect to find, but which was a delight to behold. But, the story of last evening really begins with the trip into the city.

There are several ways to get into the city. There are mini buses that cram as many people as possible into already tight quarters, and which stop at various places along the route. There are many stops in Akademgorodok, with lines of people standing in the cold waiting for the mini buses. Sometimes, there isn't enough room on the first mini bus that arrives after getting in line, so they wait for another, or another, to arrive. Having taken one in Ukraine, I suggested we look at another option. A second choice would be by bus. The estimated travel time by bus would be about 40 minutes, especially at 5 p.m. A third option would be by taxi. The cost is significantly more, but the travel time was expected to be perhaps half the time of a bus. As I was the one who suggested taking a taxi, I agreed to pay.

The taxi service can be called, and when the car arrives, they ring you and tell you they are downstairs. We piled in, and one of us recognized the driver from previous trips. With music blasting, and no seatbelt buckle in sight (I think they hide them in the crack between the seat back and the seat), we began what we hoped was about a 20-minute journey into the city.

Walking on ice, as previously described, is a bit of an adventure.

Driving on ice is not just an adventure. It can best be described, at least last night, as akin to Mr. Toad's Wild Ride at Disney World. The traffic was miserable. It wasn't quite as bad as the traffic in Moscow, but we spent a lot of time simply stopped, to the dismay of our driver (the fare is a set amount; he could see his hourly fee and profit margin shrinking). What should have been a 20- to 25-minute ride turned into 45 thrilling minutes.

I can affirmatively state that our driver knew how to brake. He also knew how to ignore lanes (although, in his defense, the lane dividers were a little hard to see beneath the ice and the dirty snow), how to tailgate at 60 mph, and how to drive on sidewalks. Need to make a left turn? Fine. Just pull into the opposing lane of traffic, beside all of the other drivers also wanting to turn left, and zip ahead of them as the light turns green.

(Side note as I write this: one never knows when luck may strike. The more times you try something, the more opportunities for success. And failure always, always lurks. Then there is the fool who tries and tries, only to be disappointed when time after time, the result is the same. Such is my lot. Eternal optimist, I click the Internet connect button periodically to see if, perchance, something has changed. They toy with me. They tell me they are trying to connect, and because the "failure to connect" message doesn't immediately come on, I hold my breath. "Connecting, connecting, connecting." Such is the case at the moment. And I slump when it fails. But I try again, because the messages are different, which means there is hope. Foolish).

Mercifully, we arrived at our destination, Lenin Square, in one piece, five hundred rubles poorer for the privilege. Novosibirsk is a bustling city. We are at a famous landmark, and a stunningly beautiful building, the Opera House. In the clear, cold air, its features seem to be sharper, more in focus. Families, young couples, groups of young men and women, business people leaving the



who (and I didn't know this until that moment) is a student in my class. She is the one who, when I asked on the first day how many of them spoke more than two languages, replied with her own question: you mean foreign languages, in addition to our native Russian? I mentioned that exchange to Sophia and she remembered it.

We were going to a place south of Akademgorodok, called Cochobka Sosnovka, which Almira and her family have been to before. It is now a resort hotel, somewhat like a spa, where one can get massages and skin treatments and the like. It is located near the Ober River, which has a nice beach for sunbathing and water sports in the summer. It also has an auditorium for concerts. I was told that in Soviet times, the hotel was a sanitarium where one could receive something like the same type of services that are now offered. After the fall of the Soviet Union, it was purchased by private investors and now it is a very impressive complex.

The Lobby Bar is where the jazz combo would be playing. Two of Almira's friends, a very friendly couple, were waiting for us at the table reserved for our party. Almira's husband and the other gentleman are old friends and quite the jazz aficionados. There was a jazz festival in Novosibirsk not too long ago, and apparently they attended many of the shows. The combo included a pianist, an upright bass player, a drummer, a saxophonist, and a vocalist, who sang in English. They played two sets of about six songs each, and I thought they were quite good. It was evident that they

had played together for a while. We sat and just enjoyed the music. After the show was over, I was asked how I rated the combo, on a scale of one to five, five being the highest. Now, when you are a guest in someone else's country, and you are invited to attend a musical performance in such a lovely setting, with such lovely people, you've got to ask yourself: how exactly do I answer this question, especially with people as knowledgeable as these? One way to go would be to rate them in the middle, but that might be viewed as not respectful of the combo, nor appreciative of the hospitality extended to me by Almira and her family. The other route would be to rate them higher, expressing appreciation for local talent. So, consistent with my usual diplomacy and tact, I said: "4.5."

I'm not sure that I elevated myself in the eyes of these jazz fans. In fact, I may not even have held level. There was some discussion in Russian, after which Almira said: "My husband and his friend said 'They haven't played abroad yet.'" There you have it: a succinct and final word on the matter. In other words, they need more work.

It was a very enjoyable evening, and such a nice gesture of friendship from Almira and her family. I was grateful for their consideration and I need to find a way to express that. Almira also gave me a ticket for a jazz concert tonight at the House of the Scientists.

Back to the theme of the opening: disappointment and opportunity competing with one another to gain control of your day.

I speak, initially, of the results

of the FSU-Boston College game. Homecoming in Tallahassee. I was able to catch the last few minutes of it online on ESPN.com. The Seminoles have become an average team after being a dominating program for so many years (I am somehow blamed for this; since switching allegiances when Brendan began at FSU, I am told that I jinxed the program). Is Bowden getting too old and out of touch? Is Jimbo Fisher not the genius he has been touted as? Is it the players, not up to the caliber of stars of years past? Do the breaks just not go their way? No matter the reason, they disappoint. Thus, the morning began.

There was only one other table occupied in the café this morning: a father and his young daughter having a nice breakfast out. She was busy drawing and he was lovingly paying close attention to her creation. The café has three electrical outlets for one to plug in a computer. My battery loses juice so quickly that I have to plug in, so it's always a relief to see an open table near an outlet. The place also makes a good cappuccino.

One of the ways I am reminded that I am on the other side of the world is that when I log on to read my emails, they are usually several hours old. And when I respond, it will be several more hours before the recipient reads it. Thus, it is at least a 24-hour turnaround. This is no good. But this is the way it is. Get over it already. There were some important emails that I needed to read and send, so it was a three-cappuccino session.

Here is where opportunity entered the mix. As I left the café, instead of

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Since 1993, he has participated as an instructor with the Gerald T. Bennett Prosecutor/Public Defender Trial Training Program, sponsored by the Florida Bar and the University of Florida in Gainesville.

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turning right to walk back to the flat, I turned left and walked toward the street. There didn't seem to be much to see within walking distance, so I turned around and headed back to the flat. As I was walking, a green car came from the opposite direction. As we passed each other, the car stopped and went into reverse. The door popped open and the driver yelled out my name. (Immediate thought: I was going to be kidnapped and held hostage). It was Ian! I was planning on calling him Monday to ask about the Internet, and also to firm up plans for taking me to the airport on Friday. Had I stayed in the café two more minutes; had I not walked towards the street and instead headed directly back to the flat; had I gone left or right on the street, I would not have met up with him. There are those who believe in coincidence. There are those who believe in a greater plan. There are those who don't believe in either. And there are those, like me, who are situational believers. So, today, I believe in the higher plan.

Ian was on his way to another job, but asked me how everything was going. Feeling inconsiderate and selfish, but nonetheless needy, I told him about the Internet outage. He promised to call Max to come by maybe Monday to check it out. Then he said: "I have some bad news." Uh oh. Self-centered foreigner that I am, I immediately feared it was something that was going to affect me in a negative way somehow. "I've been fired." Sure enough, my first thought was, "Now who do I get to help me navigate the rest of my time here?"

Ian continues. "I was fired Friday from my position at the international office. No worries. I have other jobs. I'm still a teacher there. I just won't work in that office anymore."

"That's terrible, Ian. I'm so sorry." He has a family to support.

"No worries. Now, let's talk about getting you to the airport on Friday." Soon, he wrote down all the information on my departure, and told me what time he would be picking me up on Friday morning.

What a mensch. 🏠

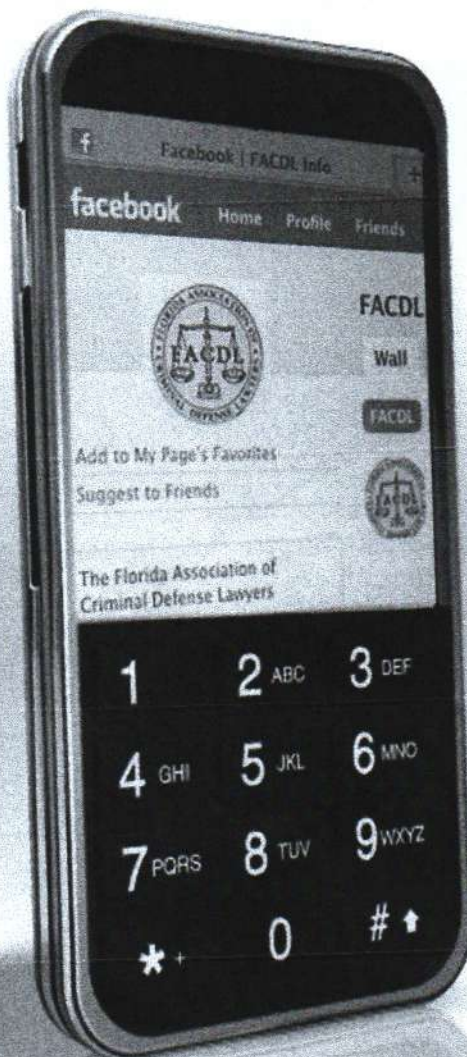
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See page 6 for registration.





**FINAL PART of 3**

# SIBERIAN JUSTICE

## An American Lawyer's Experience Teaching Criminal Law to Russian Law Students



by  
Scott  
Richardson

### PROLOGUE

**B**elow, I share my experiences as a teacher of American Criminal Justice. As a participant in the Center for International Legal Studies Senior Lawyers Program, I had the opportunity to share with legal scholars from Russia what makes American jurisprudence so special. What I learned in return is that Americans enjoy rights envied by others around the world. Yet, unless we work hard to protect the Constitution from continual erosion, especially during the hardest of times (wartime), we give up our place in the world as the model for democratic ideals and human rights. This icy corner of the world taught me a lot—but I also could not wait to return home...

**Novosibirsk • November 16, 2008  
11:19 p.m.**

We ended the last installment with the chance (?) encounter with Ian. Coming back to the theme of disappointment versus opportunity: money.

Everywhere I have gone, I have had no trouble exchanging U.S. currency for that of the country I am in. Until here. You'll recall that the bank on Friday wouldn't accept perfectly good bills. The fact is that I need cash for some purchases, as well as for the transfers from and to the airport and hotel in Moscow. So I set out late afternoon today to use an ATM to get cash. I haven't seen the small currency exchange booths here that I have seen in Moscow and Kiev. There is an ATM on the bottom floor of the University building. Five separate times, with two separate cards, I tried to get cash. The first time it rejected the request, saying "Withdrawal limit exceeded, please request a smaller amount." OK. So I did. Same message.

Went to another card. This time, the message read: "We have been instructed to return card, please contact your own bank." It said one or the other three more times.

There is another ATM just inside the front door of the hotel. Same result. There is an ATM inside the trade center. Same result.

Knowing that I need to hoard cash, and use the credit card, I decided to go back to the hotel and eat at their restaurant. They took the credit card the last time. I ordered the same exact meal as the last time (I'm playing it safe on the food aspect of this. I don't want to be in a restaurant with no English language menu, with no one who speaks English, and try to convey that I am a vegetarian—I know how to say that in Russian—and not understand their response). When it came time to pay, I used the same credit card as before. The waitress took it, but came back a few minutes later saying, "Dollar?"



She had my credit card, the bill, but no credit card slip. I said, "What?" She said, "Dollar, no ruble?" I don't remember what I said, other than, "Card, nyet?" She shook her head. I said, "Cash?" She nodded her head. So I paid with my dwindling wad of currency. Now I'm wondering how I am going to get out of this country if they won't take my U.S. dollars, they won't take my ATM card, and they won't take this credit card. A slight bit of anxiety is starting to creep in. I'm going to another bank tomorrow with these bills and see what they say.

Almira provided me with a ticket to a concert at the House of the Scientists. It's at the end of Ilycha Street, a straight shot from the restaurant. Putting on the yaktrax (which slip over the shoes and provide traction for the ice-walking challenged), I was able to hurry down the icy sidewalk and make it in time.

The House of the Scientists is a concert hall. It is old and not at all ostentatious. It feels perfect for where we are. The stage was set up with 11 sheet music stands, a drum kit, and several large tom-toms (I don't know exactly what they are called, but they're big). There were numbers on the ticket, but I couldn't tell what was the row and what was the seat. I went to the row I thought my seat was in, and showed my ticket to a lady who was sitting two seats from where I thought mine was. She pointed toward the stage. I inferred from that she was indicating my seat was closer to the stage than this row. Then she pointed to an usher at the end of the row. I walked over to her and said the standard, "Ya ne gavaryu pa rooskee." Sometimes people don't get it. If I am saying in Russian that I don't speak Russian, is that to be taken as a sign that, because I said that one phrase in Russian, I CAN speak Russian? Her response was in Russian. But she patiently guided me to my seat: two seats away from the lady who told me my seat was several rows away. She got her comeuppance: just before the show began, the REAL holders of the seat she thought she would be able to claim by quarter's rights came over, and she was vanished to some other part of the hall.

The sign that the concert was about to begin was a buzzer. The first one was singular. Then the second and third ones were two and three buzzes respectively.

The hall was about two-thirds full. The crowd was as varied as I have ever seen. They ranged anywhere from age 3 to 83. They dressed in the finest suits and dresses; and in the grubbiest jeans and T-shirts. I was unsure exactly what the program was going to be, but it looked like this crowd attended every cultural event at the House, which has a fantastic lineup coming in the future.

The house lights dimmed, and 11 men walked onstage. Each had a horn. There were trombones, a tuba, French horns and trumpets. The musicians themselves varied in age from their twenties to middle age. There was a dead ringer for Chris Farley playing trombone, and a Kevin Bacon look-alike on the trumpet.

A lady walked out onstage just as the band members were taking their places. She would appear between numbers to announce the next piece. I picked up that the group was called the "Sibirski Brass." They began with classical music, such as Bach and the 1812 Overture. They played about six numbers in that style. Then there was an intermission, which I spent by walking around the lobby. Once again, not ostentatious.

The buzzers rang again, and the second set began. This time, they really stretched out. They played big band music, show music, bossa nova, mambo and salsa. The drummer took some solos, which were very much appreciated by his bandmates, as they hooted and hollered while he pounded away. It was very enjoyable. I often found myself tapping my toes, or bopping my head, or drumming with my fingers. It was an entertaining evening, one that I would never go to back home. But how many people from South Florida can say that they went to a brass band concert in Siberia?

### ***Novosibirsk • November 17, 2008***

The footpaths winding through the forests of this town take you anywhere

you want to go. They are a tranquil alternative to walking on the sidewalks, and in the streets, where cars pretend you're not there. One thing I was cautioned about on my first day here was to never set foot in a street when there is a car in sight. Especially in winter, because of the ice on the road. The car may not be able (willing) to stop, no matter when the driver applies the brakes. The hood on my parka also obscures my peripheral vision, so I'm constantly overly craning my neck left and right before crossing the street. That is what makes the footpaths so popular.

But the footpaths hold the key to a mystery that has been plaguing me since I started traveling to Eastern Europe in winter. If you observe very carefully (and that is advisable if you are interested in avoiding stepping in something you don't want on the floor of your home), you will see holes, the circumference of a pencil, an inch deep. Perplexed by this, I watched as my fellow walkers navigated the slippery surfaces. Now, I am fairly normal, I think, and it isn't such a bad thing to watch a lovely young lady, in stiletto heels, in knee high boots, walking down the street. But when I combined my natural observation of the people around me with the holes in the footpaths, it struck me: the stiletto heels, on the knee-high boots, with the slick slippery soles, are responsible for the tiny holes in the snow and ice. What was the mystery? How women can walk like that. To paraphrase Elaine from Seinfeld: "I don't know how you women walk around with those things." First of all, it is such an unnatural position for the ball of the foot to be on the ground, and the heel to be at a 45-degree angle, and three inches high. Secondly, you have to have the balance of a ballet dancer, and the guts of a gymnast, to strut around so confidently. Now, put that together with walking in those heels on ice and snow, and you have the recipe for disaster. But, I've never seen one of these women fall. Here's the key to the mystery: the heels act as stabilizers. They puncture the ice and snow and help these women keep their balance.



Or that's just my theory, anyway.

As stated yesterday, money was the issue today. How was I going to turn these filthy U.S. dollars into rubles? There is a bank on the bottom floor, in a corner, of one the buildings we pass by on our way to our favorite café. There is a sign outside which says that there is also a 24-hour ATM, but it is behind a locked door. I walked into the bank, which is down the hall from that door. As I entered the bank, the scene was familiar: customer service representatives at desks helping clients. In Lithuania, whenever

I wanted to exchange money, I would do it at one of those desks. But they were full. So I looked around for the tellers. All I saw was a bunch of closed doors lined up one next to the other. One of the doors opened, and I could see a teller on the other side. But all of the doors had signs on them that said different things in Russian. Teller specialists. I just went through the open door and said, "Currency exchange?"

The teller said something in Russian and pointed toward another door. Taking the cue, I went through that door, and asked the same question. She nodded her head. Now I was going to have to give her my dirty bills and probably only get a fraction of what I wanted. She looked at them, and only gave one back to me! It had a teeny tiny ink mark on it. I nodded ashamedly, and pocketed that one. She took the rest, did the calculations, and gave me many, many rubles.

It was such a beautiful day today. It was warm (high 20s) and no clouds in the sky. What a great day for a walk all around Akademgodorok. But, first I had to go to the University to check on the Internet situation. Ian had theorized that I probably exceeded the data transfer limit for the money that I gave them. I went to the IT office, and that indeed was the problem. The same man who

helped me the first time helped me again, and he couldn't have been nicer. I paid double the amount as last time, and was on my way.

The route this time would be different. I wanted to end up on the other side of town, near Travelers Coffee. It is across the street from Almira's institute. The road wound around a bit, and then the footpath cut across an open field, right to the coffee shop. Travelers Coffee is a chain. The name on the front of the shop is in bold English lettering. The music coming from the speakers

The Trans-Siberian! The gentleman was taking pictures of the family, so I said "please" in Russian, and asked in English if he would take my picture. He said: "It would be my pleasure." In English. I asked him if this was the legendary railway that we want to take in the future from Moscow to Vladivostok. "No, it goes to the mountain..." and I didn't hear anything else. Well, at least those millions and millions of people who don't read this blog will think it's an impressive shot of me with the Trans-Siberian Railway in the background.



Students at this university in Novosibirsk learn about the American criminal justice system.

outside was definitely Western. The menu is not. But I know how to say "cappuccino" in Russian (it's "cappuccino"), and I know how to gesture so as to indicate that I want a large. The first server spoke no English, so they sent over another server who did, and we found an egg sandwich "with no meat." Good cappuccino. Everywhere but at Starbucks.

The weather was still cooperating, so it seemed like a good time to walk down to the Ob Sea. It is man-made, and very large. It's a nice walk, with a pedestrian bridge over the roadway. On the other side, it was hard to tell how to get down to the sea. I had almost given up when a couple with two young children walked past and started down a footpath in that direction. So I followed them, and it does lead there. On the way, there is another pedestrian bridge over railway tracks.

band whose music Adam introduced me to. I'll be putting it in the computer in just a little while.

I needed groceries to last until I leave, so a quick stop at the market was in order. Some real "black bread," raspberry preserves, a frozen pizza (time to eat in tonight), and crackers made the cart. And now I must take back the comments I made about the cashiers at the grocery store. The others I met on previous visits had been a little unfriendly. This time, however, the lady was smiling, and helped me pick out the right amount to make even change. At least I think that's what happened.

### ***Novosibirsk • November 18, 2008***

It is 1:44 p.m. and I am just putting a few things down before going to class. I am meeting a student early to show her the website regarding law schools



in the U.S. and their entrance requirements. I'm looking forward to today's class because: 1) we haven't had class in four days and 2) today we get to talk about how the students are going to do the trial. It will be interesting to see how many students want to be lawyers. I need ten. I also intend to tell them that I will be video recording their efforts, for those who want it. I can bring the discs back with me and make copies to send to Almira, who can hopefully provide them to the students (I did this, and have received several emails from students who enjoyed seeing themselves on video, some for the first time ever).

Two brief notes. I am becoming more comfortable ordering my cappuccinos at the café. Big deal. Everyone understands "cappuccino," but do they understand "another?" Yes, if I go to the Russian-English dictionary and show the word to the server. I guess that doesn't really qualify as un-aided ordering at the café. I'm still lost.

Second, the Internet connection is strange. I paid good money yesterday to ensure that I would be able to have a connection from the flat. It worked fine last night and this morning. But I just turned it on and got a "page load error" message. That usually means there is no connection. I then tried a different site, and it connected. I'm supposed to connect through NSUNet, and when I tried, it said what it had said over the weekend: "Cannot connect to server," which means I'm over my limit. I'm trying to connect now, and it's slow. But it connected.

**8:02 p.m.**

Today was a marvelous day. The weather was beautiful, and the washing machine worked. I now have enough clean laundry to get me home.

But the day was really made wonderful by two facts. First, we had a really good class. There were three segments: conclusion of our discussion of the stages of a criminal trial; legal education and the practice of law, including the Oath of Attorney new Florida Bar members must swear to, and legal advertising; and

finally, the nuts and bolts of the factual pattern I gave them, as well as the jury instructions. I've been advised by some of my colleagues that students don't prepare. These students have: they have read the case and the law. They asked very good questions about trial strategy, including some I hadn't thought of. For instance, one of the students commented that a defendant's testimony would be self-serving, and wouldn't it be better if the defense presented other witnesses to corroborate the defendant's testimony? Another asked if it was good strategy to ignore facts that are unfavorable for your side, or address them and try to explain them. This was high-level thinking for this age group, but you know what? I am constantly impressed with how smart these foreign (to me) students are. It is what keeps me returning to the CILS program, even though logistically it is difficult. I have great faith in the ability of young people to think, and when I see the results, as I did today, it is gratifying. If I could only be a law professor...

I asked them which facts were good for the prosecution and which were good for the defense. By answering those questions, they showed me they had read AND understood the material. We did a modified, limited Socratic session, and it was evident these students have excellent logical thinking abilities. Some of them want to go to law school in the U.S. Prior to class, I met with two students who have that interest, and showed them how to access information regarding the law schools in the U.S., and entry requirements and costs. There is a web site ([www.lsac.org](http://www.lsac.org)) that gives the probability of admission based solely on LSAT scores and GPAs. When we talked about GPAs (there is something equivalent here), one of the students said: "But that is something that can't be changed now." I encouraged her to select five to ten schools that her scores and GPA were on a par with the most recent entering class, and a couple of reach schools. There have to be quality law schools that would LOVE to have Russian students. That's what this whole big CILS concept is about, to me: communication leads

to understanding leads to cooperation. We ought to encourage law schools to accept students from Russia, Lithuania, Ukraine and all other Eastern European and former Soviet republics.

The second great thing about today was that THE GIFT PACKAGE ARRIVED. We try to send or bring small gifts for the students. It is a great way to bond with them. It only took four weeks to get here, but Almira went to the post office today and brought it to class. I felt bad that I might not be here to give the T-shirts and calendars to the students (we actually gained four students from last week). But, when I opened up the box and started passing the national parks and American coastline calendars out, they were very excited. And then when I pulled out the T-shirts, they went nuts. There were all different kinds, from USA flags, to Florida beaches, to Florida palm trees, and a couple of T-shirts promoting the Leopard operating system from Apple. The Apple T-shirts have a big X on the front. When I pulled those out, two people said "X Files!" I loved it. They knew one of my all-time favorite TV shows. They weren't at all disappointed when they saw they were Leopard T-shirts.

The reaction of these students to something so simple and inexpensive to provide was worth the whole experience. They are so grateful for our time, for our willingness to share our knowledge, and for anything from our native country. And I for one am grateful that they are the future of their country.

**Novosibirsk • November 19, 2009**

I took photos of the holes created by the stiletto heels worn by the women here. I was walking with someone today and mentioned how incredible I found it that the women can wear those heels and still walk on the ice. She agreed to some extent. She was wearing lower heels, but heels nonetheless. I proffered my theory that the heels act as stabilizers. She said, "That's right." I WAS right. Such a lucky guess.

There is a Minerals Museum here, in the same building as the Geology



Institute, I think. It is not a museum in the sense that hordes of people pay money to gain admittance. Private tours need to be arranged in advance. Almira set up one such tour for me today. Siberia sits on a ton of oil, which gets exported to Europe. It is also the home of a large quantity and variety of mineral resources. This was demonstrated to me by the geologist who took me on the tour. She is not a professional guide. She spent 20 years in a remote part of Russia after graduating from University, doing geological work. With great care, and with great pride, she led me around and showed me the tremendous collection of rocks, diamonds, crystals, stones and meteorites (yes, meteorites) in the museum (I was reminded of an "X Files" episode which took place in Siberia: I think "Tunguska" was the name of the episode, which had something to do with the presence of aliens on earth, although there were many explanations offered during the series).

What does every self-respecting museum have? A gift shop. And this museum was no exception. There was a vast collection of jewelry made of stones only found in Siberia. I'm not saying that I bought anything for anybody (you girls will have to wait until I get home), but it was hard to resist.

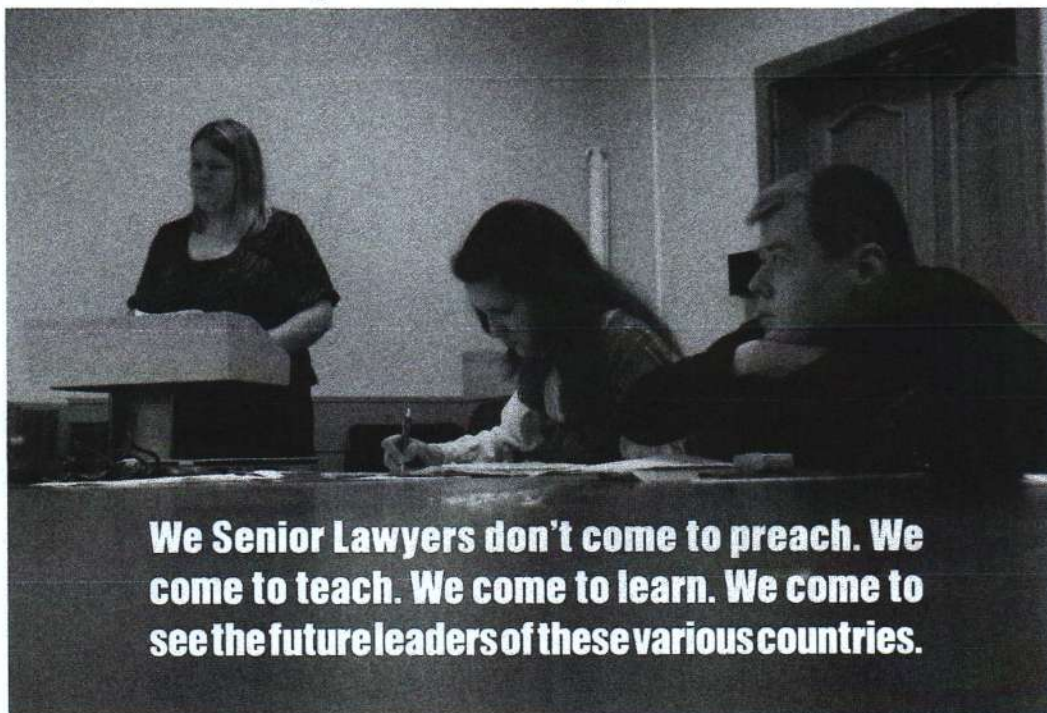
Today was also the day to run, as in jog. My blogging buddy Luc from Ohio told me about it, and there was no way I was leaving Siberia without running here. I even bought running tights and a bacalava, thinking it would be about 10 degrees colder than it has been. But I got dressed and hit the ice. It wasn't too bad. I didn't run that far, but the cold crisp air is certainly different hitting your face and lungs than the wet stuff that I encounter in Florida (even if I do run on a treadmill indoors). I expected quizzical looks from the people I encountered, but no one even paid a second glance. Which is interesting because I haven't

seen ANYBODY running here.

#### ***Novosibirsk • November 20, 2008***

Today was worth everything it took to get here. Worth all of the back and forth with NSU regarding timing, course content (actually, they gave me free reign), letter of invitation, visa application, course prep, carving out time in the schedule, traveling so far to a place most people can't pronounce (much less know where it is), living in accommodations

who played the part of the "victim," I swear, is a natural actress. She knew the facts cold. The students who did the opening statement did it by the rules: no argument, just facts. The direct examiners asked the "who, what, when, where" questions with precision. The cross-examiners asked leading questions! Do you know how many times I taught trial advocacy to third-year lawyers, and never heard a leading question on cross? The student who



unlike any since I was in college, freezing, slipping on ice, trying to find vegetarian food, trying to exchange money, failing miserably while trying to explain what I wanted to order. Did I forget anything?

Today was worth it because it is the reason we do this: to see the excitement and feel the passion these students exhibit when they are learning and doing something they like. This class was simply amazing. We took 19 students with no training in the law, most of whom didn't have plans to be lawyers, gave them some tools to try something they had never done before, and watched with joy and pride as these students "tried" a case.

Everyone had prepared his or her assignment with great care. There were some students who were very nervous, but they got up and did it. The student

played the photographer had drawn excellent depictions of what the photos would have shown, and knew how to explain each part of them. The student who did the closing weaved the law into the facts just like we had talked about. It was truly a wonderful experience to watch these young people as they tried their hardest to convince the jury (there were 11 of them) as to the merits of their positions. You couldn't wipe the smile off my face.

Once the "trial" was over, I re-read some of the jury instructions just to make sure they applied the law. The jury was allowed to deliberate for 15 minutes. After 20 minutes, the foreperson came out and asked if the witnesses could come inside to answer a few questions. This not being the real thing, I allowed it. The jury didn't want the lawyers to



hear the questions, but I explained that in a real trial, the lawyers would have to be present. That being said, the jurors asked many questions that the lawyers didn't ask. I pointed out that in most cases, if a lawyer didn't ask a question, the answer would be unknown (unless the judge allowed juror questions). After we answered their questions, we went back outside. I commented to all of them standing in the hallway that this was the worst part of the trial: waiting for the verdict. I asked one of the defense lawyers how he felt.

"Nervous," he said. Just like a real lawyer.

As we were waiting, one of the students said, "I can't believe it's taking them so long. This is a simple case." I asked her why she felt that way. She said the defendant was clearly guilty. In quick response to that, another student said, "Oh, no, he's clearly not guilty."

Just then, the foreperson came to the door and let us back in. I asked if the jury had reached a verdict. They said no, it was not unanimous. I had told them previously that it was alright if they came back hung. I then told them that it is not proper to ask anything further, nor to ask jurors about their deliberations. But, since we had already broken a rule, it was OK to break another one. They said it was 10-to-1 for conviction! The holdout

was the foreperson. I asked them if they had seen the Russian version of "Twelve Angry Men" ("Twelve" here). They all had, and commented that it was the exact split as in the movie, but here things stayed the same. I told them that the defense comes away with a win, because the defendant is still presumed innocent and not convicted of anything. The jury foreperson (the holdout) then did the "Kirk Gibson" pump with her arm.

We talked for a little while about how

hard it is to come to these types of decisions, and what they thought of the jury system. Those who spoke favored it. No one expressed any negative sentiments about the jury system.

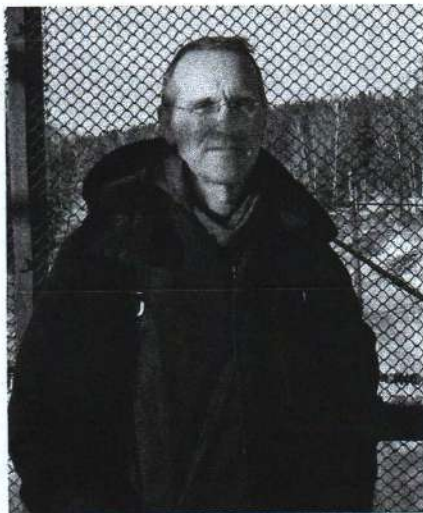
It was time to end the class, so I told them I had one more gift for them, and they all got

excited again. This time, I gave them FSU lanyards with detachable key rings. No one other than MY students have one, so they could wear it with distinction. I was given gifts as well: a beautiful jewelry box, some literature from the University and a great T-shirt.

My closing comments were from the heart. I have done this three times. This group was the best, the absolute best. Maybe it was because it was such a different type of class for them, and they really jumped into it. But, I told

them how proud I was of them for even taking the class, because they didn't have to; it was an optional class. I told them how impressed I was with their enthusiasm, their intellectual curiosity, and their devotion to learning. And I told them that the reason I do this, my reason alone, is to help them learn a little something about America, from an American, and for me to learn as much as I can about them and their country. In that regard, this trip was an unqualified success. I'm not sure that at this point I can articulate that in any more detail, because this just ended, and I need time for this to sink in. But, more than anything, as I told them, we are all on this planet together, and we have to make the effort to know more about the world than what is outside our front door. I told them we have to communicate with each other, for only by doing so can we live peacefully. To that, there was unanimous agreement.

We Senior Lawyers don't come to preach. We come to teach. We come to learn. We come to see the future leaders of these various countries. It is my firm conviction that this group of young people, 19 men and women from Novosibirsk, Russia, in Siberia, which most people immediately think of as a cold and barren place, will be leaders in their country. Far from being a desolate wasteland, Siberia, to me, is a dynamic and forward-looking region, and I wouldn't be surprised to read about one of these wonderful people playing a role in their country's affairs, and I will get to say: "That was a student of mine." 🏠



SCOTT N. RICHARDSON recently left private defense work to become General Counsel for the State Attorney's Office of the Fifteenth Judicial Circuit. He received his B.A. in 1975 and his J.D. in 1978, both from the University of Florida.

He is on the Executive Council of the Criminal Law Section of The Florida Bar. He also has served on the Supreme Court of Florida Committee on Standard Jury Instructions in Criminal Cases since 2004.

Since 1993, he has participated as an instructor with the Gerald T. Bennett Prosecutor/Public Defender Trial Training Program, sponsored by the Florida Bar and the University of Florida in Gainesville.

Additionally, he has acted as a visiting professor with the Center for International Legal Studies at the Vytautas Magnus University School of Law in Kaunas, Lithuania (2006); Ukrainian Academy of Customs, Dnepropetrovsk, Ukraine (2007); Novosibirsk State University, Novosibirsk, Russia (2008) and the Belarusian State University, Minsk, Belarus (2009). The courses taught have varied from White Collar Crime to an Introduction to the American Legal System, including criminal procedure and mock trials.