When future historians look back on the development of rule of law in Eastern Europe and Eurasia, they will note the names of a diverse group of University of Chicago alumni who were there at the beginning, and who applied their knowledge, wisdom, and training—and their hearts—to improve the lives of others and to strengthen the present stability and future prospects of the world we all live in.

The crumbling of the Soviet Union into seventeen independent states, the fragmentation of Yugoslavia into five new nations, and the democratization of former absolutist regimes in Eastern Europe have introduced new possibilities and new dangers across a vast, strategically vital, and often inflammatory area of the world, from the Balkans to the Chinese border. Success or failure at establishing and sustaining the rule of law within that region may well determine not only the fates of individual nations, but the durability of regional and even global stability.

Graduates of the Law School are lending their knowledge and experience to the challenging task of creating enduring legal institutions in many of those countries, through a widely lauded project of the American Bar Association: the Central European and Eurasian Law Initiative, CEELI for short. Alumni working with this group are helping to reconstitute judicial systems and eradicate judicial corruption, to revamp dysfunctional commercial and administrative laws, to combat human rights violations, and to change perceptions about rule of law within the legal profession and among entire citizenries.
John Phillips, ’73 arrived in Serbia in 2001 as CEELI’s rule of law liaison only months after Slobodan Milosevic had been arrested and extradited to The Hague to be tried for war crimes. Phillips describes his mandate as liaison in terms similar to those used by others who have filled that position, whatever country they were serving in: “Real reform must be driven by the people of the host country. Working within approved areas of focus, you look for opportunities to make a difference. Then you figure out together with the host country’s reform leaders how you can be most helpful, and plunge in with your sleeves rolled up.” Joel Martin, ’77, who was liaison in Moldova and now heads the CEELI Institute in Prague, adds this description of the overall mission: “CEELI exists to respond to the needs and requests of countries, not the objectives of American lawyers; to provide technical legal service, not prescriptive; and to be a pro bono public service project, not a means for developing private business.”

Collaborating with an array of Serbian government entities and legal associations and with international governmental and non-governmental organizations, Phillips worked to increase the transparency of legislative processes, strengthen judicial ethics, and create a judicial training center. To help fend off corruption, he assisted judicial and government leaders in a successful drive to double judges’ salaries, which raised them from a starting point below Serbia’s subsistence income level and made them more comparable to officials in other branches of government.

Phillips has seen significant progress, but he has also seen some of that progress undone by the fragility of Serbia’s democracy. After Milosevic’s removal, a persistent opponent of that regime’s despotism, Leposava Karamarkovic, was named president of Serbia’s Supreme Court. Phillips worked with her on several projects and calls her efforts to invigorate the judiciary “as inspiring and courageous as anything I’ve ever witnessed.” (Karamarkovic received CEELI’s inaugural Reformer’s Award in 2002 at a ceremony in Moscow.) However, during the state of emergency declared after the assassination of Serbia’s prime minister in 2003, Judge Karamarkovic and other reformers in the judiciary were unlawfully replaced by political appointees.

Tom Jersild, ’61 has served Serbia and many other nations. Last year Jersild helped Serbians draft a new company law, applying skills he had honed during thirty-eight years at Mayer, Brown, Rowe & Maw and had previously utilized with CEELI as the only American on a team that drafted a new company law for Macedonia. Jersild observes that the previous codes were “very lengthy and wordy and formalistic,” and that they impeded commercial transactions rather than furthering them. “You can tell they weren’t written by people who have actually done deals,” he says. As an example, he explains that in some countries incorporating a business could take up to six months because of highly detailed requirements and extensive involvement of courts. “When things are so complex and susceptible to corruption,” Jersild says, “many people don’t have a private property interest in society, and without that, you can’t really
develop all the other aspects of rule of law.”

At the other end of CEELI’s territory, Inge Fryklund, ’79 served as rule of law liaison in Tajikistan. On the 2003 corruption index created by Transparency International, Tajikistan ranks 128th out of 133 countries. Fryklund describes a country once held together by authoritarian systems now struggling for identity and survival: “Under the Russians, infrastructure functioned; education was free; women were promoted; the legal system didn’t require bribes. Russia connected the region with the outside world and Russian was the lingua franca. Now, as local rulers promote local languages and new borders impede movement, this commonality is breaking down

Law school in Tajikistan is entirely theoretical: no moot court, no mock trial, no legal clinic—not even class discussion. Many clients feel that it is a better investment to bribe the judge than to hire an advocate. CEELI conducted a ten-day mock trial boot camp for thirty-two students. The students got so wrapped up in the final domestic violence murder case, and so competitive, that all of them worked through the night before their final trials. It was their first glimpse of what an attorney can do, and of the excitement of doing whatever preparation is necessary to fight and win a case. —Inge Fryklund, ’79

and Central Asia is turning inward. It’s the Tower of Babel collapsing in slow motion.”

Fryklund has focused her efforts primarily on working in what she calls a “bottom-up” or demand-side way to train and inspire Tajik law students, practicing lawyers, and judges, instilling not just knowledge of national laws and international covenants but also a passion for independent thought and forceful advocacy. “The hardest thing to change here—and in my view the most important—is the mindset,” she says. “The amazing and inspiring degree of hard work and activity in the personal lives of Tajiks is matched only by the degree of passivity and helplessness toward governmental institutions.” She recounts the aftermath of a planning discussion she facilitated with judges, advocates, and prosecutors from Uzbekistan, Tajikistan, and Kyrgyzstan: “That night, over many cups of tea, an impromptu group of legal professionals, joined by my Kyrgyz driver and an Uzbek border guard, held an impassioned discussion about their visions, with ideas ranging from a Central Asian E.U. to stopping border guard harassment. It was a totally new idea that they could have dreams and choices instead of passively accepting the latest
directive from the khan, Soviet, or president."
Tony Barash, '68 is Fryklund's geographic next-door neighbor, serving as liaison in Uzbekistan, another country where rule of law has yet to fully take hold—Freedom House ranked it last year as one of the world's fifteen most oppressive nations. The United States used its airbase there, acquired in October 2001, as a staging area for troops bound for Afghanistan and Iraq.

"Judicial independence may not be natural, but it can be learned."
—Joel C. Martin, '77

Barash's focus is more "top-down" than Fryklund's—he's working with the country's Supreme Court and its association of judges on judicial reform, facilitating training throughout the country on human rights, judicial ethics, and other pertinent topics.

Last year he accompanied eight Uzbek judges to Washington, D.C. for a weeklong class on ethics that kicked off a project to revise and reform the Uzbekistan Rules of Judicial Ethics. He calls that trip "one of the most fulfilling experiences of my life," and reports that the results have been gratifying: "Since returning, we have had the opportunity to speak about ethics to more than eighty percent of the 944 judges in Uzbekistan. I believe that the majority of judges accept
They want to break the cycle of corruption. I am not relying on promises or inferred intentions. Recently, there have been some very positive results, and I have no indication that that this positive direction will reverse."

Earlier this year, Barash helped organize an unprecedented seminar on relations between the judiciary and the media. The seminar was attended by over ninety judges, journalists, and advocates from countries that included Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan, and Georgia. Barash describes the discussions at the seminar as "open and candid," and notes that they were later broadcast on national television in Uzbekistan. "This was a real sign of demonstrable progress toward improved media and public access to the country's courts," Barash says.

Of all the Law School graduates serving with CEELI, perhaps none had a deeper personal reason for joining than Gahmk Markarian, '91. "I'm of Armenian descent," he
says, "and I was in law school when communism started collapsing in Eastern Europe. Armenia, once a Soviet state, became an independent country a few months after I graduated. I knew I wanted to become involved." After several years as a rising associate at a New York firm, the call of CEELI's opening for a rule of law liaison in Armenia was too great for him to resist.

Armenia has the potential of becoming an international flashpoint. Its long history of conflict with Azerbaijan over the Nagorno-Karabakh region, for example, threatens to involve large powers such as Russia and Turkey, and has been called "the tiny knot at the center of a big international security tangle."

From 1997 to 1999 Markarian helped solidify the judges' association that had been established just before his arrival, to establish a bar association and expand the

"The majority of judges want change; they want professionalism; they want international acceptance; and they want independence. They want to break the cycle of corruption."

—Tony Barash, '68

services it provided to its members, and to implement Armenia's first-ever judicial qualification exam. He remained in Armenia as a contractor for three more years. During that time fellow alumnus Doug Francis, '66 assumed the role of law liaison position in Armenia. Their efforts sometimes intersected as they worked on the daunting project of putting all the country's appellate and economic court decisions, never before available in a single place, onto a judicial Web page, searchable in Armenian.

Francis also helped create Armenia's first judicial training center, which holds twice-monthly training sessions that are also videotaped. These tapes are part of the Bulgarian Bar Association's video library, which are available to any of the country's 10,000 attorneys. "A lot of what we help create would be nothing new to an American lawyer," he says. "It's things we just take for granted in the U.S. But without these basics, there's no way to have a vital and trusted legal system."

Most of the Law School graduates came to CEELI from firms or corporate practices, but Charles Marvin's work with CEELI continues a highly accomplished career in the field of law and development. A 1968 J.D. who earned a master's degree in 1970 from the Law School's trailblazing comparative law program, Marvin found himself in Kazakhstan just a year after the disintegration of the Soviet Union, helping to revise that fledgling country's administrative code. "It was probably too early for our work; the difference in systems was too great," he says. "It didn't work out as well as we had hoped." However, armed with what he had learned from that experience he went on to provide assessments of constitutions and statutes in Albania and Moldova and to teach administrative law in Bulgaria. In the last three years he has been active as a teacher and adviser in Latvia, Estonia, and Lithuania. He co-chairs the ABA's Central European Law Committee.

CEELI aims to render its services unnecessary as host countries increase their capacity to direct their own legal affairs; the organization has already closed its offices in countries that include Poland, Hungary, and Slovakia. The one CEELI entity designed to last in perpetuity is the CEELI Institute, headquartered in Prague and led by Joel Martin. The Institute offers a range of courses for judges, lawyers, and legal reformers. Its first offering was "Judging
in a Democratic Society.” That workshop, Martin says, “proceeds from the assumption that judicial independence may not be natural, but it can be learned.” Other courses include “Justice in a Market Economy,” which is a two-week study of commercial law, and “Protecting Human Rights in Democratic Societies.”

Acknowledging that changes in fundamental practices do not come easily, Martin says, “We generally invite three people at a time from any country so they’ll have someone back home who shares their knowledge, someone they can talk with, network with. It can be mighty lonely out there for reformers.”

Supreme Court Justice Sandra Day O’Connor has said, “CEELI volunteers are an inspiring example of global community service. These splendid, dedicated, talented, and selfless lawyers have interrupted their lives and careers to make a difference in the world.” Abner Mikva, ’51, senior director of the Edwin F. Mandel Legal Aid Clinic, serves on CEELI’s eight-member executive board and calls CEELI “the best thing the ABA has ever done.”

According to many of the graduates involved, the Law School can take some of the credit for the quality of the difference they are making in the world. Charles Marvin lauds the breadth and intensity of the Law School’s pioneering comparative law program, which was led by Max Rheinstein. “It was a time when old colonial empires were breaking up and people were starting anew,” Marvin says. “What I learned then has informed everything I’ve done since, and is highly relevant to the work I’m doing in Central Europe and Eurasia.”

Gahmk Markarian says that he found the big-picture thinking at the Law School “indispensable for deciding what to do and how to go about it in a situation where so

“A lot of what we help create would be nothing new to an American lawyer; it’s things we just take for granted in the U.S. But without these basics, there’s no way to have a vital and trusted legal system.”

— Doug Francis, ’66
"I had practiced law and taught part-time in Albuquerque for almost thirty-five years. My sons were grown. I thought I should do something interesting and fun for the next thirty-five years. But, like most people I know, I probably would never have done anything about it. Why give up a comfortable life? What really happened is that I became too deaf to go to court. I was becoming a walking malpractice case. I had to quit my court-driven bankruptcy practice and was unable, or unwilling, to make anything else work. A good friend of mine was with CEELI in Azerbaijan. A liaison had to go home early and I agreed to finish the last six months of her tour. Two months after I finished in Azerbaijan, CEELI needed someone in Armenia; from Armenia, I went straight to Bulgaria. Now I'm in Serbia and Montenegro. My wife joins me for long visits. And my deafness is not a problem, because I have an interpreter and some great hearing devices. What could have been a disaster has turned into a most interesting, entertaining, and satisfying life!"—Doug Francis, '66

"When I was in Law School they taught an old-fashioned reverence for 'The Law' as such—as a somehow rocklike and objective thing that had formed us and made us different and better. The slant was even slightly religious although no one would have used that word for it. We heard it especially from Karl Llewellyn but, really, the whole faculty rubbed it into us whether they knew they were doing it or not. Anyway, that old attitude stuck and it is what pulled me into CEELI after I 'retired' and what kept me going inside CEELI—and still does."—Tom Jersild, '61

much was so fluid and there was so much to be done."

Inge Fryklund says her friends kid her that the demand-side approach she's taking in Tajikistan is "pure University of Chicago." She proudly agrees: "I find that I am looking at things in economic terms—in terms of incentives and interests. This helps greatly in analyzing a very different and exotic-seeming system. Political decisions and the endemic corruption seem inexplicable on the surface, but a focus on the incentives and interests at work cuts through the surface differences to show the motivations and interests at stake. With these identified, it is much easier to identify leverage points and see how change might be effected."

"In the long run," Fryklund adds, "I'm hoping that my work may lead to indigenous initiatives that can transform the Central Asian mindset. Outsiders cannot simply promote the adoption of Western institutions and expect them to take root."—G. de J.