

**REPORT ON FOREIGN CONFERENCE OF THE CANADIAN
JUDGES AND LAWYERS TO THE BALTIC STATES, HELSINKI FINLAND, AND ST.
PETERSBURG RUSSIA**

The participants arrived at the Vilnius Airport via a Bombardier Aircraft flying from Vienna (1.5 hrs.). The Kempinski Hotel in the old town on Cathedral Square was welcoming and peaceful. Dinner was around the corner and bed was welcomed.

On Sunday we toured the old town and acquainted ourselves with the history of Vilnius and the Grand Duchy of Lithuania. Vilnius is at the centre geographically of Europe and was the largest country in the 15th Century and has existed as a country since 1109. It was later claimed by the other countries, but re-claimed its Independence with a full constitution in 1918. Unfortunately, it was gobbled up by Russia in 1920, was briefly taken over by Germany in 1940 and by 1944 was retaken by Russia until finally in 1990 the citizens repatriated the former constitution and the Russians left by 1992 making it a fully independent democracy. The old town is a UNESCO Protected Heritage Site.

In the evening we met with our Canadian Charge D'Affair, Beth Richardson, (hometown Edmonton) who recently arrived in Vilnius after several postings around the world. We also met with several members of the Lithuania Bar Association and exchanged legal and political views that same evening. Just last week, Parliament had finally passed a new Labour Act that two of our legal confreres were actively involved in. Most of the Lithuania Lawyers with us were former prosecutors but now in private practice in criminal law, labour, family etc. as well as teaching at the University. Presentations were made to Beth Richardson by our president, Frank Bennett, and by Justices Mary Jo McLaren and Cathy Baker to the Lithuanian Bar Association.

On Monday we toured the Parliament of Lithuania 141 members with 71 elected pursuant to constituency elections and a general election party lists for the other 70 members.

They sit in two sessions of Spring and Fall on Tuesdays and Thursdays with committee meetings on Wednesdays and Fridays for a four-year term with elections

coming in this October. The President now, is a lady and elected in a separate general election.

The Speaker appears to have the main clout and respect. This proud country of three million and decreasing by emigration to the other EU countries fought the Russians psychologically, in protecting their Parliament with over 150,000 people surrounding same in 1991, and at the same time being surrounded themselves by Russian tanks and armies marching around them. According to their lawyers, they are a service industry country providing people and technology to Europe. English is a common language (lucky for us). Only five million people in the world speak and understand the Lithuanian language. In the afternoon we toured Paneriai where 100,000 persons mostly Jewish, but also including Russians, Polish, Lithuanians and disabled Germans of all ages were shot and burned between 1941 and 1944. That History is attached with the 12 pits with depths of 9 to 15 metres were filled with corpses.

On Tuesday we travelled to Rakai which was one of the first capitals on the Grand Duchy of Lithuania which spread from the Baltic Sea to Crimea on the Black Sea. The island castle had a complete history of the Courts controlled from the Castle attached with Territorial Courts, Castle Court and the Appeal Court. The Castle Courts were eventually eliminated and the Territorial Courts became the County Courts. The laws were simple and straightforward and the appointment of Judges was by the King and Grand Duke and Lithuania only had one King for a period of ten years in the 16th Century, otherwise was ruled by the Grand Duke.

On Wednesday, we began our travel to Riga Latvia. As we were about to leave Lithuania, we came upon the Hill of Crosses. Crosses began to appear in the 19th Century in memory of the patriots hung by the Czarist Russians after an attempted uprising. Thereafter there were attempts by Russia (in control) to remove all crosses on several occasions only to have hundreds of crosses reappear. Pope John Paul II visited the site in 1993 and urged the Friars in Rome to erect a permanent chapel and sanctuary which they have completed recently, but now the Hill contains about 500,000 crosses where persons plant their crosses in memory of special persons, events, or to

glorify Jesus Christ from 3 inches to 15 feet high. Indeed a moving experience. We continued, stopping for lunch still in Lithuania at an equestrian restaurant including show jumping horses with inside and outside rings and stands. Our private bus crossed the border into Latvia and of course because they are EU countries, there are no border guards or customs.

Shortly into Latvia, we arrived at Rundale Palace (now a Museum) where we toured the gardens (77 hectares) and the Palace erected for the Count (Duke) of Ernest Johann of Courland commencing in 1731 by his spouse and lover. He was interrupted in his enjoyment by a 25 year sentence to Siberia by the Czar's order only to return at age 72 and died 10 years later of a heart attack. Since that time, it was ravaged by many including Napoleon and his army, its use as a school and drawing rooms as a basketball court before being declared a national museum with substantial monies being advanced by Russia to retrieve the history and now the Latvian Government. An hour and one-half later we were in our hotel on the edge of the UNESCO protected old City of Riga.

On Thursday morning we met with Ambassador Alain Hausser at the Canadian Embassy near our hotel. He explained the importance of his mission of the three independent Baltic States regarding both NATO and the EU and the issues facing the peoples of each Country along with their history and culture. He answered all our questions and we all left the Embassy proud of our Foreign Service representatives. A tour of the old city of Riga showed the strategic position of Riga and the geography both for the former occupation by Russia and the New Government democratic of 1991 as a member of the EU and NATO with the upcoming vote on the trade treaty between Canada and the EU (CETA). Canadian lawyers can play an important role in this new development.

On Friday morning we examined the Neuveau Decco next to our hotel, the Law School and then toured the Latvian Ethnographic Open Air Museum just outside of Riga. Established in 1924, many homes, barns, granaries, etc. together with contents have been moved (dating from the 17th century onwards to the 1940's) to this 87 hectares site exhibiting the rural area lifestyle in that period of Latvia. It explicitly

demonstrates the building and farming skills brought by Latvians who like our forefathers emigrated to Canada.

In the afternoon we met with members of the council of the Latvian Council of Sworn Advocates. We enjoyed in depth discussions over lunch with Saulvedis Varpins who practises Criminal Defence work and is a member of the European Criminal Bar Association. We also enjoyed the insights of Andris Rukmarius who is a general practise lawyer in Riga. He explained the land registration system (about to go electronic) and ownership of land and buildings since the New Government of 1991. Riga, if course, was originally established in 1201.

On Saturday we began our travels to Tallinn with a first stop in Gutman's Cave in Gauja National Park (the largest cave in the Baltics). Ancient inscriptions were made on the cave's walls dating back to 1667. We then went on to the Turaida Castle dating back over 1000 years. We then crossed the unprotected border into Estonia and arrived in Tallinn in the evening enjoying a special dinner in the old town. Estonia is 58% covered in trees, but many farms were seen as we travelled. The crops of course cannot compare to those in Ontario.

On Sunday we attended many churches in the old town, attended at the Parliament (where the election of a New President is on going) and so far difficult negotiations between the election commission and the Parliament have not proved successful. I enjoyed the open square around the City Hall where native Estonians of many ethnic backgrounds were entertaining and then having lunch in a local restaurant, in the old town which is an UNESCO heritage site as well. After lunch, we toured the National Art Museum built in 2006 but housing the greatest of the Estonian Sculptures and Arts. Our guide described through the painting the development during the last several hundred years and the influence of the occupation of Estonia by foreign powers.

On Monday morning we went to Peter the Great's Summer Palace in Tallinn and gardens that he never actually used and his spouse Catherine was not interested in. We then went to the waterfront of Tallinn and visited the Sailing/Yachting Olympic Site for Russia's 1980 Olympics which were boycotted by Canada and several western nations.

After lunch in the old town, we attended the Estonian Bar Association where President Hannes Vallikivi gave us a presentation on the history of the EBA established in 1919. There were no women prosecutors or judges prior to 1940 and 40% of their nearly 1000 members are under 35 years of age. The degree of Sworn Advocates is achieved after 3 years of law following high school and a Masters of Law degree (two years). There is a state funded legal aid system which pays \$60 per hour and has . In house counsel are not members of the EBA. Other graduates with a law degree (three years) can practise in the field of law but cannot appear before the Supreme Court. President Hannes Vallikivi provided an overview of the entire structure of their legal system.

Of concern to the EBA is the fact that one-third of the 240 judges of the Courts will be retiring in the next three years. Judges may choose at any time to become Sworn Advocates. Their fees of membership are 729 Euros per year and there is a special discount to as little as 20% for Sworn Advocates with disabilities. EBA has established a categorie of Advocate Emeritus for retired lawyers who pay no fee for insurance. There is a request from the EBA for assistance in providing training for the Sworn Advocates in examination and cross examination programs in adversarial situations. Jannuss Tehoer, the current Vice-President, is particularly interested in having such programs for the Sworn Advocates of Estonia.

The EBA provides scholarships to entice sworn advocates to set up practise in the regions as 83% of the sworn advocates are in the capital Tallinn where only one third of the population resides. The advocates charge fees on a contingency basis or a time billing of \$150 to \$375 per hour. Young lawyers and Senior lawyers do the bulk of the legal aid, but one could not survive financially by relying on it. There are continued discussions between the State and EBA to increase the fees.

That evening our Ambassador, Alain Hausser, flew in from Riga for a reception at the Embassy located on top of the hill in the old town. Programs Officer Kiri -Liis Ustav, had arranged for the reception and a large number of Estonian lawyers (sworn advocates) and judges attended for informal social discussions for the evening. Presentations of a framed picture of Osgoode Hall, had been made to Hannes Vallkivi in

the afternoon session, one at the Canadian Embassy presentations of the same were made to the Estonian Court of First Instance and to Ms. Ustav for the Canadian Embassy in Estonia. Of interest, the Justice of the First Instance Court who was chairing the deliberations for the selection of the New President of Estonia was also present with the selection still awaiting Parliament now.

On Tuesday, our same bus loaded with our luggage boarded the M/S Superstar and, we left Tallinn for Helsinki at 10:30 a.m. arriving at 12:30. Our bus with the luggage came across the sea into the Gulf of Finland and Helsinki. After lunch we toured the Helsinki Art Museum and then arrived at our hotel at 4:00 p.m. We then met with representatives of the Finish Bar Association which has 12 regions including Helsinki Bar Association as one whose Susanna Taskinen is a member of that Council. Susanna practises Family Law and Wills and Inheritances. She leaves on September 28th with 40 other members of the Helsinki Bar Association to Barcelona, Spain for a five day annual Conference.

The FBA has 2100 attorney-at-law who have joined the FBA with approximately 50% practising in Helsinki. Others with law degrees practise in Law Offices without joining the Bar whose fees are \$2250 annually. The FBA works with government in critiquing and recommending changes to legislation of Parliament (200 members). There are 27 District Courts in Finland with a Judge in each district and the Government is facing resistance in having the number of districts reduced with sitting judges forcing them to go on circuit. In some districts litigants must travel up to 500 kms. to attend court with their lawyer.

Family Law is practised a little differently with no absolute guarantee of support but property division is respected. Different jurisdictions in the EU which Finland is a member since 2005 (but not NATO because of its prior agreements with Russia) cause problems for Family Practitioners. A presentation of Osgoode Hall was made to the Finnish Bar Association.

On Wednesday we did a city tour of the 1952 Olympic Venue, postponed from 1940. We then went to the Musical House and some made arrangements for the evening performance. After lunch, we went to the Canadian Ambassador's official

residence for a reception with the Finnish judicials. Charge D'affaco Franse Uy was our host representing the Ambassador Andree Coolican who was away. Sally was one of 220 legal aid lawyers assisting persons with legal problems before the courts and administrative tribunals. Janne N. and Hanna K. were both litigation lawyers specializing in sports and criminal respectively. There is a great delay in cases sometimes taking years. The district courts are the trial courts, but if anyone is sentenced to eight months or more, there is an automatic appeal to the Court of Appeal and others, however, must seek leave. From the Court of Appeal there is the Supreme Court Finland. All lawyers were eager to advise of the legal system in Finland and likewise inquisitive of our legal system in Canada. There are high hopes that the Helsinki Bar Association will make a legal journey to Canada. The government, for financial reasons in the appointment of judges, seldom appoints from the Finnish Bar Association and members must continue to deal with great numbers of law graduates (but not sworn advocates) who can open and operate law offices.

On Thursday we visited by boat to the sea fortress of Suomenlinna which was originally built by Sweden to guard the Gulf of Finland. Several other countries later, it eventually belonged to Finland and was their naval academy. It housed the world's largest dry dock which is well used. The dungeons under the high walls are still present. We returned to the city for lunch, a city tour and dinner.

On Friday we left for St. Petersburg by train passing through Finnish Customs and then twice through an inspection on the train for Russian Border Crossing. We visited a district court and had dinner there with our Canadian flags adorning our table.

On Saturday we visited the headquarters of the Lawyers Association of St. Petersburg. We did a short city tour and then visited The Hermitage and saw the collection of Catherine the Great including Michael de Angelo, Raphael, Rembrandt etc. plus the intricate wood flooring, busts and statues as well as wall and ceiling paintings. In the afternoon we went to Petergof going by President Putin's Official Residence and then to the palace of Peter the Great 1703 and his fountains and statues which are fed from 16 meter high hills to the Baltic Sea through a configuration of pipes without any pumps whatsoever.

On Sunday we took our bus to Pushkin to the Summer Palace of Catherine the Great. After lunch we did a boat cruise on the many canals and rivers of St. Petersburg. We went by Pushkin's home along the canal. He had a rented 10 room apartment for his spouse and several children. He was killed in a duel by pistol of a man who by rumour was having an affair and Pushkin challenged him. He died owing a great deal of money. She remarried but not to the winner of the duel.

On Monday (October 3) we visited the St. Petersburg Bar Association whose offices are located at 53 Nersky Prospect on the second floor. We met with the President of the St. Petersburg Bar Association Evgeniy Semenyako who is also the first Visi President of the Russian Bar Association and Two Vice Presidents including Roushan Chinokaev. We gave them a picture of Osgoode Hall and they gave us a trophy of the St. Petersburg Bar Association commemorating the 150th anniversary this year of their Association. These Bar lawyers are divided into two groups, criminal and civil. We also met with Sergey Strembelev who has just started practising on his own as a civil lawyer. He specializes in condominium law and taught for five years at the University.

There are 4000 members of the Bar Association for the population of St. Petersburg of 5 million. However, thousands of lawyers receive their law degree after high school and practise law without joining the Bar Association. There is currently a law before the legislature to make it mandatory for all lawyers who wish to practise law to join the Bar Association. We will wait and see. I am enclosing Sergey's email for those that might wish to contact him regarding condominium law in Russia and advise him of our laws. (Sergey Strembelev's email is strembelev@gmail.com).

Attachments are enclosed of presentations and meetings throughout.

Respectfully submitted,

J. Douglas Grenkie

Foreign Conference Director