



OPEN WORLD PROGRAM

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**RULE OF LAW DELEGATION
Minneapolis and St. Paul, Minnesota
October 18-25, 2008**

**Administered by the
Russian American Rule of Law Consortium
Colchester, Vermont**

PARTICIPANTS

Rakhimzhan Askarovich Askarov, Chief Judge, Issik-Kul Rayon Court
Elmira Turdakunovna Baitikova, Judge, Interdistrict Court, Bishkek
Ermek Erkovich Sadykov, Judge, Supreme Court of Kyrgyzstan
Sagynbek Rysbekovich Tashtanbekov, Chief Judge, Issik-Ata District Court
Facilitator

Danilya Misirbekovna Baisubanova, Volunteer and Communications Coordinator,
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Host Judge

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Justice Paul H. Anderson is a Minnesota native, born May 14, 1943, in Eden Prairie, Minnesota. He was raised on a dairy farm in Eden Prairie (which is now a suburb of Minneapolis) and graduated from Eden Prairie High School in 1961. Justice Anderson attended Macalester College and received a B.A. degree, cum laude with departmental honors in Political Science, in 1965. He then attended the University of Minnesota Law School, receiving his Juris Doctor degree in 1968. After graduating, he served as a VISTA (Volunteers In Service To America) volunteer attorney with New Haven Legal Assistance, New Haven, Connecticut from 1968-69. He then served as a Special Assistant Attorney General for the State of Minnesota. In 1971, he became an associate and later a partner in the South St. Paul law firm of LeVander, Gillen & Miller for over two decades until his appointment to Chief Judge of the Minnesota Court of Appeals in 1992. In 1994, Governor Arne Carlson appointed him an Associate Justice of the Minnesota Supreme Court, where he currently serves.

His interests on the court include extensive participation in outreach programs in order to make the court more understandable and approachable. He is an active member of the Race Bias Elimination Committee and the Advisory Committee on the Rules of Public Access to Records of the Judicial Branch. He is an adjunct professor at the University of Minnesota Law School and is the recipient of numerous awards, including the Macalester College Distinguished Citizen Award, Lawyers Assistance Program Award, and the Minnesota YMCA Youth In Government Crystal Dome Award for services to youth leadership development. He is also the author of numerous legal papers and articles.

Justice Anderson also participates in long-distance bicycling and gourmet cooking. He is married to Janice Anderson, a Metro State University Administrator, and is the father of Yovanna, an elementary school teacher.

Host Coordinator
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Robert has a background in Russian and Soviet Studies and speaks fluent Russian. He was the Senior Rule of Law Advisor for USAID in Tbilisi, Georgia, 2003-04; Country Director for the American Bar Association's Russian Federation rule of law program, Moscow, 2004-06, and Country Director for the U.S. government's main rule of law program in Ukraine, Kyiv, 1995-99. He received a J.D. from the University of Illinois in 1975, where he was Articles Editor of the law review, and an LL.M. from Columbia University in 1985, where he was a Jervey Fellow in Comparative Law. He has studied and taught Soviet Law, and has traveled widely in Russia, Ukraine, Kazakhstan, Moldova, Georgia, Armenia and Azerbaijan. Before becoming involved in the Former Soviet Union, Robert had been an attorney in private practice, handling a wide variety of civil litigation matters.

Robert is married to Valentina, who was born in Kyiv, Ukraine; she is a Kandidat Nauk in Linguistics from Kyiv State University (now known as Kyiv National University named for Taras Shevchenko.) Valentina taught Russian as a Second Language at the Institute of Civil Aviation in Kyiv, and later worked as a press assistant for the U.S. Embassy. Robert has a son, Rob, who is a Ph.D. candidate in math, and a daughter, Elizabeth, who is a college sophomore studying international development. Valentina has a daughter, Yasya, who is married and lives in Ukraine. Robert and Valentina together are the parents of Estelle, who is in 6th grade in a Hopkins grade school.

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Administered by
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Founded in 1991, the Russian American Rule of Law Consortium (RAROLC) is an all volunteer organization that pairs legal communities in the United States and Russia in order to develop legal institutions and advance the rule of law. In each country, RAROLC forms a steering committee comprised of judges, lawyers, law professors and other legal professionals to guide the projects. RAROLC has enlisted hundreds of American and Russian volunteer rule of law specialists and draws upon the expertise of legal professionals, including State Supreme Court justices, United States Attorneys, prosecutors, defense attorneys, and law enforcement officers. Through its unique partnership approach, RAROLC improves the capacity of local Russian legal institutions to implement reform with a special focus on working at the regional level.

For nearly two decades, RAROLC has developed a network of rule of law partnerships that have advanced the reform efforts facing the Russian judiciary. RAROLC has also been instrumental in the development of bar associations and judicial and lawyer education programs. It has provided effective training in the use of technology, initiated the adoption of alternative dispute resolution methods, and has trained legal professionals to implement reforms effectively and to bring justice to citizens. RAROLC also has a proven track record in working with high-level Russian officials.

RAROLC has an ongoing relationship with Open World to sponsor ten-day intensive visits by members of legal communities to the United States. Since 1999 RAROLC has hosted hundreds of Open World delegates from Russia. In 2005 RAROLC began hosting Ukrainian Open World delegations and in 2007 and 2008 have hosted delegations from Azerbaijan, Moldova, Kyrgyzstan and Georgia.

RAROLC partnerships include: (1) Vermont and the Republic of Karelia; (2) Maine and Archangelsk Oblast; (3) Maryland and Leningrad Oblast; (4) Western New York and Novgorod Oblast; (5) New Hampshire and Vologda Oblast; (6) Massachusetts and Tomsk Oblast; (7) Connecticut and Pskov Oblast; (8) Alaska and Khabarovsk Krai; (9) Oregon and Sakhalin Oblast; (10) Washington State and Primorskii Krai; and (11) Oklahoma and Ulyanovsk Oblast.

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SCHEDULE

Saturday, October 18, 2008

- 10:32 – 11:15 a.m. Delegates arrive at Minneapolis/St. Paul International Airport on Northwest Airlines from Washington D.C. Meet at baggage claim; look for someone holding an “Open World – Kyrgyzstan” sign.
- 11:15 a.m. – Noon Delegates will be transported to Justice Anderson’s house to drop off their bags and freshen up.
- 12:30 – 2:00 p.m. Lunch. Weather permitting, lunch will be at Minnehaha Park where Minnehaha Falls is just a short walk from the Mississippi River.
- 2:00 – 5:30 p.m. Afternoon sightseeing tour of the Twin Cities of Minneapolis and St. Paul, including both downtowns, the lakes area and the Mississippi riverfront.
- 5:30 p.m. Barbeque at Justice Anderson’s house; meet host families.

Sunday, October 19, 2008

All day with host families.

Monday, October 20, 2008

Breakfast with host families.

- 9:00 a.m. Arrive at the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul, Minnesota. (Bring luggage with you; transportation will be provided.) The entire day’s program will take place here.

- 9:10 a.m. Welcome meeting with Eric J. Magnuson, Chief Justice of the Minnesota Supreme Court, then tour of Supreme Court offices followed by an overview of the legal system by Paul Anderson who is an associate justice of the Minnesota Supreme Court. Delegates will give an overview of the Kyrgyzstan court system.
- 11:00 a.m. Meeting With Sue Dosal, Court Administrator of the Supreme Court, and with various staff members to discuss appellate court administration including budgeting.
- Noon Lunch in the Supreme Court Lunchroom with members of the Supreme Court and the Court of Appeals. Open discussion.
- 1:30 – 3:00 p.m. Continuation of Court Administration presentation. Supreme Court Commissioner Rick Slowes and Clerk of Appellate Courts Fred Grittner will discuss Appellate Court Procedures. Staff Attorney Michael Johnson will discuss issues of Privacy And Public Access to Court Records, including Internet access. John Kostouros who is Communications Director of the Minnesota Supreme Court, will discuss public relations in general.
- 3:00 – 4:30 p.m. News Media Panel To Discuss Court-Press Relations. Panel Members Include:
- Mark Ritchie, who is Minnesota’s Secretary of State
 - Elizabeth Stawicki, Who Reports On Legal Affairs For Minnesota Public Radio
 - Dane Smith, Who Is President Of A Leading NGO Concerned With State Economic Issues
 - Mark Anfinson, An Attorney Who Has Represented Newspaper Publishers In Efforts To Gain Access To Court Records And Proceedings.

4:30 p.m. Depart For Hotel: Check In
Embassy Suites Minneapolis – Downtown
425 South 7th Street
Minneapolis, Minnesota 55415
Tel: 612-333-3111 Fax: 612-333-7984

The hotel is located in the middle of downtown Minneapolis, an easy walk from restaurants, shopping and the entertainment district. The hotel provides a free breakfast and late afternoon snack.

Evening Dinner and evening on own.

Tuesday, October 21, 2008

Breakfast At Embassy Suites Hotel

8:30 a.m. Meet Robert Bayer in hotel lobby for two-block walk to the Hennepin County Government Center which houses the Hennepin County Government and the Hennepin County District Court.

8:45 – 10:00 a.m. Meeting with Kevin Burke Judge of the Hennepin County District Court for a discussion of the role of court administration in supporting the rule of law. Hennepin County District Court is the largest trial court in Minnesota. Judge Burke is a former Chief Judge; he has more than 20 years' experience and lectures nationally and internationally on issues affecting trial courts.

10:15 – 11:45 a.m. Tour of the of the Hennepin County Government Center and introduction to jury trials conducted by Nancy Peters, Communication Specialist for Hennepin County District Court.

- 12:00 – 1:45 p.m. Rotary Club Luncheon held at the Golden Valley Country Club. The Rotary Club is an NGO whose members are businessmen and women or members of a profession (i.e. lawyers, doctors, accountants, dentists etc.). Justice Anderson is giving a talk to the Rotary Club entitled, “Freedom and the Role of Civic Organizations in Preserving it.”
- 2:15 – 4:30 p.m. University of Minnesota Law School
229 – 19th Avenue South
Minneapolis
- Meeting with Prof. Fred Morrison, other faculty and with students from the law school and The Hubert H. Humphrey Institute of Public Affairs. Prof. Morrison will speak on American legal education including how support is developed for the rule of law. The delegates will be asked to talk about legal education in Kyrgyzstan. The latter part of the session is intended for an open question and answer period for faculty and students to learn more about Kyrgyzstan.
- Prof. Morrison is one of America’s leading international law specialists and has participated in seminars throughout Europe, including Russia and for the Constitutional Court of Ukraine.
- 4:30 p.m. Return to hotel
- 5:30 – 9:30 P.M. Shopping trip to the Mall of America; Dinner at the Mall. The Mall of America is the largest enclosed shopping center in the United States, drawing visitors from as far away as China and Japan. In addition to hundreds of stores, it has dozens of restaurants, an aquarium, and an indoor amusement park.

Wednesday, October 22, 2008

Breakfast at hotel

- 8:15 a.m. Meet Robert Bayer on the street outside the hotel for the drive to the Minnesota Judicial Center where the morning program will take place.
- 9:00 – 9:20 a.m. Meeting with Judge Thomas Kalitowski, Presiding Judge of the Minnesota Court of Appeals, to discuss oral arguments in the appellate court. The Minnesota Court of Appeals is an intermediate appellate court, a level below the Minnesota Supreme Court.
- 9:25 – 10:00 a.m. Listen to the oral argument in a case before the Minnesota Court Of Appeals: *Alan J. Roers, et al. vs. Michael B. Pierce, et al.* (Judge Kalitowski presiding). An overview of the case will be provided to the delegates in advance.
- 10:15 a.m. – Noon Panel discussion of administrative law issues, including the role of the courts in overseeing administrative agency rulemaking and adjudication. Panel members include:
- Raymond Krause, Chief Administrative Law Judge
 - David Orren, Chief Counsel of the Department of Health and an expert on rulemaking procedures
 - A judge from the Minnesota Court of Appeals will also be on the panel.
- Noon – 1:00 p.m. Lunch at the Supreme Court
- 1:30 – 2:45 p.m. Hennepin County District Court. Meeting with the Chief Judge of the District Court and the District Court Administrator to discuss administration of trial courts, including case flow, case assignments, balancing workloads, budgeting, making the courts “User Friendly,” Continuing Judicial Education and the

selection, training, and retention of staff. Delegates may ask about specific areas of interest.

- 3:00 – 4:30 p.m. Law Offices Of Kelley & Wolter, 431 S. Seventh Street, Minneapolis. Meeting with attorneys Douglas Kelley and or Daniel Scott to discuss white collar crime (i.e., corruption, embezzlement, fraud) and organized crime. Douglas Kelley is a former federal prosecutor; Daniel Scott is a former public defender (i.e., government-paid defense attorney). Both are now in the private practice of law.
- 5:30 to 6:30 p.m. Dinner
- 6:30 p.m. Shopping trip for those interested. Delegates to decide the kind of place they would like to go.

Thursday, October 23, 2008

- Breakfast
- 8:30 a.m. Meet Robert Bayer in hotel lobby for walk to Hennepin County District Court.
- 9:00 a.m. – Noon Discussion of jury trial issues. Minnesota participants include:
- Mark S. Wernick, who is the Presiding Judge of the Criminal Division of the Hennepin County District Court;
 - Nancy Peters, Hennepin County District Court Communications Specialist;
 - Lynn Lahd, Hennepin County District Court Jury Supervisor;
 - Leonardo Castro, Chief Public Defender (i.e. government-paid defense attorney)for Hennepin County, and
 - Paul Scoggin, who is an Assistant Hennepin County District Attorney (prosecutor).

If possible, the delegates will view part of a jury trial and/or jury selection.

- Noon – 1:30 p.m. Informal lunch at Hennepin County Courthouse with Judge Marilyn J. Kaman, who is the presiding judge of the Mental Health Court, and with Judge Todd Barnette, Presiding Judge of the Drug Court, to discuss the role of specialty courts.
- 2:00 – 3:00 p.m. Governor’s Reception Room, State Capitol Building
Meeting with John Hultquist to discuss the judicial selection process in Minnesota. He is the Governor’s advisor on judicial selection.
- 3:10 – 5:00 p.m. Meeting with the executive directors of the lawyer and judicial ethics enforcement boards, to discuss the enforcement of ethical standards and ways to combat corruption in the legal system.
- Evening Trip to either Art Institute or Walker Art Center; Dinner at the Museum Café or restaurant

Friday, October 24, 2008

Breakfast

- 8:45 a.m. Meet Robert Bayer in the hotel lobby for short walk to first meeting.
- 9:15 – 11:30 a.m. Meeting with International Department and Litigation Department lawyers from Dorsey & Whitney law firm, 50 South Sixth Street, Minneapolis, to discuss commercial law cases. Dorsey & Whitney is one of America’s largest law firms. Roger Magnuson is a partner in the law firm and one of the premier trial lawyers in the United States; he has handled dozens of commercial law cases; he also represented the Florida State Senate in *Bush v. Gore*, the U.S. Supreme Court case concerning the election of George Bush in 2000.

- Noon – 2:30 p.m. Lunch and meeting at the United States Courthouse in St. Paul with Federal Judge Paul Magnuson who is a senior judge of the United States District (Trial) Court for Minnesota. (A “senior judge” is one who has reached retirement age, but can choose to hear cases.) Judge Magnuson will visit both Kyrgyzstan and Kazakhstan in November to speak on Rule of Law issues.
- 2:45 – 4:30 p.m. Minnesota Judicial Center. Wrap-up session at Supreme Court, open question and answer session.
- 6:00 p.m. Farewell Dinner, Hosted by Justice Paul Anderson, at The Minneapolis Club. The Minneapolis Club is a private club whose members are leading members of society, politics, the arts, business or the professions.

Saturday, October 25, 2008

Breakfast at hotel.

8:00 a.m. Depart hotel for airport, for 10:15 a.m. Flight.

Possible Agenda Additions:

- Meeting with Congressman Keith Ellison;

*Alan J. Roers, et al., Appellants, vs. Michael B. Pierce, Respondent,
Robert P. Hare, et al., Respondents, The Real Estate Nexus, Ltd., Respondent*

STATEMENT OF THE ISSUES

1. Did the district court err in its interpretation of the legal standard created by *Corazalla v. Quie*, 478 N.W.2d 197 (Minn. 1991)?

Did the district court erroneously conclude that the *Corazalla* case imposes on Minnesota property buyers an affirmative duty to investigate the public record to determine the truth or falsity of every representation made about a property by a seller, a seller's real estate agent, or a buyer's own real estate agent, regardless of whether a buyer has been put on inquiry notice of a possible misrepresentation.

2. Did the district court err in applying *Corazalla v. Quie* to the facts in the record and improperly weigh evidence to find that Appellants' reliance upon Respondents' representations and omissions was unreasonable as a matter of law with regard to Appellants' fraudulent and negligent misrepresentation, breach of fiduciary duty, and Consumer Fraud Act claims?

Did the district court erroneously conclude that any reliance upon representations made by Respondents was unreasonable as a matter of law under *Corazalla* and granted Respondents' motions for summary judgment on Appellants' fraudulent misrepresentation, negligent misrepresentation, breach of fiduciary duty, and Consumer Fraud Act claims.

3. Did the district court err in applying the statute of frauds in granting summary judgment in favor of Respondents on Appellants' breach of contract claim?

Did the district court erroneously conclude that the statute of frauds applied to bar Appellants' claim for breach of contract.

4. Did the district court err in its interpretation of the law and improperly weigh evidence in granting summary judgment in favor of Respondents on Appellants' claim under the Seller's Disclosure Statute, Minn. Stat. § 513.55, *et seq.* ?

Did the district court erroneously and improperly concluded that Appellants did not provide evidence of "bad faith" and did not present "probative evidence" and therefore Respondents were entitled to summary judgment as a matter of law.