

## “Supreme” research

With Supreme Court justices discussing what role the decisions and practices of foreign courts should play in the U.S. judicial system, Georgia Law Associate Professor J. Randy Beck took the cue to get involved in international legal research that was timely, relevant and a little out of his everyday routine.

Beck participated in a research project that started in Athens this past spring and ended with a trip to Moscow in December. Collaborating with visiting researcher Anna Nagaeva, chief counsel to a panel of the Supreme Arbitrazh (Commercial) Court of the Russian Federation, the two embarked on a comparative analysis of the case selection processes of the U.S. Supreme Court, the Supreme Court of Georgia and Russia’s Supreme Arbitrazh Court.

“The exciting thing about the timing of this research is that a number of U.S. Supreme Court justices have recently talked about how important it is for our courts to be learning from foreign courts,” Beck said.

“The context in which the discussion has taken place has been a controversial one. However, even if you are skeptical of consulting foreign precedent to interpret the U.S. Constitution, I think the larger point the justices are making is a good one – there are things that we do that are like what other courts do, and we can learn from observing how they do them. This is not a one-sided process.”



*Georgia Law Associate Professor Randy Beck and Anna Nagaeva, chief counsel to a panel of the Supreme Arbitrazh (Commercial) Court of the Russian Federation, researched the case selection processes of the U.S. Supreme Court, the Supreme Court of Georgia and Russia’s Supreme Arbitrazh Court.*

The project began when Nagaeva was selected from among numerous applicants to participate in the U.S.-Russia Experts Forum, a joint program of the U.S. Department of State and the International Research and Exchanges Board (IREX) that aims to promote intensive dialogue and research regarding issues that influence the U.S.-Russia relationship as well as their relationship to the broader international community.

The Dean Rusk Center – International, Comparative and Graduate Legal Studies worked with the forum and found Nagaeva’s interest in researching court systems was a good fit for former U.S. Supreme Court Clerk Randy Beck, who has had a longstanding interest in Russia. Nagaeva arrived at the university during April, and she and Beck were able to conduct the majority of their research last summer.

This was Beck’s first venture into internationally collaborative research, and he says it helped him to view legal systems from a broader perspective and to look at the courts more objectively.

“This type of research makes you see that the way we do things in this country isn’t always inevitable, that there might be another way to do the same thing. Historical accidents and the English legal tradition pressed us to go in a certain direction whereas, with a very different history, Russian courts have distinct procedures,” Beck said.

Preliminary results from the study were presented at a conference in Washington, D.C., in late June, and the final report was shared at a symposium in Moscow during December. Excerpts from the final white paper accompany this article.

Having taught in the areas of constitutional law and property at Georgia Law for nine years, Beck said this venture into international comparative research was very rewarding. He said he is already thinking of the possibility of another trip to Russia, and he sees the field of international research continuing to play a valid

and important role in court identity in the future.

“I think you will find increasing levels of uniformity as lawyers in different systems see how things are done in other countries, and it’s going to be accelerated in places where you’ve got a number of countries involved in a joint legal enterprise, like the European Union,” Beck said.

“I believe this will accelerate the process of making national courts more similar to one another, just as the federal judiciary in our country has led many state courts to become more uniform as they adopt federal practices.”

