

OPENING ADDRESS

Clifford J. Wallace

Circuit Judge, U.S. Court of Appeals for the Ninth Circuit

I am pleased we are having this conference here in Croatia – it is Jenee and my first trip to this beautiful country. Already, Chief Justice Branko Hrvatin and his team have made us feel at home.

This conference serves an important role in improving the administration of justice and the rule of law in Central and Eastern Europe. Chief Justices can learn about programs and techniques that can improve the justice system, but my experience is that any good idea must be adapted to the local legal culture.

For example, it is not difficult to learn about how mediation functions to provide a quicker solution than the long march to trial. We know from studies that mediation results are far better than trials when measured by party results. So why not read the book and implement mediation?

Because unless it “fits” the culture, it cannot be fully successful. All good ideas must be adapted to local legal cultures.

At this conference, the introduction of the subject is presented. You will then know the issue. The discussion period then begins and Chief Justices describe their experiences with the subject – with its successes and problems.

From this, you will be in a much better position to make application or change your application of the subject in your country.

Krešimir Ćosić was just another tall Croatian. But he attended Brigham Young University, improved his skills and became a basketball great, and Olympic champion. Known as the gentle giant, he died of cancer in 1995.

The Croatian Ambassador to the U.S. has referred to Ćosić’s “widely unknown inner spiritual journey that impresses me more than his sport career.” He was, the Ambassador said, an “extraordinary man of faith.”

We are known as Chief Judges or Chief Justices – as he was known as a basketball star. But his greatness was in his internal faith.

As we discuss the topics, our challenge will be to have faith that we can, with changes to make the principle fit, be successful in improving justice in our country.