

PROFESSOR MUSIN. A MAN FOR THE AGES

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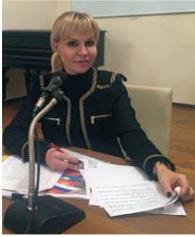
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**PROFESSOR MUSIN.
A MAN FOR THE AGES**

Professor Musin. A Man for the Ages



This memory book dedicated to Valery Abramovich Musin is based on the materials of Sergey Kholoshevsky's film "Professor Musin. A Man for the Ages".

I would like to express sincere gratitude on my own behalf and on behalf of all family members to students and colleagues of Valery Abramovich for the idea to make the film, for their contribution to the film, for their help in making the book to commemorate my father, scholar, and teacher — Valery Abramovich Musin.

In this publication, colleagues and students of Valery Abramovich Musin share their thoughts on what it means to be a teacher for students, on the scientific school, the legal profession, reputation, and trust.

The deep respect of students and colleagues for Valery Abramovich was mutual. My father treated his students and colleagues with the utmost respect, always tried to support, help, and be there for them.

*Victoria Valeryevna Romanova, daughter of Valery Abramovich Musin,
Head of the Department of Energy Law of the Kutafin University (MSAL),
Chief Editor of the Energy Law Forum Journal*

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For us, Valery Abramovich Musin's students, graduates of Saint Petersburg State University, Valery Abramovich has always been, and remains, not only one of the most prominent experts in civil law, civil procedure and international private law, but also an excellent teacher and mentor who helped us start our careers in the legal profession.



To commemorate the outstanding scholar who made an invaluable contribution to the development of national legal science, we proposed to make a film featuring Valery Abramovich's relatives, friends, and colleagues speaking about his life path, scientific and practical work, hobbies.

Eminent statesmen and public figures, representatives of the community of judges and lawyers, lecturers of leading law universities responded to the invitation to take part in the film, and the film "Professor Musin. A Man for the Ages" was aired on NTV on the anniversary of Valery Abramovich's death. We hope that the film and the memory book based on the film materials will be a good memory of Valery Abramovich for future generations of lawyers.

***Students of Valery Abramovich Musin,
Tamara Sergeyevna Gavrilova,
First Deputy CEO of NTV Broadcasting Company, JSC***

***Anton Sergeyevich Zhavoronkov,
Director of the Contractual Legal Directorate***

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For me, Valery Abramovich Musin is a godsend, a brilliant and agile mind, amazing versatility, culture and sense of humor, ethics in relationships and comfort and simplicity in communication — and there is certainly much more to this remarkable man! He was like a magnet for people of all generations charging them with his positive energy and, most importantly, helping different people regardless of their status, age, or rank!



*Editor-in-Chief of Yurist Publishing Group,
Head of the Department of Civil Society of the MGIMO University*

Vladislav Valeryevich Grib

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Valery Abramovich Musin,

Doctor of Law, Professor, Head of the Department of Civil Procedure of the Law Faculty of the Saint Petersburg State University, Professor, Honored Scientist of the Russian Federation, Corresponding Member of the Russian Academy of Sciences

Having completed his postgraduate study at the Civil Law Department of the Law Faculty of the Leningrad State University and defended his PhD thesis *State Legal Entities in the USSR (Concept and Features)* in 1964, Valery Abramovich Musin joined the Central Maritime Research and Development Institute, where he worked as a junior research scientist, and from 1966 till 1967 as a senior research scientist of the Maritime Law and Commercial Practice Department.

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From December 1967 to December 22, 2015, Valery Abramovich Musin worked at the Leningrad (Saint Petersburg) State University as an assistant (1967–1969), associate professor (1969–1980), professor of the Civil Law Department of the Law Faculty (1980–1989) and headed the Civil Procedure Department of the Law Faculty since 1989.

In 1978, Valery Abramovich Musin defended his doctoral thesis *The Marine Insurance Contract under Soviet and Foreign Law (Insurance of Ships and Cargoes)*. In 1979, Valery Abramovich Musin was awarded the degree of Doctor of Law; in 1982 he was awarded the academic rank of Professor.

Valery Abramovich Musin took an active part in drafting the USSR Merchant Marine Code 1968 and the Merchant Shipping Code of the Russian Federation 1999 (he developed Chapter XV *The Marine Insurance Contract*) and is an author of the Commentaries to these Codes.

Valery Abramovich Musin is known in Russia and abroad as a specialist in civil law, maritime law, international private law, civil procedure, and legal problems of foreign trade.

Valery Abramovich Musin published a total of more than 200 scientific papers, including monographs, textbooks, and manuals.

Ad-hoc Judge of the European Court of Human Rights (2006–2009).

Member of the Board of Directors of Gazprom, PJSC (2009–2015).

Member of the Higher Qualification Board of Judges of the Russian Federation.

Adviser to the Constitutional Court of the Russian Federation.

By a Decree of the President of the Russian Federation, Valery Abramovich Musin was awarded the Order of Honor (2002) for his achievements in scientific and teaching activities and years of conscientious work. The same year, he was awarded the title of Honored Scientist. In 2003, he was awarded the medal *In Commemoration of the 300th Anniversary of Saint Petersburg* and the Merit Badge (Grade I) of the Russian Maritime Register of Shipping.

In 2010, by a Decree of the President of the Russian Federation, Valery Abramovich Musin was awarded the Order for Merit to the Fatherland (Grade IV).

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Valery Dmitriyevich Zorkin, Chairman of the Constitutional Court of the Russian Federation:

I am grateful to my teachers who taught me at the university. Russia has traditionally had a solid foundation for legal education. Surely, what matters is what you got when you were trained to come into life. Obviously, when it comes to a lawyer, a lot depends on what a person gains when acquiring professional legal knowledge.



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Dmitry Anatolyevich Medvedev, Chairman of the Government of the Russian Federation:
What is a teacher? It is always a personal example. You look at someone and you think, no, I am not going to do this, I am not interested. And when I looked at Valery Abramovich, I realized that this was a man deeply immersed into his favorite subject, who mastered it at the highest level. In this sense, he was and, I am sure, will remain a teacher to a large number of lawyers.



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Veniamin Fedorovich Yakovlev, Advisor to the President of the Russian Federation:

A good school means everything. It defines the entire life. The teacher should respect the student, and the student should respect the teacher even more. 'Should' not in the sense of 'have to', but rather actually doing it. So, in my opinion, Valery Abramovich was just the kind of person whom students perceived as their mentor, as a person who could teach them a lot. And the things he teaches will help them in their lives. I mean not only the explanation of rules of law, but also attitude towards people.

Saint Petersburg University provides the country not only with qualified specialists and lawyers, but also with outstanding professionals and senior leaders. For example, the major ones are the president and the prime minister, both graduates of the same university. Saint Petersburg University is a completely gorgeous school for human resources. And especially the Law Faculty, I would say. Why especially? Because lawyers mean a lot in society. The quality of legislation depends on lawyers, the quality of law enforcement depends on lawyers as well as, for example, the level of judicial work and even the level of the entire legal sector.

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Aleksander Lvovich Makovsky, Research Manager of Alekseev Private Law Research Center under the President of the Russian Federation:

A teacher is always someone, at least in some way or in some respect, with personality for students. It is all about who you learned from. But it is important to understand one thing: a teacher is usually not someone who simply taught you how to write or read, gave you certain knowledge or told you where, what, and in what law is written. A teacher is always someone, at least in some way or in some respect, with personality for students.

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Mikhail Valentinovich Krotov, Representative of the President of the Russian Federation in the Constitutional Court of the Russian Federation: Valery Abramovich was able to evaluate students and postgraduate students in terms of both the level and quality of training and their prospects, to see a future specialist, future scholar in a possibly unintelligent student, who came to him, and discern opportunities that he would later seize.

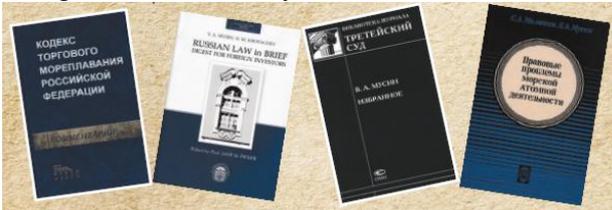


Nikolai Mikhailovich Kropachev, Rector of Saint Petersburg State University: One cannot but understand, notice, appreciate, and admire Valery Abramovich. He did it all so smartly, and it was not showing off, he was just mindful of every action, every word, every move he made, every talk, and every deed. And this is probably very important for any science, including law. Careful and detailed treatment of any issue.

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Victoria Valeryevna Romanova, daughter of Valery Abramovich Musin, Head of the Department of Energy Law of the Kutafin University (MSAL): My father was very fond of both teaching and research at the University. As a Scholar and Teacher, my father had fundamental knowledge of Roman, civil, international private, maritime law, and civil procedure. His writings on insurance, including marine insurance, foreign trade transactions, and the protection of rights of both Russian and foreign investors have been the foundation for more than one generation of lawyers.



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Vladimir Vladimirovich Putin, President of the Russian Federation: International private law. We have such a specialist as Valery Abramovich Musin. Ask him anything, he has an answer. I sometimes have the feeling that he is not human. He knows it all. Just open a book to check — he is right. It takes hard work to reach such heights.



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Aleksander Lvovich Makovsky: There are some things that are mandatory for a good lawyer. First and foremost, of course, professional knowledge; a clear understanding of principles underlying the relevant branch of law or legal institution. A clear understanding of and adherence to these principles in both research and practice. In resolving specific disputes, if it comes to a lawyer. In this respect, Valery Abramovich Musin was a multifaceted personality.



Ildar Abdulkhakovich Tarkhanov, Research Manager of the Law Faculty of the Kazan Federal University: The teacher personality is very important to students. You see, years go by and knowledge might fade, but the teacher personality will remain for life. And many of us live and breathe the image of a teacher. Years go by, and all the time we reproduce not only the knowledge that we have, but also the manner and communication style. We want to impersonate them, if we really like it. A teacher is an idol, a person you would always want to take after. And that is why we love our teachers. We should try to at least come close to some of these characteristics, which are both given and peculiar to Valery Abramovich.



Mikhail Valentinovich Krotov: Valery Abramovich Musin is a brilliant scholar and a major specialist. As a man, Valery Abramovich was, of course, easy to be around and had a lot to live up to. He was a person you enjoyed working with. And as a teacher, he was able to evaluate students and postgraduate students in terms of both the level and quality of training and their prospects.

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Igor Yuryevich Kozlikhin, Professor of the Department of Theory and History of State and Law of the Law Faculty of the Saint Petersburg State University: Valery Abramovich was very much loved by students for both his character and interesting lectures. Valery Abramovich was a real teacher. Teacher of law, teacher of life. And the fact that we met him was a great blessing for all of us. Well, you essentially became a person that taught you.



Nikolai Mikhailovich Kropachev: Valery Abramovich is a thorough lawyer, an accurate man of great depth. Everyone understands that if Valery Abramovich takes the job, he will do it. He will go through everything. He will not stop, until he sees everything and considers every option. For example, the 1998 default case was a high-profile case. The Representative of the Russian Federation in the Strasbourg Court of Human Rights contacted us. I was Dean of the Faculty, and a group of scholars was developing this opinion. Valery Abramovich played the major part. But there were other scholars involved too, including our computer technicians and young guys, who were studying court practice. We tried to find cases that could be used by analogy, then a smaller group of scholars led by Valery Abramovich got to work and after that Valery Abramovich joined. Then several times we had these brainstorming sessions together. I would like to note that the position and the winning of this case was, of course, both a political and economic landmark for the Russian Federation.



Sergey Leonidovich Kholoshevsky, Correspondent of NTV Information Service: Russia in the early 1990s is a country where everything is new. New laws are needed. Some have to be rewritten, while others have to be made from scratch. The experience of Valery Abramovich Musin, who had already worked in the field of international law for decades and knew all its subtleties, is in demand.

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Valery Dmitriyevich Zorkin: I call it a revolution, because it really was a profound change, not only in life, in the economy, in the political system, but also in people's legal awareness. And it was made by our prominent lawyers as well. One such lawyer was Valery Abramovich. In this sense, his writings were just in the transition of Russia from the old legal system to our new modern one. It would be hard for me to even list major draft laws he took no credit for.

Mikhail Valentinovich Krotov: Valery Abramovich, indeed, was the only representative in Saint Petersburg, a specialist in the field of international private law with a brilliant knowledge of foreign laws and legal precedents. At the stage of first investment contracts, he was probably the major specialist in this area and the chief adviser to Vladimir Vladimirovich, when he headed the Committee on Foreign Relations. This is out of question. At that time, Valery Abramovich's position was crucial.

Sergey Leonidovich Kholoshevsky: At that time, Russia saw the emergence of arbitration courts, where businessmen settled economic disputes. Valery Abramovich Musin becomes chairman of one of the most authoritative arbitration courts under the Saint Petersburg Chamber of Commerce and Industry.



Veniamin Fedorovich Yakovlev:

Arbitration court is a third-party court, that is, a court of a specialist whom disputing parties address and say that they will be bound by whatever decision he makes. This shows the parties' fairly high culture. It means that they trust each other and trust the arbitration court. Arbitration is still underdeveloped in our country. Somehow people go mostly to State courts. And arbitration courts are somewhat irrelevant. But there are certain cities where arbitration lives and operates well. This is, for example, Saint Petersburg, this is my Sverdlovsk — Yekaterinburg, this is Voronezh, this is Rostov. Apparently, in places where we can find good law schools and people willing to be engaged as scholars and professors of universities in the practice of dispute resolution in arbitration courts, this is very useful for everyone.

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Victor Vladimirovich Blazheyev, Head of Kutafin University (MSAL): Valery Abramovich Musin was a very soft-hearted and principled man, but he was always ready to seek some kind of compromise. And so, in that sense, he had the strongest professional reputation in the legal community. He was a professional with a capital "P". Valery Abramovich was engaged in both civil and arbitration proceedings, he specialized in civil law, he specialized in maritime law, he specialized in arbitration proceedings. What is more, he was an acting arbitrator in a number of arbitration courts. He was, in the make of him, an amazing man.

Valery Dmitriyevich Zorkin: Valery Abramovich Musin was at the height of modern, let's say, global jurisprudence, that's how I would put it, because he was there not as an amateur, he had profound professional knowledge.

A lawyer is a person who protects law professionally. In every particular situation where there is an issue of law. Because everyone imagines they are right, and the lawyer, whether a judge or an attorney, an investigator, a prosecutor, etc., shall find out what really happened and how to resolve the situation based on law. Law is a framework or shell, form that makes us all live by these rules.

Sergey Leonidovich Kholoshevsky: Valery Abramovich Musin's experience was unique. It was hard to find a lawyer of the same level in the country. This fact was acknowledged by the largest Russian corporations.



Dmitry Anatolyevich Medvedev: Aleksey Miller, Chairman of the Management Committee of Gazprom, asked me to recommend someone. So, I said, "Aleksey, there is a very good professor, already a corresponding member of the Academy of Sciences in our native Leningrad (Saint Petersburg) University. It is Valery Abramovich Musin, who is a top expert in both civil and corporate law, business relations, commercial law, civil procedure, and foreign trade transactions. In fact, this is what any company does, especially a major company like Gazprom." Valery

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Abramovich was a member of Gazprom Board of Directors for many years, and I think he was of great benefit to our major company as a highly qualified legal expert.

Nikolai Mikhailovich Kropachev: The level of confidence in him was always high. That is, the formula "This is what Valery Abramovich said" and "This is the opinion made by Valery Abramovich" certainly guaranteed quality. Therefore, it is no wonder that both arbitration courts and the popularity of the appeal to the arbitration court Valery Abramovich worked at are the achievements of his previous work. His whole life. This is his attitude, and I don't remember him ever being wrong.



Sergey Leonidovich Kholoshevsky: His work in Strasbourg does not make Professor Musin a fan of the European Court. On the contrary, as an experienced lawyer, he sees all the shortcomings of European justice. He was wondering, for example, how many cases a special court body examined in one day. As it turned out, more than sixty. It's a real pipeline.



Pavel Aleksandrovich Laptev, Representative of the Russian Federation at the European Court of Human Rights (1999–2007): And then I said that, as far as I know, the NKVD troika examined 42 cases. I said that the European Court beat the NKVD troika in its desire to send nowhere, prevent case examination in the Grand Chamber. Well, this, of course, terribly outraged everyone. But Valery Abramovich said, "Well, you are right, they should know, because they might have to answer like those who examined 42 cases."

Sergey Leonidovich Kholoshevsky: Valery Abramovich Musin formulated his claims to European justice during the Senate Readings in Saint Petersburg.

Valery Dmitriyevich Zorkin: Valery Abramovich was an advisor to the Constitutional Court of the Russian Federation. I believe this is the talent pool of our scientific and practical support. And I am glad in that sense, grateful that he was one of our leading scholars and practicing lawyers who helped the Constitutional Court in this century. When he was at my place, we used to come to the window; my window overlooks Senatskaya Square. And one day he said to me, "You said you arranged the Senate Readings, I could deliver a speech about Russia-Strasbourg interaction." This is how we had the Senate Readings he spoke at.

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Sergey Leonidovich Kholoshevsky: Lawyers have particular memories of Professor Musin's speech at the Senate Readings. Eventually, without being an opponent of the Strasbourg Court, Valery Abramovich could highlight its failures in a balanced and clear manner.



Valery Abramovich Musin: The European Court has recently grown bolder and has begun to make decisions that have triggered, began to trigger a backlash of the States they are addressed to. Because the States felt that in these decisions (not many, but some) the European Court went beyond its competence and began to render decisions on issues, the jurisdiction over which the States did not intend to transfer to it.

Pavel Aleksandrovich Laptev: What are the things the European Court does not like? Competition. And it does not like to be told directly, openly, and publicly: you applied a double standard. What is public policy? It is the basis, the fundamentals of the legal system of States, which can never be violated by anyone, should it be the European Court of Justice or any other body. And speeches, the heart of this approach of Valery Abramovich Musin, Corresponding Member of the Academy of Sciences, that was outlined in 2014 at the Senate Hearings in the Constitutional Court of the Russian Federation in Saint Petersburg.

Sergey Leonidovich Kholoshevsky: The Strasbourg Court was not the only legal platform Valery Abramovich Musin spoke at. He participates in international arbitrations appearing before the British court, where he is opposed by leading lawyers.



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Ildar Abdulkhakovich Tarkhanov: He read a lot. Even when appearing before the English court, he cited Sherlock Holmes books for judges. This made his speech very peculiar, and even the judges were surprised that we, Russians, had such knowledge of English literature.



Valery Abramovich Musin: Now more than ever, Marx's Capital has become popular and well-known in Western countries. But on the other hand, I recall the words of Sherlock Holmes, who said, "Life is infinitely stranger than anything which the mind of man could invent." This example shows that Marx's Capital can also be used as proper evidence in court.

Sergey Leonidovich Kholoshevsky: According to his colleagues, Professor Musin could work, as they say, forgetting about life, but he could never put off communication with students. In decades of teaching, lectures had been number one in Valery Abramovich Musin's schedule.

Victoria Valeryevna Romanova: Dad always said he was a happy man, because he was delighted to go to the University in the morning and to go home in the evening, where he was awaited. He was a loving and beloved husband, father, and grandfather for his family. My mom and dad had been together since their studenthood; it's hard to imagine closer and more respectful relationships.

He took great interest and respect in his work as a member of Gazprom, PJSC's Board of Directors.

He liked working as an arbitrator, an umpire. Dad emphasized the importance of alternative dispute resolution, arbitration.

He participated with interest in the work of many scientific and advisory councils.



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Vladimir Fedorovich Popondopulo, Head of the Commercial Law Department of the Law Faculty of the Saint Petersburg State University: A real teacher also learns. It doesn't matter whether he is a professor or an academic, he learns too. He learns from his students. Sometimes you do not even know how it works, but you get this feedback and somehow fix it for yourself. Of course, Valery Abramovich was, above all, a professor. This is the main thing, everything else is supplementary.



Nikolay Mikhailovich Kropachev: Valery Abramovich was ready to clear his calendar except, I emphasize it, for his seminars, lectures, and meetings at the Department. They are still waiting for him today. They will always be waiting for him.



Victor Vladimirovich Blazheyev: Musin's school means fundamentalism, a classical approach to legal studies. These are groundbreaking things in teaching law, his peculiar style, and connection between legal science and practice. It is amazing that Valery Abramovich could strike a balance between being a great scholar and a wonderful profound practitioner.

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Andrey Gennadyevich Lisitsyn-Svetlanov, Academician of the Russian Academy of Sciences: Valery Abramovich was a wonderful professor, an acknowledged authority, and students' favourite. His audience loved him. Before the elections to the Academy of Sciences, when we had to make a speech, the audience consisted not only of lawyers, but members of the Russian Academy of Sciences of various specialties, I mean social scientists, but in different fields. Valery Abramovich had wonderful presentation skills.



Pavel Aleksandrovich Laptev: What is the difference between Valery Abramovich and, by way of example, a lecturer who came to the Russian University of Justice from the European Court of Justice? The lecturer starts, "Article 6 of the European Convention says...", and goes on reading. "We should consider that so-and-so, so-and-so, here are the examples." That is not how Valery Abramovich structured his lectures. He would raise spirits of the audience with some (maybe a little) provocative question: what do you think should be applied?

Sergey Leonidovich Kholoshevsky: Having reached the pinnacle of science, having received all possible titles and regalia, and finally having established his own legal school, Valery Abramovich Musin remained an indisputable authority for his colleagues and students.

Igor Yuryevich Kozlikhin: His reputation was impeccable both among students and colleagues. I had never heard a word said against him, by anyone, ever. That is the kind of person he was.



Mikhail Zinoyevich Schwartz, Acting Head of the Department of Civil Procedure of the Law Faculty of the Saint Petersburg State University: He was a teacher in every sense of the word. He was a tremendous indisputable authority. He was contemporary both as a scholar and as a teacher.

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Ildar Abdulkhakovich Tarkhanov: He was a striking personality, an amazing man. I miss him very much. I try to communicate with his daughter more often now than I used to. There are not too many people with a set of qualities that Valery Abramovich had. There are a lot of good people, and there are plenty of knowledgeable people, too. It is also quite enough to be able to communicate. But the combination of all these qualities taken together plus great intelligence, huge intelligence, is not, unfortunately, found in many people. That is what makes them unique in this communication. There is a big difference between a teacher and a mentor. Many can teach, I guess, but not everyone can be a mentor. Because when you listen to a mentor, you are not only filled with the knowledge he professes, he believes in, but you may also be struck or forever haunted by the way he talks, builds conversations, his ability to rationalize.

Victor Vladimirovich Blazheyev: Anyone who talked to him for 30 minutes became his supporter, his fan. It seemed like you knew him all your life and you could not imagine your life without him. He was always there.



Victoria Valeryevna Romanova: The range of his scientific interests and in-depth analysis of various problems of legal regulation deserve our greatest respect. He was very attentive to his students and colleagues. He was always trying to help and support. A very responsive and friendly man. Thanks to his sensitivity and consideration for people, he brought a very friendly atmosphere wherever he was. He taught us to face troubles smiling. He believed that a sense of humor was his main weapon in any dispute.

Valery Dmitriyevich Zorkin: Restraint, professionalism, benevolence. In modern terms, he had such an aura. He had a way with people.



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Dmitry Anatolyevich Medvedev: Valery Abramovich Musin seemed like an encyclopedically trained scholar. Not all scholars in any field are like that, not all of them have such an image. He always lectured very easily and naturally, but at the same time one could feel the fundamental academic training.



Veniamin Fedorovich Yakovlev: Musin's school means professionalism, morality, and willingness to perform functions in the best possible way. Valery Abramovich was an intellectual in the best sense of the word. In my opinion, an intellectual is a person who knows a lot, but does not throw around his weight and treats others who know less just like himself. Valery Abramovich was a man whom people treated with trust and respect, and this is worth a lot. He left behind not only books, he left behind a daughter, who is also a lawyer engaged in law and science. She is also a good, decent person. So, like father, like daughter.

Nikolai Mikhailovich Kropachev: Valery Abramovich Musin was a great man, a great scholar, and a great citizen of his country. He was a great father, great grandfather, and great head of his scientific school. He is a man for the ages.

