



Nature versus Nurture: A Comparison of Russian Law Graduates Destined for State Service and for Private Practice

KATHRYN HENDLEY

This article explores the mind-set of Russian law students on the cusp of graduation. Drawing on a 2016 survey, the analysis finds that, despite having taken different paths to their degrees, the respondents share a confidence in the Russian courts that distinguishes them from Russians without legal education. Within the sample, a natural division is evident between those who plan to go into state service and those who plan to go into private practice. Aspiring state lawyers are more likely to support the policies of the Putin regime, even when they preference politics over the letter of the law. This strongly suggests that the tendency of judges and state lawyers within the criminal justice system to work as a team to ensure convictions is not solely the result of workplace incentives, as had previously been assumed, but is an element of a worldview that these lawyers share that predates their legal education. Aspiring private lawyers, by contrast, are consistently more skeptical of the state. To the extent that they are later coopted by the state, as studies of criminal defense lawyers suggest, such behavior would likely be the result of a desire to endear themselves to investigators and prosecutors in order to ensure further appointments to represent indigent clients.

Law students in the United States are famously socialized to think like lawyers.¹ Yet sociologists of law have long recognized that they do not always think or behave similarly. Schemes to categorize US lawyers abound, with the division of the profession into hemispheres, one serving corporate clients and the other serving individuals, being the best known.² The literature on lawyers in non-common law countries has tended to take a different approach. Reflecting the divided nature of the legal professions in such countries, these analyses typically do not focus on the profession as a whole but instead bore in on individual specialties. Doing so suggests that, in contrast to the US case, legal education in civil law countries does not give rise to a single profession, but to multiple professions.

In this article, I challenge the common wisdom for how we think about lawyers in civil law settings. My research is grounded in the Russian case. Much like their counterparts in other civil law countries, Russian legal practitioners tend to identify with their specialties and to introduce themselves as litigators (*advokaty*), prosecutors (*prokurory*),

Thanks are due to my Russian collaborators, who handled the logistics of fielding the survey, as well as the respondents. Maayan Mor provided valuable assistance with data analysis. The research was funded by the National Science Foundation (Award Number 1531001).

Address correspondence to: Kathryn Hendley, University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706, USA. Telephone: (608) 263-5135; Email: khendley@wisc.edu.

in-house counsel (*iuriskonsul'ty*), notaries (*notariussy*), judges (*sud'i*), and so on. The scholarly literature follows suit.³ While the available studies have enhanced our knowledge of the day-to-day realities of some subfields, they share certain shortcomings, both empirical and theoretical. Many types of legal practitioners have been left out, including the hundreds of thousands of lawyers in private practice who have opted not to take the bar exam required to become *advokaty* as well as the multitude of lawyers within the state bureaucracy. This piecemeal approach has stymied efforts to identify commonalities among the various subgroups.

I begin by exploring the socialization of Russian lawyers.⁴ I ask whether they emerge from their education with a shared attitude toward law and legal institutions that distinguishes them from others. Somewhat surprisingly, my analysis, which is grounded in a national survey of graduating law students, shows that they constitute a unique cohort. I then turn to the question of how to conceptualize these newly minted lawyers. I find that the traditional dividing lines for Russian lawyers, which were developed under state socialism, have outlived their usefulness. I argue that when we include *all* variants of Russian lawyers in the analysis, a natural dividing line emerges between those in private practice and those who work for state institutions. This division reveals profound differences in terms of attitudes toward legal institutions and the state more generally that help make sense of established behavioral patterns.

I. METHODOLOGY

My research departs from the usual approach: rather than studying the Russian legal profession in a piecemeal fashion, my project brings together, for the first time, all types of legal practitioners as a single group.⁵ Studying this group as a whole presented a number of methodological challenges. Compiling a representative sample of practicing lawyers turned out to be infeasible. There is no national organization that unites all lawyers. While some subgroups, such as *advokaty*, judges, and notaries require their aspirants to pass an exam that assesses their competence, most Russians working as lawyers are not licensed and belong to no professional organization. Thus, working through bar associations, as scholars studying US lawyers have done (Dinovitzer et al. 2004; Dinovitzer et al. 2009; Plickert et al. 2014), would have replicated past studies that narrowly focused on *advokaty*, the only type of lawyer required to belong to a bar association (e.g., Jordan 2005; Bocharov and Moiseeva 2016). US-based scholars have also relied on law school alumni databases to generate samples of experienced lawyers (Cantrell 2007; Evans, Dau-Schmidt, and Mukhopadhaya 2007; Dau-Schmidt et al. 2009). In Russia, however, universities do not keep track of their graduates. Reflecting on this dilemma with my Russian colleagues who organized the survey, we realized that our best option was to gather law students on the cusp of graduation. Doing so allowed us to assemble a cross-section of respondents with wide-ranging career goals inclusive of all the available specialties as well as those opting not to work in the legal field. We hope to return to this same set of respondents periodically to track their career paths and levels of satisfaction.

In the spring of 2016, interviewers recruited and trained by my Russian colleagues spread out across Russia to conduct face-to-face interviews based on a standardized questionnaire with 2,176 prospective graduates from 163 law departments or *fakul'tety*. Two independent samples were constructed: one for full-time students and another for correspondence students. Among my respondents, 1,557 were full-time students, and 619 were correspondence students. *Fakul'tety* constituted the initial unit of analysis.⁶ They were stratified based on whether they were public or private, and then again by

level of prestige. The samples of respondents were distributed in proportion to the number of 2016 graduates. When on site at the selected law *fakul'tety*, interviewers used snowball methods to gather respondents.

Relying on soon-to-be law graduates has both advantages and disadvantages. Russian legal education, in keeping with European practice, is an undergraduate enterprise. Consequently, my respondents are rather young (see Table 1). However, they are relatively savvy about their career options thanks to the long-standing requirement of practical experience as part of their formal education (Hazard 1938; Shepeleva and Novikova 2014). A majority also worked while students. Of those, over 40 percent had law-related jobs. Their closeness to the classroom makes the assessment of the extent of common socialization particularly apt. A survey is, by its very nature, a snapshot in time. Whether they will change their views as they gain more professional experience will only become clear in future rounds of the survey.

Table 1. Summary Statistics for Surveyed Graduating Russian Law Students Who Plan to Practice Law (Reported as Percentages, Unless Otherwise Indicated)

	Full-Time Students			Correspondence Students		
	All	State	Priv.	All	State	Priv.
Mean age:	22	22	22	28.1	27.5	28.2
Gender:						
Men	36	38	33.6	35	37.5	30.2
Women	64	62	66.4	65	62.5	69.8
Marital status:						
Never married	84.9	86.2	83.4	45.7	45.8	44.3
Married	5.3	4.6	6	34.9	35.3	33.5
Living together	9.4	8.6	10.3	12.8	11.2	16.5
Divorced	0.5	0.6	0.3	6.6	7.2	5.7
Geographic origins:						
Moscow or St. Petersburg	31.8	22.1	42.9	11.5	9.6	14.5
Other European regions	38.2	42.2	33.7	57.6	53.4	57.6
Siberia and the Far East	11.7	13.3	9.8	16.1	18.3	16.1
Urals	13.3	16.6	9.5	11.2	15.1	12
North Caucasus	5	5.8	4.1	2.9	3.6	2.9
Type of law <i>fakul'tet</i> :						
State	84.2	80.7	88.2	47.1	51.8	39.6
Private	15.8	19.3	11.8	52.9	48.2	60.4
Method of paying for legal education:						
Received state subsidy (no tuition)	35.6	29.8	42.3	7.8	8	7.6
Parents paid	56.4	60.6	51.6	19.3	19.6	18.9
Respondent paid	5.8	6.6	5	69.9	69.6	70.4
Other	2.1	3	1.1	2.9	2.8	3.1
Activities before studying law:						
High school	90	90	90	36.6	38.7	33.3
Studied in different department	1.7	2.2	1.1	9.3	8.4	10.7
Member of work force	5.1	5.2	5	49.5	49.9	49
Neither parent is university graduate	19.1	21.6	16.3	37.6	41.8	30.8
Family's financial situation						
Poor: family had trouble covering the cost of basic necessities	12.7	11.2	14.3	15.2	14.4	16.5
Lower middle class: family had enough money for essentials but had to save for big-ticket items	33.6	35.9	30.9	47.4	47.9	46.7
Upper middle class: family can afford big-ticket items but not cars	38.9	38.4	39.5	25.3	25.4	25
Rich: family had no financial worries	14.8	14.4	15.3	12.1	12.3	11.8

The choice to create separate samples based on the nature of instruction was driven by fundamental differences between the two populations (see Table 1) (Hendley 2018b). Almost all matriculants to full-time legal education proceed directly from high school. They tend to come from relatively well-educated and financially stable families and mostly live at home. They have greater success in attracting fellowships from the state to pay for their education. Failing that, their parents usually foot the bill. Correspondence students are different on every score. They are older. For my sample, this group has a mean age of twenty-eight, compared with twenty-two for the full-time cohort. Correspondence students have been out in the world; they are more likely to be married and to combine their studies with a full-time job. Fewer have parents with university degrees. They come from families at the lower end of the economic spectrum and, as a result, are more likely to pay their own tuition bills. In contrast to full-time students, whose professors provide regular lectures to help them master the substantive material, correspondence students are left to their own devices. They are given study guides and come to the law *fakul'tet* twice a year for exams. Simply locating correspondence students was difficult, but the interviewers persevered, opting to search out these students during the times they were on campus.

The two samples diverged in terms of the type of law *fakul'tet* students attended. Correspondence students are more of a presence at the less prestigious private institutions, whereas full-time students are more likely to attend the more well-established state institutions. Private law *fakul'tety* are a post-Soviet innovation. Soviet law students had only about fifty law *fakul'tety* to choose from but, if admitted, received a fully subsidized education (Finder 1989). With the introduction of capitalism, young people's interest in becoming lawyers grew exponentially. The market responded. By 2017, the number of law *fakul'tety* exceeded 1,200 (Maleshin 2017), many of which are privately funded and have no heritage of training lawyers.⁷ Close observers of the Russian scene question the quality of many of the new law *fakul'tety*, dismissing them as little more than diploma mills (Maggs, Schwartz, and Burnham 2015). But their abundance has ensured that almost anyone who wants to study law can find a place (Moiseeva 2016), which was not the case in the Soviet era when there were typically forty applicants for every opening (Mishina 2010). On the other hand, only about 20 percent of present-day law students received stipends to cover their tuition (Moiseeva 2016). Almost all are full-time students.

Not all who study law in Russia plan to work in the legal field. Many regard it as a good jumping-off point for business or other pursuits. The Russian Ministry of Education estimates that about half pursue other careers (Povyshenie 2009). We asked respondents to tell us about their postgraduation plans. In addition to offering them ten possible legal specialties, we also gave them the options of indicating a lack of certainty as well as a plan to work outside the legal field. Table 2 lays out their preferences. The students in my sample were more interested in practicing law than expected. Over 80 percent of the full-time students indicated that they intend to pursue a career in law, as did almost 70 percent of the correspondence students.⁸ Of course, whether they will stick with the law for the long haul remains to be seen. In this article, I focus on the respondents (1,198 full-time students and 410 correspondence students) who plan to practice law.

II. THE RESULTS OF RUSSIAN LEGAL EDUCATION: BEING SOCIALIZED AS A LAWYER

The literature casts doubt on whether Russian lawyers share a similar mind-set (Kurkchiyan 2018). For example, Mishina (2010) described them as “castes of warring factions,” suggesting that they are best understood in terms of their subgroups rather

Table 2. Career Preferences among Surveyed Russian Law Graduates (Reported as Percentages)

	Full-Time Students	Correspondence Students
State sector specialties		
Prosecutor	10.9	4.6
Criminal investigator	13.7	11.5
Criminal justice—general*	3.1	12.5
Judge	7.9	5.4
Lawyer within state bureaucracy	7.9	8.4
Private sector specialties:		
<i>Advokat</i>	10.8	6.2
Non- <i>advokat</i> litigator**	3.5	2.7
In-house counsel	13.7	11.1
Corporate lawyer	6.9	4.2
Notary	3.3	2.5
Unsure of career plans	13.3	19.7
No plans to work as lawyer	5.2	11.3

*Those who plan to work within the criminal justice system but not as a prosecutor or investigator.

**Law graduates who have not taken the exam to become *advokat*. They cannot represent criminal defendants but are otherwise free to represent clients in court.

than as a whole. Others have pushed the argument further to question whether we can even speak of law students as a group (Solomon 1996; Bocharov and Moiseeva 2016), pointing to the differences between full-time and correspondence students highlighted in Table 1 as well as the lack of a shared educational experience to suggest that these two groups will inevitably and irrevocably be distinct.

Yet the data tell an unexpected story. In the course of their legal education, these differences in the socioeconomic backgrounds and specifics of the training of full-time and correspondence students recede, at least when it comes to the respondents' attitudes toward law and the legal system, marking law students as distinct from other Russians. Recall that former President Medvedev famously claimed that "without exaggeration, Russia is a country of legal nihilism. . . . No other European country can boast of such a level of disregard for law" (Rossiiskaia gazeta 2008). By contrast, when my respondents were asked whether "going around" (*oboiti*) the law is appropriate if you believe the law to be unfair, the two samples answered in a single voice. Very few (about 6 percent) completely endorsed such behavior. About 40 percent completely disavowed it. Such responses indicate a lack of legal nihilism that belies its reputed omnipresence among Russians.⁹

Along similar lines, when asked to assess the importance of various factors on judicial decision-making, the rank order was the same for both full-time and correspondence students. They agreed that, regardless of whether the dispute was civil, criminal, or administrative, the governing law was the single most important influence. For both samples, the mean responses hovered around 3.8 on a four-point scale in which higher scores indicate greater importance of the factors. This finding, which might seem unsurprising at first glance, gains greater resonance when put into the contemporary Russian context. Many laymen fear that law is malleable, that judges sometimes take their cues not from the law on the books but instead from formal and informal signals that are colloquially known as "telephone law" (Politkovskaya 2004; Sakwa 2010). The respondents, however, are not in thrall to telephone law. Both groups agreed on the relative unimportance of extralegal factors, such as the political connections of the parties, which are often highlighted as decisive by the popular media. Their mean responses were slightly greater than 2 for this factor.

Table 3. Attitudes toward Judicial Independence Held by Surveyed Graduating Russian Law Students and Respondents in a 2008 Nationally Representative Survey Fielded By INDEM (Reported as Percentages of Each Sample)

	Full-Time Students	Correspondence Students	INDEM Survey*	
			Full Sample**	Only Those Born after 1988
Judges in Russia are basically independent from representatives of federal and local power.	53.3	49	19	18
Judges in Russia are basically under the control of representatives of federal and local power.	36.1	40	59	55
Unwilling to take a position	10.6	11	22	27

*The chi2 scores for the INDEM respondents is 0.

**Gorbuz et al. (2010, 391).

Even more revealing are respondents' attitudes toward judicial independence. When INDEM, a well-respected Moscow public policy institute, asked Russians in a 2008 survey whether they believed Russian judges to be basically independent from representatives of federal and local power, 19 percent responded in the affirmative (Gorbuz et al. 2010). The results for young people (born after 1988) were much the same: 18 percent expressed confidence in the courts. We included an identical question in our survey. As Table 3 reveals, the results were dramatically different. About half of both samples said that they believed Russian judges to be basically independent.¹⁰ This suggests that the socialization process for full-time and correspondence students creates a uniformity of thinking about law and the legal system that is distinct from the general public. Of course, it is possible that there is a self-selecting bias to my samples—that is, that those who opt for legal education are already more sympathetic to the courts. However, the fact that the most commonly cited reason for studying law—a desire for fame and fortune—is not altruistic tends to undermine such a supposition.¹¹

III. RECONCEPTUALIZING THE RUSSIAN LEGAL PROFESSION

Even so, no one would expect the attitudes of Russian law students to be completely identical. The literature has long assumed the choice of specialty to be the key dividing line. My survey allows us to subject this assumption to rigorous examination for the first time. In generating hypotheses, my initial inclination was to turn to the US-based literature. But this scholarship was not helpful in the Russian context. The existing categorization schemes are grounded in the behavior of practicing lawyers. My respondents are too green for such approaches.

I explored the breakdown in attitudes of my respondents based on their career aspirations, seeking commonalities that might hint at Russian “hemispheres.” It immediately became clear that treating each subfield as unique—the traditional approach—made no sense. Rather than each specialty staking out its own territory, a consistent pattern emerged that divided respondents into two groups based on their interest in private practice versus state service. In particular, *advokaty*, who have long been singled out for the most attention by sociolegal scholars, with an implicit assumption that this professional group is qualitatively different from other Russian lawyers, do not stand out. Instead, their attitudes mirror those of other respondents who aspire to work in private practice.

These results propelled me to a hypothesis that, rather than analyzing Russian lawyers within their narrow specialties, dividing them into those keen for private practice and those planning to work for the state is the more fruitful approach. Of course, my data include only the very youngest generation of Russian lawyers. Future rounds will test the durability of this dividing line.

For those unfamiliar with Russia's heritage of state socialism, my "hemispheres" might seem random. But the Soviet legacy gives a resonance to this division that is likely to be shared by other countries that experienced communism. Until the advent of Gorbachev's reforms in the mid-1980s, which had the unintended effect of weakening state control, the vast majority of lawyers worked for the state in some capacity. The only exception were *advokaty*, who were organized into quasi-bar associations known as *kollegii*. These *kollegii* decided who to admit, albeit under the watchful eyes of the state and the Communist Party (Huskey 1986; Mrowczynski 2016). *Advokaty* were more independent than any other type of lawyer, but they had well-established informal limits on their freedom of action and risked disbarment when they overstepped.¹² However, the vast majority of law graduates were absorbed into the state apparatus, which included not only the criminal justice system but also positions as *juriskonsul'ty* or inside counsel for industrial enterprises (all of which were state owned) and notaries. The shift away from state socialism and toward the market, which began tentatively under Gorbachev and was institutionalized under Yeltsin, transformed the legal services market. It upended the long-standing monopoly held by *advokaty* on representing clients in court. They retained only the exclusive right to represent criminal defendants. Lawyers could more easily move not just from one job to another but also between specialties. Establishing private law firms became possible for the first time. As a result, many *advokaty* left their *kollegii* to hang out their own shingles. Lawyers who were entrenched in the state bureaucracy or working as *juriskonsul'ty* broke free to work as private lawyers. Many opted not to become *advokaty* but still actively litigated noncriminal cases (Jordan 2005). (This group is subsequently referred to as non-*advokaty* litigators). *Juriskonsul'ty* who stayed with their companies nonetheless ceased being state employees as their companies privatized. Notaries were likewise privatized.

Table 4 divides my respondents into future state and future private sector lawyers. A majority of my respondents plan to work in the state sector. On the one hand, the fact that almost 45 percent of those who shared their preferences indicated that they aspired to private practice represents a sea change from the Soviet era, when virtually all legal specialists worked for the state. On the other hand, the strong and enduring grip of the state on the legal arena is remarkable given that Russia formally shook off state socialism more than a quarter of a century ago.

There is a profound difference between the career preferences of full-time and correspondence students (see Table 2).¹³ The more privileged cohort of full-time students opt for higher-paying jobs in the private sector, most of which either did not exist during the Soviet era or have undergone major qualitative changes in the post-Soviet era due to the introduction of market institutions. Non-*advokat* litigators and corporate lawyers are

Table 4. Career Plans of Surveyed Students, Divided by State and Private Sector

	Full-Time Students	Correspondence Students	Total
State sector aspirants	53.3	61.2	55.3
Private sector aspirants	46.7	38.8	44.7
Total <i>n</i>	1198	410	

post-Soviet innovations. In-house counsel and notaries are carryovers, but they are now part of the private sector. The work of *advokaty* might seem unchanged, but the very fact that they now have to cope with lively competition from non-*advokaty* litigators (except in the criminal realm) has transformed their day-to-day realities. By contrast, correspondence students tend to take the more stable and conventional route to the state civil service, in its various forms, which has remained stubbornly resistant to institutional change.

As this suggests, one of my animating hypotheses is that law students destined for the state bureaucracy are more supportive of state institutions. In the Putin era, this translates into a greater comfort level with the encroaching authoritarian nature of the state and a distrust of liberal democracy. Naturally, this means that I expect students interested in private practice to be more skeptical of the state, particularly in its Putin-esque iteration, and to be more willing to embrace democratic principles.

I explore this hypothesis through a multivariate regression (see Table 5). My dependent variable is a dummy that captures all respondents who plan to go into private practice. Because I include the variable that divides the respondents into full-time and correspondence students as an independent variable, I can treat the respondents as a single population. The results are reported as odds ratios. If an independent variable generates an odds ratio greater than one, this means that the odds of a respondent having this quality are greater if they are destined for the private sector. It follows that if the odds ratio is less than one, then this quality is more likely to be found among future state bureaucrats. My goal is not to build a perfectly predictive model, but rather to identify the factors that tend to be associated with these two basic career paths and to generate hypotheses for future discussion and research.

IV. ATTITUDES TOWARD COURTS

Some scholars of the Russian courts argue that connections routinely trump law, giving rise to so-called telephone law (Ledeneva 2013). Others characterize the courts as dualistic (Smith 1996; Sakwa 2010; Hendley 2017). They recognize that elites have been able to control the outcomes of cases in which they take a strong interest, but they contend that judges pay close attention to the dictates of the law in the vast majority of mundane disputes.

Despite being united in a stronger belief in the independence of Russian courts than is held by ordinary Russians, key differences exist within my sampled populations. Indeed, the heart of my argument lies in my respondents' divergent views of Russian courts. Although they have been socialized to accept the centrality of the governing law in dispute resolution, there are gradations in their adherence to this principle. Respondents were asked to assess the extent to which judges rely on law on a ten-point scale. Low scores indicate their belief that extralegal factors, such as economic or political connections, are determinative, while high scores reflected their confidence that law is the key factor. This variable ("Law controls judges") allows me to assess how respondents see judges. As Table 5 shows, it is highly significant and reveals that respondents who plan to work for the state are more likely to believe that judges rely primarily on law in reaching their decisions. It follows that they are less likely to put stock in the existence of telephone law.

Along similar lines, future state workers tend to have greater trust in the institutional integrity of the courts. Respondents were asked which branch of government put more pressure on the courts. They had a choice of the executive or legislative branch. Alternatively, they could indicate that the two branches placed equal pressure on the courts or that neither branch exerted untoward pressure. I created a dummy ("Neither branch

Table 5. Logistic Regression Estimated Odds Ratios for Surveyed Law Students Regarding Their Desire to Work in Private Practice upon Graduation

	Aspire to Private Practice Odds Ratio (Standard Deviation)
Correspondence student	0.911 (0.128)
Women	1.258* (0.155)
From Moscow or St. Petersburg	2.248*** (0.311)
Not a religious believer	0.917 (0.243)
Parents lack university education	0.778* (0.115)
Father with blue-collar job	0.787 (0.115)
Secured job upon graduation	0.799** (0.0886)
Attended law <i>fakul'tet</i> with ministerial affiliation	0.680* (0.131)
Social change as primary motivation to study law	0.714*** (0.0886)
Court experience as student	1.598*** (0.216)
Trust in existing governmental institutions	0.951** (0.0213)
Belief in democratic principles	1.095*** (0.0296)
Law controls judges	0.927*** (0.0249)
Neither branch interferes with courts	0.797* (0.0105)
Cost of lawyers constitutes constraint on use	0.932 (0.0724)
Trust in <i>advokaty</i>	1.530*** (0.121)
Lawyers have high moral standards	0.718*** (0.0617)
Judges pay attention to chairman's preferences	1.064* (0.0364)
Constant	0.496 (0.320)
Pseudo R^2	0.101
Observations	1,398

***p < 0.01, **p < 0.05, *p < 0.1

interferes with courts") that captured the optimistic respondents who believe that the courts are not subject to outside pressure. Needless to say, those who take this position are stronger believers in judicial independence in Russia. The odds of holding such beliefs are 20 percent greater for respondents who plan to work for the state.

The attitudes of my respondents toward the role of court chairmen are likewise revealing. Many scholars have criticized the tendency of judges to kowtow to their chairmen

when resolving disputes (Solomon 2007; Ledeneva 2013). In the Russian judicial system, court chairmen hold tremendous power. They control the flow of cases and, as a result, can make the lives of their subordinate judges easy or nightmarish. Their recommendation is essential for career advancement. With this in mind, we asked respondents to assess, using a four-point scale, with higher scores indicating that this factor was more important, the extent to which judges paid attention to the preferences of their chairmen when deciding cases (“Judges pay attention to chairmen’s preferences”). The analysis indicates that aspirants to private practice were more suspicious that Russian judges respond to signals from their chairmen rather than to the dictates of the law.

Reflecting on these variables that assess respondents’ views of the quotidian life of Russian courts, we see a chasm opening up between those who plan to work for the state and those who want to work for private clients. Despite sharing similar educational backgrounds, the former are more willing to believe that the courts are operating as they are supposed to—that is, without reference to outside influences. The latter are more skeptical. It is probably no accident that, for this latter group, the odds of having had experience in the courts as a student (“Court experience as student”) are almost 60 percent greater than for their colleagues who are destined for state service. This hands-on exposure to the reality of court practice seems to have left those who aspire to private practice more suspicious of the integrity of the process. Perhaps the inevitable messiness of the process has given rise to doubts; it has certainly left them more convinced that judges are open to bribery. Over 40 percent said that bribes are accepted either somewhat frequently or very frequently. By contrast, such views are held by about 28 percent of future state lawyers. This group is more likely to believe that judges take bribes very rarely (27 percent) or never (14 percent). Aspiring private lawyers were more suspicious: less than 20 percent thought bribes were a rare occurrence, and only 9 percent thought judges never took bribes.¹⁴

The differences between the two groups persist as we turn from mundane cases to politicized cases. Throughout its history—both under the tsars and under the Communist Party—Russia’s elite have felt entitled to interfere in court cases that impact on their interests (Kucherov 1953; Kaminskaya 1982). Such practices have been disavowed by every post-Soviet Russian leader, but they nonetheless persist to the present day. The actual number represents a tiny percentage of all cases heard, but these politicized cases tend to dominate media coverage of the Russian courts, which amplifies their significance (Sharlet 1977; Hendley 2017). This narrative of the judicial process as politically compromised is commonplace in memoirs of participants and observers of the criminal justice system, both Russian (Politkovskaya 2004; Romanova 2011) and Western (Browder 2015), and undergirds the treatment of courts by social scientists who are not specialists on law (Ledeneva 2013; Dawisha 2014).

We asked our respondents to reflect on several recent notorious cases that are widely viewed as a product of Kremlin manipulation rather than a law-driven judicial process. Respondents were to assess the fairness of the ultimate verdict on a four-point scale, with higher scores indicate a stronger endorsement of the verdict. The mean scores are set forth in Table 6. The pattern is unmistakable. Without exception, those destined for state service are more supportive of these verdicts.

While the listed cases are well known in Russia and among Russophiles, they may have escaped the notice of others. Each had a distinct path to the courts and, ultimately, to a guilty verdict. Each has been the subject of scholarly inquiry as well as popular fascination.¹⁵ A few words of background will help place them in a larger context.

Pussy Riot is a female punk rock band. They had staged protest performances at a number of high-profile locations, including Red Square (adjacent to the Kremlin),

Table 6. Assessment of the Fairness of the Guilty Verdicts in Well-Known Cases along a Four-Point Scale (Reported as Means, with Higher Scores Indicating Greater Confidence in the Verdict)

Name of defendant	Full-Time Students		Correspondence Students	
	State	Private	State	Private
Pussy Riot	3.08**	2.94	3.22**	2.98
Aleksei Naval'nyi	2.91**	2.76	3.01	2.94
Mikhail Khodorkovskii	2.93***	2.81	3.05	2.99

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

without incurring the wrath of the authorities. But their anti-Putin protest inside Moscow's Cathedral of Christ the Savior in early 2012 proved to be the straw that broke the camel's back (Gessen 2014). The performers were arrested, tried, and convicted of hooliganism in a trial for which the outcome was clear at the outset.¹⁶ One of the members succeeded in getting her conviction suspended on technical grounds, but the others stayed in prison until they were amnestied on the eve of the Sochi Olympics in December 2013. Since that time, several of these women have become media darlings, appearing, for example, to great acclaim on the Colbert Report in February 2014.¹⁷

Aleksei Naval'nyi began his public life as a corporate gadfly who tried to hold the energy behemoths accountable to their shareholders (Voronkov 2012; Navalny and Michnik 2017). As he expanded his focus to the political landscape in 2011, he coined the now-infamous slur for Putin's ruling United Russia Party as the party of crooks and thieves. He was instrumental in organizing the large protests of the national legislative elections in 2011 and the presidential election in 2012. He mounted an outsider campaign for Moscow mayor in the fall of 2013, utilizing grassroots tactics familiar in the West and ultimately receiving over 20 percent of the vote (Smyth and Soboleva 2016). His strong showing surprised the authorities. He has been arrested many times, often in connection with public protests. In 2013 and 2014, he was charged and convicted in separate cases of embezzlement. His prison term was suspended. Many believe that these cases and the convictions were manufactured in order to keep him off the ballot for the 2018 presidential election. As a convicted felon, he is barred from running for public office. He has not ceased his political agitation, harping on corruption at the highest levels of the Putin regime (MacFarquhar 2017).

Mikhail Khodorkovskii is an oligarch who built his fortune in the "Wild East" period of the late 1980s and early 1990s. By the time Putin came to power in 2000, Khodorkovskii controlled Yukos, then one of the largest oil companies in Russia. He was arrested on charges of fraud in fall 2003 and was convicted in 2005 (Kahn 2011; Sakwa 2014; Khodorkovsky 2015). He languished in prison until (like Pussy Riot) he was amnestied before the Sochi Olympics. The government also accused Yukos of tax evasion, which led to its bankruptcy and the acquisition of its assets by a state-owned oil company. Why Khodorkovskii and Yukos were targeted remains the subject of debate. Some argue that Khodorkovskii's efforts to support prodemocracy organizations angered Putin. Others argue that his efforts to organize a joint venture with a Western oil company were the source of his downfall. Since his release from prison, Khodorkovskii has lived outside Russia, though he has provided generous funding for anti-Putin groups within Russia.¹⁸

Khodorkovskii, Naval'nyi, and Pussy Riot have all been lionized by the Western media. But their support among Russians is quite shallow. When the Levada Center, a respected Moscow polling firm, asked about Khodorkovskii, almost all of those surveyed in 2006

had no doubt that he had been railroaded by the Kremlin, but less than 5 percent felt any sympathy for him. Subsequent polls confirm that Russians have not warmed to him (Levada 2011). The same can be said of Naval'nyi. When surveyed about him by the Levada Center in 2015, over 20 percent responded that they could say nothing good about him (Levada 2015). Russians also had little patience with Pussy Riot. When asked about the group during their trial in April 2012, less than 1 percent said that they respected the group (Levada 2012). The reasons for this antipathy toward antigovernment activists are beyond the scope of this article. They serve to remind us that the respondents' support for these patently manipulated guilty verdicts is not out of line with Russian society more generally. While violations of procedural norms and substantive law might pass unnoticed by laypeople, they were surely evident to the respondents who were emerging from four years of lecture-based courses that required them to master the nuts and bolts of the very codes that were wantonly violated. Despite their repudiation of legal nihilism when asked about it directly, some were nonetheless willing to condone decisions that were not the product of legal reasoning when politically expedient for top officials (see Table 6). For my purposes, it is telling that respondents who plan to work for the state are more enthusiastic in their support. This pattern is consistent for all three cases and for both full-time and correspondence students, though only the results for the full-time sample are consistently statistically significant. This documents the greater willingness of aspiring state lawyers to forego the principle that governing law should control.

The alacrity with which future state lawyers went along with the verdicts in recent cases with political overtones reflects a risk-averse character that has long been seen as a defining quality of Russian state legal specialists (Hendley 2007; Ledeneva 2013; Volkov et al. 2016). There is little doubt that working for the state is a safer choice. Perhaps government jobs are not entirely the sinecure they were in the Brezhnev era, when "stability of the cadres" was the watchword, but bureaucrats typically need not worry about being laid off in tough economic times. On the other hand, as the literature on the Russian criminal justice system has emphasized, judges, prosecutors, and investigators who challenge their superiors tend to be sloughed off, often in highly public fashion (Ledeneva 2013). The lesson is clear to all, even law students.

The reactions of those aspiring to state service to the Kremlin's decision to merge two of Russia's top courts provides further evidence of their reluctance to rock the boat. Since the early 1990s, Russia has had three types of courts. Constitutional claims are funneled to the Constitutional Court (Trochev 2008), which was not affected by this reform. The vast majority of cases are heard by the courts of general jurisdiction, for which the Supreme Court serves as the court of last resort (Solomon and Foglesong 2000). But a smaller hierarchy of courts, known as *arbitrazh* courts, has jurisdiction over economic cases involving legal entities (Hendley 1998). Until recently, the Higher *Arbitrazh* Court was the final word for these courts. In 2014, President Putin initiated a plan to merge the Higher *Arbitrazh* Court into the Supreme Court. He argued that doing so would enhance the efficiency of the courts by avoiding conflicting decisions. This rationale rang true to few observers. Business lawyers who practiced regularly before the *arbitrazh* courts and had grown to respect its top court actively opposed the proposal, but to no avail (Zakon 2013). In remarkably rapid order, the Russian Constitution (1993) was amended to eliminate the Higher *Arbitrazh* Court and the membership of the Supreme Court was expanded to include a panel to hear appeals from the lower *arbitrazh* courts (Solomon, Trochev, and Aris 2014; Maggs, Schwartz, and Burnham 2015).

Attitudes toward this change are revelatory of respondents' views of the Putin regime. Although the merger passed unnoticed by most ordinary Russians (Levada 2013), respondents would almost certainly have been made aware of it. Civil procedure, which

Table 7. Views of Surveyed Law Students toward the 2014 Merger of the Higher Arbitrazh Court and the Supreme Court (Reported as Percentages)

	Full-Time Students		Correspondence Students	
	State	Private	State	Private
Support merger	60.2	57.8	52.8	58
Oppose merger	31.9	37.3	25.7	38.2
Unaware of merger	7.9	4.9	21.5	17.4
Chi ²	0.046		0.56	

incorporates *arbitrazh* procedure as well, was a required course. The tendency of Russian law professors to hew closely to the text of the codes when teaching leaves little doubt that the merger was discussed. Yet when we asked respondents whether they supported this reform, future state lawyers were much more likely to claim to be unaware of it (Table 7). It is possible their ignorance was genuine, if they attended class sporadically or paid little attention. Table 7 reveals higher levels of ignorance among correspondence students.¹⁹ Given that they are mostly self-taught, this merger may have escaped their notice, though those with law-related jobs would have confronted this reality. The more likely explanation for both samples is that claiming a lack of knowledge actually reflects a reluctance to challenge the Kremlin. If this is how these students respond to an anonymous survey, we should not expect them to stand up to their superiors and question policy once they are on the job. By contrast, those destined for private practice were more prepared to share their opinions. While they are equally supportive of the reform, they emerge as more likely than future state lawyers to oppose it.

The unwillingness to dissent from positions taken by the Putin regime among aspiring state lawyers indicates a risk-averse character that will stand them in good stead in the bureaucracy. It is a quality that I have independently observed in my ethnographic work among Russian judges (Hendley 2007, 2017), and it likewise undergirds the tendency of state lawyers within the criminal justice system to push for convictions at all costs.

A. AMENABILITY TO DEMOCRACY

The difference in attitudes between aspirants to private practice and aspirants to state service is not limited to the judicial system. Respondents' answers to two blocks of questions serve as illustrations. We asked them to evaluate the importance for Russia of a set of basic democratic principles along a four-point scale, with higher scores indicating that they assigned greater weight to them. I created a scale that included (1) free and fair elections, (2) freedom of speech, (3) an independent mass media, and (4) political opposition. The mean score for those who planned to work in the private sector was 13.8 (out of a possible 16), compared with a mean score of 13.5 for those who aspired to a state job. The difference is statistically significant ($p = 0.003$), indicating that future private lawyers held these keystone democratic principles in higher regard than did future state lawyers. This finding holds up in the multivariate regression ("Belief in democratic principles").

But the results are exactly the opposite when it comes to actual Russian political institutions. We asked respondents to indicate their level of trust in the central pillars of the executive and legislative branches, namely, (1) the Russian government; (2) the Russian president; (3) the State Duma, the lower house of the national legislature; and (4) the Federation Council, the upper house of the national legislature. As before, they were given a four-point scale, with higher scores reflecting higher levels of trust, and their

scores were aggregated. Though they were asked about these bodies in principle, without any names attached, respondents could not help but conjure up the present-day iteration of each when answering. Thus, as with the question about the merger of the top courts, this scale serves as a proxy of respondents' receptivity to the Putin regime. The mean score for aspiring state lawyers was 11.7 (out of a possible 16), which exceeded that for their colleagues who planned to work with private clients (11.1). The difference was statistically significant ($p = 0.0003$). This finding also holds up in the multivariate regression ("Trust in existing governmental institutions") and is consistent with attitudes toward politically motivated cases and the court merger. It confirms the greater affinity of future state lawyers for the Putin regime.

B. LAWYERS AS CHANGE AGENTS

The greater receptivity of respondents aspiring to private practice to key democratic principles provides a glimmer of hope that they might act as the tip of the spear with regard to inculcating such ideas into Russian political culture. This brings to mind the "legal complex" thesis asserted by Halliday, Karpik, and Feeley (2007; see also Karpik and Halliday 2011), which has stimulated a new wave of scholarship. As Scheppele (forthcoming) summarizes, these scholars "posit that those who have been trained as lawyers are likely to act on behalf of political liberalism to advocate for the realization of basic civil liberties and access to justice." Could respondents aspiring to the private sector emerge as a catalyst in the struggle against authoritarianism, as have lawyers in countries with authoritarian leanings such as Egypt and Pakistan (Moustafa 2007; Ahmed and Stephan 2010)? Perhaps, but my data point in a different direction. Respondents were asked how important the goal of changing or improving society was to their decision to enroll at the law *fakul'tet*. I created a dummy variable that isolated those who indicated that it was "very important" and included this variable in the multivariate regression ("Social change as motivation to study law"). As Table 5 shows, the odds of having such motivations are 30 percent greater among respondents headed for state service. This group is significantly more receptive to the use of the courts to punish Kremlin opponents (see Table 6) and to state institutions as they have evolved under Putin's leadership. These associations strongly suggest that their concept of changing or improving society is in line with Putin's. A full discussion of Putin's goals is beyond the scope of this article, but they are generally agreed to be a reempowerment of the central state and a disempowerment of discordant voices in society (Dawisha 2014). He is certainly not seen as a champion of liberal democratic ideals. Of course, time will tell. As Karpik and Halliday (2011) remind us, lawyers' impact is not an overnight phenomenon, but a long-term process in which they collaborate with others.

C. ATTITUDES TOWARD THE LEGAL PROFESSION

The respondents' attitudes toward their fellow lawyers follow predictable lines. Those planning to go into private practice were unified in being more respectful of *advokaty*, whether measured in positive or negative terms. In the same battery of questions that asked about their trust in governmental institutions, respondents were asked about their level of trust in various types of lawyers, including *advokaty*. With regard to *advokaty*, the mean score (on a four-point scale) was 2.84 for those aspiring to private practice, compared to 2.66 for aspiring state lawyers ($p = 0$). We also asked respondents to reflect on corruption among different groups. They were given a four-point scale, with higher scores indicating a lack of corruption. When asked about *advokaty*, those destined for

the private sector gave a stronger endorsement of *advokaty* (mean of 2.6) than did others (mean of 2.5) ($p = 0.006$). When this variable (“Trust in *advokaty*”) is included in the multivariate regression, we see that the odds of trusting *advokaty* are one and half times greater for future private lawyers.

Unsurprisingly, the results from these same questions for legal specialists within the criminal justice system reveal their different loyalties. Respondents were asked about their level of trust in the police, prosecutors, and the investigative committee.²⁰ I combined their responses into a single twelve-point scale that measured their faith in these lawyers. As expected, the future state lawyers exhibited significantly greater confidence. Their mean score on this scale was 8.81, compared to 8 for future private lawyers ($p = 0$). As to their faith in the incorruptibility of lawyers within the criminal justice system, I again created a scale that included police, investigators, prosecutors, and the investigative committee. Calculating the means for each group’s response along this sixteen-point scale revealed that future state lawyers were more convinced of the incorruptibility of these key actors within the criminal justice system. Their mean was 9.9, while the mean for others was 9.2 ($p = 0$).

These findings indicate that, despite the fact that most have not yet worked in their chosen field, the surveyed law graduates already feel a sense of loyalty that causes them to overlook the popular reputation of the various specialties. Russian public opinion polling reveals that state lawyers within the criminal justice system are viewed as highly susceptible to bribes (Gudkov, Dubin, and Zorkina 2010). Despite this, my respondents were willing to give their future colleagues the benefit of the doubt, probably because they are soon to join their ranks.

When it comes to more general attitudes toward the legal profession, the results are more intriguing. Respondents were asked to indicate their level of agreement with a series of statements about lawyers on a four-point scale, with higher scores signaling greater accord. Table 8 sets out their mean responses. Interestingly, they were uniformly most supportive of a statement that “lawyers make use of loopholes in the law,” reflecting an underlying pragmatism. This vein of practicality runs deeper in those destined for private practice. They were more likely to admit to a belief that lawyers think more about their income than about their clients. Perhaps this is because, unlike their fellow respondents who will be getting a steady salary from the state, their income flow will be more sporadic.²¹ On the other hand, it is troubling that this group, which ought to have a strong dedication to their clients’ interests, is already willing to assign it a low priority. Future state lawyers emerge as prouder of their profession. They evidence a stronger belief in the high moral standards of lawyers in their day-to-day activities.

Table 8. Level of Agreement of Surveyed Russian Law Students with Statements about the Russian Legal Profession along a Four-Point Scale (Reported as Means, with Higher Scores Reflecting Greater Agreement)

	Full-Time Students		Correspondence Students	
	State	Private	State	Private
Lawyers make use of “loopholes” in law	3.36	3.34	3.23	3.17
In their activities, lawyers have high moral standards	3.15***	2.92	3.22*	3.08
A majority of lawyers think more about their income than their clients	2.65**	2.77	2.52**	2.68

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

I included this variable (“Lawyers have high moral standards”) in the multivariate regression, and the results hold up.

D. DEMOGRAPHIC FACTORS

The regression analysis identifies several strong associations between key demographic characteristics and respondents’ choice of either a public or private career. For the most part, gender preferences follow age-old patterns.²² Unlike most of the world, where women have struggled to gain a toehold in the legal profession (Michelson 2012), women have been an integral part of this sector of the Russian workforce since the 1917 Revolution (Bysiewicz and Shelley 1987). Informal gender biases nonetheless persist. Women have long dominated the ranks of notaries²³ and in-house counsel (Hendley, Murrell, and Ryterman 2001), largely because these jobs offer a stable nine-to-five schedule that leaves time for childcare and other domestic duties. Among my respondents, women have a 25 percent greater chance of opting for such jobs, which are now part of the private sector. Interestingly, women seem more willing to take a flyer on jobs that are either new to the post-Soviet legal market, such as corporate law specialists, or have been radically reconstituted, such as notaries and in-house counsel.

Women lawyers have a more mixed history in the state sector. The criminal justice system has not been particularly hospitable to women. The response of Deputy General Russian Prosecutor Aleksandr Zviagintsev to a 2010 question about why men outnumber women in the ranks of prosecutors is telling. He described their work as “tense” (*naprezhennaia*) and noted that some “cannot withstand it” (*ne vyderzhivaiut*) (Argumenty i fakty 2010). This sort of historical institutional prejudice sometimes favors women. The daily grind of judges is considered by most to be too tedious for men, which contributed to the dominance of women on the bench in the Soviet era (Ginsburgs 1985). This trend has only accelerated in present-day Russia. Surveys of the Russian judicial corps fielded over the past five years by scholars at European University in St. Petersburg document that about 65 percent of trial judges are now women (Volkov et al. 2016). These gender stereotypes have been slow to dissipate. They were reflected in the winning essay in a 2013 essay contest sponsored by the Rostov prosecutors’ office that asked young people to reflect on why they wanted to become prosecutors. The woman whose essay won wrote, “The prosecutor is a purely male profession.” Women, in her view, “are prone to occupations associated with sedentary work.” She wrote that a women would have to take on male qualities in order to be successful as a prosecutor and that she embraced the challenge (Prokuratura Rostovskoi oblasti 2013). My respondents were not so iconoclastic. Women constituted 83 percent of those interested in going on the bench but only 56 percent of those who wanted to become prosecutors.

As to the influence of other demographic factors on preferred career paths, they remind us of the influence that socioeconomic background has on the opportunities afforded to young people (Konstantinovskiy 2012). The factors that emerge as relevant largely mirror those highlighted in my summary of the differences between full-time and correspondence students. For example, much like correspondence students, the odds of having parents who did not attend university are over 20 percent greater for future state lawyers (“Parents lack university education”). Their fathers are also more likely to have blue-collar jobs (“Father with blue-collar job”).²⁴ On a positive note, this group is more likely to have lined up a job before graduating (“Secured job”). As to lawyers hoping to work in the private sector, the analysis confirms that their likelihood of being from Moscow or St. Petersburg is over twice that of their fellow students destined for the state sector. Interestingly, these results are driven by those interested in business law, which makes sense when we remember that transactional law is largely limited to these two metropolises.

As a result, respondents who yearn for a career in corporate law, whether as in-house or outside counsel, naturally flock to Moscow and St. Petersburg for their education.

V. IMPLICATIONS OF THE STATE-PRIVATE DIVIDE FOR THE RUSSIAN CRIMINAL JUSTICE SYSTEM

A. ACCUSATORIAL BIAS: STATE LAWYERS

Much ink has been spilt proffering explanations for the lack of acquittals in Russian courts. Solomon's (1987) pioneering work on so-called accusatorial bias argued that it was not primarily political. Writing about the Soviet system, he emphasized the role of incentives embedded in the criminal justice system that discouraged acquittals. Anyone involved with acquittals, whether judges, prosecutors, or investigators, faced negative career repercussions, ranging from a lack of promotions to dismissals. The rationale was efficiency. Allowing cases to proceed to trial that were too weak to secure a conviction was viewed as a waste of resources and, consequently, acquittals were seen as mistakes.

A number of scholars have revisited and reconfirmed Solomon's thesis for post-Soviet Russia (e.g., Paneyakh et al. 2010; McCarthy 2015). Pomorski (2001) unpacked the rationale in his 1999–2000 case study of the handling of criminal cases in Krasnoyarsk. Upon learning of the virtual absence of acquittals, he wondered if prosecutors were simply doing a better job and so queried judges as to the quality of the investigations. Judges uniformly excoriated the work of both prosecutors and investigators, describing the latter as “legally illiterate.”²⁵ At the same time, he learned that acquittals were regarded as a fool's errand; he was told that the appellate court had an unofficial no-acquittal policy. Any acquittal was routinely appealed and was typically reversed or sent back for additional investigation. In the words of one of his judicial interlocutors, “To acquit is *very scary*.” Pomorski concluded that “it was much easier and safer to convict rather than acquit. . . . [F]ull acquittals are not a realistic option” (2001, 457).

Subsequent studies of the Russian criminal justice process, both ethnographic and quantitative in orientation, confirm that little has changed (Jordan 2005; Paneyakh et al. 2010; Trochev 2014; McCarthy 2015).²⁶ Paneyakh concludes that “the Russian courts have practically ceased to acquit anyone” (2015, 93). The most positive spin is that weak cases are weeded out before they get to court (Titaev and Shkliaruk 2016). The introduction of a form of plea bargaining (*osobyi poriadok*), in which defendants concede their culpability and give up the right to a full-fledged trial in exchange for lenient sentences, has only added to the likelihood of conviction. It now accounts for up to two-thirds of all criminal cases (Federal'naia palata advokatov 2018).²⁷

Notably absent from this literature is any explicit analysis of how this accusatorial bias becomes ingrained among Russians legal professionals who work within the criminal justice system. The implicit assumption is that their behavior is shaped by workplace incentives—that it is a learned behavior in response to a desire to avoid black marks on their records. My survey opens a previously closed window into the thinking of young Russian lawyers as they embark on their careers in the criminal justice system. It shows that, rather than learning to be prostate on the job, they come to state service with strong prostate sympathies. As my respondents begin to populate the criminal justice system, the data strongly suggest that they will quickly fall into line. Indeed, the data push beyond the existing literature, which focuses primarily on the mundane work of the criminal courts. Even if such results confirm what we long suspected, they nonetheless fill a gap in our knowledge. But my findings go further. They indicate that the future state

lawyers among my respondents will likewise fall into line when the state uses the criminal justice system to go after its perceived enemies.

B. ACCUSATORIAL BIAS: ADVOKATY

Explanations of the behavior of legal professionals in the criminal justice system that are grounded in the accusatorial bias have always shunted criminal defense lawyers off to the sidelines. In the Soviet era, their freedom of action was constrained. They had no access to their clients in pretrial detention prior to indictment and only limited access thereafter (Huskey 1986). Their function was to plead for mercy, not to assert innocence. While some *advokaty* fought these informal norms,²⁸ the majority understood that they should not be overly zealous in defending their clients (Barry and Berman 1968). This expectation of reticence was ratcheted up in cases with political implications. Defendants were limited to *advokaty* who had been cleared to participate by the KGB. Supporting clients' pleas of innocence in such cases left *advokaty* vulnerable to disbarment (Kaminskaya 1982; Pipko and Pipko 1987).

Reforms that began in the late 1980s and continued through the adoption of a new law governing *advokaty* in 2002 reshaped the rights of *advokaty*, at least in the law on the books. The inclusion in the 1993 Constitution of the right to an *advokat* for all those detained or charged with a crime enhanced the stature (and increased the workload) of *advokaty*.²⁹ On paper, the right of *advokaty* to consult with their clients was expanded, and the commitment to adversarialism suggests that they are entitled to do their own investigations.³⁰ Bureaucratic hurdles have sometimes undermined the meaningfulness of such rights. Most notably, *advokaty* have struggled to get evidence uncovered through their efforts included in the all-important case file (Khodzhaeva and Rabovski 2016). As Jordan (2005) documents in her monograph on *advokaty*, while the petitions of prosecutors to admit new evidence are routinely granted, *advokaty* have to affirmatively justify their requests. Between 1993 and 2000, *advokaty*'s petitions were approved by judges around 60 percent of the time.³¹ The less authoritative role of defense counsel also plays havoc with their ability to obtain key documents. The respect accorded to subpoenas from prosecutors and investigators is absent when subpoena requests come from *advokaty*. Illustrative is a statement by an *advokat* with four years of experience: "A competent legal adviser will see an [*advokat*]'s request, throw it in the trashcan right away, and get on with his work" (Khodzhaeva and Rabovski 2016, 203). Although defendants in politically charged cases no longer have to vet their choice of counsel with the state security organs, efforts to intimidate lawyers who take on such cases have resumed. The lawyers who represented Khodorkovskii were threatened with disbarment (Murphy 2005), and criminal charges were leveled against one of his in-house lawyers (Nepomniashchii 2010). These threats and charges ultimately came to naught, but undoubtedly cast a chill over the bar.

This supplicatory role wears on *advokaty*, as does the tendency of judges and prosecutors to dismiss them as weak and incompetent (Khodzhaeva 2016).³² The president of the national association of *advokaty* (Federal'naia Palata Advokatov) reports that, when there are breaks in court proceedings, the prosecutors retire to the judges' chambers to drink tea, while the *advokaty* are left to pace the corridors (Kamakin 2003). Just as in the Soviet period, some *advokaty* have resisted this characterization and have mounted vigorous defenses of their clients. A small but thriving group of *advokaty* who engage in public interest work has emerged. They exhibit immense courage in pressing politically unpopular claims in both domestic courts and the European Court of Human Rights (Sundstrom 2014; van der Vet and Lytikäinen 2015; van der Vet 2018). Other *advokaty* provide only formalistic representation. This sort of behavior is more common among

advokaty who are appointed by the state to represent indigent criminal defendants. They are paid a pittance for this work, which inevitably weakens their enthusiasm and leads them to encourage their clients to plead guilty (Moiseeva 2017).³³ Some develop informal partnerships with the investigators who make the appointments (Jordan 2005). In order to ensure their continued employment, *advokaty* limit themselves to the proverbial “potted plant” role. Such *advokaty* are known as “pocket *advokaty*” because they are seen as being “in the pocket” of investigators (Khodzhaeva 2016; Moiseeva 2017).

But in contrast to their colleagues who plan to work as judges or lawyers in the criminal justice system, this documented collaborationist proclivity among veteran *advokaty* is less evident in my data. The views of future *advokaty* on most indicators were indistinguishable from other respondents headed for the private sector. These included their commitment to democratic principles, their trust in present-day Russian state institutions, and their views on the merger between the Higher *Arbitrazh* Court and the Supreme Court. When differences were visible—as in the Khodorkovskii and Pussy Riot cases, where *advokaty* were slightly more supportive of the guilty verdicts—these deviations were not statistically significant. Moreover, when comparing *advokaty* with others who want to work in the private sector as to their views on the potential for other branches of government to interfere with the courts, we find that only 22 percent of aspiring *advokaty* believe the courts to be entirely free from such interference, compared with 28 percent of other private hopefuls ($\chi^2 = 0.085$). Both pale in comparison to the confidence of future state lawyers, 35 percent of whom endorsed the independence of Russian courts.

My data indicate that neophyte *advokaty* are not predisposed to toe the line when it comes to the accusatorial bias. On the contrary, they share the skepticism toward the state held by their fellow aspirants to private practice. Future surveys may tell a different story. If some or all of this new generation of *advokaty* end up as “pocket *advokaty*,” the explanation may lie in the power of institutional incentives to shape behavior.

VI. PRELIMINARY CONCLUSIONS AND IMPLICATIONS

My survey, which brings together prospective legal practitioners of all stripes, allows us to analyze Russian lawyers as a group for the first time. Although my respondents have taken different paths to receiving their law degrees, they have emerged as strong believers in the power of written law. Their trust in the capacity of courts to act independently distinguishes them from the rest of Russian citizenry.

The analysis of the survey data reveals gradations within these views. Respondents are distinguished not along the lines typically drawn by scholarship in this area, which has tended to burrow into the individual legal specialties, but into two larger groups based on whether they plan to go into state service or private practice. Respondents who plan to work for the state are more trusting of Russian state institutions, especially courts. They are more confident that Russian judges will ignore the political and financial connections of litigants in favor of statutory law when resolving disputes. Even more intriguing is their greater willingness to accept the verdicts in well-publicized politicized cases in which Kremlin preferences trumped the letter of the law. Unlike laymen, who may have been convinced by the media’s whitewashing of these processes to make them appear to comply with the law, the respondents’ course work in civil and criminal procedure would have made them painfully cognizant of the rampant irregularities. As a result, these respondents enter the Russian civil service prepared to accept the accusatorial bias.

But any thought that this is an inevitable consequence of Russian legal education is belied by the very different results for respondents destined for private practice.

This group, which encompasses a wide variety of different types of lawyers, many of which have not previously been studied, shares a similar outlook on the role of law in Russia. They are consistently less confident of the legitimacy of the courts. They are less accepting of the verdicts in politicized cases and more likely to recognize the possibility that judges might be swayed by bribes and/or by litigants' political or social connections.

Thus, as they embark on their careers, Russian law graduates can be most fruitfully divided based on whether they are going into state service or private practice. This segmentation is more useful than the traditional approach of dividing them into the many possible legal specialties. Whether these "hemispheres" will hold up over the course of their careers remains to be seen. Future surveys may reveal new fissures that are more predictive of attitudes and behavior.

Whether this dividing line between state service and private practice has the same resonance in all countries with civil law traditions is unclear. It is certainly worth exploring. I suspect that it is more relevant for countries that have experienced long years of communism, under which lawyers were firmly under the thumb of the state. The experience of Russia suggests that when state control is loosened, not all lawyers necessarily embrace their independence. Many will likely continue to work for the state and, more importantly, will retain an old-style mind-set that renders them reluctant to challenge the state. Of course, this hypothesis calls for empirical research that mirrors my work in Russia and in the other former Soviet states, as well as in Eastern Europe more broadly.

NOTES

1. This is an oft-repeated but highly contested phrase (e.g., Rosenberg 2004). See Schleef (2006) and Mertz (2007) for an analysis of how US law students understand it.
2. Heinz and Laumann's (1994) initial study of Chicago lawyers of the 1970s found that the hemispheres were distinct from one another and that they served as proxies for prestige, with corporate lawyers enjoying higher status than those serving individual clients. Follow-up work based on a new 1995 survey found that the hemispheres were less distinct and that corporate work consumed an increasingly greater portion of lawyers' time (Heinz et al. 1998). Others (e.g., Landon 1990; Seron 1996) have proposed different organizational schemes.
3. *Advokaty* have been studied extensively, not only in their present-day form (Jordan 2005; Bocharov and Moiseeva 2016) but also in their Tsarist (Kucherov 1953; Pomernanz 1999) and Soviet iterations (Huskey 1986). *Iuriskonsul'ty* have likewise been scrutinized, both in the Soviet (Shelley 1984) and post-Soviet eras (Hendley, Murrell, and Ryterman 2001). The same is true for judges (e.g., Hendley 2007 and Volkov et al. 2016 [on post-Soviet judges]; Ginsburgs 1985 [on Soviet judges]; Kucherov 1953 [on Tsarist judges]). Lawyers who work in the criminal justice system are less receptive to scholarly attention, but have nonetheless received it (e.g., Titaev and Shkliaruk 2016 [on investigators]; Huskey 1988 and Smith 1978 [on *prokurory*]).
4. Using the word "lawyer" to refer to those who have legal degrees and who work as legal professionals in Russia is fraught. Like other scholars of Russian law, my preference is to be more precise and to use transliterated versions of the Russian terms for the various specialties (Barry and Berman 1968; Butler 2011). But I am deviating from my usual practice because my goal is not to focus on individual specialties but to divide graduating law students into those who plan to work for the state and those who plan to go into private practice. "Lawyer" captures this more generalized quality of the analysis.
5. Existing broad-based studies tend to treat each specialty separately (e.g., Butler 2011; Veselkova 2017). Others, whose titles suggest a holistic approach, turn out to be about one sliver of the profession, typically *advokaty* (e.g., Rand 1991; Jordan 2005).
6. Russia has no functional equivalent of the rankings of US law schools published regularly by *US News & World Report*. However, there is general agreement as to the elite schools, which include Moscow State University, St. Petersburg State University, Saratov Law Academy, Ural State Law Academy, and the Higher School of Economics. With the exception of the

- Higher School of Economics, all are carryovers from the Soviet era. Less prestige is attached to law faculties that have sprung up in the post-Soviet era, especially to private law faculties.
7. Other countries have experienced similar surges in the number of law schools in response to increased student interest in studying law (Cunha and Ghirardi 2018 [Brazil]; Gingerich and Robinson 2017 [India]; Siddique 2014 [Pakistan]; Minzner 2013 [China]). But Russia is unique in the lack of state regulation of this marketplace. Dezelay and Garth (2018) argue that graduates' opportunities in Mexico, Brazil, China, and India depend largely on the status of the law school attended. The same is not true in Russia, where graduates' prior work experience matters more than their academic pedigree.
 8. These percentages exclude 112 respondents who refused to respond when asked about their future career plans.
 9. See Hendley (2012) for an analysis of the level of legal nihilism in Russia.
 10. Full-time students were somewhat more confident; 53.3 percent endorsed the independence of Russian judges, compared with 49 percent of correspondence students.
 11. When asked about the relative importance of fame and fortune versus helping people as their goals for studying law on a four-point scale, the mean for full-time students was 3.45, while the mean for correspondence students was 3.17. Full-time students were more likely to be motivated by potential riches (mean = 3.48) than were correspondence students (mean = 3.37) ($p = 0.0001$). The difference between the two samples as to helping people was not statistically significant.
 12. Pipko and Pipko (1987, 871) agree that *advokaty* were one of the most independent groups in Soviet society but caution that “[t]he independence of the Soviet bar from the state organs of power is an illusion that quickly fades once one takes a closer look at the work of advocates.”
 13. I have elsewhere analyzed the factors that affect respondents' career preferences, including educational experience (Hendley 2018a).
 14. For both groups, the percentage who believed that judges take bribes somewhat frequently was around 30 percent.
 15. The legal processes involving Pussy Riot and Mikhail Khodorkovsky have been memorialized in documentaries (*Pussy Riot: A Punk Prayer*, directed by Mike Lerner and Maxim Pozdorovkin, 2014; *Khodorkovsky*, directed by Cyril Tusch, 2011). Aleksei Naval'nyi's career as an opposition leader can be tracked on YouTube (e.g., <https://www.youtube.com/watch?v=oj7V2yopm6U>).
 16. The ill-defined charge of hooliganism has long been used in Russia to deal with undesirable behavior (LaPierre 2012).
 17. <http://www.cc.com/video-clips/49r39y/the-colbert-report-pussy-riot-pt-1>.
 18. The Open Russia Foundation, funded by Khodorkovskii, has run afoul of the Kremlin. Vladimir Kara-Murza, who has worked on behalf of the foundation inside Russia, has been the victim of mysterious poisonings, which have twice left him near death (Peck 2017).
 19. A comparison of the two samples shows that 23 percent of correspondence students professed ignorance, compared with 8.75 percent of full-time students ($p = 0$).
 20. See McCarthy (2015) and Taylor (2011) for background on the investigative committee.
 21. In Russia, as elsewhere, lawyers and clients do not always agree on the value of legal services, giving rise to disputes (e.g., Efimenko 2017).
 22. A full discussion of the role of gender in my respondents' career preferences is beyond the scope of this article.
 23. In Russia, as in the rest of continental Europe, notaries play a critical role in affirming documents and, as a result, are required to have law degrees (Shaw 2009; Mishina 2010).
 24. This variable is significant in early exploratory regressions. In the final model that includes all the relevant independent variables, it just barely slips out of significance with a p value of 0.1.
 25. For a comprehensive explanation of the stages through which criminal investigations pass in Russia and the role of the key players, see McCarthy (2015).
 26. Liu and Halliday (2016) document similar behavior in the Chinese criminal justice system. Solomon (2015) argues that, although efforts have been made to eliminate the accusatorial bias in most post-Soviet states, only Estonia has succeeded. Trochev (2017) documents the decline in the numbers of people incarcerated in Kazakhstan thanks to the increased use of reconciliation procedures, pursuant to which victims of crime agree not to press charges. As a result, the cases are closed. Yet the paucity of acquittals persists for defendants whose cases proceed to trial.
 27. By comparison, in the 1990s, before the introduction of this new procedure, about 50 percent of criminal defendants pled guilty (Jordan 2005).

28. Kaminskaya's (1982) handling of the case of two young men accused of raping and killing a classmate is a powerful counterexample. In a Sisyphean ordeal that required three trials during which she had to tactfully but stubbornly disassemble the prosecution's evidentiary house of cards, Kaminskaya managed to secure an acquittal for her clients.
29. Article 48, Russian Constitution (1993).
30. Article 123 of the Russian Constitution (1993) endorses adversarialism in judicial processes. Article 15 of the 2001 Criminal Procedure Code (2001) states that criminal proceedings are to be conducted on the basis of adversarialism. But commentators note that neither the Constitution nor the Code specifically addresses whether the commitment to adversarialism extends to the pretrial stage. Indeed, Davletov (2017, 63) characterizes the right of *advokaty* to conduct a parallel independent investigation as a "myth."
31. Before trial, the case file is controlled by the investigator, who is supposed to be an impartial truth seeker. In reality, he is subject to the same incentives as judges and procurators and works toward conviction. Well over half of all requests by *advokaty* to include evidence were rejected (Jordan 2005).
32. Chinese criminal defense lawyers have also traditionally been seen as ineffective. Using data from a survey of these lawyers, Liang, He, and Lu (2014) show that these lawyers themselves realize that they are underperforming. They go on to document the determination of younger lawyers to change the story.
33. This is reminiscent of Blumberg's (1967) conceptualization of US defense lawyers as double agents who have to simultaneously represent their clients and maintain good working relations with prosecutors. But US lawyers are less dependent on prosecutors and police for their livelihood than are Russian *advokaty* who handle indigent clients.

KATHRYN HENDLEY is the author of *Everyday Law in Russia* (2017). Her research focuses on legal reform in contemporary Russia. She was a Fulbright Research Scholar in Russia in 2011–12 and has received support for her research from the National Science Foundation.

REFERENCES

- Ahmed, Zabid Shahab, and Maria J. Stephan. 2010. "Fighting for the Rule of Law: Civil Resistance and the Lawyers' Movement in Pakistan." *Democratization* 17 (3): 492–513.
- Argumenty i fakty. 2010. "Interv'iu zamestitelia General'nogo prokurora Rossiiskoi Federatsii A.G. Zviagintseva" [Interview with deputy General procurator of the Russian Federation A.G. Zviagintsev]. *Argumenty i fakty*, February 24, 2010. http://genproc.gov.ru/smi/interview_and_appearances/interview/65680/.
- Barry, Donald D., and Harold J. Berman. 1968. "The Soviet Legal Profession." *Harvard Law Review* 82 (1): 1–41.
- Bocharov, Timur, and Ekaterina Moiseeva. 2016. *Byt' advokatom v Rossii: Sotsiologicheskoe issledovanie professii* [Being an *advokat* in Russia: A sociological study of the profession]. St. Petersburg: Evropeiskii universitet v Sankt-Peterburge.
- Browder, Bill. 2015. *Red Notice: A True Story of High Finance, Murder, and One Man's Fight for Justice*. New York: Alfred A. Knopf.
- Butler, William E. 2011. *The Russian Legal Practitioner*. The Hague, the Netherlands: Eleven International Publishing.
- Bysiewicz, Shirley Raissi, and Louise I. Shelley. 1987. "Women in the Soviet Economy: Proclamations and Practice." In *Soviet Law and Economy*, edited by Olimpiad S. Ioffe and Mark W. Janis. Norwell, MA: Martinus Nijhoff Publishers.
- Cantrell, Deborah. 2007. "Walking the Path of the Law: How Yale Law School Graduates Navigate Career Choices." Legal Studies Research Paper Series, Working Paper No 07-28. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1026618.
- Cunha, Luciana Gross, and José Garcez Ghirardi. 2018. "Legal Education in Brazil: The Challenges and Opportunities of a Changing Context." In *The Brazilian Legal Profession in the Age of Globalization: The Rise of the Corporate Legal Sector and Its Impact on Lawyers and Society*, edited by Luciana Gross Cunha, Daniela Monteiro Gabbay, José Garcez Ghirardi, David M. Trubek, and David B. Wilkins. Cambridge: Cambridge University Press.

- Dau-Schmidt, Kenneth G., Marc S. Galanter, Kaushik Mikhopadhaya, and Kathleen Hull. 2009. "Men and Women of the Bar: An Empirical Study of the Impact of Gender on Legal Careers." *Michigan Journal of Gender & Law* 16 (1): 49–145.
- Davletov, A. A. 2017. "Advokatskoe rassledovanie: Mif ili real'nost'?" [Investigations by *advokaty*: A myth or reality?]. *Rossiiskaia iustitsiia* 6: 60–63.
- Dawisha, Karen. 2014. *Putin's Kleptocracy: Who Owns Russia?* New York: Simon & Schuster.
- Dezelay, Yves, and Bryant G. Garth. 2018. "Battles around Legal Education Reform: From Entrenched Local Legal Oligarchies to Oligopolistic Universals. India as a Case Study." *UC Irvine Journal of International, Transnational, and Comparative Law* 3: 143–67.
- Dinovitzer, Ronit, Bryant G. Garth, Richard Sander, Joyce Sterling, and Gita Z. Wilder. 2004. *After the JD: First Results of a National Study of Legal Careers*. Chicago: American Bar Foundation.
- Dinovitzer, Ronit, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce S. Sterling, with Terry K. Adams, Bryant G. Garth, John Hagan, Gita Z. Wilder, and David B. Wilkins. 2009. *After the JD: Second Results of a National Study of Legal Careers*. Chicago: American Bar Foundation.
- Efimenko, Evgeniia. 2017. "Iuristy protiv klientov: Piat' sporov, kotorye doshli do suda" [Lawyers versus clients: Five disputes that come before court]. *pravo.ru*, August 15, 2017. <https://pravo.ru/review/view/143201/?cl=A>.
- Evans, Jeffrey, Kenneth G. Dau-Schmidt, and Kaushik Mukhopadhaya. 2007. "Income and Career Satisfaction in the Legal Profession: Survey Data from Indiana Law School Graduates." *Journal of Empirical Legal Studies* 4 (4): 939–81.
- Federal'naia palata advokatov. 2018. Svedeniia o rassmotrenii ugovolnykh del v 2017 g [Information about the review of criminal cases in 2017]. http://parf.ru/documents/statistika_vs_rf/47102/.
- Finder, Susan. 1989. "Legal Education in the Soviet Union." *Review of Socialist Law* 15 (1): 197–219.
- Gessen, Masha. 2014. *Words Will Break Cement: The Passion of Pussy Riot*. New York: Riverhead Books.
- Gingerich, Jonathan, and Nick Robinson. 2017. "Responding to the Market: The Impact of the Rise of Corporate Law Firms on Elite Legal Education in India." In *The Indian Legal Profession in the Age of Globalization: The Rise of the Corporate Legal Sector and Its Impact on Lawyers and Society*, edited by David B. Wilkins, Vikramaditya S. Khanna, and David M. Trubek. Cambridge: Cambridge University Press.
- Ginsburgs, George. 1985. "The Soviet Judicial Elite: Is It?" *Review of Socialist Law* 11 (4): 293–311.
- Gorbuz A. I., M. A. Krasnov, E. A. Mishina, and G. A. Satarov. 2010. Transformatsiia rossiiskoi sudebnoi vlasti: Opyt kompleksnogo analiza [The transformation of Russian judicial power]. Moscow: Norma.
- Gudkov, Lev, Boris Dubin, and Natalia Zorkina. 2010. "Rossiiskaia sudebnaia sistema v mneniiakh obshchestva" [The Russian judicial system in the opinion of society]. *Voprosy obshchestvennogo mneniia* 4: 7–43.
- Halliday, Terence C., Lucien Karpik, and Malcolm M. Feeley, eds. 2007. *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Liberalism*. Portland, OR: Hart Publishing.
- Hazard, John. 1938. "Legal Education in the Soviet Union." *Wisconsin Law Review* 4 (July): 562–79.
- Heinz, John P., and Edward O. Laumann. 1994. *Chicago Lawyers: The Social Structure of the Bar*. Evanston, IL: Northwestern University Press.
- Heinz, John P., Edward O. Laumann, Robert L. Nelson, and Ethan Michelson. 1998. "The Changing Character of Lawyers' Work: Chicago in 1975 and 1995." *Law & Society Review* 32 (4): 751–75.
- Hendley, Kathryn. 1998. "Remaking an Institution: The Transition in Russia from State Arbitrazh to Arbitrazh Courts." *American Journal of Comparative Law* 46 (1): 93–127.
- . 2007. "Are Russian Judges Still Soviet? An Analysis of the Effort to Introduce Adversarialism to the Russian Arbitrazh Courts." *Post-Soviet Affairs* 23 (3): 240–74.
- . 2012. "Who Are the Legal Nihilists in Russia?" *Post-Soviet Affairs* 28 (2): 149–86.
- . 2017. *Everyday Law in Russia*. Ithaca, NY: Cornell University Press.
- . 2018a. "Mapping the Career Preferences of Russian Law Graduates." *International Journal of the Legal Profession* 25 (3): 261–77.
- . 2018b. "A Profile of Russian Law Students: A Comparison of Full-Time versus Correspondence Students." *Journal of Legal Education* 67 (4): 1005–34.

- Hendley, Kathryn, Peter Murrell, and Randi Ryterman. 2001. "Agents of Change or Unchanging Agents? The Role of Lawyers within Russian Industrial Enterprises." *Law & Social Inquiry* 26 (3): 685–715.
- Huskey, Eugene. 1986. *Russian Lawyers and the Soviet State: The Origins and Development of the Soviet Bar, 1917–1939*. Princeton, NJ: Princeton University Press.
- . 1988. "Generational Change in the Soviet Professional Elite: Procuracy Careers from Brezhnev to Gorbachev." In *Elites and Political Power in the USSR*, edited by David Lane. Brookfield, VT: Edward Elgar.
- Jordan, Pamela A. 2005. *Defending Rights in Russia: Lawyers, the State, and Legal Reform in the Post-Soviet Era*. Vancouver, British Columbia, Canada: UBC Press.
- Kamakin, Andrei. 2003. "Zashchitnik zashchitnikov" [Defender of the defenders]. *Itogi*, April 10, 2003. <http://www.index.org.ru/turma/ic/2003/65/603-3.htm>.
- Kaminskaya, Dina. 1982. *Final Judgment: My Life as a Soviet Defense Attorney*. Translated by Michael Glenny. New York: Simon and Schuster.
- Kahn, Jeffrey. 2011. "Report on the Verdict against M.B. Khodorkovsky and P.L. Lebedev." *Journal of Eurasian Law* 4 (3): 321–534.
- Karpik, Lucien, and Terence C. Halliday. 2011. "The Legal Complex." *Annual Review of Law and Social Science* 7: 217–36.
- Khodorkovsky, Mikhail. 2015. *My Fellow Prisoners*. New York: Overlook Press.
- Khodzhaeva, Ekaterina A. 2016. "Stigma 'karmannyi advokat' v diskursivnoi bor'be predstavitelei iuridicheskoi professii v Rossii" [The stigma of "pocket advokat" in the discursive battle among representatives of the legal profession in Russia]. *Sotsiologii vlasti / Sociology of Power* 28: 137–82.
- Khodzhaeva, Ekaterina, and Yulia Rabovski. 2016. "Strategies and Tactics of Criminal Defenders in Russia in the Context of Accusatorial Bias." *Russian Politics and Law* 54 (2–3): 191–226.
- Konstantinovskiy, David L. 2012. "Social Inequality and Access to Higher Education in Russia." *European Journal of Education* 47 (1): 9–24.
- Kucherov, Samuel. 1953. "The Case of Vera Zasulich." *Russian Review* 11 (2): 86–96.
- Landon, Donald D. 1990. *Country Lawyers: The Impact of Context on Professional Practice*. New York: Praeger Publishers.
- LaPierre, Brian. 2012. *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*. Madison: University of Wisconsin Press.
- Ledeneva, Alena V. 2013. *Can Russia Modernise? Sistema, Power Networks and Informal Governance*. New York: Cambridge University Press.
- Levada Center. 2011. O pomilovanii Khodorkovskogo [On clemency for Khodorkovskii]. <http://www.levada.ru/2011/04/03/o-pomilovanii-hodorkovskogo-2/>.
- . 2012. Tret' rossiian verit v chestnyi sud nad Pussy Riot [One-third of Russians believe in the honesty of the Pussy Riot court]. <http://www.levada.ru/17-08-2012/tret-rossiyan-verit-v-chestnyi-sud-nad-pussy-riot>.
- . 2013. Ob"edinenie Verkhovnogo i Vysshego arbitrazhnogo sudov [The merger of the Supreme and Higher Arbitrazh courts]. <https://www.levada.ru/2013/11/27/obedinenie-verhovnogo-i-vysshego-arbitrazhnogo-sudov/>.
- . 2015. Rossiiane ob Aleksee Naval'nom [Russians on Aleksei Naval'nii]. <http://www.levada.ru/05-02-2015/rossiyane-ob-aleksee-navalnom>.
- Liang, Bin, Ni Phil He, and Hong Lu. 2014. "The Deep Divide in China's Criminal Justice System: Contrasting Perceptions of Lawyers and the Iron Triangle." *Crime, Law and Social Change* 62 (5): 585–601.
- Liu, Sida, and Terence C. Halliday. 2016. *Criminal Defense in China: The Politics of Lawyers at Work*. Cambridge: Cambridge University Press.
- MacFarquhar, Neil. 2017. "Opposition Leader Tests Public Support for Bid to Topple Putin." *New York Times*, June 9, 2017. <https://www.nytimes.com/2017/06/09/world/europe/aleksei-navalny-russia-election-putin.html>.
- Maggs, Peter B., Olga Schwartz, and William Burnham. 2015. *Law and Legal System of the Russian Federation*. Huntington, NY: Juris Publishing.
- Maleshin, Dmitry. 2017. "The Crisis of Russian Legal Education in Comparative Perspective." *Journal of Legal Education* 66 (2): 289–308.
- McCarthy, Lauren. 2015. *Trafficking Justice: How Russian Police Enforce New Laws, from Crime to Courtroom*. Ithaca, NY: Cornell University Press.

- Mertz, Elizabeth. 2007. *The Language of Law School: Learning to “Think Like a Lawyer.”* Oxford: Oxford University Press.
- Michelson, Ethan. 2012. “Women in the Legal Profession, 1970–2010: A Study of the Global Supply of Lawyers.” *Indiana Journal of Global Legal Studies* 20 (2): 1071–1137.
- Minzner, Carl F. 2013. “The Rise and Fall of Chinese Legal Education.” *Fordham International Law Journal* 36 (2): 334–96.
- Mishina, Ekaterina. 2010. “Mnogolikié Rossiiskie Iuristy” [The many faces of Russian lawyers]. In *Kakogo eto—byt’ iuristom?* [What does it mean to be a lawyer?], edited by E. Mishina. Moscow: Fond “Liberal’naia missiia.”
- Moiseeva, Ekaterina. 2016. *Iuridicheskoe obrazovanie v Rossii: Analiz kolichestvennakh dannyykh* [Legal education in Russia: An analysis of qualitative data]. St. Petersburg, Russia: Institut Problem Pravoprimeniia. http://enforce.spb.ru/images/Nauchnie_raboty/2015_analit_obzor_Jurid_obrazovanie.pdf.
- . 2017. “Plea Bargaining in Russia: The Role of Defence Attorneys and the Problem of Asymmetry.” *International Journal of Comparative and Applied Criminal Justice* 41 (3): 163–84.
- Moustafa, Tamir. 2007. “Mobilising the Law in an Authoritarian State: The Legal Complex in Contemporary Egypt.” In *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Liberalism*, edited by Lucien Karpik, Terence C. Halliday, and Malcolm M. Feeley. Portland, OR: Hart Publishing.
- Mrowczynski, Rafael. 2016. “Institutional Professionalization of Lawyers in State-Socialism and Post-Socialism: Poland and Russia Compared.” *International Journal of the Legal Profession* 23 (2): 157–84.
- Murphy, Kim. 2005. “Russia Moves against Khodorkovsky’s Legal Team.” *Los Angeles Times* September 24. <http://articles.latimes.com/2005/sep/24/world/fg-yukos24>.
- Navalny, Alexei, and Adam Michnik. 2017. *Opposing Forces: Plotting the New Russia*. London: Egret Press.
- Nepomniashchii, A. 2010. “Professiia—Advokat: Delo Vasilii Aleksaniana” [The *advokat* profession: The case of Vasilii Aleksanian]. In *Kakogo eto –byt’ iuristom?* [What does it mean to be a lawyer?], edited by E. Mishina. Moscow: Fond “Liberal’naia missiia.”
- Paneyakh, Ella. 2015. “Evolution of the Russian Judicial System in 2014.” *Russian Politics and Law* 53 (5–6): 84–108.
- Paneyakh, E., Titaev, K., Volkov, V., and Primakov, D. 2010. *Obvinitel’nyi ukлон v ugovnom protsesse: Factor prokurora* [The accusatorial bias in the criminal process: The impact of the procurator]. St. Petersburg, Russia: Institut problem pravoprimeniia. http://www.enforce.spb.ru/images/analit_zapiski/pm_3_prok_final_site.pdf.
- Peck, Tom. 2017. “Valdimir Kara-Murza, a Twice-Poisoned Russian Dissident, Says: ‘If It Happens a Third Time, That’ll Be It.’” *Independent*, March 18, 2017. <http://www.independent.co.uk/news/uk/politics/russian-dissident-vladimir-kara-murza-poisoned-twice-democracy-campaigner-vladimir-putin-a7637421.html>.
- Pipko, Simona, and Roman Pipko. 1987. “Inside the Soviet Bar: View from the Outside.” *International Lawyer* 21 (3): 853–72.
- Plickert, Gabriele, Ronit Dinovitzer, Bryant G. Garth, Robert Nelson, Rebecca Sandefur, Joyce Sterling, and David Wilkins. 2014. *After the JD: Third Results of a National Study of Legal Careers*. Chicago: American Bar Foundation.
- Politkovskaya, Anna. 2004. *Putin’s Russia*. Translated by Arch Tait. London: Harvill Press.
- Pomorski, Stanislaw. 2001. “Justice in Siberia: A Case Study of a Lower Criminal Court in the City of Krasnoyarsk.” *Communist and Post-Communist Studies* 34 (4): 447–78.
- “Povyshenie kachestva iuridicheskogo obrazovaniia v Rossii: pora ot slov perekhodit’ k delu” [Increasing the quality of legal education in Russia: Time to move from words to deeds]. 2009. *Gosudarstvennyi Audit. Pravo. Ekonomika* (2): 2–7.
- Prokuratura Rostovskoi oblasti. 2013. “Ob itogakh oblastnogo konkursa sochinenii ‘Pochemy ia khochu rabotat’ v organakh prokuratury’” [The results of the *oblast’* essay competition: Why do I want to work in the office of the procurator?]. <http://www.prokuror-rostov.ru/vacancy/172058/22.05.2013/>.
- Rand, Robert. 1991. *Comrade Lawyer: Inside Soviet Justice in an Era of Reform*. Boulder, CO: Westview Press.
- Romanova, Ol’ga. 2011. *Butyrka*. Moscow: Astrel’.
- Rosenberg, Joshua. 2004. “Interpersonal Dynamics: Helping Lawyers Learn the Skills, and the Importance, of Human Relationships in the Practice of Law.” *University of Miami Law Review* 58 (4): 1225–84.

- Rossiiskaia gazeta. 2008. "Polnyi tekst vystypleniia Dmitriia Medvedeva na II Grazhdanskom forume v Moskve 22 ianvariia 2008 goda" [The complete text of the speech of Dmitrii Medvedev at the second Civil form in Moscow on January 22, 2008]. *Rossiiskaia gazeta*, January 24, 2008. <http://rg.ru/2008/01/24/tekst.html>.
- Sakwa, Richard. 2010. "The Dual State in Russia." *Post-Soviet Affairs* 26 (3): 185–206.
- . 2014. *Putin and the Oligarch: The Khodorkovsky-Yukos Affair*. New York: Palgrave Macmillan.
- Scheppele, Kim Lane. "The Legal Complex and Lawyers-in-Chief." In *The Legal Process and the Promise of Justice: Studies Inspired by the Work of Malcolm Feeley*, edited by Rosann Greenspan, Hadar Aviram, and Jonathan Simon. Cambridge: Cambridge University Press, Forthcoming.
- Schleef, Debra J. 2006. *Managing Elites: Professional Socialization in Law and Business Schools*. Lanham, MD: Rowman & Littlefield Publishers.
- Seron, Carroll. 1996. *The Business of Practicing Law: The Work Lives of Solo and Small-Firm Attorneys*. Philadelphia, PA: Temple University Press.
- Shaw, Gisela. 2009. "Return to Europe—A Double-Edged Sword for Notaries? The Case of Poland and Hungary." *Communist and Post-Communist Studies* 42 (3): 395–422.
- Sharlet, Robert. 1977. "Stalinism and Soviet Legal Culture." In *Stalinism: Essays in Historical Interpretation*, edited by R. Tucker. New York: Norton.
- Shelley, Louise I. 1984. *Lawyers in Soviet Work Life*. New Brunswick, NJ: Rutgers University Press.
- Shepeleva, Olga, and Asmik Novikova. 2014. "The Quality of Legal Education in Russia: The Stereotypes and the Real Problems." *Russian Law Journal* 2 (1): 106–20.
- Siddique, Osama. 2014. "Legal Education in Pakistan: The Domination of Practitioners and the 'Critically Endangered' Academic." *Journal of Legal Education* 63 (3): 499–511.
- Smith, Gordon B. 1978. *The Soviet Procuracy and the Supervision of Administration*. Alphen aan den rijn, the Netherlands: Sijthoff & Noordhoff.
- . 1996. *Reforming the Russian Legal System*. Cambridge: Cambridge University Press.
- Smyth, Regina, and Irina V. Soboleva. 2016. "Navalny's Gamesters: Protest, Opposition Innovation, and Authoritarian Stability in Russia." *Russian Politics* 1 (4): 347–71.
- Solomon, Peter H., Jr. 1987. "The Case of the Vanishing Acquittal: Informal Norms and the Practice of Soviet Criminal Justice." *Soviet Studies* 39 (4): 531–55.
- . 1996. *Soviet Criminal Justice under Stalin*. Cambridge: Cambridge University Press.
- . 2007. "Informal Practices in Russian Justice: Probing the Limits of Post-Soviet Russian Reform." In *Russia, Europe, and the Rule of Law*, edited by Ferdinand Feldbrugge. Leiden: Brill Academic Publishers.
- . 2015. "Post-Soviet Criminal Justice: The Persistence of Distorted Neo-Inquisitorialism." *Theoretical Criminology* 19 (2): 159–78.
- Solomon, Peter H., Jr., Alexei Trochev, and Stephen Aris. 2014. "The Unexpected Demise of Russia's High Court and the Politicization of Judicial Reform." *Russian Analytical Digest* 147 (17): 2–4.
- Solomon, Peter H., Jr., and Todd Foglesong. 2000. *Courts and Transition in Russia: The Challenge of Judicial Reform*. Boulder, CO: Westview Press.
- Sundstrom, Lisa McIntosh. 2014. "Russian NGOs and the European Court of Human Rights: A Spectrum of Approaches to Litigation." *Human Rights Quarterly* 36 (4): 844–66.
- Taylor, Brian. 2011. *State Building in Putin's Russia: Policing and Coercion after Communism*. New York: Cambridge University Press.
- Titaev, Kirill, and Maria Shkliaruk. 2016. "Investigators in Russia: Who Creates Practice in the Investigation of Criminal Cases?" *Russian Politics and Law* 54 (2–3): 112–37.
- Trochev, Alexei. 2008. *Judging Russia: Constitutional Court in Russian Politics, 1990–2006*. New York: Cambridge University Press.
- . 2014. "How Judges Arrest and Acquit: Soviet Legacies in Postcommunist Criminal Justice." In *Historical Legacies of Communism in Russia and Eastern Europe*, edited by Mark Beissinger and Stehen Kotkin. New York: Cambridge University Press.
- . 2017. "Between Convictions and Reconciliations: Processing Criminal Cases in Kazakhstan Courts." *Cornell International Law Journal* 50 (1): 107–45.
- van der Vet, Freek. 2018. "'When They Come for You': Legal Mobilization in New Authoritarian Russia." *Law & Society Review* 52 (2): 301–36.
- van der Vet, Freek, and Laura Lyytikäinen. 2015. "Violence and Human Rights in Russia: How Human Rights Defenders Develop Their Tactics in the Face of Danger, 2005–2013." *International Journal of Human Rights* 19 (7): 979–98.

- Veselkova, E.G. 2017. "Professional'naia model' iurista" [The professional model of the lawyer]. *Gosudarstvo i pravo* 8: 12–20.
- Volkov, V., A. Dmitrieva, M. Pozdniakov, and K. Titaev. 2016. *Rossiiskie sud'i: sotsiologicheskoe issledovanie profession* [Russian judges: A sociological study of the profession]. Moscow: Norma.
- Voronkov, Konstantin. 2012. *Aleksei Naval'nyi: Groza zhukikov i vorov* [Aleksi Naval'nyi: The storm of crooks and thieves]. Moscow: Eksmo.
- Zakon. 2013. "Ob"edinenie vysshikh sudov" [The merger of the higher courts.] *Zakon* 10: 26–38.

LAWS CITED

- Constitution of the Russian Federation. 1993. <http://www.departments.bucknell.edu/russian/const/constit.html>.
- Criminal Procedure Code of the Russian Federation. 2001. 174-FZ. https://www.unodc.org/res/cld/document/rus/1996/the-criminal-procedure-code-of-the-russian-federation_html/Russia_Criminal_Procedure_Code_2001_as_amd_2012.pdf.