

Professional Misconduct of Russian Lawyers between Administration of Justice, Clients and State Power

By Dr. Rafael Mrowczynski: a post-doctoral researcher at the Institute for Cultural Studies of Leipzig University (Germany) and (starting in April 2018) a visiting research fellow at Käte Hamburger Center for Advanced Studies “Law as Culture” at Bonn University (Germany)

The proposed paper explores specific forms of professional misconduct related to the institutional environment in present-day Russia. Published decisions in disciplinary proceedings by several regional Chambers of the Bar (*palaty advokatov*)* and autobiographic narrative interviews with legal professionals (Bar members as well as practitioners without Bar affiliation) were used as two sets of primary data for this triangulated qualitative study. In the first step, two practices were identified as a result of the qualitative content analysis of disciplinary-proceeding documents: (1) activities of lawyers as informality brokers (including corruption); (2) cooperation of defense attorneys with prosecutors, police investigators or biased judges against the interest of their clients—usually in cases of “criminal defense on appointment” (*zashchita po naznacheniu*). In the second step, the “documentary analysis” (Bohnsack, 2010; Nohl, 2010) of narrative interviews was used to reconstruct different professional orientations of Russian lawyers in relation to the studied forms of professional misconduct. As a result, three major constructs of meanings were identified and described in detail with regard to normative-legitimation strategies: (1) a consequent rejection of wrongdoing; (2) a (grudging) accommodation to acts of wrongdoing by others; (3) an active participation for client’s sake.

The findings are discussed in the context of recent social-scientific debates on professional misconduct and malpractice focusing on different dimensions of institutional contexts (Kish-Gephart et al., 2010; Mather and Levin, 2012; Muzio et al., 2016) and on different types of professional-client relations—esp. the “client capture” literature (Dinovitzer et al., 2014; Leicht and Fennell, 2001). The paper is the first attempt to discuss findings from Russia within these theoretical catego-

* “Conclusions” (*zakliucheniia*) by “Qualifying Commissions” (*kvalifikatsionnye komissii*) that hear disciplinary cases on behalf of Chambers of the Bar are frequently published on the Internet pages of the respective chamber or in their newsletters (*vestnik palaty advokatov*).

ries originating in research on professional wrongdoing in the USA and Western Europe. It proposes new insights and expands the social-geographic scope of the international debate on sociological aspects of professional misconduct. At the same time, it can enrich the most recent discussion on legal professions among Russian law-and-society researchers (Bocharov and Moiseeva, 2017; Kazun et al., 2015; Khodzhaeva, 2016; Khodzhaeva and Shesterina Rabovski, 2016).

The extensive fieldwork for the paper was done between 2011 and 2014 in three different regions of the Russian Federation. A total of 54 practicing lawyers (*advokaty, iuriskonsul'ty, iuristy chastnoi praktiki*) have been interviewed in this process. The project was supported by a research grant from the Academic Fund of the Higher School of Economics in Moscow between 2012 and 2014 (research grant number 12-01-0142). The author was a DAAD Assistant Professor at the Faculty of Sociology of HSE Moscow at this time.

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