INDEX

academic freedom, expert testimony and, 148–149
Academy of Science, 19
accusatorial bias, 9, 190–193
criminal justice and, 170–197, 263–264
Lebedev, V., and, 175–176
Medvedev and, 175–176
acquittal rates, 9, 170–171, 185–191, 196, 227
adversarial systems and, 170–171
Canada and, 177–178, 189
Europe and, 171, 180–182
France and, 180–183, 189
Germany and, 180–182, 189
glasnost and, 170, 174
human trafficking cases and, 219–220
inquisitorial systems and, 170–171
Japan and, 171, 189
judges and, 173
jury trials and, 190
Netherlands, 180–182
personal accusation cases and, 174
post-Soviet countries and, 173
pre-trial screenings and, 9–10, 171, 176–183, 264
rehabilitative reasons, cases stopped for, and, 174–175
Russia, Soviet, and, 171–174
Sweden and, 189–190
UK and, 171, 178
acquittals, conservatism and, 218
administrative cases, Justice of the Peace courts and, 70, 72
administrative independence, Arbitrazh courts and, 121
administrative resources
defamation cases and, 156, 161–165, 167–168, 263
moral compensation and, 165
administrative staff, Arbitrazh courts and, 131
adversarial systems, 183
acquittal rates and, 170–171
Imperial courts and, 270
judges and, 270
Advocacy Act, 30–31
advocacy bar, 262. See also advokatura
Arbitrazh courts and, 130–131
diversity and, 35, 262
judicial reforms, 1864 and, 19–20
Russia, Soviet, and, 21
advocates, criminal cases and, 130. See also
Colleges of Accusers and Defenders; colleges of advocates; Colleges of Defenders; private advocates
advokatura. See also colleges of advocates
informal norms and, 32–35
lawyers practicing outside of, 31–32
normative vision of, 35–36
professionalisation, post-Soviet Russian and, 29–35
Russia, Soviet, and, 24
self-governance and, 29
affidavits, immigration cases and, 93, 101–105, 113
aggravating factors, human trafficking laws and, 214–216. See also organised groups
appeals
Arbitrazh courts and, 125–126, 134
CAO and, 99
courtroom proceedings and, 272
human trafficking cases and, 214
humanitarian logic and, 108–112, 115
immigration cases and, 100–116, 272
judges and, 219–220, 223–224
Justice of the Peace courts and, 80
Khodorkovsky case and, 235
Arbitrazh courts, 274–275. See also
Economic Chamber of the Supreme Court; Gosarbitrazh; Supreme Arbitrazh Court
administrative independence and, 121
administrative staff and, 131
advocacy bar and, 130–131
appeals and, 125–126, 134
architecture and, 131–132
case file logic and, 267
case loads and, 123–124, 126–127
commercial disputes and, 7–8, 118–139
contractual petty disputes and, 124–126
corruption and, 133–135, 263
INDEX

Canada. See also R. v Boucher
acquittal rates and, 177–178, 189
charges, withdrawal of, and, 177–179
criminal justice and, 177–180
discharges and, 179
diversion programmes and, 178–179
guilty pleas and, 177
pre-trial dispositions and, 176–180, 185
prosecutorial discretion and, 179–180, 183
prosecutors and, 177–180, 184
CAO. See Code of Administrative Offences
case file logic, 265–268
Arbitrazh courts and, 267
case processing, Germany and, 180
consumer disputes and, 267–268
criminal cases and, 266–267
defamation cases and, 266
evidence and, 266
appeals and, 99
司法 of the Peace courts and, 99
residence registration and, 99
INDEX

279
INDEX

Colleges of Accusers and Defenders, 22
colleges of advocates, Russia, post-Soviet and, 29
Colleges of Defenders, 22–23
commercial disputes, Arbitrazh courts and, 7–8, 118–139. See also contractual petty disputes; substantive commercial cases
common-law countries, defamation cases and, 144, 147, 151–152. See also Canada; United Kingdom; United States
Commonwealth of Independent States (CIS), 110
communism, law and, 21
competence
gleal education and, 26–29
professionalisation, post-Soviet Russian and, 26–29
complaint books, consumer disputes and, 45
Conception of Judicial Reform, 1991, 174
conservatism, 220
acquittals and, 218
human trafficking cases and, 216–224, 272–273
procurators and, 272–273
Constitution, Russian, 1993, checks and balances and, 232–233
judiciary and, 252–253
procurators and, 254
prosecutors and, 254
Constitution, Soviet, 1936, 23–24
consumer disputes, 43–51, 261
case file logic and, 267–268
complaint books and, 45
consumer rights centres and, 48–49
cost and, 59
delays and, 58–59
doing nothing about, 44–45
education and, 47
elspertiz and, 47–49
legal literacy and, 61–62
litigation and, 49–51, 61
stores, seeking recompense from, and, 45–48
consumer law, 42
consumer rights centres, 63
consumer disputes and, 48–49
fees and, 49
contractual petty disputes, Arbitrazh courts and, 124–126
corruption
Arbitrazh courts and, 133–135, 263
judges and, 135
judicial discretion and, 3
Justice of the Peace courts and, 79
lawyers and, 133–134
pre-trial sessions and, 79
cost. See also litigation, emotional cost of consumer disputes and, 59
inheritance disputes and, 59
of lawyers, 59
of litigation, 57–60
Council of the President of the Russian Federation on Development of Civil Society and Human Rights. See Human Rights Council
court decisions, defamation cases, as proof in, 145–146, 158–159, 266
courtroom proceedings
Arbitrazh courts and, 273
criminal cases and, 272
justice, administramental model of, and, 271–273
Moscow City Court and, 95–96
pre-trial screenings and, 272
Justice of the Peace courts and, 70, 72
political interference and, 254
reconciliation and, 175
repentance and, 175
Criminal Code
human trafficking laws and, 205, 207–211
INDEX

organised groups and, 215–216
slave labour and, 208–210
criminal justice
accusatorial bias and, 170–197, 263–264
Canada and, 177–180
Germany and, 180–182
imbalance of power within, 191–193, 196–197
Criminal Procedure Code (CPC), 174–175, 187–188
indictments and, 239
reasoned judgment, right to, and, 236
crown attorneys. See prosecutors
culture. See also legal culture, internal
of Arbitrazh courts, 132–133
of courts of general jurisdiction, 132–133
customary law, Volost’ courts and, 20
dacha, 52
decision-making, legal positivism and, 205.
See also pre-trial decision making
defamation cases, 141–168. See also New York Times v Sullivan
slander, criminalisation of; Supreme Court
Explanation, 2035
administrative resources and, 156, 161–165, 167–168, 263
bias and, 162–165, 263
byudzhetniki and, 156–159, 161–165
case file logic and, 266
civil, 143
Civil Code and, 149–150
common-law countries and, 144, 147, 151–152
court decisions as proof in, 145–146, 158–159, 266
criminal, 143
criminal behaviour and, 145–147
discrediting information and, 144–145
dissemination and, 144–145, 150–151
ECHR and, 142–151
expert testimony and, 148–149
fact-opinion distinction and, 150–152
fair comment privilege and, 152
fair report privilege and, 151–152
federal officials and, 156–158
formalism and, 142, 148, 165–168, 269
free speech and, 141, 151
journalism and, 145–147, 158–159
judicial independence and, 8–9, 142–143, 167–168
lawyers and, 162, 164
linguists and, 148–149, 261, 269
media competition and, 152–153
media outlets and, 143, 152–153, 158–159, 168
moral compensation and, 8, 149–150, 159–162
motivations for, 158–159
municipal officials and, 156–158
outcomes of, 142, 159–163
plaintiff success rate in, 155–156, 164–165
plaintiffs in, 153–159
political interference and, 253
politicism and, 8–9
proof and, 143–146, 266
public interest privilege and, 152, 168
Putin and, 143, 152
regional distribution of, 144–154
regional officials and, 156–158
Russia, high number in, 141, 143
siloviki and, 156–159
state officials and, 142–151, 161–165, 167–168
success rate of, 8
UK and, 141
US and, 144, 149
delays
Arbitrazh courts and, 132
consumer disputes and, 58–59
courts of general jurisdiction and, 132
inheritance disputes and, 58
judges and, 58
justice, administerial model of, and, 274
litigation and, 58–59
Moscow City Court and, 95
deporation
asylum-seekers, 108
immigration law and, 97, 99, 112–113
de-professionalisation. See professionalisation
developers, inheritance disputes and, 55–56
discharges, Canada and, 179
discrediting information, defamation cases and, 144–145
disputes, 40–64. See also commercial disputes
Arbitrazh courts and; consumer
disputes; contractual petty disputes, Arbitrazh courts and; inheritance
disputes; state, disputes with
laypeople and, 10
immigration law and, 97, 99, 112–113
discrediting information, defamation cases and, 144–145, 150–151
diversion programmes, 178–179, 187, 193
ECHR. See European Court of Human Rights
Economic Chamber of the Supreme Court, 122–138
education, consumer disputes and, 47. See also
legal education
Ekaterina II (Imperatrice), 17
ekspertiz (expertise process), consumer disputes and, 47–49

281
INDEX

electronic case files, 121–122
Ellickson, R., 54
estrangement, inheritance disputes and, 60–61
ethnicity, immigration law and, 7
Europe
acquittal rates and, 171, 180–182
formalism and, 269
prosecutorial adjudication and, 184
Europe, Western, professionalisation and, 12, 16
European Convention of Human Rights, 108, 111, 115
reasoned judgment, right to, and, 236–237
European Court of Human Rights (ECHR), 96
defamation cases and, 142–151
Khodorkovsky case and, 236
Everyday Practices and Trouble Cases (Sarat), 94
evidence. See also expertise (expertise process),
consumer disputes and; proof
Arbitrazh courts and, 131
case file logic and, 266
FMS presenting, 97–98, 100–107, 111–113, 115
Khodorkovsky case and, 267
Khodorkovsky second trial verdict and, 237–244
migrant litigants and, 107, 266
Evroset, 43, 45–46
exceptionalism, Russian, 4
expert testimony. See also linguists
academic freedom and, 148–149
defamation cases and, 148–149
formalism and, 148
US and, 149
fact-opinion distinction, defamation cases and, 150–152
fair comment privilege, defamation cases and, 152
fair report privilege, defamation cases and, 151–152
fairness, prosecutorial adjudication and, 184–185
Federal Migration Service (FMS), 7, 93, 95, 99
evidence presented by, 97–98, 102–107, 111–113, 115
judges and, 111–112
Ukrainians and, 111
federal officials, defamation cases and, 156–158
Federal Security Service (FSB), 216
Fedotov, Mikhail, 236–247
fees, 49, 59, 62
Felstiner, W.L.F., 42–44, 52
fieldwork, 4
financial independence, Arbitrazh courts and, 121
FMS. See Federal Migration Service
focus groups, 41
formalism, 268–269. See also conservatism
Arbitrazh courts and, 132–133
case file logic and, 102
defamation cases and, 142, 148, 165–168, 269
Europe and, 269
expert testimony and, 148
informality and, 2–3
judges and, 148, 168, 268
judicial discretion and, 268
formality, public hearings and, 79–83
France
acquittal rates and, 180–183
prosecutorial discretion and, 181, 183
free speech, defamation cases and, 141, 151
freedom of contract, Civil Code and, 54
freedom of expression, Russian Constitution and, 151
Friedman, L.M., 12
Fries, B.W., 13
Garth, Bryan, 102
Glasnost Defence Foundation (GDF), 142, 151
Glasgow University, 19
generalisation, Russian justice system and, 1–2
Germany
acquittal rates and, 180–182, 189
case processing and, 180–183, 185
criminal justice and, 180–182
pre-trial screenings and, 9
prosecutorial discretion and, 181, 183
Glasnost, acquittal rates and, 160
Glasnost Defence Foundation (GDF), 142, 153–160
Gorbachev, Mikhail, 232–233, 255
Gosarbitrazh (State Arbitrazh System), 119
gosobvinitel’. See courtroom procurators
guilty pleas, Canada and, 177
Guriev, Sergei, 247–248
GUVM, MVD. See Main Directorate for
Migration Affairs of the Russian
Federation, Ministry of Internal Affairs
human rights, 1. See also European Court of
Human Rights; free speech; freedom of
expression
Human Rights Council (Council of the
President of the Russian Federation on
Development of Civil Society and
Human Rights), 10, 233
Investigative Committee and, 248
Khodorkovsky case, recommendations on, 245–246
Khodorkovsky case, repercussions for report on, 246–250
Khodorkovsky case and, 244–250
Medvedev and, 236–245
human trafficking cases, 208–224
acquittal rates and, 219–220
appeals and, 214
conservatism and, 216–224, 272–273
Investigative Committee and, 211
investigators and, 211–213, 224
judges and, 211, 215–220, 223–224, 226, 267, 269
jurisdiction and, 211
labour trafficking and, 213, 217–218
organised groups and, 214–216
pre-trial screenings and, 219–224
procurators and, 211, 218–223, 226
quantitative assessment system and, 219–224
sex trafficking and, 212–214, 217, 224
slave labour and, 217–218
UN Protocol and, 213–214
human trafficking laws, 206–228
aggravating factors and, 214–216
courtroom procurators and, 206, 211
Criminal Code and, 205, 207–211
interpretation and, 211–219
judges and, 206
judges interpreting, 212
pre-trial decision making and, 10
procurators and, 205–206
procurators interpreting, 212–216
slave labour and, 208–210
humanitarian logic
appeals and, 108–112, 115
asylum-seekers and, 108–112
geographic distribution of, 108
immigration law and, 93, 107–112
Huskey, E., 22–24
identity
advocacy bar and, 35, 262
as moral calling, 36
professionalisation, post-Soviet Russian and, 35–36
solidarity and, 36
illegal adoption, 207
immigration cases. See also asylum-seekers
affidavits and, 93, 101–105, 113
appeals and, 100–116, 272
increase in, 97–98
labour and, 102–105
Moscow City Court and, 95–96
pre-trial stage and, 113–114
problem cases and, 93–94, 113–116
UK and, 114
Ukrainians and, 110–112
immigration law. See also Code of
Administrative Offences
case file logic and, 7, 92–93, 99–107, 114–116, 263–266
courts of general jurisdiction and, 6–7, 92–116
deporation and, 97, 99, 112–113
etnicity and, 7
humanitarian logic and, 93, 107–112
immigration status and, 7
judges as enforcers of, 92–93, 97
immigration status, immigration law and, 7
Imperial courts
adversarial systems and, 270
case file logic and, 265
indictments
CPC and, 239
Khodorkovsky case and, 239–240
informal norms, advokatura and, 32–35
informality
formalism and, 2–3
Justice of the Peace courts and, 6, 86, 90–91, 133
information technology, Arbitrazh courts and, 121–122, 139, 274–275. See also
electronic case files; internet; websites;
Justice of the Peace courts and
inheritance disputes, 57
cost and, 59
delays and, 58–59
developers and, 55–56
doing nothing about, 52–53
estrangement and, 60–61
developers and, 55–56
delays and, 58–59
educa\ntion and, 52–53
Judges and, 57, 60
legal literacy and, 62
litigation and, 56–57, 60–61
mediated settlements and, 53–56
notaries and, 56–57
real estate and, 51–57
theft and, 53
inclusion, 42
inquisitorial systems, 183
acquittal rates and, 170–171
Judges and, 270
institutional vulnerability
political interference and, 263–265
professionalisation and, 263–265
integrity, legality and, 2
international law, 1
internet, laypeople and, 50–51
interpretation, human trafficking laws and, 211–219
Investigative Committee, 211, 254
Human Rights Council and, 248
human trafficking cases and, 211
investigators, 191, 211
human trafficking cases and, 211–213, 224
lawyers and, 193
pre-trial dispositions and, 193–195
pre-trial screenings and, 185–186
prosecutors and, 25
quantitative assessment system and, 220–221, 226
Japan, acquittal rates and, 171, 189
journalism, 145–147, 158–159, 261
JPs. See Justices of the Peace
judges. See also Justices of the Peace; Law on the Status of Judges, 1992
acquittal rates and, 173
adversarial systems and, 270
appeals and, 219–220, 223–224
Arbitrazh courts and, 130–131, 135
case file logic and, 100–101, 103–106, 111–112
corruption and, 135
delays and, 58
FMS and, 111–112
formalism and, 148, 168, 268
human trafficking cases and, 211, 215–220, 223–224, 226, 267, 269
human trafficking laws and, 206
human trafficking laws interpreted by, 212
immigration law, enforcers of, 92–93, 97
inheritance disputes and, 57, 60
inquisitorial systems and, 270
justice, administrator model of, and, 270–273
Moscow City Court and, 95, 100, 106
plea agreements and, 266–267
procurators and, 174
prosecutors as, 183–185
quantitative assessment system and, 220, 223–224, 226
Russia, post-Soviet and, 25
Russia, Soviet and, 173, 196
sentences, stability of, evaluated by, 195–196, 223
judicial discretion
corruption and, 3
formalism and, 268
pre-trial decision making and, 10
judicial independence, 195–196, 251–253, 265
Arbitrazh courts and, 7–8, 118, 128–129
defamation cases and, 8–9, 142–143, 167–168
judicial reforms, 1864
advocacy bar and, 19–20
Justice of the Peace courts and, 69
professionalisation and, 18–19
judiciary, 251
Constitution, Russian, 1993, and, 252–253
political interference and, 251–253, 265
presidential authority and, 254
prosecutors and, 254
Russia, Soviet, and, 251–252
jurisdiction
Arbitrazh courts and, 120–123
human trafficking cases and, 211
Justice of the Peace courts and, 70
jurists, Russia, Soviet, and, 24
jury trials
acquittal rates and, 190
Lebedev, V., and, 190
Putin and, 190
Ukraine and, 190
justice, administrator model of, 10, 269–277
bureaucracy and, 274
courtroom proceedings and, 271–273
delays and, 274
judges and, 270–273
justice, Western model of, and, 275–277
lawyers and, 270–271
pre-trial stage and, 276
reform of, 276–277
justice, duality of, Russia, post-Soviet and, 135–139
justice, Western model of, justice, administrator model of, and, 275–277.
See also rule of law, Western
justice for business, Arbitrazh courts and, 136–139
Justice of the Peace courts, 72–73, 133
administration of, 76
administrative cases and, 70, 72
appeals and, 80
architecture of, 73–75, 274
case file logic and, 268
cases and, 71–72, 90
civil cases and, 70–72
corruption and, 79
court-users and, 6, 68–91, 274
criminal cases and, 70, 72
everyday experiences of, 68–91
informality and, 6, 86, 90–91, 133
institutional setting of, 69–70
judicial reforms, 1864 and, 69
jurisdiction and, 70
lawyers and, 83–86
legal assistance and, 83–86
negativity towards, 86–90
pre-trial decision making and, 80–81, 90
pre-trial sessions and, 6, 76–79, 84–86, 88–91, 268, 271
private citizens and, 71–72
public hearings and, 79–83, 90–91, 271–272
INDEX

public image of, 73–75
records of proceedings in, 80
Russia, post-Soviet and, 70
Russia, Soviet, and, 69, 75
state and, 72
as state bureaucratic institutions, 75, 90–91
websites of, 75–76
justice system, Russian. See specific topics
Justices of the Peace (JPs)
court-users and, 76–83, 87
legal advice and, 77, 85
legal education and, 70
responsible of, 70–71, 76, 90
Kamins, Yale, 251
Khodorkovsky, Mikhail, 10, 64
Khodorkovsky case, 231, 233–256. See also Yukos Oil
appeals in, 235
case file logic and, 267
ECHR and, 236
evidence and, 267
first trial in, 234–235
Human Rights Council and, 244–250
Human Rights Council recommendations on, 245–246
Human Rights Council repercussions for report on, 246–250
Medvedev and, 244, 246, 255–256
Putin and, 230, 246
reasoned judgment, right to, and, 236–244
Richelieu Effect and, 236–244, 254–256
second trial in, 235–239
verdict, second trial, in, 235, 239
evidence in, 237–244
indictment used in, 239–240
narrative-rational of, 237–238
Kiev Rus’. See also Church of Rus’, Roman law and
Byantium and, 15–16
legal profession and, 15
Roman law and, 15–17
treaties and, 15–16
labour. See also slave labour
asylum-seekers and, 108
immigration cases and, 102–105
labour trafficking, 207, 213, 215, 217–218
law. See also customary law, human trafficking laws; immigration law; politically motivated laws; Roman law; specific topics
communism and, 21
laypeople and, 18, 54–55, 260–261
legal theory, Marxist and, 250
legitimacy of, 18, 261
Law on the Status of Judges, 1992, 25
law without lawyers, 15–18
laws, new. See also human trafficking laws
institutional resistance to, 226, 269
US and, 225
lawsuits, 253–254
lawyers. See also advocacy bar; advocates; law without lawyers; legal profession
advokatura, practicing outside of, 31–32
Arbitrazh courts and, 130
authoritarian regimes and, 17
case file logic and, 265
client, commitment to, and, 32–33
corruption and, 133–134
cost of, 59
defamation cases and, 162, 164
increasing use of, 85
investigators and, 193
justice, administrative model of, and, 270–271
Justice of the Peace courts and, 83–86
negativity towards, 51, 56
pocket, 34
pre-trial sessions and, 77–78
See also byudzhetniki; podpol’nie
see file logic and, 267–268
disputes and, 10
internet and, 50–51
law and, 18, 54–55, 260–261
professionalisation and, 262
Russia, post-Soviet and, 27–28, 37
Lebedev, Platon Leonidovich, 234–236, 240
Lebedev, Viacheslav
accusatorial bias and, 175–176
jury trials and, 190
pre-trial dispossession and, 194
legal advice, JPs and, 77, 85
legal assistance, 261. See also lawyers
free, 84
Justice of the Peace courts and, 83–86
legal culture, internal, 12
legal education
competence and, 26–29
JPs and, 70
professionalisation and, 18–19
Russia, post-Soviet and, 26–29
Russia, Soviet, and, 21, 24
legal literacy, 62. See also laypeople, law and consumer disputes and, 61–62
inheritance disputes and, 62
litigation and, 61–62
pre-trial sessions and, 77–78
legal nihilism
Russia, post-Soviet and, 30
Russia, Soviet, and, 23–24
politically motivated laws, 206
politicisation, defamation cases and, 8–9
post-Soviet countries, acquittal rates and, 173
precedents, Arbitrazh courts introducing, 136–139
pre-programming, 3
presidential authority, judiciary and, 254
pre-trial decision making, 10
human trafficking laws and, 10
judicial discretion and, 10
Justice of the Peace courts and, 80–81, 90
pre-trial dispositions, 193–196
Canada and, 176–180, 185
investigators and, 193–195
Lebedev, V., and, 194
Putin and, 195
pre-trial screenings, 172, 185–191, 196.
See also case processing;
non-rehabilitative reasons, cases stopped for;
prosecutorial adjudication;
prosecutorial discretion; rehabilitative reasons, cases stopped for
acquittal rates and, 9–10, 171, 176–183, 264
criminal cases and, 272
Germany and, 9
human trafficking cases and, 219–224
investigators and, 185–186
procurators supervising, 186–187, 194–195
reform through, 193–196
Russia, Soviet, and, 185–186
pre-trial sessions
corruption and, 79
Justice of the Peace courts and, 6, 76–79,
84–86, 88–91, 268, 271
lawyers and, 84–86
legal literacy and, 77–78
pre-trial stage
immigration cases and, 113–114
justice, administristal model of, and, 276
private advocates, professionalisation and, 20
private citizens, Justice of the Peace courts and,
71–72
procuracy, return to, 187–188
procurators, 22–23, 205, 221. See also
courtroom procurators
accountability of, 195–196
conservatism and, 272–273
Constitution, Russian, 1993, and, 254
human trafficking cases and, 211, 218–223, 226
human trafficking laws and, 205–206
human trafficking laws interpreted by,
212–216
judges and, 174
pre-trial screenings supervised by, 186–187,
194–195
quantitative assessment system and, 219–224,
226
professionalisation, 12–37, 260–263. See also
culture, internal; legal profession
advokatura and, 29–35
Arbitrazh courts and, 262
checks and balances and, 264
competence and, 26–29
Europe, Western, and, 12, 16
identity and, 35–36
institutional vulnerability and, 263–265
judicial reforms, 1864 and, 18–19
laypeople and, 262
legal education and, 18–19
Middle Ages and, 12, 14–15
Peter the Great (Emperor) and, 17
private advocates and, 20
Roman law and, 12
rule of law, Western and, 15
Russia, Soviet, and, 21–25
professionalism, Arbitrazh courts and, 130–131,
139
proof. See also ekspertiz (expertise process),
consumer disputes and
defamation cases, court decisions as proof in,
145–146, 158–159, 266
defamation cases and, 143–146, 266
litigation and, 50
prosecutorial adjudication, 183–185
Europe and, 184
fairness and, 184–185
prosecutorial discretion
Canada and, 179–180, 183
France and, 182–183
Germany and, 181, 183
Netherlands, 182
prosecutors. See also courtroom procurators
Canada and, 177–180, 184
Constitution, Russian, 1993, and, 254
investigators and, 25
as judges, 183–185
judiciary and, 254
political interference and, 253–254
Putin and, 253–254
quantitative assessment system and, 225–226
US and, 183–184, 225
Public Access to Court Electronic Records
(PACER), 121
public hearings
formality and, 79–83
Justice of the Peace courts and, 79–83,
90–91, 271–272
public interest privilege, defamation cases and,
152, 168
Putin, Vladimir, 64
defamation cases and, 143, 152
jury trials and, 190
Khodorkovsky case and, 236, 246
legislatures and, 251

INDEX

287
INDEX

Putin, Vladimir, (cont.)
political interference and, 250
pre-trial dispositions and, 195
prosecutors and, 253–254
qualitative data, quantitative data and, 4
quantitative assessment system, 226–228.
See also sentences, stability of, judges
evaluated by
courtroom procurators and, 221–223
human trafficking cases and, 219–224
innovation hindered by, 227–228
investigators and, 220–221, 226
judges and, 220, 223–224, 226
police and, 225
popular perceptions impacted by, 227
procurators and, 219–224, 226
prosecutors and, 225–226
quantitative data, qualitative data and, 4

R. v. Boucher, 180
real estate, 51–57
reasoned judgment, right to
CPC and, 236
European Convention of Human Rights
and, 236–237
Khodorkovsky case and, 236–244
reconciliation, criminal cases and, 175
records of proceedings
Arbitrazh courts and, 132
courts of general jurisdiction and, 132
in Justice of the Peace courts, 80
regional officials, defamation cases and,
156–158
rehabilitative reasons, cases stopped for,
174–175, 186
repentance, criminal cases and, 175
residence registration, CAO and, 99
Revolutionary Decree on the Courts, 21
Reynolds, S., 14
Richelieu Effect, 231–233, 236–244, 254–256,
264
Roman law, 12–18, 259–260
Church of Rus’ and, 16
Kiev Rus’ and, 15–17
lawyers and, 13–14
professionalisation and, 12
rule of law, Western, 3–4, 13, 15, 250
Russia. See specific topics
Russia, post-Soviet. See specific topics
Russia, Soviet. See also Colleges of Accusers
and Defenders; Constitution, Soviet,
1936; Constitution, Soviet, 1977;
People’s Courts; Revolutionary Decree
on the Courts
acquittal rates and, 171–174
advocacy bar and, 21
advokatura and, 24
checks and balances and, 232–233
judges and, 173, 196
judiciary and, 251–252
jurists and, 24
Justice of the Peace courts and, 69, 75
lawyers and, 21–25
legal education and, 21, 24
legal nihilism and, 23–24
pre-trial screenings and, 185–186
professionalisation and, 21–25
Russian Constitution, freedom of expression
and, 151
Sakharov, Andrei, 248
samoud (self-help solutions), 55
Sarat, Austin, 94, 113
self-governance, advokatura and, 29
sentences, stability of, judges evaluated by,
195–196, 223
separation of powers. See checks and balances;
political interference
sex trafficking, 207
human trafficking cases and, 212–214, 217,
224
siloviki, defamation cases and, 156–159
slander, criminalisation of, 253
slave labour
Criminal Code and, 208–210
human trafficking cases and, 217–218
human trafficking laws and, 208–210
social distance, litigation and, 42, 60–61
society, commitment to, lawyers, post-Soviet
Russian and, 32–34
sociology of justice, 4–5
solidarity, identity and, 36
South Korea, 152
sovereigns, Russian, lawyers and, 17.
See also Ekaterina II (Imperatrice); Peter the
Great
special procedure. See plea agreements
specialisation, Arbitrazh courts and, 131
state
Arbitrazh courts and, 123
Justice of the Peace courts and, 72
state, disputes with, Arbitrazh courts and,
126–129
State Arbitrazh System. See Gosarbitrazh
state bureaucratic institutions, Justice of the
Peace courts as, 75, 90–91
state entities, 124
Arbitrazh courts and, 124–125, 138
state officials. See also federal officials;
municipal officials; regional officials;
siloviki
defamation cases and, 142–151, 161–165,
167–168
moral compensation and, 160–161, 165,
167–168

288
stores, seeking recompense from, consumer disputes and, 45–48
Subbotin, Mikhail, 248–250
substantive commercial cases, Arbitrazh courts and, 129–133
Sudebnik, 16–17
summary proceedings, Arbitrazh courts and, 127–128
Supreme Arbitrazh Court, 119–122, 134, 136–138. See also Economic Chamber of the Supreme Court
Supreme Court Explanation, 2005, 150–152, 161
Sweden, acquittal rates and, 189–190
tax evasion. See Khodorkovsky case
Thaman, S., 183
theft, inheritance disputes and, 53
thick description, 4
Travers, Max, 114
treaties, Kiev Rus’ and, 15–16
trouble cases, immigration cases and, 93–94, 113–116
UK. See United Kingdom
Ukraine, jury trials and, 190
Ukrainians
FMS and, 111
immigration cases and, 110–112
UN Protocol, human trafficking cases and, 213–214
UN Transnational Organized Crime Convention, 208
United Kingdom (UK), 184
acquittal rates and, 171, 178
defamation cases and, 141
immigration cases and, 114
United States (US)
defamation cases and, 144, 149
expert testimony and, 149
laws, new and, 225
police and, 251
prosecutors and, 183–184, 225
Volost’ courts, customary law and, 20
warranties, 44
websites, Justice of the Peace courts and, 75–76
Yngvesson, B., 61, 94
Yukos Oil, 1, 233–234. See also Khodorkovsky case