

Pro bono in modern Russia – current challenges and progress - Pro Bono Committee, May 2018

Tuesday 15 May 2018

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In Russia, pro bono legal services virtually do not occur as a primary activity or an independent practice of a law firm. At present, the role of the government as a provider of free legal services is much bigger than the role of the legal community.

In Russian law, there is a special term for free legal assistance. The legislature determined the groups of people and the circumstances under which people are entitled to apply for free legal assistance. In accordance with Russian law, there are two areas for which free legal assistance is provided.

The Federal Law *'On Free Legal Assistance'* regulates the provision of free legal services for civil, labour and social legal relationships. Such assistance might be granted to disabled people, incompetent citizens and poor citizens, for example. The Code of Criminal Procedure regulates general provisions on rendering free legal assistance in criminal matters. The so-called 'lawyers by appointment' are to be provided to the person who is a subject to criminal prosecution, regardless of his/her ability to pay for the services of a skilled practitioner.

The free legal assistance provided by the law is rather relative. For citizens who fall into these categories, the services are really provided for free. Lawyers and attorneys, who render such services receive compensation from the State. However, the system of legislatively regulated free legal assistance cannot fill the needs of the society.

The government has determined an extremely small group of persons who can be provided with free legal assistance. In addition, free assistance is granted for rather rare and specific issues that do not cover the real needs of the people. Despite these problems, it is the Russian government that provides the largest amount of free legal assistance (with the help of invited appointed lawyers and attorneys).

A study on the volume of free legal assistance in Russia comes directly from the legal community. Sociologists from the Institute for the Rule of Law at the European University in St Petersburg and the Institute for Industrial and Market Studies of the National Research University Higher School of Economics conducted a survey approximately two years ago among representatives of the bar association on the number of cases of pro bono assistance.^[1] Of the lawyers interviewed, 49.2 per cent said that they provide free legal assistance and 16.7 per cent had provided such assistance earlier. However, 59 per cent of respondents consider free legal assistance as working as a lawyer by appointment (article 51 of the Code of Criminal Procedure), 57 per cent counsel and guide their friends and acquaintances and 37 per cent participate in regional programmes of free assistance.

There are several reasons why Russian pro bono is in such a state. First, the legal community is poorly developed. In Russia, there are few large law firms with deep history and strong reputation. Lawyers often work in solo practices or small teams. With this type of work, there is simply no time for pro bono because the main aim is at least to earn a living.

Second, pro bono does not involve substantial benefits for lawyers who provide free assistance. Many companies lack understanding why pro bono is provided and this, in turn, leads to a lack of motivation to engage in this type of activity.

Third, pro bono legal assistance recipients are not aware of the existence of such help. Potential consumers of the pro bono service do not know who they should ask for help and even if the coordinating centres for rendering pro bono assistance have appeared in the Russian capital, the situation in the regions still has not been changed much.

Fourth, civil society in Russia has not been sophisticated enough to accumulate the needs of ordinary citizens in free legal assistance through social institutions and public organisations. Obviously, a law firm would not be able to cope with the abundance of appeals from individuals who need pro bono help. Such assistance should be organised by non-profit organisations that are scarce in the country and have not learned how to manage their work fully.

However, it cannot be said that pro bono does not exist in Russia at all. Pro bono is actively promoted by the legal community of the Russian Federal Chamber of Lawyers and several regional bar associations. The Public Interest Law Institute (PILnet) takes an active part in pro bono promotion.

Russian law firms have specific features of providing pro bono services. In the absence of a sufficient number of coordinating centres for the provision of pro bono legal services in the territory of the Russian Federation, legal companies build their own system for providing free legal assistance. As a rule, such work is conducted through interaction with a chosen public organisation, which assumes a socially useful workload. It can be public organisations that provide support for people with disabilities, seriously ill children and orphans, inter alia.

The objective of the legal company is to find such a public organisation and determine the mode of the work. The quality of the pro bono work should be the same as that of paid work, therefore, applying the general rules for accounting working hours, checking junior employees by senior officers, concluding a contract and so on.

The social responsibility of legal companies has been increasing from year to year. However, establishing appropriate coordinating sites for the communication of pro bono to potential consumers with the performers of such a function is necessary for the situation to change.

Pro bono in Russia has its own peculiarities, not only in interaction with society but also in problems that free legal assistance should help resolve. Each country has its own approach to the development of pro bono. Russia is a huge multinational country, the territories of which differ significantly depending on the citizens, level of income, education, level of production, business and other factors. Each area has its own problems that could be tackled with pro bono services and underlying causes are different. Low level of right-wing consciousness, legal nihilism, lack of legal culture, and the low level of legal training are relevant issues for the Russian regions.

Establishing stable social institutions, which are the foundation of civil society, is impossible without the aforementioned components. The adult population of Russia, to a great extent, does not possess a high level of legal consciousness and legal culture. Telling the accomplished adult about the reasons for which it is necessary to show social responsibility, as well as to advocate together for the interests of a particular social group, will definitely not succeed. A firmly established understanding, that the government is always right and solves any problem for a citizen, is deeply ingrained in the minds of Russian citizens.

Likewise, only a part of the legal community has been consolidated. Opponents of pro bono and free legal assistance exist and carry a hostile attitude through the ingrained belief that a lawyer should not work for free.

This why the legal education of students is important – and progress is being made. For instance, consolidation of the legal community is occurring in regions. Law firms and the regional chamber of lawyers have started working on legal education with great enthusiasm. Young lawyers who share similar goals and motivation have joined in the work with city schools. Due to this work, not only the legal literacy of the younger generation but also the qualifications of practicing lawyers, who work with young people, have been increasing. The level of social responsibility of the legal community has been boosted, the level of student competence has begun to increase and future lawyers begin to share social responsibility and values.

Notes

^[1] Kazun, Khodzhaeva, Yakovlev, *Advokatskoye soobshchestvo Rossii. Analiticheskiy obzor (Legal community of Russia. Analytical review)*, 2015. Available at: http://enforce.spb.ru/images/Products/Other_Publications/2015_analit_obzor_Advokaty_we_b.pdf (in Russian), accessed 20 March 2018.