

## **Institutional reasons for pro bono work: A case study of Russian advocacy <sup>1</sup>**

### **Abstract**

In many countries, the community of advocates provides free legal assistance to poor people to grant them equal access to justice. Very little is known, however, about advocates' motives for providing free legal assistance in countries without the developed professional community and developed institutions of the rule of law. There are two potential initiators of pro bono practices: the state and advocates' organizations. Based on a survey of 3,317 advocates in 35 regions of Russia, we analyze the provision of two respective types of free legal services: participation in legal proceedings on assignment of the court and provision of "pro bono" legal assistance stimulated by the community itself. Work on the appointment of the court may be considered altruistic help because it is provided for poor people and offers scant remuneration from the state budget. Although one may expect that it attracts advocates willing to work pro bono, we show that weak institutions of the rule of law in Russia created the "adverse selection problem", resulting in a generally low level of quality of professionals engaged in this work. Work on assignment of the court becomes a form of practice performed for economic reasons and usually involves advocates with low social capital and a lack of regular clients. In contrast, the survey shows that "pro bono" legal assistance encouraged by advocates' organizations is generally provided by advocates with a high level of social capital and values aimed at high professional reputation and low level of orientation on benefit. We conclude that in developing countries with weak institutions, the provision of free legal services may be stimulated "from the bottom up" by the community rather than "top down" by the state. Advocates' engagement in the professional community is the key precondition for pro bono work in Russia.

**Keywords:** advocacy, pro bono legal assistance, professional community, advocate on assignment, social capital, legal ethics, pro bono

**JEL Classification:** K49, D71, L84

### **Introduction**

Inequality of income often results in unequal access to the justice system. Therefore, in many countries, the community of advocates provides part of its services free of charge to enable citizens who cannot afford to pay for a lawyer out of their own pocket to defend their legal interests in court. The government also pays for legal services for defendants who cannot afford an advocate. In fact, the motives behind the provision of pro bono assistance by the community of advocates are often unclear (Abel 2010). There are many possible answers to the question of what

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compels a highly qualified specialist to spend part of his time on the so-called “pro bono publico” (Lat. – as a public service). On the whole, researchers share the view that a developed professional community regards this activity as a way to strengthen its reputation and use particular cases to change judicial practice for the better (Barclay and Chomsky 2014). Therefore, while refusing monetary payment, advocates nevertheless pursue certain social and political goals (Boukalas 2013). The reasons for undertaking pro bono work have not yet been fully explored, however, as far from all advocates are involved in this practice.

The practices surrounding the provision of pro bono legal services are even less clear in an imperfect institutional environment where a professional community of lawyers has not yet been formed, and the existing institutions operate in a different way than their counterparts in Western Europe and the United States. Are professionals prepared to provide pro bono legal assistance in a situation where the community itself has no common vision of the meaning of such assistance? What can they do if political ends are nonexistent or unattainable, and effectiveness is strongly limited due to the specifics of the existing institutions (such as accusatory bias within the justice system, with less than 1% of cases referred to court ending in acquittals) (Paneyakh 2014)? In other words, what is the point of providing free legal assistance if no one will appreciate it? Who are the advocates who are ready to provide pro bono legal assistance in an imperfect institutional environment?

A review of the situation in Russia allows us to analyze the prerequisites for pro bono legal assistance provision, which seem obvious in countries in Western Europe and in the United States. When analyzing the community of advocates in developed countries, researchers are always examining a profession characterized by a high level of self-organization and high wages. In other words, their research provides answers to the question about the motives for free legal service provision under very favorable conditions. Advocates in Russia, despite being a relatively privileged group, have neither high wages or a developed community. Below, we will demonstrate that the process of forming a professional community of advocates in Russia is not yet complete. Many advocates in Russia maintain practically no links with their professional community. Moreover, their earnings are often hardly enough to provide a minimum decent standard of living for their families.

We consider two cases to analyze the situation in Russia. We will first describe the so-called “work on court assignment” – the practice of providing legal services at public expense to a defendant who cannot afford to pay for the services of an advocate out of his own pocket. This is an enormous segment of the legal population that involves a large number of advocates, regulated by the government and assumed an active role of law enforcers. We will try to answer the question: Do advocates consider work on assignment of the court as part of their professional duty and take such cases to improve their professional reputations? Below, we show that for a number of reasons, this does not happen. We will show how a dependence on the financial component of work on assignment and the actual isolation of advocates providing this service has led to a distortion of the motivations for and the meaning of this form of legal assistance. Thus, institutional conditions lead to “adverse selection”: in this “market” in Russia, there are only suppliers of low-quality services.

In the second section, we will try to answer the question of whether a similar institutional environment has led to a complete washout of the altruists from the legal profession in Russia. We show that this has not occurred. The professional community can stimulate pro bono work in the segments that are not fully controlled by the government, and reputation serves as strong motivation for the participation of the most honest lawyers in pro bono work.

## Reasons for pro bono legal assistance

There have been many attempts to answer the question of why lawyers all over the world provide part of their services on pro bono terms. The reasons can be classified into two conventional categories: external and internal reasons. External reasons for providing pro bono legal services may include factors concerning a lawyer's entourage and personal biography: the university he graduated from (Erlanger and Klegon 1978), the size of the organization where he works (Granfield 2007), and the size of the city where he works ((Marshall 2006). Internal reasons generally include a lawyer's moral qualities (Abbott 1983), interest in raising his status within the professional community (Evans 2010), political motives (Paterson 2011), and so on. Finally, socio-demographic factors such as the advocate's sex, age and race play an important role (Hagan 1990; da Gloria Bonelli 2013; Carle 2014). Both internal and external reasons for the provision of free legal assistance, of course, are consequences of the social institutions existing in a country. Institutions as defined by Douglas North may influence a professional's actions both directly and indirectly through the process of professional socialization (resulting in a what Bourdieu calls "habitus" (Bourdieu 1977; Schinkel and Noordegraaf 2011).

To analyze the specifics of pro bono legal service provision, it is important to highlight some significant characteristics of the legal profession and the services provided by its professionals.

Scholars often describe the community of advocates as a professional group performing specific functions in society or a group that tries to monopolize the market (for debates about this issue, see Freidson 1988; Brante 1988; Evetts 2003; Abbott 2014). For example, Parsons suggested differentiating professional activity from business (Parsons 1937; Parsons 1939): a businessman can seek the maximization of his profit while performing his job, whereas a professional must first fulfill his mission and be focused on public benefit. Some researchers note that professional groups follow a "third logic" (Freidson 2001) that is distinct from the logic of the market and of the bureaucracy.

The activity of advocates is presently often interpreted in terms of the social contract (Evetts 2003). Society endows a professional with high social status and high income, and in return, the professional attempts to strictly abide by his functions and provide the necessary services. From the point of view of professional ethics, however, advocates may differ from one another and interpret their "professional mission" in different ways (Parker and Evans 2007). Some act as consulting advocates, ready to provide their clients with all of the knowledge and skills necessary for addressing any task. Others, in contrast, feel themselves to be lawmen and choose tasks and clients who do not breach the law. A third category comprises those who are prepared to break the law for the sake of high moral principles if the law is unjust. At the same time, every individual advocate can easily change his attitude toward ethic values depending on the circumstances of a specific case.

A specific characteristic of legal services is that they fall into the category of so-called credence goods ((Emons 2001; Bonroy, Lemarié, and Tropéano 2013). It is difficult to control the quality of legal assistance not only for a client but also for colleagues or the government. It is possible that there is no method that can help control the precise amount of time spent by a lawyer on each case and the emotional component he brings to it (Johnson 1980). From the point of view of economic theory, it can be assumed that the specifics of a lawyer's work create much room for opportunism, i.e., the pursuance of personal ends in defiance of a client's interests. Therefore, collegial control over the quality of legal services becomes very important (Mather, McEwen, and Maiman 2001).

Given that lawyers enjoy such a high degree of monopoly in their field, providing part of their services free of charge is even stranger. Pro bono work cannot be described as volunteering. In the United States and Europe, it is often provided by major law firms and the most experienced advocates. Paradoxical as it may seem, during the 2008 crisis, law firms did not reduce their amounts of pro bono work, but increased them (Cummings and Rhode 2010). In other words, the meaning of pro bono legal assistance is unequivocal and it does not directly fit into the economic model of utility maximization.

Pro bono legal assistance is also highly significant in the context of the development of a social state. One of the consequences of the “professionalization” of some group or other always manifests in the growth of its price (Murayama 2009), which inevitably leads to inequality in access to services. Unequal access to legal assistance runs counter to the idea of equality before the law. The point at issue in this case is not so much equal social welfare but the basic idea of equal rights and freedoms for all citizens. There are many cases of providing legal assistance to the poor, migrants (Kawar 2011), convicts (Prabhat 2011), people suffering from serious diseases (Arrington 2014), sex minorities (Bernstein and Marshall 2009), and so on.

When analyzing the situation in countries with underdeveloped law enforcement institutions, the urgency of the issues outlined above becomes even stronger.

### **Advocacy in Russia: incomplete professionalization**

The process of the professionalization (in terms of Abbott 2014) of advocacy in Russia has been very unstable due to the political transformations of the past thirty years and the thorny path of development of the legal community itself.

To begin with, it is important to draw a line between the concepts of “advocate” and “lawyer”, which is not typical for most countries of the world. Since the disintegration of the Soviet Union, any person with a relevant qualification (generally meaning higher legal education) can practice law. The only restriction is a prohibition on handling criminal cases without obtaining the status of an advocate.

Advocates (“advokat”) are a special professional group that enjoyed high status in the Soviet Union. Their number was small, and access to the profession was highly restricted. Every region in the Soviet Union had only one chamber of advocates vested with exclusive rights to admit new members and expel unscrupulous lawyers from their ranks. This situation changed significantly in the 1990s. Barriers to admission to advocacy were actually lifted, and new organizations of advocates started appearing in Russia in parallel with the chambers of advocates, which were also in a position to admit new members. In the period from 1991 to 2002, practically any private attorney could gain advocate status by joining one of the advocacy organizations. This resulted in a radical increase in the number of advocates in Russia and the dilution of professional standards.

At the same time, the number of legal departments in universities was growing every year, and in the period from 1980 to 2010 their quantity ballooned 16 fold (from 40 to 700). Such rapid development was caused by two factors (see Kazun and Yakovlev 2014). First, the market emerged in the 1990s, and private business started developing. National legislation also changed significantly. This entailed high demand for lawyers specializing in civil law. Private attorneys rarely received the status of advocate (because many of them did not handle criminal cases). Second, barriers to entering the profession were practically eliminated. People with very poor legal qualifications could gain access to the profession, and mechanisms for expelling unscrupulous advocates from the profession were practically nonexistent.

Existing simultaneously with these unfolding processes were established enforcement institutions inherited by 1990s Russia from the USSR. First of all, it is important to note the presence of the "accusatory bias", according to which less than 1% of cases end in acquittal (see Volkov 2012). The real solution to the question of the defendant's guilt is found before the trial takes place; in the case of a lack of evidence, law enforcers try not to initiate a deal or close it before going to court. This situation is closely connected with another practice, the heavy-handed system of reporting (so-called "palochnaya sistema"), a specific mechanism of performance evaluation of the lower-ranking Interior Ministry subdivisions by their higher-ranking superiors (for a detailed analysis of this phenomenon, see Paneyakh 2014). The "heavy-handed reporting system" is caused by the objective need of a system of indicators allowing government agencies to evaluate the performance of their subordinate subdivisions. For the police, this indicator is the number of crimes registered, investigated and sent to court. It is generally thought that if the number of crimes is small and the level of their detection is low, police officers are doing a poor job, but if there are many crimes and most of them are solved, law enforcers are performing well. Therefore, the law enforcement system in Russia is not interested in acquittals and good work by advocates. This strong law enforcement system (often characterized as "predatory" (Gerber and Mendelson 2008) corresponds to the institutional weakness of advocacy.

In 2002, the Russian government attempted to reform the advocate profession by formalizing and strengthening the requirements for admission to advocacy. To receive the status of advocate today, a lawyer with a university degree must have at least two years of legal experience and also pass a special exam. The Federal Chamber of Advocates was established in 2003 to coordinate the work of regional chambers. Each advocate was assigned to a regional chamber of advocates (with one chamber per region), paid membership fees, and faced expulsion if he violated the Code of Professional Ethics of Advocates (this pattern actually copied the Soviet system). All lawyers who became advocates before 2002 retained their status, however, and were not required to take an advocacy exam. This action actually secured enormous discrepancies in quality among the community of advocates across Russia.

In this survey, we will dwell only on Russian advocacy, for several reasons. First, the practices of providing pro bono legal assistance are particularly widespread among Russian advocates. Second, Russian advocates represent the most organized part of the legal community. We dispose of sufficient information for compiling a representative sample. As for private lawyers, their activity remains unknown to us and even to governors, as nobody knows how many there are or precisely where they work. Private lawyers are often not members of any professional associations, are not registered anywhere and do not report to anyone. They pay taxes as individual entrepreneurs. Research on the community of private lawyers in Russia has yet to take place. In 2014, Russia had 70,000 advocates, or approximately 48.1 advocates per 100,000 residents, which is low compared to other European countries (e.g., in Spain there are 272 advocates per 100,000; in Germany, 190<sup>2</sup>). Such a large gap in estimates is indicative of the fact that private lawyers are not taken into account during the calculations, although their number, according to our estimates, is several times higher than the number of advocates.

Finally, the survey of advocates allows us to analyze and compare their engagement in both practices: work on appointment of the court and pro bono work. Private lawyers without the status of advocate cannot not be involved in the first practice because they are not allowed to handle criminal cases.

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<sup>2</sup> According to CEPEJ (Eric Dubois, Christel Schurrer, Marco Velicogna). The functioning of judicial systems and the situation of the economy in the European Union Member States. Report for the European Commission. 2013.

The community of advocates in Russia has a number of other specific features. In the United States, one of the key characteristics marking any advocate is the size of the firm in which he works (this organizational environment also has its impact on the pro bono practices – see Granfield 2007). In Russia, advocates almost never work at law firms. They can conclude contracts with firms but cannot be members of the staff. The law envisages four main forms of practicing advocacy: a college of advocates, a bureau of advocates, an advocate's office, and a legal consultancy office. We will refer to these forms as advocates' organizations. To understand the influence of the organizational environment on an advocate's readiness to work on pro bono terms, it is necessary to describe the differences between these types of advocacy organizations.

Colleges of advocates and advocate's offices are the most widespread forms of advocacy employing, respectively, 66% and 28.1% of all advocates (according to the data of the Federal Chamber of advocates). A college of advocates is an organization with horizontal relational structure (all advocates in a college except members of the board have equal rights). An advocate's office, on the contrary, employs only one advocate. Advocates working at an advocate's office are generally more experienced and tend to specialize in working with businesses. The third form of practicing advocacy takes the form of a bureau of advocates, which usually has a small number of members who are equal partners. Compared to colleges, which may include hundreds of advocates, the staff of a bureau usually does not exceed thirty or forty people. Finally, a legal consultancy office is the least common form of practicing advocacy. Legal consultancy offices are set up by regional chambers of advocates to provide legal advice to the population of a particular region where the number of advocates is insufficient.

The differences among the four forms of advocacy organizations in Russia cannot be described as radical. An advocate can handle any type of case and work at any type of organization. The potential differences among advocates' organizations can consist of the intensity of an advocate's interaction with his peers (it would likely be more intensive at a college of advocates). We will evaluate individuals' involvement in the professional environment on the basis of attendance of various events, seminars, conferences, etc., rather than on the basis of the type of advocacy organization.

The size of the city in which an advocate works can have a much more significant impact. Work in a big city is very different from work in a small town or in a village, both in terms of the type of clients (village clients are generally poor people) and the nature of interactions with law enforcement authorities. The number of advocates in Russian villages and small towns is small. Regular contact between a small number of judges, prosecutors and advocates is conducive to the development of informal relationships among them (see (Moiseeva 2014; Khodzhaeva and Rabovski 2015)).

Advocates' professional histories may also be crucial for pro bono work. The differences are caused by three main factors: the university where an advocate received a legal education, work experience before advocacy (for example, many Russian advocates were formerly employed in the law enforcement system, whereas others started working as advocates immediately after graduation from university) and when the advocate joined the profession (during the Soviet era, in the 1990s, after 2002 or in the last several years). The biographies of Russian advocates are truly diverse (see the short description in the Appendix), and this does not fail to exert an effect on the readiness to provide pro bono legal services.

Therefore, in our subsequent analysis, we proceed from the following assumptions: 1) the legal community in Russia is highly heterogeneous (in age, experience, ethics, status, enabling the intensity in those or other professional activities), and 2) the process of professionalization in the

Russian advocate community is incomplete, leading to isolated professionals who do not support communication with colleagues, as well as a fully formed professional elite. At the same time, the elite of the legal community are unable to fully control the quality of legal services and expel unscrupulous professionals from its ranks. We consider this inability to control access to the profession as the main indicator that the process of professionalizing the legal community in Russia is not yet complete. This “incomplete professionalization” is the reason why the practices of work on assignment and pro bono work have become so different and “non-overlapping” in Russia.

## **Data**

For our research, we conducted a representative survey of 3317 advocates in 35 regions of Russia, which was organized in 2014 with the support of the Federal Chamber of Advocates.

Questionnaires were distributed through the regional chambers of advocates. Respondents filled out the questionnaires independently and anonymously, after which they returned them to the regional chamber, in some cases by e-mail. This survey is representative of the “active core” of the legal community, defined as advocates who liaise with regional chambers of advocates, but we could not access the passive part of the profession, those advocates who rarely communicate with colleagues. This restriction is inevitable due to the design of the survey but not critical for the purpose of our study because engaging in either type of free legal assistance implies that the advocate is in contact with at least a regional chamber. The scope and coverage of this survey of the community of advocates is undoubtedly the largest in the history of contemporary Russia.

The sample was formed on the basis of three models: random sampling of advocates’ organizations in Moscow and the Leningrad Region (two specific regions with huge number of advocates) on the basis of the register, a blanket survey of the organized part of the lawyer community in 8 regions of Russia with particularly strong chambers of advocates (with an average return of questionnaires at the level of 20–25%), and finally, random sampling of 25 regions from the remaining regions of Russia, with questionnaires distributed to at least 40 advocates in each region. In the Appendix 1, we show that there is no significant difference between two parts of the sample, and we can therefore analyze this information as one database. Advocates questioned on the basis of different sampling models are similar in terms of sex, age, work experience and education (the difference does not exceed 2%). We also include control variables in all models to take into account the effect of the type of the sample.

The analysis of the literature on providing free of charge services by advocates has identified two principal motives: an orientation toward increasing one’s professional reputation in the community, or the ethical values of the advocate (a desire to help people). Nevertheless, as far as cases on assignment are concerned, it is also important to take into consideration the financial factor as the government pays for the advocate’s work with criminal defendants who cannot afford to pay for legal assistance.

The reputation of an advocate within the professional community may be qualified in the terms of Pierre Bourdieu’s field theory as “social capital” (Bourdieu 1977). The importance of social capital ((Portes 1998; Sandefur and Laumann 1998) for professionals has been highlighted repeatedly by many scholars (Fiona M. Kay and Hagan 1998; Hanlon 1998; Wallace 2001; Yamamura 2008; F.M. Kay and Wallace 2009). In this paper we will operationalize social capital through three main questions: 1) Is the advocate a member of a professional association (in addition to the chamber of advocates to which he must be obligatorily assigned)? 2) How often does he attend professional events (conferences, seminars, cultural events, meetings with peers,

parties, etc.)? 3) Does he associate with his former university colleagues? We will use these questions separately as dummy variables without aggregating them into a single indicator.

The ethical values of advocates were measured on the basis of ten attitudinal questions (agreement or disagreement with statements according to a 4-grade scale) on professional ethics (the same approach is used by Tapp and Levine 1974; Erlanger and Klegon 1978; Silver 2006; and Evans 2010), which were in turn pooled into three factors using factor analysis (see Appendix 2): “cynicism”, “orientation on benefit”, and “focus on reputation”. “Cynicism” is the idea that everything in the profession is going wrong: lawyers are playing with the law, they are dishonest, and it is impossible to make a career being honest. “Orientation on benefit” is the attitude that lawyers should think first about money and then about the profession and clients. “Focus on reputation” is the attitude that the opinion of fellow professionals is important and that working with dishonest colleagues is inappropriate.

Finally, economic benefits can be measured in two ways: through advocates’ practices (Dickens 2006; Yamamura 2008; Tsai, Huang, and Chan 2009; Bergin and Jimmieson 2014), such as demand, quality of clients, etc., and through income evaluations ((Hagan 1990; Dinovitzer, Reichman, and Sterling 2009; Dinovitzer 2011). In our opinion, the three main characteristics determining demand for an advocate’s services in Russia include work with regular clients, a high workload during the year and a leading position in professional organizations (which can also be considered the social capital of the advocate). The work location (regional center, big city, small town etc.) is also an indirect indicator of demand because the size of the city determines the amount of potential clients. We consider this separate variable, however, because it can also be an indicator of the social and political environment.

These three characteristics of the advocates’ professional activity are strongly connected with an advocate’s income evaluations and with his perception of the dynamics of demand for services in the region. Income evaluations, however, are a dependent variable with respect to work on assignment or pro bono (not vice versa), and this is why we will use the three selected characteristics of demand for an advocate’s services in our regression analysis. We will thereafter examine consecutively which of the aforementioned factors impacts advocates’ work on assignment of the court and in pro bono legal service provision.

In spite of having the opportunity to estimate the demand, social capital, ethics and many other characteristics of advocates, we had very limited opportunities to estimate the impact of advocates work on the fates of real people. Due to the accusatory bias, many advocates in Russia go their entire careers without an acquittal. Our survey allows us to compare intermediate results (such as justifications by episode, conciliation, reduction of sentence, etc.) between different advocates but not between different cases. Unfortunately, we did not have an opportunity to estimate the quality of services provided on assignment of the court, pro bono or for money. Therefore, we did not use the indicators of effectiveness of the advocate, assuming that they are connected with other characteristics (such as experience, status, etc.).

### **“Top down” organization of free legal assistance: Work on assignment of the court**

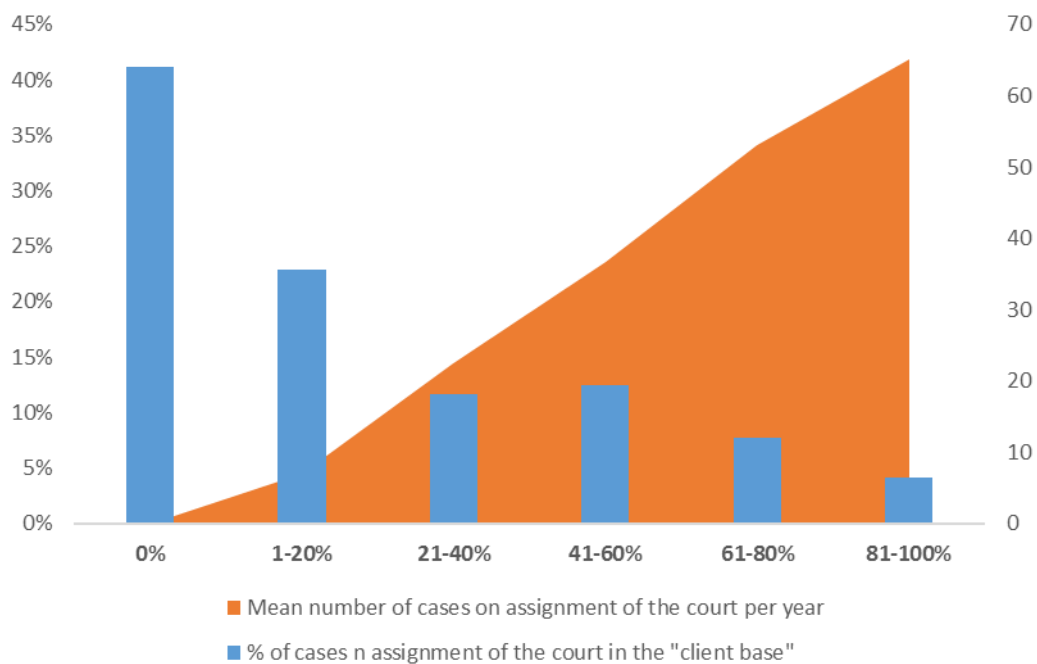
A person without the money to pay for an advocate has two options. Either the government will pay for the services of an advocate (only if it is a criminal case) or an advocacy organization will provide the person with an advocate pro bono (this is also possible also for civil cases). Although these two models appear to be identical at first glance, they are actually two completely different types of services.



Work on government assignment is envisaged by article 51 of the Russian Criminal Procedure Code. Many countries around the world provide a public defense advocate, but in Russia, this phenomenon has its own specifics. To begin with, an advocate’s work on assignment is poorly paid. According to Russian Government Resolution No. 1240 of 1 December 2012, advocates are paid 550-1,200 rubles per court day. As a matter of comparison, according to the findings of our survey, experienced advocates can earn a minimum of 5,000 rubles a day (or 110,000 rubles a month). The rate of pay has not been raised for many years and has even caused small protests among advocates in several regions of Russia

Although work on assignment of the court is poorly paid, according to the law, it is compulsory for all advocates regardless of the type of organization for which they work and the types of specialized cases they typically handle. Thus, the amount of time that an attorney devotes to a pro bono case may be fairly low but may be slightly higher if the attorney exhibits a personal desire to work the case. At the same time, our analysis shows a very different picture (see Table 1).

**Table 1. The percentages and numbers of cases on assignment of the court in advocates’ “client base”**



In our sample, advocates handle on average 22% of cases on assignment, but variations are high: 41.2% of the advocates from our sample do not handle any cases on assignment, and another 22.9% accept less than 20% of such cases on average, whereas for approximately one quarter of advocates (24%), cases assigned in accordance with Art. 51 of the CPC constitute the main portion of their work (over 60%).

There are many lawyers who did not participate in work on court’s assignment during the year before the survey, but there are also lawyers who derive the majority of their workload from court assignments. What can we say about the motivation of the lawyers involved in the work as intended? To assist the institute for court-appointed work, economic motivations cannot be first and foremost; in other words, such advocates must be interested in enhancing their own reputations or have some other motive.

The results of the analysis are presented in Table 2. Model 1 shows that factors of demand for an advocate's services have a strong impact on work on assignment. Advocates who are in demand (loaded with work and have regular clients) accept such cases much less frequently. The model also shows that advocates working on assignment have comparatively low levels of "social capital" – they are not members of associations, they do not maintain connections with former university mates. They do not take steering positions in advocates' organizations (that could be considered both as demand and as social capital). Selected ethical factors have no influence on work on assignment.

**Table 2: Regression models (dependent variable: the share of cases handled by an advocate on assignment)<sup>3</sup>.**

	<b>B</b>	<b>Std. Error</b>	<b>t</b>
(Constant)	25,558	3,555	7,19
<b>Gender (0 - Male; 1 - Female)</b>	<b>3,626***</b>	<b>1,108</b>	<b>3,272</b>
Advocate's experience	-0,069	0,064	-1,09
Full time education	1,119	1,053	1,063
<b>Demand</b>			
<b>Work mostly with regular clients</b>	<b>-16,274***</b>	<b>1,087</b>	<b>-14,975</b>
<b>High or modest loading</b>	<b>-6,134***</b>	<b>1,084</b>	<b>-5,657</b>
<b>Work as the head of advocates organization</b>	<b>-4,302**</b>	<b>1,361</b>	<b>-3,161</b>
<b>Social capital</b>			
<b>Member of professional association</b>	<b>-4,442**</b>	<b>1,447</b>	<b>-3,07</b>
Take part in professional events	-0,956	0,668	-1,431
<b>Communicates with former classmates</b>	<b>-3,32**</b>	<b>1,32</b>	<b>-2,515</b>
<b>Ethics</b>			
Factor (cynicism)	-0,216	0,506	-0,426
Factor (orientation on benefit)	0,146	0,516	0,284
<b>Factor (focus on reputation)</b>	<b>0,97*</b>	<b>0,515</b>	<b>1,884</b>
<b>Type of organization</b>			
<b>Bureau</b>	<b>-10,924***</b>	<b>3,098</b>	<b>-3,526</b>
<b>Cabinet</b>	<b>-3,884**</b>	<b>1,307</b>	<b>-2,971</b>
<b>Legal consultancy</b>	<b>7,092***</b>	<b>2,146</b>	<b>3,305</b>
College – Reference	-	-	-
<b>Experiecn before the advocacy</b>			
Judge	-1,334	2,913	-0,458
Court secretariat	1,295	1,919	0,675
Prosecutor	-1,464	1,502	-0,975
Investigator	0,793	1,27	0,625
Other law enforcement	0,286	1,604	0,178
<b>State agencies except law enforcement</b>	<b>-2,955*</b>	<b>1,548</b>	<b>-1,909</b>
<b>Commercial company</b>	<b>-4,008***</b>	<b>1,235</b>	<b>-3,246</b>
Without experience – Reference	-	-	-
<b>Place of work</b>			
<b>Center of the region</b>	<b>-2,882**</b>	<b>1,091</b>	<b>-2,642</b>
<b>Big city (not the center)</b>	<b>3,479**</b>	<b>1,181</b>	<b>2,946</b>
<b>Small town</b>	<b>6,636***</b>	<b>1,537</b>	<b>4,318</b>
<b>Village</b>	<b>4,905*</b>	<b>2,206</b>	<b>2,223</b>
<b>Across the region – Reference</b>	<b>-</b>	<b>-</b>	<b>-</b>

<sup>33</sup> Robustness checks see in Appendix 3.

<b>Control on pro bono work</b>			
<b>Pro bono work at present</b>	<b>3,033**</b>	<b>1,029</b>	<b>2,947</b>
<b>Sample control variables</b>			
<b>Type of sample (0 - small sample, 1 - big sample)</b>	<b>3,892***</b>	<b>1,106</b>	<b>3,518</b>
<b>Leningrad region</b>	<b>-13,907***</b>	<b>2,911</b>	<b>-4,777</b>
<b>Moscow region</b>	<b>-11,864***</b>	<b>1,988</b>	<b>-5,969</b>
N	2437		
R Square	0,223		

Note: Significance: \*\*\* - 0,001 level, \*\* - 0,01 level, \* - 0,05 level, ‘ - 0,1 level

Most advocates with high social capital and high economic status try to reduce their involvement in this sort of work (although it is formally compulsory for all, advocates have unofficial ways to minimize their participation in work on assignment). On the other hand, the advocates who are unable to find clients ready to pay for their services independently accept a large number of cases on assignment and sometimes handle several such cases a day.

The situation is aggravated by the fact that workers of law enforcement employees are in fact responsible for the payment of remuneration to advocates. They are the ones who must corroborate the performance of a particular job by an advocate (for instance, they sign the document stating the number of hours spent by the advocate with his client during the interrogation). The law enforcement system actually becomes the employer of those advocates who spend more than half of their working time on cases assigned by the court.

The choice of an advocate to be assigned may also depend on judges and investigating officers. The system of choosing assigned advocates is gradually changing. In particular, in some regions, advocates are assigned by a special computer program that prevents law enforcement officials from assigning cases to advocates with whom they are acquainted. Overall, however, the practice of providing free legal assistance on assignment in Russia often undermines the principle of independence of the community of advocates.

The survey also demonstrates that female advocates have a weaker position in the market and are therefore more involved in cases assigned by the court. Although this relationship is strongly significant in our data, further research is required to explain this gender difference.

In the Appendix 3 we made several robustness checks building the model 1) with the exclusion of the advocates with 0 cases on assignment of the court 2) only for «small» sample 3) only for «big» sample and 4) with log of the number of cases on assignment of the court per year as a dependent variable. Overall, the results are stable.

In summary, the following conclusion can be drawn: advocates providing assistance to poor clients on court assignment are themselves an economically unsuccessful and socially and geographically isolated group within the legal community. In other words, an advocate's work on court assignment in Russia is not charity but is an adaptive practice by advocates themselves who cannot find regular clients, do not maintain connections with their peers and simply wish to make a living. As a result, such advocates find themselves tied to specific courts and dependent on the law enforcement system, which actually becomes their principal employer. The quality of advocates' services provided on assignment has been a subject of public debate for many years (see, for example, (Khodzhaeva and Rabovski 2015)).

The analysis shows that work on court appointment in Russia can be seen as an example of a "lemons market" ((Akerlof 1970). The most experienced and respected attorneys do not participate

in this work: only “lemons” remain on the market because of “adverse selection”. Neither the defendant’s (uninformed side) or the advocates (informed side) can signal that they want to fight the system or agree with the prosecution. For honest lawyers, this situation is uninteresting in terms of reputation because it is obviously impossible to win a criminal case. Moreover, law enforcers often invite “their advocate” or pressure an advocate who does not agree to play a passive role (see Moiseeva 2014).

To conclude this section, we will describe a concrete example of how distorted motivations in advocates’ work on court assignment can lead to grave consequences for their clients. In our view, the so-called “case of Svetlana Davydova” is very characteristic in this respect.<sup>4</sup> In 2014, Svetlana Davydova, a mother of seven children, was accused of high treason in favor of Ukraine. Davydova, whose family lived near a military base, overheard a soldier’s conversation about an upcoming mission. She realized that he was talking about a possible overthrow of Russian troops in Donetsk and called the Ukrainian embassy to report this information. The Federal Security Service found out about her action, and in January 2015, nearly 8 months after the alleged phone call, arrested Davydova. The criminal article under which she was accused envisages imprisonment for a term of 12 to 20 years. However, Davydova had no access to state secrets; therefore, a criminal case could not actually be initiated. This episode was highly discussed in the media, and the criminal case against Davydova was terminated only in March.

In this section, we would like to focus attention not so much on the case of unlawful criminal proceedings as on the work of the advocate. Soon after Davydova was arrested, she was presented with an advocate assigned by the court, the usual practice in Russia. Davydova’s advocate did not appeal her arrest and stated to the media that his client gave confessionary evidence. Moreover, he tried to convince her to accept a plea bargain, i.e., make a full and unqualified confession in exchange for remission of penalty.

The actions of this assigned advocate may seem horrible and incomprehensible, but in reality, they are absolutely typical for the Russian justice system. The assigned advocate tried to minimize his outlays (as he received very moderate compensation for his services) and was likely already accustomed to working on a team with investigative authorities (such advocates are often referred to as “pocket” advocates, see (Khodzhaeva and Rabovski 2015)). The only factor that the advocate failed to take into account was the fact that this criminal case was overly absurd and attracted excessive public attention. For a typical criminal law case, it is likely that no one would discover the unethical work of the advocate assigned by the court. Fortunately, in this case, the advocate was not merely suspended from the case but deprived of advocate status for violating the Code of Professional Ethics of Advocates.

Davydova’s case illustrates the fact that some advocates working on assignment in Russia are not used to taking the cases that they handle seriously. They have no motivation to work hard, first, because their work is poorly compensated, and second, because the chances of a positive outcome in a criminal case are practically nonexistent.

As we have seen in this section, a high degree of government intervention and a low degree of control by the community create a situation of adverse selection. In the next section, we consider the reverse situation.

### **“Bottom up” organization of free legal assistance: Pro bono work**

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<sup>4</sup> You can find a more detailed description of this case at: Petrova A. Mother of many children ready for defense. Gazeta.ru. 02.02.2015 [<http://www.gazeta.ru/social/2015/02/02/6397817.shtml>].

If the only people working on assignment of the court are those lawyers who have not found their niche in the market, can we say that no one is willing to work “pro bono” in Russia? In this section, we show that the professional community can motivate advocates to provide pro bono assistance.

In answer to the question “Have you ever worked pro bono?”, over half of the survey respondents (55%) said that they were working pro bono at the present moment, and another 18% said that they had previous experience providing pro bono legal assistance. Advocates’ involvement in pro bono practices turned out to be higher than we had initially anticipated (pro bono practice is considered to be marginal in Russia). The resulting figures can be explained by two factors. First, our sample is representative of the “active core” of the community of advocates, which is more active on average. Further analysis will confirm the significance of this bias. Second, advocates apparently interpreted pro bono work very broadly, obviously lumping free consultations for “acquaintances” into this category.

As we can see from the example presented above, economic motives dominate the work of advocates on assignment. However, these conclusions cannot be applicable to advocates’ readiness to work pro bono, as this form of activity does not bring direct financial gain.

We will use the same variables as for the work on court assignment assessment to construct a logistic regression (see Table 3) to predict the motives that may compel advocates to work pro bono.

**Table 3. Logistic regression (dependent variable: current pro bono work)<sup>5</sup>.**

	<b>B</b>	<b>S.E.</b>	<b>Exp(B)</b>
Gender (0 – Male, 1 – Female)	0,013	0,093	1,014
<b>Advocate’s experience</b>	<b>0,009’</b>	<b>0,005</b>	<b>1,009</b>
Full time education	0,111	0,089	1,118
<b>Demand</b>			
<b>Work mostly with regular clients</b>	<b>0,185’</b>	<b>0,095</b>	<b>1,203</b>
High or modest loading	0,133	0,091	1,142
Work as the head of advocates organization	0,078	0,116	1,081
<b>Social capital</b>			
<b>Member of professional association</b>	<b>0,356**</b>	<b>0,124</b>	<b>1,428</b>
<b>Take part in professional events</b>	<b>0,21***</b>	<b>0,056</b>	<b>1,234</b>
<b>Communicates with former classmates</b>	<b>0,201’</b>	<b>0,111</b>	<b>1,222</b>
<b>Ethics</b>			
Factor (cynicism)	0,03	0,043	1,03
<b>Factor (orientation on benefit)</b>	<b>-0,177***</b>	<b>0,044</b>	<b>0,838</b>
<b>Factor (focus on reputation)</b>	<b>0,108*</b>	<b>0,043</b>	<b>1,115</b>
<b>Type of organization</b>			
<b>Bureau</b>	0,107	0,261	1,113
<b>Cabinet</b>	<b>-0,262*</b>	<b>0,11</b>	<b>0,769</b>
<b>Legal consultancy</b>	0,019	0,181	1,019
College – Reference	-	-	-
<b>Experience before advocacy</b>			
Judge	-0,289	0,244	0,749
Court secretariat	0,03	0,163	1,03
Prosecutor	-0,008	0,126	0,992
Investigator	-0,038	0,107	0,963
Other law enforcement	-0,231	0,135	0,794
<b>State agencies except law enforcement</b>	<b>0,335*</b>	<b>0,133</b>	<b>1,398</b>
Commercial company	0,006	0,104	1,006
Without experience – Reference	-	-	-

<sup>5</sup> Robustness checks see in Appendix 4.

<b>Place of work</b>			
<b>Center of the region</b>	<b>-0,211*</b>	<b>0,092</b>	<b>0,81</b>
<b>Big city (not the center)</b>	<b>-0,386***</b>	<b>0,099</b>	<b>0,679</b>
<b>Small town</b>	0,117	0,132	1,125
<b>Village</b>	0,268	0,19	1,308
<b>Across the region – Reference</b>	-	-	-
<b>Control on work on assignment of the court</b>			
<b>Log (number of cases on assignment of the court)</b>	<b>0,15***</b>	<b>0,029</b>	<b>1,161</b>
<b>Sample control variables</b>			
<b>Type of base (0 - small sample, 1 - big sample)</b>	<b>-0,27**</b>	<b>0,093</b>	<b>0,763</b>
Leningrad region	0,182	0,244	1,2
Moscow region	0,212	0,169	1,236
Constant	-0,331	0,3	0,718
<b>N</b>	2438		
<b>Nagelkerke R Square</b>	0,085		

Note: Significance: \*\*\* - 0,001 level, \*\* - 0,01 level, \* - 0,05 level, ‘ - 0,1 level

The constructed model shows that work on court assignment is the opposite of providing pro bono legal assistance in practically every respect. Pro bono activity is almost unrelated to the demand for an advocate’s services but is strongly related to his social capital and professional ethics. Advocates working pro bono often attend events organized by their chamber of advocates and are more frequently members of legal associations. In terms of ethical values, they are more oriented on reputation within the community and less benefit-oriented.

In the Appendix 4 we also made several robustness check building the same model 1) with the exclusion of the advocates with 0 cases on assignment of the court 2) only for «small» sample 3) only for «big» sample. Overall, the results are stable.

Summarizing the analysis of factors governing pro bono work, we can conclude that this practice is actually connected with reputation more than economic motives. Russian advocates likely regard pro bono work as a way of elevating their status within the community, as do lawyers in the United States and Europe (Sandefur 2007).

An interesting fact is that although participation in pro bono work is significantly correlated with work on assignment of the court, in reality, these practices oppose each other in terms of the motivation and composition of participants. People who work on assignment can say that they actually work pro bono to rationalize their work.

To illustrate the pro bono practices of advocates, we can consider a very characteristic example: activity by the non-profit organization Center of Public Procedures “Business against Corruption” (CPP BAC),<sup>6</sup> which protects businessmen against raider attacks and corruption (Yakovlev at al., 2015 analyzed this organization in more detail). This organization was created in 2011, and by 2016, had received more than 980 applications from Russian firms and individual entrepreneurs.

The group attracted 49 advocates from leading advocate’s firms in Moscow and other cities to provide free legal expertise regarding complaints filed by entrepreneurs. Among these lawyers are members of companies № 1, 4, 6 and 8 from the list of the TOP-50 most successful legal organizations in Russia, according to the Annual Rating of “Commerçant” Journal and

<sup>6</sup> The official site of this organization: <http://www.nocorruption.biz/>

LegalPractice.Ru.<sup>7</sup> This shows that the elite among the advocate community really consider pro bono work a contribution to their reputations.

Advocates working for CPP BAC meet very often (at least at CPP's meetings, master classes and conferences of the business ombudsman), which gives them the opportunity to find new clients, build up their professional reputations, and gain useful experience. They are not paid for their professional expertise, but they certainly benefit from the opportunity to declare their pro bono work with CPP BAC. Our analysis of the CVs and official sites of the 49 advocates shows that 38 of them clearly noted their pro bono work with CPP BAC.

Naturally, in our case, pro bono practices were interpreted by advocates more broadly, but this example is a good illustration of the findings obtained on the basis of quantitative data.

## Advocates not involved in any type free legal assistance

This study found that the least marketable advocates work on assignment of the court and that advocates who are involved in their professional community are more than willing to work pro bono. The identities of the advocates who refuse to provide any kind of free legal assistance, however, remain unclear. This group accounts for approximately 24% of the respondents.

Below, we construct a logistic regression with the same exploratory variable to show who falls into this group.

**Table 4. Logistic regression (dependent variable: do not currently engage in either court appointed work or pro bono work)**

	<b>B</b>	<b>S.E.</b>	<b>Exp(B)</b>
Gender (0 - Male; 1 - Female)	-0,158	0,103	0,854
Advocates experience	0,002	0,006	1,002
Full time education	-0,128	0,097	0,88
<b>Demand</b>			
<b>Work mostly with regular clients</b>	<b>0,469***</b>	<b>0,098</b>	<b>1,599</b>
<b>High or modest loading</b>	<b>0,234*</b>	<b>0,104</b>	<b>1,264</b>
<b>Work as the head of advocates organization</b>	<b>0,279*</b>	<b>0,124</b>	<b>1,322</b>
<b>Social Capital</b>			
Member of professional association	-0,154	0,136	0,857
<b>Take part in professional events</b>	<b>-0,144*</b>	<b>0,062</b>	<b>0,866</b>
Communicates with former classmates	0,175	0,123	1,191
<b>Ethics</b>			
Factor (cynicism)	-0,071	0,047	0,932
Factor (orientation on benefit)	0,076	0,047	1,079
<b>Factor (focus on reputation)</b>	<b>-0,124**</b>	<b>0,047</b>	<b>0,884</b>
<b>Type of organization</b>			
Bureau	0,314	0,26	1,369
<b>Cabinet</b>	<b>0,477***</b>	<b>0,115</b>	<b>1,611</b>
Legal consultancy	-0,364	0,226	0,695
College – Reference	-	-	-
<b>Experience before advocacy</b>			
Judge	-0,058	0,285	0,943
Court secretariat	-0,095	0,186	0,909
Prosecutor	0,17	0,134	1,185
Investigator	0,181	0,114	1,198
Other law enforcement	0,179	0,146	1,196

<sup>7</sup> The official publication: The largest law firms in Russia. Raiting. 29.03.2016. [<http://www.kommersant.ru/doc/2949321>]

State agencies except law enforcement	-0,142	0,149	0,868
<b>Commercial company</b>	<b>0,248*</b>	<b>0,111</b>	<b>1,282</b>
Without experience – Reference	-	-	-
<b>Place of work</b>			
<b>Center of the region</b>	<b>0,442***</b>	<b>0,098</b>	<b>1,555</b>
<b>Big city (not the center)</b>	<b>0,195'</b>	<b>0,106</b>	<b>1,216</b>
<b>Small town</b>	<b>-0,301'</b>	<b>0,157</b>	<b>0,74</b>
<b>Village</b>	<b>-0,413'</b>	<b>0,23</b>	<b>0,662</b>
<b>Across the region – Reference</b>	-	-	-
<b>Sample control variables</b>			
Type of base (0 - small sample, 1 - big sample)	0,145	0,104	1,155
<b>Leningrad region</b>	<b>0,59*</b>	<b>0,246</b>	<b>1,804</b>
<b>Moscow region</b>	<b>0,446**</b>	<b>0,165</b>	<b>1,562</b>
Constant	-1,807	0,328	0,164
N	2761		
<b>Nagelkerke R Square</b>	0,095		

Note: Significance: \*\*\* - 0,001 level, \*\* - 0,01 level, \* - 0,05 level, ' – 0,1 level

From the regression, we can draw the following conclusion: the advocates who do not participate in any kind of pro bono activities are those whose work is in high demand, as well as community leaders who are not focused on reputation and are not involved in professional activities. This group of lawyers is not "isolated" in the same sense as the lawyers working via court appointment because for the latter group, avoiding ties with the community can be a conscious choice: they simply wish to earn money and do not care about the community.

Thus, the allocation of the group of non-altruistic advocates again proves the priority roles of focusing on reputation as an attitude and on true participation in community activities. This involvement in the professional community, and not economic success, pushes lawyers to do pro bono work.

## Discussion

In this study, we concluded that institutional factors in Russia form the basis for the emergence of two completely different forms of providing of free legal services, the main characteristics of which are summarized in the table 5.

**Table 5. Comparison of work on assignment of the court and pro bono work**

	<b>Work on assignment of the court</b>	<b>Pro bono work</b>
<i>Institutional characteristics</i>		
<b>Role of state agencies</b>	Active	Passive
<b>Role of professional community</b>	Passive	Active
<b>Payment</b>	Low	No
<b>Type of cases</b>	Only criminal cases	All
<i>Consequences</i>		
<b>Motivation</b>	Financial Reward	Reputation
<b>Selection mechanism</b>	“Adverse selection”	“Best practices”
<i>Characteristics of the advocates</i>		
<b>Position in the market</b>	Weak	Relatively strong

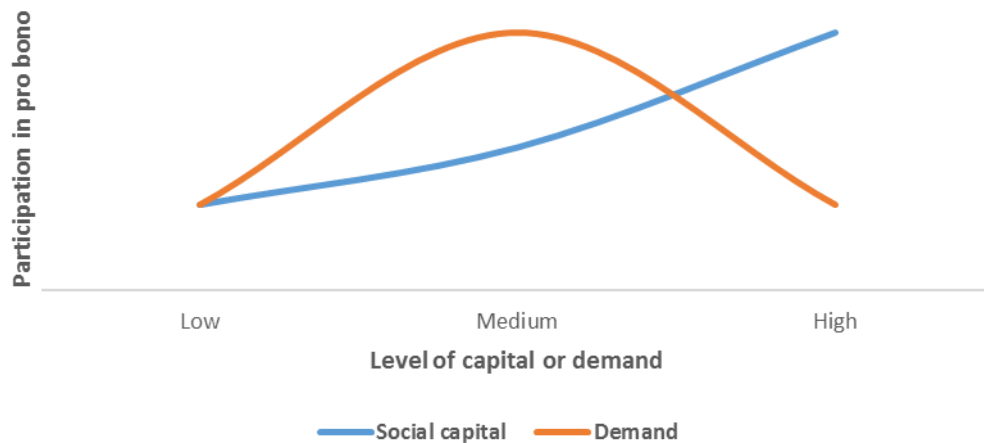


<b>Involvement in the professional community (social capital)</b>	Isolation (very low)	Elite (high)
<b>Professional ethics</b>	Unimportant	Focused on reputation, not benefit-oriented

The main conclusion of this survey is that the practices of providing free legal assistance are strongly connected with the development of the community of advocates and the passive or active role of the state. State agencies (courts and investigators selecting advocates) playing an active role combined with communities playing a passive one cause the “adverse selection” problem. Because reputation cannot motivate advocates to take cases on assignment, and the pay is low, the best representatives of the profession tend to not take such cases at all. Moreover, this part of the community is practically socially isolated from other professionals.

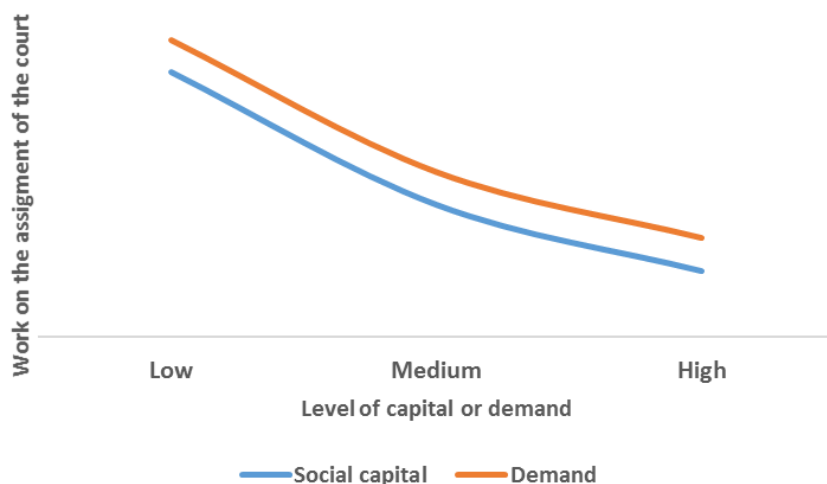
In contrast, the provision of pro bono advocacy services is at the heart of the community of advocates, where advocates have high “social capital” and are focused on reputation. Interestingly, the survey shows that it is not market demand but reputation that is the decisive factor in pro bono work (the link between these factors is illustrated in the Figure 1). Distorting incentives, such as the active role of law enforcers and accusatory bias, are less harmful for this practice because advocates can select cases themselves. Moreover, they do not have to think about money and are therefore less financially dependent on work on assignment of the court.

**Figure 1. The schematic connection between social capital, demand and involvement in pro bono work.**



We suggest that in counties such as Russia, the involvement of the advocate in pro bono work is maximized by a high level of social capital and a medium level of demand on the market. The link with work on assignment is linear for both factors (see Figure 2).

**Figure 2. The schematic connection between social capital, demand and involvement in work on assignment of the court.**



The results of this survey shed light on the problem of providing legal assistance to poor citizens on court assignment. The segment of advocates specializing in work on assignment can in no way be described as successful. Proceeding from the information at our disposal and the public debate currently underway in Russia, we can assume that on the whole, the quality of work on assignment remains low. The social isolation of this part of the community of advocates is not conducive to the growth of the advocates' experience and intensifies their dependence on law enforcement bodies. As a result, the gap in access to justice (and its quality) between poor citizens and those who can pay for an advocate's services out of pocket is revealed to be very significant.

Nevertheless, according to our findings, many advocates are willing to provide legal assistance free of charge. As a rule, these are more experienced advocates who are driven their reputation within the community rather than personal benefit. This part of the community is more organized and consolidated. This is precisely the reason for assuming that the growth of the "organized nucleus" of the community of advocates would stimulate the spread of pro bono practices. To achieve this goal, the community of advocates needs to overcome internal dissimilarity, elevate the barriers to "enter" the profession, and close the gap between advocates specializing in work on assignment and the remaining part of the community. If a good reputation within the professional community becomes a necessary condition for success, advocates may be willing to seek opportunities to provide high-quality free legal assistance, as occurs in the United States and Western Europe.

As a rule, pro bono advocacy services are not currently being provided in Russia on a regular basis, whereas work on assignment is a systemic practice and a certain "conveyor" for processing "typical" cases. Overall, the professional legal community can develop pro bono practices at the expense of some internal resources, but advocates can hardly change the environment surrounding work on assignment alone.

As work on assignment is an economically motivated practice, as demonstrated in this survey, it is impossible to improve the quality of these services without high demand for advocates. According to our survey data, 41.4% of advocates noticed a decline in the demand for their services in their regions over the past 5 years. Demand for advocacy services is the subject of a separate survey, but it is clear that when work on assignment is an advocate's only source of income, the initial meaning of this practice has been upended. Another obstacle to improving the quality of work on assignment may pertain to the law enforcement system itself, which is interested in retaining the present situation in which defendants agree to "special procedures" for considering their cases (see Paneyakh 2014) and plead guilty, and advocates are not overly zealous in their

defense. The experiments conducted in several regions of Russia with the use of an electronic system of random selection of an assigned advocate are very prominent in this context as they reduce the ability of law enforcement officials to invite advocates at their own discretion.

This survey demonstrates a simple idea: pro bono work is associated with the professional community both in terms of involvement in different organizations and meetings and in terms of attitudes (focus on reputation). In countries such as Russia, sustainable and inefficient institutions create adverse selection problems, but the community of professionals has internal resources to stimulate best practices.

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## Appendix 1.

### A. Basic characteristics of advocates.

	N	%
Male	1837	57%
Full legal education	1570	49%
	<b>Average</b>	
Age	43,5	
Experience as advocate	11	
Experience as lawyer	18	
<b>Experience before the advocacy*</b>		
Judge	106	3,2%
Court secretariat	263	7,9%
Prosecutor	429	12,9%
Investigator	718	21,6%
Other law enforcement	381	11,5%
<b>State agencies except law enforcement</b>	417	12,6%
<b>Commercial company</b>	751	22,6%
Without experience (come after university)	701	21,1%
<i>* more than 100% because of multiple choice</i>		
<b>Advocate's organizations</b>		
College	2418	73,2%
Bureau	87	2,6%
Advocates office	651	19,7%
Legal consultation	146	4,4%
	<b>3302</b>	<b>100%</b>
<b>Place of work</b>		
Center of the region	1105	33,3%
Big city (more than 50,000 citizens), not the center	811	24,4%
Small town	427	13%
Village	208	6,3%
Across the whole region	766	23%
	<b>3317</b>	<b>100%</b>
<b>How would you rate your own workload?</b>		
Low	1134	34,5%
Modest	1883	57,3%
High	269	8,2%
<b>Do you have regular clients?</b>		
Yes, mainly work with regular clients	1135	34,7%
Yes, but less than one-time clients	1782	54,5%
No	351	10,7%
<b>Estimation of the average income of experienced advocates*</b>		
Less than 25,000 rubles per month	223	8,4%
25,000-40,000 rubles per month	399	15,0%
40,000-60,000 rubles per month	836	31,5%
60,000-100,000 rubles per month	713	26,9%
100,000-200,000 rubles per month	315	11,9%
More than 200,000 rubles per month	166	6,3%
<i>*no the assessment of their own income</i>		

### B. The comparison of respondents characteristics of two parts of the sample

	<b>Big sample (solid pull + Moscow and Leningrad Region)</b>	<b>Small sample (up to 40 advocates)</b>
Number of regions	<b>10</b>	<b>25</b>
Number of observations	<b>2144</b>	<b>1173</b>
Males	56,3%	56,8%
Full time legal education	49,2%	49,6%
First education – legal	76%	76,6%
Age (average)	43 years	44 years
Experience in legal profession	17 years	18 years
Experience as an advocate	10 years	12 years
<b>Type of advocate’s organization there the respondent works</b>		
College	73,4	73
Bureau	2,9	2,1
Advocates office	20,6	19,2
Legal consultation	4,3	4,5

## Appendix 2.

### A. Factors based on questions on professional attitudes

<i>Statements about professional values (attitudes)</i>	Factors		
	Cynicism	Orientation on benefit	Focus on reputation
"An honest lawyer cannot make a career in public law bodies"	0.73		
"Russians who have no legal education often mistrust lawyers"	0.548		
Please, evaluate the statement: "The verdict rather than the establishment of the truth is important in a criminal case"	0.49		
Please, evaluate the statement: "Lawyers make money out of "loopholes" in the legislation"	0.404	0.401	
"If a person with the reputation of a crime lord asks me to become his lawyer for a high fee I will agree"		0.654	
"A professional lawyer should first and foremost think about his personal income, and only afterwards about the client's benefit"		0.623	
"I am prepared to give up my profession if I find a job with a higher level of salary but not in the same specialty"		0.405	
"The opinion of a lawyer's peers about his professional competence is very important to him"			0.73
"The profession of a lawyer in Russia is an example of honest, law abiding and ethical professional conduct"	-0.37		0.62
"If my peer regularly violates professional ethics norms I would prefer not to work with him"			0.51

**Note:** varimax rotation, factor loadings under 0.33 are not shown

### B. Questions on professional attitudes

Statement	Absolutely disagree	Rather disagree	Rather agree	Absolutely agree
"If my peer regularly violates professional ethics norms I would prefer not to work with him"	5%	10%	27%	58%
"The profession of a lawyer in Russia is an example of honest, law abiding and ethical professional conduct"	8%	22%	36%	34%
"The opinion of a lawyer's peers about his professional competence is very important to him"	11%	22%	44%	24%
"I am prepared to give up my profession if I find a job with a higher level of salary but not in the same specialty"	44%	30%	16%	10%
"Lawyers make money out of "loopholes" in the legislation"	23%	40%	31%	7%
"An honest lawyer cannot make a career in public law bodies"	29%	34%	23%	14%
"The verdict rather than the establishment of the truth is important in a criminal case"	29%	27%	28%	17%



I will defend person with criminal reputation for goog money	19%	22%	34%	24%
“Russians who have no legal education often mistrust lawyers”	14%	38%	34%	14%
“A private attorney should first and foremost think about his personal income, and only afterwards about the client’s benefit”	58%	32%	7%	4%

**Appendix 3. Robustness (for table 2)**

	<b>Modifications of the basic model (see Table 2)</b>											
	<b>Exclusion of the advocates with 0 cases on assignment of the court</b>			<b>For "small" samples only</b>			<b>For "big" samples only</b>			<b>Dependent variable - Log (number of cases on assignment of the court per year)</b>		
	B	Std. Error	t	B	Std. Error	t	B	Std. Error	t	B	Std. Error	t
<b>(Constant)</b>	<b>39,569***</b>	4,413	<b>8,967</b>	<b>35,533***</b>	<b>4,933</b>	<b>7,203</b>	<b>28,372***</b>	<b>3,809</b>	<b>7,449</b>	<b>1,528***</b>	<b>0,209</b>	<b>7,325</b>
<b>Gender (0 - Male; 1 - Female)</b>	<b>2,734'</b>	1,414	<b>1,934</b>	<b>1,153</b>	<b>1,788</b>	<b>0,645</b>	<b>5,336***</b>	<b>1,436</b>	<b>3,716</b>	<b>0,153*</b>	<b>0,065</b>	<b>2,358</b>
Advocate's expereince	0,047	0,082	0,571	0,007	0,096	0,074	-0,163'	0,086	-1,906	-0,005	0,004	-1,409
Full time education	-0,332	1,333	-0,249	-0,035	1,697	-0,021	1,685	1,368	1,232	0,073	0,062	1,186
<b>Professional demand</b>												
<b>Work mostly with regular clients</b>	<b>-17,389***</b>	1,509	<b>-11,521</b>	<b>-15,756***</b>	<b>1,749</b>	<b>-9,007</b>	<b>-16,706***</b>	<b>1,414</b>	<b>-11,818</b>	<b>-0,807***</b>	<b>0,064</b>	<b>-12,658</b>
<b>High or modest loading</b>	<b>-7,559***</b>	1,354	<b>-5,583</b>	<b>-4,171*</b>	<b>1,78</b>	<b>-2,344</b>	<b>-6,774***</b>	<b>1,399</b>	<b>-4,843</b>	-0,006	0,064	-0,09
<b>Work as the head of advocates organization</b>	<b>-4,187'</b>	1,817	<b>-2,304</b>	<b>-6,267**</b>	<b>2,013</b>	<b>-3,113</b>	<b>-3,55'</b>	<b>1,86</b>	<b>-1,909</b>	<b>-0,285***</b>	<b>0,08</b>	<b>-3,571</b>
<b>Social capital</b>												
<b>Member of professional association</b>	-3,179	1,995	-1,594	-2,578	1,946	-1,325	<b>-6,375**</b>	<b>2,16</b>	<b>-2,951</b>	<b>-0,279***</b>	<b>0,085</b>	<b>-3,292</b>
<b>Take part in professional events</b>	-1,316	0,842	-1,562	<b>-2,429*</b>	<b>1,077</b>	<b>-2,256</b>	0,421	0,866	0,486	0,007	0,039	0,185
<b>Communicates with former classmates</b>	<b>-5,023***</b>	1,65	<b>-3,044</b>	-2,062	2,179	-0,946	-3,61	1,697	-2,127	<b>-0,141'</b>	<b>0,077</b>	<b>-1,821</b>
<b>Ethics</b>												
Factor (cynicism)	0,458	0,634	0,722	-0,279	0,833	-0,335	-0,112	0,65	-0,172	<b>-0,06'</b>	<b>0,03</b>	<b>-2,02</b>



Control on pro bono work												
Pro bono	-2,171	1,345	-1,614	1,177	1,694	0,695	<b>3,673**</b>	<b>1,321</b>	<b>2,781</b>	<b>0,31***</b>	<b>0,06</b>	<b>5,13</b>
Sample control variables												
Type of base (0 - small sample, 1 - big sample)	<b>7,1***</b>	1,395	<b>5,088</b>							<b>0,116'</b>	<b>0,065</b>	<b>1,784</b>
Leningrad region	<b>-16,841***</b>	3,997	<b>-4,213</b>							<b>-0,625***</b>	<b>0,171</b>	<b>-3,656</b>
Moscow region	<b>-18,2***</b>	3,458	<b>-5,263</b>							<b>-0,799***</b>	<b>0,117</b>	<b>-6,85</b>
N	1410			871			1565			2437		
R Square	0,223			0,215			0,216			0,203		

Note: Significance: \*\*\* - 0,001 level, \*\* - 0,01 level, \* - 0,05 level, ' - 0,1 level

#### Appendix 4. Robustness of the pro bono model.

	Modifications of the basic model (see Table 3)								
	Exclusion of the advocates with 0 cases on assignment of the court			For "small" samples only			For "big" samples only		
	B	S.E.	Exp(B)	B	S.E.	Exp(B)	B	S.E.	Exp(B)
Gender (0 - Male; 1 - Female)	0,006	0,125	1,006	0,01	0,162	1,01	0,035	0,116	1,035
Advocate's experience	0,008	0,007	1,008	0,012	0,009	1,012	0,008	0,007	1,008
Full time education	0,181	0,118	1,199	<b>0,286'</b>	<b>0,154</b>	<b>1,332</b>	0,025	0,11	1,026
Demand									
Work mostly with regular clients	0,112	0,139	1,119	0,233	0,164	1,262	0,163	0,118	1,177
<b>High or modest loading</b>	<b>0,334**</b>	0,119	<b>1,396</b>	0,161	0,161	1,175	0,158	0,113	1,171
<b>Work as the head of advocates organization</b>	0,302	0,167	1,353	0,069	0,187	1,072	0,072	0,15	1,075
Social capital									

<b>Member of professional association</b>	<b>0,356'</b>	0,185	<b>1,428</b>	<b>0,439*</b>	<b>0,181</b>	1,551	<b>0,319'</b>	<b>0,176</b>	<b>1,376</b>
<b>Take part in professional events</b>	<b>0,262***</b>	0,074	<b>1,3</b>	<b>0,162'</b>	<b>0,097</b>	1,175	<b>0,226***</b>	<b>0,07</b>	<b>1,254</b>
<b>Communicates with former classmates</b>	<b>0,36*</b>	0,144	<b>1,433</b>	<b>0,521**</b>	<b>0,195</b>	1,683	0,039	0,137	1,04
<b>Ethics</b>									
Factor (cynicism)	-0,074	0,056	0,928	0,112	0,076	1,118	-0,004	0,052	0,996
<b>Factor (orientation on benefit)</b>	<b>-0,122*</b>	0,06	<b>0,885</b>	<b>-0,207**</b>	<b>0,073</b>	0,813	<b>-0,174**</b>	<b>0,055</b>	<b>0,84</b>
<b>Factor (focus on reputation)</b>	<b>0,096'</b>	0,058	<b>1,1</b>	<b>0,121'</b>	0,065	1,128	<b>0,1'</b>	<b>0,054</b>	<b>1,105</b>
<b>Type of organization</b>									
<b>Bureau</b>	0,415	0,857	1,514	-0,445	0,473	0,641	0,398	0,312	1,489
<b>Cabinet</b>	<b>-0,275'</b>	0,153	<b>0,759</b>	<b>-0,443*</b>	<b>0,191</b>	0,642	-0,2	0,136	0,819
<b>Legal consultancy</b>	0,072	0,223	1,075	0,069	0,318	1,071	0,039	0,223	1,04
College – Reference	-	-	-	-	-	-	-	-	-
<b>Experience before the advocacy</b>									
Judge	<b>-0,904***</b>	0,329	<b>0,405</b>	<b>-0,823*</b>	<b>0,365</b>	0,439	0,144	0,343	1,155
Court secretariat	0,268	0,207	1,307	-0,134	0,274	0,875	0,111	0,205	1,118
Prosecutor	-0,048	0,179	0,953	0,039	0,218	1,039	-0,02	0,157	0,98
Investigator	0,169	0,143	1,184	<b>-0,306'</b>	<b>0,183</b>	0,736	0,13	0,132	1,138
Other law enforcement	-0,194	0,171	0,824	-0,169	0,226	0,844	-0,243	0,172	0,784
State agencies except law enforcement	<b>0,435*</b>	0,184	<b>1,546</b>	<b>0,569*</b>	<b>0,231</b>	1,766	0,206	0,167	1,229
Commercial company	0,148	0,145	1,159	0,102	0,188	1,108	-0,009	0,127	0,991
Without experience – Reference	-	-	-	-	-	-	-	-	-
<b>Place of work</b>									
<b>Center of the region</b>	<b>-0,294*</b>	<b>0,128</b>	<b>0,745</b>	-0,143	0,158	0,867	<b>-0,21*</b>	<b>0,112</b>	<b>0,81</b>
<b>Big city (not the center)</b>	<b>-0,223'</b>	<b>0,13</b>	<b>0,8</b>	<b>-0,387*</b>	<b>0,177</b>	0,679	<b>-0,412**</b>	<b>0,122</b>	<b>0,663</b>
Small town	0,157	0,157	1,17	<b>0,4'</b>	<b>0,236</b>	1,492	-0,005	0,162	0,995
<b>Village</b>	<b>0,454*</b>	0,225	<b>1,574</b>	-0,024	0,338	0,976	0,343	0,233	1,409
Across the region – Reference	-	-	-	-	-	-	-	-	-
<b>Control on work on assignment of the court</b>									

<b>Log (number of cases on assignment of the court)</b>	0,033	0,049	1,033	0,064	0,051	1,066	<b>0,182***</b>	<b>0,036</b>	<b>1,199</b>
<b>Sample control variables</b>									
Type of base (0 - small sample, 1 - big sample)	-0,134	0,124	0,874						
Leningrad region	0,234	0,359	1,264						
Moscow region	<b>0,867*</b>	0,341	<b>2,38</b>						
Constant	<b>-0,741'</b>	<b>0,404</b>	<b>0,476</b>	<b>-0,971*</b>	<b>0,461</b>	<b>0,379</b>	<b>-0,702</b>	<b>0,309*</b>	<b>0,496</b>
<b>N</b>	<b>1411</b>			<b>872</b>			<b>1566</b>		
<b>Nagelkerke R Square</b>	<b>0,101</b>			<b>0,121</b>			<b>0,076</b>		

Note: Significance: \*\*\* - 0,001 level, \*\* - 0,01 level, \* - 0,05 level, ' - 0,1 level