

Russian Judges as a Professional Group. A Sociological Study

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This sociological study is focused on the primary characteristics of judges as a professional group: socio-demographic traits, professional community structure, values and norms, characteristics of professional behavior, workload and budgets of time.

The study was carried out from February to June, 2011. During the preparatory stage, 18 focused expert interviews with judges from four regions of the Russian Federation were carried out. After which, a survey was conducted in five regions from five federal districts (okrugs). In total, 759 questionnaires were filled in. From November to December 2011 we conducted six additional in-depth interviews with judges in order to interpret the survey results.

At a 99 percent level of confidence probability the sample error is equal to 4.6%

Among the judges, women constitute a majority. In our sample, 66% are women and 33.3% are men. A significant number of judges in the professional community entered the profession in the post-Soviet times, especially after 2002 (they amount to 57.4% of the sample). The average age of the judges is 43.

Russian judges are a professional group exhibiting low levels of geographical mobility. 76.9% of judges work in the region where they grew up, and 48% of them did not leave their hometown to pursue a college degree. 14.6% of judges stayed in the town where they graduated from college. Only 8.2% of judges work in a region where they neither grew up nor graduated from college.

The primary source of recruitment in the court system is the court clerkship (and the department of justice) – up to 29% of judges had such a working experience. Among our sample, several became judges at a relatively young age. Women constitute a majority of this mix (over half of them took office before 30). The second major source of recruitment is through the public prosecutor's office (16.7%), and the law-enforcement authorities (16%). These two sources mostly bring older men. A significant number of judges have experience working in legal offices of state organizations. There are relatively few judges who practiced law.

The core values of the judiciary constitute the following triad: “legality – protection of rights – justice”, with “justice” occupying the central position. It is through the prism of this concept that the other two concepts – “rights” and “justice” – are viewed.

We were able to identify two subcultures of the judiciary. These subcultures are characterized by different visions of professional norms and different understandings of what it means to be a “good judge”. The first subculture is primarily oriented towards bureaucratic norms (discipline, attentiveness, carefulness) and towards following the letter of the law. This group primarily consists of rather young women with experience working in the court structure. Representatives of this group have a larger workload, are more dependent on the opinion of their colleagues and the position of the chief justice or courts of higher instance. The second subculture puts higher value on independence, fairness and disinterestedness as professional norms. In the decision making process, representatives of this subculture largely rely on their own judgment. This group has a larger proportion of older men who have had experience working at the public prosecutor’s office or in law-enforcement authorities.

Chief justices differ significantly from the rest of the judges in the judiciary, both in terms of socio-demographic characteristics and in terms of norms (professional culture). Among them, there is a higher proportion of males (48.6% vs. 33.3% in the rest of the judiciary). The proportion of judges who started the service during the Soviet period is much higher (43% as opposed to 4.6% in the rest of the judiciary). The proportion of those who have experience working in prosecution is also higher (27.3% vs 16.4% in the rest of the judiciary). Their professional culture is characterized by a clear emphasis on openness and justice, and not on responsibility and attentiveness.

The average workload of the judges who fell into the sample is thirty cases per week. At the same time, half of the judges examine fewer than twenty three cases and materials per week. A judge who examines between ten and twenty cases per week is the most common scenario (25.9%). Followed by the workload of less than ten cases per week (22.1%) and of twenty one to thirty cases per week (20.7%). Although a quarter of the judges solve from ten to twenty cases per week, a significant number of judges (12.4%) experience a weekly workload of fifty or more cases or materials per week. This means that a judge must award a sentence on ten cases or materials per working day. Consequently, it means that during an 8-hour working day a judge spends 48 minutes on the examination of one case.

In general judges as a professional group exhibit a high degree of unity. In spite of the presence of subcultures centered around gender, age, and career peculiarities, this group has been stably reproducing itself throughout the last two decades. The primary source of change in the judiciary is the presence of relatively young female employees of the court bureaucracy. They bring with themselves such bureaucratic norms as diligence, attentiveness, discipline and following the letter of the law, but not independence or fairness.