

CONTINUITY OR CHANGE? THE ROLE OF GENDER IN CAREER PREFERENCES FOR YOUNG RUSSIAN LAWYERS

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INTRODUCTION

Women have struggled to gain a foothold in the legal profession in many countries. The 21st century has witnessed a significant increase in their numbers. By 2010, almost 36 percent of the world’s lawyers were women.¹ But their larger numbers have not always translated into equality in terms of influence. As Michelson has argued in his work on China, “[t]he global feminization of legal professions . . . has not leveled the playing field for men and women lawyers. Although employment opportunities for women lawyers around the world have greatly expanded *quantitatively*, their careers remain *qualitatively* less successful than those

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¹ Ethan Michelson, *Women in the Legal Profession, 1970–2010: A Study of the Global Supply of Lawyers*, 20 IND. J. GLOBAL LEGAL STUD. 1071, 1094 (2012).

of their male counterparts.”² Scholarship on the legal profession in the US, Canada, and other liberal democracies similarly documents the propensity for the gender equality in the ranks of starting positions to dissipate over time.³

At first glance, the Russian story appears to be different. Gender equality was one of the central tenets of the October 1917 revolution that brought the Communist Party to power.⁴ Women were encouraged to join the work force and their significance grew over time. In 1926, they accounted for only 19 percent of the labor force,⁵ but by the 1970s, they made up almost half of all workers,⁶ a reality that persists to the present day.⁷ The legal arena was no exception. Following the February 1917 revolution, women became eligible to join the *advokatura*,⁸ the professional association for lawyers who represented private clients.⁹ *Advokaty* were just one variant of Russian lawyer (*iurist*). By the 1970s, becoming a lawyer was a more common dream for girls than for boys.¹⁰ But few who work as lawyers in the Soviet Union or present-day Russia

² Ethan Michelson, *Gender Inequality in the Chinese Legal Profession*, 19 RES. SOC. WORK 337, 365 (2009).

³ In the US, women comprise 45 percent of all associates in law firms, but only 18 percent of equity partners. COMM’N ON WOMEN IN THE PROFESSION, A.B.A., A CURRENT GLANCE AT WOMEN IN THE LAW 2 (2017), http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.authcheckdam.pdf [https://perma.cc/2GQQ-PXHF] [hereinafter A.B.A.]. For an overview of the scholarly literature, see generally Joyce S. Sterling & Nancy Reichman, *Navigating the Gap: Reflections on 20 Years Researching Gender Disparities in the Legal Profession*, 8 F.I.U. L. REV. 515 (2013); Fiona Kay & Elizabeth Gorman, *Women in the Legal Profession*, 4 ANN. REV. L. & SOC. SCI. 299 (2008).

⁴ GAIL WARSHOFKY LAPIDUS, *WOMEN IN SOVIET SOCIETY: EQUALITY, DEVELOPMENT, AND SOCIAL CHANGE* 54 (1978).

⁵ Shirley Raissi Bysiewicz & Louise I. Shelley, *Women in the Soviet Economy: Proclamations and Practice*, in 32 SOVIET L. & ECON. 57, 70 (Olimpiad S. Ioffe & Mark W. Janis eds., 1987).

⁶ SUSANNE OXENSTIERNA, *FROM LABOUR SHORTAGE TO UNEMPLOYMENT: THE SOVIET LABOUR MARKET IN THE 1980s* 194 (1990).

⁷ GOSKOMSTAT, *ZHESHCHINY I MUZHCHINY ROSSII* 87 (2016) (Russ.).

⁸ The *advokatura* includes *advokaty*, a subgroup of legal specialists who mostly litigate. TIMUR BOCHAROV & EKATERINA MOISEVA, *BYT’ ADVOKATOM V ROSSII: SOTSIOLOGICHESKOE ISSLEDOVANIE PROFESSII* (2016) (Russ.); PAMELA JORDAN, *DEFENDING RIGHTS IN RUSSIA: LAWYERS, THE STATE, AND LEGAL REFORMS IN THE POST-SOVIET ERA* 28 (2005). They are organized into self-governing *kollegiia* that are loosely akin to US bar associations. Since 1989, passing an exam testing legal competency has been a prerequisite to membership. ROBERT RAND, *COMRADE LAWYER: INSIDE SOVIET JUSTICE IN AN ERA OF REFORM* 25 (1991).

⁹ JORDAN, *supra* note 8, at 28.

¹⁰ DAVID L. KONSTANTINOVSKII, *DINAMIKA PROFESSIONAL’NYKH ORIENTATSII MOLODEZHI SIBIRII: OPLYT SOTSIOLOGICHESKOGO ISSLEDOVANIIA* 143 (1977) (Russ.).

would identify as such—as an *iurist*.¹¹ Rather they would identify as an *advokat* or prosecutor or one of the several other specialties. In all these subgroups, feminization was a 20th century reality. Yet neither the increases in their numbers nor the repeated proclamations of their equality translated into enhanced or even equal stature for women lawyers in Russia. Many have argued just the opposite, namely that having large numbers of women in a particular legal specialty was a reliable indicator of low status in the Soviet Union.¹² Foreshadowing the fates of their future counterparts in China and the West, these lawyers rarely rose in the hierarchy; they were segregated in low-paying and low-prestige legal specialties.¹³ In a sad irony, the statutory guarantees of women’s rights, including generous maternity and child care benefits, made managers wary of hiring and/or promoting women.¹⁴ The so-called “double burden” for women, which required them to take primary responsibility for overall household management, including childcare, while holding down a full-time job, ended up compromising the career potential for many.¹⁵ Sometimes the limitations were self-imposed, as women failed to pursue

¹¹ Among the professional subgroups available to law graduates who wanted to work as lawyers are: *advokat*, non-*advokat* litigators, prosecutors (*prokurory*), criminal investigators (*sledovateli*), police, judge, notary, in-house counsel (*iuriskonsul'ty*), corporate lawyers, and lawyers for various state agencies. See Kathryn Hendley, *Mapping the Career Preferences of Russian Law Graduates*, 25 INT'L J. LEGAL PROF. 261 (2018) for an analysis of young Russian law graduates' career aspirations.

¹² KATHRYN HENDLEY, TRYING TO MAKE LAW MATTER: LEGAL REFORM AND LABOR LAW IN THE SOVIET UNION 132 (1996) [hereinafter HENDLEY, TRYING TO MAKE LAW MATTER]; George Ginsburgs, *The Soviet Judicial Elite: Is It?*, 11 REV. SOCIALIST L. 293, 310 (1985).

¹³ Bysiewicz & Shelley argue:

Women comprise a significant share of the law school students but are then confined to less prestigious legal positions. Women are often found as judges at the lowest court level but rarely at the supreme court level. Female defense attorneys more frequently perform the less lucrative court appointed cases and female *iuriskonsulty* . . . work in “Social, cultural and educational organizations . . . reflecting the lesser prestige accorded to those who work in these areas.”

Bysiewicz & Shelley, *supra* note 5, at 72. This is not a phenomenon that is limited to Russia or to the legal profession. Elsewhere women also find themselves mired in low-status jobs. *E.g.*, Erik Bihagen & Marita Ohls, *Are Women Over-Represented in Dead-End Jobs? A Swedish Study Using Empirically Derived Measures of Dead-End Jobs*, 84 SOC. INDICATORS RES. 159 (2007).

¹⁴ Phoebe W. Brown, *Russian Women Lawyers in Post-Soviet Russia*, 12 GA. ST. U. L. REV. 381, 381 (1996).

¹⁵ The “double burden” is not unique to legal professionals. A full discussion of its implications for Russian women is beyond the scope of this article. There is a large literature documenting this phenomenon. FRANCINE DU PLESSIX GRAY, SOVIET WOMEN WALKING THE TIGHTROPE (1989); Judy Klemesrud, *Emigre Talks about Feminism in the Soviet Union*, N.Y. TIMES, June 17, 1984; Vladimir Voyna, *Husband or Lodger?*, NEDELIA, Nov. 15, 1982 (Russ.). For a translated and condensed version of Voyna’s work see 45 CURRENT DIGEST OF THE SOVIET PRESS 11 (1982).

positions with more responsibility, either because they saw these as male domains (perhaps due to the lack of female role models) or because they were overwhelmed by familial duties.¹⁶

Whether the same fate will befall young women just entering the legal profession in Russia remains unclear. Although scholars have dug into many aspects of the Russian legal profession, the limited scholarship on the role of women has become dated.¹⁷ In this article, I begin to fill this gap by drawing on the results of a survey of 2016 graduates of a wide cross-section of Russian institutions of legal education or *fakul'tety*.¹⁸ I explore the differences between men and women on a variety of issues, beginning with their rationale for studying law and continuing through their levels of satisfaction with their legal education and their initial career paths. These are questions that have been exhaustively studied in the US and Canadian contexts,¹⁹ but have been largely neglected elsewhere. Russia is no exception.

My intent in focusing on the role of women is not to exoticize gender. I am mindful that respondents' gender identity is one of many influences on their attitudes and behavior.²⁰ As to career aspirations, certain key fissures persist from the Soviet era that hint at the persistence of the second-class status of women in the Russian legal profession.

I. METHODOLOGY

As is common throughout Europe, the study of law is an undergraduate enterprise in Russia. At the time of my research in 2016, students could either attend classes on a full-time basis ("full-time students") or could study law on a correspondence (*zaochnoe*) basis

¹⁶ The novella, "A Week Like Any Other," first published in 1969, poignantly captures the struggle of a typical Soviet woman to juggle her responsibilities in the workplace and at home. NATALYA BARANSKAYA, A WEEK LIKE ANY OTHER: NOVELLAS & STORIES (Pieta Monks trans., 1990).

¹⁷ E.g., Brown, *supra* note 14.

¹⁸ The names for institutions where law is taught vary. Some are departments within large universities. Others are stand-alone institutions that traffic solely in legal education. To make it easier for readers, I will use the generic term for department, *fakul'tet*.

¹⁹ E.g., Kenneth G. Dau-Schmidt et al., *Men and Women of the Bar: An Empirical Study of the Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49 (2009); Kay & Gorman, *supra* note 3; ELIZABETH MERTZ, THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK LIKE A LAWYER" (2007); Nancy J. Reichman & Joyce S. Sterling, *Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers*, 14 TEX. J. WOMEN & L. 29 (2004).

²⁰ Zoya Khotkina, *Women in the Labour Market: Yesterday, Today and Tomorrow*, in WOMEN IN RUSSIA: A NEW ERA IN RUSSIAN FEMINISM 85 (Kate Clark trans., Anastasia Posadskaya, ed., 1994); Deborah L. Rhode, *Missing Questions: Feminist Perspectives on Legal Education*, 45 STAN. L. REV. 1547, 1551 (1993).

(“correspondence students” or *zaochniki*). We have nothing in the US akin to this correspondence track, but it is a longstanding, though much-criticized, option for Russian students.²¹ Every semester these correspondence students receive packets laying out the basic concepts they need to master, but do not attend regular lectures. This allows them to continue working. They come to campus twice a year for concentrated seminars and exams. At the time of the survey, about 70 percent of all law students were *zaochniki*.²² This percentage is likely to decrease in coming years. Beginning in 2018, only students who already have a university degree and are returning for a second degree are eligible for the correspondence track. To service students who have become ineligible for *zaochnoe* education, some law faculties are expanding their evening (*ochno-zaochnye*) divisions and are experimenting with distance (*distantionnoe*) education.

Interest in studying law has grown dramatically since the collapse of the Soviet Union in 1991. In the Soviet era, there were about fifty law *fakul'tety*, all of which were publicly funded and free to students.²³ Securing admission was difficult, often requiring several tries as well as glowing recommendations from Communist Party officials.²⁴ In the years since the collapse of the Soviet Union, the transition from state socialism to a market economy has enhanced the role and relevance of lawyers. This, combined with the influx of Western movies and television shows that glamorize the work of lawyers, has contributed to the propensity for young people to apply to law *fakul'tety* in ever larger numbers. Educational

²¹ For critiques of the *zaochnoe* system within legal education, see Ekaterina Moiseeva, *Zaochnye iuridicheskie fabriki*, VEDOMOSTI (Russ.) (Sept. 23, 2015), <https://www.vedomosti.ru/opinion/articles/2015/09/23/609977-zaochnie-yuridicheskie-fabriki> [<https://perma.cc/HG89-PBQF>]; PETER H. SOLOMON, JR., SOVIET CRIMINAL JUSTICE UNDER STALIN 346–47 (1996); Correspondence education is not limited to the legal arena. David L. Konstantinovskiy, *Expansion of Higher Education and Consequences for Social Inequality (the case of Russia)*, 74 HIGHER EDUC. 1 (2016).

²² Ekaterina Moiseeva, *Iuridicheskoe obrazovanie v Rossii: Analiz Kolichestvennykh dannykh 4*, (Institut Problem Pravoprimereniia, 2016) (Russ.), http://enforce.spb.ru/images/Nauchnie_raboty/2015_analit_obzor_Jurid_obrazovanie.pdf [<https://perma.cc/3DWV-SNZL>]. Susan Finder likewise reports that about 70 percent of law students in the late Soviet period were *zaochniki*. Susan Finder, *Legal Education in the Soviet Union*, 15 REV. SOCIALIST L. 197, 205–06 (1989).

²³ Finder, *supra* note 22, at 205.

²⁴ *Id. Naskol'ko dostupno segodnia iuridicheskoe obrazovanie v Rossii?*, ZAKON, no. 9, 2009, at 15 (Russ.) [hereinafter *Naskol'ko*].

entrepreneurs took advantage of the opportunity to profit.²⁵ Paying tuition for legal (and other higher) education became the norm. Only about 10 percent of law students received state stipends akin to what all Soviet law students automatically received.²⁶ The weakness of regulatory oversight allowed for the creation of new private *fakul'tety* as well as for state institutions with no history of training lawyers to open law *fakul'tety*.²⁷ By 2018, there were about 1,200 law *fakul'tety*, most of which had both full-time and correspondence students.²⁸ As a result, Russians interested in studying law have a good chance of finding a place.²⁹ Indeed, some observers argue that legal education has become too accessible.³⁰ The quality of the education provided is remarkably uneven. The best

²⁵ For example, an ethnography of the law *fakul'tet* at Leningrad State University notes that in 1991 the *fakul'tet* “opened up the . . . correspondence school program based on the ability to pay, with no need for aptitude or merit.” DAVID H. LEMPERT, DAILY LIFE IN A CRUMBLING EMPIRE: THE ABSORPTION OF RUSSIA INTO THE WORLD ECONOMY 581 (1996). They were typical in this regard. By 2016, however, the law *fakul'tet* at the now renamed St. Petersburg State University had rethought the wisdom of *zaochnoe* education and planned to phase out its program. *Юристам и экономистам пока сохраняют возможность заочного обучения (Juristam i ekonomistam пока sokhraniat vozmozhnost' zaochnogo obucheniia)* [Lawyers and Economists Will Retain the Opportunity of Distance Learning], PETERSBURGSKII PRAVOVOI PORTAL (Russ.) (Aug. 1, 2016), <http://ppt.ru/news/136487> [<https://perma.cc/226K-YVNB>]. Other *fakul'tety* have not followed suit.

²⁶ Ekaterina Moiseeva, *Юридическое образование в России анализ количественных данных (Juridicheskoe obrazovanie v Rossii: Analiz Kolichestvennykh Dannyykh)* [Legal Education in Russia: Analysis of Quantitative Data], INSTITUT PROBLEM PRAVOPRIMENENIA (2016), http://enforce.spb.ru/images/Nauchnie_raboty/2015_analit_obzor_Jurid_ obrazovanie.pdf [<https://perma.cc/S5G5-T5YA>].

²⁷ Other countries experiencing economic transition have likewise seen rapid increases in the number of institutions of legal education. E.g., Luciana Gross Cunha & José Garcez Ghirardi, *Legal Education in Brazil: The Challenges and Opportunities of a Changing Context*, in THE BRAZILIAN LEGAL PROFESSION IN THE AGE OF GLOBALIZATION: THE RISE OF THE CORPORATE LEGAL SECTOR AND ITS IMPACT ON LAWYERS AND SOCIETY 247 (Luciana Gross Cunha et al. eds., 2018) (legal education in Brazil); Jonathan Gingerich & Nick Robinson, *Responding to the Market: The Impact of the Rise of Corporate Law Firms on Elite Legal Education in India*, in THE INDIAN LEGAL PROFESSION IN THE AGE OF GLOBALIZATION: THE RISE OF THE CORPORATE LEGAL SECTOR AND ITS IMPACT ON LAWYERS AND SOCIETY 519 (David B. Wilkins et al. eds., 2017) (legal education in India); Carl F. Minzner, *The Rise and Fall of Chinese Legal Education*, 36 FORDHAM INT'L L.J. 334, 344–45 (2013) (legal education in China).

²⁸ Dmitry Mareshin, *The Crisis of Russian Legal Education in Comparative Perspective*, 66 J. LEGAL EDUC. 289, 297 (2017).

²⁹ A professor from Ulianovskii law *fakul'tet* comments: “legal education has become accessible and this is good.” *Naskol'ko*, *supra* note 24, at 15. In 2012, applicants had a 50 percent chance of admission to some law *fakul'tet*. Those who limited themselves to full-time programs faced tougher competition. About one in four was admitted. Moiseeva, *supra* note 22, at 8. In the Soviet era, the odds were more dire. Typically, there were more than forty applicants for every spot. Ekaterina Mishina, *Mnogolikiye Rossiiskie Iuristy*, in KAKOGO ETO – BYT' IURISTOM? 6, 6 (E.A. Mishina ed., 2010) (Russ.).

³⁰ *Naskol'ko*, *supra* note 24, at 16.

Russian law *fakul'tety* provide a legal education second to none.³¹ The worst are little more than diploma mills.³²

Working with Russian colleagues, I fielded a survey of law students on the cusp of graduation in 2016. Interviewers fanned out across Russia, talking with students at 163 *fakul'tety*. Two distinct samples were created: one for full-time students (1,557) and another for correspondence students (619). The gender breakdown is about the same for both samples (see Table 1). Almost two-thirds of the respondents are women and slightly over one-third are men. The samples were constructed using *fakul'tety* as the initial unit of analysis. They were stratified based on whether they were public or private and, then again, by level of prestige. The samples of respondents were distributed in proportion to the number of 2016 graduates. When on site at the selected law *fakul'tety*, interviewers used snowball methods to gather respondents.

As Table 1 illustrates, the two samples diverge in a number of important ways.³³ Full-time students mostly come to the study of law directly from high school, whereas *zaochniki* are older and are veterans of the labor force. Very few full-time students are married, whereas about a third of *zaochniki* have their own families. Full-time students are more likely to have parents with university education who are financially comfortable and are paying their children's tuition. Correspondence students, by contrast, tend to pay their own tuition and are often the first in their family to attend university. It follows that *zaochniki* are more likely to attend less prestigious private law *fakul'tety*.

³¹ *Naskol'ko, supra* note 24; PETER B. MAGGS ET AL., LAW AND LEGAL SYSTEM OF THE RUSSIAN FEDERATION (2015).

³² *Naskol'ko, supra* note 24; PETER B. MAGGS ET AL., LAW AND LEGAL SYSTEM OF THE RUSSIAN FEDERATION (2015).

³³ For a full analysis of the differences between full-time and correspondence students see Kathryn Hendley, *A Profile of Russian Law Students: A Comparison of Full-time versus Correspondence Students*, 67 J. LEGAL EDUC. 1005 (2018) [hereinafter Hendley, *A Profile of Russian Law Students*].

Table 1: Background information about respondents (as percentage of sample unless otherwise indicated).³⁴

		Full-time		Correspondence	
		Men	Women	Men	Women
Full sample		36.03	63.97	37.32	62.68
Average age		22.13	22.15	28.6	27.8
Class/Economic opportunity					
	Poor: family had trouble covering the cost of basic necessities	13.2	13.78	16.06	16.62
	Lower middle class: family had enough money for essentials, but had to save for big-ticket items	33.98	32.83	42.2	46.59
	Higher middle class: family could buy big-ticket items, but not cars	37.09	38	27.98	23.43
	Rich: family had no financial worries	15.73	15.39	13.97	13.35
Lived with parents as law student		39.6**	60.4	32.92*	67.08
One parent worked in legal arena at some point		24.24	22.69	12.55	12.89
Both parents are university graduates		45.28	42.57	28.57*	21.91
Married		2.5	6.63	37.23	38.4
Have children		1.6***	4.02	37.66	28.69
Worked as a law student		44.98**	39.68	83.91**	76.23
Type of law faculty attended:					
	State	78.61***	85.14	42.42	47.94
	Private	21.39	14.86	57.58	52.06

³⁴ *** p<0.01, ** p<0.05, * p<0.1, and N=2,176. Note that each of these are the same for all tables.

		Full-time		Correspondence	
		Men	Women	Men	Women
Attended law faculty in same region where parents live		66.85**	61.61	76.62	74.42
Geographic distribution:					
	Moscow or St. Petersburg	31.55	32.63	11.69	13.15
	Other European region	39.57	40.06	59.31	57.47
	Siberia and the Far East	9.98	12.65	15.58	14.95
	Urals	13.37	10.44	11.26	11.34
	North Caucasus	5.53	4.22	2.16	3.09

Surveys of cohorts of law students are commonplace in the US,³⁵ but my research represents the first such effort in Russia. To date, researchers have focused on practicing lawyers. Because Russia's legal profession is divided, this has resulted in a similarly fragmented literature. Legal professionals that are easy to find and amenable to participating in social science research have been studied exhaustively. *Advokaty*, who are the variant of Russian lawyer who most resembles a US lawyer, have been endlessly dissected.³⁶ On the other hand, judges, prosecutors, and other legal professionals within the criminal justice system tend to be more skittish about opening up, though researchers have persevered.³⁷ Gaining

³⁵ E.g., Dau-Schmidt, *supra* note 19; John Monahan & Jeffrey Swanson, *Lawyers at Mid-Career: A 20-Year Longitudinal Study of Job and Life Satisfaction*, 6 J. EMPIRICAL LEGAL STUD. 451 (2009); Jeffrey Evans Stake et al., *Income and Career Satisfaction in the Legal Profession: Survey Data from Indiana Law School Graduates*, 4 J. EMPIRICAL LEGAL STUD. 939 (2007).

³⁶ E.g., BOCHAROV & MOISEEVA, *supra* note 8; JORDAN, *supra* note 8; William Pomeranz, *Legal Assistance in Tsarist Russia: The St. Petersburg Consultation Bureaus*, 14 WIS. INT'L L.J. 586 (1996); EUGENE HUSKEY, *RUSSIAN LAWYERS AND THE SOVIET STATE: THE ORIGINS AND DEVELOPMENT OF THE SOVIET BAR, 1917-1939* (1986); SAMUEL KUCHEROV, *COURTS, LAWYERS, AND TRIALS UNDER THE LAST THREE TSARS* (1953).

³⁷ On judges, see V. VOLKOV ET AL., *ROSSIISKIE SUD'Y: SOTSIOLOGICHESKOE ISSLEDOVANIE PROFESSII* (2016) (Russ.); Kathryn Hendley, *Are Russian Judges Still Soviet? An Analysis of the Effort to Introduce Adversarialism to the Russian Arbitrazh Courts*, 23 POST-SOVIET AFF. 240 (2007); Ginsburgs, *supra* note 12. On prosecutors, see LAUREN MCCARTHY, *TRAFFICKING JUSTICE: HOW RUSSIAN POLICE ENFORCE NEW LAWS, FROM CRIME TO COURTROOM* (2015); GORDON B. SMITH, *THE SOVIET PROCURACY AND THE SUPERVISION OF ADMINISTRATION* (1978);

access to in-house counsel (*iuriskonsul'ty*) can be difficult. Consequently, the literature focusing on them is spottier.³⁸ Even more troubling is the complete absence of many other legal professionals from the literature, such as those who work for state agencies as well as law graduates who opt not to take the *advokat* exam, but actively represent clients. This latter category, which I have labeled as non-*advokat* litigators, is eligible to handle any type of case except criminal defense, over which *advokaty* have a monopoly. These unstudied legal professionals number in the hundreds of thousands yet remain in the scholarly shadows due to the difficulty in locating them. By gathering a group of graduating law students, we have access to *all* possible career paths for the first time.

II. GENDER VARIATION AMONG RUSSIAN LAW STUDENTS

The survey also offers a window into the sorts of Russians who opt to study law. Table 1 provides basic descriptive statistics. These document the relative lack of gender variation in the two samples' demographic characteristics.³⁹ Their class background, including financial resources and parents' educational levels, is similar for both genders, as is their geographic distribution.⁴⁰ A difference emerges in terms of where students live while studying. Among both full-time and correspondence students, women are significantly more likely to live with their parents than are men.⁴¹ Whether this is a result of universal gender stereotypes that suggest that parents are more protective of daughters than sons is unclear.⁴²

and on investigators, see Kirill Titaev & Maria Shkliaruk, *Investigators in Russia: Who Creates Practice in the Investigation of Criminal Cases*, 54 *RUSSIAN POL. & L.* 112 (2016). For a glimpse of how the Russian criminal justice system operates, see ELLA PANEIAKH ET AL., *TRAEKTORIJA UGOLOVNOGO DELA: INSTITUTIONAL'NYI ANALIZ* (2018) (Russ.); Stanislaw Pomorski, *Justice in Siberia: A Case Study of a Lower Criminal Court in the City of Krasnoyarsk*, 34 *COMMUNIST & POST-COMMUNIST STUD.* 447 (2001).

³⁸ E.g., Kathryn Hendley, *The Role of In-House Counsel in Post-Soviet Russia in the Wake of Privatization*, 17 *INT'L J. LEGAL PROF.* 5 (2010) [hereinafter Hendley, *The Role of In-House Counsel*]; Kathryn Hendley et al., *Agents of Change or Unchanging Agents? The Role of Lawyers within Russian Industrial Enterprises*, 26 *L. & SOC. INQUIRY* 685 (2001); LOUISE I. SHELLEY, *LAWYERS IN SOVIET WORK LIFE* (1984).

³⁹ See *infra* Table 1.

⁴⁰ See *infra* Table 1.

⁴¹ See *infra* Table 1.

⁴² It is tempting to believe that this finding is somehow intertwined with the decision of most Russians to stick close to home when selecting their law *fakul'tet*. But Table 1 does not support this argument. For both cohorts, men are actually more likely to attend a law school near their childhood home, though the difference is statistically significant only for full-time students. When

More generally, Table 1 reveals that the key fissure is not gender, but educational choice. As I have documented in greater detail elsewhere, full-time and correspondence students are distinct from one another.⁴³

In terms of their worldviews, my respondents are generally optimists.⁴⁴ As Table 2 shows, when asked to assess whether most people can be trusted along a four-point scale with higher scores indicating greater belief in others' inherent trustworthiness, the mean scores for both samples were well above the halfway mark, indicating bullishness. Little difference is evident between genders. Instead, once again, educational path emerges as critical. In a somewhat unexpected twist, the older and more experienced cohort of *zaochniki* is more trusting.⁴⁵

The surveyed law students generally have good self-images.⁴⁶ Their mean scores on my two measures—self-assessment and self-contentment—hover around 3.5 out of 4.⁴⁷ But gender does matter, at least for full-time students. Among this group, women are significantly more likely to have a good opinion of themselves and to be content with their lives (see Table 2). Yet in both samples, women are considerably more apprehensive about the future. When asked to evaluate their fears of being unable to provide themselves with basic essentials over the coming year, women's fears outpaced their male counterparts.⁴⁸ The mean scores for both full-time and correspondence students were over three on a five-point scale, reflecting their apprehension about their future.⁴⁹ This tends to confirm that, as the literature argues, Russian women are expected to take primary responsibility for keeping families afloat.⁵⁰

I asked the question in a slightly different way, namely asking whether their decision to study law was influenced by the convenience of the location of the law *fakul'tet*, the gender difference comes into clearer focus. Male students in both samples were more likely to say this factor played a role in their decision to study law (see *infra* Table 3).

⁴³ Hendley, *A Profile of Russian Law Students*, *supra* note 33.

⁴⁴ See *infra* Table 2.

⁴⁵ The mean for *zaochniki* is 2.61, compared to 2.4 for full-time students ($p=0$).

⁴⁶ See *infra* Table 2.

⁴⁷ See *infra* Table 2.

⁴⁸ See *infra* Table 2.

⁴⁹ Full-time students, as a group, were more nervous about their future, perhaps reflecting their inexperience. Their mean score was 3.63 on a scale from 1 to 4 where higher scores indicate greater trepidation. The mean for *zaochniki* was 3.44 ($p=0.0021$). The mean scores for female full-time students was 3.73 and for female correspondence students was 3.57.

⁵⁰ Khotkina, *supra* note 20, at 85–108; Mark Harrison, *Lessons of Soviet Planning of Full Employment*, in *LABOUR & EMPLOYMENT IN THE USSR 69* (David Lane ed., 1986); Klemesrud, *supra* note 15.

Table 2: Attitudes about others and self (mean responses with higher scores indicating higher levels of agreement with the statement).

	Scale	Full-time			Correspondence		
		Full sample	Men	Women	Full sample	Men	Women
Level of agreement with the following statements:							
Most people can be trusted	1-4	2.4	2.36	2.42	2.61	2.63	2.6
Self-assessment: Respondent has a good opinion of himself or herself	1-4	3.52	3.48**	3.55	3.55	3.52	3.56
Self-contentment: Respondent is generally content with his or her life	1-4	3.34	3.27**	3.38	3.39	3.31	3.39
Level of fear of being unable to provide oneself with basic essentials over next year	1-5	3.63	3.46***	3.73	3.44	3.22***	3.57

III. GENDER VARIATION IN LAW SCHOOL EXPERIENCE

The US-based literature has documented key differences in why men and women study law and how they experience law school.⁵¹ The burgeoning literature on present-day Russian legal education has mostly

⁵¹ MERTZ, *supra* note 19; Rhode, *supra* note 20; CYNTHIA FUCHS EPSTEIN, WOMEN IN LAW (1993).

sidestepped gender.⁵² My survey allows the first systematic look at these questions in the contemporary Russian context.

When asked what factors influenced them to study law, men and women spoke with a single voice—the advice of parents was universally singled out as the most important (see Table 3). What sort of advice Russian parents are giving is unclear. In the Soviet era, studying law was not considered to be particularly prestigious. Parents were often disappointed when their children opted for the law *fakul'tet*.⁵³ This is changing in post-Soviet Russia. Public opinion polling shows that when parents and grandparents are asked what sort of career they want for their offspring, becoming a lawyer comes in third, behind becoming a doctor or joining the military.⁵⁴ This speaks to the growing prestige of the legal profession in Russia. As to the advice of others, particularly friends, men were significantly more likely to be swayed. Men were also more affected by pragmatic factors, including the location of the *fakul'tet*, the willingness of friends to help secure admissions, and workplace demands.⁵⁵ Unsurprisingly, correspondence students emphasized job-related concerns much more than did full-time students, which follows from the fact that most *zaochniki* worked while studying law.⁵⁶

⁵² Maleshin, *supra* note 28; Ian Piskunov, Юридическое образование в России сегодня нельзя назвать универсальным, однотипным и единым (*Iuridicheskoe obrazovanie v Rossii segodnia nel'zia nazvat' universal'nym, odnotipnym i edinyim*) [Legal education in Russia today cannot be called universal], no. 1 ZAKON 8 (2014) (Russ.); Olga Shepeleva & Asmik Novikova, *The Quality of Legal Education in Russia: The Stereotypes and the Real Problems*, 2 RUSSIAN L.J. 106 (2014); cf. Brown, *supra* note 14; Lisa A. Granik, *Legal Education in Post-Soviet Russia and Ukraine*, 72 OR. L. REV. 963 (1993).

⁵³ Granik, *supra* note 52, at 963.

⁵⁴ Vladimir Vashenko, Юрист не нужен: вузам досталось за гуманитариев (*Iurist ne nuzhen: vuzam dostalos' za gumanitariyev*) [A lawyer is not needed: universities went for humanities], gazeta.ru (Russ.) (Jan. 29, 2018), <https://www.gazeta.ru/social/2018/01/29/11629591.shtml?updated> [<https://perma.cc/Q2EV-NDZ3>].

⁵⁵ See *infra* Table 3.

⁵⁶ There is a profound difference between the two samples, as the mean scores reveal. The means are 1.24 and 1.94 for full-time and correspondence students, respectively.

Table 3: Factors influencing decision to study law (mean responses along a 4-point scale with higher scores indicating greater influence).

To what extent did these factors influence your decision to enroll in a law <i>fakul'tet</i> ?	Full-time			Correspondence		
	Full sample	Men	Women	Full sample	Men	Women
Advice of parents and other relatives	2.46	2.47	2.45	2.25	2.25	2.25
Image of lawyers in literature, film and TV	2.19	2.23	2.17	1.92	1.8	1.98
Demands of my workplace	1.24	1.28*	1.22	1.94	2.11**	1.84
Example of friends or family who work in the legal arena	1.96	2.03*	1.91	1.95	1.94	1.96
Convenience of law <i>fakul'tet</i> location	1.91	1.98*	1.87	1.86	1.96*	1.81
Advice of friends	1.73	1.79*	1.69	1.94	2.06**	1.86
Having friends who could help me gain admission	1.43	1.5**	1.39	1.48	1.51	1.46

More intriguing for our purposes are the respondents' professed reasons for studying law. We gave respondents a list of possible goals to be achieved by pursuing a law degree and asked them to rank their relative importance on a four-point scale, with higher scores indicating greater importance.⁵⁷ As Table 4 documents, men and women uniformly cite a desire for riches and fame as their primary goal. It is intriguing that this somewhat shallow purpose is preferred not just by the full-time cohort, who have the excuse of callowness, but also by the older and presumably more mature correspondence students. Men tend to double down on their desire for conventional success; they are more motivated by a desire to

⁵⁷ See *infra* Table 4.

become influential.⁵⁸ Equally intriguing is that, notwithstanding their reliance on parental advice in opting for law, respondents consistently identify the desire to please their parents as their least important goal.⁵⁹ A desire to help people is a strong motivator for all respondents but is given greater emphasis by women.⁶⁰ This finding echoes the results from some studies of US law students, which indicated that women are more likely than men to cite social service as a reason for becoming a lawyer.⁶¹ Though others have contested these results,⁶² the first round of the “After the JD” project found that, much like my Russian law students, a desire to help was more often identified as a key reason for going to law school by women than by men.⁶³ American women also saw it as a more important motivating force. They consistently ranked it second, compared to men who viewed it as less critical. Whether these initial goals will, in fact, color their long-term behavior is a question that only future surveys can answer. In the short run, a greater interest in helping others does not seem to have unduly affected career plans.⁶⁴

⁵⁸ Among the After the JD (“AJD”) respondents, men were likewise more motivated by a desire to become influential, though the difference between genders was not statistically significant ($p=0.13$). *After the JD*, AM. BAR FOUND., <http://www.americanbarfoundation.org/research/project/118> [<https://perma.cc/W6TE-QB8E>].

⁵⁹ See *infra* Table 4.

⁶⁰ See *infra* Table 4.

⁶¹ Carrie Menkel-Meadow, *The Feminization of the Legal Profession: The Comparative Sociology of Women Lawyers*, in *LAWYERS IN SOCIETY: COMPARATIVE THEORIES* 196, 226–28 (Richard L. Abel & Philip S.C. Lewis eds., 1989).

⁶² Rhode, *supra* note 20.

⁶³ Much as in my survey, the AJD respondents were given a list of possible reasons for going to law school and asked to assess their importance on a five-point scale. As to a desire to help, the mean scores for women and men were 3.8 and 3.32, respectively ($p=0$). But these US lawyers uniformly saw this as relatively unimportant. It ranked fourth out of seven possible reasons to study law. For more information on the AJD project, see *After the JD*, *supra* note 57.

⁶⁴ When I compared the mean scores for the importance of helping others as a goal when enrolling to study law between female respondents who aspired to various career paths and those who did not, no significant differences emerged. See *infra* Table 4.

Table 4: Goals for legal education (mean responses along a 4-point scale with higher scores indicating greater importance).

How important were the following goals when making your decision to enroll in a law <i>fakul'tet</i> ?	Full-time			Correspondence		
	Full Sample	Men	Women	Full Sample	Men	Women
Desire to be rich and famous	3.34	3.46	3.49	3.37	3.32	3.4
Desire to help people	3.19	3.1***	3.24	3.14	3***	3.22
Desire to change or improve society	3.07	3.1	3.05	3.01	3.01	3.01
Desire to become influential	3	3.1**	2.95	2.8	2.91**	2.73
Desire for intellectually fulfilling work	2.59	2.58	2.59	2.61	2.56	2.64
Desire to please family	2.27	2.27	2.26	2.3	2.38	2.25

Given my respondents' quest for fame and fortune, their choice of law *fakul'tet* is worth exploring. The importance of having graduated from a particular *fakul'tet* is much debated among observers of the Russian legal marketplace. Traditionally, connections have always trumped academic pedigree in the job search process.⁶⁵ Some argue that this is now changing.⁶⁶ To be sure, several top Moscow law firms recruit only from a select group of law *fakul'tety*, but whether this Western-style practice will

⁶⁵ BOCHAROV & MOISEEVA, *supra* note 8; Юридический рынок труда: в кризис опыт важнее образования (*Juridicheskii rynek truda: v krizis opyt vazhnee obrazovanie*) [Legal labor market: in a crisis, experience is more important than education], PRAVO.RU (Nov. 9, 2015) (Russ.), <https://pravo.ru/review/view/123666/> [<https://perma.cc/R94L-ZXYG>]; WILLIAM G. WAGNER, MARRIAGE, PROPERTY, AND LAW IN LATE IMPERIAL RUSSIA (1994).

⁶⁶ See generally Shepeleva & Novikova, *supra* note 51.

be more generally embraced is unclear.⁶⁷ A full discussion of this question is beyond the scope of this article. There is, however, general agreement that state-funded *fakul'tety* enjoy greater esteem than do any of the new privately funded *fakul'tety*.⁶⁸ Among my respondents, women enjoyed greater success in gaining admission to these more prestigious institutions. Within the full-time sample, 85 percent of women attended state *fakul'tety* compared to 79 percent for men.⁶⁹ A similar, albeit less pronounced, pattern is present among *zaochniki*.⁷⁰ More detailed analysis tempers the import of this finding. Among state *fakul'tety* are a small group that are universally viewed as elite. For the most part, this includes Soviet era institutions, such as Moscow State University, St. Petersburg State University, Saratov Law Academy, and Urals Law Academy. Newer state-funded institutions, such as the Higher School of Economics, have also elbowed their way into this group. Within this august company, no gender difference is evident in enrollment trends among my respondents.⁷¹

We asked respondents to identify their favorite classes. Whether women differ from men in this regard has not been explored in contemporary Russia. In the Soviet era, researchers found that women tended to congregate in courses focused on civil law, whereas men opted for criminal law courses.⁷² These choices turned out to be good predictors of students' ultimate specialties. Men dominated specialties in the criminal justice system, which were seen as more prestigious and challenging. Women tended to handle civil matters, such as family and workplace disputes, which are sometimes derisively labeled as "women's law"

⁶⁷ An interview with a partner at the Moscow office of Cleary Gottlieb Steen & Hamilton LLP reveals a strong preference for graduates of Moscow State University and other elite law *fakul'tety*. Ian Piskunov, *Any Lawyer Should Be More Than a Specialist—He Should Strive To Have the Benefits of Being a Generalist*, no. 1 ZAKON 8, 29 (2014) (Russ.). Not all agree. The managing partner of a Russian Moscow law firm argues: "Do you think that at my firm we only have graduates of MGU [Moscow State University] and MGIMO [Moscow State Institute of International Relations]? Far from it. Most important is the real level of knowledge." *Naskol'ko, supra* note 24, at 19.

⁶⁸ Rankings of Russian law *fakul'tety* have begun to be developed. A 2016 ranking confirms the perception that state-funded institutions are better. All of the top twenty-five *fakul'tety* are state-sponsored. Evgenii Varlamov, *Reiting iuridicheskovo obrazovaniia*, PRAVO.RU (Apr. 21, 2016) (Russ.), <https://pravo.ru/review/view/128300> [<https://perma.cc/42JG-6RM3>].

⁶⁹ See *infra* Table 1.

⁷⁰ See *infra* Table 1.

⁷¹ For full-time students the gender breakdown for attending elite schools (63 percent women and 37 percent men) mirrors that of the overall sample. Not surprisingly, most (92 percent) of the graduates of elite *fakul'tety* are full-time students.

⁷² Granik, *supra* note 52, at 965; Brown, *supra* note 14, at 387–88.

(*zhenskoe pravo*).⁷³ This is, of course, similar to the gender divides in the legal marketplace in many Western countries.⁷⁴

Among my respondents, basic courses in civil law and criminal law were the most popular across the board. But the familiar gender patterns emerged as I dug deeper into the data. When asked to identify their second most favorite course, women were more likely to pick labor and/or family law, whereas men opted for criminal procedure. This suggests a continuation of Soviet era patterns of gender segregation. Yet the shifts in the institutional landscape in the wake of the crumbling of state socialism may have given new meaning to old patterns. While careers in criminal justice, especially as *prokurory*, are still viewed highly desirable, the introduction of market mechanisms has raised the profiles and salaries for those working in the civil arena and has opened up new practice fields, such as bankruptcy, mergers and acquisitions, and intellectual property. The ultimate impact on the cachet of civil versus criminal law remains a work in progress.

We asked respondents to reflect on their satisfaction with classroom training and practical preparation. As Table 5 shows, respondents are generally more satisfied with their theoretical training than with their practical preparation. Lectures, rather than participatory methods, have long been favored in Russian legal education. Students emerge with a stronger grounding in the theoretical underpinnings of the law, as the survey results confirm. Yet an externship with a practitioner—known as a *praktika*—is also mandatory. This requirement dates back to the Soviet era and has long been criticized as lacking substance.⁷⁵

⁷³ Brown, *supra* note 14, at 391.

⁷⁴ See Carrie Menkel-Meadow, *The Comparative Sociology of Women Lawyers: The 'Feminization' of the Legal Profession*, 24 OSGOODE HALL L.J. 897 (1986).

⁷⁵ Maleshin, *supra* note 28, at 306; A.V. Klochkova & A.A. Sharonova, *Problemy universitetskogo obrazovaniia: novye obrazovatel'nye standarty glazami studentov*, 11 VESTNIK MOSKOVSKOGO UNIVERSITETA, PRAVO 2, 43–52 (2014) (Russ.); John Hazard, *Legal Education in the Soviet Union*, 1938 WIS. L. REV. 562, 574 (1938). US legal education has long been criticized for its lack of emphasis on inculcating practical skills in its students. Kristen Holmquist, *Challenging Carnegie*, 61 J. LEGAL EDUC. 353 (2012); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007). In the first round of the AJD study, the lawyer-respondents were to indicate their agreement with the statement on a five-point scale: "Law school teaching is too theoretical and unconcerned with real life practice." The mean score for the full sample was 4.66, indicating a general dissatisfaction with their practical training. The mean score for women was 4.78, compared to 4.54 for men ($p=0.0008$), showing that, like my Russian respondents, US women were less content with the training they received.

Table 5: Levels of satisfaction with various aspects of legal education (mean responses along a 4-point scale with higher scores indicating greater satisfaction).

Satisfaction with:	Full-time			Correspondence		
	Full Sample	Men	Women	Full Sample	Men	Women
Theoretical preparation	3.34	3.37	3.33	3.33	3.41**	3.29
Practical preparation	2.94	2.96	2.92	3.03	3.17***	2.94

Table 5 also documents an intriguing gender gap. Men are consistently more satisfied than are women, though the difference is statistically significant only for correspondence students.⁷⁶ The higher levels of satisfaction among male respondents may be prompted by their greater propensity to emerge from legal education with court experience.⁷⁷ About a quarter of full-time male students had court experience, compared to 20 percent of the women (the percentages for *zaochniki* are 34 and 22, respectively).⁷⁸ The precise source of this hands-on experience varies. For some, it may result from these externships. My data show that men are more likely to have a *praktika* within the criminal justice system, which offers heightened opportunities for court experience.⁷⁹ Having a job is another possible way of gaining practical experience. The evidence as to whether this explains the gender difference is mixed. Though my male respondents are significantly more likely to work while in law school, any gender gap disappears when we narrow the query down to having a law-related job where being sent to court is most probable.⁸⁰ Regardless of how my male respondents obtained their court experience, it is fair to assume that it drives their sense of being better prepared for the rigors of practice.

⁷⁶ See *infra* Table 5.

⁷⁷ See *infra* Table 6.

⁷⁸ See *infra* Table 6.

⁷⁹ See *infra* Table 6. Participating in clinics might also yield court experience. However, clinics are a post-Soviet phenomenon that are not yet present in all law *fakul'tety*. Even so, almost 30 percent of full-time students worked at a clinic. The gender difference in participation is not statistically significant. Only about 12 percent of *zaochniki* participated in clinics. This makes sense given that *zaochniki* are irregularly present at law *fakul'tety* due to their work obligations.

⁸⁰ See *infra* Table 6.

Table 6: Experiences while studying at law fakul'tet (as percentage of sample).

	Full-time			Correspondence		
	Full Sample	Men	Women	Full Sample	Men	Women
Experience in court	22.29	25.85**	20.28	26.66	33.77***	22.42
Participated at clinic at law fakul'tet that provided free services	28.13	26.56	29.02	11.79	14.29	10.31
Held paying job as student	41.59	44.98**	39.68	79.1	83.91**	76.23
Held law-related paying job	17.21	17.29	17.17	37.16	42*	34.28

IV. GENDER VARIATION IN INITIAL CAREER PATHS

Questions of gender difference in how legal education is experienced in Russia and the attitudes of law graduates have not been much studied in the Russian context. But the variation in career paths has been better documented. Clear patterns emerged during the Soviet era and, as I noted at the outset, higher status jobs tended to go to men. This trend persists to some extent, though direct comparisons of these historic practice choices is complicated by the shifts in the nature of the work due to the transition away from state socialism to a market economy.

Tables 7 and 8 provide snapshots of the gender breakdown of each legal specialty for the respondents at the outset of their careers. Table 7 divides each sample according to respondents' career aspirations and then explores gender variations. Table 8 takes a different tack by looking at each specialty and its relative popularity by gender. As to the latter, recall that the sample of full-time students included 35.5 percent men and 64.5 percent women that, for correspondence students, the sample was composed of 37.9 percent men and 62.1 percent women.⁸¹ Of interest to us are specialties for which the gender split for either or both samples are significantly different.

⁸¹ See *infra* Table 8.

Table 7: Planned career paths (as percentage of each sample).

	Full-time Students			Correspondence Students		
	Full Sample	Men	Women	Full Sample	Men	Women
<i>Advokat</i>	13.2	13.2	13.2	9	7	10.1
Non- <i>Advokat</i> litigator	4.3	4.4	4.3	3.9	3.5	4.1
<i>Iuriskonsul't</i>	16.8	15.6	17.5	16	14.8	16.8
Corporate lawyer	8.4	7.4	9	6.1	5.6	6.3
Notary	4	3	4.6	3.6	2.8	4.1
<i>Prokuror</i>	13.4	16.9	11.3	6.6	6.3	6.7
Investigator (<i>sledovatel'</i>)	16.8	20.4	14.7	16.5	18.3	15.7
Criminal justice – general*	3.8	5.1	3	18	26.8	13.4
Lawyer for the state	9.7	9.1	10	12.1	12	12.3
Judge	9.7	4.9	12.4	7.8	2.8	10.5
Chi2	0.00			0.033		

* Those who plan to work within the criminal justice system, but not as a *prokuror* or investigator.

A. JUDGES

Most notable in this regard are aspiring judges. For both samples, over 80 percent of this group were women.⁸² Those schooled in the US, where female judges remain the exception rather than the rule, might be surprised by this result. But women have long been a fixture on the bench in Russia.⁸³ They made up an estimated one third of the judicial corps

⁸² See *infra* Table 8.

⁸³ The robust representation of women was duplicated in the Communist countries of Eastern Europe. Reflecting on this, Zdeněk Kühn wrote:

between 1974 and 1985.⁸⁴ In 1990, on the eve of the transition, 44 percent of trial-level judges were women. Echoing my earlier point about how women rarely rose to the top, the percentage of women decreased to 37 for appellate courts and 22 for the supreme courts of the republics that made up the Soviet Union.⁸⁵ Although the presence of women on the bench was often touted by Soviet leaders as an indicator of gender equality under Communism, Ginsburgs argues just the opposite. He sees it as an indicator of the low status of judges in the Soviet Union.

With a few exceptions, the indigenous ethos does not exalt womanhood and public opinion will count the presence of female judges more as a minus than a plus in rating the stature of the department. Besides, the commoner has a tendency to project his own values into others, especially his superiors, and so he is prone to conclude that if the leaders assign women to the judiciary in wholesale lots, this *per se* is a sign of their low regard for the institution. In such cozy company, circular reasoning runs as follows: the people in charge would not entrust that job to women if they thought it was important; and the fact that the task is routinely allocated to women proves that it cannot be important.⁸⁶

In post-Soviet Russia, women have come to dominate the bench in ever greater numbers. By 2014, almost 65 percent of Russian judges were women.⁸⁷ As before, they are more likely to be trial judges than appellate judges.⁸⁸ When I ask Russian judges about the disproportionate number of women, they are usually puzzled by the question. For them, female judges are the rule, not the exception. They see women as temperamentally better suited for the bench and as better able to manage

[I]t might be said that the percentage of women on the bench was in direct reverse proportion to the general level of prestige enjoyed by the profession. In the countries where the judiciary enjoys a high prestige, i.e., common law system or Germany, the number of female judges is traditionally much lower. In contrast, the countries with much less prestigious judicial professions, typically the countries of the Romanist legal circle (e.g., France and Italy), achieved gender balance, or even gender imbalance in favor of women, similar to the ex-socialist systems.

Zdeněk Kühn, *Worlds Apart: Western and Central European Judicial Culture at the Onset of the European Enlargement*, 52 AM. J. COMP. L. 531, 550 (2004).

⁸⁴ Ginsburgs, *supra* note 12, at 308.

⁸⁵ GOSKOMSTAT, NARODNOE KHOZIAISTVO SSSR V 1990 G. STATISTICHESKII EZHEGODNIK 263 (1991) [hereinafter NARODNOE KHOZIAISTVO].

⁸⁶ Ginsburgs, *supra* note 12, at 309.

⁸⁷ VOLKOV ET AL., *supra* note 37, at 87.

⁸⁸ The survey found that women constituted 69.6 percent of all justices of the peace, 64.8 percent of district court judges, 56.6 percent of judges of regional courts, and 35.7 percent of Russian Supreme Court judges. *Id.* at 90.

the heavy workload.⁸⁹ Volkov and Dzmitryieva found their judicial interlocutors to be more circumspect but came to the same conclusion. They quote a male judge who reported difficulties in retaining male staff members. He told them that men “fled very quickly to work as assistants to a prosecutor, because the salary there was higher, and they could not bear the pace here.”⁹⁰ This same sentiment applies to judges themselves. They found that, as new opportunities for the legally trained presented themselves in the 1990s, male judges were more likely to jump ship in search of better salaries whereas women sought stability and stayed put.⁹¹ With that as background, it makes more sense that more than 80 percent of the 2016 law graduates surveyed who want to join the bench were women.⁹²

Like most countries with civil law traditions, the road to the bench is long but begins soon after graduating from a law *fakul'tet*. Russian law requires that, to become trial judges, law graduates must be at least twenty-five with at least five years of experience as lawyers.⁹³ Even then, they have to persevere through an arduous process overseen by judicial qualification commissions that include proving their substantive knowledge and surviving a background check of them and their entire family.⁹⁴ Support from those already on the bench, especially the local court chairman, can also play a role.⁹⁵ Given all of this, it is not surprising that becoming a judge is not a particularly popular career aspiration among my respondents. Less than 10 percent of full-time students and an even smaller percentage of correspondence students admitted to this career goal

⁸⁹ See KATHRYN HENDLEY, EVERYDAY LAW IN RUSSIA 144–45 (2017) [hereinafter HENDLEY, EVERYDAY LAW].

⁹⁰ Vadim Volkov & Aryna Dzmitryieva, *Recruitment Patterns, Gender, and Professional Subcultures of the Judiciary in Russia*, 22 INT'L J. LEGAL PROF. 166, 177 (2015).

⁹¹ VOLKOV ET AL., *supra* note 37, at 177.

⁹² See *infra* Table 8.

⁹³ The requirements ratchet up for higher level courts. Federal'nyi Zakon RF o statuse sudei v Rossiiskoi Federatsii [Federal Law of the Russian Federation on the Status of Judges in the Russian Federation], passed on June 6, 1992, updated through July 29, 2018, No. 3132-2, art. 4, (Russ.), available at <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=303682&fld=134&dst=100006,0&rnd=0.31084770347902557#042852976386102604> [<https://perma.cc/D66N-7F83>].

⁹⁴ See HENDLEY, EVERYDAY LAW, *supra* note 89, at 143; Alexei Trochev, *Judicial Selection in Russia: Towards Accountability and Centralization*, in APPOINTING JUDGES IN AN AGE OF JUDICIAL POWER: CRITICAL PERSPECTIVES FROM AROUND THE WORLD 375, 383, 385–86 (Kate Malleson & Peter H. Russell eds., 2006).

⁹⁵ HENDLEY, EVERYDAY LAW, *supra* note 89, at 143–44.

(Table 7).⁹⁶ For our purposes, however, the more robust interest among women is of most interest.

B. NOTARIES

As with judges, women have long predominated the ranks of notarial offices in Russia.⁹⁷ Unlike in the US, where the bar to becoming a notary public is low, legal education is a prerequisite to working as a notary in Russia and other European countries.⁹⁸ Writing about notaries in Eastern Europe under Communist control, Gisela Shaw explains:

The main official task of notaries is to prevent litigation in the context of areas such as property, inheritance, family, commercial and company law. “Notarial acts” are drawn up after consultation with the parties concerned. They include detailed information on the legal consequences of the planned action, comply with strict formal rules and are enforceable in court.⁹⁹

Russian law requires candidates to have at least five years of legal experience and pass an exam.¹⁰⁰ Because the governing body of notaries controls their numbers, those who satisfy the basic requirements then have to wait for an open slot. The competition for these openings can be intense, especially in large cities. While waiting, young lawyers gain experience by working under the supervision of a notary. Openings are rare. In 2011, for example, there were less than 150 vacancies, and less than 8,000 working notaries.¹⁰¹ Notaries that I interviewed in 2019 reported waiting from four to 17 years to become a full-fledged notary. This explains why

⁹⁶ See *infra* Table 7.

⁹⁷ DAVID H. LEMPert, *DAILY LIFE IN A CRUMBLING EMPIRE: THE ABSORPTION OF RUSSIA INTO THE WORLD ECONOMY 1181* (1996).

⁹⁸ See generally TAT'IANA I. ZAITSEVA & IGOR' GENNAD'EVICH MEDVEDEV, *NOTARIAL'NAIA PRAKTIKA* (2015) (Russ.); Ekaterina Mishina, *Russia: Twenty Years of Private Notaries*, INSTITUTE OF MODERN RUSSIA (Apr. 22, 2013), <http://imrussia.org/en/rule-of-law/440-russia-twenty-years-of-private-notaries> [https://perma.cc/96JW-PYJ5].

⁹⁹ Gisela Shaw, *Notaries in Central Europe: Transformation as Reprofessionalisation*, 9 *NOTARIUS INT'L* 136, 140 (2004).

¹⁰⁰ Federal'nyi zakon RF o Osnovy zakonodatel'stva Rossiiskoi Federatsii o notariate [Federal Law of the Russian Federation on the Fundamentals of Legislation of the Russian Federation on Notaries], passed on Feb. 11, 1993, updated through Aug. 3, 2018, No. 4462-1, (Russ.), available at <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=304174&fld=134&dst=100005,0&rnd=0.3776553025161068#02274408676671702> [https://perma.cc/7VTM-DVUP].

¹⁰¹ Федеральная Нотариальная Палата *Итоги Деятельности За 2011 Год (Itogi deiatel'nosti za 2011 god)* [Federal Notary Chamber 2011 Performance Results] FEDERAL'NAIA NOTARIAL'NAIA PALATA (2012) (Russ.), <https://notariat.ru/ddata/file-file/2790.pdf> [https://perma.cc/A2KM-5HDK].

such a small number of respondents expressed interest in pursuing careers as notaries (Table 7).¹⁰²

In the waning years of the Soviet Union, 85 percent of notaries were women.¹⁰³ In Eastern Europe, female domination was regarded as “natural” because the job was considered to be at “the bottom of the hierarchy of legal professions.”¹⁰⁴ To this end, Lempert quotes a Soviet male lawyer on notaries in the late 1980s: “This is women’s work because it demands attention to detail.”¹⁰⁵ He tells us that women notaries took no offense at this assessment and, in fact, agreed with it.¹⁰⁶

Reforms in the post-Soviet era privatized notarial functions.¹⁰⁷ Although much of the daily work of notaries involves routine certification of copies of documents or of the identities of those involved,¹⁰⁸ the rise in efforts by con artists to pose as corporate officers or legal heirs in recent years has made the job more challenging.¹⁰⁹ Specialists on notaries have speculated that, as the prestige and pay of notaries increased, the job might become more appealing to men.¹¹⁰ In countries with longstanding capitalist traditions, such as Austria, France, Germany, and the Netherlands, men constitute 80 percent or more of all notaries.¹¹¹ To date, however, women notaries remain the rule in Russia.¹¹² In 2011, women still made up 85 percent of all notaries.¹¹³

The results for the survey of recent law graduates are entirely consistent with this tradition of female domination. Over 70 percent of those who aspire to become notaries were women. No one has yet

¹⁰² See *infra* Table 7.

¹⁰³ NARODNOE KHOZIAISTVO, *supra* note 85, at 258.

¹⁰⁴ Shaw, *supra* note 99, at 147.

¹⁰⁵ LEMPERT, *supra* note 25, at 1182.

¹⁰⁶ *Id.*

¹⁰⁷ Ekaterina Mishina, *Russia: Twenty Years of Private Notaries*, INST. MOD. RUSS. (Apr. 22, 2013), <http://imrussia.org/en/rule-of-law/440-russia-twenty-years-of-private-notaries> [<https://perma.cc/3TKM-46K3>].

¹⁰⁸ Elena Arakelian, *Kak ia rabotala v notarial'noi kontore [How I worked in a notarial office]*, KOMSOMOL'SKAIA PRAVDA (July 27, 2014, 3:00 PM) (Russ.), <https://www.kp.ru/daily/26261.5/3139712/> [<https://perma.cc/PD7F-VUVJ>].

¹⁰⁹ Aleksei Tikhonov, *Zaveri, no proveriai*, LENTA.RU (Oct. 28, 2016, 12:12 AM) (Russ.), <https://lenta.ru/articles/2016/10/24/notariat/> [<https://perma.cc/627F-D84D>].

¹¹⁰ See, e.g., Shaw, *supra* note 99, at 147.

¹¹¹ *Id.* at 140.

¹¹² The same is true in many East European countries. For example, under communism, two-thirds of Polish notaries were women. *Id.* In 1999, 63.3 percent of Polish notaries were women. Malgorzata Fuszara, *Women Lawyers in Poland under the Impact of Post-1989 Transformation*, in *WOMEN IN THE WORLD'S LEGAL PROFESSIONS* 371, 384–85 (Ulrike Schultz & Gisela Shaw eds., 2003).

¹¹³ FEDERAL'NAIA NOTARIAL'NAIA PALATA, *supra* note 101.

undertaken a thorough scholarly analysis of why notaries tend to be women in Russia. When I visited several notary offices in Moscow and asked this question, the answer echoed what I had been told about judges. Notaries, both men and women, reported that men had little patience for the detailed nature of the work; that women were, by nature, more meticulous.

C. CRIMINAL JUSTICE SPECIALTIES

Tables 7 and 8 tell a different story for those aiming for careers in the criminal justice sphere. Combining the percentages for *prokurory*, *sledovateli*, and other criminal justice jobs shows this arena to be the most popular for both samples. A third of full-time students and over 40 percent of *zaochniki* hope to work in criminal justice. Without exception, however, men express greater enthusiasm for such careers, which is consistent with patterns observed during the Soviet era.

Table 8 allows us to explore the individual specialties. As to *prokurory*, preferences vary between full-time and correspondence students. As to the former, men are much keener to work as prosecutors (this pattern persists for the other criminal justice careers as well). Among *zaochniki*, however, the gender bias runs in the other direction. While women make up 62 percent of this sample, almost 67 percent of correspondence students who aspired to become prosecutors were women. This higher level of interest among women *zaochniki* is intriguing because it stands at odds with our limited information about gender attitudes within the *prokuratura*. A 2008 article in the well-regarded Russian legal journal, *Zakonnost'*, by Sinel'shchikov, a former *prokuror* who retired as the second in command of the Moscow office, reveals the deep-seated prejudices towards women among some male *prokurory*.¹¹⁴ The author presents himself as a champion of women in the *prokuratura*, noting that women made up half of his office, but emphasizes their inherent limitations and suggests that they ought to limit themselves to facilitating the decisions of their male colleagues rather than making the decisions themselves. For example, he argues that “[t]he female psychology, in comparison with the male, is more sensitive and unstable. Women are more vulnerable and prone to expressing anger, sadness, anxiety . . . and other negative emotions. When making legal decisions, they,

¹¹⁴ Sinel'shchikov, *Zhenshchina na prokurature*, ZAKONNOST', no.1, at 34–40 (2008) (Russ.).

unfortunately, are often guided by their feelings.”¹¹⁵ Much like those who commented on the suitability of women to become judges or notaries, Sinel’shchikov praises women for their facility with “boring and monotonous work,” contending that they are more interested in the process than in the outcome.¹¹⁶ The very fact that *Zakonnost’* would publish this article suggests that Sinel’shchikov is speaking for many. It raises a question that cannot be answered by my survey data, namely why would women want to join a service that questions their fitness. Indeed, among the sample of full-time students, women seem to have awoken to this sad reality and show significantly less interest in becoming *prokurory*.

Table 8: Gender distribution for each legal specialty (reported as percentages).

	Full-time Students		Correspondence Students	
	Men	Women	Men	Women
Full sample	35.5	64.5	37.9	62.1
<i>Advokat</i>	36.1	63.9	27	73
Non- <i>Advokat</i> litigator	36.5	63.5	31.2	68.8
<i>Iuriskonsul’t</i>	33.3	66.7	31.8	68.2
Corporate lawyer	31.7	68.3	32	68
Notary	27.1	72.9	26.7	73.3
<i>Prokuror</i>	45.6	54.4	33.3	66.7
Investigator (<i>sledovatel’</i>)	43.8	56.2	38.2	61.8
Criminal justice— general*	48.9	51.1	51.4	48.6
Lawyer for the state	33.6	66.4	34	66
Judge	18.1	81.9	12.5	87.5
Chi2	0.00		0.007	

* Those who plan to work within the criminal justice system, but not as a *prokuror* or investigator.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

Much as for prosecutors, the results for interest in becoming a criminal investigator are different for full-time and part-time students. As to *zaochniki*, no gender effect is visible. The percentages for *sledovateli* aspirants mirror those of the overall sample. But among full-time students, men are more interested in this career than are women. Almost 44 percent of those interested in becoming *sledovateli* were men, which outpaces the 35.5 percent of men in this sample. The lower-than-average interest among female respondents is surprising. Titaev and Shkliaruk argue that the profession of investigator in Russia has “a woman’s face.”¹¹⁷ Their research indicates that over 70 percent of *sledovateli* are women.¹¹⁸ They do not speculate on why women tend to dominate this career field. Nor do they clarify how many of their sample were office-bound versus working in the field. Precisely why women full-time students who participated in my survey were disinclined to opt for careers as investigators is likewise obscure.

The findings are most striking for the third “other” category, which often means becoming a police officer. Women respondents were significantly less represented among both full-time and correspondence students who aspired to these jobs. But there are still grounds for optimism. Given that women make up only 20 percent of the Russian police force,¹¹⁹ the fact that the level of interest is approximately the same for men and women comes as unexpected. The leadership of the Russian police have long promised to work towards greater gender diversity, though scholars of the Russian police remain skeptical.¹²⁰ Perhaps this new generation’s choices reflect progress on that score.

D. LAWYERS FOR STATE AGENCIES

The criminal justice system and the courts are the most obvious state-based employers of lawyers. But legal specialists populate almost every state ministry. These legal workers have never been put under the scholarly microscope, probably because they are so dispersed. Thus, we

¹¹⁷ Titaev & Shkliaruk, *supra* note 37, at 120.

¹¹⁸ *Id.*

¹¹⁹ Yulia Bragina & Sophia Jones, *Inside the Russian Police Force Answering Thousands of Calls for Help from Battered Women*, PUB. RADIO INT’L (Mar. 8, 2017, 1:00 PM), <https://www.pri.org/stories/2017-03-08/inside-russian-police-force-answering-thousands-calls-help-battered-women> [<https://perma.cc/QN73-QDSQ>].

¹²⁰ OLGA B. SEMUKHINA & K. MICHAEL REYNOLDS, UNDERSTANDING THE MODERN RUSSIAN POLICE 150–51 (2013).

know nothing of the size or the gender division within this population. My choice to assemble a sample from graduating law schools has opened a window into these state lawyers for the first time. A small but significant group (10–12 percent) showed an interest in this career path (Table 7). Among the surveyed law students, women (both full-time students and *zaochniki*) show a greater interest in pursuing careers within state ministries than do men (Table 8).

E. LITIGATION SPECIALISTS

The percentage of women who chose litigation specialties—either as *advokaty* or non-*advokaty* litigators—was significantly above the average only for the sample of correspondence students. For full-time students, the gender ratios for aspiring litigators were basically the same as for the sample as a whole. Making sense of these data is complicated by the lack of data for non-*advokaty* litigators. As to *advokaty*, their national organization reports that 41.6 percent of *advokaty* are women.¹²¹ This seems to represent backsliding for women since the Soviet era.¹²² By 1990, women constituted a majority (51 percent) of *advokaty*.¹²³ This reflected substantial increase from their 29 percent share in 1975.¹²⁴ But in her monograph on *advokaty*, Pamela Jordan suggests that the gains of the perestroika era were ephemeral.¹²⁵ She argued that more men than women left the *advokatura* in the late 1980s in pursuit of higher salaries when deregulation opened new opportunities.¹²⁶ This would have inflated

¹²¹ Информационная справка о состоянии адвокатуры и адвокатской деятельности в 2017 (*Informatsionnaia spravka o sostoianii advokatury i advokatckoi deiatel'nosti v 2017*) [*Information Sheet on the Status of Advocacy, 2017*], NAT'L ASS'N OF ADVOKATS (Feb. 6, 2018) (Russ.), <https://advokat15ak.ru/информационная-справка-о-состоянии-а-4/> [<https://perma.cc/8TAS-B3CY>].

¹²² Eugene Huskey reminds us that women were not permitted to practice as *advokaty* under the tsars. HUSKEY, *supra* note 36, at 32. He credits the Provisional Government with passing legislation in March 1917 that opened the door to women. The Provisional Government came to power in February 1917 after the abdication of Tsar Nicholas II and remained in control until the October Revolution of 1917.

¹²³ NARODNOE KHOZIAISTVO, *supra* note 85, at 263.

¹²⁴ JORDAN, *supra* note 8, at 40.

¹²⁵ Women hold leadership positions in only twenty-two of eighty-three regional organizations of *advokaty*. NAT'L ASS'N OF ADVOKATS, OTCHET O DEIATEL'NOSTI SOVETA FPA RF ZA PERIOD S APRELIA 2013 G. PO APRELIA 2015 G. (2015) (Russ.), http://fparf.ru/documents/council_documents/council_reports/13947/ [<https://perma.cc/9H6V-FTAF>]. They were likewise poorly represented within the Soviet-era leadership of the *advokatura*. JORDAN, *supra* note 8, at 40, 54.

¹²⁶ JORDAN, *supra* note 8, at 54.

the percentage of women. The 2017 data may reflect the return of some of these men to the folds of the *advokatura*.

My interest lies more in the present-day reality than in the twists and turns of the history of gender representation among *advokaty*. The willingness of a higher-than-average number (73 percent) of female *zaochniki* to throw their hats into the ring of the *advokatura* indicates that they see a bright future for themselves. Of course, the lack of any gender effect for full-time students suggests this hopefulness is not universal. If I am able to field regular surveys over the next few decades among my current respondents, we will be able to assess whether women are flourishing in this field. The comparative literature shows that women tend to leave the legal workforce (especially law firms) in greater numbers for a variety of reasons, including family demands and implicit gender bias. This pattern has been confirmed in both capitalist and communist settings.¹²⁷ Whether it will prove to be true in Russia remains to be seen.

F. BUSINESS LAW SPECIALISTS

The transition to the market in Russia in the early 1990s changed the basic rules of the game for economic success: profit replaced plan fulfillment. That shift enhanced the importance of law and lawyers and introduced a new practice area, namely corporate law. We know very little about the makeup of the current cohort of Russian corporate law specialists. In countries with a longer history of corporate law practice, women have not dominated this specialty. For example, in US law firms, most of which concentrate on serving corporate clients, women made up only 18 percent of equity partners, as compared with 45 percent of associates in 2016.¹²⁸ Among these partners, there is a 44 percent pay gap in favor of men.¹²⁹

Gender bias is not a preoccupation of the Russian media. A notable exception is an article that reports the results of a 2020 poll conducted by the legal website *pravo.ru* (in which 733 law firms from across Russia participated) indicate that women are faring better in

¹²⁷ E.g., Michelson, *supra* note 2; Reichman & Sterling, *supra* note 19.

¹²⁸ A.B.A., *supra* note 3. For an overview of the challenges facing women in US law firms, see Joyce S. Sterling & Nancy Reichman, *Overlooked and Undervalued: Women in Private Law Practice*, 12 ANN. REV. L. & SOC. SCI., 373 (2016).

¹²⁹ Elizabeth Olson, *A 44% Pay Divide for Female and Male Law Partners, Survey Says*, N.Y. TIMES (Oct. 12, 2016), <https://www.nytimes.com/2016/10/13/business/dealbook/female-law-partners-earn-44-less-than-the-men-survey-shows.html> [<https://perma.cc/KCF8-7FRV>].

Russia.¹³⁰ Women account for 26 percent of all partners in Russian law firms.¹³¹ Some of the women partners who participated in the study downplayed the difficulties of achieving this career goal. As a managing partner of Sollars, a Novosibirsk law firm, commented, “if you want to combine [family and work obligations], then everything will definitely work out.”¹³² Others were less sanguine. Several complained that some clients remain skeptical of the toughness of women. A managing partner at Iuskonsalt, a different Novosibirsk law firm, echoed a refrain familiar to women everywhere, arguing that successful women need to be “ten times smarter, more savvy, faster and more agile.”¹³³ Several told of how they overcame their clients’ resistance by exceeding their expectations.¹³⁴

Yet it is fair to say that these women regarded themselves as gender pioneers. A Russian woman who is a member of the Global Mergers & Acquisitions Council at Hogan Lovells, an international law firm with offices in Moscow, spoke of her difficulties in breaking out of the female ghetto of labor and family law when she entered practice in the 1990s. She noted, “My name now looks very lonely among dozens of male names in the ranking of M&A leaders in Russia. That is what I would like to change in the coming years.”¹³⁵ The robust interest of my respondents in becoming corporate lawyers, which outpaces that of their male counterparts, is an encouraging sign. Future rounds will tell us whether these young Russian women persevere to become partners or leave their law firms for other pursuits like so many women elsewhere.

We know more about the gender breakdown for in-house lawyers, or *iuriskonsul’ty*. In the Soviet era, the position of *iuriskonsul’t* did not enjoy high status. Unlike general counsel in Western corporations, who often act as close advisors to top corporate officials, in-house lawyers in Soviet state-owned enterprises were relegated to the sidelines, mostly handling disgruntled workers.¹³⁶ Their lack of job security evidenced their low status. Unlike most Soviet workers, who were notoriously difficult to

¹³⁰ Aleksei Malakhovskii, *Zhenshchiny v prave: stereotipy, pregrady i uspekhi* [Women in law: stereotypes, barriers and successes], PRAVO.RU (Mar. 6, 2020), <https://pravo.ru/story/219096/> [<https://perma.cc/FV3F-3346>].

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ See SHELLEY, *supra* note 38, at 96.

fire,¹³⁷ the tenure of *iuriskonsul'ty* depended on staying in the good graces of the general director.¹³⁸ Similar to jobs in the state sector (including being a judge), the nine-to-five routine was appealing for women with pressing family obligations. All of this added up to a workplace where women *iuriskonsul'ty* were commonplace.¹³⁹ Little changed in the transition era.¹⁴⁰ In a 1997 survey of over 300 industrial enterprises on which I collaborated with several economists, we found that almost 60 percent of all enterprises with legal departments were headed by women.¹⁴¹ Rather than seeing this as evidence of female empowerment, we argued that: “[t]he feminization of legal departments only served to confirm their low status.”¹⁴²

The greater enthusiasm for becoming *iuriskonsul'ty* among female respondents looks to be the continuation of a longstanding pattern. Whether this is true depends on the extent to which the position of *iuriskonsul't* has been transformed by the market transition. It is possible that in-house lawyers have taken on more substantial duties, but the fact that these lawyers remained peripheral to the process of turning their state-owned enterprises into private corporations during the 1990s suggests otherwise.¹⁴³ Because my respondents had not yet started work, I could not probe into their daily activities. These questions will be pursued in upcoming rounds of the survey and will yield a fuller picture of the role of present-day Russian *iuriskonsul'ty*.

¹³⁷ See HENDLEY, TRYING TO MAKE LAW MATTER, *supra* note 12, at 88–89; MARY MCAULEY, LABOUR DISPUTES IN SOVIET RUSSIA 1957-1963, at 121–23 (1969).

¹³⁸ SHELLEY, *supra* note 38, at 46.

¹³⁹ Shelley’s monograph on Soviet *iuriskonsul'ty* was grounded in interviews with emigres. This limited her ability to generalize about the demographic makeup of the population of *iuriskonsul'ty*. She argued that the size of the enterprise mattered. “Whereas most of the senior lawyers employed in major economic enterprises are male, a large share of the lawyers employed in social, cultural, and educational organizations are female, reflecting the lesser prestige accorded to those who work in these areas.” *Id.* at 121.

¹⁴⁰ The Soviet pattern was replicated in its East European satellite states and persisted well after the fall of the Berlin Wall. In Poland, the percentage of female *iuriskonsul'ty* held steady at around 49 percent from 1991 to 1999. Fuszara, *supra* note 112, at 384.

¹⁴¹ Hendley et al., *supra* note 38, at 695. This Russian reality stands in contrast to the situation for in-house counsel in the US. In 2016, slightly less than a quarter of the general counsels for Fortune 500 companies were women. A.B.A., *supra* note 3, at 3. *Statistics from the ABA Commission on Women—A Current Glance at Women in the Law 2001*, A.B.A., <https://www.americanbar.org/groups/diversity/women/resources/statistics/> [<https://perma.cc/2LV4-VMM4>] (last updated Apr. 30, 2019).

¹⁴² Hendley et al., *supra* note 38, at 695.

¹⁴³ Hendley, *The Role of In-House Counsel*, *supra* note 38, at 27; Hendley et al., *supra* note 38, at 709.

V. CONCLUSIONS: PLUS ÇA CHANGE

Over the past three decades, the rules—both formal and informal—governing legal specialists in Russia have been dramatically transformed. Law graduates are now free to make their own career choices. Many more avenues are open to them, both in the state sector and in private practice. Moving within and between specialties is easier. Yet the survey results suggest that surprisingly little has changed for women. Just as in the Soviet era, female law students are more attracted to courses focusing on civil law, while their male counterparts are drawn to criminal law offerings. These preferences color the courses they take as students and their choice of career. Women are more likely to opt for jobs in the civil sphere and men for jobs in the criminal justice system. Put bluntly, the career preferences of the 2016 graduates surveyed remain remarkably similar to those of Soviet-era women. Like their predecessors, my respondents are keen to become judges, notaries, and in-house lawyers.

But perhaps the similarities are only skin deep. The status of most jobs within the legal realm has changed in the post-Soviet era. Judges and notaries, who were regarded as drudges under state socialism and paid accordingly, are now better compensated, though their work is still considered to be monotonous. As Russia has become an integral part of the global economy, in-house lawyers for its prominent companies have seen their responsibilities and status enhanced. Women still dominate the ranks of these specialties and would seem to be positioned to reap the benefits of these changes. The rise of transactional corporate law as a specialty, which is a post-Soviet phenomenon, and the disproportionate interest of women in this field might also herald greater influence for them within the profession. The extent to which my respondents will benefit from any or all of these reforms will be apparent only from further research as their careers advance.

Scholars of the role of women lawyers in other transition economies have argued that the introduction of new institutional forms, such as law firms, has given women a fresh start. Ballakrishnen's work on

India is particularly instructive.¹⁴⁴ Building on the insights of Ridgeway,¹⁴⁵ who studied firms from the then-emerging US biotech and informational technology field, Ballakrishnen characterizes Indian corporate law firms as “sites of innovation” in which gender norms are up for grabs. In her words:

These new sites of innovation, then, under some limited circumstances, offer an opportunity for gender constructs to be renegotiated and problematic gender-unequal frames to be revised. This potential for escape from the otherwise monotonous reconstruction of gendered hierarchies is imperative because it not only affects the particular institution but also offers broader implications for gender inequality.¹⁴⁶

The presumption that men would occupy the leadership positions that had long been accepted in the Indian legal profession did not carry over to these new law firms. As one of her interviewees, a woman who worked as a senior associate, explained: “In transactions, by the end of it, I could be a *Mr. Sapna* . . . there is no difference . . . and I’m happy I am not treated differently.”¹⁴⁷ Ballakrishnen is careful not to attribute this development to a concerted campaign by feminists. Rather she characterizes it as a side effect of a somewhat misinformed effort by Indian law firms to become like other global law firms.

Might this pattern repeat itself in Russia? Perhaps. It is similar in the sense that the introduction of market incentives has caused a rapid rethinking of the role of lawyers and an introduction of private law firms, an organizational form unknown in the Soviet era. But unlike the Indian case, where foreign lawyers were banned, foreign lawyers opened the first law firms in the final years of the Soviet Union. In the years since, many foreign law firms have followed their clients to Russia. Initially, their ranks were dominated by expat lawyers, but, over time, Russian lawyers have come to outnumber them. Russian lawyers have opened their own firms, many of which are structured like their Western competitors. As a

¹⁴⁴ See Swethaa S. Ballakrishnen, *Just Like Global Firms: Unintended Gender Parity and Speculative Isomorphism in India’s Elite Professions*, 53 L. & SOC. REV. 108 (2018) [hereinafter Ballakrishnen, *Just like Global Firms*]; Swethaa S. Ballakrishnen, *Women in India’s ‘Global’ Law Firms: Comparative Gender Frames and the Advantage of New Organizations*, in THE INDIAN LEGAL PROFESSION IN THE AGE OF GLOBALIZATION: THE RISE OF THE CORPORATE LEGAL SECTOR AND ITS IMPACT ON LAWYERS AND SOCIETY 240 (David B. Wilmins et al. eds., 2017) [hereinafter Ballakrishnen, *Women in India’s*].

¹⁴⁵ Cecilia L. Ridgeway, *Framed Before We Know It: How Gender Shapes Social Relations*, 23 GENDER & SOC. 145 (2009).

¹⁴⁶ Ballakrishnen, *Women in India’s*, *supra* note 144, at 262.

¹⁴⁷ Ballakrishnen, *Just like Global Firms*, *supra* note 144, at 126.

result, the sort of fresh start in terms of corporate culture that Ballakrishnen observed in India is absent in Russia. The cultural DNA of the Russian law firms comes from Western law firms in which the informal norms have made it difficult for women to thrive. It follows that women have had greater success in law firms built from scratch by Russians than in multinational law firms. Women make up 28 percent of partners in the former compared to 26 percent in the latter.¹⁴⁸ The thesis that Western influence inures to the detriment of women finds support in the reality that 34 percent of partners in law firms located in the regions (not in Moscow or St. Petersburg) are women.¹⁴⁹ These are the firms least likely to have derived their operational norms from Western practices.

Of course, the gender norms for Russian lawyers reflect, albeit imperfectly, those for Russian society more generally. While the laws on the books endorse gender equality, public opinion polling reveals very different attitudes among Russians. When asked to identify the most important qualities for an ideal man and woman, there was no overlap between the top three choices. Russians believe the ideal man should possess physical strength, an absence of bad habits such as alcoholism and drug addiction, and an ability to provide for his family. By contrast, the qualities highlighted for the ideal woman are an attractive appearance, sexuality, and love for her children.¹⁵⁰ Given that, it is hardly surprising that Russians' discomfort with women earning more than men has increased in recent years.¹⁵¹ The indexes that compare the prospects for women to participate equally in economic and political endeavors place Russia in a middling position.¹⁵²

¹⁴⁸ Malakhovskii, *supra* note 130.

¹⁴⁹ *Id.*

¹⁵⁰ Iuliia Pavlovna Lezhnina, *Institut sem' i v Rossii: na puti transformatsii*, 4 SOTSIOLOGICHESKAIA NAUKA I SOTSIAL'NAIA PRAKTIKA 70, at 82–83 (2016) (Russ.). A study by the Levada Center came to similar conclusions. When they surveyed Russian men, being a good homemaker was consistently identified as the most important quality for a woman. Women's responses were different. Those in their twenties, listed physical appearance as most important. Women in their thirties, by contrast, agreed with men that being a good homemaker was the most critical quality. Alexei Levinson, *Who's To Blame for Gender Stereotypes in Russia: It's Not as Simple as You Might Think*, MOSCOW TIMES (Mar. 7, 2019) (Russ.), <https://www.themoscowtimes.com/2019/03/07/whos-to-blame-for-gender-stereotypes-in-russia-a64744> [<https://perma.cc/5YXR-L7ZR>].

¹⁵¹ Margarita Zavadskaya & Ekaterina Borozdina, *Here's What Russians Really Think about Gender (In)equality*, RIDDLE (Mar. 13, 2019), <https://www.ridl.io/en/here-s-what-russians-really-think-about-gender-in-equality/> [<https://perma.cc/K9BA-BDPR>].

¹⁵² The Global Gender Gap Report for 2018 puts Russia in 75th place out of 149 countries analyzed. WORLD ECON. FORUM, THE GLOBAL GENDER GAP REPORT 2018, at 10, 233–34 (2018),

The willingness of young women to blaze new trails is inevitably constrained (or facilitated) by a variety of informal norms. The absence of formal constraints to female participation may be a necessary, but far from sufficient, condition to spur participation. After all, women were not barred from working in the criminal justice system during the Soviet era. Some even managed to thrive as prosecutors. But through a variety of signals—some blunt and others more subtle—women were effectively discouraged from pursuing careers in criminal justice and were steered towards jobs seen as compatible with their family obligations and gentler disposition. Even in careers seen as suitable for women, female lawyers tended to get stuck doing routine work. The rise of gender studies as a field of research in post-Soviet Russia has brought many of these assumptions into question, yet they persist in some quarters. Whether the millennial generation will finally smash these gender stereotypes remains to be seen. But it is a question for Russian society as a whole, not just for the legal profession.

http://www3.weforum.org/docs/WEF_GGGR_2018.pdf [https://perma.cc/U6HS-CZ3P]. The World Bank's report on women in business gave Russia a score of 73.13 out of 100, putting it in 116th place out 187 countries analyzed. World Bank, *Women, Business and the Law 2019: A Decade of Reform*, 9 (2019), <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf?sequence=4&isAllowed=y> [https://perma.cc/DTR6-7ULY].