

Artículo de investigación

Problems of deformation of professional legal consciousness in modern Russia (as exemplified in advocacy)

Проблемы деформации профессионального правосознания в современной России (на примере адвокатской деятельности)

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Abstract

Purpose: The article aims to establish the causes of deformation of professional legal consciousness. The quality and level of development of legal consciousness of an advocate are determined by the degree of protection of human rights and freedoms, as well as by the state of legality and legal order. In view of the above, the fight against the manifestations of deformation of professional legal consciousness is an acute problem of building a legal and social state. Prevention and elimination of professional deformation of an advocate is impossible without establishing the reasons for its occurrence.

Methods: The author relied on general methods of cognition, as well as such private scientific methods as structural and systemic, functional, comparative and legal, statistical, study of empirical material: disciplinary and law enforcement practices.

Results: Some aspects of the nature of the deformation of legal consciousness of an advocate have been investigated, external and internal factors contributing to its appearance have been revealed, as well as the reasons for the formation of this negative phenomenon of legal reality, which have been implemented by example, including the advocacy.

Conclusions: It is noted that circumstances leading to distortions in the professional legal consciousness affect representatives of the legal community equally or almost equally, but only a smaller proportion of them violate the requirements of legal norms and corporate ethics. A natural question arises as to the reasons why the said "anomalies" of the structure of legal consciousness arise in some cases and not in others. The following conclusion is grounded: the "trigger" of professional deformation of both an advocate and any other person is the degradation

Аннотация

Цель: Статья направлена на установление причин деформации профессионального правосознания. Качеством и уровнем развития правового сознания юриста предопределяется степень защищенности прав и свобод человека, а также состояние законности и правового порядка. С учетом изложенного, борьба с проявлениями деформации профессионально-правового сознания является актуальной проблемой построения правового и социального государства. Профилактика и устранение профессиональной деформации юриста невозможны без установления причин ее возникновения.

Методы: Автор основывался на общих методах познания, а также таких частных методов, как структурно-системный, функциональный, сравнительно-правовой, статистический, изучение эмпирического материала: дисциплинарной и правоприменительной практики.

Результаты: Исследованы некоторые аспекты природы деформации правосознания юриста, выявлены внешние и внутренние факторы, способствующие ее появлению, а также причины формирования данного негативного явления правовой действительности, которые осуществлены на примере, в том числе адвокатской деятельности.

Выводы: Отмечается, что обстоятельства, приводящие к искажениям профессионального правосознания, воздействуют на представителей юридического сообщества одинаково или почти одинаково, однако лишь меньшая часть из них нарушают требования правовых норм и корпоративной этики. Возникает закономерный вопрос о причинах, по которым указанные «аномалии» структуры

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of the moral structure of the person - individually formed notions of conscience, shame, justice, the measure allowed and so on.

Keywords: Professional legal consciousness; deformation; advocate; morality; consciousness; lawyer.

Introduction

The formation of the modern Russian state based on the rule of law is impossible without fundamental transformations of the entire spiritual sphere of society, in which legal consciousness plays an essential role. Hence the need to study the problems of deformation of legal consciousness and the causes of its occurrence, including advocates, who should stand sentinel over the rights, freedoms and interests of individuals and legal entities.

The New Russian Encyclopedia gives the following definition of such phenomenon as deformation (from Latin *deformatio* - distortion) - change of shape or sizes of a body as a result of change of relative position of its particles. It arises from external forces (New Russian Encyclopedia, 2003). In the social sciences it is understood as a change in form, a distortion of the essence of something (Big encyclopedic dictionary, 1998).

Methods and materials.

The methodological basis for the study of the deformation of professional legal consciousness, the results of which the author described in this article, was, first of all, a dialectical method; private and scientific – structural and systemic, functional, comparative-legal, statistical one, as well as the method of specific sociological studies (questionnaires, observation, analysis). Legal and by-laws and other documents (materials of official statistics; judicial, disciplinary practice; other acts of law enforcement) were investigated.

The dialectical method allowed investigating the regularities of the mechanism of education and development of various manifestations of

правового сознания в одних случаях возникают, а в других нет. Обосновывается следующий вывод: «спусковым крючком» профессиональной деформации как юриста, так и любого другого лица становится деградация нравственной структуры личности — индивидуально сформированных представлений о совести, о стыде, о справедливости, мере дозволенного и так далее.

Ключевые слова: профессиональное правосознание; деформация; юрист; адвокат; нравственность; совесть.

deformation of professional legal consciousness. The structural-system method promoted revealing by the author of negative changes at different levels and subsystems of deformed legal consciousness of the representative of legal profession. Comparative and legal and formal and logic methods were applied in the analysis of legislation, law enforcement and disciplinary practice related to the legal status of different categories of advocates, qualification requirements to representatives of the profession, their violation of the norms of law and corporate ethics. Functional, specific and sociological, statistical and other special methods of scientific cognition were used, first of all, for the analysis of empirical material.

The conclusions formulated in the article are based, among other things, on the results of a specific sociological study conducted by the author in 2018 in the form of a survey of practicing advocates (members of the Volgograd Region Bar Association). Most of the questionnaires were filled out directly at the advocates' working places in the presence of the questionnaire (author of this article). Respondents were interviewed both individually and in groups.

Literary review

In modern legal literature, the term "deformation of legal consciousness" is regarded as paired with such a category as "normal" legal consciousness (Voplenko, 2009; Korobka, 1999). They are different pole points on the same axis (Korobka, 1999). "It means that the deformation itself looks like a deviation from a certain norm... The phenomenon of deformation indicates the existence of a norm, and the norm itself stresses

the possibility of its deformation" (Voplenko, 2009). Thus, these notions are interrelated but antagonistic. P.P. Baranov stresses that "the deformation (distortion) of legal consciousness presupposes a certain initial stock of legal views, knowledge, and attitudes that, for various reasons, have turned into some other non-legal constructions" (Baranov and Russkikh, 1999). At the same time, we should pay attention to V.A. Shchegortsov's point of view, according to which "the categories of legal consciousness are not eternal and unchangeable. Legal views, people's ideas, legal theories are in constant development". (Shchegortsev, 1981). It follows that their deformation is also a dynamic phenomenon and depends on the individual qualities of its bearer, specific historical conditions, general state of law and order, etc.

The negative phenomenon under study can affect both a part of the structure of legal consciousness and each element of it as a whole. It covers all levels and types of legal consciousness, i.e. it can be manifested in individual, group and public legal consciousness, can be present in its ordinary, theoretical and professional variants (Voplenko, 2009). V. N. Korobka highlights the following signs of it: 1) negativity, 2) mass, 3) ability to influence neighboring spheres of society's life, 4) mobility, 5) presence of the degree of public danger (Korobka, 1999) (the latter is also called social danger in literature) (Voplenko, 2009). N.N. Voplenko believes that the deformation of legal consciousness is a negative distortion of the ideological and psychological sphere of an individual or society, which can cause harm to the legal regulation of public relations and manifests itself both in the field of consciousness and legal practice (Voplenko, 2009).

Unfortunately, representatives of all legal specialties are subject to the trends described above, which are clearly negative. In the scientific literature, such anomalies are called the deformation of the professional legal consciousness of advocates, which can be divided into types, say, depending on the profile of their carriers (judge, prosecutor, investigator, notary, legal adviser and lawyer, etc.). Deformation is a deviation from a certain social orientation, professional requirement, which causes changes in the performance of activities and behavior (Medvedev, 1999).

It seems that the deformation of legal consciousness is the result of the accumulation of defects, i.e. some minor deviations that do not have the abovementioned signs of "malignant

neoplasms" separately, but when their quantitative expression turns into qualitative changes in the psychological and/or ideological spheres of legal consciousness, they become socially dangerous. All factors that determine the possibility of professional deformation of legal consciousness of an advocate should be divided *into external and internal*. The former represent circumstances resulting from unfavorable conditions of the whole system of national economy, political and moral life of society, objectively formed in the conditions of transitional crisis epochs of development. The latter reflect internal patterns of degradation of a certain individual or a professionally isolated group of society, manifested in the peculiarities of its legal status, means and methods of operation, corporate ethics and other specific features of its social status.

The system of external factors provoking legal deformation in representatives of legal professions is quite diverse. Thus, N.I. Matuzov points to such reasons for the negative phenomenon of legal reality under study as: 1) social tension in society, 2) economic troubles, 3) regional separatism, 4) disintegration, 5) absence of constitutional legality, 6) "incompetence and stupidity of officials" and others (Matuzov, 1994).

It should be noted that the processes of deformation of the legal consciousness arising in various socio-professional groups of advocates have not only common features, but also the differences that can be shown by the example of advocacy.

A. Levi and A. Papkin identify three groups of internal factors leading to the formation of professional deformation of the personality of an advocate:

- factors caused by the specifics of the activity, for example, detailed legal regulation of the activity, which may lead to formalism and elements of bureaucracy, corporate activity, weak control over the activity of the lawyer, the need to come into contact with criminals;
- personal factors - inflated personal expectations, lack of professional preparedness, professional attitudes that do not correctly reflect the meaning of advocacy, change in the motivation for activity, propensity for unmotivated conflicts, impulsivity;

- Factors of socio-psychological character, for example, inadequate and rough style of communication, low evaluation of activities on the part of the defendants, colleagues, and adverse influence of "experienced" colleagues (Levi and Papkin, 2003).

Results

It should be noted that the advocate profession is characterized by a lower degree of formalization and normative assignment of the form of expression in a legal case and regulation of conduct, especially its moral and ethical component, as well as relative independence and independence from state policy, than, for example, in the case of a judge, prosecutor or investigator. This specificity of the activity of the studied specialty may give rise to a feeling of permissiveness and impunity among its representatives, who are not distinguished by law-abiding and stability of moral principles and, accordingly, lead to professional deformations.

Another factor contributing to the negative phenomena of the structure of the legal consciousness of the advocate should be considered as the possibility of entering the bar by persons who discredited themselves at their previous place of work by various types of offences and even crimes of corruption (after the removal or redemption of a criminal record). Former employees of justice, court, prosecutor's office, investigation bodies and other legal scholars who were expelled from the profession often have both knowledge and experience of legal activity, so they can easily pass qualification exams and acquire the status of an advocate. But it is not difficult to imagine how they are able to prove themselves in a new field with similar tendencies.

When questioned by the author of this article, a group of advocates questioned their opinion as to which of the factors listed in the questionnaire have the most negative impact on the legal consciousness of representatives of the advocates' community. The answers were distributed as follows: imperfection of the current legislation - 44%; absence of the necessary professional experience of an advocate - 36.67%; advocate's aspiration to obtain additional personal benefits - 34.67%; insufficient legal knowledge of an advocate - 39.33%; high professional workload of an advocate - 16.67%; pressure exerted on an advocate by state and municipal authorities - 40.67%; pressure exerted on an advocate by

criminal structures - 1.33%; lack of correspondence between the psychological qualities of an advocate and his or her professional experience.

The deformation of legal and value orientations, legal attitudes, the system of inducements and the psychological substructure of the advocate's legal consciousness associated with them, as well as the nature and content of the said negative phenomena, have a number of other features arising, including from the originality of the professional activity under study.

The conduct of an advocate must comply with corporate ethical standards, the basic principles of which are enshrined in the CLE, which are binding (paragraph 2 of Article 4 of the Federal Law № 63-FZ dated 31 May 2002 "On advocacy and legal profession in the Russian Federation"). These norms have some differences from the moral criteria and traditions of other legal professions: judges, prosecutors and investigators. This is explained by the status of representatives of the legal community and the content of their work. They are not part of the system of state and municipal bodies, have relative independence and independence, their relations with the client are partnership, trust and so on. Given the above, a significant part of the CLE, for example, is devoted to the relations between the advocate and the principal. Employees of the court, prosecutor's office and investigation bodies are representatives of the authorities, so a different nature of relations is formed between them and citizens (legal entities). Hence there are differences in the content of ethical standards. At the same time, according to paragraph 3 of Article 4 of the Code of Legal Ethics, in cases where issues of advocate's professional ethics are not regulated by the legislation on advocacy and the Bar or the CLE, an advocate shall be obliged to observe the customs and traditions established in the Bar, which correspond to the general principles of morality in society. It should be understood that social norms and traditions of the advocates' community may be a subsidiary source of moral guidance for their representatives. Thus, the violation of the unique corporate ethical norms, customs and traditions of the domestic advocacy, which correspond to the moral principles adopted in the country, is a sign of deformation of professional legal consciousness of an advocate. *Thus, advocate P..., in the criminal case he was conducting, stopped answering the investigator's calls, stopped being on the investigation actions, did not notify about the reason for not appearing and reported to the Chamber of Advocates of*

Nizhny Novgorod region. The Qualification Commission, having considered the disciplinary case, noted in its conclusion that advocate P... In this case, he has violated the provisions of paragraph 1 of Article 8 of the CCPEA (requirement of honest, reasonable, bona fide, qualified, principled and timely performance by an advocate of his professional duties, active protection of rights, freedoms and interests of clients by all means not prohibited by law), paragraph 2 of Article 13 of the CLE (an advocate may not refuse protection in a criminal case), as well as paragraph 1 of Article 14 of the CLE (requirement of the necessity to notify about the respectfulness of the reasons for the failure to appear in court or on the investigation actions). Lawyer P... was brought to disciplinary responsibility (Review of the disciplinary practice of the Chambers of Advocates of the Russian Federation in 2013, 2014).

An advocate's secret, i.e. any information connected with rendering legal assistance by an advocate to his client, shall be a legal category peculiar only to representatives of the Bar. In accordance with paragraph 3 of article 56 of the Code of Criminal Procedure of the Russian Federation, the following are not subject to questioning as witnesses: a judge, a juror, a clergyman, a member of the Council of Federation, a member of the State Duma, and so on. However, due to the specifics of their professional functions, judges, procurators, investigators and persons conducting initial inquiries must use admissible and relevant information received from citizens and legal entities to resolve civil and criminal cases. Private practicing advocates and legal advisors are not bound by professional secrecy at all. Its disclosure on the part of an advocate is considered as a disciplinary offence and certainly testifies to the deformation of legal consciousness. The case described in the "Bulletin of the Federal Chamber of Advocates of the Russian Federation" is indicative. *Lawyer S... testified against his client, who confirmed during the confrontation, and handed over to the investigating authority the agreement he had received from the civil case files without the client's consent and knowledge. On 14 June 2006, the trustee of counsel S-ky was detained and charged with committing offences under article 159, paragraph 4, of the Criminal Code, and on 15 June 2006 he was remanded in custody. On 14 September 2006, the criminal case against S-ky was terminated for lack of corpus delicti. The Council of the Moscow Chamber of Advocates has terminated the status of lawyer S... (Moscow advocate is deprived of*

his status for disclosure of professional secrets, 2007).

The role of heightened social sensitivity to violations of justice and moral and legal conscience is particularly important in the choice of an advocate's position in a legal case. The specialist who is indifferent to the client and his problems confesses in work exclusively pragmatic, instrumental approach. It is difficult to call him to account, because formally he has fulfilled their duties: the appearance in the case is secured, the petition is filed, the complaint is sent within the time limit established by law, but no more.

Members of the legal community, unlike judges, procurators and investigators, are not under State protection and do not receive salaries. Remuneration (fee) is usually paid to them by the principal. In view of the above, some unscrupulous members of the profession in question are being "tempted" to become unduly enriched through their immoral activities. This may result in specific deviations in the conduct of an advocate and, accordingly, deformations of his legal consciousness, which are not inherent or practically not inherent to other advocates.

These issues should be reviewed in more detail. The examples of such deviation include the cases when an advocate misleads his client as to the fact that the funds received from the latter in excess of the fee will be transferred to this or that official in order to achieve a "positive" outcome of the case. If the desired result is achieved, the money is assigned. If the outcome is negative, they usually return with a "legend" about the reasons for failure. These actions contain elements of an offence under Article 159 ("Fraud") of the Criminal Code of the Russian Federation No. 63-FZ dated 13 June 1996 (hereinafter - the Criminal Code). Such an offence is characterized by a high degree of latency. This is due to the reluctance of the client to publicize his attempt to commit an illegal act. An advocate with these professional deformities shall be characterized by disrespect for the law, the person to whom legal assistance should be provided, corporate ethical standards and the legal community as a whole. Trustees and working life in his sense are only means of material enrichment. Such a "lawyer" often does not make it difficult for himself to perform his duties scrupulously and painstakingly. They do not rely on qualifications and experience, but on deceit of the client. An illustration of such blatant behaviour is a criminal case that was being tried by the Ussuri district court of Primorsky Krai.

*Lawyer K..., realizing criminal intent to steal someone else's property in the form of money, received personally from XXXX31 the part of the pre-determined amount of <***> roubles, allegedly for the decision on the issue of the decision of the internal affairs officials to refuse to initiate criminal proceedings against this person, after which he was detained by the FSB. By a verdict of the Ussuriysk District Court of Primorsky Krai dated 16 February 2012 in criminal case No. 1-25/2012 (1-85/2011) lawyer K... was found guilty of committing a crime under Art. 30 h. 3, article 159, part 3 of the Criminal Code. This sentence has come into force (Sentence of the Ussuri District Court of Primorsky Krai dated 16 February 2012 in criminal case No. 1-25/2012).*

In law enforcement practice, there are situations where a representative of the legal community acts as an instigator, intermediary or executor of offences such as bribery and mediation (Criminal Code, art. 291, and art. 291.1). These offenses are committed in order to improperly achieve the "right" result for his client and the desire to earn more. Wrongdoing in this category also has the property of secrecy due to the difficulty of detecting and proving it. The bearer of the described deformations of professional legal consciousness is distinguished by an extreme form of disregard for law, order and its functions. For him, legal activity is only a path to enrichment, regardless methods. Such an advocate is usually characterized by formal participation in procedural work, since in labour practice he relies on corrupt means and techniques rather than on qualification. An example of such deformation of professional legal consciousness is a criminal case examined by the St. Petersburg City Court. *On 17 September 2008, about 5:30 pm investigator L... in his office No. <***> at the above address received from P..., through the intermediary lawyer T..., <***> rubles as a bribe for the illegal release of P... from criminal liability and the unlawful termination of criminal case number <***>. Sentenced by the St. Petersburg City Court on criminal case No. 2-1/2012 (2-3/2011; 2-12/2010), 22 November 2012, lawyer T... was found guilty of committing a crime under Art. 30 part 3, Art. 291.1. part 2 of the Criminal Code. This sentence has come into force (Sentence of the St. Petersburg City Court dated 22 November 2012 in criminal case No. 2-1/2012).*

Falsely understood interests of professional activity, thirst for profit or hypertrophy of the "exculpatory bias" in thinking may prompt an

advocate to commit another offence - falsification of evidence (Article 303 of the Criminal Code). These actions are also intended to illegally alter the course of a civil or criminal case in favour of the client. In cases of administrative offences, there are also examples of the use of these methods.

According to paragraph 3.1. of Article 9 of the Code of Legal Ethics, cooperation with the bodies engaged in operatively-search activities in the course of the advocate's activity is incompatible with the advocate's status. Meanwhile, there are some instances of disregard for this prohibition. There are advocates who ignore corporate ethical standards, who show "loyalty" in the performance of their duties to the benefit of the prosecution and contrary to the interests of the defendant. As a rule, in this way, they are trying to expand their client base and, accordingly, income at the expense of the recommendations of "grateful" investigators and inquirers among those under investigation. These institutions have different objectives and purposes.

When carrying out labour functions, an unfair representative of the Bar is also able to mislead his or her client as to the volume of the work to be done or the work to be done, the degree of complexity of the case or the reality of the danger which has arisen in relation to it. The deception in this case is aimed at overstating the fees, self-promotion and exaggeration of one's own role in solving legal problems with the client.

In pursuit of their salary, some members of the advocates' community accept more cases and assignments from the trustees than they can conduct and execute. The danger of such behaviour is that it leads to a decrease in the quality of work performed and, ultimately, to a violation of the client's right to receive qualified legal assistance. Pursuant to subparagraph 5 of paragraph 1 of Article 9 of the CLE, an advocate may not accept assignments for the provision of legal assistance in an amount that is known to be greater than the advocate's capacity to perform.

The above typology of behavioural deviations of representatives of the Bar makes up the content of the most common types of deformation of their legal consciousness. The judge, prosecutor, investigator carry out state functions, therefore the content of their work does not imply partnership relations with the principal as it happens in the advocates' environment. Given the above, the examples of professional deformation described above are not

characteristic of them or they have a different form of expression, motives. If court, procuratorial or investigative officials attempt to obtain or receive money or other material assets illegally from participants in court proceedings, their actions may be qualified, depending on the circumstances of the case, under article 290 ("Receiving a bribe") of the Criminal Code or under article 159 ("Fraud") of the Criminal Code, etc. An advocate is not, however, a subject of the offence under article 290 of the Russian Criminal Code, since he is not a public official. There are also cases of falsification of evidence by law enforcement agencies. They usually come from career aspirations, sometimes selfish.

The legal adviser and the privately practicing lawyer perform similar functions to the lawyer, but only in civil cases, so they can perform the above illegal actions in the framework of this activity. However, with some exceptions, they are not entitled to exercise the powers of criminal defense counsel.

The study of the anomalies of the legal consciousness of the lawyer, their nature, causes and manifestations, produced, including by the example of the lawyer's activity, allows defining the above phenomenon of legal reality. Thus, the *deformation of professional legal consciousness is a negative and socially harmful deviation from the norm of rational and psychological elements of its system, occurring at the individual or group levels and capable of damaging the legal practice, rights and legitimate interests of individuals and legal entities, the state and the legal order as a whole.*

Discussion

When analyzing the content, properties, features and attributes of the above described distortions in the legal consciousness of an advocate, as well as the factors contributing to them, a natural question arises about the reasons for which they arise in some cases and not in others. Circumstances leading to deformation of legal consciousness affect the representatives of the profession being studied equally or almost equally, but only a smaller part of them violate the requirements of legal norms and corporate ethics. What is the basis for the appearance and consolidation of these negative changes in the psychological sphere of this or that advocate? For each person, this process is obviously individual, though there is also a general pattern: the influence of external factors and the predisposition of the internal psychological organization of the individual. It seems that the

"trigger" of professional deformation of both an advocate and any other person is the degradation of the moral structure of the person - individually formed notions of conscience, shame, justice, the measure allowed and so on. This is due to the fact that "legal consciousness is impossible to be imagined in a 'pure' form, if only as the awareness of the right, beyond the moral consciousness, considering the objects of cognition and evaluation through the prism of good and evil, good and bad, fair and unfair. At the same time, the legal consciousness is a moral and legal fusion of ideas, theory, views, feelings, moods and experiences in the sphere of legal duty" (Voplenko, 2015). A great role here is played by conscience, which "in the unity of the three elements of its content appears as a person's ability to understand, feel and make moral responsible decisions in the process of everyday life. Its core is self-criticism, self-esteem, and self-control of one's own thoughts and actions over the requirements of the moral law that presupposes the priority of good over evil" (Voplenko, 2015). Conscience is a morally oriented work of professional and individual legal consciousness that activates such intimate and personal qualities of an individual as understanding of duty, responsibility, shame, intuition, etc. (Voplenko, 2015). Therefore, distortion of the sphere of morality is inevitable and leads to negative phenomena in the structure of professional legal consciousness.

In view of the above conclusion, it is of scientific interest to address the question of the motives that prompted the surveyed representatives of the Volgograd Region Bar to refrain from violating current legislation and corporate ethics in the performance of their professional duties. Interviewees identified the following drivers of lawful behavior: principled life stance to comply with laws and corporate ethical standards - 57.33%; fear of responsibility - 18%; habit of complying with the law - 20.67%; difficulty in replying - 4%; other ones - 0%. This result is noteworthy, since only 57.33% of advocates comply with the current legislation for principled reasons. It follows from this that the rest of the law firm, with the weakening of the other of the above motives for lawful conduct; there is a real threat of behavioral deviation. The received result testifies to the necessity to strengthen legal propaganda in the advocates' environment.

There is also a great interest in the question about the motives, which, according to respondents, the majority of advocates are guided by in their professional activity, to which the following answers have been received: feeling of

professional duty - 56%; political convictions - 1,33%; possibility of receiving personal benefit - 56,67%; habit formed during work - 31,33%; public opinion - 0,67%; fear of legal responsibility - 6,67%; fear of moral responsibility - 4%; focus on the results of their activity - 54,67%; the opinion of colleagues at work - 2,67%; the behavior of colleagues at work - 1,33%; the opinion of the trustee - 36,67%; the opinion of officials - 4,67%; the opinion of court and law enforcement officials - 22%; negative motives realized by lawful means - 2%; negative motives realized by unlawful means - 1,33%; other motives - 0,67%.

Thus, the majority of respondents, i.e. 56.67%, pointed to the possibility of personal gain as the main motive for the labor activity of the members of the socio-professional group under study. Such a circumstance should be qualified as one of the negative trends in the modern legal consciousness of the Russian Bar. Receiving the fee by an advocate, of course, is not prohibited, but the material benefits should not be above the debt and interests of the client. The above results also testify to the presence of negative motives realized by legal or illegal means in the advocate's activity (this was pointed out by 2% and 1.33% of the respondents respectively).

Conclusion

Based on the given material, we can make the following conclusions:

- Deformation of professional legal consciousness is a negative and socially harmful deviation from the norm of rational and psychological elements of its system, occurring at the individual or group levels and capable of damaging the legal practice, rights and legitimate interests of individuals and legal entities, the state and the legal order as a whole.
- Deformation of legal consciousness, including the one of a legal scholar, is the result of the accumulation of defects, i.e. some minor deviations that do not have the abovementioned signs of "malignant neoplasms" separately, but when their quantitative expression turns into qualitative changes in the psychological and/or ideological spheres of legal consciousness, they become socially dangerous.
- All factors that determine the possibility of professional deformation of legal consciousness of an advocate should be

divided into external and internal. The former represent circumstances resulting from unfavorable conditions of the whole system of economical, political, cultural, moral life of society, objectively formed in the conditions of transitional crisis epochs of development. The latter reflect internal patterns of degradation of a certain individual or a professionally isolated group of society, manifested in the peculiarities of its legal status, means and methods of operation, corporate ethics and other specific features of its social status.

- One of the main reasons for professional deformation of an advocate is the degradation of the moral structure of his personality - individually formed notions of conscience, shame, justice, the measure allowed and so on.

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