

THE GOVERNMENT OF THE RUSSIAN FEDERATION
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for Higher Learning

THE NATIONAL RESEARCH UNIVERSITY HIGHER SCHOOL OF ECONO-
MICS

Faculty of Law
Department of Public Law Disciplines

Bachelor Degree Curriculum Years 3-4
Field of Education 40.04.01. – Jurisprudence
Detailed Field Judicial Power

Level Bachelor Degree

MODERN RUSSIAN JUSTICE: REMEDIES, PROCEDURES AND TRENDS

Course Syllabus

Author of the Course / Course Instructor

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COURSE DESCRIPTION

The course gives an overview of different judicial procedures existing in the Russian legal system. It covers different aspects of functioning of the Russian courts and provide for an analysis of differentiation of judicial remedies existing in the Russian legal order (constitutional, civil, criminal and administrative) and of courts fulfilling the respective functions. The analysis is given at an angle of ongoing reforms of the court system and judicial procedures and main issues the Russian judicial system faces at the modern stage of its development.

The course also introduces students to the existing relationships between national and supranational legal orders and the role of the highest Russian courts in their development.

The course will be useful for foreign undergraduate students having interest in the Russian judicial system and procedures used in it but also for Russian students seeking to deepen their knowledge on peculiarities of national judicial procedures.

The course is taught in English.

PREREQUISITES

The Course is aimed at students of 3rd year of bachelor program or above.

No special prerequisites are required.

The course is elective for those students who are interested in judicial system's functioning, main challenges it faces on the current stage of its development, judicial reforms conducted and perspective, and its relations with global legal orders. It is an advantage, though not mandatory, to have a background in constitutional law, judicial and procedural law, international civil procedure.

COURSE OBJECTIVES

The Course main objectives comprise:

- enhancing students' knowledge of the basics of Russian judicial system, its goals and principles of activities;

- getting acquaintance with the main types of procedures in the Russian legal system;
- analyzing the competence of Russian courts and determine court having jurisdiction in particular cases.

DISTRIBUTION OF WORKLOAD

Table: Total hours against the self-study (extramural) hours broken down by subject

Item	Subject-Headings	Total hours	In-Class Hours, including		Self-study hours
			Lectures	Seminars	
1.	Subject 1. Russian Judicial system: Background and Reforms Outline	24	2	2	20
2.	Subject 2. General Structure of Judicial System and Principles of its Functioning	24	2	2	20
3.	Subject 3. Constitutional Justice	24	2	2	20
4.	Subject 4. Civil Procedure (courts, actions, remedies)	24	2	2	20

5.	Subject 5. Criminal Procedure (actors and institutes)	24	2	2	20
6.	Subject 6. Administrative Procedure: a new remedy	24	2	2	20
7.	Subject 7. Russian Judiciary: legal status and career	24		4	20
8.	Subject 8. Russian Justice in the Global Legal Landscape	34	2	2	30
9.	Subject 9. Transnational Litigation in Russian Courts	26	2	2	22
	Total:	228	16	20	192

TYPES OF KNOWLEDGE CONTROL

Self-study control:

- Essay on a selected topic as agreed with the Course Instructor (10-12 printed pages (Times New Roman, 14 pt);
- In-betweenner forms: regular tests during seminar classes lasting 15 minutes for checking the level of memorizing key notions.

Intermediate control:

- Exam – graded assessment of the level of acquired knowledge and developed skills during the Course; includes written questions covering syllabus material, i.e. theoretical and practical dimensions (test).

Parameters

Written 60-minute exam (test)

METHOD OF INSTRUCTION

Classes are split into lectures and seminars. Lectures are conducted in the interactive mode with the focus on the feedback from students. Students are expected to get prepared for the upcoming lectures, which enables them to better comprehend the subject matter delivered by the lecturer. Seminars are aimed at combining interactive methods and spontaneous individual or group debates on specified problem areas. Such interactive tutoring is based on both the prepared and spontaneous modes. Home assignments are intended for reviewing and analyzing international treaties, judgments, textbooks, as well as at preparing to the multitasking format of exercising during in-class teamwork.

LEARNING OUTCOMES

Students must gain knowledge on:

- general structure and principles of the Russian judicial system's functioning ;
- different procedures in which the judicial system exercises its activities;
- different remedies to be used in case of dispute/legal conflict
- competence of Russian courts and peculiarities of different types of procedures;
- peculiarities of transnational disputes' resolution in the Russian procedure.

Skills and abilities:

- to use specific terms and sources of the judicial power regulation;
- practical abilities of research, analysis of procedural law, case-law and scientific works (available in English);
- skills to analyze and solve cases and current issues of judicial system functioning.

Students should gain the following competences:

- ability to work with information (search, evaluate, use information, necessary for fulfillment of academic and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in the international environment;
- ability to search, analyze, and work with legally relevant information by using the juridical, comparative and other specific methods,
- ability to describe legal problems and situations in the field of judicial activities and case-law.

CONTENT OF THE COURSE

Subject 1. *Russian Judicial System: Background and Reforms Outline*

1. Main stages of Russian Judicial System development: historical overview.
2. Judicial reform of XIX century: creating modern European procedure.
3. Turbulence of XX century: impact of political regime to the judicial system.
4. Judicial reforms of new Russia: main stages, goals and results.

Subject 2. *General Structure of Judicial System and Principles of its Functioning*

1. Structure of judicial power: constitutional regime. Types of procedures according to Constitution.
2. Courts of general jurisdiction: composition, competence, statistics.
3. Commercial courts: «specialized» justice?
4. Principles of judicial power: constitutional guarantees and main challenges of implementation.

Subject 3. *Constitutional Justice in Russia*

1. *Russian* Constitutional control model: history of choice.
2. Modern Constitutional Court of Russia: core competence, tectonic role, role of judges.

3. Decisions of Constitutional Court: types, procedure, legal effects.

Subject 4. *Civil Procedure (courts, actions, remedies)*

1. Dualism of Russian civil procedure: two branches of courts resolving civil cases and two procedural codes.
2. Fundamental principles of civil procedure.
3. Differentiation of proceedings for civil cases: judicial orders (судебный приказ), summary proceedings, «special» proceeding, classical proceeding.
4. Main stages of cases examination.
5. Commercial procedure as a variety of civil procedure. Main distinctions from proceedings in courts of general jurisdiction.

Subject 5. *Criminal Procedure (actors and institutes)*

1. Principles of criminal procedure.
2. Investigation and trial: main actors and stages
3. Special proceedings (without trial)
4. Jury trials: trends and challenges

Subject 6. *Administrative Procedure: a new remedy*

1. Proceedings against the State in Russia: general background
2. Main types of administrative cases and courts dealing with them
3. Peculiarities of procedure: parties, proof, legal effects of judgments

Subject 7. *Russian Judiciary: legal status and career*

1. Constitutional status of judges and special guarantees
2. Judicial career: recruitment, nomination and promotion
3. Responsibility of judges: main issues
4. Discussion on role of judges in modern Russia

Subject 8. *Russian Justice in the Global Legal Landscape*

1. Russian courts as part of general legal orders
2. Supranational courts and their decisions: legal effects
3. Interaction with different legal orders: challenges and responses

Subject 9. *Transnational Litigation in Russian Courts*

1. Foreign parties in Russian courts: basics of legal status
2. Russian courts' competence over foreign parties
3. Overview of transnational proceedings
4. Recognition and enforcement of foreign judgments in Russia: main pillars

Reading List¹

A. Required

1. Комментарий к законодательству о судебной системе РФ. Под ред. Т.Г. Морщаковой. – М.:Юрист, 2003.
2. Судебная власть. Под ред. И.Л. Петрухина. – М.:Проспект, 2003. – С.13-24, 79-84.
3. Абросимова Е.Б. Суд в системе разделения властей: российская модель (конституционно-теоретические аспекты). Учеб. пособие. М., 2002.
4. Анишина В.И. Основы судебной власти и правосудия в Российской Федерации: курс лекций. М., Эксмо, 2008.
5. Клеандров М.И. Статус судьи: правовой и смежные компоненты / под ред. М.М. Славина. М.: НОРМА, 2008. 448 с.
6. Витрук Н.В. Конституционное правосудие. Судебно-конституционное право и процесс. Учеб. пособие. – М.: Юрист, 2005. 527 с.

B. Optional

¹Due to the lack of relevant literature in English on the topic of the course the the list includes sources in Russian for students familiar with Russian language; for English-speaking students additional materials are provided, including power-points, handouts and internet resources containing necessary information.

1. Reshetnikova, Irina. 150 years of adversarial procedure in Russia//Russian Law Journal, 2013 No 1.
2. Filatova, Maria. First Instance Proceedings in Russian Civil Litigation: Main Pillars and Paradoxes//ZZP Int.; 2011
3. Maleshin, D.Ya. Russian Style of Civil Procedure// Emory International Law Review, 2007. Vol.21, no. 2. (<http://www.law.msu.ru/node/7344>)
4. Стандарты справедливого правосудия//под ред. Т.Г. Морщаковой. М., Мысль, 2012.
5. Абросимова Е.Б. Очерки российского судоустройства: реформы и результаты. М., 2009. – 279 с.
6. Яковлев В.Ф. Избранные труды. Т. 3: Арбитражные суды: становление и развитие. М.: Статут, 2013.

Internet Resources:

The Supreme Court of the Russian Federation
<http://www.supcourt.ru/catalog.php?c1=English&c2=Judicial%20System%20of%20the%20Russian%20Federation>)

The Constitutional Court of the Russian Federation
<http://www.ksrf.ru/en/Info/Pages/default.aspx>)

Russia's judicial system
http://rapsinews.com/judicial_mm/20101215/252286069.html)

Russian courts system

<http://www.russianamericanchamber.com/en/business/overview.htm>

Russia's judiciary

<http://russianlaw.org/judiciary.htm>

Council of Europe

<https://www.coe.int/en/web/portal/home>

The Institute for the Rule of Law at European University of Saint-Petersburg

<http://www.enforce.spb.ru>

ASSESSMENT AND GRADING

A. Assessment

- Seminar attendance / participation – 10%
- Self-study (in-betweeners forms) – 10%
- Self-study (Essay) – 30%
- Examination (test) – 50%

An overall assessment formula comprises a sum total of the following variables:

$$(\text{seminar attendance / participation}) * 0.1 + (\text{in-betweeners forms}) * 0.1 + (\text{essay}) * 0.3 + (\text{exam}) * 0.5 = \text{final grade}$$

B. Grading

Grading rates for an essay and written exam:

- Outstanding 9 – 10 points
- Very good 7 – 8 points
- Good 5 – 6 points
- Satisfactory 3 – 4 points
- Poor 1 – 2 points