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Top Judge Proposes Jury Trials for Arbitration Courts

By Alexander Bratersky

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Supreme Arbitration Court head Anton Ivanov on Monday proposed introducing jury trials in arbitration court hearings, a move that could make the court system more transparent.

The proposal, although presented as "experimental," contrasts sharply with the Kremlin's policy to limit the role of jury trials, experts said.

"The introduction of the trial by jury may increase trust in the court system and will help improve the quality of trials," Ivanov said at a panel held by the Delovaya Rossiya business lobby.

Ivanov said juries could be allowed to hear cases regarding corporate conflicts, antitrust law and large damage claims.

He added that the presence of juries would ensure proper analysis of evidence presented

at court hearings.

"Judges don't always like to study the facts of the case," Ivanov said.

Russian judges often follow previous court practices without going into the details of a specific arbitration case, legal experts said.

The right to trial by jury was limited during Vladimir Putin's previous presidency, and now they are hearing only a small percentage of criminal cases. Criminal Code amendments passed by the State Duma in 2008 resulted in jury trials being eliminated in cases concerning terrorism and treason.

Last year the Supreme Court ruled that defendants who face a sentence of more than 20 years could opt to have their case heard by a jury.

The idea to introduce trial by jury in arbitration courts, where business disputes are heard, was welcomed by several lawyers working on arbitration cases. They said that, by inviting those who are familiar with the issues, judges would be more flexible and likely to rely on jurors' neutrality and expertise.

Mikhail Barshevsky, who currently represents the government in the highest courts, said the introduction of jury trials in arbitration courts would create a barrier "against administrative pressure."

"Judges pick up the phone more often than they take bribes," he said, referring to the widespread Russian expression for a judge receiving orders from executive authorities by phone.

He added that Ivanov's proposals contrast with the current trend towards limiting the role of jury trials.

"The fact that the reform proposals come from a man within the [political] system is very symbolic," Barshevsky said at the panel.

Ivanov, appointed as head of the Supreme Arbitration Court in 2005 is seen as a reformer withing the legal community. Analysts say that his efforts have helped to improve the work of arbitration courts.

Cristopher Granville, a political analyst, called Ivanov's activities "a quiet revolution" within the arbitration court system in an essay written for the Center for European Reform.

Ivanov's efforts to introduce jury trials in arbitration courts are supported by the business community and business ombudsman Boris Titov, who chaired Tuesday's panel.

While non-commercial courts are often criticized for their low-quality work, arbitration courts are seen by the public as more trustworthy.

However, according to a poll conducted by independent pollster Levada Center last year, trust in those courts also declined from 51 percent in 2010 to 44 percent in 2012.

It is unclear if ombudsman Titov can be successful in his efforts. His other ambitious plan to declare amnesty for more than 10,000 businesspeople sentenced for economic crimes had cold water thrown on it by Putin last week.

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