



Professional project of Russian notaries: from state control to self-autonomy and back

Timur Bocharov

To cite this article: Timur Bocharov (15 Mar 2025): Professional project of Russian notaries: from state control to self-autonomy and back, International Journal of the Legal Profession, DOI: [10.1080/09695958.2025.2472624](https://doi.org/10.1080/09695958.2025.2472624)

To link to this article: <https://doi.org/10.1080/09695958.2025.2472624>



Published online: 15 Mar 2025.



Submit your article to this journal [↗](#)



Article views: 3



View related articles [↗](#)



View Crossmark data [↗](#)



Professional project of Russian notaries: from state control to self-autonomy and back

Timur Bocharov^{a,b*}

^aFaculty of Law, FernUniversität, Hagen, Germany; ^bLaw School, M. Narikbayev KAZGUU University, Astana, Kazakhstan

ABSTRACT


This article focuses on the development of the Russian notary profession from the Soviet period to the present time. Although notaries currently possess almost all attributes of a mature legal profession, their professional autonomy is substantially restricted by the state. There are strong historical and cultural reasons for such a heavy dependency on the state. In the Soviet Union, notaries were an integral part of the state system. The transition to a market economy after Perestroika opened a window of opportunity for the full realisation of their professional project. Indeed, Russian notaries initially had made considerable progress in extending their jurisdiction and consolidating their profession. However, since the end of the 1990s, their professional project started to stagnate demonstrating a tendency of moving back from a liberal to a state-controlled profession. This article explores four key factors which contribute to this tendency. First, the shrinking of the notaries' professional jurisdiction; second, the strengthening of state control over pricing policy applying to notarial services; third, the lack of consensus among notaries themselves on what model of the profession – autonomous or state-dependent – they need; and fourth, public perceptions, partly fuelled by media, about the incidence of nepotism and illegal practices among notaries .

ARTICLE HISTORY

Received 19 June 2023
Accepted 23 February 2025

Introduction

The Russian legal profession is highly segmented, in a similar way as most legal professions in continental Europe. It is composed of such professional groups as judges, advocates (licensed practitioners), unlicensed practitioners, in-house lawyers, police investigators, procurators,¹ and notaries. The last group is the smallest on this list. There are only 23,600 names in the public registry which includes both practising and non-practising notaries along with the candidates who successfully passed qualification exams.² This makes one notary per 5,632

CONTACT Timur Bocharov  tbocharov@eu.spb.ru

*Present address: Institute for the Rule of Law, European University at St Petersburg, Saint Petersburg, Russia

© 2025 Informa UK Limited, trading as Taylor & Francis Group

inhabitants.³ The number of actually practising notaries is much smaller. In 2020, there were only 7,906 practising notaries.⁴ For comparison, there are about 31,000 judges, 45,000 procurators, 80,000 police investigators, and 72,000 advocates in Russia (Moiseeva and Bocharov 2020, p. 331). However, one should keep in mind that this is an artificial figure rather than a natural outcome of market forces. Maximum numbers of notaries (quotas) for each region are set by the Ministry of Justice and the notaries' professional associations (the principle known as *numerus clausus*). These quotas are updated from time to time with the changes in the population rates.

Despite their small number, notaries are a rare example of a group which possesses most attributes of a classical legal profession in Russia; specifically, professional associations (the Federal Chamber of Notaries and regional chambers with mandatory membership), a code of conduct, oath, and entry exams. The regional chambers represent and protect notaries' interests at the local level. Every notary pays a monthly membership fee to the chamber in the region of her practice. The Federal Chamber is in charge for the policy at the national level. The main functions of the Federal Chamber include defending professional and social rights of notaries, representing their interest vis-a-vis the state, international activities, providing expert opinions on the draft bills, organising professional insurance, etc. Its management structure consists of the elected president, the assembly of the representatives of regional chambers, the executive committee, and the audit commission.

If we look at these formal attributes only, the current situation of Russian notaries as a mature and autonomous profession seems optimistic. But if we consider their relationship with the state, it becomes more complex. Notaries are far more dependent on the state and affected by its bodies than, for example, the abovementioned advocates or private practitioners. It is not accidental that 41% of the respondents in the national survey define notaries as state employees (*gosudarstvennye sluzhashchiye*), despite all the attributes of an independent liberal profession (Mdivani *et al.* 2008, p. 12). This situation can be better understood if we look at the history of the Russian notary profession as a development of their "professional project". The objective of this study is to contribute to that understanding through an analysis of statutory acts on notarial activity, official statistics and public registry operated by the Ministry of Justice, notaries' professional media, legal blogs, and scholarly literature on the history of the Russian notary profession.

The concept of the professional project is a central idea in the neo-Weberian approach to the sociology of professions. According to Magali Larson, this concept means collective actions through which a certain occupational group seeks to establish and extend its professional monopoly (Larson 2013). It implies making a bargain with the state and obtaining exclusive control over certain areas of expertise and work activities (Johnson 1983). In most cases, this leads to a collision with the interests of competing professional groups.

Therefore, “a profession does not merely mark out its domain in a bargain with the state; it has to fight other occupations for it, not only at the time, but before and after as well” (Macdonald 1995, p. 33). This effectively means that any advance of a profession is normally achieved and sustained by winning a competition with other groups over a certain area of practice. Indeed, as the case of Russian notaries demonstrates, a professional monopoly once granted does not necessarily guarantee that the state will not take it back or transfer to rival groups.

The role of the state is particularly important for the professional project of lawyers as they perform public functions along with seeking financial benefit (Halliday 1987). Therefore, they need to balance between pursuing their market interests and making an impact on the sustainability and improvement of the legal system. If we look at the situation of notaries, at least in the Latin-type system, the ambivalent public-private nature of this legal profession is particularly evident. On the one hand, notaries are obliged to perform legal acts on behalf of the state. This creates a ground for the state to step up and perform strict control over notary activities, either by courts or the Ministry of Justice. On the other hand, the notaries constitute a self-regulated and autonomous profession providing their services on a private basis. The entire history of Russian notaries can be seen as a movement from one to another side of this continuum, with widening or limiting their professional monopoly.

Historical background: notaries in the Russian empire and Soviet Union

One can talk about the notary profession in the fullest sense only after the legal reforms adopted by Alexander II in 1864. Some scholars have identified a group of public servants (*ploshchadnye pod'jachie*) that occasionally performed some notarial functions from the sixteenth century as the first de facto notaries (“proto-notaries”) in Russia (Skripilev 1998). In particular, their main task was to prepare property contracts on stamped paper without which a deal was invalid (Asvaturova 2014). Nevertheless, these officials did not constitute a separate and independent legal profession. They were appointed and controlled by the tsarist authorities (Efremov 2010). Later, in the eighteenth century, their functions were transferred to the special departments (*krepostnye otdeleniya*) within civil courts (Andreeva 2007). After the reform of 1866, a completely new notary profession emerged as a corporation of legal practitioners.⁵ The hierarchy of this corporation included senior notaries and younger notaries. The former group was entitled to authenticate and register real estate deeds (*krepostnye akty*) whereas the latter group could perform the remaining types of notarial acts (Begichev 2018, p. 72). These acts included preparation and authentication of other legal documents, e.g. wills, loans, rents, powers of attorney, etc. The qualification requirements were different for these two groups. If a higher legal education was compulsory for taking a post of a

senior notary, there was no such a requirement for becoming a younger notary who just needed to take exams in front of a board of senior notaries, procurators and circuit court judges (Vergasova 2005, p. 16).

It is worth mentioning that the position of both groups towards the state was extremely ambivalent even at that time. Notaries were private practitioners in the sense that they received their fees from clients with regard to whom they retained the autonomy of professional judgement. At the same time, they were formally considered “public servants” being attached to a district court (Yarkov 2017, pp. 9–10). Consequently, their professional activity was controlled and regulated by the judiciary which frequently resulted in “disciplinary repressions” (Boborykin, 1917 cited in Vergasova 2005, p. 18). District courts were also in charge of checking qualifications of candidates and appointment of notaries (Mizincev 2012). Moreover, in the regions where there were no notarial offices, justices of the peace took over their functions (Moskalenko and Moskalenko 2013). Additionally, the Ministry of Justice was involved in the regulation of the notary profession. In particular, it defined the maximum number of notaries in a judicial district (Yarkov 2017, p. 9). Thus, the pre-revolutionary notaries retained some characteristics of the liberal profession (for example, professional autonomy in relation to clients), but they found themselves under the substantial pressure of the state. Nevertheless, they were trusted and respected by the society at that period (Vergasova 2005, p. 20). The situation started to change after the collapse of the monarchy.

First, the state control over notaries only increased after the Revolution of 1917 and the establishment of the Soviet regime. The notary profession was completely incorporated into the state, and Soviet notaries became *de jure* and *de facto* public servants. They could not perform any other paid work in addition to their notarial tasks. The only exception was made for teaching and research. Such a peculiar state-incorporated system, which is neither a Latin notariat nor an Anglo-Saxon public notarial office, functioned in most countries of the socialist block.⁶ For example, Czechoslovak notaries lost their independence and became officers of the state in 1949 (Kober 2020, p. 297). By 1952, Hungarian notaries had found themselves in the same situation (Shaw 2009, p. 402). Furthermore, similar state notary bureaus existed in Poland before the collapse of the socialist political regime in the late 1980s (Gadowska 2020, p. 314). In this regard, Polish notaries found themselves in far worse position than lawyers (advocates) who were not absorbed by the state and “displayed some crucial characteristics of an autonomous profession” (Mrowczynski 2016, p. 163).

Second, in contrast to the pre-revolutionary period, Soviet notaries obtained their modest salary directly from the state. Any informal payments from clients were prohibited. The tariffs for all notarial acts were fixed by the Soviet state and went fully to the public budget. The number of notaries was relatively small as there was a clearly low demand for notarial deeds in the absence of private

property (most importantly, real estate). In 1968, there were, for example, only about 3,500 notaries in the Soviet Union (Barry and Berman 1968, p. 27). This number remained more or less steady during the entire Soviet period. In 1989, there were 3,430 notaries in the Soviet Union.⁷ They were essentially state clerks who mostly dealt with simple and routine legal tasks. As the president of the Federal Chamber of notaries in 1996–2001 recalls, “notaries were technical employees, whose functions were limited to attesting the authenticity of signatures and fidelity of document copies. They were a kind of ‘chiefs of the official stamp’, and nothing more” (Tikhenko 2018a, p. 17). The responsibility for monitoring notarial professional activities passed from the judiciary to the Ministry of Justice and vice versa several times until it was finally taken over by the latter in the 1970s (Vergasova 2005, p. 25).

Third, notaries lost considerably in prestige. In fact, the profession of the notary was among the least popular legal professions in the Soviet Union. A career as a notary was much less prestigious compared to jobs in law enforcement agencies or the judiciary. The requirement for newly appointed notaries to have a higher legal education was introduced only in the middle of the 1960s (Vergasova 2005, p. 28). And yet, in 1989, 18% of Soviet notaries still did not possess a higher legal education diploma.⁸ For comparison, 100% of judges and 99% of advocates had one by that time.⁹ In Soviet times, a decision to start such a career was “the wrong move for a politically ambitious young jurist” (Finder 1989, p. 201). A recollection of a law graduate of the Moscow State University vividly illustrates this point:

The USSR’s system of state assignment offered law students rather limited career options, and the least attractive among these was a job in a notary’s office. The only thing worse was an assignment to a registry office. Nobody among final-year law students at Moscow State University could understand what a lawyer was supposed to do in a registry office, but for all its mystery, such a prospect seemed unattractive. As for public notaries, their situation was crystal clear and was characterized by nervous, high-pressure work with a very low salary and almost no opportunities for advancement. It is no surprise, then, that there were not many who aspired to work in a notary’s office. (Mishina 2013)

It should be noted that the low prestige of the notary profession was a characteristic of most socialist legal systems. For example, the situation of Polish notaries closely resembled the situation of their Soviet counterparts as “their profession was regarded as the least respected one among other ‘free’ legal professions” (Bełdowski *et al.* 2019, p. 77). Similarly, in Hungary, state notaries also suffered from low income and social status (Shaw 2009, p. 402).

It is suggested that one of the indicators of low prestige was a substantial prevalence of women over men in the Soviet notary profession (Finder 1989, p. 201). Indeed, by the end of the Soviet period, about 93% of all notaries were women, in stark contrast to the situation of judges and advocates where the gender distribution was roughly equal in that period.¹⁰ That was the case

in other socialist countries. In Czechoslovakia, for example, “[b]ecause notaries were viewed as doing merely administrative work, the profession was less attractive than that of a judge or advocate and become dominated by women” (Kober 2020, p. 297). The same trend of feminisation in the context of low prestige could be observed in Eastern Germany (Shaw 2003).

So, the scope of the professional activity of Soviet notaries (their “jurisdiction” according to Abbott 1986) was limited whereas the level of state control over this activity remained high. Furthermore, the social prestige and profitability of the profession were extremely low during the Soviet era. The situation started to change only after the transition to a market economy at the beginning of the 1990s.

The notary profession in market economy: struggling for autonomy and expansion of jurisdiction

In 1993, new legislation on notaries introduced a private form of notarial practice along with the state form.¹¹ This reform established the basis for a mixed private-state notarial system which lasted for almost 30 years. The last remaining state notarial offices in the far north were closed only in September 2020.¹² If the state notaries continued to be appointed by the order of the Ministry of Justice, the private notaries were obliged to pass qualification exams and become a member of the professional association. The private notaries were required to insure their professional liability whereas the liability of the state notaries was covered by public funds. And finally, the difference between the state and private notaries was that the former remained under the full control of the Ministry of Justice. In contrast, the activity of the latter was regulated by both the Ministry of Justice and the newly created national professional association – the Federal Chamber of Notaries, i.e. private notaries enjoyed some degree of self-regulation.

The private part of the notary profession gradually moved towards a liberal independent profession with its most common attributes. The adoption of the Code of Professional Conduct of Notaries of 2001 was part of that development at the federal level. Moreover, some regional chambers started to adopt their own codes of professional conduct which, however, largely duplicate the provisions of the federal code (Alekseev 2012). In 2019, an updated federal code of conduct was adopted. It is also noteworthy that although this code was adopted by the professional community of notaries (delegates of regional chambers), its final version was enacted by the order of the Ministry of Justice. That makes a contrast from the advocates’ code which was fully adopted by the national congress of advocates. Like other codes of professional ethics, the code of Russian notaries contains a list of unprofessional actions as well as disciplinary sanctions for these actions. However, the scope of possible sanctions is limited. In contrast, for example, to the advocates’ code which

entails disbarring as the most severe sanction,¹³ the professional association of notaries cannot disqualify its member. The only thing the disciplinary committee can do in the case of systematic and serious misconduct is to submit a petition to the court for a termination of the powers of an erring notary.¹⁴ In 2020, for example, eight petitions of that kind were submitted to Russian courts.¹⁵

The transition to a market economy and the introduction of private property broadened substantially the jurisdiction of notaries compared to the Soviet period. The mandatory notarial form of contracts over real estate was perhaps the most profitable sphere of activities. The extension of jurisdiction made the private form of notarial activity more attractive than working as a state notary for a fixed salary. This led to the creation of a parallel structure of private notary offices controlled by the Ministry of Justice.¹⁶ The relations between the Federal Chamber and the Ministry of Justice became tense. In 1996, their conflict was resolved by the Constitutional Court in favour of the former, so the duplicate structure of private notaries organised by the Ministry of Justice was abolished (Mishina 2013). It could be assumed after this major success that the professional project of notaries had a bright future. This is, however, not the case.

Main factors for stagnation of the professional project of Russian notaries

Although notaries became a completely private profession, they remain in a subordinate position in their relations with the state. Their autonomy in setting policy in the market of legal services is limited by the Ministry of Justice. Moreover, the profession of the notary is still less prestigious than other legal professions. As mentioned above, the share of women greatly outnumbered the share of men in the Soviet notary profession compared to other legal professions. The current male-to-female ratio does not differ much from the Soviet times. The notary profession is still predominately female in Russia – 83% of all practising notaries are women.¹⁷ This makes a stark contrast, for example, to the notary in France where the profession and its duties are historically seen in the public mind as mostly a male business (*métier d'hommes*) (Delmas 2019a, p. 141). However, such a large share of female notaries in Russia, otherwise a positive trend, indicates the low prestige of the profession and technical character of the notary's professional duties. This trend implies that the public image of the profession has not advanced far from the Soviet times, despite the shift from the State notariat to the Latin notariat. This is not to say that professional associations of notaries make no efforts to improve this image. For example, the Federal Chamber organises a free phone help line for those who need consultation on notarial issues, publishes a monthly bulletin and regularly gives comments to the media.¹⁸ And yet, the prestige of the notary profession has not grown significantly. Indeed, as the survey demonstrates, ordinary Russians put notaries

behind procurators, judges and advocates responding to the question about the most respected legal profession in the country (Gorbuz *et al.* 2010, p. 393). It is possible to identify at least four factors contributing to the stagnation of the notaries' professional project, despite the presence of most formal attributes of the developed profession.

1. Shrinking of the professional jurisdiction

To date (following the collapse of the Soviet system), the state has substantially narrowed the jurisdiction of notaries. In 1998, the mandatory notarial authentication of real estate contracts was abolished except in cases of shared ownership.¹⁹ This measure took away from notaries one of the most lucrative parts of their jurisdiction (they charged 1% of each transaction). As the President of the Moscow Region Notarial Chamber regretfully commented on that matter, “we could not, despite all our potential, competently and reasonably defend our point of view before the authorities” (Smirnov 2013). The requirement of validation in cases of shared ownership was recently narrowed further, and now applies to real estate transactions involving minors and legally incapable person.²⁰ As a consequence of these developments, notaries have lost the most lucrative area of their monopoly and must now compete with banks, real estate agents and lawyers in this market.

This is a serious loss. In France, for example, real estate transactions constitute about half of the notaries' annual income (Shaw 2006, p. 255). A similar clash of lawyers and notaries over the proposed monopoly of the latter on real estate deeds occurred in Serbia. This even led to a national strike organised by Serbian lawyers. As a result, the state had to abandon this reform, and the notary profession lost a promising opportunity to expand its monopoly (Vuković *et al.* 2020, p. 364). This example demonstrates how competitive this niche is in the market of legal services.

Another area of notaries' professional monopoly emerged out of the rapid development of the car market in post-Soviet Russia. This led to the increase in the number of motor vehicle owners who routinely needed to transfer their right of driving to third parties (e.g. family members or friends). As a chief consultant of the Sverdlovsk notarial chamber explains this effect of the transition to a market economy:

Since the early 1990s, when the registration of legal entities and privatisation began, work has increased significantly. There were more rich people, and former Soviet people bought foreign cars more often. At that time, powers of attorney for the right to drive vehicles were required whereas in today's practice this is no longer relevant. (Zaytseva 2022)

If initially deals with motor vehicles required the involvement of notaries, later an ordinary paper form became sufficient. Similarly, the mandatory notarial

authentication previously required for mortgages was no longer required; as with car-related transactions, a simple written form with a subsequent registration in the state registry of immovable property became sufficient.²¹ So, Russian notaries have lost their professional monopoly in these potentially profitable and attractive areas too.

What is also important, even in the seemingly exclusive area of public authentication of certain documents, notaries do not possess a full monopoly. According to Russian legislation, notarial acts, in general, can be performed by municipal or consulate officers,²² and specific acts (such as, for example, wills²³ or powers of attorney²⁴) by an even broader circle of officials. The latter include chief medical officers, prison wardens, military commanders and housing offices. This is likely to be a legacy of the Soviet times when there was a shortage of trained notaries. But the fact that this extraordinary rule still persists is seen by some notaries as a clear anachronism which undermines their professional status. As the former president of the Federal Chamber of notaries (1996–2001) notes in this regard:

The circle of persons who are granted the right to perform notarial actions is unreasonably broad. Why then arrange serious exams and competitions for lawyers, if the notary actions according to civil law can be performed by medical workers, commanders of military units, heads of detention facilities, and employees of housing maintenance offices? Such an approach is untenable. (Tikhenko 2018b, pp. 26–27)

Thus, the development of the notary profession since the 1990s can be seen as a gradual shrinking of the most beneficial and popular spheres of the notaries' professional monopoly. They have to compete with other professionals in the market. The remaining areas of monopoly do not imply complex and creative tasks. Indeed, as a notary from a small provincial town bitterly resumes: "We are being pushed more and more away from skilled legal work and instead are being pushed into purely technical work that any trained monkey (let's say a computer trained monkey) can do" (Kostyleva 2012). If we look at the three traditionally major areas of notarial activities – real estate services, corporate services and family services (van den Bergh and Montangie 2006, p. 189) – Russian notaries enjoy their full and undisputed monopoly only in the last area.²⁵ It normally includes preparing and authenticating marriage contracts and wills. This area is not as widely demanded and highly paid as the first two ones, so probably does not attract rival groups of legal professionals.

2. Tightening state control over fee setting

As it was in the Soviet time, the tariffs for most notarial acts are fixed and set by the Ministry of Justice. In fact, fixed tariffs for notarial acts are adopted in most countries with a Latin type notariat. However, the Russian Ministry of Justice

and the judiciary are tightening their control over the price setting for notarial services. The idea behind fixed tariffs is to make notarial services affordable for individuals and companies. Yet, strictly following this policy would mean operating at a loss for most notarial offices. It is considered within the professional community of notaries that state tariffs are too low. As noted, “unacceptably low notarial tariffs have been established, which do not correspond either to the degree of social significance of the activities of notaries, or to the level of complexity and responsibility of their work” (Sharafetdinov 2012). The notaries have found their way out in charging supplementary fees for so-called services of a legal and technical nature (*uslugi pravovogo i tehničeskogo haraktera*, normally abbreviated as UPTH) which include legal consultancy, preparing contracts, due diligence and so on. The level of these fees is set and updated by regional notarial chambers.

The system where fees for mandatory notarial acts are fixed but for additional services are flexible is far from being unique to Russia. In France, for example, “[t]he institution of fixed fees, however, has not prevented French notaries from steadily expanding their scope for commercial pricing even in the context of authentication” (Shaw 2006, p. 257). Yet, the Russian situation is different in the sense that notaries in most cases are not prepared to provide their services without these additional services. That is because working for a fixed tariff is not financially attractive for them. Among the most popular notarial tasks are certification of copies and issuing powers of attorney for which the tariffs are clearly low.²⁶ Moreover, these tariffs are rarely updated. As the former president of the Federal Chamber of Notaries clarifies: “A notary tariff has not increased for seven years. What did it lead to? Notaries have to survive somehow, and the only way is to charge for technical work” (Sazonova 2012). The current president also notes that charging for additional legal and technical services is simply a matter of financial survival for some notaries (Korsik 2016).

At the same time, the abovementioned “legal services” rarely include a thorough legal consultancy, as it is typical, for example, for French notaries.²⁷ In most cases, these services mean just a preliminary legal examination of the documents provided for authentication. As the president of the St Petersburg notarial chamber explains:

The organisation of the notarial work in Russia rather resembles the German model, because the function of an adviser is the function of an advocate < ... > The term “consultancy” can be understood in different ways. We advise, but strictly within the framework of a notarial act. Our competence ends with the question about the development of a legal situation: what will happen if I act one way or another? (Terekhova 2019, pp. 11–12)

Although the scope the legal advice is limited, it is viewed by Russian notaries as an essential and unavoidable supplement to a notarial act that needs to be paid for.

This led to the allegations of imposing unnecessary additional services. In 2011, the Constitutional Court ruled that such additional services cannot be mandatory for clients.²⁸ However, the notary community basically ignored this position presenting these services as inseparable from the notarial act. It means, for example, that even if a client herself or with the assistance of her lawyer prepares a draft of the document for a notarial authentication, notaries anyway charge UPTH along with the tariff for notarial authentication. Understandably, clients are not always happy with this approach, but (from the notary's perspective) it has the benefit of bringing notarial fees closer to a market price formation. For a long time, the Ministry of Justice and the judiciary tended to ignore this practice and preserve the status quo. The situation started to change only recently. In 2018, the Supreme Court ruled that notaries cannot refuse to perform a notarial act even if clients are not prepared to pay UPTH fees.²⁹ Later, in 2019, a separate form of UPTH in relation to the notarial act itself was confirmed by legislation.³⁰ Furthermore, in 2020, a group of senators suggested replacing the current flexible UPTH fees with fixed tariffs for legal and technical services which would be calculated according to the formula approved by the Ministry of Justice (Kvach 2020). At the end of 2022, this act was finally implemented, taking effect on 1 October 2023.³¹ The most likely pretext for these changes is a consumer protection policy. As the motivation letter to the draft bill justifies this reform, “the issue of an actual financial burden that falls on citizens when applying for a notarial act is characterised by high social sensitivity”.³² In this logic, the reform will smooth people's dissatisfaction with the lack of transparency in fee setting for notarial work.

This populist approach, however, may have a downside for the notary profession. It is true that state regulation over fee setting for notarial deeds is adopted in some European countries. However, “such regulations should strike a balance between the necessity of protecting consumers' interests and the promotion of competition” (Bełdowski *et al.* 2019, p. 76). An imbalance on any side is likely to affect negatively the development of the profession. For example, the complete deregulation of notary fees in favour of the free play of market forces by the new Notarial Act of 1999 eventually led to a crisis in the Dutch notarial profession (Cappon 2011, p. 575). This crisis includes the loss of certainty in the very future of the profession since it has become just another player in the legal services market. Indeed, there is some concern in the Dutch academic and professional literature that notaries soon or later will merge with lawyers (Cappon 2011, pp. 575–576 n 28). Moreover, despite its initial goal, the reform did not result in a significant increase in competition between Dutch notaries (Noailly and Nahuis 2010, p. 185). Similarly, the deregulation of fees, along with the erosion of professional monopoly, was the reason for a gradual decline of the notary profession in Quebec (Kay 2009). The deregulation led to the dramatic fall in notaries' fees and therefore

their earnings so that the profession ceased to be financially attractive to potential newcomers (Kay 2009, p. 102). As a result, the Quebec notary profession is trying to adapt to the situation and find its new place among other legal services providers (Paquin and Ferrand 2021). These processes are not completely painless, frequently accompanied by a perceived crisis of the professional identity (Roy 2004).

The Dutch and Quebec examples demonstrate that rapid and uncontrollable shifts to market fee setting can imply certain risks for the notary profession. This may lead to the loss of a secure financial position, which fixed tariffs guarantee, while requiring competition with fellow notaries and with lawyers. It also violates the balance between state regulation and market forces needed for healthy competition. Yet, the recent tightening of the Russian state policy on fee setting for notarial services demonstrates the risk of breaking such a balance, albeit from the opposite side. The overregulation of fees can negatively affect competition and discourage the notaries from performance of their service.

3. Ideological conflicts within professional group

In recent years, there are more and more voices within academic and professional circles arguing for moving back from a liberal to a state-based model of the notary profession. The rationale behind such proposals is that the services notaries provide are public functions which are incompatible with full professional autonomy. In 2012, such arguments were raised, for example, in a highly controversial article prepared in co-authorship by the vice-president of the Federal Notarial Chamber and the director of its Centre for Academic Research (Yarkov and Medvedev (Renz) 2012). The context of this article was the draft of the new legislation on notaries prepared by the Ministry of Justice which included a serious extension of its control over notaries. This proposal was criticised by some members of the professional community, and the article was partly a response to this critical position. In the article, the authors compare liberal and state-oriented models of the notary profession, ultimately arguing that the former is not appropriate for contemporary Russia. The widening of the notaries' professional autonomy, from their point of view, leads to a loss of state control which is "unacceptable in today's realities of expanding the state's traditional jurisdictional prerogatives, even if it is achieved through increased control and responsibility of the public officials authorised by it" (Yarkov and Medvedev (Renz) 2012 p. 36).

This manifesto of Russian notaries calling for greater state control triggered a heated debate in the professional media. It divided the most active part of the notaries' community into those who support this model and those who rather argue for the development of a liberal model. The former emphasises that substantial state control is a common feature of most Latin-type notary systems in

Western Europe, so there is nothing original in strengthening such control in Russia (Romanovskaya 2012). The latter worry that the increasing control of the Ministry of Justice and extension of the statist rhetoric is a step back to the Soviet times (Korsik 2012; Sharafetdinov 2012; Skurlatov 2012; Safonov 2012). This is not to say that the opponents deny public functions of the notary profession and the necessity of some control along with the right to autonomous development and self-regulation. Rather, their chief concern relates to an increase of the first element of the profession at the expense of the second element. As one of the first private notaries in Russia emphasises, the Latin notariat is “both a public law institution that performs the functions of the state and a human rights institution that is very close to similar institutions of civil society” (Sharafetdinov 2012). From this perspective, the ignorance of the dual nature the Latin notariat is viewed as a fatal mistake.

It is clear from this debate that the members of the professional community have different visions of what is the Latin notariat and how this model can be realised in Russia. Since 1995, the Russian notariat is a member the International Union of Notaries (UINL). This is a non-governmental association which includes 91 countries where a Latin-type notarial system exists.³³ However, there are different models of the Latin notariat across the world. It is argued sometimes that the main and distinctive common feature of a Latin notary system relates to the probative value of the authenticated documents. In this view, “[t]he essence of the Latin notariat consists solely of the power to issue self-authenticating documents, prima facie pieces of evidence that lose their probative value only if they are proven to have been forged or falsified” (Cappon 2011, p. 588). Yet, in most countries with a Latin model of notariat, the list of notarial functions is much broader. It may also include deposit services, legal advice, due diligence, registration actions, etc. Reducing all the specifics of this model to a one core function would be a too straightforward approach.

As for the relations between the state and the notary profession, a certain level of state control describes most of the Latin notarial systems across Europe. Nevertheless, this does not make Latin notaries public officers or exclude their professional autonomy. In fact, “[s]ince the Latin notaries receive their fees from their clients, they are not ... civil servants but entrepreneurs entrusted with public functions” (van den Bergh and Montangie 2006, pp. 189–190). And despite performing these public functions, “the notary profession is a liberal private profession, subject to the same type of governmental regulation that the state imposes, for example, on lawyers, doctors, and pharmacists” (Malavet 1996, p. 391).

Returning to the Russian situation, the shrinking of the professional monopoly and tightening control over fees requires a collective response and mobilisation of the notary profession. That means a consensus and consolidation of its members, at least at the level of the leaders of the professional association. In France, for example, the unity and solidarity of the notary profession allowed

them to protect their interests before the state during the turbulent period of reforms in the 1990s, in contrast to a more segmented lawyers' profession (Mathieu-Fritz and Quemine 2009, p. 183). These reforms entailed a merger between lawyers (*avocats*) and legal counsels (*conseils juridiques*) with the right of the unified group to work as salaried legal professionals. This measure did not initially cover notaries. Nevertheless, they managed to be finally included and obtain the same right to work for a salary due to their extensive lobbying campaign (Mathieu-Fritz and Quemine 2009, p. 183). Later on, the French notarial community similarly demonstrated a considerable collective resistance towards the so-called *Loi Macron* of 2015 which implied substantial lowering of entry barriers to the profession.³⁴ In contrast, the current lack of a general consensus on the role and scope of professional autonomy hinders the development of the Russian notaries' professional project.

4. Controversial reputation: apparent nepotism and illegal practices

And finally, illegal practices and nepotism can be an impediment to the prestige and reputation of Russian notaries, both of which are crucial for a success of their professional project. First of all, the appointment process is frequently criticised for its lack of transparency (Maleshin 2018). Although this process implies an open call, it is widely believed that a substantial number of positions are taken by family members and relatives of currently practising notaries. It is hard to assess precisely the extension of this practice. Nevertheless, a rough estimation can be made drawing on the analysis of notaries' surnames. If we look at the public registry of notaries operated by the Ministry of Justice, around 33% of notaries bear the same surnames and come from the same region which can give at least a rough idea of the extension of this practice.³⁵ The practice in itself is not unique to Russia. In Poland, for example, the same trend was noticed with regard to the recruiting policy of the notary chambers in the 1990s:

Notaries were accused of cronyism and nepotism by law graduates who claimed that the way the exams were organized put relatives and acquaintances of incumbent notaries in favourable position compared to the outsiders. This notion was, in fact, supported by data – in 1998 half of trainees accepted to the notary bar training had family ties with incumbents. (Beldowski *et al.* 2019, pp. 77–78)

The same preference for family members in the recruiting policy could be observed in France back in the days. For example, it was noted that “over one-third of the notaires have fathers who exercised this profession” (Suleiman 1987, p. 79). It is not clear whether this socio-professional trend still exists in contemporary France. Yet, it can be assumed that following reforms to entry requirements, such as the *Loi Macron* of 2015, this trend has substantially declined, if it was not eliminated altogether (Delmas 2019b). The situation of Russian notaries in this respect is different.

In Russia, notaries' family members or relatives are first involved as their assistants (*pomoshchnik*) or trainees (*stajyor*) and only later take the post. This is the common way to gain necessary experience and start a notary career. The number of assistants (6,098) and trainees (717) altogether is almost equal to the number of practising notaries (7,906).³⁶ Assistants and trainees are the main sources of replenishment of the Russian notariat. This is not to say that the notaries totally ignore or deny the substantial share of family members and relatives among their ranks. Instead, some of them readily admit this practice justifying it by a positive role that dynasties play for the profession. In this view, dynasties help to preserve traditions and better guarantee high-quality services. As one of the provincial notaries notes: "Clients have greater confidence in the relatives of the notary who performs his duties" (Kristaphorova 2015). She mentions further that 23 of overall 69 notaries in her region employ relatives as notary assistants in their offices.

However, from the outside perspective, this can be viewed as a prevalence of nepotism over meritocracy in the recruiting of notaries.³⁷ This is especially problematic taking into account that notary positions are limited and therefore highly competitive in Russia. As mentioned above, the Ministry of Justice and professional association set maximum quotas on the number of notaries in each region. That is different from the situation in some other post-Soviet notary systems (for example, Kazakhstan) where there are no quotas on the number of notaries. The existence of quotas means that vacancies are normally opened only when a notary dies, reaches the maximum age for this position (75 years) or voluntarily resigns. This rarely happens. In 2020, for example, only 155 notaries were appointed from among 1,528 applicants, i.e. the average pass rate was 1 successful candidate among 100 applicants for a position.³⁸ A competitive and merit-based entry to the profession normally guarantees that the most suitable and qualified candidates are recruited. This is especially important in the context of information asymmetry between notaries and their clients. It means that clients, not being legally competent, are not capable to assess the quality of most notarial work.

The quality of the services provided by Latin notaries has three dimensions: integrity (impartiality and trustworthiness), legal quality (quality of notarial deeds) and commercial quality (treatment of consumers). Only the latter dimension of quality is easily observable for consumers. (van den Bergh and Montangie 2006, p. 194)

A meritocratic recruiting system helps to address the problem of informational asymmetry since "preparing for and passing the competitive entry examinations is a 'signal' that the person is particularly productive in terms of notary functions" (Arruñada 1996, p. 12). If this system does not work properly due to nepotism, a signalling role of entry exams is not performed and the problem of information asymmetry is exacerbated.

Another threat to the social prestige of Russian notaries is allegedly widespread illegal practices, including in most extreme cases fraud and corruption. There are indeed various media reports of the notaries' involvement in money laundering (Dement'eva *et al.* 2017), fraud schemes with succession estate (Kvach 2017), corporate crimes (Vadimov 2017), falsification of documents (Prytkov 2018), etc. The professional community tends to characterise these reports as sensationalism and the poor practices of yellow journalism. As the former president of St Petersburg Chamber of Notaries once complained: "Attacks on notaries undertaken by the press and members of some professional communities have recently increased. What notaries are not accused of!" (Gerasimenko 2013). Even so, it is likely that such media coverage impacts public perception, no matter what the real situation is.

In fact, it is hard to estimate the actual level of illegal activities among Russian notaries. All media stories include only anecdotal evidence; there is no reliable data on the extension of such practices. In 2020, according to the Ministry of Justice statistics, only 9 notaries were prosecuted for crimes related to their professional activities.³⁹ Furthermore, if we look specifically at corruption-related crimes, according to the statistics of the Judicial Department, there were only 3 court cases on such crimes committed by notaries.⁴⁰ Yet, the scale of latent crimes in this area remains unknown. What is more important is that these activities are frequently associated with the notarial profession in the popular consciousness. For example, 38% of respondents in a national survey believe that notaries are involved in corruption (Mdivani *et al.* 2008, pp. 14–15). As Thomas' sociological theorem states, if a certain situation is perceived as real, it is real by its consequences (Thomas and Thomas 1928, p. 572). In this case, it is real in the sense that the existing negative views on the notary profession substantially delegitimise its claims for the extension of autonomy and professional monopoly. Such public views rather reinforce the position that even stricter state control over notaries is needed.

Conclusion

The professional project of Russian notaries remains underdeveloped. Although they possess almost all attributes of a mature legal profession, their professional autonomy is progressively restricted by the state. There are strong historical and cultural reasons for such a heavy dependency on the state. During the imperial period, notaries were considered public servants, although they retained a certain level of autonomy in their relations with clients. In the Soviet Union, they became an integral part of the state system. The transition to a market economy after Perestroika opened a window of opportunity for the full realisation of the notaries' professional project, i.e. an expansion of their professional monopoly and achievement of social prestige. Indeed, Russian notaries had made considerable progress in extending their

jurisdiction and consolidating their profession into a unified association. However, since the end of the 1990s, their professional project started to stagnate demonstrating a tendency of moving back from a liberal to a state-controlled profession. There are four key factors for speaking about that, at least for the time being. First, the shrinking of the notaries' professional jurisdiction; second, the strengthening of the state control over pricing policy; third, the lack of consensus among notaries on what model of the profession they need, autonomous or state-dependent; fourth, a perceived high level of nepotism and illegal practices within the notarial professional community.

Notes

1. The members of this professional group can be only loosely compared to “prosecutors” in Western countries. The competency of procurators in Russia goes far beyond criminal prosecution, including a general oversight over legality and participation in some categories of civil cases. See more details in Solomon and Foglesong (2000) and Smith (1997).
2. The registry list of Russian notaries maintained by the Ministry of Justice. Available at: <http://notaries.minjust.ru/#/registry/list>, accessed 19 June 2023.
3. As of 2022, the general number of inhabitants in Russia was about 146 m. See the demographic statistics provided by the Russian Federal State Statistics Service at: https://rosstat.gov.ru/storage/mediabank/PrPopul2023_Site_.xlsx.
4. The annual statistics of the Ministry of Justice on notaries. Available at: <https://minjust.gov.ru/ru/pages/svedeniya-o-notariate-v-rossijskoj-federacii-za-2020-god>, accessed 19 June 2023.
5. The Statute on the Notarial Department of 14 April 1866.
6. Perhaps, the only rare example of that kind in Western Europe was Portugal where private notarial activity was first allowed only in 2004, in parallel with the remaining state notariat. See in Tavares and Rodrigues (2013).
7. See The Committee of Statistics of the RSFSR (1990, p. 323).
8. The Committee of Statistics of the RSFSR (1990, p. 323)
9. The Committee of Statistics of the RSFSR (1990, p. 323)
10. The Committee of Statistics of the RSFSR (1990, p. 323)
11. Fundamentals of the Legislation of the Russian Federation on the Notariat No. 4462-I of 11 February 1993.
12. See the news on the website of the Federal Chamber of Notaries “The Notariat of Russia Has Almost Completely Switched to a Non-Budgetary Basis” [Notariat Rossii prakticheski polnost’ju pereshel na nejudzhethnuju osnovu]. 24 April 2020. Available at: <https://notariat.ru/ru-ru/news/notariat-rossii-prakticheski-polnostyu-pereshel-na-nebudzhethnyu-osnovu>; on the website of the Ministry of Justice Department for Magadan and Chukotsk regions “On Abolition of State Notarial Offices in Providensk and Cukotka Notarial Districts of the Chukotka Region” [Ob uprazhdenii gosudarstvennyh notarial’nyh kontor v Providenskom i Chukotskom notarial’nyh okrugah Chukotskogo avtonomnogo okruga]. 30 September 2020. Available at: <http://to49.minjust.gov.ru/ru/novosti/ob-uprazhdenii-gosudarstvennyh-notarialnyh-kontor-v-providenskom-i-chukotskom-notarialnyh>, accessed 19 June 2023.
13. Art 18 of the Code of Professional Ethics of Advocate of 31 January 2003.
14. Art 12 of the Fundamentals of the Legislation on Notariat of 11 February 1993.

15. The Ministry of Justice statistics for 2020. Available at: <https://minjust.gov.ru/ru/pages/svedeniya-o-notariate-v-rossijskoj-federacii-za-2020-god>, accessed 19 June 2023.
16. This situation was similar to the situation of the advocate profession of that time. Advocates were also split into two professional associations, one of which was under control of the Ministry of Justice. See in Moiseeva and Bocharov (2020).
17. The Ministry of Justice statistics for 2020. Available at: <https://minjust.gov.ru/ru/pages/svedeniya-o-notariate-v-rossijskoj-federacii-za-2020-god>, accessed 19 June 2023. In 2005, the proportion of female notaries in France is 21% (all statuses combined); in Austria – 3.6%; in the Netherlands – 9.1%; and in Spain – 30%. See in Shaw (2006, p. 268). But today, in France, 55% of notaries are women (Delmas 2023); 45% in 2018 (Delmas 2019a, 2019b).
18. A more comprehensive list of the Federal Chamber’s public activities can be found on its official web site. Available at: <https://notariat.ru>, accessed 19 June 2023.
19. This reform was implemented by the Federal Law “On State Registration of Rights on Real Estate and Deals with It” of 21 July 1997 N 122-FZ (came into effect on 31 January 1998).
20. The Federal Law of 1 May 2019 N 76-FZ.
21. The Federal Law “On State Registration of Rights on Real Estate and Deals with It” of 21 July 1997 N 122-FZ (came into effect on 31 January 1998).
22. Art 37 and 38 of the Fundamentals of the Legislation of the Russian Federation on the Notariat No. 4462-I of 11 February 1993.
23. Art 1127 of the Civil Code of the Russian Federation of 2001.
24. Art 53 of the Civil Procedure Code of the Russian Federation of 2002.
25. Yet, there is some tendency of broadening the involvement of notaries in corporate relations. Since 2009, for example, deals with shares of limited liability companies are subject to compulsory notarial authentication. See art 21 para 11 of the Federal Law N 14-FZ “On Limited Liability Companies” of 8 February 1998. At the same time, resolutions of shareholders meetings can be certified by the register-keeper (in public JSC), by the register-keeper or notary (in non-public JSC), by the notary or any other way stipulated by the company charter (in LLC). That means there is no exclusive monopoly of notaries in this area. See art 67.1 para 3 of the Civil Code of the Russian Federation of 30 November 1994.
26. The tariff for certification of copies is 10 roubles (\approx 12 euro cents) per page; the tariff for issuing a power of attorney is 200 roubles (\approx 2.5 Euro). See Art 22.1 of the Fundamentals of the Legislation of the Russian Federation on the Notariat No. 4462-I of 11 February 1993.
27. See more details in Delmas (2019b).
28. The Ruling of the Constitutional Court of 1 March 2011 N 272-O-O.
29. The Judgment of the Judicial Collegium for Civil Cases of the Supreme Court of the Russian Federation of 26 June 2018 N 31-KG18-3 [*Nikolaev v Rybina*].
30. Art 22 of the Fundamentals of the Legislation of the Russian Federation on the Notariat No. 4462-I of 11 February 1993.
31. The Federal Law of 29 December 2022 N 588-FZ.
32. The motivation letter to the Draft Bill № 967075-7. Available at: <https://sozd.duma.gov.ru/bill/967075-7>, accessed 19 June 2023.
33. See the UILN official website <https://www.uinl.org/mission>, accessed 19 June 2023.
34. See Autorité de la Concurrence (2021, p. 2). The statute was named after its author Emmanuel Macron, then a Ministry of Economy.

35. The registry list of Russian notaries maintained by the Ministry of Justice. Available at: <http://notaries.minjust.ru/#/registry/list>, accessed 19 June 2023.
36. The Ministry of Justice statistics for 2020. Available at: <https://minjust.gov.ru/ru/pages/svedeniya-o-notariate-v-rossijskoj-federacii-za-2020-god>, accessed 19 June 2023.
37. See, for example Mashanov (2018) (a blog post on a legal portal).
38. The Ministry of Justice statistics for 2020. Available at: <https://minjust.gov.ru/ru/pages/svedeniya-o-notariate-v-rossijskoj-federacii-za-2020-god>, accessed 19 June 2023.
39. The Ministry of Justice statistics for 2020. Available at: <https://minjust.gov.ru/ru/pages/svedeniya-o-notariate-v-rossijskoj-federacii-za-2020-god>, accessed 19 June 2023.
40. The statistical table 'Corruption-Related Crimes' (the form K-9). Available at: <http://www.cdep.ru/?id=79>, accessed 19 June 2023.

Acknowledgements

I would like to thank FernUniversität in Hagen and personally Ulrike Schultz and Anja Böning for the opportunity to complete this paper.

Disclosure statement

No potential conflict of interest was reported by the author(s).

References

- Abbott, A. (1986) Jurisdictional conflicts: a new approach to the development of the legal professions, *American Bar Foundation Research Journal*, 2, pp. 187–224.
- Alekseev, R. (2012) Disciplinary liability of notaries working in private practice [Disciplinarnaja otvetstvennost' notariusov, zanimajushihhsja chastnoj praktikoj], *Notary*, 2, pp. 7–10.
- Andreeva, Y. (2007) The history of the development of Russian notariat [Istorija stanovlenija rossijskogo notariata], *Notary*, 6, pp. 19–22.
- Arruñada, B. (1996) The economics of notaries, *European Journal of Law and Economics*, 3(1), pp. 5–37.
- Asvaturova, M. (2014) The history of the emergence of notariat in Russia [Istorija voznikovenija notariata v Rossii], *Notary*, 5, pp. 40–44.
- Barry, D. & Berman, J. (1968) The Soviet legal profession, *Harvard Law Review*, 82, pp. 1–41.
- Begichev, A. (2018) *Notariat [Notariat]* (Moscow, Prospekt).
- Bėdowski, J., Wojciechowski, W. & Dąbroś, Ł. (2019) The impact on competition by deregulation of professions (reducing occupational licenses): the case of three professions in Poland from 1989 to 2018, in: K. Mathis & A. Tor (Eds) *New Developments in Competition Law and Economics* (Cham, Springer), pp. 69–90.
- Cappon, K. (2011) Dutch notaries: do they have a future? How the historical foundations of the civil law can help survive a modern crisis, *Journal of Civil Legal Studies*, 4, pp. 569–590.
- Delmas, C. (2019a) Les notaires, le genre d'une profession à patrimoine, *Travail, genre et sociétés*, 41(1), pp. 127–145.
- Delmas, C. (2019b) *Les Notaires en France* (Rennes, Presses Universitaires de Rennes).

- Delmas, C. (2023) The feminisation of the notary profession in France: End of a patriarchal bastion or sedimentation of a gender stratification?, *International Journal of the Legal Profession* (ahead of print). Available at: <https://www.tandfonline.com/doi/abs/10.1080/09695958.2023.2190898>, accessed 19 June 2023.
- Efremov, V. (2010) On the issue of historical stages of formation and development of the institute of notariat in Russia (a legal history aspect). Pre-revolutionary period [K voprosu ob istoricheskikh jetapah stanovlenija i razvitija instituta notariata v rossii (istoriko-pravovoj aspekt). Dorevoljucionnyj period], *Notary*, 4, pp. 36–40.
- Finder, S. (1989) Legal education in the Soviet Union, *Review of Socialist Law*, 15, pp. 197–219.
- Gadowska, K. (2020) Poland: opening the legal professions, in: R. Abel, et al. (Eds) *Lawyers in 21st-Century Societies. Vol. 1: National Reports* (Oxford, Hart Publishing), pp. 309–330.
- Gerasimenko, P. (2013) Interview (taken by E. Cherkasova), *Notary*, 6, pp. 2–7.
- Gorbuz, A., et al. (2010) *Transformation of the Russian Judiciary. An Attempt of Comprehensive Analysis [Transformacija Rossijskoj Sudebnoj Vlasti. Opyt Kompleksnogo Analiza]* (Moscow, Norma).
- Halliday, T. C. (1987) *Beyond Monopoly: Lawyers, State Crisis and Professional Empowerment* (Chicago, University of Chicago Press).
- Johnson, T. (1983) The state and the professions: peculiarities of the British, in: A. Giddens & G. Mackenzie (Eds) *Social Class and the Division of Labour* (Cambridge, Cambridge University Press), pp. 186–208.
- Kay, F. M. (2009) The first legal profession of New France in jeopardy or revival?: history and futures of the Québec notariat, *International Journal of the Legal Profession*, 16(1), pp. 87–118.
- Kober, J. (2020) Czech Republic. Legal profession looking for serenity and stability, in: R. Abel, et al. (Eds) *Lawyers in 21st-Century Societies. Vol. 1: National Reports* (Oxford, Hart Publishing), pp. 289–308.
- Korsik, K. (2012) The principle of statehood and some methods of speculation on it [Princip gosudarstvennosti i nekotorye metody spekuljicii jetim ponjatijem], *Notary*, 6, pp. 2–6.
- Kostyleva, N. (2012) Who should a notary be [Kem dolzhen byt' notariusy], *Notary*, 4, pp. 15–19.
- Kristaphorova, A. (2015) How to become a notary [Kak stat' notariusom], *Notary*, 7, pp. 44–48.
- Larson, M. S. (2013) *The Rise of Professionalism. Monopolies of Competence and Sheltered Markets* (New Brunswick, London, Transaction Publishers).
- Macdonald, K. (1995) *The Sociology of the Professions* (London, SAGE Publications).
- Malavet, P. (1996) Counsel for the situation: the Latin notary, a historical and comparative model, *Hastings International & Comparative Law Review*, 19, pp. 389–488.
- Mathieu-Fritz, A. & Quemin, A. (2009) French “officiers ministériels”: autonomy of the legal professions, protection of their market and an ambivalent relationship with the state, *International Journal of the Legal Profession*, 16(2–3), pp. 167–189.
- Mdivani, M., et al. (2008) *Professional Identity of Notaries in Modern Social Environment [Professional'noe Samosoznanie Notariusov v Sovremennoj Social'noj Srede]* (Moscow, Foundation for the Development of Legal Culture).
- Mizincev, E. (2012) On relationship of notarial and judicial activities [O sootnoshenii notarial'noj i sudebnoj dejatel'nosti], *Russian Judge*, 4, pp. 28–31.
- Moiseeva, E. & Bocharov, T. (2020) The professional portrait of Russian advocates: market challenges and boundary work, in: R. Abel, et al. (Eds) *Lawyers in 21st-Century Societies. Vol. 1: National Reports* (Oxford, Hart Publishing), pp. 331–352.

- Moskalenko, I. & Moskalenko, M. (2013) Interaction of notarial and judicial systems [Vzaimodejstvie notarial'noj i sudebnoj system], *Notary*, 1, pp. 8–10.
- Mrowczynski, R. (2016) Institutional professionalization of lawyers in state socialism and post-socialism: Poland and Russia compared, *International Journal of the Legal Profession*, 23(2), pp. 157–184.
- Noailly, J. & Nahuis, R. (2010) Entry and competition in the Dutch notary profession, *International Review of Law and Economics*, 30, pp. 178–185.
- Paquin, J. & Ferrand, M. (2021) Une profession en crise ou en transition? Enquête auprès des notaires de l'Outaouais, *Canadian Journal of Law and Society / Revue Canadienne Droit et Société*, 36(1), pp. 135–157.
- Romanovskaya, O. (2012) On discussion of the future of notariat [K diskussii o budushchem notariata], *Notary*, 5, pp. 40–44.
- Roy, A. (2004) Notariat et multidisciplinarité: reflet d'une crise d'identité professionnelle?, *La Revue du Notariat*, 106, pp. 1–43.
- Safonov, A. (2012) The future is ours [Budushchee za nami], *Notary*, 6, pp. 26–27.
- Sharafetdinov, N. (2012) There is no future for a bureaucratic model of notariat! [U bjurokraticheskoy modeli notariata net budushhego!], *Notary*, 6, pp. 6–26.
- Shaw, G. (2003) The German notariat and the European challenge, *International Journal of the Legal Profession*, 10(1), pp. 37–54.
- Shaw, G. (2006) Notaires in France – an unassailable profession. Or are they?, *International Journal of the Legal Profession*, 13, pp. 243–271.
- Shaw, G. (2009) Return to Europe – a double-edged sword for notaries? The case of Poland and Hungary, *Communist and Post-Communist Studies*, 42(3), pp. 395–422.
- Skripilev, E. (1998) The history of the Russian notariat: proto-notariat (the institution of pod'yachiye), the development prior to the reforms of Alexander II, and the notariat and judicial reform of 1864–1874 [Istorija rossijskogo notariata: pronotariat (institut pod'yachih), razvitie do reform Aleksandra II, notariat i sudebnaja reforma 1864–1874 godov], *Notarial Bulletin*, 9, pp. 5–6.
- Skurlatov, A. (2012) A liberal notariat has a future [U liberal'nogo notariata est' budushchee], *Notary*, 6, pp. 27–31.
- Smirnov, S. (2013) Interview (taken by A. Ovodov), *Notary*, 2, pp. 3–7.
- Smith, G. (1997) The struggle over the procuracy, in: P. H. Solomon Jr. (Eds) *Reforming Justice in Russia, 1864–1996: Power, Culture and the Limits of Legal Order* (Armonk, New York, ME Sharpe), pp. 348–373.
- Solomon, P. H. Jr. & Foglesong, T. S. (2000) The procuracy and the courts in Russia: a new relationship, *Eastern European Constitutional Review*, 9, pp. 105–108.
- Suleiman, E. N. (1987) *Private Power and Centralization in France: The Notaires and the State* (Princeton, NJ, Princeton University Press).
- Tavares, A. F. & Rodrigues, M. A. (2013) From civil servants to liberal professionals: an empirical analysis of the reform of Portuguese notaries, *International Review of Administrative Sciences*, 79(2), pp. 347–367.
- Terekhova, M. (2019) Any notarial act implies certain legal expertise' (an interview taken by A. Vereshchagin and V. Rumak), *Zakon*, 7, pp. 11–12.
- The Committee of Statistics of the RSFSR. (1990) *The National Economy of the RSFSR in 1989 (Statistical Yearbook)* [Narodnoje Khozyajstvo RSFSR v 1989 (Statisticheskij Ezhegodnik) (Moscow, The Republican Information and Publishing Centre).
- Thomas, W. I. & Thomas, D. (1928) *The Child in America* (Oxford, Knopf).
- Tikhenko, A. (2018a) All the efforts of notaries on the service of law [Vse usilija notariusov — na sluzhbu pravu], in: E. Borisova (Ed) *Russian Notariat: 25 Years of Service to the State*

- and Society [*Rossiiskij Notariat: 25 Let na Sluzhbe Gosudarstvu i Obshhestvu*] (Moscow, Yustitsinform), pp. 12–25.
- Tikhenko, A. (2018b) Inexplicable in terms of common sense process [Neobjasnimyj s tochki zrenija zdravogo smysla process], in: E. Borisova (Ed) *Russian Notariat: 25 Years of Service to the State and Society [Rossijskij Notariat: 25 Let na Sluzhbe Gosudarstvu i Obshhestvu]* (Moscow, Yustitsinform), pp. 26–29.
- van den Bergh, R. & Montangie, Y. (2006) Competition in professional services markets: are Latin notaries different?, *Journal of Competition Law and Economics*, 2(2), pp. 189–214.
- Vergasova, R. (2005) *Notariat in Russia [Notariat v Rossii]* (Moscow, Jurist).
- Vuković, D., Dabetić, V. & Forić, S. (2020) Serbia and Bosnia and Herzegovina: challenges of liberalisation and democratic consolidation, in: R. Abel, et al. (Eds) *Lawyers in 21st-Century Societies. Vol. 1: National Reports* (Oxford, Hart Publishing), pp. 331–352.
- Yarkov, V. (2017) *Notarial Law [Notarial'noje Pravo]* (Moscow, Statut).
- Yarkov, V. & Medvedev (Renz), I. (2012) Does the liberal notary model have a future? [Est' li u liberal'noj modeli notariata budushchee?], *Notarial Bulletin*, 10, pp. 35–39.

Electronic resources

- Autorité de la Concurrence. (2021) *Assessment and Prospects of Opening Up the French Notarial Profession to Competition in 2015*. Available at: <https://www.oecd.org/economy/reform/Reform-of-the-regulation-of-notaries-in-France-and-its-impact.pdf>, accessed 19 June 2023.
- Dement'eva, S., Bozhko, M. & Markhuliya, E. (2017) Rosfinmonitoring announced a new asset withdrawal scheme [Rosfinmonitoring soobshhil o novej sheme vyvoda aktivov], *RBC Daily*. Available at: <https://www.rbc.ru/finances/09/02/2017/589c98949a79479ebfbb3a71>, accessed 19 June 2023.
- Korsik, K. (2016) If the notary takes on more serious powers, he must be responsible for the results of his professional activities [Esli notariat beretsja za bolee ser'eznye polnomochija, on dolzhen otvechat' za rezul'taty svoej professional'noj dejatel'nosti] (an interview taken by A. Mikhailova), *Garant*. Available at: <https://www.garant.ru/interview/718128>, accessed 19 June 2023.
- Kvach, A. (2017) A notary who made a fictitious will for 300 mln roubles was convicted [Osuzhdena notarius, oformivshaja fiktivnoe zaveshhanie na 300 mln rub], *Legal Report*. Available at: <https://legal.report/osuzhdena-notarius-oformivshaya-fiktivnoe-zaveshhanie-na-300-mln-rub>, accessed 19 June 2023.
- Kvach, A. (2020) Ministry of Justice, with the help of senators, takes full control of notary fees [Minjust s pomoshh'ju senatorov берет pod polnyj kontrol' tariffy notariusov], *Legal Report*. Available at: <https://legal.report/minjust-s-pomoshhju-senatorov-beret-pod-polnyj-kontrol-tariffy-notariusov>, accessed 19 June 2023.
- Maleshin, D. (2018) The position of a notary will become more transparent [Dolzhnost' notariusa stanet prozrachnej], *Legal Report*. Available at: <https://legal.report/dolzhnost-notariusa-stanet-prozrachnej>, accessed 19 June 2023.
- Mashanov, G. (2018) Coincidences and notariat [Sovpadeniya i notariat], *Zakon.ru*. Available at: https://zakon.ru/blog/2018/5/14/sovpadeniya_i_notariat, accessed 19 June 2023.
- Mishina, E. (2013) Russia: 20 years of private notariat' institute of modern Russia, *Institute of Modern Russia*. Available at: <https://imrussia.org/en/issues/rule-of-law/440-russia-twenty-years-of-private-notaries>, accessed 19 June 2023.

- Prytkov, A. (2018) A Voronezh notary was fined 120,000 rouble for a fake power of attorney [Voronezhskij notarius za organizaciju lozhnoj doverennosti poluchil 120 tys. rublej shtrafa], *Kommersant*. Available at: <https://www.kommersant.ru/doc/3765962>, accessed 19 June 2023.
- Sazonova, M. (2012) The State will have such notariat as it wants [Kakim zahochet, takim notariat gosudarstvo imet' i budet], *Zakon.ru*. Available at: https://zakon.ru/discussion/2012/06/01/kakim_zaxochet_takim_notariat_gosudarstvo_imet_i_budet, accessed 19 June 2023.
- Vadimov, V. (2017) A notary convicted for leaving 300,000 shareholders without dividends [Osuzhdena notarius, ostavivshaja bez dividendov 300 000 akcionerov], *Legal Report*. Available at: <https://legal.report/osuzhdena-notarius-ostavivshaya-bez-dividendov-300-000-akcionerov>, accessed 19 June 2023.
- Zaytseva, T. (2022) Notariat is needed by everybody [Notarius – on nuzhen vsem] (an interview taken by A. Lekedomonskiy), *Sverdlovsk Regional Newspaper*. Available at: <https://www.oblgazeta.ru/society/134986>, accessed 19 June 2023.