

Soviet Lawyer Seldom Loses

By Holger Jensen

Associated Press

MOSCOW —The nearest counterpart to F. Lee Bailey in these parts is named Konstantin Nikolaiyevich Apraksin. He doesn't win all his cases, but as one of the nation's top criminal lawyers he is often able to squeeze the last ounce of mercy from a Soviet court.

A craggy-faced former artillery officer of 53 with graying temples, Apraksin boasts of saving "thousands of innocent clients" in a legal career spanning 24 years.

One man he didn't save was Col. Oleg Penkovsky, a military intelligence officer turned spy who furnished the West with the Soviet Union's innermost political and military secrets and a sensational personal journal known as the Penkovsky Papers.

Apraksin was Penkovsky's court-appointed attorney. The trial lasted four days and Penkovsky was executed by a firing squad in 1963.

"That case was hopeless from the start," says Apraksin. "He admitted his guilt. I've had nine clients sentenced to death, but Penkovsky was the only one actually shot. Appeals helped all the others."

Against Death Penalty

Apraksin believes the death penalty should be abolished in the Soviet Union. "Most lawyers do," he says "It is a humanitarian profession . . . I believe the firing squad will eventually be abolished. But at present we still have it, and there are no lengthy delay-



KONSTANTIN APRAKSIN
... top Soviet lawyer

ing tactics and appeal procedures like those in America."

A convicted Russian can appeal all the way to the Supreme Soviet, the nation's parliament, which takes its orders from the Communist Party. If that body gives thumbs down, "the firing squad is two weeks away," Apraksin says.

An agile legal brain, the right army background and correct Communist Party affiliations assured steady promotions for Apraksin, a 1940 law school graduate. Three years ago Apraksin was rewarded with the top legal honor, chairmanship of the presidium of the Collegium of Lawyers, ruling body of the collective or lawyers' trade union that oversees all members of the legal profession.

Apraksin draws a monthly salary of 300 rubles for his administrative duties and



OLEG PENKOVSKIY
... one case lost

makes an extra 100 rubles handling legal cases on the side. The ruble is worth \$1.11 at the official exchange rate; the average monthly wage here is about 100 rubles.

About 14,000 lawyers practice in the Soviet Union, with about 950 in Moscow. A law degree entails five years of university study. The new graduate must serve a six-month apprenticeship under a senior lawyer before he can apply to the presidium of the Lawyers' Collegium for acceptance as a practicing attorney.

Lawyers regulate their membership based on the amount of available work

2 Ways to Get Help

A citizen needing a lawyer has two alternatives. He can use what Apraksin calls the "old method" — ask around and get a friend to recommend a good lawyer. Or he

can go to consultation offices and get the collegium to assign an attorney.

The client pays the collegium for the lawyer's services — 20 rubles for the first two days, covering investigative work and a preliminary hearing, and seven rubles a day thereafter for each court appearance. A case of small-time hooliganism costs the defendant about 50 rubles. A big criminal trial averages 150 rubles, plus 70 if it goes to an appellate court.

The collegium turns 81 per cent of this fee over to the attorney and keeps the remaining 19 per cent for social security, administrative expenses, lawyers' traveling expenses, bonuses, and salaries for court-appointed attorneys.

A beginning lawyer makes 100 to 200 rubles a month, senior lawyers up to 400 rubles. The collegium is strict in cases of corruption and dishonesty. The disbarment proceeding is similar to those in the West.

Apraksin says a good criminal lawyer handles about 60 to 70 cases a year.

Declining Crime

"After the war there was a lot of work" he adds. "Crime always increases at times like that. But now it has gone down. Eight years ago the Moscow collective had 1,200 lawyers. Now there is only enough work for 950."

The Soviet Union likes to boast of a crimeless society, and its claims are hard to dispute since statistics are never published. But Apraksin's case files are filled with violence.