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Judges under corruption stress: Lessons from leaked files about corruption in Slovakia

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Abstract

In the paper, I explore the topic of judicial corruption as a source of judicial stress and the role judges and lawyers may play in it in Slovakia. The paper compares assumptions about judicial corruption, based on in-depth interviews with judges and lawyers (i. e. "how judges and lawyers believe the judicial corruption works"), and the leaks of communications of a prominent Slovak criminal with multiple judges and lawyers (i. e. "how the judicial corruption actually works" according to investigative journalism and published criminal investigations). The leaks led to multiple criminal investigations and convictions, providing credence to the leaks. I find that the nature of the judicial corruption was thus twofold; (i) low-stakes, relying on the social capital of judges, lawyers, and "fixers", and established through common socialization and interests; (ii) relying on cash payments facilitated by specific trust brokers – "fixers", including payments through virtual trusts or trusted secondary service providers. Fixers appeared to influence not only procedural and meritorious decisions on behalf of their "clients", but they were also acting in their own interest on self-initiated legal cases at certain familiar courts, thereby enriching themselves. The paper provides details of suspected corrupt practices, including the mechanisms of paying bribes.

Key words

Judicial corruption; justice; judiciary; legal ethics

Resumen

En el artículo, exploro el tema de la corrupción judicial como fuente de estrés judicial y el papel que jueces y abogados pueden desempeñar en ella en Eslovaquia. El documento compara las suposiciones sobre la corrupción judicial, basadas en entrevistas

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en profundidad con jueces y abogados (es decir, "cómo creen los jueces y abogados que funciona la corrupción judicial"), y las filtraciones de las comunicaciones de un destacado delincuente eslovaco con múltiples jueces y abogados (es decir, "cómo funciona realmente la corrupción judicial" según el periodismo de investigación y las investigaciones penales publicadas). Las filtraciones condujeron a múltiples investigaciones penales y condenas, lo que dio credibilidad a las filtraciones. Descubrí que la naturaleza de la corrupción judicial era, por tanto, doble: (i) de bajo riesgo, basada en el capital social de jueces, abogados y "amañadores", y establecida a través de la socialización y los intereses comunes; (ii) basada en pagos en efectivo facilitados por intermediarios de confianza específicos, los "amañadores", incluidos los pagos a través de fideicomisos virtuales o proveedores de servicios secundarios de confianza. Al parecer, los amañadores no sólo influían en las decisiones procesales y meritorias en nombre de sus "clientes", sino que también actuaban en su propio interés en casos judiciales iniciados por ellos mismos en determinados tribunales conocidos, enriqueciéndose así. El documento ofrece detalles de las presuntas prácticas corruptas, incluidos los mecanismos de pago de sobornos.

Palabras clave

Corrupción judicial; justicia; poder judicial; ética jurídica

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1. Introduction

The judiciary functions as the main safeguard of the rule of law. Yet in Slovakia, a peculiar process of the judiciary taking over itself has taken place in the recent past, built on strong institutional independence, but omitting accountability elements in its institutional setup (Moliterno *et al.* 2018). The Slovak judiciary has been for a long time one of the least trusted public institutions in the country (Focus 2015, European Commission 2021, p. 11). This has severe implications for the rule of law and democracy. Courts need public trust to maintain legitimacy over the long-term. They not only resolve disputes of parties, but they also build and sustain the general expectation that the law will be implemented, and elementary justice achieved (Bedner 2002).

The judiciary is organized around two critical and interlinked principles of independence and impartiality. Whereas independence is often understood more structurally, as the freedom not only to decide on cases independently, but also to act independently of any state power, impartiality is manifested at a more individual level, in relation to the respective parties of a dispute (Popova 2012). Impartiality presupposes a lack of any special relationship between any of the parties, and represents the very essence of a fair trial, a widely recognized fundamental human right, and one which is critically compromised by corruption.

To ascertain that corruption indeed hampers the impartiality and independence of judges in Slovakia and represents a specific type of distress for the judiciary, we had to rely for a long time on indirect indicators and anecdotal evidence, as there was little direct evidence of corrupt behavior of judges (judges and lawyers were seldom convicted on corruption charges). But where there's smoke, there's fire. Dozens of publicized cases and hearsay anecdotes indicate that some coordinated extra-legal action has been taking place both within, and in interaction with the judiciary, such as ex-parte communications, sub-par judges rendering surprisingly well-argued decisions in favor of unlikely winners, and lawyers developing a reputation as key-holders to favorable decisions.

Even the market recognizes a "degree of uncertainty", as lawyers often suggest using special legal instruments to secure transactions, elaborate contractual designs to strengthen the clients' position, or even advise clients to avoid regular courts by placing disputes in arbitration courts, preferably abroad. These represent increased transaction costs for doing business and are inaccessible to most of the population.

These stories do not provide evidence that there indeed is or was corruption within the judiciary. But they certainly indicate that some extra-legal influences have taken place there.

Much has changed since the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová in 2018, especially since several leaks from consequent criminal investigations and the private conversations of certain perpetrators have been publicized.[1] Overall, the public has learned about suspected corrupt practices tied to

[1] Most prominently, frequent conversations of the main suspect and organizer (Marián Kočner, later sentenced for several crimes) with several high-profile publicly active persons, including judges, lawyers, politicians, and bureaucrats, were leaked to the media and publicized. These private conversations took place through the encrypted communication mobile app Threema, although the suspect had created a copy

dozens of high-profile politicians and public servants, including over 30 judges, attorneys, and prosecutors, as well as several "fixers" working to secure favorable court decisions for themselves or their "clients". The revelations have included details of the exact amounts of money expected for certain decisions or actions, exertion of undue influence within the judiciary or prosecution, and even straightforward extortion by prosecutors.

The cases are alleged to have taken place roughly in the period 2010–2020, and most of these criminal investigations are ongoing, as several suspects appear to be cooperating and providing additional information to law enforcement agencies. Although the majority of cases have not yet been closed at the time of writing, the damage to public trust has been done. As of August 2023, over 40 individuals, including up to 10 judges, lawyers and prosecutors had been legally convicted, either by plea bargain or as a result of court sentence.[2]

Dozens of cases remain pending; some with stronger evidence, some with weaker evidence, especially against high-level politicians. Some of the evidence was made public, with the transcripts (and excerpts) from the Threema leaks becoming a particular feast for journalists and criminal investigators alike. Furthermore, numerous charged individuals, so-called "penitents", started to cooperate with the police in exchange for more favorable sentences (avoiding a prison sentence), thus providing further evidence and testimonies to the police. Concluded plea bargains include rather low sentences, with mostly conditional prison time and a financial penalty.

What remains to be seen is how the change of government from October 2023 will affect these investigations and cases, as Fico's 4th government has made it clear that they consider many of these charges to be a "police witch-hunt against [former] opposition" and they have been equating them with the infamous political trials of 1950s Czechoslovakia.

Thus, corruption, understood both in the wider and narrower sense, is a real and perceived problem in Slovakia. On top of the repercussions related to the lack of trust towards the justice system, judicial corruption leads to material injustice, since most rulings affect not only the distribution of property, but also the distribution of power, whether in the political sense or otherwise.

In this paper, I shall address judicial corruption as a policy problem related to judicial distress, with the objective of better understanding its workings, causes and the role of the parties involved in the judicial corruption (judges, attorneys, clients). I ask the following questions related to Slovakia: *How does judicial corruption work? What is the role and function of judges and lawyers in judicial corruption?*

I first present the results of the 2018 qualitative research, a series of interviews with attorneys and judges, in order to compare the findings with the revelations from the

which was accessed by the police and later admitted as evidence to the court. Moreover, there were numerous leaks from the criminal investigation files to the media, which were also publicized. Most of the leaks happened during 2019-2021. I jointly refer to these leaks as the *Threema leaks*.

[2] Current criminal charges and trials revolve around the following crimes: accepting bribes (sec. 328 of the Criminal Code); bribery (sec. 332); indirect corruption (sec. 336); obstruction of justice (sec. 344); interference with the independence of the courts (sec. 342); abuse of the powers of a public official (sec. 326).

Threema and investigation leaks. The 2018 research indicates that although numerous instances of judicial corruption could be explained through the mere financial motivation of perpetrators, and the direct exchange of material values, much of the judicial corruption in Slovakia could be explained by Bourdieu's concept of social capital (Bourdieu 1986). A case of 'telephone justice' could be assumed to have taken place in Slovakia, although in its specific forms. I assumed wider connections within the judiciary and with strong trust brokers, such as lawyers, politicians, or businessmen, although the brokers are not restricted to other branches of government (Ledeneva 2008).

We can hypothesize that lawyers play a role of gatekeepers and trust brokers between clients and judges. Clients (parties) may find it difficult to address judges directly should they seek special treatment or a favorable judgment, especially if they are laymen. On the other hand, lawyers in Slovakia regularly maintain ties and personal relationships with judges (social capital). They are also protected by attorney-client privilege, which makes them less of a target for police investigation. In fact, more than one third of EU lawyers surveyed considered corruption to be an issue in their legal profession and jurisdiction (IBA *et al.* 2010).

From the Threema leaks we learn a rather different story. Some of the corruption is indeed alleged to have taken place as an exchange of favors, but most of leaked publicized cases involved the direct or indirect exchange of money, often in cash. Other types of undue benefits and corrupt practices were involved too, confirming some findings from the 2018 research, such as the use of "fixers" (brokers).[3] The comparison of the 2018 findings with the Threema leaks may thus yield relevant results.

The paper is divided into an introduction, five sections and a conclusion. The first section provides a theoretical framework of judicial corruption. The second section offers a context and overview of the corruption in Slovakia, while the third briefly summarizes the methods used. The fourth section consists of content analysis of the interviews, and the fifth includes the findings from the Threema leaks and discussion. I conclude with final remarks.

2. Theoretical framework of judicial corruption

This section defines judicial corruption, its elements, key actors, contributing factors and prospective remedies. The section concludes with a theory that is tested taking into consideration the interviews conducted.

2.1. Definitions and causes

In its Global Corruption Barometer 2007, TI defines corruption as "the abuse of entrusted power for private gain", which includes both financial or material gain and non-material gain. Judicial corruption therefore involves any inappropriate influence on the impartiality of the judicial process by any actor, including clients, attorneys, judges, politicians, or other actors, within the court system (Transparency International 2007).

[3] Judicial corruption is defined as the misuse of judicial power for private gains (Beers 2012). Such a definition is inconsistent with the legal understanding of corruption in quid pro quo terms (which is relevant to the criminal investigations related to the Threema leaks).

The influence may consist not only of clear-cut bribery, fabrication of rulings in exchange for money, blackmail, extortion, intimidation, the abuse of court procedures or straightforward government influence in extreme cases, but also of subtler acts, such as providing seemingly innocent favors (Pepys 2007, Henderson 2007). Judicial corruption includes cases of petty corruption, which erodes trust and hampers justice for ordinary people, structural hijacking of the system, and serious undue political influence, which has the capacity to leave ordinary people without effective recourse to justice (Gloppen 2014).

A corruption-free judiciary seems to be based on a clear understanding of the proper roles and duties of respective actors (judges, lawyers), a general appreciation of a functioning judiciary, and repercussions for violations of the rules of the game. Conversely, unclear boundaries between the public and private spheres of actors, and a lack of proper legal and ethical education represent opposing tendencies (Bedner 2002, p. 17).

There are many factors contributing to judicial corruption, such as a concentration of power in the court structure, undue influence from other branches of the government, social and cultural factors, low awareness of ethics, or low salaries (Buscaglia and Dakolias 1999, Pepys 2007). Some suggest that a US-style justice career system with senior attorneys and prosecutors becoming judges may yield more independent judges (Rose-Ackerman 2007). Moreover, judges may occasionally feel threatened or intimidated by wealthy defendants or powerful people if they feel that they cannot rely on a strong judiciary overall, which may lead to their self-censorship (*Ibid*.).

Yet an overly strong and unaccountable judiciary may also be problematic. Mayne argues that international documents follow a typical pattern of strengthening formal judicial independence by insulating the judiciary, whereas the problem often lies in the weakness and mafia-like structures established within the judiciary, which in effect decreases the individual judge's independence (Mayne 2007, Hammergren 2007).

In fact, accountability and high integrity are critical elements of a non-corrupt judiciary (Rose-Ackerman 2007, p. 24). Institutional independence must be understood as being instrumental to the independence of individual judges in deciding on cases free from any influence, whether coming from within or without the court structure (Shetreet 2011, Popova 2012). Therefore, any healthy judiciary system requires proper accountability mechanisms that would prevent powerful judges or other judiciary figures or groups from hijacking the branch under the appearance of independence.

Furthermore, it makes sense to analytically divide judicial corruption into internal court corruption and justice-sector corruption (Buscaglia 2007), or into similar concepts of administrative and operational judicial corruption (Ríos-Figueroa 2006). Internal (administrative) court corruption involves court officials and staff manipulating with procedural, substantive and/or administrative patterns for private benefit. Such behavior may involve changes to the hearing schedules, altering judges' work, altering evidence, abusing discretionary power, or even frivolous motions and procedural delays. The second type, justice-sector (operational) corruption, involves interactions with other legal professions, including eventually the clients, and may include altering the merits of the decision.

Any proposed interventions must take into consideration the specific legal culture too. Legal culture, understood as "legally oriented behavior that derives from shared attitudes, social expectations and established ways of thinking" (Kurkchiyan 2007), influences corruption patterns, its tolerance by society, and the role of social and family relationships in the overall loyalty structure of actors in the judiciary.

2.2. Consequences of judicial corruption

Judicial corruption has the capacity to seriously damage the rule of law. The problem lies not only in real, proven judicial corruption; the judiciary must also appear to be corruption free. Judicial corruption undermines the courts' credibility in resolving disputes and other cases impartially, "harming all of the core judicial functions, such as dispute resolution, law enforcement, protection of property rights and contract enforcement" (Gloppen 2014, p. 68).

As a result, public goods and services get degraded, and private resources diverted (Beers 2012). Moreover, such a malfunctioning system would undermine the legitimacy of the democratic system, and have citizens believe that the accountability function of the judiciary towards other branches of the government is severely reduced, thus endangering citizens' rights or the integrity of the political system (Beers 2012, Gloppen 2014). Furthermore, a corrupt judiciary reduces the likelihood of a successful fight against corruption in other fields of public and private life.

2.3. Theory

I am assuming that there are two conceptually different types of corruption in relation to, and within the judiciary (Ríos-Figueroa 2006, Buscaglia 2007). Firstly, administrative corruption (internal corruption) not only influencing procedures, structures, hierarchies, and dependencies within the judiciary through power, nepotism, patronage, and clientelism, but also unintentionally through socialization to predominant informal norms of the judicial branch. Under this type of corruption, judges who may be in positions of power, and also judges-peers, intentionally or otherwise prepare the ground for undue interference through corrupt, although sometimes not necessarily illegal practices. It diminishes the individual independence of judges, often by changing their incentives and cultural attitudes towards acceptable interference.

Secondly, operational corruption (justice-sector corruption) occurs in relation to outsiders, i.e., actual parties of the litigation, who may seek certain benefits, such as more favorable decisions, changes to their procedural status or speedy hearings. This operational corruption requires interaction between mutually trusting members of the judiciary and representatives of parties. Such a trust may be established through the social capital of actors and must be sustained over time. Without the first type of corruption, the second would work to a lesser degree.

There are two important challenges to corruption in the judiciary; well-established standards of random case assignment, and the fact that each litigious or criminal process typically goes through at least two cycles. Random case assignment has precisely the purpose of limiting corrupt practices or conflicts of interest, although I suggest that some judges, though not directly corruptible by a party, may be susceptible to doing favors for their (party-connected) peers.

Using the structure outlined by Kopecky *et al.* (2012) to describe corrupt acts (taken from Rothstein and Varraich [2017, p. 86]), judicial corruption typically targets a specific public good (state resource), meritorious decision (i.e. adjudication of case), or procedural decision (i.e. delays in decision making, obfuscation of justice etc.). The goals of patrons include material resources, influence, power, and 'I owe yous' (IOUs), all of which are at the same time useful as currencies of exchange (bribes, social influence, power). In administrative corruption, judges may also provide various administrative, hierarchical, or other undue professional benefits for their peers.

Bourdieu's (1986) theory of the forms of capital could explain a great deal of judicial corruption, i.e., primarily the networks of trust, based on social capital, that allow corruption to flourish. Such relationships may be institutional or symbolic and can be purposefully built and sustained. The volume of social capital is established by the size and relevance of the connections of an agent. Groups produce profits for their members based on the members' solidarity. Such formal or informal groups may be established around professions and education, the status of alumni of certain universities or faculties, interests of members, or geographical origins and ties. Group members develop a sense of mutual trust over time and eventually start to provide each other with favors, leading to an ongoing chain of mutual obligations and IOUs. These obligations are manifestations of informal governance systems, based on implicit, unwritten understandings (Derick and Arthur 2002).

As a result, lawyers may easily serve as gatekeepers and trust brokers between parties and judges who capitalize on their social capital, i.e., obligations, such as networks connections, and family ties, which are convertible to economic capital under certain conditions (*Ibid*.).

3. The context of the judiciary in Slovakia

It is often difficult to discuss corruption in the context of Slovakia, as there appear to be two completely opposing views. Most Slovak governments have tended to understate the problem, referring to official statistics of prosecuted and convicted cases of corruption, while relying on rather strict definitions of corruption-related crimes from the Criminal Code, which are difficult to prove.[4] Historically, this narrow understanding

[4] To be a bit more nuanced here, governments led by prime minister Robert Fico (2006-2010, 2012-2016, 2016-2018, 2023-) have typically downplayed corruption. The government of Iveta Radičová (2010-2012) and the governments of Igor Matovič (2020-21) and Eduard Heger (2021-2023) considered corruption to be a serious problem. These governments introduced reforms to the justice system. Some reforms were also introduced by Fico's 2016-2018 government and Pellegrini's 2018-2020 government, partly driven by the upheaval caused by the Kuciaks' assassination in February 2018. The post-Kuciak governments of Igor Matovič and later Eduard Heger (both from the same movement OĽANO, currently called movement Slovakia) ran on strong anti-corruption platforms. However, the internal cohesion of Matovič's coalition was rather weak, which led to early elections in 2023, bringing Robert Fico back to power to form his 4th government. Fico's 2023 government appears to be acting in opposition to the previous government, and some of its key representatives, including Fico himself, some members of his Smer-SSD party, his junior coalition partner, Pellegrini's Hlas-SD, as well as their political and business allies, have been subjects of multiple on-going investigations. Some of the steps that are happening as I write this paper include most prominently: (i) an attempt to close the special prosecution dealing with some of the most serious crimes (including criminal charges of corruption against Fico and his allies) and transfer its files under the general prosecution; and (ii) an attempt to amend the criminal code to significantly decrease sentences for economic crimes, including corruption, as well as shorten the statutes of limitations for various mostly economic offenses (in some cases

of corruption was reinforced by the official statistics, which showed that almost no one had been convicted of "grand corruption" in Slovakia prior to 2020. In fact, the 2018 Transparency International Slovakia (TIS) study shows that prosecution of corruption in Slovakia had mainly targeted ordinary citizens for very low bribes (Spáč *et al.* 2018, p. 29).

Contrary to the public opinion, which attributes the unsatisfactory tackling of corruption to courts (Focus 2017), Spáč *et al.* indicate that the reasons for the lack of grand corruption cases are more likely to rest with the prosecution, as the courts deal with only ¼ of prosecuted corruption cases in Slovakia (2018, p. 29). Moreover, much of the grand corruption is not even prosecutable as corruption due to legal reasons; the public perceives corruption differently, certainly in a wider sense than is the legal definition of corruption in Slovakia.

However, media and NGOs paint a picture of a widely corrupt country captured by powerful oligarchs' interests, so powerful that the entire law enforcement and justice system has been for a long time subject to them in the manner of a state capture and has therefore produced unreliable results. It is assumed that corrupt networks have been so extensive that many influential people have stakes in maintaining the status quo. This picture also relies on an understanding of corruption in a broader sense, as a misuse of public authority for certain private gains, including not only criminally prosecutable offenses, but also nepotism, favoritism, clientelism and patronage, sometimes falling outside of the criminal law.

The public seems to agree with the view of the media and NGOs. Not only is the Slovak population among the most tolerant towards corruption within the EU, but there exists also a perception of high corruption within the court structures and public prosecution (European Commission 2022d, pp. 15, 23).

A similar pattern can be observed in the perceived level of independence; the Slovak courts are considered the third least independent from among the courts and judges of EU members states by the public (European Commission 2022c, p. 40). The public states as main reasons for the perceived lack of independence not only interference or pressure from government and politicians, but also from economic and other specific interests.

As a result of these two conflicting visions provided by the government and the media and NGOs respectively, public trust towards public institutions deteriorates, which is most visible when it comes to courts and the judiciary. Yet, public trust towards an independent and impartial judiciary is a prerequisite for the rule of law and a functioning democratic establishment (Shetreet 2011).

For better or worse, the Slovak judiciary has never undergone any major purposeful change of personnel, therefore most of the current judges have been socialized within the system, in continuity with structures predating 1989 (Bobek 2008). There has been continuity in the methods and practices of legal reasoning and the general application of law by courts and lawyers in the whole Central European post-communist region

from 20 to 3 years). These changes were introduced through an abridged legislative procedure, thereby significantly limiting public discussion, which contributed to large scale on-going public protests organized by the opposition. Adopting these legislative changes would most certainly also influence a number of alleged crimes discussed in this paper.

(Kühn 2011, p. xv). Under the previous regime, corruption in the wider sense, a lack of independence and the subsequent practice of self-censorship from judges were common (Ulč 1972, Kmeť 2011, Kühn 2011).[5]

In response to the EU pre-accession talks, and EU membership conditions related to rule of law checks and balances, and in fear of executive abuse, Slovakia adopted strong institutional independence of the judiciary in the early 2000s (Moliterno *et al.* 2018). Subsequently in the mid-2000s, the judiciary became both extremely powerful and abusive, and closed itself off from external input and review. The selection procedures became widely manipulated in favor of relatives of powerful figures in the judiciary. Also, case assignment was said to be seriously compromised, in that it ensured that cases were assigned to specific judges (Bojarski and Köster 2011).

This situation reached its nadir in the late 2000s, when a fear of harassment took over the judiciary, significantly restraining the internal independence of the judges. Judges who would not cooperate, or openly opposed the key judiciary figures of the time were subjected to arbitrary disciplinary motions, often stripped of salaries, relocated, or shamed. Moreover, the power of the judiciary was leveraged by judges and politicians who successfully and often inconsistently sued journalists for libel. This atmosphere led to the self-regulation of judges, who started to rule on cases according to the expectations of powerful actors, or in the powerful actors' favor, even though the judges may not have been directly influenced.

The judiciary became so reluctant to change that numerous reasonable proposals directed at it were treated as attacks on the independence of the branch. The judiciary's independence had become unchecked, even up to a point where it became a democracy and rule of law problem (Bojarski and Köster 2011). Only after tremendous civil society pressure, pressure from activist judges and a subsequent partial political awakening, did the judiciary undergo changes to correct this state at policy level, driven especially by the ministry of justice (2010–2012, 2016–2018).

The legislative changes undertaken were not sufficient; reforms continued after 2020 with the new coalition and the government, which had run on an anti-corruption platform, and included the establishment of a new administrative court structure, as well as changes to the constitutional framework of the judiciary and the authority of the Judicial Council, the constitutional body of judicial legitimacy.

Despite the changes that have taken place within the judiciary, its performance remains unsatisfactory, although it is improving (European Commission 2022a, p. 44). In a low performing judiciary, it is often difficult to distinguish poor quality decision making from corruption-driven decision making, therefore a constant push towards its improved performance should make corrupt decisions more evident. Moreover, concerns over the factual independence of the judiciary persist, leading Slovakia to adopt a major judicial reform as part of the national Recovery and Resilience Plan (European Commission 2022b).

[5] For more elaborate takes on communist judiciary and its implications for the current state of affairs in Central European post-communist democracies see also Kühn (2005).

4. Methods

Interviews with lawyers and judges form the basis of my original research from 2018. I chose the qualitative method of low-volume, in-depth, in-person interviews for its usefulness in understanding motivations, structures and methods known to respondents, which may not be easy to identify or reveal from hard data. Its objective was to identify and explore patterns, explanations, and practices of judicial corruption from the perspective of senior lawyers and judges who may have hands-on experience and understand market practices.

I interviewed 13 experienced lawyers (9 attorneys, 4 judges), all reputable persons with a high degree of reliability, exposure to market practices, and understanding of the problems of the judiciary. The recorded interviews were transcribed and later coded for content analysis; this paper contains a summary of the findings.[6] Next, I present core practices from the Threema leak, and compare these findings with the findings from the 2018 research.

The narrative, included in section 4, is composed of answers of respondents, especially the recurring themes and ideas. Some of this is anecdotal and hearsay evidence, but I maintain its relevance. The answers were clustered into the following topics: (i) trust in the judiciary; (ii) professional challenges; (iii) existence of corruption; (iv) contributing factors; (v) mechanism of corruption, including role of attorneys and role of judges; (vi) consequences and implications; (vii) proposals.

This overview of findings from the Threema leaks, found in section 5, is based on newspaper (investigative) articles, publicized Threema leaks and leaks from criminal investigation files from between 2019–2023. All the newspaper articles used for this overview were published in reputable Slovak newspapers (SME, Denník N, Aktuality.sk, Pravda).

The Threema conversations of Marián Kočner and various high-level public servants, lawyers (including judges), and politicians have been formally admitted as evidence by the Specialized Criminal Court (Tódová 2020). Consequently, there is no reason to dispute the credibility of the information included, although it is necessary to differentiate between personal opinions and assumptions, and statements of fact. The credibility of the leaked information is under investigation in criminal cases; the leaks from criminal investigations represent the working assumptions of the police and prosecution, therefore their credibility has not been validated by the courts in all instances. Nonetheless, we can distill some ideas of the workings of judicial corruption from the leaks, which provide insider knowledge either of how judicial corruption works or is thought to work based on the insiders' beliefs (though they may not necessarily be sufficiently truthful, substantial, or precise for the criminal trials).

[6] For the full overview of methodology, questionnaire, and full version of the overview of findings see my original thesis, available at: https://www.academia.edu/39937364/Judicial_Corruption_in_Slovakia_Causes_Lawyers_and_Remedies_Thesis.

5. Findings from interviews

5.1. Trust in the judiciary

All the respondents, including the judges, agree that huge mistrust towards the judiciary is a serious problem as it diminishes the legitimacy of the judiciary and thereby threatens the functioning of the state. Lawyers often claim that legal certainty and predictability of decision making on certain types of cases, or cases with certain types of litigants, are significantly reduced, which further impairs trust. Skepticism towards courts is so great that some clients of respondents, and respondents themselves, are discouraged from going to court, which in turn represents a problem for justice. It is also a bad signal to (foreign) investors who often consider legal certainty and predictability of regulation as key factors. Judgments are sometimes based on strict formalism and not on merit, which replaces substantial justice with formal errors. Judgments and reasoning are sometimes written poorly, leaving a suspicion of incompetence or partial influence.

This mistrust is understood as being a precondition and a reason for corruption in the judiciary, which is taken as given. According to respondents, some people therefore justify their corrupt practices by perceiving that corruption is present anyway. But if such information becomes public, it negatively influences trust even further. The appearance of independence and a corruption-free environment are critical for maintaining trust. Lack of accountability is also recognized as one of the leading factors in the mistrust. Judges also point out the fact that to some extent the nature of the litigation and the complexity of the justice system are to blame for the lack of trust.

5.2. Professional challenges - Lawyers

Responding lawyers mention backlogs, inefficiency, slowness, and the lengthy delays of procedures as some of the main challenges they face. Parties arrive unprepared for trials, which prolongs the procedures even more. This is sometimes deliberate. Furthermore, many lawyers cite the incompetence of some judges as critical; in some instances, in relation to corruption, lawyers stress that certain decisions can be unpredictable to such an extent that the only way they can explain them is either by corruption or the incompetence of the judges. It is also difficult to explain this to their clients, which leads to client frustration. Judges who entered the profession during the most difficult times of the Slovak judiciary (2006–2010) are seen as problematic figures due to their decision making and supposed influence over some other judges. A few respondents mention that judges are expected to show loyalty towards their colleagues, which leads to the self-regulation of certain judges in the sense that they tolerate the infractions of their peers and adjust their behavior accordingly.

5.3. Professional challenges – Judges

Judges recognize working conditions (not necessarily salary, but physical conditions, such as the quality of offices), poor remuneration and resulting huge fluctuation of administrative staff as the main challenges they face. A substantial workload is understood as being a part of the job, although the absence of well-remunerated and qualified administrative and professional staff is a hindrance. Judges are thought to become members of the profession too early, when they are still inexperienced and

therefore vulnerable to manipulation, not only by their more senior peers but also by senior lawyers representing parties. Both judges and lawyers claim that they lack the skills to write concise and substantial reasoning, relying more on formalistic and procedural aspects of the law, which creates problems for the 2nd instance courts and the overall perception of justice. This formalistic approach to law is generally seen as a problem for the whole profession, often in relation to the insufficient precedent setting work of the Supreme Court and underdeveloped legal science.

5.4. Existence of corruption

The respondents agree on the existence of corruption within the judiciary, although only a few of them had direct experience with judicial corruption. Much of the acknowledgment of corruption is based on credible hearsay evidence and indirect evidence. In the words of one respondent, "[Corruption] is like Mrs. Columbo; everyone talks about her, and no one has seen her." Still, the responding lawyers and judges agree that some decisions they encountered in their professional careers were so "surprisingly bad" that they could only be explained by corruption. However, this concerns only a small proportion of cases; it could be said that corruption is not as widespread as it is thought to be, but it certainly is as damaging.

Occasionally, lawyers admit that some clients ask them whether they can approach judges outside of the regular process, but these incidents tend to be rare, as once the lawyers develop a reputation for refusing such services, certain types of clients do not approach them anymore. It is firmly established by respondents that once lawyers and judges develop this reputation for being non-corruptible, they can continue practicing without being involved in corruption.

In fact, the reputation of lawyers is a key factor, as there appear to be law firms and lawyers who are recognized and appreciated by the market for illicit semi-legal services and for their special relationship with judges or other court officials. These lawyers ("litigation managers") are known to other market participants and sought after by certain types of clients requiring special treatment by the court. Non-participating lawyers feel that there is no level playing field and they are disadvantaged for their honesty. Similarly, judges who were approached by their peers early in their careers to "help out" with a certain case were never approached again once they refused, indicating the existence of reputation building.

Corrupt or undue influence often has a less straightforward manifestation, such as asking for earlier terms of hearings or subtle procedural advantages, without actually pushing for a favorable meritorious decision. But these nudges, which may even lack any directly connected benefit (bribe) for the corrupted, interfere with the individual judge's independence. Such soft corruption, dependent on good relations, is recognized as more commonly taking place among regional lawyers.

A few lawyers mention that problems of judicial corruption also occur in relation to prosecution, especially in criminal proceedings, where offenders are in a difficult position and can eventually get extorted.

5.5. Contributing factors

Respondents often mention the lack of an ethical and moral core in legal professions as one of the leading contributing factors in corruption, or more specifically "the insufficient moral character of power holders". This is related to education standards, as legal ethics has been very much marginalized both at university and in professional education. The lack of accountability even in smaller infractions is another problem as their tolerance leads to the deterioration of trust. This tolerance is understood as a manifestation of a wrongly understood concept of judicial independence and false loyalty to peers and colleagues, rather than to the justice system as such, or its users.

Social ties, peer structures and loyalties are considered very strong in Slovakia, and often overrides loyalty to the law and the public interest; there is a clash of values – relationships v. principles. This clash is further exacerbated by the fact that dozens of judges were admitted into the judiciary through non-transparent, substandard selection procedures, prone to nepotism and favoritism with clear winners, which created loyalties between these judges and their "selectors". Moreover, as a couple of respondents highlight, the judicial system, especially between 2008–2012, was "set up in such a way as to remove disloyal judges through disciplinary mechanisms." Some go as far as saying that neither the Slovak judiciary nor the legal professions have been cleared out of corrupt communist influence.

The fact that Slovakia is a small country and people get to know each other naturally in their professional lives is an often-repeated factor as well. Some respondents mention specific issues, such as weak recognition of whistle-blowers' benefit to society, and the protection rules required to empower them. The low appeal of the profession of judge for professionally experienced lawyers is also problematic, as such judges might be less susceptible to corruption, being perhaps well-off from their previous careers. Presidents of the courts are thought to hold too much power over regular judges through disciplinary proposals or working schedules.

Lawyers overall agree that the bar lacks a moral core guiding its actions. It is perceived as being very passive on the topics of legal ethics education and would be advised to do far more; practical skills can be learnt, and can be regulated easily by the market, but morals of the profession must be built up and maintained by the bar and universities. All the responding lawyers mention the Mešencová case as a key factor contributing to corruption within the legal profession, as it sends the wrong signals to the legal profession.[7] Respondents are of the opinion that the bar should defend well-intended lawyers against corruption based on "false loyalty towards a corrupting lawyer." On the other hand, several respondents agree that the bar cannot do much to directly address corruption as there is little evidence to support stronger action.

Similarly, a couple of respondents see the Judicial Council as failing to properly understand judicial ethics and moral integrity, although others see that some changes are taking place within the judiciary.

[7] The case of attorney Mešencová shows that courts and the bar interpret the law in such a way that attorneys are prohibited from acting as agents of the police due to the risks of violating attorney-client privilege.

5.6. Mechanisms of corruption, including the roles of attorneys and judges

Respondents believe that judicial corruption would not work (at the present volume) were there not lawyers willing to facilitate it. It appears that there are lawyers who are known by the market to be able to provide special access to courts (litigation managers, brokers, fixers, and enablers) and who are typically approached by clients who seek this kind of corrupt access. Respondents believe that the initiative comes from clients who must first acquire the information about who the litigation managers are, and later approach them. This information is not difficult to access on the market. Establishing trust between the litigation manager and the client is straightforward due to the legal protection of attorney client privilege. These lawyers have established relationships and ties to courts, judges, and key intermediaries, and through these relationships they may engage in corrupt practice. These relationships take time to develop, often originate at universities, joint practice, or are interest-based, and are often systematically built and sustained by litigation managers.

Corrupt practice can include the altering of a meritorious decision, introduction of argumentative flaws to the benefit of the corrupting party, procedural steps, altering of the work schedule of judges, and even errors or the straightforward provision of a written decision and reasoning. The fact that such provision of drafted decisions is at the very least an occasional corrupt practice is confirmed not only by the first-person experience of some respondents who were witnesses to such practice, but also indirectly by reviewing the decision making of judges, who have their own style of writing, citation, referencing, abbreviating and even knowledge capacities, and who may sporadically render a decision strikingly inconsistent with that style or capacity.

Corruption does not necessarily involve a material bribe exchanged in direct relationship to a specific corrupt act, although some mutually beneficial exchange, either materially or non-materially, usually takes place. Direct monetary exchanges are thought to have been rather common in the past but are less so now due to problems with the legalization and usefulness of such income due to limits on cash payments. It is assumed that more sophisticated methods of exchange are taking place, such as the free or discounted provision of useful services or products to judges, or even using the seemingly legal subcontracting of services of a person affiliated, often through a supply chain, to the corrupted person (family business, consultancy company). Respondents mention that previously some judges may have become "socially indebted" as a result of their selection process, which may have been influenced by nepotism or favoritism. One respondent mentions a practice of some lawyers who provide small gifts or favors to judges from time to time without asking anything specific in return at the time of provision, an act which may lead to a sense of indebtedness or gratitude.

5.7. Consequences and implications

Besides having a well-documented and recognized effect on trust towards the judiciary, a negative effect on businesses and investors, and creating a lack of predictability and legal certainty, corruption also practically influences the provision of legal services. For instance, lawyers inform their clients about the unpredictability of court procedures and outcomes (which is however only partially related to corruption), often discouraging

them from going to court, which may compromise their negotiating position and lead to material losses if they have inaccessible claims.

Also, corruption in the judiciary increases transaction costs due to a number of factors, even if we do not count the bribes: (1) contract design accounts for low access to justice as it is more elaborate and includes stricter clauses for securing clients' position (huge penalties, securities), even though this is not practicable for regular clients; (2) proposition of arbitration clauses within larger contracts (routine for international clients), with arbitration courts preferably in other jurisdictions, driving up transaction costs; (3) lawyers do not take guarantees for some less-established legal opinions and provide numerous disclaimers, especially when litigation is the prospective outcome of the opinion. This may also influence guarantees and warranties law firms provide, and the related insurance of legal services, as the risk is not a legal risk per se, but a litigation-specific or counter-party related risk; (4) law firms undertake due diligence regarding counterparties and their lawyers and/or judges (taking rumor into account), to assess the corruption risk at trials or other proceedings.

5.8. Recommendations

The proposals mentioned by interviewees varied, from abstract proposals to inspire political will and values of meritocracy, or a change of the culture, through to the semi-abstract, such as strengthening the ethical standards of all legal professions, and on to concrete proposals, which I outline here in greater detail. Among soft interventions, respondents mention the strengthening of legal ethics education at universities, the bar, and courts, and also more stringent disciplining of judges and lawyers, especially for their ethically problematic relationships and meetings. This includes targeting the pervasive undue gifts and favors culture, which is thought to be the start of the network of corruption by respondents. Similarly, responsibility for arbitrary decisions must be enforced. Transparency of wrong and arbitrary decisions must be strong. In this sense, the Supreme Court should strengthen its role of setting the case-law.

Young judges should be empowered by providing them with more time to prepare; they need to have more experience and personal development to be less dependent on colleagues or even lawyers, according to some respondents. Selection procedures and criteria must emphasize and prioritize ethics over skills. Salaries of judges could be regionally adjusted to better reflect living costs and thereby decrease the material pressure on judges in larger cities. Salaries of administrative staff should be increased to limit their turnover and thus remove some of the judges' burden. Asset declarations should be more rigorously reviewed by the Judicial Council, including follow up investigations, if judges are not able to explain their living standards. Court chairs should be limited in their number of terms.

Structural proposals include the diversion of some types of case to outside the court structure, for instance through alternative dispute resolution systems. Smaller courts are not advised as efficiency can be achieved at scale and local ties may be broken by merging smaller courts.

6. Findings from the Threema leaks and discussion

What follows is a brief overview of findings from the Threema leaks related to judicial corruption. I summarize key takeaways related mainly to the nature of judicial corruption: mechanisms of corruption, including a typology of bribes; objectives of judicial corruption; categorization of respective crimes; and various other features of corrupt practice. I then go on to compare them with findings from the interviews.

Based on the leaks, the nature of judicial corruption in Slovakia appears to be quite blunt, unsophisticated, and reliant on monetary transactions involving rather large sums of cash. Threema indicates that the typical corrupt pattern involves high-profile people using their contacts and relationships with judges or, primarily, trustworthy intermediaries or fixers to secure favorable decisions in exchange for monetary bribes. Bribes were thought to be rather large, numbering tens of thousands of euros, even over a hundred thousand euros in specific cases.[8] Favors-based corrupt practice appears to be only occasional, according to the leaks, in slight contrast with the assumptions of interviewees that judicial corruption is based mostly on the exchange of favors.

Bribes were mostly represented by cash transfers, given in person by fixers. In the past, there were thought to be instances of using bank transfers and direct cash deposits to the bank accounts of bribed judges, which is rather surprising considering the presence of anti-money laundering legislation (AML legislation). This may indicate either lack of knowledge of this legislation, undue influence over the financial police turning a blind eye or even a feeling of untouchability. Quid-pro-quo cash payments are somewhat surprising as they are the most open to prosecution (if they can be proved in a court of law).

There were also thought to be cases of judges on retainers, accepting regular (smaller) bribes or gifts which were not necessarily related to a specific case, making prosecution for judicial corruption rather more difficult. This more sophisticated corrupt practice, although clearly in contradiction with professional rules of conduct, was not historically a criminal act. Therefore, this practice of "feeding" judges led to the introduction of a new crime within the Criminal Code (Sec. 336c-336d of the Criminal Code: the accepting or granting of an unwarranted advantage). The leaks also mentioned a peculiar instance of a "Christmas bonus" bribe, deepening the bonds between the fixer-corrupter and the judge-corruptee through unpredicted gift-giving.

Another type of bribe featured in the leaks is a trust-like structure established and provided by the fixer to the benefit of individual judges or their family members. These "trusts" were supposed to work as "pre-paid" virtual accounts funded and run by fixers, and topped up to the total amount of specific bribes, which were not provided in cash in one payment but were drip fed upon the request of the corruptee, either in smaller cash amounts, the procurement of a certain service to the benefit of the corruptee, or in the form of discounts secured with third parties. These virtual "trusts" require a high degree of trust between the corruptor and corruptee over a rather long-term relationship.

[8] Average salary of a Slovak judge is ca 4,000 EUR/month brutto, 3,6x the national average (2022); top level judges earn ca 6,000-7,000 EUR/month brutto.

The leaks did not include reference to the use of off-shore structures for bribery, nor the use of cryptocurrencies or related (family) business structures to receive "clean" bribes on business accounts for hard-to-track services, e. g. consultation, as was hypothesized above. The leaks indicate that judicial corruption in Slovakia may be relatively unsophisticated. The prominence of using cash represents a weak spot for participants and an opportunity for law enforcement thanks to relatively robust AML legislation. Still, up to now there have not been any clear publicized cases where the AML legislation led to the opening of an investigation into judicial corruption.[9]

The objective of the corruption was primarily to influence court decisions. In a few instances, the objective of the corruptor was apparently to hijack courts to enable the facilitation of fraudulent schemes run by the corruptor. These fraudulent schemes involved high stake business disputes (worth dozens of millions of euros).[10] The role of individual judges was to strengthen the position of the corruptor in the business litigation and eventually to win the litigation. This was however unsuccessful and led to the criminal investigation and prosecution of the corruptor and involved judges.

There were other similar cases when the law was alleged to have been abused by the courts to the benefit of powerful "entrepreneurs" ("fixers"). In these cases, the courts are enablers and facilitators of fraudulent or other criminal conduct, i.e., the conduct would not be successful and likely would not have even been initiated without the corruptibility of certain courts or judges. The Threema leaks also suggest some practices of influencing the selection procedures or positioning of judges. For instance, a well-known fixer mentioned "making someone a judge" as a way of paying for a favor. They also made it clear they possessed an extensive network of judges, as well as expert witnesses and notaries close to them and their friends.

The role of the fixers appears to be quite broad when they are protecting their interests; in some cases, the suspected (and even convicted) originator (fixer) of criminal actions even provided attorneys for the benefit of his co-operators (co-defendants), often sharing the same attorney. This structure yields an obvious loyalty problem, as the fixer is paying for the legal fees and has a long-term relationship with such an attorney, yet their loyalty is supposed to be with the co-defendants. A more assertive stance from the bar would be necessary to counter these practices as they are clearly detrimental to the justice system as such.[11]

In other instances, judges were supposedly corrupted in "accidental" cases, which had not been initiated by the corruptor. In these cases, the fixer's role is to facilitate the

[9] Nonetheless, there is a pending disciplinary hearing, unrelated to the Threema leaks, regarding a judge who was unable to explain the significant growth of his and his sons' wealth, and who received unexplained cash worth 670,000 euros on their accounts (Prušová 2023). There were also stark inconsistencies in his wealth and living standard. The case could have been initiated by the judge's bank as this kind of transaction would likely represent an AML red flag. However, there is no public information sufficient to draw such a conclusion.

[10] The most prominent cases were: the Markíza promissory notes case (the initiator, Marián Kočner, forged with accomplices (old) promissory notes of Markíza TV and required payment, which would endanger the position of the company; the Unipharma case.

[11] In another set of cases, some former judges, attorneys, and politicians became attorneys for each other when charged for related crimes, creating an impenetrable wall of professional secrecy, making the work of law enforcement more difficult.

corrupt practices of one of the parties through the fixer's established relationships with certain judges or their peers. The fixer is thus informally known to be able to fix a certain decision or otherwise influence judges. As the leaks indicate, the fixer would be looking for an "entry" person into a specific court and from there find a way to influence a specific judge or decision.

Undue influence may be directed not only at meritorious decisions but also at procedural decisions. Procedural decisions may less obviously strengthen the position of the respective parties, e.g., on the admissibility of certain evidence or expert opinions in criminal trials, or when deciding on custody etc. Expert witnesses remain a weak point of the Slovak justice system, as some have been supposedly involved in illegitimate practices, but there has not been a public debate over their standards of conduct.

7. Conclusion

The paper set as an objective the exploration of judicial corruption. The conducted interviews helped us establish that corruption represents an issue for the Slovak judiciary. Yet it works as a black hole; the independent observer cannot see it, even though everything around it gives the impression it is there.

This judicial corruption appears to have two layers: an internal one, which allows certain judges to unduly influence their peers, and an external one, which represents an interaction of lawyers, "fixers" and court officials, and which is typically the driver of the internal corruption. The corruption may seek to achieve (1) favorable meritorious decisions, in which case it is targeted at all levels of court structure; (2) procedural delays (e.g. re-appointments of experts, repeated sickness), effectively giving rise to an unlikely or unjustifiable meritorious decision, in which case it is targeted most often at the courts of the 1st instance; and (3) occasionally, corrupt acts may benefit both parties or take place in non-litigious proceedings (e.g. the hastening of procedures). The corrupt practices mentioned in the leaks clearly aimed to influence not only meritorious decisions, sometimes contrary to established legal opinions, but also procedural motions, especially targeted at expert opinions or custody.

The respondents tended towards the assumption that the system of judicial corruption is built on the social capital of lawyers and judges in positions of power, who exchange this social capital for specific favors or other corrupt acts in order to influence the substantial or procedural position of one or both of the parties of litigation. This social capital serves also as an indicator of trust and is built and sustained systematically over time through socialization, through favors and gift provision, as well as through family ties and related nepotism. It is difficult to imagine judicial corruption working without fundamental trust. Yet trust is borne out of the very act of corruption, as both sides commit a crime and therefore have a shared interest in maintaining this trust.

In fact, there appears to be market awareness of two parallel types of legal service: one with lawyers providing regular legal services, and one with lawyers who, besides regular legal services, provide and signpost special and undue access to courts and judges. However, the Threema leaks showed us how important a role was played by an outside player, the "fixer", who is a non-lawyer yet had exerted massive influence over certain judges.

Judges in positions of power tend to strengthen their position through dealing IOUs in the system, creating a sense of indebtedness in judges. Such a practice may also circumvent criminal prosecution as no specific quid pro quo exchange takes place at the time. Although classic bribery probably takes place within the judiciary, it was thought by the respondents to be less widespread than favors-based corruption. Still, bribery may take place not only through cash payments, but also through affiliated subcontractors of lawyers, and through discounts or the free provision of goods and services to judges and their relatives. One of the most controversial outcomes of the Threema leaks is the use of cash bribes to influence certain judges. The volumes and supposed pervasiveness of the practice contrasts starkly with the assumptions of respondents that cash payments are relatively less significant.

We can draw from interviews the hypothesis that judicial corruption represents an issue for foreign investors, who may occasionally come under attack from domestic fixers (see footnote no 100). Anecdotal or the unacknowledged but experienced knowledge of judicial corruption also clearly informed the 2014 Rule of Law Initiative led by the American Chamber of Commerce, which was endorsed by a host of foreign embassies, trade chambers and employers' associations, all of whom feared, among other issues, an uneven playing field for foreign companies and employers.[12]

Numerous policy changes have already been made in Slovakia, yet much remains to be done in strengthening the moral core of legal professions. Respondents agreed that ethical education and understanding professional loyalties properly was largely missing from legal professions, hence more "natural" loyalties to friends, colleagues or family members prevail. Up until today, the view of lawyers is predominantly negative; they are often viewed as unhelpful to society, and mostly looking out for their own or their clients' business and interests. Although much of these perceptions have to do with a lack of understanding of the legal system by the public, some has to do with the chronic inability of legal professions to publicly uphold the core principles of the rule of law and democracy in times of crisis.

Based on the post-Threema survey among legal professionals, we can observe that even lawyers recognized the high reputational damage to their profession (Berdisová *et al.* 2020, p. 79). Yet the official reactions of the professional organizations have been mild overall, with few reactions of shock and condemnation, indicating a state of crisis (Berdisová 2020). The survey also showed that there was skepticism that such deep problems may be changed by the law; rather the moral core of professions should be strengthened. The situation has become even worse, as there have been growing tensions between groups of judges, police, and prosecution, partly resulting from the conflicting views of individual professions on the 2023 Criminal Code reform.

Judges may come under stress for various reasons, including from greed, or social pressure, which appear to be the main drivers of judicial corruption in Slovakia from the cases revealed. We are accustomed to thinking of pressures on the judiciary as being rather politically motivated or ideologically driven, although the Slovak case indicates that political motivations may be secondary. Indeed, a few fixers, entrepreneurs, and

[12] See the webpage of the initiative: https://www.pravnystat.sk/#about

attorneys have monetized the social capital they established within the judiciary to the detriment of justice.

What followed was a strong political push-back in the 2020 elections, which put in place a government with a strong mandate to change the justice system. However, the 2023 elections politicized the justice system and many of the cases discussed even further with an attempt to adopt what could be called a large-scale parliamentary amnesty for economic crimes represented by the criminal code reform, including corruption.[13] Political power seems to be protecting certain economic interests by putting the whole justice system under stress. As the legal protection of economic interests will likely decrease due to the reform, other means of protecting the integrity of the judiciary will become ever more relevant. Time to search for the moral heart of the legal professions.

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[13] See footnote no. 4.

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