TITLE: ACCESS TO JUSTICE IN RUSSIA; ISSUES ASSOCIATED WITH THE ARBITRAZH COURTS

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THE NATIONAL COUNCIL FOR SOVIET AND EAST EUROPEAN RESEARCH

TITLE VIII PROGRAM

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1 The work leading to this report was supported in part by contract funds provided by the National Council for Soviet and East European Research, made available by the U. S. Department of State under Title VIII (the Soviet-Eastern European Research and Training Act of 1983, as amended). The analysis and interpretations contained in the report are those of the author(s).
Economic disputes are a reality of a market economy. It is essential that Russia develop some capacity for resolving such disputes. Over the past five years, state arbitrazh (or gosarbitrazh) the Soviet-era institution that had handled disputes between state enterprises, has undergone significant reforms in an effort to create a court system capable of handling commercial disputes. The result is the present-day system of arbitrazh courts.

The jurisdiction of these arbitrazh courts has been expanded to include all economic disputes between legal entities. (These courts also handle bankruptcy petitions and complaints of firms against the government, but these issues are beyond the scope of the research.) A new set of procedural rules was adopted in mid-1995 to facilitate the new role of arbitrazh courts.

This report addresses the classic dilemma of all courts, namely how to strike the proper balance between justice and efficiency. The new procedural code is designed to make the judicial process work more smoothly by reformulating the roles of the parties. Much of the responsibility for assembling and presenting the relevant evidence (which previously had been borne by the judge) is now being placed squarely onto the litigants. This would seem to indicate a move toward an adversarial system. Both arbitrazh judges and litigants are struggling with these new rules, finding it easier to behave as always. Whether the new rules will become institutionalized remains open to question.

I. Overview

The existence of a state-sponsored forum for resolving contractual and other economic disputes between legal entities is critical to the smooth functioning of a market economy that is embedded in a democratic political context. These disputes are, after all, inevitable. Absent such a forum, economic actors may be forced into self-help and perhaps even reliance on private enforcers. Its presence may also tend to reduce the length and complexity of the negotiations associated with economic transactions by offering the parties ready-made procedures for resolving disputes. In a democratic setting, economic actors cannot be compelled to use state-sponsored forums to resolve private disagreements. Their usefulness depends on their appeal, i.e., on the willingness of economic actors to resort to them when disputes arise and their underlying legitimacy. If the courts are perceived as being too time-consuming, or incompetent, or incapable of enforcing their decisions, then they may be bypassed in favor of less troublesome mechanisms. (Hendley, 1996)

In Russia, arbitrazh courts are the state-sponsored tribunal charged with resolving economic disputes. Arbitrazh courts are not entirely new to post-Soviet Russia. They are the institutional successor to state arbitrazh (gosudarstvennyi arbitrazh or gosarbitrazh), which existed during the
Soviet period. Gosarbitrazh never had the status of a court. Instead, it was an administrative agency that resolved disputes between state enterprises. (Pomorski, 1977) Like all Soviet-era judicial organs, gosarbitrazh was politicized. It operated within the confines of the administrative-command system, which means that the underlying goal was always plan fulfillment. As a result, the arbiters who decided cases looked more often to the implications of the case for the economy than to the law when making their decisions. Kroll (1988) argues that enterprises used appeals to gosarbitrazh as a means of signalling their ministries that they had taken all reasonable steps to force a recalcitrant supplier to comply.

The inadequacies of gosarbitrazh were apparent from the earliest days of the transition. The introduction of new property forms in the late 1980s and early 1990s (Maggs, 1992) required a similar expansion in jurisdiction. Consequently, new procedural rules were adopted and put into effect in 1992. (1992 APK; Ob arbitrazhnom, 1992) One of their most important institutional innovations was to discard the administrative agency persona of gosarbitrazh and, in its place, to create arbitrazh courts (arbitrazhnye sudy). Although this new arbitrazh procedure code represented a step away from gosarbitrazh, it also proved inadequate. The arbitrazh procedure code was again rewritten and, in July 1995, a new set of rules took effect. (APK, 1995)

The present-day arbitrazh courts remain institutionally distinct both from the courts of general jurisdiction and from the constitutional court.2 Their jurisdiction encompasses three categories of cases: (1) economic disputes between legal entities; (2) economic disputes between legal entities and the government; and (3) bankruptcy. (art. 22, APK)

II. Access to Justice

A dilemma faced by all courts is how to balance between concerns of justice and efficiency. Typically, the problem presents itself in terms of whether to enforce the procedural rules strictly, and thereby exclude litigants who fail to meet the standards set out therein. Alternatively, judges can show leniency to individual litigants, and help them through the process. In the latter case, the judge essentially compensates for the lack of knowledge or experience of the litigant. When looking at an individual case, the arguments in favor of leniency and special attention seem compelling. To deny a litigant access to the judicial system due to inexperience seems unfair, and having the judge take the extra time necessary to explain the rules seems a small price to include that litigant in the system. But when we raise our gaze from the individual case to the system as a whole, the difficulty of maintaining a system in which judges, in essence, are doing the work of lawyers becomes apparent. Such a system may, indeed, be just but it is not efficient. Cases proceed more slowly and have to be

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2This structure is also found in France and Germany, and in some other continental European legal systems. (Thery, 1978, p. 473; Martens and MacMahon, 1991, p. 170)
delayed so that the relevant evidence can be found and presented. In most judicial systems, an effort is made to balance these concerns with justice and efficiency. Procedural rules exist, but can be waived under exigent circumstances. In addition, using lawyers becomes the norm, thereby freeing judges from the task of educating the parties. If the lawyers are incompetent or make mistakes, this becomes a matter to be sorted out with the client, rather than a problem for the court.

The arbitrage courts are searching for the proper balance. In the past, the scale tilted heavily in favor of allowing access to all. The law has never required litigants to be represented by counsel. The value of having managers represent their enterprise (given that they had actual knowledge of what had transpired) was thought to outweigh the value of having representatives who understood the intricacies of courtroom procedure. The price paid was that judges routinely had to explain basic legal principles to litigants, and had to delay the case while these unschooled litigants searched for the evidence needed. This problem was not unique to arbitrage courts, but was also found in courts of general jurisdiction.

The new APK makes an effort to professionalize the arbitrage courts. The roles of the parties are shifting slightly. More responsibility is placed on the litigants in preparing and presenting the case. Judges are now inching toward the role of neutral decision-maker, as opposed to active participant and facilitator. The question that I address is how these new rules are being understood and implemented by the arbitrage courts.

A. Filing Fees.

When filing a case in arbitrage court, a petitioner (istets) is required to pay a fee (gosudarstvennaia poshlina or gosposhlina) equal to a statutorily set percent of the value claimed for the case by the petitioner in the complaint (iskovoe zaiavlenie). If the petitioner prevails, then the court will order the defendant (otvetchik) to reimburse the petitioner for these expenses. If the petitioner loses, then this money is forfeited. Given that the amount of money involved in such cases can be quite substantial, gosposhlina is not an insignificant concern for petitioners. Requiring payment in advance is not a market-driven innovation, but was a standard feature of gosarbitrazh. Indeed, it predates even gosarbitrazh. Payment of court fees by the petitioner in advance is not unique to Russia, but is commonplace throughout continental Europe and in other countries that share the civil law or Romanist tradition.

The reasons for prepayment are obvious. It provides the courts with operating capital and, more importantly, it discourages both frivolous litigation and inflation of the damages sought. Knowing that a percentage of the claim must be paid in advance and will be lost if the suit is unsuccessful, petitioners are unlikely to sue unless they have a convincing case. There are two ways in which the rules governing gosposhlina discourage the overstatement of claims, i.e., padding the claim by asking for amounts that might possibly be recovered but for which the legal basis is shaky.
The first is the basic requirement to pay a percentage of the total amount demanded. This should prompt the petitioner to think carefully about all components of the claim. Second, the defendant is required to reimburse the petitioner only for that portion of the damages for which he is found liable. In other words, if the petitioner prevails, but recovers less than the amount originally claimed, then the plaintiff loses the gosposhlina on that excess amount. Thus, at least in theory, gosposhlina is designed to make the arbitrazh courts operate more efficiently.

Beginning in 1996, gosposhlina was lowered, and a sliding scale was established based on the amount being sought.\(^3\) (O vnesenii, 1996) The change in the law was prompted by a concern that cases were not being brought due to the inability to pay the filing fee. There were two countervailing forces at work. On one hand, the amounts of the cases being brought had increased along with inflation. Although the amount of gosposhlina was no greater in real terms, the addition of several zeros to the amount owed somehow made it feel more substantial to enterprises, and made them think twice about filing claims. On the other hand, the disintegration of the administrative command system brought a fundamental change to inter-enterprise relations. No longer were firms all state-owned; most were (or were becoming) privately held. This changed and, for the most part, raised the stakes in arbitrazh court. Damages recovered no longer represented transfers from one pocket of the state to another, but were now critical to the health of the enterprise. Taken as a whole, the incentives were mixed. The desire to survive and to force trading partners to live up to their agreements created an incentive to sue, but the cost of suing might have undermined that incentive and caused enterprises to look for other (perhaps extra-legal) methods of solving their problems.

Lowering the amount of gosposhlina did not solve the problem. Enterprises fighting for their very survival, owing huge amounts of back taxes and unable to pay their workers or their suppliers, found it difficult to justify using their scarce resources to pay gosposhlina. This was true even when the enterprise believed they would win the case and when the recovery could solve some of the cash-flow problems.

Enterprises did not simply walk away from arbitrazh courts. Instead, they began to ask judges to waive the requirement that gosposhlina be paid when the case was filed in favor of collecting these fees from the losing party at the conclusion of the case (otsrochka). If the petitioner won, then the bill for gosposhlina would never come due. The defendant would have to pay. If the petitioner lost, then at least it had put off payment, and had gotten the value desired, i.e., the resolution of the

\(^{3}\)For claims up to 1 million rubles, fees were equal to 5 percent of the amount sought. For claims between 1 and 10 million rubles, the fees were 50,000 rubles plus 4 percent of the amount sought in excess of 1 million. For claims between 10 and 50 million rubles, the fees were 410,000 rubles plus 3 percent of the amount sought in excess of 10 million. For claims between 50 and 100 million rubles, the fees were 1,610,000 rubles plus 2 percent of the amount sought in excess of 50 million. For claims between 100 and 500 million rubles, the fees were 2,610,000 rubles plus 1 percent of the amount sought in excess of 100 million. For claims in excess of 500 million rubles, the fees were equal to 1.5 percent of the amount sought. (art. 4, O vnesenii, 1996)
case. From the court's perspective, the fear was that if the *gosposhlina* was not collected at the outset, then it might never be paid. After all, the court has leverage only at the beginning of a case, when the parties are eager for its ruling. Once the decision has been rendered, the losing side may have little reason to comply. Further complicating matters is the more general propensity for not paying judgments as a result of the illiquidity of many enterprises. (Hendley, et al., 1997; Vasil'eva, 1996)

How have judges responded to these requests to delay the payment of *gosposhlina*? Based on the interviews I conducted with *arbitrazh* judges in Saratov and Ekaterinburg during the summer of 1996, their responses seem to range across the board. What is interesting is that no judge claimed to reject such requests out-of-hand. As opposed to interpreting the requirement to pay *gosposhlina* prior to hearing the case as an absolute statutory requirement, they regarded the decision as to whether to grant the waiver as being completely within their discretion. This goes against the usual practice of Russian judges to interpret the rules narrowly. In fact, my reading of the law and the supporting procedural rules suggest that the original intent was to have them be strictly enforced regardless of the petitioner’s circumstances. According to the rules, the judge must receive official notification of payment prior to accepting the case and setting a date for hearing it. No provision is made for a pretrial hearing or the submission of pleadings on the postponement of *gosposhlina*.

Notwithstanding the absence of any official procedure for postponing the payment of *gosposhlina*, it is being requested with great regularity. By talking with trial court judges and reading case files I learned that a de facto procedure exists. A petitioner who feels unable to pay the *gosposhlina* will usually so indicate in the complaint, and will submit an affidavit from its bank(s) confirming the lack of funds. Sometimes the court will require the petitioner to submit a certificate from the tax inspectorate listing all bank accounts in order to guard against the possibility of funds being transferred to a different bank account. The judge also considered his/her prior experience with the petitioner and its credibility. Without exception, judges expressed frustration at their inability to ensure that they were getting an accurate picture of the petitioner’s financial situation. The *arbitrazh* judge must decide whether or not to grant the request to delay payment of filing fees before setting a date for a hearing on the merits.

One Saratov trial court judge related an incident when she refused to allow a petitioner to delay payment. She said that she had a feeling that the enterprise had money squirreled away. She felt vindicated when the petitioner did “find” the money and paid the fees. I asked whether she punished the petitioner for having lied to her. She had not. In fact, though she conceded that “complete honesty was rarely encountered,” the idea of fining liars struck her as bizarre. The link

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*4According to a recent commentary supports the requirement to submit a bank affidavit, thereby indicating that procedural rules (and expectations) are beginning to grow up around this issue. (Puchinskii, 1996, p. 82)*
between fining litigants for material misrepresentations made to the court and building respect for the court as an institution that is often taken for granted in Western contexts is not apparent to Russian arbitrazh court judges.

The chairman of the Saratov arbitrazh court, A.I. Baranov, strongly opposes granting requests to delay the payment of gosposhlina. At the heart of his opposition lies a profound skepticism about enterprise claims of poverty. He cited examples of enterprises requesting relief, but then mysteriously finding the necessary resources when their request was denied. The affidavits from banks attesting to the empty coffers of enterprises, which are routinely offered as evidence, do not persuade him. He contends that enterprises have deliberately drained their bank accounts in order to evade taxes, and use this apparent illiquidity to escape other obligations. But Baranov is subordinate to the Higher Arbitrazh Courts, which has left the decision as to whether to grant a delay in payment of gosposhlina to the discretion of trial court judges. The rationale for Moscow’s position is clear. It fears that legitimate claims will not be brought due to an inability to pay the filing fees. Baranov argues that the fact that filings actually increased during the summer of 1995 when trial courts were forbidden to delay payment of gosposhlina demonstrates that Moscow’s concern is misplaced.

B. Burden of Proof.

Perhaps the most fundamental innovation of the new APK is the requirement that petitioners bear responsibility for proving their case to the court. To clarify, this imposes an affirmative burden on petitioners to present evidence sufficient to demonstrate the liability of the defendant, as claimed in the original complaint. This stands in contrast to the prior rules (for both gosarbitrazh and the post-1992 arbitrazh courts) which merely obligated the petitioner to respond to requests by the judges (or arbiters) for evidence. In other words, neither of the parties had any affirmative duty to present evidence; both the petitioner and the defendant had only to present evidence in response to formal judicial requests.

The preexisting system is typical for countries with a civil law tradition. In such countries, the judicial process is not adversarial, but inquisitorial. As a practical matter, this means that roles of the participants are very different. (Merryman, 1985) Judges are seen not as neutral arbiters who should stay above the fray, but as an active participant in the process of ferreting out the truth. Judges (not lawyers) do most of the questioning of witnesses. Lawyers are more peripheral. They certainly have the right to question witnesses, but tend to stay more in the background than do lawyers in Anglo-American systems.

Russian arbitrazh courts and the predecessor gosarbitrazh fit into this familiar pattern. The process has always been judge-driven, not lawyer-driven. In fact, the Saratov and Ekaterinburg arbitrazh judges uniformly told me that lawyers participated in less than half of the cases they heard. Upon closer questioning, these judges reported that the incidence of participation by lawyers had increased in the post-1992 period, but that cases with lawyers still remained the exception and not
the rule. The judge-driven nature of the process made lawyers less essential. Upon receiving a complaint, the judge would issue an order (opredelenie), setting the date for the hearing, and detailing the sort of evidence that each side should bring with them. At the subsequent hearing(s), the judge would review the evidence and render his/her decision based on that documentary evidence. Lengthy questioning of witnesses or other types of oral evidence were rarely accepted as the basis for an opinion. In essence, judges led the parties through the process, rendering lawyers almost superfluous.

The new APK seems to break with this tradition, and to move in the direction of an adversarial system. The law now requires the judge to decide the case based on evidence presented by the parties. (art. 52, APK) This would seem to represent an effort to shift the burden of proof onto the parties. On its face, the law empowers arbitrazh judges to dismiss cases if the petitioner fails to present sufficient evidence to support the claim. Similarly, judges have the right to decide in favor of the petitioner if the defendant fails to present evidence that convincingly rebuts the claim. Judges are no longer required to coax the evidence out of the parties or even to prompt them as to what sort of evidence is necessary.

The potential implications of this admittedly incremental shift toward an adversarial system are profound. First, if parties are required to present their case without any guidance from the court, then we might expect to see the participation of lawyers become more common. Lay people may be able to respond to targeted requests from judges, but are unlikely to be able to understand what the law requires without some professional advice. This, in turn, might contribute to the growth of a business law bar in Russia. Second, if judges begin to dismiss cases summarily when petitioners show up without corroboration and to issue summary judgments in favor of petitioners when defendants show up empty-handed, then this may create an incentive to prepare for arbitrazh court proceedings. Over the long run, this may increase the efficiency with which the courts operate.

But in typical Russian fashion, the APK equivocates on this point. In the article of the APK that follows that which seems to assign decisively new roles to the parties, the APK seems to backtrack by giving arbitrazh courts the right to “suggest” (predlozhit’) to the parties other sorts of evidence that should be presented. (art. 53, APK) Arbitrazh judges are frustrated by this mixed message. As a rule, the trial court judges saw the inconsistency as reflecting a lack of political will in Moscow. One judge in Ekaterinburg told me that she had complained about it in an internal written memo to the V.F. Yakovlev, the chairman of the Higher Arbitrazh Court, but to no avail.

Reading between the lines is always dangerous, but it seems that the provision giving arbitrazh courts the right to suggest additional evidence was tacked on as an afterthought. Rather than helping matters, the inconsistency between these two articles of the APK has created a lack of clarity for both judges and litigants. No one is sure of the ultimate rule. Is article 52, in which petitioners are seemingly required to bear the burden of proving their case intended only as an incentive to get them
to prepare for court appearances? More specifically, can judges legitimately dismiss a case if the petitioner fails to present sufficient evidence to support the claim? No one knows.

The upshot is that judges pay lip service to the requirement imposed by article 52, but continue to operate according to the old rules. In other words, most judges still issue an order listing the sort of evidence that the parties ought to bring to the hearing. What this means is that the effort to shift the burden for “running” the case from the judge to the parties has been largely ineffective. The determination as to what evidence is relevant is still being made by the judge.

A few judges that I spoke with in Saratov and Ekaterinburg had taken a harder line. They take article 52 at face value as a requirement that the parties assume the burden for proving and/or disproving the case. They interpret the law as giving the parties responsibility for deciding what sort of evidence should be submitted. If the petitioner fails to provide sufficient evidence to prove its case, then it loses. Likewise, if the defendant fails to provide evidence that convincingly rebuts the petitioner’s case, then the defendant loses. These judges no longer view it as their responsibility to lead the parties through the process by the hand by specifying the evidence that has to be presented.

What happens when judges take this hard line? Typically they are “rewarded” by having the parties show up empty-handed. I observed a number of these cases, and found other examples in the case files. The hearing was usually quite short. The judge would ask the petitioner to state its case, whereupon the petitioner would orally restate the claim set forth in written form in the complaint. When the judge asked for supporting documentary evidence, the petitioner would look surprised, and would say that he/she hadn’t brought it because it had not been requested by the judge. This then led to a lecture on the requirements imposed by article 52 of the APK. The tone of the lecture would vary depending on whether the target was a lay person or a lawyer. Judges were less forgiving of lawyers. But in no case that I observed or reviewed did the judge dismiss the case -- even though the law technically requires dismissal. Instead, the judges would reschedule the case, and admonish the parties to arrive better prepared. Usually, the judge listed the evidence that should be brought.

Why do these judges bother? Why not simply issue the order listing evidence when the case is filed (as was routinely done in the past)? In response to these questions, the judges told me that they felt an obligation to educate the litigants about the new standards. They recognized that few litigants were now complying, but said that nothing would change if judges did not draw these new rules to the litigants’ attention. The implication was that the judges might be less tolerant of non-compliance the second or third time it happened with a particular litigant. But changing standards and practices on a person-by-person basis is slow going and frustrating for all concerned. It is already a minority of judges that try to get litigants to comply. Over time, it may become easier for them just to go along with the crowd than to push for compliance with the letter of the law.

Three reasons were uniformly cited by all judges for not dismissing cases and for giving the parties a list of relevant documents. First, they said that it makes court procedure go more quickly.
Second, they said that such dismissals would not be upheld on appeal. Third, they said that until litigants learn (and fully absorb) the new procedural rules, it seems unfair to punish them for adhering to the old rules. Unstated but just as important is inertia. For judges as well as litigants, it is easier to go along as always than to make fundamental changes.

When appealing a case that was decided on the basis of the failure of one of the parties to present convincing evidence, the loser would argue that the trial court had refused to listen to the relevant evidence, which was now available. The assumption implicit in such an argument is that the trial court acted rashly in dismissing the case, and should have postponed the case rather than deciding it. To date, appellate courts have consistently found such arguments convincing, and so have remanded the case for a new hearing by the trial court. From the judge's perspective, dismissing a case because one side does not produce evidence in a timely manner is pointless if the losing party can successfully appeal the case and win a new hearing. Better to delay the trial court decision until the parties either submit or clearly refuse to submit all of the relevant evidence. It is important to recognize that, in remanding these cases, the appellate courts are acting with more leniency than the law technically allows. (See the discussion below under "Introducing Revised Appellate Structure.") Once again, trial court judges are caught in a catch-22; a choice between law and justice. If they enforce the law as written and dismiss the case, there is a good chance they will see it again on remand. If they are lenient and accommodate old behavioral patterns, then they violate the law. At this point, it seems that trial court judges are erring in the direction of leniency rather than strict adherence to the law.

In the minds of most judges, leniency equates with fairness and justice. Enforcing the rules as written would amount to a preference in favor of litigants who had competent legal representation. Such a preference does not strike Western lawyers as unfair (or even abnormal), but Russian judges have traditionally not penalized unrepresented litigants. Instead, they have bent over backwards to help them through the process. This is true of both arbitrazh courts and courts of general jurisdiction. What we see in article 52 of the APK may represent a move away from this philosophy and toward a more professionalized court. But arbitrazh judges are not yet willing to make that leap, which will inevitably leave many potential litigants behind. But my observations reveal some indications of incremental movement. For example, judges routinely lecture litigants in a very critical fashion about their mistakes and about the importance of knowing what the APK requires before coming to court. At this point, however, the lectures serve only a pedagogical function; judges do not follow up with punishment for the lack of knowledge.

III. Conclusion

The experience of the arbitrazh courts with the new APK shows that adopting new rules is only the first step. Now comes the difficult task of reeducating both judges and litigants as to their
responsibilities. Whether this process will ultimately be successful remains to be seen. But it is important to recognize that the question of whether the new APK is a success or failure can only be resolved by the Russians. Although the new rules create the appearance of a desire to move toward a more adversarial system, they may turn out to have a very different impact on the system.

REFERENCES

Arbitrazhnyi protsessual'nyi kodeks Rossiiskoi Federatsii. Sobranie zakonodatel'stva Rossiiskoi Federatsii, no. 19, 1995 [cited as the APK].


Federal'nyi konstitutsionnyi zakon "Ob arbitrazhnykh sudakh v Rossiiskoi Federatsii." Sobranie zakonodatel'stva Rossiiskoi Federatsii, no. 18, item 1589, no. 19, item 1709, 1995 [cited as FKZoAS].


Ob arbitrazhnom sude, Vedomosti S"ezda narodnykh deputatov Rossiiskoi Federatsii i Verkhovnogo Soveta Rossiiskoi Federatsii, No. 34, item 1965, 1992.

O vnesenii izmenenii i dopolnenii v zakon RF "O gosudarstvennoi poshline." Sobranie zakonodatel'stva Rossiiskoi Federatsii, no. 1, 1996.


