



# A Survey of Pro Bono Practices and Opportunities in 84 Jurisdictions

Prepared by Latham & Watkins LLP for the Pro Bono Institute

December 2019

This memorandum and the information it contains do not constitute legal advice and do not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text contained herein.

© COPYRIGHT 2019. ALL RIGHTS RESERVED.

**TABLE OF CONTENTS**  
(continued)

Page

**TABLE OF CONTENTS**

Page

Disclaimer.....	1
Thanks.....	2
Access to Justice – An Introduction .....	3
Legal Professional Privilege in the European Union.....	5
Pro Bono Practices and Opportunities in International Law .....	9
<b>Africa .....</b>	<b>18</b>
Pro Bono Practices and Opportunities in Angola.....	19
Pro Bono Practices and Opportunities in Cameroon .....	25
Pro Bono Practices and Opportunities in Egypt.....	29
Pro Bono Practices and Opportunities in Ghana .....	35
Pro Bono Practices and Opportunities in Kenya.....	42
Pro Bono Practices and Opportunities in Morocco .....	48
Pro Bono Practices and Opportunities in South Africa .....	57
Pro Bono Practices and Opportunities in Uganda .....	63
<b>Asia and Australia.....</b>	<b>73</b>
Pro Bono Practices and Opportunities in Australia .....	74
Pro Bono Practices and Opportunities in China.....	80
Pro Bono Practices and Opportunities in Hong Kong.....	86
Pro Bono Practices and Opportunities in India .....	93
Pro Bono Practices and Opportunities in Indonesia .....	104
Pro Bono Practices and Opportunities in Japan .....	108
Pro Bono Practices and Opportunities in Malaysia.....	114
Pro Bono Practices and Opportunities in New Zealand.....	120
Pro Bono Practices and Opportunities in Pakistan .....	127
Pro Bono Practices and Opportunities in the Philippines .....	136
Pro Bono Practices and Opportunities in Singapore .....	144
Pro Bono Practices and Opportunities in South Korea.....	149
Pro Bono Practices and Opportunities in Taiwan, R.O.C. ....	155
Pro Bono Practices and Opportunities in Thailand .....	162
Pro Bono Practices and Opportunities in Vietnam.....	171
<b>Europe.....</b>	<b>175</b>
Pro Bono Practices and Opportunities in Austria.....	176
Pro Bono Practices and Opportunities in Azerbaijan.....	181
Pro Bono Practices and Opportunities in the Republic of Belarus.....	185
Pro Bono Practices and Opportunities in Belgium .....	192
Pro Bono Practices and Opportunities in Bulgaria.....	201
Pro Bono Practices and Opportunities in the Czech Republic.....	209
Pro Bono Practices and Opportunities in Denmark .....	216
Pro Bono Practices and Opportunities in England and Wales.....	223
Pro Bono Practices and Opportunities in Finland .....	229
Pro Bono Practices and Opportunities in France.....	235
Pro Bono Practices and Opportunities in Georgia .....	240
Pro Bono Practices and Opportunities in Germany .....	246



**TABLE OF CONTENTS**  
(continued)

	Page
Pro Bono Practices and Opportunities in Greece .....	254
Pro Bono Practices and Opportunities in Hungary .....	266
Pro Bono Practices and Opportunities in Italy .....	273
Pro Bono Practices and Opportunities in Latvia .....	279
Pro Bono Practices and Opportunities in Liechtenstein .....	287
Pro Bono Practices and Opportunities in Lithuania .....	291
Pro Bono Practices and Opportunities in Luxembourg .....	296
Pro Bono Practices and Opportunities in Malta .....	304
Pro Bono Practices and Opportunities in Montenegro .....	311
Pro Bono Practices and Opportunities in the Netherlands .....	315
Pro Bono Practices and Opportunities in Northern Ireland .....	320
Pro Bono Practices and Opportunities in Norway .....	324
Pro Bono Practices and Opportunities in Poland .....	330
Pro Bono Practices and Opportunities in Portugal .....	339
Pro Bono Practices and Opportunities in the Republic of Ireland .....	344
Pro Bono Practices and Opportunities in Romania .....	347
Pro Bono Practices and Opportunities in Russia .....	355
Pro Bono Practices and Opportunities in Scotland .....	359
Pro Bono Practices and Opportunities in Serbia .....	364
Pro Bono Practices and Opportunities in Slovakia .....	371
Pro Bono Practices and Opportunities in Slovenia .....	376
Pro Bono Practices and Opportunities in Spain .....	380
Pro Bono Practices and Opportunities in Sweden .....	385
Pro Bono Practices and Opportunities in Switzerland .....	389
Pro Bono Practices and Opportunities in Ukraine .....	396
<b>Middle East .....</b>	<b>402</b>
Pro Bono Practices and Opportunities in Bahrain .....	403
Pro Bono Practices and Opportunities in Israel .....	406
Pro Bono Practices and Opportunities in Kuwait .....	415
Pro Bono Practices and Opportunities in Qatar .....	418
Pro Bono Practices and Opportunities in Saudi Arabia .....	422
Pro Bono Practices and Opportunities in Turkey .....	429
Pro Bono Practices and Opportunities in the United Arab Emirates .....	434
<b>North and Central America .....</b>	<b>438</b>
Pro Bono Practices and Opportunities in Canada .....	439
Pro Bono Practices and Opportunities in Costa Rica .....	444
Pro Bono Practices and Opportunities in the Dominican Republic .....	451
Pro Bono Practices and Opportunities in El Salvador .....	456
Pro Bono Practices and Opportunities in Guatemala .....	460
Pro Bono Practices and Opportunities in Haiti .....	466
Pro Bono Practices and Opportunities in Mexico .....	470
Pro Bono Practices and Opportunities in Nicaragua .....	475
Pro Bono Practices and Opportunities in Panama .....	479
<b>South America .....</b>	<b>484</b>
Pro Bono Practices and Opportunities in Argentina .....	485
Pro Bono Practices and Opportunities in Bolivia .....	489
Pro Bono Practices and Opportunities in Brazil .....	497
Pro Bono Practices and Opportunities in Chile .....	504
Pro Bono Practices and Opportunities in Colombia .....	508

**TABLE OF CONTENTS**  
(continued)

	Page
Pro Bono Practices and Opportunities in Ecuador .....	514
Pro Bono Practices and Opportunities in Paraguay .....	525
Pro Bono Practices and Opportunities in Peru .....	532
Pro Bono Practices and Opportunities in Uruguay .....	535
Pro Bono Practices and Opportunities in Venezuela .....	541
A Summary of Pro Bono Requirements in 84 Jurisdictions .....	545



## DISCLAIMER

The information contained in this survey is provided for general informational purposes only and does not constitute legal advice. These materials are intended, but not promised or guaranteed, to be current, correct, complete, or up-to-date. Transmission of the information is not intended to create, and the receipt does not constitute, an attorney-client relationship between the sender and the receiver. No user of this information should act or refrain from acting on the basis of information contained herein without seeking legal advice from counsel in the relevant jurisdiction.

This survey contains many hyperlinks to resources on the Internet. These Internet sites are not under the control of Latham & Watkins or the Pro Bono Institute, and Latham & Watkins and the Pro Bono Institute are not responsible for the contents of any Internet site or any link contained on such site. These links are provided as a convenience to help you identify and locate Internet resources that may be of interest, and the inclusion of any hyperlink does not imply any recommendation, approval or endorsement by Latham & Watkins or the Pro Bono Institute of the site.

## THANKS

The Pro Bono Institute and Latham & Watkins would like to thank the following contributors:

**NGOs:** PILNet (China), Mirovni Institut (Slovenia)

**Local counsels:** Vieira de Almeida & Associados (Angola), MMB Abogados (Argentina), Haslinger / Nagele Rechtsanwälte (Austria), BM Morrison Partners (Azerbaijan), Zu'bi & Partners (Bahrain), Sysouev, Bondar, Khrapoutski SBH (Belarus), C.R. & F. Rojas Abogados (Bolivia), Wolf Theis (Bulgaria), Jing & Partners (Cameroon), McCarthy Tetrault (Canada), Cariola Diez Perez-Cotapos & Cía. Ltda (Chile), Gomez-Pinzon Zuleta (Colombia), BLP Abogados (Costa Rica), Havel Partners (Czech Republic), A-kase (Denmark), Russin, Vecchi & Heredia Bonetti (Dominican Republic), Fundación Fabián Ponce Ordóñez (Ecuador), Sarie Eldin & Partners Legal Advisors (Egypt), Arias & Muñoz (El Salvador, Guatemala, Nicaragua), Dittmar & Indrenius (Finland), BGI Legal (Georgia), Kimathi & Partners (Ghana), Cabinet de Lespinasse (Haiti), Szecskay Attorneys at Law (Hungary), S&R Associates (India), Ali Budiardjo, Nugroho, Reksodiputro (Indonesia), Yigal Arnon & Co. (Israel), Kaplan & Stratton (Kenya), Al-Markaz Law Firm (Kuwait), Sorainen (Latvia, Lithuania), Lampert & Partner Attorneys (Liechtenstein), NautaDutilh (Luxembourg, Netherlands), Zaid Ibrahim & Co. (Malaysia), GVZH Advocates (Malta), Gonzalez-Calvillo (Mexico), CMS Reich Rohrwig Hainz (Montenegro), Benzakour Law Firm (Morocco), Bell Gully (New Zealand), Advokatfirmaet Wiersholm AS (Norway), Kabraji & Talibuddin (Pakistan), Mario Fabrega (Panama), Ferrere (Paraguay, Uruguay), Estudio Ehecopar (Peru), PunoLaw (Philippines), Dentons Europe Dąbrowski i Wspólnicy sp.k. (Poland), PLMJ Abogados (Portugal), Al-Tamimi (Qatar), Leroy si Asociatii (Romania), Shepherd and Wedderburn LLP (Scotland), Marić & Mujezinović in cooperation with Kinstellar (Serbia, Slovakia), Roschier (Sweden), Staehelin Olano Advokatur und Notariat (Switzerland), Weerawong, Chinnavat & Partners Ltd. (Thailand), Pekin & Pekin (Turkey), MMAKS Advocates (Uganda), Avellum (Ukraine), D'Empaire Reyna Abogados (Venezuela), Vietnam International Law Firm (Vietnam)

**Lead Editorial Team from Latham & Watkins LLP:** Wendy Atrokhov, Jennifer Cadet, Gregor MacDonald, Harry Redford, David Ziyambi

**Other contributing staff and attorneys from the 29 offices of Latham & Watkins LLP:** Kasipah Adu - Haya Aftab - Carmen Alonso - Harrison Armstrong - Patrick Atchison - Yann Aureguan - Charles Bailey - Carlota Barrio - Simon Baskerville - Drishi Beeharry - Hannah Berdal - Joseph Bevas - Oscar Bjartell - Nada Boutros - Jason Britto - Jessica Burke - Harold Callo - Drake Carden - Frederic Chamboredon - Marine Charreyre - Alex Cox - Manuel Deo - Fabrice Fages - Kirsten Gao - Alex Gish - Duncan Graves - Michael Green - Mia Gu - Charles-Antoine Guelluy - Alexander Hughes - Ei Nge Htut - Catherine Hui - Hafza Hussein - Deirdre Jones - Tahira Kathpalia - Eileen Kelly - Tamara Kim - William Kirton - Michele Ko - Mihail Krepchev - Chi Ho Kwan - Joyce Lam - Zoe Liu - Giorgia Lugli - Javier Marti-Fluxa - Derek McKinley - Priyanka Mehta - James Mildren - Veronika Miskovichova - Lorenza Molina Sanchez - Bairta Ochirova - Fergus O'Domhnaill - Alexandra Panaite - Samuel Pape - Bhaveen Parekh - Samantha Peacock - Neil Perks - Juan Picon - Haley Pizzey - Olga Ponomarenko - Koushik Prasad - Niall Quinn - Jumana Rahman - Chithra Rengamannar - Ben Rodger - Camila Rodriguez - Saba Al-Gosaibi - Styliani Sarma - Immo Schuler - Antonina Semyachkova - Aditi Sharma - Neha Siddiqui - Hendrik Smit - Natalia Solarova - Chimmy Tao - Connie Taylor-Cox - Hayden Teo - Virginie Terzic - Linzi Thomas - Seonaid Todisco - Hugo Varenne - Blanca Vazquez de Castro - Howe Min Wee - Su Yeun Yang - Eric Yiu

Last, but not least, each individual, both in law firms and legal departments, active in pro bono representations to address the unmet legal needs of those with limited means.

## ACCESS TO JUSTICE – AN INTRODUCTION

Access to justice is a vital human right and abuses of that right are a common subject for pro bono lawyers. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948 (the “**Declaration**”) includes several articles that highlight the importance of access to justice.<sup>1</sup> Article 8 of the Declaration states that “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” Article 10 of the Declaration states that “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him.” Accordingly, barriers to a fair and public hearing or to an effective remedy are contrary to human rights as described in the Declaration.

The principle of access to justice for all under international law was further strengthened on March 23, 1976 when the International Covenant on Civil and Political Rights (the “**Covenant**”) entered into force.<sup>2</sup> Paragraph 3(a), Article 2 of the Covenant states that each party to it will “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.” At paragraph 3(b), Article 2, the Covenant also includes the obligation to “ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State.”

The United Nations Development Program has identified these and other international agreements or declarations as components of a normative framework for access to justice in international law.<sup>3</sup> In addition to these agreements and declarations, there are also various regional human rights systems that have a history of recognizing the right to access justice.

English law has recognized the right of equal access to justice since 1495<sup>4</sup> when Parliament recognized that equality could not exist without reducing the economic barriers to justice faced by poor litigants. On the European Continent, different regions and cities began providing the services of counsel for free during the 15<sup>th</sup> and 16<sup>th</sup> centuries<sup>5</sup>, largely inspired by church courts in the Middle Ages that did not charge court costs.<sup>6</sup> In the 19<sup>th</sup> century, the right to counsel was enacted through various European national legislatures.

In 1979, the European Court of Human Rights held in *Airey v. Ireland*<sup>7</sup>, that Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (which enshrines the right to a fair trial) sometimes:

“compel[s] the State to provide for the assistance of a lawyer when such assistance proves indispensable for an effective access to court either because legal representation is rendered compulsory, as is done by the domestic law of certain Contracting States for various types of litigation, or by reason of the complexity of the procedure or of the case.”<sup>8</sup>

Despite all of these developments, the right to counsel provided through government legal aid is not recognized in all jurisdictions and progress still needs to be made before it can be considered an

---

<sup>1</sup> The Universal Declaration of Human Rights, available at <http://www.un.org/en/documents/udhr/index.shtml#a10> (last visited on April 29, 2019).

<sup>2</sup> International Covenant on Civil and Political Rights, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (last visited on April 29, 2019).

<sup>3</sup> UN Development Program, “Programming for Justice: Access for All,” (2005) at 45–52, available at <https://www.un.org/ruleoflaw/blog/document/programming-for-justice-access-for-all-a-practitioners-guide-to-a-human-rights-based-approach-to-access-to-justice/> (last visited on April 29, 2019).

<sup>4</sup> 11 Hen. 7, ch. 12.

<sup>5</sup> Johnson, Jr., Earl, The Right to Counsel in Civil Cases: An International Perspective, 19 Loy. L.A. L. Rev. 341, 342 n.5 (1986).

<sup>6</sup> Klausner, Karl August & Riegert, Robert A., Legal Assistance in the Federal Republic of Germany, 20 Buff. L. Rev. 583, 584 (1971).

<sup>7</sup> 32 Eur. Ct. H.R. (ser. A) (1979).

<sup>8</sup> See *Airey*, 32 Eur. Ct. H.R. at ¶ 26.



international law norm. Where it is recognized, a state's universal access to justice program typically takes the form of the provision of *legal aid* that assists with the costs associated with legal representation and court costs. In practice, however, legal aid systems can suffer severe limitations due to budgetary constraints. This is evident even in those jurisdictions that are the most supportive of the right of access to justice. The high-profile concerns raised by The Law Society of England and Wales to the legal aid cuts in the United Kingdom<sup>9</sup> are a clear example of that. Further, the Civil Justice Council stated that the "[d]emand for the advice and pro bono sectors has increased dramatically",<sup>10</sup> highlighting the importance of pro bono services in a legal climate where access to justice has been reduced through other means. Legal aid systems are also only effective for those who are sufficiently well informed regarding the availability of these services.

In many cases, including in the US, direct support for the costs of legal representation is provided only where the relevant individual faces incarceration. Access to justice for those facing the loss of other important civil and economic rights is thus imperiled.

Where access to justice is constrained or the provision of legal aid is limited, the importance of pro bono counsel is obvious. A willingness on the part of each member of the legal profession to do some work without remuneration or reward can do much to fill the access to justice gap in their respective jurisdictions. As stated by the United States Supreme Court, "in a time when the need for legal services among the poor is growing and public funding for such services has not kept pace, lawyers' ethical obligation to volunteer their time and skills pro bono publico is manifest."<sup>11</sup>

Access to justice is a fundamental human right and one that pro bono lawyers in every jurisdiction need to protect and support diligently. Access to justice is particularly critical for the indigent peoples of the world, those who typically depend on support for many of their basic needs (food, housing, heating etc.), and access to justice should be seen as no less fundamental. Furthermore, access to justice without appropriate legal advice puts the claimant at an immediate disadvantage. Pro bono lawyers can do so much to correct that imbalance.

---

<sup>9</sup> See in particular the Law Society's 'Access to Justice' campaign available at (<http://www.lawsociety.org.uk/policy-campaigns/campaigns/access-to-justice/>) (last visited on April 29, 2019)).

<sup>10</sup> Civil Justice Council, Post-Implementation Review of Part 1 of Legal Aid, Sentencing & Punishment of Offenders (LASPO) 2012 at page 3, available at <https://www.judiciary.uk/wp-content/uploads/2018/12/laspo-part-1-outline-submission-20-Dec-2018.pdf> (last visited on April 29, 2019).

<sup>11</sup> *Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 490 U.S. 296, 310 (1989).

## Legal Professional Privilege in the European Union

### I. Introduction

This chapter discusses whether and to what extent legal professional privilege (“**LPP**”) under European Union law and as defined by the EU courts (“**EU LPP**”) is an obstacle to in-house counsel involvement in pro bono work in Europe.<sup>1</sup> LPP is a special status granted to correspondence exchanged with a legal advisor. A document protected by LPP cannot be seized by a government authority, and its content cannot be used as evidence in proceedings. In the well-known *Akzo* judgment, the Court of Justice of the European Union (the “**Court of Justice**”) confirmed that, in the context of a company, in-house counsel that are employed by that company are in a fundamentally different position from “external lawyers” (as defined below) and are not sufficiently independent for their communications to benefit from LPP.<sup>2</sup>

However, it should be noted that the *Akzo* ruling is limited to investigations, most notably antitrust investigations, carried out by the European Commission (the “**Commission**”). Most pro bono projects will not involve issues relating to these investigations, and as such *Akzo* is not normally relevant and in fact does not generally form an obstacle to pro bono work in Europe.

The scope and limitations of the *Akzo* judgment are discussed in Sections II and III. For reasons explained below, this chapter also briefly touches upon the issue of LPP in the national EU Member States (Section IV) and provides some practical suggestions for dealing with LPP under EU law (Section V).

### II. Outline of Legal Professional Privilege under European Union Law

This section sets out the main features of EU LPP (as set out in the judgment of the Court of Justice in *AM&S*<sup>3</sup> and confirmed in *Akzo*).

EU LPP only covers written communications exchanged between a company and an independent lawyer; i.e., a lawyer, registered with the Bar of an European Economic Area (“**EEA**”) Member State, who is not bound to the client by a relationship of employment (“**external lawyer**”).<sup>4</sup> EU LPP applies both to such communications themselves and to internal notes circulated within a company that reflect the content of legal advice given by the external lawyer.<sup>5</sup>

Additionally, the respective documents (communications or internal notes) must have been produced for the purpose and in the interest of the exercise of the rights of defense and must have a potential relationship to the subject matter of any subsequent procedure under Articles 101 and 102 of the Treaty on the Functioning of the EU (“**TFEU**”).<sup>6</sup>

However, EU LPP does not extend to pre-existing documents (e.g., internal communications among executives on business matters, notes of business meetings, commercial documents) and, accordingly, does not concern original internal business documents, even if they have been selected and copied in response to a request by external counsel who require them in order to

---

<sup>1</sup> Although their situation regarding EU LPP may be similar to in-house counsel, this chapter does not discuss the situation of external lawyers not qualified in the EEA. For reference, the EEA consists of the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom, Iceland, Liechtenstein, and Norway.

<sup>2</sup> Case C-550/07 P, *Akzo Nobel Chemicals and Akros Chemicals v. Commission*, 2010 E.C.R. I-8301.

<sup>3</sup> Case 155/79, *AM&S Europe v. Commission*, 1982 E.C.R. 1575.

<sup>4</sup> For the purposes of this chapter, an in-house lawyer who is registered with the Bar of an EEA and who provides pro bono services to a client to whom it is not bound by a relationship of employment is considered to be an “external lawyer”.

<sup>5</sup> Case T-30/89R, *Hilti v. Commission*, 1990 E.C.R. II-163 (Order).

<sup>6</sup> Articles 101 and 102 of TFEU relate to antitrust matters (cartels and abuse of dominance cases).

provide legal advice on matters that may have a relationship to the subject matter of a subsequent procedure. It is, however, unclear whether EU LPP extends to such collections of copies of pre-existing internal documents when they are attached as an integral part of “preparatory documents.” In the absence of precise indications from either the EU Courts or the Commission on this specific issue, a cautious approach should be adopted in the day-to-day approach to these issues. Indeed, the Commission’s current approach to pre-existing documents that are annexed to legally privileged memoranda is not to consider them covered by EU LPP.

A refusal to produce a certain document to the Commission on the grounds that it is covered by EU LPP must be supported by evidence demonstrating that EU LPP protection is actually applicable. Parties may submit their claims to the so-called “Hearing Officer” regarding documents requested by, but withheld from, the Commission on the basis of EU LPP.

### III. Scope and Limitations of Legal Professional Privilege under European Law

It follows that the scope of EU LPP is limited to written communications between an independent lawyer and his/her client after the initiation of a *Commission administrative procedure* (most notably Commission antitrust investigations) and which are related to the procedure.

This means that the scope of and room for EU LPP are in practice quite narrow. EU LPP is limited to the enforcement of EU law through EU administrative (i.e. Commission) procedures; it has no impact on a company’s right to withhold privileged documents from private parties during litigation or other government authorities; and in-house counsel cannot be compelled to testify as to privileged matters.

Pro bono matters will not typically involve issues relating to Commission administrative procedures, and as such it is unlikely that work product may be seized by the Commission, even though it may not always be easy or sometimes possible to identify whether work done will become subject to a Commission investigation in the future.

Given the limitations of EU LPP, post-*Akzo*, national LPP rules will continue to be relevant in all national administrative procedures, i.e., where national authorities investigate.

### IV. Differences Regarding Legal Professional Privilege in the National European Union Member States

The protection granted by the EU LPP may differ substantially from the protection granted by LPP in other jurisdictions.<sup>7</sup> Companies and in-house counsel need to be aware of these possible differences and should understand the risks they are exposed to in their jurisdictions of operation. There are commonalities but also significant discrepancies between the scope of EU LPP and LPP under national legislation/regulation.<sup>8</sup> In general terms, the scope of EU LPP is narrower than LPP under national legislation/regulation. This chapter focuses on two possible significant differences between EU LPP and LPP under national legislation/regulation.

#### A. Legal Advice From In-House Counsel

As explained above, *Akzo* reaffirmed the rule (based on the judgment of the Court of Justice in *AM&S*) that EU LPP applies only to communications exchanged with external

---

<sup>7</sup> For instance, the U.S. attorney-client privilege applies equally to in-house counsel. See, e.g., J. Brady Dugan, Jordan W. Cowman & Allison Walsh Shedy, NEGOTIATING THE PRIVILEGE MINEFIELD: SOME DIFFERENCES BETWEEN ATTORNEY-CLIENT PRIVILEGE IN THE U.S. AND EUROPE, 6 STATE BAR OF TEXAS CORPORATE COUNSEL SECTION NEWSLETTER, (2011), with a reference to *United States v. United Shoe Machinery*, 89 F. Supp. 357, 360 (D. Mass. 1950) (“On the record as it now stands, the apparent factual differences between these in-house counsel and outside counsel are that the former are paid annual salaries, occupy offices in the corporation’s buildings, and are employees rather than independent contractors. These are not sufficient differences to distinguish the two types of counsel for purposes of the attorney-client privilege.”).

<sup>8</sup> The ECJ itself has described these discrepancies in *Akzo* (see above footnote 2), mn. 71 et seq.; a helpful overview of LPP under the different EU member states’ legislation/regulation can be found in DLA Piper’s and ECLA’s Legal Professional Privilege Global Guide, available at [http://www.dlapiperlegalprivilege.com/#handbook/world-map-section/2/c1\\_DE](http://www.dlapiperlegalprivilege.com/#handbook/world-map-section/2/c1_DE) (last visited on April 29, 2019).



lawyers. But the Court of Justice did not consider the impact of its ruling in the context of parallel investigations by Member States.<sup>9</sup>

Whilst the general rule is that the LPP protection offered by Member States does not extend to in-house counsel<sup>10</sup>, there are some exceptions.<sup>11</sup> In Ireland and in the UK, in-house counsel benefit from the same protection as external counsel, because in-house counsel are considered to be sufficiently independent. In that sense, the UK's system is similar to the U.S. attorney-client privilege. In addition, certain countries such as Poland, Portugal and the Netherlands recognize LPP protection for communications with in-house counsel provided they are admitted to the Bar.

## **B. Correspondence, Work Products and Other Situations Covered**

As mentioned above, *Akzo* limited the scope of EU LPP to work product created for the exclusive purpose of seeking legal advice from an external lawyer and to reproductions of the text or the content of legal advice given (in writing or orally) by an external lawyer. While the approach taken in a number of EU Member States is consistent with that of the EU,<sup>12</sup> this is not always the case. Some countries extend LPP protection to: (a) correspondence that is not made for the purposes and in the interests of the client's right of defense (e.g., Ireland and the UK); (b) communications with lawyers established outside the EEA area (e.g., Netherlands, and the UK); and (c) oral communications (e.g., Lithuania, Malta, and Portugal).<sup>13</sup> On the other hand, some EU Member States do not recognize LPP in certain situations (e.g., Germany in the case of merger control proceedings, and Estonia in the case of national antitrust investigations, where although LPP is acknowledged in principle, it is common practice that the antitrust/competition authority seizes the documents in bulk, which often includes privileged material. In order to prevent the investigator from reviewing privileged documents, the subject of the investigation should clearly indicate which documents are privileged).

## **V. Practical Suggestions for Dealing with Legal Professional Privilege under European Union Law**

The *Akzo* ruling highlights the need for companies to assess the practical measures they should take to maintain confidentiality over communications, and the circumstances in which external, rather than in-house, counsel should be instructed. As noted, pro bono matters normally do not become subject to Commission investigations, and as such the risk that work product may be seized by the Commission is not normally a problem. This Section sets out some basic practical suggestions to deal with issues relating to LPP.

### **A. Increase In-House Counsel's Awareness**

The limitations on the applicability of EU LPP to in-house counsel should not prevent in-house counsel from functioning and providing day-to-day legal advice to the company and its employees, or from providing assistance on pro bono matters in Europe. In-house counsel should simply be aware that their written documents may be disclosed in a Commission proceeding. As a result, when advice is required to be in writing, in-house

---

<sup>9</sup> There have been cases of parallel investigations in the past; e.g., the so-called Marine Hoses investigation where the UK's OFT, the Commission and the U.S. DOJ have coordinated their actions, and carried out contemporaneous on-site inspections. There are likely to be more cases of this nature in the future, particularly if Member States expand the scope of criminal sanctions for infringements of antitrust laws.

<sup>10</sup> Austria, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Romania, Slovakia, Slovenia, Spain (disputed and left open by the Spanish Supreme Court) and Sweden.

<sup>11</sup> Belgium, Cyprus (if admitted to the Bar), Greece, Ireland, The Netherlands (if admitted to the Bar), Norway, Poland (if admitted to the Bar), Portugal (if admitted to the Bar) and the UK.

<sup>12</sup> Following are some countries that in the case of a national antitrust investigation have an approach regarding LPP similar to the EU: Finland, France, Hungary, Italy, Latvia, Slovakia, Slovenia and Spain.

<sup>13</sup> Similarly, the U.S. attorney/client privilege is also extended to oral communications.

counsel should be careful to use precise and accurate language that is difficult to misinterpret or quote out of context.

## B. Identify Documents

Internal documents covered by LPP should be immediately and unambiguously identifiable as having been prepared exclusively in order to obtain legal advice from an external lawyer in connection with matters that may have a relationship to the subject matter of a foreseeable subsequent procedure.

It should also be kept in mind that during unannounced inspections, the first port of call for officials of the Commission and Member State authorities is the place where e-mails and documents are stored on the central server, as well as the laptops and other electronic storage devices of individual executives. Electronic correspondence is therefore treated in exactly the same way as paper correspondence and will require particular attention given the extent of electronic communications in most companies and organizations today.

All legal correspondence dealing with legally-sensitive issues should be collected in separate folders and ideally kept in the office of the in-house counsel. Folders should be labeled as "*Legally Privileged – Documents used for consultation with external lawyer.*" The same recommendation applies to e-mails and electronic folders, so that they can be omitted from an electronic search. If pre-existing legally sensitive documents are organized and copied for use by external counsel, and if a copy of that collection must remain with the company, the discussions with external lawyers should be recorded by way of a brief note, mentioning the name of the external lawyer involved, the date of the discussion and the topic (in general terms). This brief note should be kept in the same folder as each of the documents/materials discussed. Finally, legal documents on sensitive issues should have limited distribution within the company.

## VI. Conclusion

The *Akzo* ruling is limited to investigations, most notably antitrust investigations, carried out by the Commission. On the rare occasion that pro bono work involves some possible elements of Commission investigations this should not discourage in-house counsel from providing assistance on pro bono matters. The LPP rules in each relevant national EU Member State should also be taken into consideration. Awareness that correspondence and work products may possibly be seized by the Commission, and awareness of the matters for which external counsel may need to be involved, will substantially lower the risk of any possible future problems.

April 2019  
Legal Professional Privilege in the European Union

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in International Law

### I. Introduction

The scope of individual access to international justice has expanded significantly over the past four decades, transcending its beginnings in the field of human rights law. Individuals may now access international justice systems for a myriad of matters, including international trade regulation, environmental law, immigration and refugee law, and labor law. This rapid expansion and increased activity of international courts and tribunals in recent years has been largely uncoordinated.

This chapter provides an introduction to pro bono in the international legal sphere. On the litigation side, pro bono initiatives in international law provide a unique opportunity for lawyers, not only to assist individuals and non-state actors in vindicating their rights but also to influence the formation of international law and precedent. There are also many opportunities for participating in international pro bono beyond litigation, including, for example, preparing research for NGOs or financing international charitable projects.

### II. Overview of the Legal System: International Law

#### A. The Justice System

##### i. Constitution and Governing Laws

International law is the set of legal rules governing international relations between public bodies, such as states and international organisations.<sup>1</sup> The legal basis for pro bono under international law can be traced back to the general principles of universal access to justice enshrined in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Please refer to the introductory chapter of this survey, “Access to Justice – An Introduction”, for additional background information.

##### ii. The Courts

There are a wide range of international institutions and tribunals, which can be grouped into the following categories:<sup>2</sup>

- International criminal courts tribunals (e.g., the International Criminal Court and International Criminal Tribunal for Rwanda);
- International courts for resolving disputes between treaty signatories (e.g., the International Court of Justice);
- Regional human rights bodies (e.g., the Inter-American Court of Human Rights);
- Regional economic agreement courts (e.g., the North American Free Trade Agreement (“NAFTA”) Arbitration Panel);
- Inspection panels of intergovernmental organizations (e.g., the World Bank Inspection Panel);
- International claims and compensation bodies (e.g., the Claims Resolution Tribunal for Dormant Accounts in Switzerland);
- International administrative tribunals (e.g., the Administrative Tribunal of the International Labor Organization); and

---

<sup>1</sup> See <https://libguides.ials.sas.ac.uk/publicinternationallaw> (last visited on April 29, 2019).

<sup>2</sup> See J. Almqvist, Individual Access to International Justice: A Theoretical Study, Paper presented at the annual meeting of the American Political Science Association, Philadelphia Marriott Hotel, Philadelphia, PA (Aug. 27, 2003).



- Courts and Tribunals established by treaty to resolve disputes relating to that treaty (e.g., the International Tribunal for the Law of the Sea).

These international legal bodies can be further classified as being either purely international regimes (such as the international criminal courts) or regional regimes, also referred to as “transnational” or “supra-national” regimes (such as the European Union, the NAFTA trade regime, the African human rights regime, and the Arab League). The term “international” in this chapter refers to both purely international and regional institutions.

These legal bodies are also commonly identified by whether they are also either treaty regimes or non-treaty regimes. An example of a non-treaty body is the International Criminal Tribunal for the former Yugoslavia, which was established in 1993 through UN Security Council Resolution 808. Treaty bodies include the World Trade Organization (established in 1994 through the ‘General Agreement on Tariffs and Trade’, a multilateral treaty) or the Marshall Islands Nuclear Claims Tribunal (established in 1983 through the ‘Agreement Between the Government of the United States and the Government of the Marshall Islands’, a bilateral treaty). Ordinarily, the establishing instrument – usually a treaty or a UN resolution – is supplemented by a statute or a protocol that is the legal source of authority for the applicable international body. Furthermore, regulations are often promulgated under such statutes and protocols. Together, these treaties, regulations, resolutions and statutes contain the substantive rights of individuals with regard to such international tribunals, and the procedures that govern the implementation of those substantive rights.

### iii. The Practice of Law

Both substantive and procedural law and practices vary dramatically from court to court, making it impossible to speak generally of rules, regulations or practices regarding attorneys’ qualifications. As one commentator has stated, “[t]he regulation of counsel who practice before international tribunals, particularly public law tribunals, is almost a complete vacuum.”<sup>3</sup> On one end of the spectrum is the Inter-American human rights system, where a petitioner need not have any legal training or certification whatsoever. The rationale is to allow victims to petition the Commission and the Court directly. The same practice is used across the various quasi-judicial UN committees. At the other end of the spectrum is the Court of Justice of the European Union (“ECJ”), where the qualifications required to serve as representative are determined by the national law of the advocate. In September 2012, the ECJ also decided that in-house lawyers were not sufficiently independent to represent their employers before the ECJ.<sup>4</sup>

Criminal tribunals are a unique case, in that the statutes of these tribunals typically provide for legal representation as a fundamental right. If a defendant cannot afford legal representation, the tribunal will provide for the defense at no cost to the defendant. The tribunal registrars publicly invite eligible persons to submit

---

<sup>3</sup> D. F. Vagts, *The International Legal Profession: A Need for More Governance?*, 90 AM. J. INT’L L. 250, 260. (“Fee arrangements between clients and lawyers are regulated very differently in different countries: can an American lawyer be paid on a contingent basis for arguing before the International Court of Justice? Do German fee schedules apply to such a case? The way in which a case is tried before an international tribunal, setting aside permanent bodies, depends greatly on the composition of the panel.”).

<sup>4</sup> Republic of Poland, v European Commission [2012] EUECJ C-422/11, EU:C:2012:553, ECLI:EU:C:2012:553.

applications and maintain lists of eligible counsel.<sup>5</sup> For example the Rules of Procedure and Evidence of the International Criminal Court provide that:

A counsel for the defense shall have established competence in international or criminal law and procedure, as well as the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings. A counsel for the defense shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court. Counsel for the defense may be assisted by other persons, including professors of law, with relevant expertise.<sup>6</sup>

As a matter of policy, criminal tribunals encourage representation by members of the local bar, i.e., the place where the tribunal is located.

### III. Legal Resources for Indigent Persons and Entities

Given the breadth of institutions applicable to the international legal sphere, for purposes of this section of this chapter, we discuss only the European Court of Human Rights, the Court of Justice of the European Union, the International Criminal Court and the International Court of Justice.

#### A. The Right to Legal Assistance

##### i. The European Court of Human Rights (the “ECHR”)

The European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols (the “**European Convention**”) covers a wide range of civil and political rights and currently has 47 contracting states. The ECHR has jurisdiction over those contracting states with regard to all matters relating to the interpretation and application of the European Convention. The ECHR’s efficacy is largely owed to the fact that all of the contracting states allow the Court to review judgments of domestic courts and have submitted to the compulsory jurisdiction of the Court and because the Committee of Ministers of the Council of Europe oversees the enforcement of the ECHR’s judgments.

Individuals and groups can file complaints against their national governments in the ECHR alleging violations of European human rights norms.

##### ii. The Court of Justice of the European Union (“CJEU”)

Due to the extensive protections for human rights provided under EU law, it constitutes an extensive regional human rights system. In particular the Lisbon Treaty, that entered into force on December 1, 2009, grants the Charter of Fundamental Rights of the European Union (the “**Charter**”) legally binding status.<sup>7</sup> The CJEU is the supreme court of the court of the EU, tasked with finally and authoritatively interpreting the provisions of EU law including the fundamental rights guaranteed by the Charter. Every EU country must recognise and enforce judgements of the CJEU as a matter of EU law.

---

<sup>5</sup> See, e.g., arts. 55 and 67 of the Rome Statute of the International Criminal Court 2002 (right to legal assistance); Rules 20–22 of the Rules of Procedure and Evidence (assignment of legal assistance and qualifications of counsel for the defense). Among the documentation requirements set by the Registrar are requirements for a certificate of good standing from a professional association of which the candidate is a member; certificate from the relevant state authority specifying criminal convictions, if any. Similar provisions, subject to some variations, exist in the Statutes and Rules of the ad hoc International Criminal Tribunals for the Former-Yugoslavia and for Rwanda and the Special Court for Sierra Leone.

<sup>6</sup> Rule 22(1) of the Rules of Procedure and Evidence.

<sup>7</sup> OJ 2007, C 303, p. 1 Article 6(1) of the Treaty on European Union (“**TEU**”) provides that “[t]he Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of December 7, 2000 which shall have the same legal value as the Treaties.”

Under the Lisbon Treaty individuals are now permitted to bring actions challenging EU law directly before the CJEU in circumstances where an action before that individual's national courts is not a practical alternative.

**iii. The International Criminal Court (“ICC”)**

The ICC is an independent, permanent court established by treaty (the Rome Statute of the International Criminal Court), joined by 122 countries (effective as of March 29, 2019). The mandate of the Court is to try individuals rather than States, and to hold such persons accountable for the most serious crimes of concern to the international community as a whole, namely the crime of genocide, war crimes, crimes against humanity, and the crime of aggression, when the conditions for the exercise of the Court's jurisdiction over the latter are fulfilled.

Any State party to the Rome Statute can request the Prosecutor to carry out an investigation. A State not party to the Statute can also accept the jurisdiction of the ICC with respect to crimes committed in its territory or by one of its nationals, and request the Prosecutor to carry out an investigation. The United Nations Security Council may also refer a situation to the Court.

**iv. The International Court of Justice (“ICJ”)**

The Statute of the International Court of Justice is an integral part of the Charter of the United Nations (the “**Charter**”) that came into force between the signatories to the Charter on October 24, 1945. The ICJ is the principal judicial organ of the United Nations and its role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. The Court is assisted by a Registry, its administrative organ. Its official languages are English and French.

The Court may entertain two types of cases: (i) legal disputes between States (contentious cases) and (ii) requests for advisory opinions on legal questions. Only States (States that are Members of the United Nations and other States which have become parties to the Statute of the Court or which have accepted its jurisdiction under certain conditions) may be parties to contentious cases. Advisory proceedings before the Court are open solely to five organs of the United Nations, to 15 specialized agencies of the United Nations family and one related organization of the United Nations and primarily address legal questions arising within the scope of the activities of that particular organ or agency.

**B. State-Subsidized Legal Aid**

As further outlined in the introductory chapter of this survey, “Access to Justice – An Introduction”, countries that are signatories to the Universal Declaration of Human Rights and/or the International Covenant on Civil and Political Rights (the “**Covenant**”) have undertaken an obligation to ensure that everyone has the right to an effective legal remedy for acts that violate that person's fundamental rights. As a minimum standard, each country has a legal obligation to provide legal aid in all circumstances in which citizens cannot afford to access the legal system for the protection of human rights protected by treaties ratified by that country.



Legal aid is granted differently depending on the jurisdiction. Its amount and conditions are often regulated in the statutes of the various courts applicable in that jurisdiction. The starting point however is typically the conditions set out in Article 14(3)(d) of the Covenant and Article 6(3)(c) of the European Convention which provide for both a means test and a merits test for legal aid applications.

Certain international/regional institutions provide legal aid facilities themselves (although the level of funding is typically low). The ECHR, for example, may grant legal aid<sup>8</sup> where the President of the Chamber is satisfied that (i) it is necessary for the proper conduct of the case before the Chamber and (ii) that the applicant has insufficient means to meet all or part of the costs entailed. The legal aid granted by the court will be as a contribution towards expenses and legal fees but caps on amounts shall be applied based on the levels of legal aid available throughout the 47 contracting states of the European Convention.

#### IV. Pro Bono Assistance: International Law

##### A. Pro Bono Opportunities

There are three significant opportunities for lawyers looking for pro bono opportunities in the international law sphere, namely: (1) partnering with NGOs or other organizations such as law school clinics; (2) partnering with UN agencies; and (3) establishing working relationships with registrars of the various international courts and tribunals. Each is described in further detail below.

###### i. Partnering with NGOs

Many international NGOs have well-established networks and experience with regard to representing individuals in international bodies. Still, these NGOs may be understaffed, underbudgeted or may simply lack expertise in a certain area of law, and may be happy to cooperate with lawyers and law firms that have the right resources and institutional knowledge. Leading international NGOs that undertake individual representation include Amnesty International, Human Rights Watch, No Peace Without Justice, the International Rescue Committee, and Interights.<sup>9</sup> Often these NGOs have a legal department, and contacting the heads of such departments may be an effective first step for individuals or organizations desiring to get involved in international pro bono. National NGOs doing international work (such as the American ACLU and other leading civil rights organizations) can be equally fruitful partnerships to explore.

###### ii. Partnering with UN Agencies

A number of UN agencies have corporate partner programs and NGO partner programs.<sup>10</sup> In fact, the partnership model is familiar and encouraged. UN agencies that may be particularly relevant to lawyers interested in forming partnerships for international pro bono legal services include the United Nations Development Program (“UNDP”), the United Nations Global Compact (“UNGC”), Principles for Responsible Investment (“UNPRI”), the United Nations Human

---

<sup>8</sup> Rule 105-110 of the ‘Rules of Court’ of the European Court of Human Rights (August 1, 2018).

<sup>9</sup> Interights has been particularly active in the field of access to justice and legal aid. In collaboration with the European Commission, the Public Interest Law Institute and the Open Society Justice Initiative, Interights helped produce nine country reports reviewing access to justice and legal aid in Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, available at [http://pilnet.org/component/docman/doc\\_download/48-access-to-justice-in-central-and-eastern-europe-country.html](http://pilnet.org/component/docman/doc_download/48-access-to-justice-in-central-and-eastern-europe-country.html) (last visited on April 29, 2019).

<sup>10</sup> See e.g., UNHCR’s partners/donors, available at <http://www.unhcr.org/pages/49c3646c296.html> (last visited on April 29, 2019).

Rights Council (“**UNHRC**”), the United Nations International Children’s Fund (“**UNICEF**”) and the United Nations High Commissioner for Refugees (“**UNHCR**”).

**iii. Providing representation before international bodies**

Generally, pro bono representation before international bodies is provided in one of three capacities:

- Representation of individuals or nonstate entities, such as NGOs, before international institutions
- Representation of underdeveloped countries in disputes between States (e.g., in relation to requests for advisory opinions from the ICJ or disputes brought before the World Trade Organization Arbitration Panel)
- Intervention as *amicus curiae* (filing briefs or other supporting documentation to the court on matters of public interest)

Each of the international courts has a Registry and lawyers wishing to participate in pro bono activities in this area would be well advised to look to establishing working relationships with the Registrars of the relevant international court. Unlike many domestic courts, the Registrars of the international courts are senior staff with influence over policy, regulation, and procedures and are second in influence only to the judiciary itself. Among other responsibilities, the Registrars are entrusted with the administration of defendants’ representation (in criminal courts), with allocating and disbursing attorneys’ fees (when paid by the court), and with enforcing the attorney qualification requirements. Because Registrars also keep rosters of eligible attorneys, formally applying to be included on these rosters should be a first step for those wishing to volunteer their services.

**iv. TrustLaw – Thomson Reuters Foundation.**

TrustLaw is the Thomson Reuters Foundation’s global pro bono legal program. They connect law firms and corporate legal teams around the world with high-impact NGOs and social enterprises working to create social and environmental change. Many law firms and in-house legal teams in Argentina and Latin America have joined TrustLaw and are participating together in interesting regional or local pro bono projects.

**B. Historic Development and Current State of Pro Bono**

There is a rich tradition of pro bono in the international legal context. A key milestone was the establishment in 1947 of the International Bar Association (“**IBA**”) which brings together lawyers and bar associations from across the globe. The IBA has consistently pushed pro bono activities amongst its members through its Pro Bono Committee.<sup>11</sup>

There are a number of potential barriers facing lawyers who desire to work with NGOs, UN bodies and international courts. Lawyers should be aware that an NGO’s ability to secure public and private funding is often contingent upon achieving high-profile successes for the organization. As such, NGOs may be weary of partnering and sharing the limelight. However, this issue may be easily addressed by the lawyer or law firm permitting the NGO to be spotlighted in the applicable pro bono representation.

Many UN bodies are headquartered in New York. Contacting these headquarters could be time consuming, given the bureaucratic nature of the UN, and not appropriate as the needs

---

<sup>11</sup> See <http://www.internationalprobono.com/> (last visited on April 29, 2019).

of any given program may vary from country to country. These barriers could be overcome by contacting country offices rather than UN Headquarters. For example, contacting the Rule of Law Officers or the Governance Program Officers at UNDP's Country Offices or the Child Protection Officers at UNICEF's Country Offices may prove more effective than contacting the Country Bureau at UNDP or UNICEF's Headquarters.

Finally, requirements of individual tribunals or courts may also act as an impediment for lawyers or law firms seeking international pro bono opportunities. For example, as noted above, certain regional Courts require individuals practicing before them to be registered in a specific territory. The Rules of the European Court of Human Rights require that a representative acting on behalf of an applicant resides in, and is authorized to practice in, one of the 47 Contracting States.<sup>12</sup> However, it is worth noting that sometimes these same tribunals and courts may be flexible with such practice requirements. The President of the Chamber of the European Court of Human Rights, for example, has the discretion to approve other representatives.

### C. Pro Bono Resources

Working closely with NGOs, law firms and in-house departments can undertake a range of interesting international work. This is not limited to litigation issues, as many international NGOs are open to partnering with external lawyers and companies to help address concerns in areas such as the environment, microfinance or human rights. Set out below are some specific examples of law firms or companies that have partnered with NGOs or other organisations to provide international pro bono services:

American International Group, Inc. (AIG) in conjunction with the Iraqi Refugee Assistance Project (IRAP) received a number of awards, including the 2014 CPBO Pro Bono Partner Award, for their pioneering, collaborative effort to provide legal assistance to Afghan nationals who have aided the U.S., often as interpreters, and who are now targets of anti-American violence.

Hewlett-Packard Company in partnership with Morgan, Lewis & Bockius and the National Veterans Legal Services Program (NVLSP) provided substantive legal advice in connection with *Sabo v. United States*, a class action lawsuit brought by NVLSP alleging that approximately 4,300 Iraq and Afghanistan veterans were illegally denied disability benefits. After a partial resolution of this case granted class members expedited access to review boards, the partnership provided legal counseling for class members interested in having their claims reheard.

Baker & McKenzie worked with the UN Foundation<sup>13</sup> to provide legal assistance to the Alliance for Clean Cook Stoves,<sup>14</sup> a public-private initiative that seeks to save and improve livelihoods, empower women and protect the environment by creating a successful global market for clean and efficient household cooking solutions. The firm's work included governance issues, carbon credit agreements, intellectual property, trade issues and tariff issues. Baker & McKenzie also worked with the UN Foundation and in-house counsel from Merck,<sup>15</sup> to help mHealth Alliance<sup>16</sup> promote the use of mobile technology to improve health across the world. They helped to examine privacy issues in health accounting and account for data security whilst maintaining patient autonomy.

---

<sup>12</sup> Rule 36(4) of the 'Rules of Court' of the European Court of Human Rights (August 1, 2018).

<sup>13</sup> See <http://www.unfoundation.org/> (last visited on April 29, 2019).

<sup>14</sup> See <http://cleancookstoves.org/> (last visited on April 29, 2019).

<sup>15</sup> One of the largest pharmaceutical companies in the world: see <http://www.merck.com> (last visited on April 29, 2019).

<sup>16</sup> mHealth Alliance's goal is to maximise reliable and expedient access to accurate and comprehensive healthcare data by healthcare providers. See <http://mhealthknowledge.org/> (last visited on April 29, 2019).

Reed Smith worked with METAdrasi (Action for Migration and Development)<sup>17</sup> to provide legal assistance for the 10,000 refugees stranded on Greek Islands in 2016.

White & Case collaborated with Child Rights International Network<sup>18</sup> who aim to promote and protect children's rights around the world by drawing the attention of governments to their obligations under the United Nations Convention on the Rights of the Child. This project involved researching the jurisprudence of 172 countries to build a comprehensive database to help protect the next generation. The firm also supported the IFRC Global First Aid Reference Centre (GFARC), hosted by the French Red Cross<sup>19</sup>. This project involved research to establish first aid provider's liability and to identify gaps and best practices. GFARC will share the research with 191 Red Cross and Red Crescent Societies.

Latham & Watkins assisted the United Nations Global Compact and the Royal Institute of Chartered Surveyors to develop a toolkit that offers guidance for companies around the world in the areas of labor, human rights, anti-corruption, and the environment. Latham & Watkins also advised the Platform for International Cooperation on Undocumented Migrants (PICUM),<sup>20</sup> which promotes respect for the rights of undocumented migrants within the European Union, by providing both legal research on previous collective complaints and procedural aspects, and drafting analyses exploring the possibility of lodging a collective complaint under the European Social Charter, a Council of Europe treaty that guarantees economic and social human rights.

Latham & Watkins, Cleary Gottlieb, Reed Smith and Shearman & Sterling collaborated with TrustLaw<sup>21</sup>, 28 Too Many<sup>22</sup>, local law firms and NGOs to issue a report summarizing the laws in 29 African jurisdictions regarding female genital mutilation. The report was produced for use by advocacy organizations that are seeking to abolish female genital mutilation. Other helpful links and resources can be found on the website of the Law Society of England and Wales.<sup>23</sup>

## V. Conclusion

Pro bono initiatives in international law provide a unique opportunity for lawyers to influence and learn from an evolving jurisprudence. International pro bono work provides a sense of global teamwork across offices and gives young associates the opportunity to develop the skills necessary to work in multicultural settings – a facility which can be carried over into non-pro bono practice. Encouraging international pro bono also makes sense from a business development standpoint: cases that reach international bodies are often high-profile both in the jurisdiction in which they originated and internationally, providing high visibility to the representing lawyers. Attorneys and organizations interested in getting involved with pro bono litigation or nonlitigation work should partner with country offices of UN agencies, with NGOs and/or establish working relationships with Registrars. Additionally, the Pro Bono Institute and other similar associations, such as the

---

<sup>17</sup> See <https://metadrasi.org/en/metadrasi/> (last visited on May 1, 2019).

<sup>18</sup> See <https://www.crin.org/> (last visited on April 29, 2019).

<sup>19</sup> See <https://www.croix-rouge.fr/> (last visited on May 1, 2019) and <https://www.whitecase.com/publications/story/legal-first-aid-first-aid-providers> (last visited 24 October 2019).

<sup>20</sup> See <https://picum.org/#> (last visited on April 29, 2019).

<sup>21</sup> See <http://www.trust.org/trustlaw/> (last visited on May 1, 2019).

<sup>22</sup> See <https://www.28toomany.org/> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.lawsociety.org.uk/Support-services/Practice-management/Pro-bono/International/> (last visited on April 29, 2019).



International Bar Association,<sup>24</sup> are good resources for those seeking guidance regarding avenues for providing pro bono services at the international level.

May 2019  
Pro Bono Practices and Opportunities in International Law

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>24</sup> IBA aims at bringing together the global community of professionals involved in pro bono legal work. See <http://www.internationalprobono.com/about/> (last visited on April 29, 2019).



# Africa



## Pro Bono Practices and Opportunities in Angola<sup>1</sup>

### I. Introduction

Angola has no significant legal pro bono tradition, and access to pro bono legal services is very limited. There is, however, a growing awareness within the legal profession in Angola of the urgent need for Angola to develop legal pro bono assistance programs with State support to ensure access to justice for all.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Legal services in Angola may only be provided by lawyers registered and accredited by the Angolan Bar Association (“OAA”).</p> <p>The provision of legal services is primarily governed by Law 8/17, of 13 May 2017 (the “<b>Advocacy Law</b>”<sup>2</sup>) and the OAA’s regulations.<sup>3</sup> Legal practitioners also have a recognized special status under the Angolan Constitution.<sup>4</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers must be registered and accredited with the OAA in order to practice law in Angola.<sup>5</sup> Registration with the OAA is generally only open to Angolan nationals. The Advocacy Law allows foreign nationals, with a local law degree, to apply for registration/qualification with the OAA. However, such registration/qualification is subject to the general principle of reciprocity.</p> <p>Candidates to the OAA are required to pass an admission exam and serve an 18-month apprenticeship as a trainee working alongside qualified lawyers.<sup>6</sup> During the apprenticeship, trainees have limited powers and authority to practice law and must work on at least 15 criminal and 12 civil cases. There is a special apprenticeship regime for lawyers already qualified in other jurisdictions (three months for qualified lawyers with a Roman-Germanic legal education and six-months for qualified lawyers with an Anglo-Saxon legal education). At the end of the apprenticeship, trainees are required to prepare and submit to the OAA a professional ethics and conduct assignment and their</p>

<sup>1</sup> This chapter was drafted with the support of Ângela Viana and Frederico Calei of Vieira de Almeida & Associados.

<sup>2</sup> Law 8/17, of 13 May 2017 available at <http://www.oaang.org/content/lei-advocacia-1> (last visited on May 1, 2019).

<sup>3</sup> OAA Regulations available at [www.oaang.org](http://www.oaang.org) (last visited on May 1, 2019).

<sup>4</sup> 2010 Constitution of the Republic of Angola, of 5 February 2010.

<sup>5</sup> <http://www.oaang.org/content/lei-advocacia-1> (last visited on May 1, 2019). The practice of law for these purposes includes the provision of legal advice, the representation of clients and the performing of any other duties in court inherent to the profession throughout the national territory and before any jurisdiction, authority, or public or private body.

<sup>6</sup> International Bar Association Human Rights Institute Report, “Angola Promoting Justice Post-Conflict July 2003” (“IBAHR”).

	supervising lawyers are required to report to the OAA on the merits of their application to the Bar. <sup>7</sup>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>There are no express regulations governing the provision of pro bono legal services in Angola.</p> <p>There is no statutory minimum legal fee schedule imposed on legal practitioners in Angola. There is, however, a minimum prescribed state subsidized fee for services provided by Angolan lawyers within the Legal Aid System.<sup>8</sup></p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Angola are not required to work a minimum number of pro bono hours. However, qualified lawyers are free to engage (and to some extent are encouraged by the OAA to engage) in pro bono activities but are not obligated to accept pro bono (or any other) legal matters.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	<p>Aspiring lawyers in Angola are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>However, trainee lawyers are often appointed by the OAA to provide legal aid within the scope of their limited powers and authority and must provide valid justification for rejecting such appointment.</p>
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>The number of lawyers per capita is extremely low in Angola. Following independence in 1975, it was reported that there was only one judge, one prosecutor and about 15 lawyers in the whole country<sup>9</sup>. Since then, while the number of lawyers has increased, according to the OAA, there are currently only approximately 1,947 lawyers in Angola out of a population of circa 25 million.<sup>10</sup> The low number reflects the dislocation caused by the long period of civil strife which led to relatively high levels of emigration of skilled professionals.<sup>11</sup></p> <p>There is therefore a severe shortage of lawyers in Angola, and many Angolans struggle to obtain</p>

<sup>7</sup> OAA Regulations 1/19, of 7 March 2019 <https://www.oaang.org/sites/default/files/oaanovoREGacessoadvoc.pdf> (last visited on May 1, 2019).

<sup>8</sup> Joint Executive Decree 46/97, of 7 November 1997.

<sup>9</sup> Courts and Social Transformation in New Democracies An Institutional Voice, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CC0QFjACahUKEwjPysezzYHHAhWHbhQKHecxAZo&url=http%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUid%3D8ee32437-024f-45c6-9c71-8a9c68d9b921&ei=mnC5Vc-VllfdUefjhNAJ&usq=AFQjCNEo-NbTrwiQkuWNFZF9SC4dDQ4tuA> (last visited on May 1, 2019).

<sup>10</sup> Instituto Nacional de Estatística (INE) “Resultados preliminares do censo geral – 2014”

<sup>11</sup> Angola: Promoção da Justiça Pós-Conflito, International Bar Association Human Rights Institute, 23 (Jun. 2003), [http://www.ibanet.org/Human\\_Rights\\_Institute/Work\\_by\\_regions/Africa/Angola.aspx](http://www.ibanet.org/Human_Rights_Institute/Work_by_regions/Africa/Angola.aspx) (last visited on May 1, 2019).



	<p>legal assistance in a variety of civil and criminal matters due to the low number, and therefore lack of availability, of qualified lawyers. According to OAA statistics, some provinces with more than a million inhabitants have just a handful of lawyers. Lawyers tend to be concentrated in Luanda, the capital and other large provincial centers. Many areas of law would therefore benefit from the provision of pro bono legal services, including, for example, criminal law (including prisoners' rights), family law, employment law and civil law and litigation.<sup>12</sup></p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Angola are the OAA, the Angolan government, Universities and private legal aid centers.</p> <p>The OAA has established <i>Direito para todos</i> ("Law for All"), a program through which lawyers provide free legal advice to citizens at monthly pro bono clinics, including in prisons.</p> <p>There have been increasing efforts to implement legal aid programs at Angolan universities. In 2014, the Faculty of Law at the University of Agostinho Neto established an inaugural pro bono clinic offering free legal advice in Cacuaco for the start-up of micro businesses.<sup>13</sup></p> <p>Recent efforts to increase resources available for pro bono work include the International Bar Association's Human Rights Institute's work with the Angolan Ministry of Justice and Angolan Secretary of State for Human Rights to improve the skills of members of the Angolan judiciary, prosecutors and lawyers in international human rights law through providing training courses.<sup>14</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers must be registered with the OAA in order to practice law (including the provision of pro bono legal services) in Angola.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Only foreign lawyers admitted to the OAA are allowed to practice law and provide pro bono legal services in Angola. There is a special apprenticeship regime for lawyers qualified in other jurisdictions requiring training within a legal practice for three months for qualified lawyers with a Roman-Germanic legal education, and six-</p>

<sup>12</sup> See <http://www.oaang.org/sites/default/files/ORDEM%20DOS%20ADVOGADOS%20DE%20ANGOL3.doc> (last visited on May 1, 2019).

<sup>13</sup> International Law and Policy Institute. "Free legal aid clinic in Cacuaco, Angola," available at <http://ilpi.org/events/free-legal-aid-clinic-in-cacuaco/> (last visited on May 1, 2019).

<sup>14</sup> International Bar Association. "Angola Human Rights Training 2012", available at <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=bdf43a75-f91b-4bb2-ad1c-acf88e18fc17> (last visited on May 1, 2019).



	<p>months for qualified lawyers with an Anglo-Saxon legal education.</p> <p>Foreign individuals with a local law degree are allowed to apply for registration with the OAA and to carry out the required apprenticeship, but such registration is subject to the general principle of reciprocity with other countries.<sup>15</sup></p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Law firms are required by law to obtain Professional Indemnity Legal Insurance for all work including the provision of pro bono legal services.<sup>16</sup></p> <p>Sole practitioners, however, are allowed to practice without professional indemnity legal insurance, and are therefore able to take on pro bono work without such insurance.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The advertising of legal services is restricted and subject to particular OAA regulations.</p> <p>While lawyers may advertise their professional names, contact details and expertise in legal magazines and general directorates, they are prohibited from advertising any kind of legal services and/or publicizing details of their clients in the media (including pro bono successes and clients).<sup>17</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Angola do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. The OAA does not currently offer any continuing legal education programs for its admitted members, and lawyers in Angola are not required to undertake any such further continuing legal education.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Angola.</p>	<p>The OAA is strongly committed to ensuring access to justice and guidance and support to all citizens, by promoting – on a regular basis – pro bono activities and legal advice sessions to the population at large and organizing the provision of legal aid to citizens who are financially unable to hire a lawyer. All financial resources available to</p>

<sup>15</sup> Article 14 of Advocacy Law and Article 14 of OAA Regulations 1/19, of 7 March 2019 <https://www.oaang.org/sites/default/files/oaanovoREGacessoadvoc.pdf> (last visited on May 1, 2019).

<sup>16</sup> Regulations on Registration of Law Firms and Associations available at <http://www.oaang.org/sites/default/files/ReqRegSocadvo.pdf> (last visited on May 1, 2019).

<sup>17</sup> Available at <http://www.oaang.org/content/instrutivo-sobre-publicidade> (last visited on May 1, 2019).

	<p>the OAA for pro bono projects and legal aid are funded directly by the Angolan government.<sup>18</sup></p> <p>For legal aid, a citizen without the means to pay for legal representation is required to apply for a certification of their inability to pay by making a declaration of poverty (<i>atestado do pobreza</i>) addressed to the presiding judge to prove their eligibility.<sup>19</sup> Upon presentation of the certificate to the OAA, the OAA appoints a lawyer and pays the lawyer certain statutorily prescribed fees.<sup>20</sup> However, the OAA's ability to provide such legal assistance is in practice limited by the number of Angolan lawyers who have signed up for the program and the number of candidate lawyers (who are required by Angolan law to provide legal assistance within the scope of their limited powers and authority and their competence and experience) and the experience of such trainees.</p> <p>Practitioners in the OAA program are typically in private practice and accordingly perform such legal assistance for reduced remuneration, as a public service or as a supplement to their fee-paying clients. In 2011, the Angolan government began to consider establishing a Public Defender Institute (<i>Instituto de Defesa Pública</i>) which would be staffed with full-time public defenders and receive an exclusive mandate from the government to deliver legal assistance to needy citizens.<sup>21</sup> However, the process towards establishment and rollout of the Public Defender Institute throughout the country has been slow.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Angola.</p>	<p>Pro bono resources in Angola are limited. The non-governmental organization <i>Mãos Livres</i> has noted that Angola lacks sufficient lawyers to conduct vital government functions, still less participate effectively in the provision of pro bono legal services.<sup>22</sup> Access to justice for Angolans could be further improved through further development of the Legal Aid system described in response to question (d).1. above, and in</p>

<sup>18</sup> Constitution of the Republic of Angola, Article 180, [https://www.constituteproject.org/constitution/Angola\\_2010.pdf?lang=en](https://www.constituteproject.org/constitution/Angola_2010.pdf?lang=en) (last visited on May 1, 2019).

<sup>19</sup> Access to Justice in Africa and Beyond: Making the Rule of Law a Reality 2007. Penal Reform International and the Bluhm Legal Clinic of the Northwestern University School of Law. Chicago, Illinois.

<sup>20</sup> Joint Executive-Decree 46/97, of November 7, 1997 and OAA Order on legal fees available at <http://www.oaang.org/content/instrutivo-sobre-honorarios> (last visited on May 1, 2019).

<sup>21</sup> Josina de Carvalho, Magistrada propõe patrocínio judiciário, JORNAL DE ANGOLA, Jan. 15, 2011.

<sup>22</sup> International Bar Association Human Rights Institute Report. "Angola: Promoting Justice Post-Conflict July 2003", <https://www.ibanet.org/Document/Default.aspx?DocumentUid=8EE32437-024F-45C6-9C71-8A9C68D9B921> (last visited on May 1, 2019) at 33.

	particular through its development outside of Luanda. <sup>23</sup>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	<p>We are not aware of any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p> <p>The non-governmental organization <i>Mãos Livres</i>, is an organization engaged in pro bono legal work in Angola<sup>24</sup>. This organization has been recognized by several international and national organizations for its work in relation to the defense of human rights and evidence, and provides legal advice and assistance to people who would not otherwise have access to justice<sup>25</sup>.</p>

May 2019  
Pro Bono Practices and Opportunities in Angola

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>23</sup> *Ibid* at 52.

<sup>24</sup> IBAHRI, *supra* n. 5. at 33.

<sup>25</sup> <https://opais.co.ao/index.php/2018/02/02/associacao-maos-livres-presta-assistencia-juridica-a-18-mil-cidadaos/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Cameroon<sup>1</sup>

### I. Introduction

The provision of pro bono legal services in Cameroon is not commonplace as part of the legal tradition in Cameroon and there are no legal instruments regulating pro bono legal services in Cameroon. However, there is an unmet need for pro bono legal services (and legal aid) in Cameroon, especially for socially disadvantaged citizens and people living with disabilities.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>In Cameroon, the legal profession is regulated by law number 90/059 of 19<sup>th</sup> December 1990 which organizes legal practices at the Bar (the “<b>Law</b>”) and the Internal Regulations of the Cameroon Bar implemented by order number 41/DPJ/SG/MJ of 12<sup>th</sup> April 2005 of the Minister in charge of Justice (the “<b>Internal Regulations</b>”).<sup>2</sup></p> <p>Broadly, the Law and the Internal Regulations set out the conditions required to become a lawyer in Cameroon, as well as the rules of the Cameroon Bar Association, the procedural rules for disciplinary proceedings and ethical standards which apply to all Cameroon registered lawyers.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The provision of legal services is not limited to lawyers. However, Article 2 of the Law gives the monopoly of representing the parties before the law courts to advocates. Again, Article 3 states that parties may be assisted or represented by any other representative of their choice, where, in the jurisdiction of the court to which the cause has been referred, there are less than four chambers.</p> <p>To become a lawyer in Cameroon, the following conditions of Article 5 the Law must be satisfied:</p> <ul style="list-style-type: none"> <li>• Cameroonian nationality;</li> <li>• The lawyer must be 23 years or older;</li> <li>• LLB qualification or equivalent;</li> <li>• Obtain the “certificate of proficiency to practice at the Bar”;</li> <li>• Passage of the swearing in ceremony by the bar association;</li> <li>• Proof of adequate office premises, as approved by the Cameroon Bar Association;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Patrick Libam Moutngui of Jing & Partners.

<sup>2</sup> See <https://barreaucameroun.org/fr/> (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• Proof of professional indemnity insurance; and</li> <li>• Enrolment in the bar register.</li> </ul>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules that regulate the provision of pro bono legal services in Cameroon.</p> <p>However, law number 2009/004 of 14<sup>th</sup> April 2009 which relates to the provision of legal aid in Cameroon ("<b>Law on Legal Aid</b>") contains some provisions to legally assist persons whose resources are inadequate to have their rights enforced by a court or to follow up the enforcement of any writ or process of execution previously obtained without such legal aid.</p> <p>Article 26 of Law on Legal Aid provides that the advocates designated to lend their services to the beneficiary of legal aid shall be appointed from among those practicing within the jurisdiction of the court before which the case was brought or the place of execution of the decision or measure. In case of failure to appear or refusal by the advocate, he shall be replaced by the President of the Bar Association. Article 38 adds that those appointed advocates shall be entitled to reimbursement of expenses incurred in defense of the person who has received legal aid and shall, where applicable, receive travelling and lodging allowance. They shall also be paid a hearing allowance whose amount shall be fixed each judicial year by the Minister in charge of justice.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Cameroon are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Cameroon are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Cameroon has major unmet needs for the provision of legal services. 40% of the population lives below the poverty line, meaning that there is a huge demand for legal services provided on a pro bono (or legal aid) basis.<sup>3</sup></p> <p>The main areas of law which require or present opportunities for the provision of pro bono legal services in Cameroon are: (i) human rights law; (ii) criminal procedure (a majority of Cameroon's</p>

<sup>3</sup> See <http://news.trust.org/item/20101116153900-pni7r> (last visited on October 2, 2019).



	<p>prisoners are awaiting trial); (iii) criminal defense, including defending men accused of being in homosexual relationships; (iv) child protection; (v) immigration law (Cameroon hosts nearly 100,000 asylum seekers and refugees); and (vi) equality for women.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>NGOs play a prominent role in providing pro bono legal services in Cameroon for refugees and homosexuals.<sup>4</sup> These include:</p> <ul style="list-style-type: none"> <li>• AFVMC - <i>Association Aide aux Familles et Victimes des Migrations Clandestines</i> which helps refugees;<sup>5</sup></li> <li>• Refugees Welfare Association (REWAC) Cameroon which helps refugees;<sup>6</sup></li> <li>• Women Poverty Eradication Centre (WOPEC) Cameroon which helps women in poverty;<sup>7</sup> and</li> <li>• Contra Nocendi which works with persons held in pre-trial detention.<sup>8</sup></li> </ul> <p>Some local law firms in Cameroon, such as Citadel,<sup>9</sup> provide pro bono legal services however, Reuters reports that few local law private law firms in Cameroon are prepared to work on a pro bono basis.<sup>10</sup> Some international firms such as Sidley Austin have also engaged in pro bono work in Cameroon.<sup>11</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Cameroon do not require a license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers in Cameroon do not require any additional license(s) to provide pro bono legal services.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of</p>	<p>Lawyers in Cameroon do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>

<sup>4</sup> See <http://www.refugeelegalaidinformation.org/cameroon-pro-bono-directory> (last visited on October 2, 2019).

<sup>5</sup> See <http://afvmc.free.fr/> (last visited on October 2, 2019).

<sup>6</sup> See <http://www.freetocharities.org.uk/rewac> (last visited on October 2, 2019).

<sup>7</sup> See <http://www.freetocharities.org.uk/wopec> (last visited on October 2, 2019).

<sup>8</sup> See <http://contranocendi.org/index.php/en/our-projects/cameroon> (last visited on October 2, 2019).

<sup>9</sup> See <https://citadelawfirm.cm/probono/> (last visited on October 2, 2019).

<sup>10</sup> See <http://news.trust.org/item/20101116153900-pni7r> (last visited on October 2, 2019).

<sup>11</sup> See <https://www.sidley.com/en/probonolanding/sidley-emerging-enterprises-pro-bono-program/projects/grassland-cameroon> (last visited on October 2, 2019).

another pro bono provider, such as a private law firm or organization working on the same pro bono project?	
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Cameroon that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	“Continuing Legal Education” or equivalent credit are not recognized in Cameroon.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Cameroon.	There are no governmental sources of pro bono and/or other legal services in Cameroon.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Cameroon.	Please refer to II.(b).5 above.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There is no public or private organization in Cameroon with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.

October 2019  
Pro Bono Practices and Opportunities in Cameroon

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Egypt<sup>1</sup>

### I. Introduction

Egypt has a long and established legal tradition, with the country priding itself on a legal system that dates back to the early 19<sup>th</sup> century. Egypt’s case law and judicial institutions have served as a model for legal reform in the majority of the Arab countries. Historically, the Egyptian legal profession has played an important role in advancing law reform and advocating for independence, justice, and freedom of expression. Despite this proud history, the country does not have an established and formalized practice with respect to pro bono legal services. This is save for pro bono legal services offered by certain NGOs and legal assistance centers providing legal representation to indigent Egyptians and refugees, and the voluntary services offered by private practitioners to their families, friends, and acquaintances.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Egypt is a “fused” profession. Accordingly, a licensed lawyer has the right to appear before courts as well as to draft agreements and provide legal advice.</p> <p>Private practitioners can practice either as sole practitioners or through partnership with other lawyers.</p> <p>The legal profession in Egypt is self-regulated by the Egyptian Bar Association (“EBA”). It was established in 1912 and is considered one of the oldest Bar Associations in the Middle East and North Africa region. The EBA assumed its current form in 1956, after uniting three bar associations that previously represented lawyers with rights of representation before secular, religious, and mixed courts. Under Article 77 of the 2014 Constitution,<sup>2</sup> the EBA, along with other recognized professional syndicates, is tasked with regulating its membership and defending the rights, liberties, and independence accorded to the profession by law.</p> <p>The law no.17 for year 1983 governing the profession of lawyers (“<b>Advocates Law</b>”)<sup>3</sup> is the main law governing the practice of the legal profession. It is centered on ideals such as duties of confidentiality, avoiding conflict of interest, and providing legal aid and pro bono services, in addition to requirements of ethics and integrity; it also sets out the admission and training requirements. However, the Advocates Law does not contain a clear articulation of ethical principles that should be followed by lawyers or clear</p>

<sup>1</sup> This chapter was drafted with the support of Aly Salem of Sarie Eldin & Partners Legal Advisers.

<sup>2</sup> <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf> (last visited on May 1, 2019).

<sup>3</sup> <https://marsd.daamdh.org/archives/3258?lang=ar> (in Arabic) (last visited on May 1, 2019).

	disciplinary procedures. For instance, it does not provide a clear guidance on handling of client money, conflict of interest, and fiduciary duties of lawyers.
2. Describe any licensure requirements governing the provision of legal services.	In Egypt, only registered lawyers are allowed to practice law and only Egyptian nationals with a law degree from an Egyptian university or a recognized and equivalent foreign university can be registered at the EBA. However, exceptions can be made for foreign lawyers in certain cases. <sup>4</sup>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	Pursuant to the Advocates Law, lawyers are required to provide pro bono legal services to those unable to bear the costs. <sup>5</sup> They are to observe the same duty of care and diligence, avoid conflict of interest, and adhere to requirements of ethics and integrity. However, it is worth noting that, although the right to counsel and legal assistance (either in the form of legal aid or pro bono) is guaranteed and enshrined in the Constitution and affirmed by the Advocates Law, in practice, the concept of pro bono legal services is not recognized by the vast majority of lawyers in Egypt. Lawyers, generally, are not well paid, and, accordingly, they are not normally inclined to provide their services free of charge. <sup>6</sup>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Egypt are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Egypt are not required to complete a minimum number of hours of pro bono legal services to become a licensed lawyer.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law which require the provision of pro bono legal services in Egypt are in the fields of family law, violence against women, human trafficking, refugee assistance (to refugees or asylum seekers who are claiming asylum in Egypt or seeking relocation to third countries), training, and capacity building to lawyers, entrepreneurs, and small businesses.  Given the fact that Egypt is one of the fastest growing startup hubs in the region, it is worth

<sup>4</sup> See the answer to question C-2

<sup>5</sup> See Art. 64 of the Advocates Law.

<sup>6</sup> IBA, the Legal Profession and the Rule of Law in the New Egypt, Para 82, 106.

	noting that the need for startup-tailored pro bono legal services is of the utmost importance.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The culture of pro bono is not developed in Egypt. The Advocates Law requires each regional branch of the EBA to form a legal assistance committee to coordinate the efforts of the membership to provide pro bono legal services to those who are unable to afford representation. However, in practice, this process does not appear to be fully functional, as lawyers are not normally inclined to provide free legal representation, except to family, friends, and acquaintances. Where lawyers do offer their services to people who cannot afford legal services, it is normally derived from a moral obligation more than a professional obligation.</p> <p>The majority of pro bono assistance is provided in the form of consultation and legal advice. This is most often offered by international law firms and medium- to large-sized law firms.<sup>7</sup></p> <p>In the area of litigation, pro bono legal services is mainly undertaken by civil organizations<sup>8</sup> and certain NGOs. Please refer to section (d)2 below for further detail regarding the organizations and NGOs involved.</p>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Apart from the license to practice law in Egypt, lawyers do not require any additional license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	A foreign legal consultant regime is not established in Egypt; however, the Minister of Justice, in coordination with the EBA, could license <sup>9</sup> a foreign lawyer to work in relation to a particular case or a particular topic in Egypt, provided a reciprocal arrangement exists in the foreign lawyer's home jurisdiction.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>Lawyers performing legal services in Egypt are not required to have professional indemnity insurance.</p> <p>Private practitioners and law firms' professional indemnity are subject to the general liability obligations in the Egyptian law and the duty of care stated in the Advocates Law.</p>

<sup>7</sup> See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791158/List\\_of\\_lawyers\\_Mar19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791158/List_of_lawyers_Mar19.pdf) (list of lawyers has been prepared by the British Embassy Cairo for the Convenience of British Nationals who may require legal advice and assistance in Egypt and their readiness to offer pro bono services) (last visited on May 1, 2019).

<sup>8</sup> Egypt has passionate human rights organisations comprised of several NGOs and legal aid groups providing free legal assistance.

<sup>9</sup> See Art. 13 of the Advocates Law.



<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Save for the general rules in Egyptian law governing confidentiality and attorney-client privilege, there are no specific rules in Egypt that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Egypt do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Egypt.</p>	<p>Access to the justice system and legal aid in Egypt are constitutional rights.<sup>10</sup> The law guarantees the means for those who are financially unable to access justice. This right applies not only to the trial phase but also to the pretrial phase.<sup>11</sup></p> <p>Free legal support funded by the government takes the form of legal aid.</p> <p>In practice, legal aid in Egypt takes many forms as follows:</p> <ul style="list-style-type: none"> <li>• <b>In criminal proceedings</b></li> </ul> <p>The right to free legal counsel is mandatory before criminal courts.<sup>12</sup></p> <p>At the trial stage, for any offence punishable by mandatory imprisonment, an indigent defendant has a constitutional right to an appointed attorney, with no exceptions. However, if the offence is not punishable by mandatory imprisonment, it is optional for the court to appoint a lawyer for the defendant.<sup>13</sup></p> <p>Victims of human trafficking have the right to legal representation and free legal assistance is guaranteed and safeguarded by the law.<sup>14</sup></p> <ul style="list-style-type: none"> <li>• <b>In civil proceedings and before specialized courts</b></li> </ul> <p>In family courts, all claims for alimony and support are exempt from litigation fees and charges. Furthermore, legal assistance offices and dispute</p>
---	--

<sup>10</sup> <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf> (last visited on May 1, 2019), Art. 98.

<sup>11</sup> It is worth noting that observers, including human rights lawyers and civil society activists, argue that a gap existed between the protection of due process rights under the law and their implementation in practice. For more details see [https://www.ibanet.org/ENews\\_Archive/IBA\\_12December\\_IBAHRI\\_Egypt\\_Report\\_2011.aspx](https://www.ibanet.org/ENews_Archive/IBA_12December_IBAHRI_Egypt_Report_2011.aspx) (The Legal Profession and the Rule of Law in the New Egypt) (last visited on May 1, 2019).

<sup>12</sup> Code of Criminal Procedure, Law No. 150 of 1950, Art. 124, <http://laws.jp.gov.eg/home/altshryat/alqwanyn-aljinayyte> (in Arabic) (last visited on May 1, 2019).

<sup>13</sup> *Id.* Art. 237.

<sup>14</sup> Law No. (64) of 2010 regarding Combating Human Trafficking, <https://perma.cc/W7N6-9LLP> (last visited on May 1, 2019).

	<p>settlement offices<sup>15</sup> provide free legal aid services.<sup>16</sup></p> <p>Similarly, legal aid offices provide legal assistance and advice to women who are victims of violence,<sup>17</sup> and to labor litigants.<sup>18</sup></p> <p>The Ministry of Justice has programs of legal aid that are financed through government and donor funds (e.g. UNDP<sup>19</sup> and the ILO), with a focus on family law proceedings.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Egypt.</p>	<p>In practice, legal services are rarely given for free by private practitioners in Egypt. However, recently, a limited numbers of law firms have started to establish pro bono programs—mainly in the form of consultative advice to entrepreneurs and NGOs, and legal training for young lawyers. Some of the law firms that are involved in these efforts are:</p> <ol style="list-style-type: none"> <li>1. Shalakany Law Office<sup>20</sup></li> <li>2. Matouk Bassiouny<sup>21</sup></li> <li>3. Sharkawy Sarhan Law firm<sup>22</sup></li> <li>4. Sarie Eldin &amp; Partners Law firm<sup>23</sup></li> </ol> <p>In addition, several organizations are involved in providing pro bono legal assistance, mainly in the following forms:</p> <p>Refugee Rights<sup>24</sup></p> <ul style="list-style-type: none"> <li>• Arab Council Supporting Fair Trial and Human Rights (ACSFT)</li> <li>• Egyptian Foundation for Refugee Rights</li> <li>• The Refugee Legal Aid Project, St. Andrew’s Refugee Services</li> </ul>

<sup>15</sup> As per Art. 5 of Law No. 10 of 2004 (Establishing Family Courts), the family court system introduced the concept of mediation (prior to initiating any litigation) through the establishment of Dispute Settlement Offices. The mandate of these offices is to mediate between the parties to reach an amicable settlement of their dispute before referring the conflict to the court.

<sup>16</sup> <http://www.eq.undp.org/content/egypt/en/home/operations/projects/democratic-governance-and-peacebuilding/LegalAid.html> (last visited on May 1, 2019), Support to Legal Aid and Dispute Settlement in Family Courts.

<sup>17</sup> See Mohamed M. Youssef, Access to Justice and to legal Aid [https://www.loc.gov/law/help/access-to-justice/egypt.php#\\_ftn12](https://www.loc.gov/law/help/access-to-justice/egypt.php#_ftn12) (last visited on May 1, 2019).

<sup>18</sup> Ministry of Justice Decree No. 13637 of 2009.

<sup>19</sup> <http://www.eq.undp.org/content/egypt/en/home/presscenter/articles/2016/march/in-egypt--poor-people-get-free-legal-aid.html> (last visited on May 1, 2019), In Egypt, poor people get free legal aid.

<sup>20</sup> See [www.shalakany.com](http://www.shalakany.com) (last visited on May 1, 2019).

<sup>21</sup> See [www.matoukbassiouny.com](http://www.matoukbassiouny.com) (last visited on May 1, 2019).

<sup>22</sup> See [www.sharkawylaw.com/our-essence/corporate-social-responsibility/pro-bono](http://www.sharkawylaw.com/our-essence/corporate-social-responsibility/pro-bono) (last visited on May 1, 2019).

<sup>23</sup> See <http://www.sarieldin.com/homepage> (last visited on May 1, 2019).

<sup>24</sup> See <http://www.refugeelegalaidinformation.org/egypt-pro-bono-directory> (last visited on May 1, 2019).

	<p>Human Rights<sup>25</sup></p> <ul style="list-style-type: none"> <li>• Hisham Mubarak Law Center</li> <li>• The Center for Egyptian Women’s Legal Assistance</li> <li>• The Egyptian Center for Economic and Social Rights</li> <li>• Cairo Institute of Human Rights studies</li> </ul> <p>It is worth mentioning that, given the current legal framework governing NGOs and civil society in Egypt, there are many barriers to pro bono work undertaken by the aforementioned NGOs, including licensing and regulatory considerations and major restrictions on receiving cash or in-kind donations.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Currently, such a centralized organization does not exist, given the status of the pro bono practice in Egypt. However, attorneys looking for pro bono opportunities in Egypt can always follow refugee legal assistance clinics, which aim to help uniquely vulnerable refugees in Egypt. Examples include the Refugee Legal Aid Project, St Andrew’s Refugee Services. Such centers offer legal services free of charge, without legal aid or without receiving any financial support from the government, often relying on volunteers and donations. Pro bono services at the centers can vary from legal rights counselling to protection assistance and human care services.</p>

May 2019  
Pro Bono Practices and Opportunities in Egypt

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>25</sup> See [http://hrlibrary.umn.edu/research/Egypt/NGOs-research\\_centers.html](http://hrlibrary.umn.edu/research/Egypt/NGOs-research_centers.html) (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Ghana<sup>1</sup>

### I. Introduction

Pro bono legal services still remain a relatively unstructured concept in Ghana, although there are no specific obstacles to the provision of such gratuitous legal services in the country. Many Ghanaians cannot afford to pay a lawyer or advocate to represent them, and are therefore forced to rely on the voluntary assistance of relatives or friends who happen to be lawyers as a means of accessing justice. In recent times, there have been attempts to make it mandatory for all lawyers in Ghana to take up a number of pro bono cases every year. This would facilitate access to justice for all and help ingrain the provision of pro bono legal services as a moral and social obligation within the legal profession.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The laws/rules that regulate the legal profession in Ghana are:</p> <ul style="list-style-type: none"> <li>(a) the Legal Profession Act, 1960 (Act 32) (as amended, the “<b>Act</b>”);<sup>2</sup></li> <li>(b) the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (L.I. 613);<sup>3</sup> and</li> <li>(c) the Constitution, Code of Ethics and Regulations of the Ghana Bar Association (“<b>GBA</b>”),<sup>4</sup> which is the professional association for lawyers in Ghana.<sup>5</sup></li> </ul>
2. Describe any licensure requirements governing the provision of legal services.	<p>To qualify as a lawyer in Ghana, a person must:</p> <ul style="list-style-type: none"> <li>(a) hold a qualifying certificate in law from the Ghana School of Law;<sup>6</sup> or</li> <li>(b) be qualified to practice law in any country having a sufficiently analogous system of law; and</li> <li>(c) be enrolled and called to the Ghana bar.<sup>7</sup></li> </ul> <p>A qualified lawyer is permitted to practice as both a solicitor and a barrister in all courts in Ghana.<sup>8</sup></p>

1 This chapter was drafted with the support of Kimathi Kuenyehia of Kimathi & Partners.

2 See <http://glc.gov.gh/wp-content/uploads/2015/09/LEGAL-PROFESSION-ACT-1960-ACT-32.pdf> (last visited November 1, 2019)

3 See <http://glc.gov.gh/wp-content/uploads/2015/09/LEGAL-PROFESSION-PROFESSIONAL-CONDUCT-AND-ETIQUETTE-RULES-1969-LI-613-.pdf> (last visited November 1, 2019)

4 See The Constitution and Code of Ethics of the Ghana Bar Association. (last visited November 1, 2019)

5 See <https://ghanabar.org> (last visited November 1, 2019)

6 Section 13(3) of the Act.

7 Section 3 of the Act.

8 Section 2(a) of the Act.

	<p>Foreign trained lawyers are required to take a “Post-Call” Law Course in order to practice law in Ghana.<sup>9</sup></p> <p>The General Legal Council (the “GLC”), the main regulatory body for the conduct and administration of legal education and the legal profession in Ghana, issues licenses for lawyers, known as “Solicitors Licenses”. A lawyer is prohibited from practicing as a solicitor in Ghana unless he/she holds a valid Solicitor’s License.<sup>10</sup> This license is renewable annually.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules that specifically regulate the provision of pro bono legal services in Ghana.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Despite recent calls by the Chief Justice of Ghana<sup>11</sup> and other Supreme Court Justices<sup>12</sup> for lawyers to undertake pro bono work and for it to be made a mandatory requirement for license renewal, lawyers in Ghana are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for aspiring lawyers in Ghana to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Due to the high cost of legal representation and court fees, people from low socio-economic backgrounds find it very difficult to secure access to justice in Ghana.</p> <p>There are many opportunities for pro bono work in criminal trials, as well as in human rights, alternative dispute resolution (ADR), probate and administration, employment and family law matters.</p> <p>Pro bono legal services could help curb the problem of the high numbers of prisoners who, unable to afford representation, are held on remand without trial for years on end.</p>

9 See <https://gslaw.edu.gh/programmes/post-call-law-course/> (last visited November 1, 2019)

10 Section 8(1) of the Act.

11 See <http://www.ghananewsagency.org/social/give-free-legal-services-lawyers-told-131599> (last visited November 1, 2019)

12 See <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Pro-bono-cases-should-be-mandatory-to-renewal-of-lawyers-licences-SC-judge-649225> (last visited November 1, 2019)



<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Ghana are:</p> <p>(a) the Legal Aid Board;</p> <p>(b) NGOs such as the Human Rights Advocacy Centre;<sup>13</sup> the International Federation of Women Lawyers;<sup>14</sup> the Legal Resources Centre;<sup>15</sup> HelpLaw Ghana;<sup>16</sup> the Ark Foundation;<sup>17</sup> and the Centre for Public Interest Law<sup>18</sup>; and</p> <p>(c) private law firms such as Kimathi &amp; Partners;<sup>19</sup> AB &amp; David;<sup>20</sup> KAA Law;<sup>21</sup> and Sedi Legal Bureau.<sup>22</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Qualified lawyers possessing a valid Solicitor's License are not required to obtain a specific license to provide pro bono legal services in Ghana.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign trained lawyers are required to take a "Post-Call"<sup>23</sup> Law Course in order to practice law in Ghana. However, there is no additional license required specifically for the provision of pro bono legal services.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>The law does not require lawyers to obtain professional indemnity legal insurance cover in order to provide pro bono legal services in Ghana.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no specific rules in Ghana which prohibit the advertising of pro bono successes or soliciting new pro bono clients. However, rule 2(1) of the Professional Conduct and Etiquette Rules, 1969 (L.I. 613) prohibits lawyers from 'touting' and</p>

<sup>13</sup> See <http://www.hracghana.org/pro-bono-lawyer-network> (last visited November 1, 2019)

<sup>14</sup> See <http://www.fidaghana.org/old/contact.php> (last visited November 1, 2019)

<sup>15</sup> See <http://lrcghana.org/legal-aid/> (last visited November 1, 2019)

<sup>16</sup> See <http://www.nseku.com/help-law.org/about.html> (last visited November 1, 2019)

<sup>17</sup> See <https://www.arkfoundationghana.org/cms/> (last visited November 1, 2019)

<sup>18</sup> See <http://www.cepil.org.gh/programmes/legal-aid> (last visited November 1, 2019)

<sup>19</sup> See <https://www.kimathilegal.com/probono.html> (last visited November 1, 2019)

<sup>20</sup> See <https://abdavid.com> (last visited November 1, 2019)

<sup>21</sup> See <https://www.kaalawghana.com/> (last visited November 1, 2019)

<sup>22</sup> See <http://sedilegalbureau.com/about-us/> (last visited November 1, 2019)

<sup>23</sup> See <https://qslaw.edu.gh/programmes/post-call-law-course/> (last visited November 1, 2019)

	<p>advertising or doing anything calculated to attract business unfairly.</p> <p>In spite of the above provision, rule 2(4) of L.I. 613 states that a lawyer is entitled to such personal advertisement as is a necessary consequence of the proper exercise of his profession, or of any act otherwise properly done by him, and rule 6 of the Code of Ethics of the GBA permits advertisement in a legal directory, legal journal or other legal publication.</p> <p>Lawyers are also permitted to create websites and to place their profiles on the internet. In 2013, the GLC published and adopted a set of guidelines to regulate this.<sup>24</sup></p> <p>However, it is contrary to professional etiquette for a lawyer to do, cause or allow to be done anything with the primary motive of personal advertisement or anything calculated to suggest that it is so motivated.<sup>25</sup></p> <p>This may consequently affect the advertisement of pro bono legal services.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Ghana do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Ghana.</p>	<p>The Legal Aid Board<sup>26</sup> was established in Ghana under the Legal Aid Scheme Act, 1997 (Act 542) to provide free legal aid mainly to poor and indigent citizens.</p> <p>Under Ghanaian law,<sup>27</sup> the courts may assign a lawyer by way of legal aid to a party who is financially unable to obtain the services of a lawyer. This may not necessarily be pro bono work for the lawyer because the law stipulates that such lawyers are to be paid fees out of the Government’s Consolidated Fund.<sup>28</sup></p> <p>However, the introduction to the GBA’s approved scale of fees for lawyers states that although a lawyer is entitled to reasonable fees for services rendered, in legal aid cases, the poverty of the</p>

<sup>24</sup> See <https://www.glc.gov.gh/guidelines-for-lawyers-to-create-websites-place-their-profile-on-the-internet/> (last visited November 1, 2019)

<sup>25</sup> See <http://glc.gov.gh/wp-content/uploads/2015/09/LEGAL-PROFESSION-PROFESSIONAL-CONDUCT-AND-ETIQUETTE-RULES-1969-LI-613-.pdf> (last visited November 1, 2019)

<sup>26</sup> See <http://www.legalaidghana.org/web/> (last visited November 1, 2019)

<sup>27</sup> Section 114 of the Courts Act, 1992 (Act 459).

<sup>28</sup> Section 114(5) of the Courts Act, 1992 (Act 459).

	<p>client may require a lesser charge or even none at all.<sup>29</sup></p> <p>Rule 26 of the Code of Conduct of the GBA also imposes a duty on lawyers to take on court-assigned cases for no fee/reward if need be, and to nevertheless use their best efforts in respect of such cases.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Ghana.</p>	<p><b>The Human Rights Advocacy Centre (“HRAC”) – Pro Bono Lawyer Network (“PBLN”)<sup>30</sup></b></p> <p>The Pro Bono Lawyer Network was established by HRAC in December 2010 to provide free legal assistance to the vulnerable in Ghanaian communities whose rights to access justice are limited because they cannot afford legal fees. The PBLN takes on a wide variety of cases ranging from the defense of the rights of women and children in divorce to the negotiation of the release of remand prisoners who have been imprisoned illegally.</p> <p><b>The International Federation of Women Lawyers (“FIDA”)<sup>31</sup></b></p> <p>The Legal Aid Programme is aimed primarily at poor and indigent women and children and therefore every applicant for legal aid at the Centre must undergo a means test administered by a Legal Aid Officer. FIDA offers counselling, settlement, mediation as well as court representation.</p> <p><b>The Legal Resources Centre (“LRC”)<sup>32</sup></b></p> <p>LRC is a non-governmental organization that seeks to protect rights such as the rights to health, education, housing, work, participatory democracy, personal liberty and criminal/civil justice. LRC provides for walk-ins and appointments at their legal aid clinics.</p> <p><b>HelpLaw Ghana<sup>33</sup></b></p> <p>HelpLaw is a charity which aims to provide free legal and related services to the poor and less privileged. HelpLaw focuses its representation on accused criminal defendants, women and other vulnerable members of Ghanaian society.</p>

<sup>29</sup> See <http://qlc.gov.gh/wp-content/uploads/2015/09/GBA-SCALE-OF-FEES-2015-FINAL.pdf> (last visited November 1, 2019)

<sup>30</sup> See <http://www.hracghana.org/pro-bono-lawyer-network> (last visited November 1, 2019)

<sup>31</sup> See <http://www.fidaghana.org/old/contact.php> (last visited November 1, 2019)

<sup>32</sup> See <http://lrcghana.org/legal-aid/> (last visited November 1, 2019)

<sup>33</sup> See <http://www.nseku.com/help-law.org/about.html> (last visited November 1, 2019)

	<p><b>The Ark Foundation</b><sup>34</sup></p> <p>The Ark Foundation is a non-profit organization which provides services for women such as counselling, domestic violence intervention, shelter and rehabilitation, public education and basic legal aid and advisory support.</p> <p><b>The Centre for Public Interest Law (“CEPIL”)</b><sup>35</sup></p> <p>CEPIL is a non-governmental organization which was established in 1999 to provide free legal assistance and courtroom representation in the areas of public interest and human rights law. The Centre also runs a legal aid clinic from 8:30 a.m. to 2:00 p.m. each day to offer free legal consultancy to walk-in clients.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Ghana does not have a nationwide pro bono system with which local and foreign lawyers can register in order to receive news about pro bono opportunities. However, several of the institutions referred to above (both public and private) would be happy to receive requests from lawyers to provide pro bono legal assistance with their institutions.</p> <p>Prospective volunteer lawyers may contact them as follows:</p> <ul style="list-style-type: none"> <li>• The Legal Aid Board: +233 (0) 302 66 92 20</li> <li>• The Human Rights Advocacy Centre: +233 (0) 264 214 018</li> <li>• The International Federation of Women Lawyers: +233 (0) 207 685 685</li> <li>• The Legal Resources Centre: +233 (0) 302 766 756</li> <li>• HelpLaw Ghana: +233 (0) 30 224 4406</li> <li>• The Ark Foundation: + 233 (0) 302 511610</li> <li>• The Centre for Public Interest Law: +233 (0) 302 543 580</li> </ul>

November 2019

<sup>34</sup> See <https://www.arkfoundationghana.org/cms/> (last visited November 1, 2019)

<sup>35</sup> See <http://www.cepil.org.gh/programmes/legal-aid> (last visited November 1, 2019)

## Pro Bono Practices and Opportunities in Ghana

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Kenya<sup>1</sup>

### I. Introduction

Access to justice in Kenya is still regarded as expensive due to high legal fees levied by lawyers. A majority of Kenya’s population cannot afford to retain the services of a lawyer and often resort to self-representation (mostly in criminal cases), legal aid and pro bono legal services. In practice, there is no clear-cut distinction between legal aid and pro bono legal services in Kenya. Whereas government driven aid or support is referred to as legal aid, some private firms and organizations offering such services also refer to their activities as legal aid. For example, *Kituo Cha Sheria*, a non-governmental organization that pools together volunteer advocates to take up matters on pro bono basis, refers to this service as legal aid. Private law firms, on the other hand, refer to these services as pro bono legal services. Use of the term “legal aid” by non-governmental organizations may therefore refer to pro bono legal services in some instances.

Kenya has for a long time lacked a substantial legal aid system. However, there have been noticeable improvements in the past few years. Whereas legal aid services are regulated by the recently enacted Legal Aid Act No. 6 of 2016 (the “Act”), the provision of pro bono legal services remains unregulated. The Act regulates the provision of legal aid services in Kenya and established the National Legal Aid Service (“NLAS”) to provide legal aid services at the expense of the State to persons who qualify for legal aid services under the Act. In 2017, the Office of the Attorney General and Department of Justice in conjunction with the NLAS launched the National Action Plan on Legal Aid, 2017-2022 which is expected to serve as a road map for coordinated implementation of legal aid interventions between the government and legal aid actors in Kenya. The National Action Plan, if successfully implemented, will facilitate the full implementation of the National Legal Aid and Awareness Policy, 2015 as well as the Legal Aid Act 2016.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Lawyers in Kenya are primarily regulated by the Law Society of Kenya (established by an Act of Parliament in 1948<sup>2</sup>) under the Advocates Act<sup>3</sup> and the regulations issued thereunder.</p> <p>The Advocates Act sets out the qualifications required for practicing as an advocate (including foreign advocates and in house advocates), the issue of practicing certificates, remuneration of advocates, and establishes and regulates a Complaints Commission for the purpose of enquiring into complaints against advocates.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers in Kenya must be licensed and qualified to practice as Advocates of the High Court of Kenya in order to provide legal services (including pro bono legal services).</p> <p>Foreign-qualified lawyers are required to be admitted to practice in Kenya in order to provide legal services in Kenya (including pro bono legal</p>

<sup>1</sup> This chapter was drafted with the support of Herbert Mwaura of Kaplan & Stratton.

<sup>2</sup> The Law Society was initially formed in 1948 under section three of the Law Society of Kenya Ordinance, 1949. That Act was later repealed by the current Law Society of Kenya Act, which came into force on October 30, 1992.

<sup>3</sup> See <http://www.kenyalaw.org/lex/actview.xql?actid=CAP.%2016> (last visited on May 1, 2019).



	services). The admission requirements are set out by the Advocates Act, Cap 16 Laws of Kenya.
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules that specifically regulate the provision of pro bono legal services in Kenya. However, the Legal Aid Act No. 6 of 2016 (the “Act”)<sup>4</sup>, enacted in 2016, regulates the provision of legal aid services in Kenya and requires legal aid service providers (which includes in-house lawyers operating under the pro bono program of the Law Society of Kenya or other civil society organization or public benefit organization registered in Kenya) to be accredited by the NLAS established under the Act.<sup>5</sup> The NLAS was established to provide legal aid services at the expense of the State to persons who qualify for legal aid services under the Act.<sup>6</sup></p> <p>There is no statutory definition of the term “pro bono” under Kenyan law. However, this is generally accepted as the practice of advocates taking up legal briefs at no charge. In many cases, this is done where the client is unable to meet the costs incidental to their matter.</p> <p>There is no explicit regulation or limitation on providing free legal services in Kenya. There are no mandatory or minimum fees imposed on provision of legal services with respect to pro bono legal services.</p> <p>The Act defines “legal aid” as including:</p> <ul style="list-style-type: none"> <li>(a) legal advice;</li> <li>(b) legal representation;</li> <li>(c) assistance in — <ul style="list-style-type: none"> <li>(i) resolving disputes by alternative dispute resolution;</li> <li>(ii) drafting of relevant documents and effecting service incidental to any legal proceedings; and</li> <li>(iii) reaching or giving effect to any out-of-court settlement;</li> </ul> </li> <li>(d) creating awareness through the provision of legal information and law-related education; and</li> </ul>

<sup>4</sup> See <http://www.kenyalaw.org/lex/actview.xql?actid=No.%206%20of%202016> (last visited on May 1, 2019).

<sup>5</sup> See Part VIII (Accreditation of Legal Service Providers) of the Act on: [http://www.kenyalaw.org/lex/actview.xql?actid=No.%206%20of%202016#part\\_VIII](http://www.kenyalaw.org/lex/actview.xql?actid=No.%206%20of%202016#part_VIII) (last visited on May 1, 2019).

<sup>6</sup> See Part VI (Legal Aid Services), section 35(1) of the Act: [http://www.kenyalaw.org/lex/actview.xql?actid=No.%206%20of%202016#part\\_VI](http://www.kenyalaw.org/lex/actview.xql?actid=No.%206%20of%202016#part_VI) (last visited on May 1, 2019).

	<p>(e) recommending law reform and undertaking advocacy work on behalf of the community;</p> <p>In-house lawyers must be accredited by NLAS if they are providing pro bono transactional or research support to an organization.<sup>7</sup></p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no rules requiring advocates to work a minimum number of pro bono hours in Kenya.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	There are no rules requiring aspiring advocates to complete a minimum number of hours of pro bono legal services in order to become licensed advocates in Kenya.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>Typically, criminal law and civil law related cases present opportunities for provision of pro bono legal services in Kenya.</p> <p>In most criminal cases, defendants/accused persons are unable to afford legal services and therefore require legal aid.</p> <p>As regards civil cases, section 37 of the Act provides that the NLAS may not provide legal aid services in respect of civil proceedings:</p> <ul style="list-style-type: none"> <li>• to a company corporation, trust, public institution, civil society, NGO or other artificial person;</li> <li>• in matters relating to tax;</li> <li>• in matters relating to the recovery of debts;</li> <li>• in bankruptcy and insolvency proceedings; and</li> <li>• in defamation proceedings.</li> </ul>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Currently, the majority of pro bono legal services in Kenya are provided by non-governmental organizations (“NGOs”) which offer assistance to marginalized groups. The NGOs are located mainly in large cities and lack the resources and capacity to represent the large number of Kenyans in need of legal advice.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	There is no distinction in Kenya between the requirement for lawyers to be licensed to provide legal services and the requirement for lawyers to

<sup>7</sup> See section 32A of the Advocates Act (Cap 16 Laws of Kenya): [http://www.kenyalaw.org/lex/actview.xql?actid=CAP.%2016#KE/LEG/EN/AR/A/CHAPTER 16/sec\\_32A\\_t12](http://www.kenyalaw.org/lex/actview.xql?actid=CAP.%2016#KE/LEG/EN/AR/A/CHAPTER%2016/sec_32A_t12) (last visited on May 1, 2019).

	be licensed to provide pro bono legal services, therefore please see II.(a).1 above.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	There is no distinction in the requirements for foreign lawyers to provide legal services in Kenya and the requirements for foreign lawyers to provide pro bono legal services in Kenya, therefore please see II.(a).1 above.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>The Advocates (Professional Indemnity) Regulations, 2004 requires advocates in Kenya (including in-house lawyers) to have professional indemnity legal insurance cover in place to compensate clients for loss or damage resulting from claims in respect of any civil liability or breach of trust by the advocate or his employees.</p> <p>The Regulations are not clear as to:</p> <ul style="list-style-type: none"> <li>• whether in-house lawyers can be covered by insurance cover provided by their employers; and</li> <li>• whether the mandatory insurance cover relates to both paying and pro bono clients. As such, it is assumed that pro bono clients are also covered by such insurance.</li> </ul> <p>In-house lawyers are not prohibited from working under the cover of another pro bono provider. If that pro bono provider is a private law firm, such firm is required to have a professional indemnity legal insurance cover of not less than KES 1,000,000 (approximately GBP 7,721.48).<sup>8</sup></p>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Kenya specifically prohibiting advertising of pro bono successes or soliciting of new pro bono clients. However, there are general limitations on advertising by advocates as provided in the Advocates (Marketing and Advertising) Rules, 2018 <sup>9</sup> .
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Under the Advocates (Continuing Professional Development) Rules, 2014, the Law Society of Kenya regulates the continuing professional development (“CPD”) of advocates. CPD programs emphasize ethical as well as practical and professional aspects of legal practice and every member of the Law Society of Kenya must obtain a minimum of five CPD units in each CPD year. <sup>10</sup>

<sup>8</sup> See [http://www.kenyalaw.org/lex//sublegview.xql?subleg=CAP\\_%2016#KE/LEG/EN/AR/A/CHAPTER\\_16/SUBLEG/HC\\_LN822004](http://www.kenyalaw.org/lex//sublegview.xql?subleg=CAP_%2016#KE/LEG/EN/AR/A/CHAPTER_16/SUBLEG/HC_LN822004) (last visited on May 1, 2019).

<sup>9</sup> See <http://downloads.lsk.or.ke/downloads/downloads/the-advocates-act-2014-legislative-supplement.pdf> (last visited on May 1, 2019).

<sup>10</sup> Advocates (Continuing Professional Development) Rules, 2014, regulation 4(a).

	<p>Regulation 11 of the Advocates (Continuing Professional Development) Rules, 2014 states that regular or pro bono legal work is not an approved CPD activity except for legal work that is for the purposes of the Legal Aid Program and for which the Continuing Professional Development Committee of the Law Society of Kenya shall determine how many units an advocate may accrue in a CPD year for that work.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Kenya.</p>	<p>The Law Society of Kenya, in conjunction with the judiciary of Kenya, offers annual legal aid and pro bono legal services over a number of days at its branches throughout Kenya. In Nairobi, lawyers advise pro bono clients at the grounds in the High Court of Kenya and Milimani Law Courts.</p> <p>The Law Society, in its 2012-2016 strategic plan, set a performance objective of engaging 600 Kenyan lawyers in pro bono legal services by 2016.<sup>11</sup> The Law Society's 2017-2021 strategic plan does not reference this and so it is unclear as to whether or not this target was achieved.</p> <p>The implementation plan within the Law Society's strategic plan 2017-2021 allocates funding in 2019 specifically for providing a framework for the operationalization of a pro bono legal scheme, so it may be that we see further governmental sources of pro bono legal services in the near future.<sup>12</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Kenya.</p>	<p>Notable NGOs in Kenya providing pro bono legal services include the Federation of Women Lawyers, The CRADLE, the International Commission of Jurists in Kenya, <i>Kituo Cha Sheria</i>, the Public Law Institute, Christian Legal Education Aid and Research and KELIN Kenya.</p> <p>Section 57 of the Act provides that the NLAS shall through regulation, develop and adopt a criteria for accreditation of persons and institutions to provide legal aid services. The NLAS has not issued any regulations/guidelines on such criteria.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Local attorneys who are registered with the Law society of Kenya usually receive frequent updates on pro bono opportunities. For foreign lawyers to take up pro bono opportunities in Kenya, they</p>

<sup>11</sup> The Law Society of Kenya, Strategic Plan 2012-2016, April 2012, at ¶7.3.

<sup>12</sup> The Law Society of Kenya, Strategic Plan 2012-2016, April 2012, at ¶5.3.

	must meet the qualification criteria provided under the Advocates Act.
--	--

May 2019  
Pro Bono Practices and Opportunities in Kenya

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



## Pro Bono Practices and Opportunities in Morocco<sup>1</sup>

### I. Introduction

The Moroccan legal system has long provided for legal assistance to the indigent population of Morocco. However, this system suffers from structural loopholes and support for voluntary pro bono work among private lawyers has ample room for development.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Morocco is regulated by Law No. 28-08, dated October 20, 2008.<sup>2</sup></p> <p>Since all pleas in Moroccan courts are made in Arabic, a high degree of fluency in the Arabic language is an additional prerequisite to practice law in Morocco.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Lawyers are required to obtain the equivalent of an LLB (Licence en Droit) (namely, an undergraduate degree in law), pass a professional examination and then intern with an experienced lawyer. The LLB can be obtained from any Moroccan University or from overseas universities (many of them French universities) whose diplomas are recognized in Morocco.</p> <p>Moreover, they are required to obtain a certificate of aptitude in order to practice as a lawyer in Morocco.</p> <p>Lawyers are individually registered with one of the 17 Bar Associations in Morocco. Each Bar is managed by an elected council, which is headed by a Bar President. The Bar Associations sit under a national umbrella, Association des barreaux du Maroc.</p>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules related to the provision of pro bono legal services in Morocco.</p>

<sup>1</sup> This chapter was drafted with the support of Rachid Benzakour of Benzakour Law Firm.

<sup>2</sup> Dahir No. 1-08-102 of October 20, 2008 enacted the Law No. 28-08, which modified the Dahir establishing the Law No. 1-93-162 of September 10, 1993.

<http://adala.justice.gov.ma/production/html/Ar/liens/..%5C154106.htm> (last visited on May 1, 2019) (Website in Arabic)

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Morocco are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Morocco are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Since there is no specific application form for requesting legal aid, legal aid procedures are fragmented, and ultimately become complex and ambiguous. The criteria for assessing a person's eligibility for legal aid is not centralized, which means that the process can be opaque and discretionary.</p> <p>There is a need for pro bono assistance for individuals or organizations seeking to obtain legal aid.</p> <p>There is an ongoing refugee crisis in Morocco. Most refugees are from sub-Saharan Africa and many are eligible for asylum. However, very few are represented by lawyers.</p> <p>Single unmarried mothers are also at particular risk of precariousness as they tend to be shunned by the main support networks in Morocco.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>NGOs, such as the following, are the main providers of pro bono legal services in Morocco:</p> <ul style="list-style-type: none"> <li>• Droit et Justice<sup>3</sup></li> <li>• AMAPPE - Association Marocaine d'Appui à la Promotion de la Petite Entreprise<sup>4</sup></li> <li>• Association Oum El Banine - OEB<sup>5</sup></li> <li>• Fondation Orient Occident (East-West Foundation)<sup>6</sup></li> </ul>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Morocco do not require a license to provide pro bono legal services.</p>

<sup>3</sup> See <http://www.droitetjustice.org> (last visited on May 1, 2019).

<sup>4</sup> See <http://www.amappe.org.ma> (last visited on May 1, 2019).

<sup>5</sup> See <http://www.oumelbanine.net/> (last visited on May 1, 2019).

<sup>6</sup> See <http://www.orient-occident.org/> (last visited on May 1, 2019).

<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers may be admitted to practice in Morocco on equal terms with their Moroccan colleagues, provided that they are nationals of a country with which Morocco has an agreement containing a reciprocity clause on the right to practice. Recognition agreements have been signed by Morocco with France and Spain.</p> <p>To practice law in Morocco, a foreign lawyer must hold a certificate of aptitude to practice law, or provide evidence that he or she has practiced law for a minimum of five years in their home country. Failing that, they have to take an examination in Morocco to assess their knowledge of the Arabic language and Moroccan law. They must also be registered with one of the Moroccan Bar Associations.</p> <p>Foreign lawyers satisfying the above requirements may also provide legal services before the Moroccan courts, without seeking admission to one of the Moroccan Bars. In such case, they are required to establish domicile at the office of a Moroccan lawyer registered with one of the Moroccan Bars, and (unless this is waived by an aforementioned recognition agreement) be specifically authorized to practice there by the Secretary of Justice.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in Morocco do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Morocco that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Morocco do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Morocco.</p>	<p><b>State-Subsidized Legal Aid</b></p> <ul style="list-style-type: none"> <li>Moroccan law enshrines a right for individuals, public-benefit institutions, and private associations (with a mission of assistance and legal personality), who do not have sufficient financial means to defend</li> </ul>

	<p>themselves before a court, to legal assistance.<sup>7</sup></p> <ul style="list-style-type: none"><li>• This excludes legal counselling, i.e. consultation with legal professionals.</li><li>• Legal aid is granted for the whole litigation process, from the legal representation of an individual before the court up to the stage of execution of a decision by the court. Such legal aid encompasses all the legal costs an individual may incur (e.g. appointment of a lawyer, experts, translators and execution costs) and excuses the individual from paying any taxes due in connection with the commencement of the proceedings. Legal aid, <b>in theory</b>, applies to all cases, whether criminal or otherwise.</li><li>• <b>Eligibility</b> - The criteria under which legal aid is granted are as follows:<sup>8</sup><ul style="list-style-type: none"><li>○ <i>Applicant's nationality</i>: Under Article 1 of the Law No. 514-65 on judicial assistance (save specific provisions in international treaties allowing foreigners to benefit from such aid) judicial assistance is reserved for Moroccan citizens. Such aid also benefits Moroccans living outside Morocco.</li><li>○ <i>Applicant's resources</i>: There are no standard ceilings, nor tables or models with an order of priority. Decisions are taken on a case-by-case basis. The financial situation of the applicant is assessed by a local government office, which issues a "certificate of poverty" to be submitted to the judge<sup>9</sup>.</li></ul></li><li>• Grounds upon which legal aid is requested: In non-criminal cases, legal aid may also be refused if there are no good grounds for the case (e.g. abuse of the process).<ul style="list-style-type: none"><li>○ The Legal Aid Bureau is responsible for determining the allocation of legal aid to an individual. The composition of the Bureau depends on the court responsible for the case. However as a general rule, it is composed of one prosecutor (also the President of the Bureau), one representative from the tax department and a lawyer. The Bureau</li></ul></li></ul>
--	--

<sup>7</sup> <http://adala.justice.gov.ma/FR/DocumentViewer.aspx?id=46810.htm/> (last visited on May 1, 2019). (website in French)

<sup>8</sup> Law No. 514-65 on judicial assistance.

<sup>9</sup> Euromed Justice II Project, supra n. 11.

	<p>collects all information necessary to assess the applicant's resources and may invite the applicant to present the details of his or her situation in person. The Bureau may also hear both litigants of the dispute for which legal aid is sought and in such cases, the Bureau will attempt to reach an amicable settlement. Applicants may appeal a decision of the Legal Aid Bureau within 15 days.</p> <ul style="list-style-type: none"> <li>• Legal aid may be withdrawn in the event that the aided party recovers sufficient resources from the proceedings (i.e. from a successful judgment), the parties settle, the case is withdrawn or the applicant's inaction indicates a disinterest in pursuing the case.</li> <li>• Assignments to Legal Aid Matters and Legal Aid in practice:             <ul style="list-style-type: none"> <li>○ Legal aid is in practice restricted to criminal matters. The reason for this is that the appointment of lawyers by criminal courts can be extremely slow and rather than adjourn the proceedings, the judge frequently ends up asking lawyers who are present in the court to volunteer to defend the accused. In civil matters, there are no provisions for legal aid besides the general principles expressed in the law on judicial assistance dated 1966.</li> <li>○ Lawyers are required to accept matters assigned to them by the applicable legal aid scheme and are also subject to disciplinary measures if they refuse the assignment without a valid justification.</li> </ul> </li> <li>• In 2008, a new law expressly asserted the right of lawyers to receive financial compensation for legal aid assistance and referred to a future decree which would set out the procedures for the determination of this compensation.<sup>10</sup> The decree did not however, bring the expected clarifications. It only provided that legal fees with respect to legal aid should be borne by the budget of the Secretary of Justice and that the Bar Associations should agree on the allocation of such budget amongst themselves.</li> </ul>
--	---

<sup>10</sup> Dahir No. 1.08.101 of October 10, 2008, enacted Law No. 28-08, which modified the Law regulating the provision of legal services.

<http://adala.justice.gov.ma/production/html/Ar/liens/.%5C154106.htm> (last visited on May 1, 2019). (Website in Arabic)



	<ul style="list-style-type: none"> <li>• Recently, a new law has stated the principle that lawyers’ assistance to an aided party shall be remunerated on a flat rate basis by decree and reviewed when necessary. By a decree dated February 26, 2013, the current applicable flat rates (approximately in €) are as follows:             <ul style="list-style-type: none"> <li>○ €110 for proceedings before the Courts of first instance;</li> <li>○ €140 for proceedings before the Court of Appeals; and</li> <li>○ €190 for proceedings before the Supreme Court.</li> </ul> </li> </ul> <p><b>Ombudsman</b></p> <ul style="list-style-type: none"> <li>• An Ombudsman was established in Morocco in 2011.<sup>11</sup> The Ombudsman is a constitutional authority, in charge of matters, complaints, conflicts arising between individuals, private entities or companies and the Government or administration. The Ombudsman does not intervene in disputes among private individuals. Although legal aid is not available for disputes before the Ombudsman, there are no costs for the filing of a claim with the Ombudsman.</li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Morocco.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Morocco are:</p> <ul style="list-style-type: none"> <li>• <b>Droit et Justice</b><sup>12</sup></li> </ul> <p>In August 2013, with the support of the Euro-Mediterranean Foundation of Support to Human Rights Defenders, the British Embassy in Morocco and the Arab Human Rights Fund, the association launched a program of legal aid for asylum seekers in Morocco.</p> <p>The association trains a team of lawyers and jurists willing to provide pro bono legal services for asylum seekers by being assigned one case per year under the supervision of the Droit et Justice. The association also provides permanent legal support as well as ongoing training to the volunteer lawyers and jurists. These issues have gained so much importance recently that the Moroccan authorities have decided to establish a national refugee status</p>

<sup>11</sup> Ministry of Justice of Morocco, “Réalizations au titre du processus de la réforme globale et profonde du système de la Justice” (August 2011).

<sup>12</sup> See <http://www.droitjustice.org> (last visited on May 1, 2019).

	<p>determination system. Until recently, the United Nations High Commissioner for Refugees (“<b>UNHCR</b>”) was the decision-making body in this area.</p> <ul style="list-style-type: none"> <li>• <b>AMAPPE</b> - Association Marocaine d'Appui à la Promotion de la Petite Entreprise<sup>13</sup></li> </ul> <p>This association runs a socio-economic integration project in partnership with the UNHCR in Morocco. The association coordinates micro income-generating activities.</p> <ul style="list-style-type: none"> <li>• <b>Association Oum El Banine - OEB</b><sup>14</sup></li> </ul> <p>OEB works to support one of the most excluded groups in the Moroccan society: unmarried mothers and their children. OEB's main objectives are to prevent abandonment of the children, to support the mothers, to promote social reintegration in a familiar environment, to promote and campaign for legislation that protects the women, and to organize public awareness campaigns.</p> <p>OEB provides the following services: temporary lodging of the mothers with their babies, rehabilitation in a familiar environment, financial, medical and psychological assistance, legal and administrative support when needed, support in the search for employment and housing, material assistance for social reintegration (clothes, groceries etc.), placement of children in OEB's daycare center to make it possible for the mothers to work and support themselves and their children, a follow-up of the babies during their first three years, and education in family planning, birth control and information about sexually transmitted diseases.</p> <ul style="list-style-type: none"> <li>• <b>GADEM</b> - Groupe Antiraciste d'Accompagnement et de Défense des Étrangers et Migrants<sup>15</sup></li> </ul> <p>The GADEM association was established on December 18, 2006 and aimed at protecting the rights of foreigners and migrants in Morocco. It also ensures (within its means and ability to take action) general support and legal defense of foreigners who seek GADEM's help, regardless of status (i.e. this</p>
--	---

<sup>13</sup> See <http://www.amappe.org.ma> (last visited on May 1, 2019).

<sup>14</sup> See <http://www.oumelbanine.net/> (last visited on May 1, 2019).

<sup>15</sup> See <http://www.gadem-asso.org> (last visited on May 1, 2019).

	<p>includes migrants, asylum seekers, refugees, or persons in regular or irregular administrative situations).</p> <ul style="list-style-type: none"> <li> <p><b>Fondation Orient Occident (East-West Foundation)<sup>16</sup></b></p> <p>The foundation has a focus on the rights, well-being and integration of migrants, and carries out the following projects:</p> <p>With UNHCR: social assistance and strengthening community services for urban refugees and asylum seekers in Morocco (all regions).</p> <p>With EIRENE Foundation: promote a society of equality chances for different ethnic groups residing in Rabat; (for this purpose, creation of a web Radio).</p> <p>With the Embassy of the Netherlands: support for the integration of migrants and rights to diversity, with the creation of an African intercultural center for the migrant population and for Moroccans (all ages). The project aims at making available psychological, social and professional services to migrants in order to develop their skills.</p> <p>With the European Union: operation al Wassit for the rights of migrants (Mediator Operation). The overall objective of the project is contributing to the creation of a context favorable to the respect of the rights of migrants through the involvement of the civil society. The specific objective is to build the capacity of the civil society in the development and the setting up of strategies for improving the access to rights for migrants and the creation of spaces of tolerance and of interculturality.</p> <p>With IOM: assistance and protection of female and male victims of human trafficking as well as counseling services in Morocco for migrants interested in the program of assisted voluntary return and reintegration.</p> <p>With the UNHCR and DAFI: DAFI Scholarship Program. This project aims to enable refugees to pursue higher education.</p> <p>With CARITAS INTERNATIONAL: assistance and accompaniment of Moroccans who have</p> </li> </ul>
--	---

<sup>16</sup> See <http://www.orient-occident.org/> (last visited on May 1, 2019).

	made the voluntary return from Europe to Morocco.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There are no public or private organizations in Morocco with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.

May 2019  
Pro Bono Practices and Opportunities in Morocco

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in South Africa

### I. Introduction

**Prior to 2003**, no formal initiative in respect of pro bono practice has been developed in South Africa and only legal practitioners carried out pro bono work on an informal basis.

**After 2003**, promoted by the recognition that the government’s legal aid system was not adequate to address the South African public’s legal needs— particularly those of the poorest members of South African society, the Cape Law Society instituted a mandatory pro bono rule for its members. Since then, each of the regional law societies in South Africa has required their members to perform mandatory pro bono legal services. In addition, some of the country’s large commercial law firms have adopted innovative policies towards pro bono; however the strategic approach and emphasis among law firms varies.

In addition to these opportunities, legal professionals in South Africa may also provide pro bono legal services through legal NGOs. South Africa has a vibrant legal NGO community which is an important aspect of the access to justice landscape in the country. Lawyers seeking opportunities for pro bono legal service may also contact the state’s legal aid provider - Legal Aid South Africa (“**LASA**”) which also coordinates and provides pro bono opportunities in South Africa.<sup>1</sup>

In addition, at the University of Cape Town, and at an increasing number of other law schools across the South Africa, it is a compulsory graduation requirement for law students to complete a total of 60 hours of community service.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	Article 4 of the Legal Practice Act 28, 2014 <sup>2</sup> states that the South African Legal Practice Council is established with full legal capacity and has jurisdiction over all legal practitioners and candidate legal practitioners. <sup>3</sup>
2. Describe any licensure requirements governing the provision of legal services.	Article 26 of the Legal Practice Act 28, 2014 sets out that an Bachelor of Laws degree is required to practice law in South Africa. The degree should be obtained from a South African law school. If a law degree is obtained outside South Africa, the South African Qualifications Authority must be satisfied that the degree is equivalent to the Bachelor of Laws degree in South Africa and can be recognized by them as an equivalent degree. If equivalency is verified, candidates must satisfy certain other requirements to become either an attorney or advocate. These include being a South African citizen or permanent resident in South Africa. To qualify to be admitted and enrolled as a legal practitioner, each candidate is also required to undergo all the practical

<sup>1</sup> Link to LASA 2017-2018 annual report: [https://lasa.asn.au/wp-content/uploads/2018/11/LASA0388\\_Annual-Report.pdf](https://lasa.asn.au/wp-content/uploads/2018/11/LASA0388_Annual-Report.pdf) (last visited on May 1, 2019).

<sup>2</sup> See <http://www.justice.gov.za/legislation/acts/2014-028.pdf> (last visited on May 1, 2019).

<sup>3</sup> For the latest developments concerning the Legal Practice Act see <https://www.lssa.org.za/legal-practitioners/advisories/misc/legal-practice-act-28-of-2014/misc/legal-practice-act> (last visited on May 1, 2019).

	<p>vocational training requirements and pass a competency-based examination, no matter whether they have obtained law degrees from South Africa or outside South Africa.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules that regulate the provision of pro bono legal services in South Africa.</p> <p>Section 34 of the South African Constitution<sup>4</sup> provides that everyone has a right to have a dispute resolved by the application of law decided in a fair public hearing before a court, which may give rise to a claim for legal assistance for civil matters. In the criminal law context, detained and accused persons have a constitutional right to legal counsel and to provision of a legal practitioner at state expense if substantial injustice would otherwise result. This is directed more at the provision of legal aid than pro bono legal services. Notably, a high percentage of legal aid (approximately 87%) goes toward criminal law proceedings.<sup>5</sup></p> <p>Currently, r 25 of the Rules for the Attorneys' Profession promulgated in 2016 regulates pro bono among attorneys (the Cape Law Society has its own rule) (see r 25 of the 'Rules for the Attorneys' Profession' published under the authority of the Attorneys Act 53 of 1979 GenN2 GG39740/26-2-2016).<sup>6</sup> It sets out the definitions of pro bono legal services, procedures for approval and delivery of pro bono legal services, the minimum pro bono hours required for each attorney, recording of pro bono hours and services, cost of pro bono legal services and unprofessional conduct for refusal of providing pro bono legal services without good cause. Under r 25, pro bono legal services means services approved or recognized under this rule, relating to, the delivery of advice, opinion or assistance in matters falling within the professional competence of a member, to facilitate access to justice for those who cannot afford to pay for such services, free of charge. This rule is similar to the various provincial law society rules that had been adopted by the KwaZulu-Natal Law Society, Free State Law Society, Law Society of the Northern Provinces and Cape Law Society, from around</p>

<sup>4</sup> See <http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf> (last visited on May 1, 2019).

<sup>5</sup> LASA 2017-2018 Legal Aid Annual Report, page 17.

<sup>6</sup> See <https://www.lssa.org.za/upload/RulesForTheAttorneysProfession2016.pdf> (last visited on May 1, 2019).



	2010 onwards. The General Council of the Bar, Johannesburg Bar Council, Pretoria Bar Council, Cape Bar Council and Eastern Cape Society of Advocates all have pro bono rules that apply to advocates.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Some South African law societies such as Law Society of the Northern Provinces and Cape Law Society mandate attorneys to provide 24 hours per year of free legal advice to members of the public who qualify for this service in terms of a means test. <sup>7</sup>
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Article 26 of the Legal Practice Act 28, 2014 sets out that a candidate legal practitioner in South Africa must complete all of the practical vocational training requirements prescribed by the Legal Practice Act which includes a requirement to provide community service. The community service can be, among others, service in the State, service at the South African Human Rights Commission, service as a judicial officer and the provision of legal education and training. It does not necessarily need to be the provision of pro bono legal services and the Legal Practice Act does not specify the minimum numbers of hours required.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Notably, a high percentage of legal aid (approximately 87%) goes toward criminal law proceedings. <sup>8</sup> Given the socio-economic challenges evident in South Africa, there is also a strong need for civil proceeding representation. Although the Legal Aid Board thinks it achieved its targets in respects of new and finalized matters for both civil and criminal legal services delivery, the increased demand for civil legal services poses the challenge to its civil practitioners to render client-focused services while at the same time meeting the exacting time demands of a civil practice. <sup>9</sup> The private sector is beginning to supplement the services provided by the Legal Aid Board, though funding and capacity remains strained in both spheres.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,	The main providers of pro bono legal services are individual legal practitioners administered by law societies and law firms. In addition to these opportunities, legal professionals may also

<sup>7</sup> See <https://www.lssa.org.za/upload/RulesForTheAttorneysProfession2016.pdf> and <https://www.lssa.org.za/contact-us/get-legal-representation> (last visited on May 1, 2019).

<sup>8</sup> LASA 2017-2018 Legal Aid Annual Report, page 17.

<sup>9</sup> LASA 2017-2018 Legal Aid Annual Report, page 22.

private law firms (local or international) or corporate organizations?	provide pro bono legal services through legal NGOs such as probono.org.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	As long as a lawyer is admitted to practice law in South Africa, they are eligible to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>In terms of the Legal Practice Act 28 of 2014, foreign lawyers need to qualify as legal practitioners in South Africa in order to provide pro bono legal services.</p> <p>Unless a person is from a designated country (at present Swaziland, Namibia, Lesotho and the former Transkei, Bophuthatswana, Venda and Ciskei states), a person must complete a South African Bachelor of Laws degree and comply with the other requirements with regard to practical vocational training or community service, and pass the competency-based admission examination.</p> <p>Further requirements with regard to admission are provided in the Legal Practice Act 28 of 2014. A person must be a South African citizen or permanent resident of South Africa and be otherwise fit and proper in the opinion of the South African court's to be admitted as a legal practitioner.<sup>10</sup></p> <p>See 'Becoming a legal practitioner'.</p>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in South Africa do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	R 41 of the Rules for the Attorney's Profession set out the approaches and publicity restrictions when advertising the legal services provided by the legal practitioners, including but not limited to, no disreputable, offensive or inappropriate publicity, no misrepresentation, no unfair competition, no referring to a client by name unless prior written consent of the client was obtained. It shall apply to the pro bono legal services provided by the practitioners. <sup>11</sup>

<sup>10</sup> See <https://www.lssa.org.za/about-us/about-the-attorneys-profession/foreign-lawyers> (last visited on May 1, 2019).

<sup>11</sup> See <https://www.lssa.org.za/upload/RulesForTheAttorneysProfession2016.pdf> (last visited on May 1, 2019).

<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in South Africa.</p>	<p>Effective from March 1, 2015, state-funded legal aid came to be governed by the Legal Aid South Africa Act 39 of 2014.<sup>12</sup> The Legal Aid South Africa Act established LASA as the national public entity responsible for rendering and providing access to legal aid, advice and representation. LASA’s purpose is “to ensure access to justice and the realization of the right of a person to have legal representation as envisaged in the [South African] Constitution and to render or make legal aid and legal advice available.”</p> <p>A person can also get access to pro bono legal services through Legal Practice Council which administered pro bono and where attorneys are registered. The Legal Practice Council is a national, statutory body established in terms of section 4 of the Legal Practice Act, No 28 of 2014. The Legal Practice Council and its Provincial Councils regulate the affairs of and exercise jurisdiction over all legal practitioners (attorneys and advocates) and candidate legal practitioners.<sup>13</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in South Africa.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in South Africa are as follows:</p> <ul style="list-style-type: none"> <li>• ProBono.Org, for example, focuses specifically on connecting individuals seeking pro bono representation with attorneys<sup>14</sup></li> <li>• The Legal Resources Center<sup>15</sup></li> <li>• Lawyers for Human Rights<sup>16</sup></li> <li>• Center for Child Law<sup>17</sup></li> <li>• Socio Economic Rights Institute of South Africa<sup>18</sup></li> </ul>

<sup>12</sup> See [https://www.gov.za/sites/default/files/gcis\\_document/201412/383159-12act39of2014legalaidsaact2014a.pdf](https://www.gov.za/sites/default/files/gcis_document/201412/383159-12act39of2014legalaidsaact2014a.pdf) (last visited on May 1, 2019).

<sup>13</sup> See [https://www.gov.za/sites/default/files/gcis\\_document/201412/383159-12act39of2014legalaidsaact2014a.pdf](https://www.gov.za/sites/default/files/gcis_document/201412/383159-12act39of2014legalaidsaact2014a.pdf) and <https://www.lssa.org.za/public/getting-legal-assistance> (last visited on May 1, 2019).

<sup>14</sup> See <http://www.probono.org.za/> (last visited on May 1, 2019).

<sup>15</sup> See [www.lrc.org.za/](http://www.lrc.org.za/) (last visited on May 1, 2019).

<sup>16</sup> See [www.lhr.org.za/](http://www.lhr.org.za/) (last visited on May 1, 2019).

<sup>17</sup> See <http://www.centreforchildlaw.co.za/> (last visited on May 1, 2019).

<sup>18</sup> See <http://www.seri-sa.org/> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• the Southern Africa Litigation Center<sup>19</sup></li> <li>• Section 27<sup>20</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>ProBono.org, the Legal Aid Board<sup>21</sup> and the law societies throughout South Africa offer the best resources for foreign lawyers interested in providing pro bono representation in South Africa.</p>

May 2019  
Pro Bono Practices and Opportunities in South Africa

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>19</sup> See <https://acjr.org.za/resource-centre/southern-africa-litigation-centre-salc> (last visited on May 1, 2019).

<sup>20</sup> See <http://section27.org.za/> (last visited on May 1, 2019).

<sup>21</sup> See <http://www.legal-aid.co.za/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Uganda<sup>1</sup>

### I. Introduction

Article 126 (2) of the Constitution of the Republic of Uganda provides that in adjudicating both civil and criminal cases, the courts shall, subject to the law, administer justice to all irrespective of their social or economic status. Despite this constitutional requirement, there remains gross inaccessibility to justice in Uganda due to a variety of reasons including poverty, a highly understaffed judiciary and illiteracy. Pro bono services are therefore in great demand in Uganda. There is a relatively large network of pro bono services available across Uganda, with the majority of these being provided by non-governmental organizations. However, these services are not widely available – most are located in urban areas, such as Kampala (due to easy access to utilities, communication services and the courts), whereas 87% of Ugandan citizens live in rural areas. There is therefore still an issue with access to justice for the majority of citizens. Pro bono organizations are mainly concentrated in the major cities and pro bono services are primarily provided by Justice Law and Order Sector institutions (“**JLOS**”) and civil society organizations<sup>2</sup> that are key to providing pro bono services to the poor and marginalized groups in Uganda.

The Advocates Act (Cap 267) (the “**Advocates Act**”) is a key development in improving access to justice for vulnerable citizens in Uganda. However, without a developed, comprehensive policy to provide effective and efficient legal aid services, there is still a large, unmet demand for pro bono services in Uganda. The government has endeavored to address this service gap by adopting the JLOS. JLOS is a sector wide approach which brings together institutions (with closely linked goals of administering justice as well as maintaining law and order and human rights) to develop a common policy framework<sup>3</sup>. This holistic approach aims to improve access to justice and has implemented a sector wide approach to planning, budgeting, programme implementation, monitoring and evaluation associated with such access. The overall goal of the JLOS is to promote the rule of law. The sector in the Third Strategic Investment Plan (“**SIP III**”) aims to ensure that 70% of the population in Uganda is satisfied with JLOS services. Three outcomes are envisaged at the end of SIP III:

- (i) the strengthening of the policy and regulatory framework;
- (ii) increasing access to JLOS services (particularly for the marginalized and the poor); and
- (iii) the promotion of human rights and accountability.<sup>4</sup>

However, as JLOS is still at the development stage, this leaves pro bono services as the sole option for many Ugandans confronted with legal issues.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Uganda is regulated by the Uganda Law Council (established by Section 2 of the Advocates Act (as amended)) (the “<b>Law Council</b>”).<sup>5</sup></p> <p>The roles of the Law Council under the Advocates Act include: (i) general supervision and control over professional legal education in Uganda; (ii)</p>

<sup>1</sup> This chapter was drafted with the support of Primah A.Kyambadde of MMAKS Advocates.

<sup>2</sup> See Anthony Conrad K. Kakooza, Pro Bono Publico and Its Administration in Uganda, ACADEMIA.EDU, available at [http://illinois.academia.edu/AnthonyKakooza/Papers/1608827/PRO\\_BONO\\_PUBLICO\\_AND\\_ITS\\_ADMINISTRATION\\_IN\\_UGANDA](http://illinois.academia.edu/AnthonyKakooza/Papers/1608827/PRO_BONO_PUBLICO_AND_ITS_ADMINISTRATION_IN_UGANDA) (last visited on October 2, 2019).

<sup>3</sup> See <https://www.jlos.go.ug/index.php/about-jlos/our-history> (last visited on October 2, 2019).

<sup>4</sup> See <https://www.judiciary.go.ug/data/smenu/104/Justice%20Law%20and%20Order%20Sector.html> (last visited on October 2, 2019).

<sup>5</sup> See <http://lawcouncil.go.ug/#> (last visited on October 2, 2019).

	<p>general supervision and control over the provision of legal aid and advice to indigent persons; and (iii) advising and making recommendations to the Ugandan government on matters relating to the profession of advocates.</p> <p>Every advocate whose name has been entered onto the roll of advocates is required to obtain an annual practicing certificate issued by the Law Council.</p> <p>All practicing attorneys may subscribe to the Uganda Law Society which is established by the Uganda Law Society Act (Cap 276) (the “<b>ULSA</b>”). The Uganda Law Society provides professional services, resources, support and benefits to its members and engages in activities to try to improve access to justice in Uganda. The Uganda Law Society is also involved in negotiating with and lobbying the profession’s regulatory bodies and the government.<sup>6</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The Law Council (through the Committee on Legal Education and Training) exercises control over and supervises professional legal education in Uganda.</p> <p>The Committee on Legal Education and Training (the “<b>Committee</b>”) was introduced by the Advocates (Amendment) Act 2002 and is composed of:</p> <ul style="list-style-type: none"> <li>• an experienced law teacher;</li> <li>• a judge of the courts of Judicature appointed by the Attorney General in consultation with the Chief Justice;</li> <li>• the Dean of the Faculty of Law of Makerere University or their representative;</li> <li>• the Director of the Law Development Centre or their representative;</li> <li>• a representative of the Uganda Law Society;</li> <li>• a representative of the Ministry responsible for justice appointed by the Attorney-General;</li> <li>• one person nominated by institutions engaged in continuing legal education and appointed by the Law Council; and</li> </ul>

<sup>6</sup> See <http://www.uls.or.ug/members/benefits-to-members/> (last visited on October 2, 2019).



	<ul style="list-style-type: none"> <li>• a representative of the ministry of education appointed by the minister of education.</li> </ul> <p>The functions of the Committee include:</p> <ul style="list-style-type: none"> <li>• serving as the medium of the Law Council in exercising general supervision and control over professional education in Uganda;</li> <li>• approving courses of study;</li> <li>• prescribing professional requirements for admission to the post-graduate Bar course;</li> <li>• prescribing qualifications necessary for eligibility for enrolment as an advocate;</li> <li>• conducting and promoting continuing legal education for qualified legal practitioners; and</li> <li>• prescribing standards and courses for training.</li> </ul> <p>The Uganda Law Society (according to §3(a) of the ULSA) also has the role of maintaining and improving the standards of conduct and education of the legal profession in Uganda.</p> <p>Attorneys in Uganda are referred to as “advocates” once they are certified to appear before a court. An advocate is an attorney who is enrolled to the Bar and has a right to an audience before the court. An attorney who is not an advocate cannot appear before the court.</p> <p>Under the Advocates Act, a person is eligible to become advocate where such person:</p> <ol style="list-style-type: none"> <li>a) is the holder of a degree in law granted by a university in Uganda;</li> <li>b) is a Ugandan citizen and is:             <ol style="list-style-type: none"> <li>i. a holder of a degree in law obtained from a university or other institution recognized by the Law Council in a country operating the common law system;</li> <li>ii. has been enrolled as a legal practitioner or equivalent name or description, in any country operating the common law system and designated by regulations set out by the Law Council; and</li> <li>iii. holds a qualification that would qualify him or her to be enrolled in any country</li> </ol> </li> </ol>
--	--

	<p>operating the common law system and designated by the regulations set out by the Law Council.</p> <p>To become an attorney, one must obtain a Bachelor of Laws from an approved undergraduate university. Attorneys who wish to become advocates must pass a bar course offered by the Law Development Centre in Kampala or obtain a certificate of eligibility from the Law Council based on the grounds that they have qualified in a jurisdiction operating the common law system. In addition, an advocate who has taken the Bar Course from the Law Development Centre must have completed an internship or clerkship lasting for 2.5 months while an advocate who has qualified in another common law jurisdiction is expected to have completed training for one year.</p> <p>The Law Council may recommend that foreign attorneys attend core subject classes at a Ugandan university before they can be admitted. There are no existing bilateral treaties in place allowing qualified lawyers from any other country to practice in Uganda.<sup>7</sup></p>
--	--

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Advocates Act established the Law Council which is mandated to exercise supervision and control over the provision of legal aid and pro bono services to indigent persons. It has tasked the Uganda Law Society with carrying out pro bono in Uganda. The Uganda Law Society established the Pro Bono Project in 2008 and since then a vast number of attorneys have participated and offered pro bono services to the public. At a regional level, it is also possible to join the East African Law Society.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>The Law Council established the Pro bono (Services to Indigent Persons) Regulations SI No. 39 of 2009 (the “<b>Advocates Regulations</b>”) under which advocates are required to provide forty (40) hours of pro bono services annually or make payment in lieu.<sup>8</sup> It specifies the nature of pro bono services and the areas of law in relation to which professional services can be rendered. It empowers the Law Council to establish a pro bono scheme and sets up a board of trustees to manage the same. Where it is determined that an</p>

<sup>7</sup> See [http://www.ibanet.org/PPID/Constituent/Student\\_Committee/qualify\\_lawyer\\_Uganda.aspx](http://www.ibanet.org/PPID/Constituent/Student_Committee/qualify_lawyer_Uganda.aspx) (last visited on October 2, 2019).

<sup>8</sup> See <https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf>, p.77 (last visited on October 2, 2019).

	<p>advocate has not fulfilled the relevant requirements, their practicing certificate is not renewed.<sup>9</sup> This is also applicable to in-house attorneys.</p> <p>As a result, newly qualified attorneys have been drawn to law firms that actively provide pro bono services. They often provide support for attorneys seeking to comply with this new requirement and are given credit for their pro bono hours in meeting billable targets. Separately, this enables attorneys to give back to the community, access training opportunities, gain court room experience at an earlier stage and take on matters that they otherwise would not participate in mainstream practice.</p> <p>However, there are concerns that too many attorneys may decide to pay the opt out fee, leaving more economically disadvantaged attorneys to provide pro bono work.</p> <p>The Advocates Regulations which made it mandatory for every attorney to provide 40 hours of pro bono legal services per year, are not yet operational. While attorneys who do not provide 40 hours of pro bono services a year must pay a fine, the Law Council has not yet created a pro bono account to receive such funds. As a result, few attorneys provide voluntary pro bono services to members of the public.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>However, the Advocates (Amendment) Act and the Advocates (student Practice) Regulations, S.I 70 of 2004 enable students seeking the acquisition of professional skills or experience for the purpose of enrolment and audience to practice if an advocate with a valid practicing certificate accompanies them.<sup>10</sup></p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The two areas that are in most need of pro bono services in Uganda are land law and family law.</p> <p>Other areas also include: child welfare and protection, employment law, probate law and human rights (specifically, women's rights).</p>

<sup>9</sup> See <https://www.monitor.co.ug/OpEd/Letters/-/806314/1333460/-/11d0ra6/-/index.html> (last visited on October 2, 2019).

<sup>10</sup> See <https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf>, p.77 (last visited on October 2, 2019).

<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The majority of pro bono services in Uganda are provided by non-governmental organizations with the majority located in urban areas. However, most of the urban located non-governmental organizations have outreach programs that take them to rural areas regularly.</p> <p>The Pro Bono scheme of the Uganda Law Society was initiated as a pilot project by the Uganda Law Society in partnership with the Ministry of Justice and Constitutional Affairs and the Law Council, supported by the Legal Aid Basket Fund (“LABF”) in 2008. The project currently covers the districts of Kampala, Gulu, Jinja, Kabale, Kabarole, Masindi, Soroti, Arua and Mbarara through the satellite clinics of the Legal Aid Project of the Uganda Law Society.<sup>11</sup> The pro bono scheme run by the Uganda Law Society enables students to offer legal aid and the establishment of the Justice centers.<sup>12</sup></p> <p>As part of their corporate social responsibility, private law firms are also increasingly providing pro bono services. Certain law schools such as the Makerere University have established legal aid/pro bono arms. The Public Interest Law Clinic (“PILAC”) was established at the Makerere University School of Law in 2012 and enables both law students and other fully qualified attorneys to provide pro bono advice to indigent persons.</p> <p>Further, employers are increasingly partnering with lawyers to provide pro bono advice to their staff. For example, the Bank of Uganda launched its annual pro bono day in which the bank’s panel law firms were invited to offer pro bono advice to its staff in various areas of law.</p>
--	---

**(c) Obstacles to Provision of Pro Bono Legal Services**

<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers do not require a specific license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private</p>	<p>There is no requirement for professional indemnity legal insurance cover for lawyers providing pro bono legal services.</p>

<sup>11</sup> See <http://www.uls.or.ug/projects/pro-bono-project/pro-bono-project/> (last visited on October 2, 2019).

<sup>12</sup> See <https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf> (last visited on October 2, 2019).

<p>law firm or organization working on the same pro bono project?</p>	
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Section 74 of the Advocates Act prohibits advertising by advocates in any way in relation to their profession or business as advocates, except so far as may be necessary to identify their office or to provide their address to persons having business communications or dealings with such advocate. This restriction is also applicable to the provision of pro bono services.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>As part of the continuing legal education for advocates, the Uganda Law Society organizes an annual pro bono day in which practicing advocates provide free legal advice to members of the public. The annual pro bono day attracts two CLE points for any participating advocate. An advocate is required to accumulate 20 CLE points each year in order to have their practicing certificate for the next year renewed.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Uganda.</p>	<p>The Uganda Human Rights Commission as established under Article 51 of the Constitution of Uganda provides pro bono services in situations where there has been violation of human rights.<sup>13</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Uganda.</p>	<p>The current sources of pro bono services come from civil society organizations which are supervised and vetted by the Legal Aid Sub-Committee of the Law Council. Many non-governmental organizations providing free legal services receive funding from foreign groups. Since the availability of monies may vary due to conditions outside their control, their provision of legal services is unpredictable. Together with the lack of governmental policy and logistical limitations, the provision of pro bono services to the vulnerable and those in need can be challenging. A non-exhaustive list of the pro bono providers is set out below.</p> <ul style="list-style-type: none"> <li>• The Uganda Law Society: engages in legal aid and pro bono which are its flagship projects with the aim of extending access to justice to the poor, indigent and most vulnerable across Uganda.<sup>14</sup></li> <li>• The LDC Legal Aid Clinic: was established for the main purpose of improving the level of</li> </ul>

<sup>13</sup> See <https://www.uhrc.ug/> (last visited on October 2, 2019).

<sup>14</sup> See <http://www.uls.or.ug/> (last visited on October 2, 2019).

	<p>training of Bar Course students and to promote the lawyer’s role of service to the community and legal representation of needy persons.<sup>15</sup></p> <ul style="list-style-type: none"> <li>• The Public Defender Association of Uganda: offers legal aid and pro bono services to indigent persons, particularly to persons charged with criminal offences.<sup>16</sup></li> <li>• The PILAC of Makerere University: offers pro bono services to indigent persons using its community outreach programs.<sup>17</sup></li> <li>• The Refugee Law Project: engages in the provision of free legal assistance to the refugee population and asylum seekers in Uganda.<sup>18</sup></li> <li>• The Uganda Association of Women Lawyers: is affiliated with the <i>Federacion Internacional de Abogadas</i> (The International Federation of Women Lawyers) founded in Mexico. It mainly provides legal aid to women in Uganda.<sup>19</sup></li> <li>• Platform for Labour Action: promotes and protects the rights of employees in Uganda through the provision of legal aid to employees in the resolution of employment-related disputes.<sup>20</sup></li> <li>• Uganda Land Alliance: was formed to enhance access, control, and ownership of land by poor and marginalized people in Uganda.<sup>21</sup></li> <li>• Uganda Network on Law, Ethics, and HIV/AIDS: advocates for the legal and human rights of people living with HIV/AIDS.<sup>22</sup></li> <li>• Uganda Christian Lawyers’ Fraternity: was founded in 1987 by Christian law students at Makerere University. The fraternity is involved in advocacy and representation of disadvantaged people.<sup>23</sup></li> </ul>
--	---

<sup>15</sup> See <http://www ldc ac ug/> (last visited on October 2, 2019).

<sup>16</sup> See <http://humanrightshouse.org/noop/page.php?p=Articles/5063.html&d=1> (last visited on October 2, 2019).

<sup>17</sup> See <http://pilac.mak.ac.ug> (last visited on October 2, 2019).

<sup>18</sup> See <http://www.refugeelawproject.org> (last visited on October 2, 2019).

<sup>19</sup> See <http://www.fidauganda.org> (last visited on October 2, 2019).

<sup>20</sup> See <http://www.pla-uganda.org> (last visited on October 2, 2019).

<sup>21</sup> See <http://www.ulaug.org> (last visited on October 2, 2019).

<sup>22</sup> See <http://www.uganet.org> (last visited on October 2, 2019).

<sup>23</sup> See <http://ugclf.org> (last visited on October 2, 2019).



	<ul style="list-style-type: none"> <li>• Justice for Children: provides free legal representation to impoverished children. The JFC is a non-profit, advocacy group protecting abused children and their families by assisting in navigating administrative processes and protecting them from their abusers.<sup>24</sup></li> <li>• Legal Action for Persons with Disabilities: focuses on ensuring that persons living with disabilities in Uganda have access to justice.<sup>25</sup></li> <li>• Platform for Labour Action: is an NGO that promotes and protects the rights of vulnerable and marginalized workers through empowerment of communities and individuals, action oriented research, policy dialogue, and legal aid in Uganda.<sup>26</sup></li> <li>• World Voices Uganda: facilitates access to justice for the poor, and the protection and promotion of human rights, governance and accountability.<sup>27</sup></li> <li>• Foundation for Human Rights Initiative: seeks to remove impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution as well as other internationally recognized human rights. Focused primarily on promoting human rights, it provides pro bono representation mainly through public interest cases.<sup>28</sup></li> <li>• Human Rights Awareness and Promotion Forum: promotes human rights awareness in Uganda. It also provides legal aid services for the advancement of women and minority rights.<sup>29</sup></li> <li>• International Justice Mission: is a Christian non-governmental organization led by Human Rights professionals, which helps people suffering from injustices and oppression, who have not been able to obtain justice through local authorities. IJM investigates and documents cases of abuse and provides pro</li> </ul>
--	---

<sup>24</sup> See <http://www.crin.org/en> (last visited on October 2, 2019).

<sup>25</sup> See <http://disabilityrightsfund.org/grantees/legal-action-for-persons-with-disabilities-uganda-3/> (last visited on October 2, 2019).

<sup>26</sup> See <http://www.pla-uganda.org/> (last visited on October 2, 2019).

<sup>27</sup> See <http://worldvoicesuganda.org> (last visited on October 2, 2019).

<sup>28</sup> See <http://www.fhri.or.ug/> (last visited on October 2, 2019).

<sup>29</sup> See <http://hrapf.org> (last visited on October 2, 2019).

	<p>bono legal representation to vulnerable individuals.<sup>30</sup></p> <ul style="list-style-type: none"> <li>Justice Centres Uganda: promotes the rights of vulnerable communities through basic legal aid, legal and human rights awareness, community outreach, empowerment and advocacy.<sup>31</sup></li> </ul> <p>Further details of other organizations can be found on the Refugee Legal Aid information website.<sup>32</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Attorneys who are interested in pro bono opportunities can register with the Uganda Law Society, which holds a database of members.<sup>33</sup></p>

October 2019  
Pro Bono Practices and Opportunities in Uganda

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>30</sup> See <https://ijm.org/> (last visited on October 2, 2019).

<sup>31</sup> See <http://www.justicecentres.go.ug/> (last visited on October 2, 2019).

<sup>32</sup> See <http://www.refugeelegalaidinformation.org/uganda-pro-bono-directory> (last visited on October 2, 2019).

<sup>33</sup> See <http://www.uls.or.ug/> (last visited on October 2, 2019).

# Asia and Australia





## Pro Bono Practices and Opportunities in Australia

### I. Introduction

Pro bono legal services are an important focus for Australian lawyers and law firms. Australia prides itself as a global pro bono leader; since 2007, a National Pro Bono Target has been used to encourage all Australian lawyers to complete at least 35 hours of pro bono legal services per year. Although pro bono legal services remain voluntary, the wide network of Australian organizations supporting the strategic delivery of pro bono legal services is providing increased access to justice for those in need.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Australian legal profession is comprised of solicitors and barristers.</p> <p>Solicitors are represented by the law society of the state or territory in which they practice (e.g., the Law Society of Victoria<sup>1</sup>) and are regulated by a legal practitioners board (e.g., the Victorian Legal Services Board<sup>2</sup>).</p> <p>Barristers are regulated by the relevant bar council or association in their jurisdiction (e.g., the Victorian Bar Association<sup>3</sup>).</p> <p>Each Australian state and territory has implemented regulations and rules governing the legal profession (e.g., in Victoria and New South Wales, lawyers are subject to a framework of legal profession uniform rules made by the Legal Services Council, pursuant to local legislation (the “Uniform Rules”)<sup>4</sup>).</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The practice of law in Australia requires admission to the Australian legal profession. Each Australian state and territory has implemented regulations and rules governing admission, which typically require an Australian tertiary academic qualification in law, plus the completion of a practical legal training course and/or supervised legal training.<sup>5</sup></p> <p>Following admission, Australian lawyers are required to apply for and maintain a current legal practicing certificate (the specific requirements vary across the states and territories, but an Australian lawyer must typically be a “fit and proper person” to hold and renew a practicing</p>

<sup>1</sup> See <http://www.liv.asn.au/> (last visited on May 1, 2019).

<sup>2</sup> See <http://www.lsb.vic.gov.au/> (last visited on May 1, 2019).

<sup>3</sup> See <https://www.vicbar.com.au/> (last visited on May 1, 2019).

<sup>4</sup> See <http://www.legalservicescouncil.org.au/Pages/legal-practitioners/for-legal-practitioners.aspx> (last visited on May 1, 2019).

<sup>5</sup> See <https://www.lawadmissions.vic.gov.au/qualifications-and-training> (last visited on May 1, 2019).

	certificate, and must maintain appropriate professional indemnity insurance <sup>6</sup> ).
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	There are no explicit regulations or limitations on providing pro bono legal services in Australia or minimum fees imposed on provision of legal services. Legal costs charged to a client (if any) must however be fair and reasonable in the circumstances. <sup>7</sup>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no rules in Australia requiring lawyers to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Australia are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Public legal aid in Australia does not adequately meet the demand for free legal services, primarily due to means and merit testing, which may exclude members of the population who either (i) fall above the minimum means standards, rendering them financially ineligible, but who nonetheless have insufficient funds for legal representation or (ii) meet the minimum means standards but are seeking assistance on matters that do not meet the merit standards. In these circumstances pro bono legal services seek to address the need for free legal services. One major area of unmet need is in civil law matters, where it is difficult to obtain a grant of legal aid for many kinds of cases. <sup>8</sup>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The main providers of Australian pro bono legal services include: <ul style="list-style-type: none"> <li>• community legal centers, which provide free legal and related services to the public, focusing on the disadvantaged and people with special needs;<sup>9</sup></li> <li>• law firms, who are able to access resources and expertise provided by the Australian Pro</li> </ul>

<sup>6</sup> See [http://lsbc.vic.gov.au/?page\\_id=207](http://lsbc.vic.gov.au/?page_id=207) (last visited on May 1, 2019).

<sup>7</sup> See [http://lsbc.vic.gov.au/?page\\_id=254](http://lsbc.vic.gov.au/?page_id=254) (last visited on May 1, 2019).

<sup>8</sup> See <https://www.probonocentre.org.au/aus-pro-bono-manual/part-3/chap-3-1/#3.1.1> (last visited on May 1, 2019).

<sup>9</sup> See [http://www.naclc.org.au/cb\\_pages/clcs.php](http://www.naclc.org.au/cb_pages/clcs.php) (last visited on May 1, 2019).

	<p>Bono Centre in the establishment of an effective pro bono program;<sup>10</sup></p> <ul style="list-style-type: none"> <li>• duty barrister schemes provided by Australian bar associations, to assist litigants with legal and financial need;<sup>11</sup> and</li> <li>• university legal clinics, which combine a teaching clinic for law students with qualified volunteer solicitors, who are able to provide free legal advice in specified areas of need (e.g., the Kingsford Legal Centre at the University of New South Wales, Sydney).<sup>12</sup></li> </ul>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>All solicitors who provide pro bono legal services are required to maintain an appropriate Australian practicing certificate.</p> <p>Lawyers who volunteer and/or provide pro bono legal services only may be entitled to a “nil fee” practicing certificate.<sup>13</sup> In Victoria, for example, such a practicing certificate will include a condition that the holder is restricted to practicing as a volunteer at a community legal center or on a pro bono basis only.<sup>14</sup></p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers in Australia may practice either foreign law (subject to the applicable practicing restrictions) or may apply to be admitted as Australian lawyers; the relevant conditions and requirements are set and applied by the relevant legal practitioners board in the state or territory in which the foreign lawyer intends to practice. In Victoria, for example, foreign lawyers may be admitted either as an Australian-registered foreign lawyer or as an Australian legal practitioner.<sup>15</sup> There are no additional specific requirements in respect of the provision of pro bono legal services by foreign lawyers.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private</p>	<p>Subject to certain specific exemptions, all Australian lawyers are generally required to hold or be covered by professional indemnity insurance before engaging in legal practice, including pro bono legal services. Under the Uniform Rules, professional indemnity insurance requirements</p>

<sup>10</sup> See <https://www.probonocentre.org.au/provide-pro-bono/law-firm/> (last visited on May 1, 2019).

<sup>11</sup> See <https://www.vicbar.com.au/public/community/pro-bono-scheme> (last visited on May 1, 2019).

<sup>12</sup> See <http://www.klc.unsw.edu.au/free-legal-advice> (last visited on May 1, 2019).

<sup>13</sup> See [http://lsbc.vic.gov.au/?page\\_id=1711](http://lsbc.vic.gov.au/?page_id=1711) (last visited on May 1, 2019).

<sup>14</sup> See [http://lsbc.vic.gov.au/?page\\_id=207](http://lsbc.vic.gov.au/?page_id=207) (last visited on May 1, 2019).

<sup>15</sup> See [http://lsbc.vic.gov.au/?page\\_id=226](http://lsbc.vic.gov.au/?page_id=226) (last visited on May 1, 2019).



<p>law firm or organization working on the same pro bono project?</p>	<p>will vary depending on the capacity in which the lawyer intends to practice.<sup>16</sup></p> <p>A community legal service (“CLS”) must be insured for any legal services provided. If the CLS is a corporation, it must hold an approved insurance policy covering the CLS itself and each Australian lawyer carrying out work at the CLS. If the CLS is not a corporation, it must not engage in legal practice unless each Australian lawyer who engages in legal practice for or on behalf of the CLS holds or is covered by an approved insurance policy and the policy covers that practice.</p> <p>Australian-registered foreign lawyers are not required to hold professional indemnity insurance under the Uniform Rules; however, if an Australian-registered foreign lawyer does not hold an approved insurance policy, they must provide a written disclosure statement to each client before, or as soon as practicable after, being retained for legal services.</p> <p>In-house corporate or government lawyers are not required to hold professional indemnity insurance under the Uniform Rules; however, those wishing to provide pro bono legal services outside of a CLS must be covered by insurance. In certain Australian states and territories, in-house corporate and government lawyers are able to access the National Pro Bono Professional Indemnity Insurance Scheme, which provides such lawyers with free insurance coverage while working on pro bono projects approved by the Australian Pro Bono Centre.<sup>17</sup></p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Australia that prohibit advertising of pro bono successes or soliciting new pro bono clients. Any advertising or solicitation of new pro bono clients must comply with regulations (such as the Uniform Rules) and guidelines promulgated generally in respect of advertising and marketing by the applicable law society (e.g., the Law Institute of Victoria’s advertising and direct-marketing guidelines).<sup>18</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Australia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. The Australian Pro Bono Centre previously made a submission to the Law Council of Australia that the continuing</p>

<sup>16</sup> See [http://lsbc.vic.gov.au/?page\\_id=246](http://lsbc.vic.gov.au/?page_id=246) (last visited on May 1, 2019).

<sup>17</sup> See <https://www.probonocentre.org.au/provide-pro-bono/pi-insurance-scheme/> (last visited on May 1, 2019).

<sup>18</sup> See <https://www.liv.asn.au/Professional-Practice/Ethics/Ethics-Guidelines> (last visited on May 1, 2019).

	<p>professional development (“CPD”) rules should permit a lawyer who undertakes at least one day (7.5 hours) of pro bono legal work to claim one CPD unit towards the required annual minimum of 10 units of CPD activity;<sup>19</sup> however, this proposal was not adopted.<sup>20</sup></p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Australia.</p>	<p>The federal Attorney-General’s Department administers funding for the provision of legal aid services for federal law matters through legal aid commissions (“LACs”), and manages a community legal services program.<sup>21</sup> State and territory governments fund legal aid services for cases brought under state and territory law. There are eight independent LACs, one in each state and territory.</p> <p>The services offered by each LAC differ across jurisdictions. Eligibility for LAC services also varies among LACs and can be confirmed by contacting the appropriate LAC, or National Legal Aid, which represents the directors of the eight state and territory LACs.<sup>22</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Australia.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Australia are:</p> <ul style="list-style-type: none"> <li>• The Australian Pro Bono Centre:<sup>23</sup> an independent, non-profit organization, which supports the provision of pro bono legal services by lawyers and law firms. Information and resources for existing and potential Australian pro bono legal service providers are available on its website, including the Australian Pro Bono Manual;<sup>24</sup></li> <li>• Justice Connect:<sup>25</sup> pro bono legal clearing house in Victoria and New South Wales;</li> <li>• LawRight:<sup>26</sup> pro bono legal clearing house in Queensland;</li> </ul>

<sup>19</sup> See [https://probonocentre.org.au/wp-content/uploads/2015/10/NPBRC\\_Submission\\_to\\_LCA\\_Pro\\_Bono\\_and\\_CPD\\_Rules\\_06032015.pdf](https://probonocentre.org.au/wp-content/uploads/2015/10/NPBRC_Submission_to_LCA_Pro_Bono_and_CPD_Rules_06032015.pdf) (last visited on May 1, 2019).

<sup>20</sup> See the meaning of “CPD activity” under Rule 8 of the Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015: <https://www.legislation.nsw.gov.au/#/view/regulation/2015/242> (last visited on May 1, 2019).

<sup>21</sup> See <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/Legal-aid.aspx> (last visited on May 1, 2019).

<sup>22</sup> See <http://www.nationallegalaid.org/> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.probonocentre.org.au/> (last visited on May 1, 2019).

<sup>24</sup> See <https://www.probonocentre.org.au/aus-pro-bono-manual/> (last visited on May 1, 2019).

<sup>25</sup> See <https://justiceconnect.org.au/> (last visited on May 1, 2019).

<sup>26</sup> See <http://www.lawright.org.au/> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• JusticeNet SA:<sup>27</sup> pro bono legal clearing house in South Australia;</li> <li>• Law Access Pro Bono Referral Scheme:<sup>28</sup> pro bono legal access scheme in Western Australia; and</li> <li>• National Association of Community Legal Centres:<sup>29</sup> the peak national body for Australian community legal centers, representing around 200 community legal centers providing pro bono and related legal services.</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>As described above – interested local or foreign attorneys should contact the Australian Pro Bono Centre, the applicable legal clearing house in their jurisdiction and/or a local community legal center.</p>

May 2019  
Pro Bono Practices and Opportunities in Australia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>27</sup> See <http://www.justicenet.org.au/> (last visited on May 1, 2019).

<sup>28</sup> See <http://www.lawsocietywa.asn.au/law-access/> (last visited on May 1, 2019).

<sup>29</sup> See <http://www.naclc.org.au/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in China<sup>1</sup>

### I. Introduction

The concept of pro bono is relatively new to the Chinese legal community. There is no requirement, either formal or informal, for individual attorneys to engage in pro bono work and, as a result, the provision of pro bono legal services is not well established. In China, most pro bono litigation on behalf of socially disadvantaged groups is done by full-time public interest lawyers.<sup>2</sup> Aside from those lawyers, there are a small number of independent organizations, including law firms, that provide pro bono legal services in China as illustrated below.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>In China, the Ministry of Justice (the “<b>MOJ</b>”) is tasked with supervising and regulating lawyers, law firms, and lawyers’ associations. It is also responsible for administering qualifying exams and licensing and disciplining attorneys for misconduct.<sup>3</sup> Lawyers’ conduct is governed by the National Lawyer’s Law, which gives standards for the legal profession, provides rules on malpractice, specifies prohibited activities for lawyers and firms, and sets tax laws and regulations for legal institutions.<sup>4</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The MOJ is responsible for administering qualifying exams, licensing, and disciplining attorneys for misconduct.<sup>5</sup> To become a lawyer in China, a candidate must obtain a recognized degree (bachelor’s, master’s, or doctoral degree), pass the National Uniform Legal Profession Qualification Exam (the “<b>Chinese Bar Exam</b>”)<sup>6</sup>, and complete a one-year apprenticeship.<sup>7</sup> For any candidate who obtained a non-law degree (bachelor’s, master’s, or doctoral degree), he or she must be engaged in legal work for at least three years before being qualified to sit for the Chinese Bar Exam.</p> <p>Non-citizen lawyers (excluding residents of Hong Kong, Macau and Taiwan for the purpose hereof) are not allowed to sit for the Chinese Bar exam. However, foreign non-citizen lawyers can work for</p>

<sup>1</sup> This chapter was drafted with the support of Huang Zhong of PiiNet China.

<sup>2</sup> “In China, Pro Bono is a Real Challenge” See <https://www.justicelabs.org/china-pro-bono-real-challenge> (last visited on May 1, 2019).

<sup>3</sup> China Law Deskbook, 55 (2010).

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> With the new Implementation Measures for the National Uniform Legal Profession Qualification Examination took effect in April 2018, the National Uniform Legal Profession Qualification Examination replaced National Judicial Examination for the candidates in China.

<sup>7</sup> Legal Work in China, available at <http://www.top-law-schools.com/legal-work-in-china.html> (last visited on May 1, 2019).

	<p>a foreign firm's Chinese office. Such firms, however, cannot practice or interpret Chinese law, but may perform legal services that do not involve Chinese law. To practice in China, foreign lawyers must have first practiced in another jurisdiction for two years.<sup>8</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>China is still far from forming and cultivating a culture or atmosphere of providing pro bono legal work by legal professionals without the strong administrative support or stimulation from the government. The Chinese government has not yet put in place efficient laws and regulations protecting and giving credit to the lawyers and firms which are active in undertaking legal aid or pro bono legal work.</p> <p>However, in recent years, the Chinese government has made efforts to promote and encourage pro bono legal work. For example, there are sporadic measures at the municipal or district level that encourage lawyers taking legal aid cases (but not pro bono legal work). For example, the Measures for Lawyers Participate in Legal Aid Work in Shenzhen Municipality (Trail) in 2002 request lawyers handle at least 2 legal aid cases per annum. However, these rules have either not been updated for a long time or have a low-level of enforceability. The "public legal service" in such rules mostly refers to activities such as legal literacy, legal aid, community dispute resolution, etc. not the provision of pro bono legal services. More recently, MOJ issued the Opinions on Improving Legal Aid System in 2015, which extends the coverage of the civil and administrative legal aid program and systematizes the criminal legal aid/duty lawyers' work. Although those instruments focus more on legal aid than pro bono, it shows that the Chinese government is encouraging and supporting lawyers to participate in pro bono activities and set out guidelines for those who seek pro bono work.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in China are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in China are not required to complete a minimum number of hours of pro bono</p>

<sup>8</sup> Id.

	<p>legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Though still new in China both as a theory and a practice, pro bono assistance can help address the needs left by the Chinese legal aid system, especially the needs of low-income and vulnerable communities. In particular, government legal aid focuses on representation and there is limited assistance for an individual to obtain early legal advice. The government legal aid also focuses more on criminal proceeding stage and individuals faces difficulties if their needs are outside this stage or navigate the legal aid or free legal services in China.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Aside from the government-run legal aid programs previously described, there are a small number of independent organizations that provide pro bono legal services in China.<sup>9</sup></p> <p><b>I. University Legal Clinics</b></p> <p>Among the few pro bono entities in China are legal clinics in universities which have been in healthy development.<sup>10</sup> For example, the Peking University Legal Aid Society was founded to provide legal services in the community.<sup>11</sup> Universities including Renmin University of China in Beijing, Fudan University in Shanghai, Wuhan University in Hubei province, Shandong University in Jinan, the Southwest University of Political Science and Law in Chongqing, Nankai University in Tianjin, China University of Political Science and Law in Beijing, and Guangzhou University in Guangdong province, opened educational and training centers devoted to human rights and work on research projects in relation to human rights.<sup>12</sup> University legal clinics allow for both law students and qualified lawyers to have an opportunity to engage in pro bono work in the local community.</p> <p><b>II. Non-Governmental Organizations, including Clearinghouses</b></p> <p>Clearinghouses act as matchmakers between lawyers and NGOs or individual clients seeking</p>

<sup>9</sup> Benjamin L. Liebman, Legal Aid and Public Interest Law in China, 34 TEX. INT'L L. J. 211, 269 (1999).

<sup>10</sup> The Center for the Protection of the Rights of Disadvantaged Citizens at Wuhan University Law School, available at <http://www.chinadevelopmentbrief.cn/directory/center-for-protection-of-rights-of-disadvantaged-citizens/> (last visited on May 1, 2019), Constitutional and Civil Rights Center at Tsinghua University Law School, available at [https://www.tsinghua.edu.cn/publish/lawen/3484/2010/20101217115109241593333/20101217115109241593333\\_.html](https://www.tsinghua.edu.cn/publish/lawen/3484/2010/20101217115109241593333/20101217115109241593333_.html) (last visited on May 1, 2019); Legal Aid Society of the Peking University, available at <http://en.law.pku.edu.cn/sf/sq/7799.htm> (last visited on May 1, 2019) and the Public Interest Advocacy Clinic of School of Transnational Law at Peking University, available at <http://stl.pku.edu.cn/academics/clinical-programs/> (last visited on May 1, 2019) are among the most established law school clinics in China.

<sup>11</sup> Goal of the Beijing University Legal Aid Society, <http://en.law.pku.edu.cn/sf/sq/7799.htm> (last visited on May 1, 2019).

<sup>12</sup> See 5 more universities set up human rights centers available at <http://www.fudan.edu.cn/en/articles/view/139/> (last visited on May 1, 2019).



pro bono legal services. Such organizations screen and organize pro bono work, connecting those in need with those who may best be able to offer pro bono legal assistance. An example is The Global Network for Public Interest Law (“PILnet”).<sup>13</sup> Through its Hong Kong and Beijing office, PILnet has developed a clearinghouse that matches pro bono opportunities with law firms.<sup>14</sup> In 2009, over 1200 hours of legal services were rendered in China through PILnet; by 2014, this number had jumped to over 8000 hours.<sup>15</sup> In 2018, PILnet successfully matched 47 out of 58 pro bono matters in Hong Kong. Among those matters, 44 NGOs submitted at least one matter request, and 24 law firms took at least one pro bono matter. PILnet’s continued success provides a good indication of the potential growth in pro bono work in China in the future.<sup>16</sup> In addition to PILnet, there are a number of other organizations promoting legal aid and, increasingly, pro bono opportunities.<sup>17</sup> Domestic partners of PILNet Beijing include ZhiCheng Public Interest Law Firm (Beijing), Legal Centre for NGO-“ForNGO” (Shanghai) and Wider Pro bono Legal Service Centre (Shenzhen).

**(c) Obstacles to Provision of Pro Bono Legal Services**

1. Do lawyers require a license to provide pro bono legal services?

In China, only PRC qualified lawyers may appear in court and advise on questions of PRC law.<sup>18</sup> Even if there is no specific requirement for pro bono legal services to be carried out by a lawyer with PRC lawyer license, foreign lawyers or non-lawyers seeking to do pro bono work in China will run into a number of challenges. The rule against practicing Chinese law as mentioned above virtually rules out any direct representation by foreign lawyers or non-lawyers in Chinese courts or before any Chinese regulatory body. Unlike transactions which foreign law firms partner with Chinese firms on Chinese law issues, collaboration rarely happens in the pro bono legal service area. In addition, foreign firms may face political pressure if the lawyers in the course of

<sup>13</sup> See generally PILnet: The Global Network for Public Interest Law, available at <http://www.pilnet.org/> (last visited on May 1, 2019).

<sup>14</sup> Public Interest Law Initiative – 2010 Pro Bono Report, available at [http://www.pilnet.org/component/docman/doc\\_download/2-2010-pilnet-pro-bono-report.html](http://www.pilnet.org/component/docman/doc_download/2-2010-pilnet-pro-bono-report.html) (last visited on May 1, 2019).

<sup>15</sup> Id. 2014 statistics were obtained through direct interviews with PILnet managers.

<sup>16</sup> Id.

<sup>17</sup> For example, “Justice for All” is a Chinese organization that engages in legal aid, training, and research “to promote social equality of women, the disabled, those with AIDS, and other groups in need.” See <http://chinadevelopmentbrief.cn/directory/justice-for-all/> (last visited on May 1, 2019). Other examples include the Equity & Justice Initiative of Shenzhen (available at <http://chinadevelopmentbrief.cn/directory/equity-justice-initiative/> (last visited on May 1, 2019)).

<sup>18</sup> China Business Law Handbook, USA International Business Publication 68 (2007).

	providing pro bono legal services challenge the government. <sup>19</sup>
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	There is no specific license required for foreign lawyers to provide pro bono legal services in China. However, as mentioned above, it is difficult for foreign lawyers and foreign law firms in China to engage in pro bono legal services that involve any legal matters related to PRC law. Additionally, Chinese offices of international law firms may not have the same policies as their counterparts in the U.S. or Europe, where pro bono hours are counted among each lawyer’s billable hours. Therefore, there is an additional hurdle of incentivizing private practice lawyers to participate in providing pro bono legal services.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There is no requirement for lawyers to have professional indemnity legal insurance cover for any pro bono legal services that they provide in China.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules or regulations that prohibit advertising of pro bono successes or soliciting new pro bono clients in China.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Chinese law firms do not officially recognize or encourage pro bono legal work. Lawyers in China face tremendous economic stress and experience a strong feeling of financial and social insecurity. <sup>20</sup> Consequently, pro bono legal work is not valued very highly in traditional Chinese law firms, and such work does not contribute to meeting lawyers’ billable quotas. <sup>21</sup> Neither does such work contribute to any Continuing Legal Education or equivalent credit. <sup>22</sup>  Foreign lawyers practicing in China may need and receive credits for the “Continuing Legal Education” or equivalent credit in their home jurisdictions for the pro bono hours they worked in China. According to Zhicheng Public Interest Law Firm, this has been a new trend that foreign lawyers or dual-qualified lawyers actively seek pro bono opportunities to fulfil requirement of foreign jurisdiction.

<sup>19</sup> “In China, Pro Bono is a Real Challenge” See <https://www.justicelabs.org/china-pro-bono-real-challenge> (last visited on May 1, 2019).

<sup>20</sup> See generally PILnet, supra note 13.

<sup>21</sup> Id.

<sup>22</sup> In China, Pro Bono is a Real Challenge, <https://www.justicelabs.org/china-pro-bono-real-challenge> (last visited on May 1, 2019).

(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in China.	There are no governmental sources of pro bono or legal services in China.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in China.	<p>Lawyers looking for opportunities to do pro bono work in China should turn first to clearinghouses such as PILnet,<sup>23</sup> or to other organizations that promote both legal aid and increasingly, pro bono legal services.<sup>24</sup> Despite restrictions regarding the practice and interpretation of Chinese law, foreign lawyers and law firms can still advise NGOs or non-profit organizations on legal issues they might face in areas with international dimensions. Opportunities for pro bono legal work, though not abundant, are available for both Chinese and foreign lawyers seeking to offer legal assistance.</p> <p>Although pro bono resources and opportunities remain limited in China, they have developed steadily over the past few years. More Chinese lawyers are willing to contribute and are taking a leading role in forming NGOs with the support from the local governmental authorities. Due to the PRC law restrictions, some NGOS (such as Shanghai Fu'en Legal Center for NGOs registered in Shanghai) are structured similar to the PILnet clearing house, connecting local law firms with the underprivileged and/or others who are in need of pro bono legal services.</p>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Lawyers may register with pro bono clearinghouses in China or other organizations mentioned in the answer to Q(d)2 to receive pro bono opportunities.

May 2019  
Pro Bono Practices and Opportunities in China

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>23</sup> <http://www.pilnet.org> (last visited on May 1, 2019).

<sup>24</sup> See answer to question 5 above.

## Pro Bono Practices and Opportunities in Hong Kong

### I. Introduction

The term pro bono has become very topical in recent years in Hong Kong. There is increasing recognition within Hong Kong’s legal community that legitimate legal needs are not being addressed through traditional legal aid, and many international and local law firms in Hong Kong have expanded their pro bono practices in the region by working with local NGOs with a view to promoting more equal access to justice in Hong Kong.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Hong Kong lawyers either practice as barristers or solicitors, but not both.<sup>1</sup> The Law Society of Hong Kong<sup>2</sup> is the professional association responsible for regulating solicitors, the Hong Kong Bar Association<sup>3</sup> being the equivalent association for regulating barristers.</p> <p>Legal Practitioners Ordinance (Cap. 159)<sup>4</sup> (“LPO”) regulates the provision of legal services in Hong Kong.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Section 7 of the LPO provides that, in order to be qualified to act as a solicitor in Hong Kong, a person needs to be: (i) on the roll of solicitors; (ii) not suspended from practice; (iii) in possession of a current practicing certificate; and (iv) in compliance with the indemnity rules made by the Council of the Law Society of Hong Kong. Rule 6(1) of the Solicitors (Professional Indemnity) Rules (Cap. 159M) provides that “every solicitor who is, or held out to the public as, a solicitor in practice in Hong Kong shall be required to have and maintain Indemnity”, subject to certain exemptions as set out in Rule 7.</p> <p>Barristers are legal practitioners, experts in advocacy and litigation.<sup>5</sup> A candidate becomes qualified for admission as a barrister in Hong Kong if they are: (i) a holder of a Postgraduate Certificate in Law; (ii) a solicitor in Hong Kong; or (iii) an overseas lawyer.<sup>6</sup> A qualified solicitor in Hong Kong must have been admitted for at least three years before his application for admission as</p>

<sup>1</sup> The Department of Justice of Hong Kong Special Administrative Region, The Legal System in Hong Kong, <http://www.doi.gov.hk/eng/legal/> (last visited on May 1, 2019).

<sup>2</sup> The Law Society of Hong Kong, [http://www.hklawsoc.org.hk/pub\\_e/](http://www.hklawsoc.org.hk/pub_e/) (last visited on May 1, 2019) .

<sup>3</sup> Hong Kong Bar Association, <https://www.hkba.org/> (last visited on May 1, 2019) .

<sup>4</sup> Legal Practitioners Ordinance (Cap. 159), available at <https://www.elegislation.gov.hk/hk/cap159> (last visited on May 1, 2019) .

<sup>5</sup> Hong Kong Bar Association, About Us, <https://www.hkba.org/about-us> (last visited on May 1, 2019).

<sup>6</sup> Legal Practitioners Ordinance, Section 27, available at <http://www.hkllii.hk/eng/hk/legis/ord/159/s27.html> (last visited on May 1, 2019).

	<p>a barrister.<sup>7</sup> In addition to these qualifications, all candidates must also undertake pupillage for six months before they are admitted as barristers, and another additional six months before they are able to practice as barristers.<sup>8</sup> Barristers are generally instructed through solicitors.<sup>9</sup> Typically, only barristers have the right of audience<sup>10</sup> in the Court of Appeal and the Court of Final Appeal.<sup>11</sup> In 2013, a special category known as Solicitor-Advocate was created to give solicitors who are awarded this title full rights of audience equivalent to those of barristers.</p> <p>Lawyers qualified in jurisdictions outside Hong Kong may apply to be registered as foreign lawyers. Registered foreign lawyers are prohibited from practicing Hong Kong law.<sup>12</sup></p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The primary rules that regulate the provision of pro bono legal services are the regulatory and insurance requirements applicable to legal practitioners in Hong Kong. In this regard, see II.(a) above on professional regulation and II.(c) below on professional indemnity insurance.</p> <p>Otherwise, the Hong Kong Bar Association and the Law Society of Hong Kong impose few barriers on pro bono work for Hong Kong lawyers.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There are no mandatory requirements on lawyers to work a minimum number of pro bono hours in Hong Kong.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Hong Kong are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>According to the “This Way – Finding Community Legal Assistance in Hong Kong” Report published jointly by DLA Piper and PILnet in May 2017, the top legal issues reported by NGOs and which present opportunities for the provision of pro bono legal services were criminal law followed by</p>

<sup>7</sup> Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159AC), Rule 4, available at <http://www.hklii.hk/eng/hk/legis/reg/159AC/s4.html> (last visited on May 1, 2019).

<sup>8</sup> Ibid.

<sup>9</sup> Hong Kong Bar Association’s Code of Conduct, paragraph 5.16, available at <https://www.hkba.org/content/code-conduct> (last visited on May 1, 2019).

<sup>10</sup> A right of audience is a right of lawyers to appear and conduct proceedings in court on behalf of their client.

<sup>11</sup> Hong Kong Bar Association, About Us.

<sup>12</sup> Foreign Lawyers Registration Rules, Section 12, available at <http://www.hklii.hk/eng/hk/legis/reg/159S/s12.html> (last visited on May 1, 2019).

	discrimination, housing, labor/employment, immigration, social welfare, family and domestic violence. <sup>13</sup>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>There are three main providers of pro bono legal services in Hong Kong:</p> <p><b>NGOs:</b></p> <ul style="list-style-type: none"> <li>• The Justice Centre Hong Kong (the “<b>Justice Centre</b>”) is an example of an NGO that provides pro bono legal services.<sup>14</sup> The Justice Centre aims to provide high-quality pro bono legal advice to forced migrants (including refugees and torture survivors) in Hong Kong and to ensure that they have access to fair refugee status determination procedures.<sup>15</sup></li> <li>• PILnet, a global network for public interest law, operates a pro bono clearinghouse in Hong Kong since 2013, pairing up NGOs in need of legal services with providers of pro bono legal services.<sup>16</sup></li> <li>• The Hong Kong Centre for Pro Bono Service Limited<sup>17</sup> runs a monthly legal clinic in Shum Shui Po, assisting clients with a wide range of legal problems such as sham marriages, children’s custody, prisoner’s rights, criminal appeals, immigration, refugee claims, property rights, sentencing, traffic accidents, deaths in custody, coronial inquests, guardianship orders, wills and probate, and legal aid applications.</li> <li>• Another NGO that has leveraged the pro bono support and resources of the legal community is HELP for Domestic Helpers, assisting foreign domestic helpers.<sup>18</sup> HELP for Domestic Helpers has partnered up with lawyers from different law firms and companies to provide guidance on legal issues to domestic helpers.<sup>19</sup> The NGO has helped over 25,000 domestic workers since its establishment.</li> </ul>

<sup>13</sup> “This Way – Finding Community Legal Assistance in Hong Kong” Report, Available at [http://www.pilnet.org/images/FINAL\\_REPORT\\_31\\_May\\_2017.pdf](http://www.pilnet.org/images/FINAL_REPORT_31_May_2017.pdf) (last visited on May 1, 2019).

<sup>14</sup> Justice Centre Hong Kong, <http://www.justicecentre.org.hk/> (last visited on May 1, 2019).

<sup>15</sup> Justice Centre Hong Kong, How We Help, <http://www.justicecentre.org.hk/how-we-help/> (last visited on May 1, 2019).

<sup>16</sup> PILnet, Where We Work, <https://www.pilnet.org/public-interest-lawyers/asia.html> (last visited on May 1, 2019).

<sup>17</sup> Hong Kong Centre for Pro Bono Service Limited, <http://www.probono.org.hk/> (last visited on May 1, 2019).

<sup>18</sup> HELP for Domestic Helpers, <http://helpfordomesticworkers.org/en/home/> (last visited on May 1, 2019).

<sup>19</sup> HELP for Domestic Helpers, About Us, <http://helpfordomesticworkers.org/en/about-help-for-domestic-workers/> (last visited on May 1, 2019).



	<p><b>Bar Association and Law Society Programs:</b></p> <ul style="list-style-type: none"> <li>The Bar Association sponsors the Bar Free Legal Service Scheme, a popular program among barristers providing legal advice and representation where Legal Aid assistance is otherwise unavailable.<sup>20</sup></li> <li>The Pro Bono Committee of the Law Society encourages participation in pro bono work and oversees various pro bono schemes and projects such as the Free Legal Consultation Service and the Duty Lawyer Scheme.</li> </ul> <p><b>University Legal Clinics:</b></p> <ul style="list-style-type: none"> <li>The University of Hong Kong runs the Free Legal Advice Scheme under the Duty Lawyer Service, providing preliminary legal advice to members of the public.</li> </ul>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Apart from the licensure requirements governing the provision of legal services as set out in II.(a) above, no specific license is required for lawyers in Hong Kong to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>As mentioned in II.(a) above, registered foreign lawyers are prohibited from practicing Hong Kong law. That said, it seems that registered foreign lawyers may provide pro bono legal services on issues relating to non-Hong Kong law. They may also work on pro bono matters pertaining to Hong Kong law issues under the supervision of qualified Hong Kong law practitioners.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>As mentioned in II.(a) above, Rule 6(1) of the Solicitors (Professional Indemnity) Rules (Cap. 159M) provides that “every solicitor who is, or held out to the public as, a solicitor in practice in Hong Kong shall be required to have and maintain Indemnity”, subject to certain exemptions as set out in Rule 7. The Indemnity refers to The Professional Indemnity Scheme (“PIS”), which provides compulsory professional indemnity to Hong Kong law firms against losses arising from civil liability incurred in connection with their practices. The limit of indemnity under the PIS is HK\$10 million per claim.<sup>21</sup></p>

<sup>20</sup> Hong Kong Bar Association, Bar Free Legal Services Scheme, <https://www.hkba.org/content/bar-free-legal-services-scheme> (last visited on May 1, 2019).

<sup>21</sup> Solicitors (Professional Indemnity) Rules (Cap. 159M), Schedule 3, Section 2(1), Available at [https://www.elegislation.gov.hk/hk/cap159M?xid=ID\\_1438402755643\\_001](https://www.elegislation.gov.hk/hk/cap159M?xid=ID_1438402755643_001) (last visited on May 1, 2019).

	<p>Hong Kong has a restriction that only allows law firms, and not individual lawyers, to obtain indemnity insurance. As a result, lawyers who want indemnification protection must seek their firms' approval before offering pro bono legal services. Without their firm's approval, pro bono lawyers may find themselves unprotected in the event a client seeks compensation for poor legal advice.<sup>22</sup> If a lawyer is to do pro bono work in a personal capacity, i.e. outside of their employment / not with a law firm, they will have to take extra care to ensure that indemnity insurance is provided.<sup>23</sup></p> <p>Practicing barristers must subscribe to the Bar Association's Master Professional Indemnity Policy.<sup>24</sup></p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no specific rules in Hong Kong that prohibit advertising of pro bono successes or soliciting new pro bono clients. That said, any marketing activities conducted by solicitors should be conducted in accordance with the Solicitors' Practice Promotion Code<sup>25</sup>; and barristers engaging in advertising or promotion in connection with their practice should comply with the Bar Association Code of Conduct.<sup>26</sup></p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>Lawyers do not usually receive Continuing Professional Development credit for pro bono hours worked in Hong Kong. That said, the Law Society ordinarily accredits training courses provided by NGOs on pro bono work, such as those organized by the Justice Centre, with Continuing Professional Development points.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Hong Kong.</p>	<p>The pro bono web page on the Law Society's website contains a list of other pro bono opportunities and resources<sup>27</sup>, some of which are set out below:</p>

<sup>22</sup> South China Morning Post, "Pro Bono Legal Help Levels Playing Field for Hong Kong NGOs" published 26 May 2014, available at <https://www.scmp.com/news/hong-kong/article/1519480/pro-bono-legal-help-levels-playing-field-hong-kong-ngos> (last visited on May 1, 2019).

<sup>23</sup> "This Way – Finding Community Legal Assistance in Hong Kong" Report, Available at [http://www.pilnet.org/images/FINAL\\_REPORT\\_31\\_May\\_2017.pdf](http://www.pilnet.org/images/FINAL_REPORT_31_May_2017.pdf) (last visited on May 1, 2019).

<sup>24</sup> Hong Kong Bar Association's Code of Conduct, paragraph 5.3, available at <https://www.hkba.org/content/code-conduct> (last visited on May 1, 2019). See also HK Bar Professional Indemnity Insurance at <https://hkbarinsurance.com/> (last visited on May 1, 2019).

<sup>25</sup> See [https://www.hklawsoc.org.hk/pub\\_e/professionalguide/volume2/default.asp?cap=25](https://www.hklawsoc.org.hk/pub_e/professionalguide/volume2/default.asp?cap=25) (last visited on May 1, 2019).

<sup>26</sup> Hong Kong Bar Association's Code of Conduct, Chapter 8 on Practice Promotion, available at <https://www.hkba.org/content/code-conduct> (last visited on May 1, 2019).

<sup>27</sup> Law Society of Hong Kong, Pro Bono Services, available at [https://www.hklawsoc.org.hk/pub\\_e/probono/public/pbs\\_ls.asp](https://www.hklawsoc.org.hk/pub_e/probono/public/pbs_ls.asp) (last visited on May 1, 2019) and [https://www.hklawsoc.org.hk/pub\\_e/probono/public/pbs\\_dls.asp](https://www.hklawsoc.org.hk/pub_e/probono/public/pbs_dls.asp) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Duty Lawyer Scheme provides legal representation by lawyers in private practice for a wide range of criminal offences at the Magistrates Courts, Juvenile Courts and Coroners Courts.</li> <li>• Free Legal Advice Scheme provides a one-off preliminary legal advice without a means test. This Scheme does not offer any follow up service nor representation.</li> <li>• CAT &amp; Non-refoulement Claims Scheme provides legal assistance to non-refoulement protection claimants, including but not limited to accompanying the claimant to attend screening interview(s) before the Immigration Department; preparing submissions for the appellant/petitioner; representing the claimant at oral hearing; and assisting the claimant in making a request to re-open a non-refoulement claim.</li> <li>• Tel-law Scheme is a free, pre-recorded legal information hotline, providing information on a wide range of legal topics.</li> <li>• Free Legal Consultation Service by the Law Society, with participating law firms providing an initial free consultation to the public of up to 45 minutes in a wide range of practice areas.</li> <li>• Free Legal Helpline which offers free legal advice to the general public in areas of personal injuries, matrimonial law, criminal law and mediation. All participating solicitor volunteers have at least 3 years of experience in the relevant area of practice.</li> </ul> <p>The Bar Association runs the Bar Free Legal Service Scheme, which provides “free legal advice and representation in cases where Legal Aid is not available or where the applicant is unable to afford legal assistance, and the case is thought to be one where assistance should be given”.<sup>28</sup> Barristers who have volunteered are placed on a panel. Each of them has offered their services free of charge for 3 days or 20 hours each year.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Hong Kong.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Hong Kong are:</p>

<sup>28</sup> Hong Kong Bar Association, Bar Free Legal Services Scheme, available at <https://www.hkba.org/content/bar-free-legal-services-scheme> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• NGOs, such as the Justice Centre, the Hong Kong Centre for Pro Bono Service Limited and HELP for Domestic Helpers, are the main non-governmental sources of pro bono in Hong Kong. Many of these organizations have expertise in their practice areas such as criminal, immigration, employment and discrimination laws.</li> <li>• PILnet operates a pro bono clearing house in Hong Kong, regularly circulates to providers of pro bono legal services (such as law firms) lists of potential pro bono opportunities setting out the legal services required by different NGOs.</li> <li>• Law firm pro bono programs offer legal services free of charge to the community. In Hong Kong, law firms have become increasingly aware of the need to do more pro bono work. Law firms frequently partner with NGOs to work on pro bono cases.</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Local or foreign attorneys can consider joining TrustLaw<sup>29</sup> or PILnet’s Hong Kong Pro Bono Clearinghouse,<sup>30</sup> which regularly send out pro bono opportunities with NGOs operating regionally.</p>

May 2019  
Pro Bono Practices and Opportunities in Hong Kong

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>29</sup> See [www.trust.org/trustlaw](http://www.trust.org/trustlaw) (last visited on May 1, 2019).

<sup>30</sup> See <https://www.pilnet.org/public-interest-law-programs/pro-bono-law.html> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in India<sup>1</sup>

### I. Introduction

India has an expansive history of legal aid, backed by several decades of legislation, jurisprudential interpretation, and numerous state-funded programs. However, its pro bono culture is still very much a work in progress. While certain pro bono legal services are organized and provided by a number of individual advocates, law firms, non-governmental organizations (“NGOs”), law schools and bar associations across the country, the demand for such services far exceeds the supply.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Constitution of India is the supreme governing law in India. It guarantees certain fundamental rights for all citizens of India, prescribes directive principles of state policy, which are guidelines to the State to be incorporated or taken into account in the framing of legislations and policies and also sets out the fundamental duties for every Indian citizen.</p> <p>The Advocates Act, 1961, as amended (the “Advocates Act”) sets out the law relating to the legal practitioners, including the admission and enrollment of advocates, right to practice, duties of advocates and provides for the constitution of Bar Councils as well as the procedure for undertaking disciplinary proceedings against advocates.<sup>2</sup></p> <p>The Bar Council of India Rules framed under the Advocates Act for, amongst other things, regulating matters related to the Bar Council of India and State Bar Councils, legal education, standards of professional conduct and etiquette of advocates, conditions for right to practice law in India and procedures for undertaking disciplinary proceedings.<sup>3</sup></p> <p>The Legal Services Authorities Act, 1987, as amended by the Legal Services Authorities (Amendment) Act, 2002 (the “LSA Act”) aims to provide free and competent legal services to the weaker sections of the society.<sup>4</sup></p> <p>Rules and Regulations framed under the LSA Act include the National Legal Services Authority Rules, 1995; the Supreme Court Legal Services Committee Rules, 2000; the Permanent Lok</p>

<sup>1</sup> This chapter was drafted with the support of Jabarati Chandra and Rohini Sud of S&R Associates.

<sup>2</sup> Available at: <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> (last visited on May 1, 2019).

<sup>3</sup> Available at: [https://indiacode.nic.in/handle/123456789/1631?view\\_type=search&sam\\_handle=123456789/1362](https://indiacode.nic.in/handle/123456789/1631?view_type=search&sam_handle=123456789/1362) (last visited on May 1, 2019).

<sup>4</sup> Available at: <https://indiacode.nic.in/bitstream/123456789/1925/1/198739.pdf> (last visited on May 1, 2019).

	<p>Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003; the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010; the National Legal Services Authority (Legal Services Clinics) Regulations, 2011; National Legal Services Authority (Lok Adalat) Regulations, 2009 and the Supreme Court Legal Services Committee Regulations, 1996, each as amended.<sup>5</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Licensing requirements are governed by the Bar Council of India, set up under the Advocates Act.<sup>6</sup> Students may pursue two different paths to obtain a law degree: (i) a three-year specialized course after obtaining an undergraduate degree, or (ii) a five-year integrated course after high school (i.e. completion of grade 12/ higher secondary education).<sup>7</sup></p> <p>In order to practice law in India, a graduate from a recognized law school is required to enrol as an advocate with a State Bar Council. Following such enrolment, the law graduate is required to pass the All India Bar Examination, which is conducted by the Bar Council of India (this requirement was introduced in 2010). Until such time that the person clears the All India Bar Examination, the enrolment to the State Bar is on a temporary basis. Persons enrolled as advocates with any State Bar Council are entitled to practice law throughout the country.<sup>8</sup> However, they may only plead matters in the court within the state in which they are enrolled. If such persons wish to plead their case outside the state in which they are enrolled, they may do so along with an advocate registered with the state bar in which the court is situated.<sup>9</sup></p> <p>To be able to file matters in the Supreme Court, lawyers are required to qualify as Advocates-on-record (“AoR”) by clearing the AoR examination.<sup>10</sup></p>

<sup>5</sup> Available at: [https://indiacode.nic.in/handle/123456789/1925?view\\_type=search&sam\\_handle=123456789/1362](https://indiacode.nic.in/handle/123456789/1925?view_type=search&sam_handle=123456789/1362) (last visited on May 1, 2019).

<sup>6</sup> The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> (last visited on May 1, 2019).

<sup>7</sup> Part IV of the Bar Council of India Rules (Legal Education Rules), 2008 available at [https://indiacode.nic.in/ViewFileUploaded?path=AC\\_CEN\\_3\\_46\\_00001\\_196125\\_1517807320172/rulesindividualfile/&file=BCIRulesPartIV.pdf](https://indiacode.nic.in/ViewFileUploaded?path=AC_CEN_3_46_00001_196125_1517807320172/rulesindividualfile/&file=BCIRulesPartIV.pdf) (last visited on May 1, 2019).

<sup>8</sup> The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> and <http://www.barcouncilofindia.org/about/all-india-bar-examination/> (last visited on May 1, 2019).

<sup>9</sup> The matter was taken up to the Supreme Court in the case of *Jamshed Ansari v. High Court of Judicature at Allahabad & Ors.* (AIR 2016 SC 3997) wherein the constitutionality of such provision was challenged on the basis of unreasonable restrictions and that it prohibits the right to freely practice as an advocate. The Supreme Court of India dismissed the petition upholding the constitutional validity of the relevant provisions, and deemed the rule as being regulatory rather than prohibitory in nature.

<sup>10</sup> The Supreme Court Rules, 1966 available at [https://righttoinformation.wiki/media/rules/supreme\\_court\\_rules\\_1966.pdf](https://righttoinformation.wiki/media/rules/supreme_court_rules_1966.pdf) (last visited on May 1, 2019).

(b) Pro Bono Practice and Culture

1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.

India's Constitution, national legislations and Supreme Court jurisprudence collectively articulate the importance of broadly accessible legal aid.<sup>11</sup> The Supreme Court has interpreted the Constitution broadly with respect to rights of the underprivileged. For example, the Court has held that the right to free legal aid falls within the ambit of the right to life set out in Article 21 of the Constitution.<sup>12</sup> State subsidized legal aid is provided under the LSA Act. However, the provision of pro bono legal services is not regulated in India.

Private attorneys are not mandated to undertake or report pro bono work. While individual advocates may contribute their time to public service activities, the work tends to be ad hoc and consequently difficult to organize or measure.

Generally, matters are assigned by a court under the legal aid scheme to those lawyers who are empanelled on the Legal Services Committee constituted by the relevant state's Legal Services Authority. The fee for legal services payable to such empanelled lawyers is typically determined in accordance with a prescribed schedule.<sup>13</sup> Private attorneys, who are not empanelled on any committee constituted by the legal services authority for legal aid, are not required to accept pro bono matters assigned to them. Acceptance of a pro bono matter by such private attorneys is, therefore, voluntary.

Although purely a voluntary practice, however, at the time of elevation of an advocate to a judge, consideration is given to the amount and kind of pro bono work that has been taken up by such advocate.

In India, legal fees are contractual and there is no statute fixing or limiting the fees chargeable by lawyers. However, contingency fees or fees determined as a percentage of a final judgment or award are deemed unethical and are prohibited.<sup>14</sup>

<sup>11</sup> See e.g., INDIA CONST. art. 39A; Legal Services Authorities Act of 1987, *S.P. Gupta v. Union of India*, INDIA CODE (as amended by the Legal Services Authorities (Amendment) Act, 2002, No. 37, INDIA CODE), (1982) 2 SCR 365.

<sup>12</sup> *Hussainara Khatoon (III) v. Home Sec'y* (AIR 1979 SC 1377). This case pertained to the illegal detention of thousands of prisoners in jail in the State of Bihar awaiting trial for periods substantially longer than the period they would have served in jail had they been tried, convicted and given the maximum sentence. Reading a right to speedy trial as also a right to free legal aid implicit in the fundamental right to life and liberty guaranteed in Article 21 of the Constitution, the Indian Supreme Court directed the release of over 40,000 prisoners on personal or no bond basis.

<sup>13</sup> The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, as amended, available at: [https://indiacode.nic.in/handle/123456789/1925?view\\_type=search&sam\\_handle=123456789/1362](https://indiacode.nic.in/handle/123456789/1925?view_type=search&sam_handle=123456789/1362) (last visited on May 1, 2019).

<sup>14</sup> Anupama Hebbar, Priitha Sri Kumar Iyer and Sita Kapadia, "Litigation and enforcement in India: Overview" available at <https://uk.practicallaw.thomsonreuters.com/5-502-0726> (last visited on May 1, 2019).



	<p>Typically, private attorneys accepting pro bono matters voluntarily charge no fee or a minimal fee for such matters. However, if such attorneys were to be empanelled on the above committee, they would be entitled to a legal fee in accordance with the schedule prescribed.</p> <p>The prescribed legal fee is paid to the empanelled lawyers offering legal aid services by the Legal Services Committee constituted by the relevant state's or district's Legal Services Authority, from grants received from the Central Government or the State Government in the legal aid fund established at the national level and each state and district level. Such empanelled lawyers are prohibited from asking for or receiving any fee, remuneration or other valuable consideration in any manner, from the person to whom legal aid services are being rendered.<sup>15</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>India currently does not have any minimum pro bono requirements to obtain a law degree or for continued licensure.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in India are not required to complete any minimum number of hours of pro bono legal services in order to obtain a license to practice law.</p> <p>However, most law schools in India offer legal services clinics and student activities focused on providing legal advice, offering dispute resolution services and promoting legal awareness among disadvantaged communities.<sup>16</sup></p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in India are:</p> <ul style="list-style-type: none"> <li>• Criminal Law – poor and underprivileged people typically do not have adequate means to hire attorneys/ advocates to represent them in a court of law. Lack of representation also leads to denial of justice which may end up with such persons being imprisoned for longer durations than otherwise prescribed for convictions.</li> <li>• Environmental Law – lack of exposure and the vast demographics of the Indian subcontinent have led to neglect of</li> </ul>

<sup>15</sup> Chapter V of the Legal Services Authorities Act, 1987 and Regulation 8(14) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, each available at: [https://indiacode.nic.in/handle/123456789/1925?view\\_type=search&sam\\_handle=123456789/1362](https://indiacode.nic.in/handle/123456789/1925?view_type=search&sam_handle=123456789/1362) (last visited on May 1, 2019).

<sup>16</sup> Jane Schukoske & Roopali Adlakha, Enhancing Good Governance in India: Law Schools and Community-University Engagement, J. Indian L. & Soc'y 206 Vol. 3 (2012), <http://www.smsfoundation.org/wp-content/uploads/2015/01/ENHANCING-GOOD-GOVERNANCE-IN-INDIA-LAW-SCHOOLS.pdf> (last visited on May 1, 2019).

	<p>environmental resources. Environmental law does not present itself as a lucrative option for law firms and individual attorneys and hence, this area would benefit from focused pro bono legal services.</p> <ul style="list-style-type: none"> <li>• Matrimonial/ Family Law – given the lack of representation, especially for women in India, a majority of whom are typically still economically dependent on men, the matrimonial disputes spaces could benefit greatly if more focused pro bono legal services were shifted towards such cases.</li> <li>• Pro bono legal services could also be offered to the elderly (also referred to as senior citizens), including in aiding them to recover their pension and insurance claims. Limited resources, lack of knowledge and continuous changes in the regulatory requirements often result in elderly persons being unable to take legal recourse on their own and accordingly, pro bono legal services could greatly benefit them.</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in India are:</p> <ul style="list-style-type: none"> <li>• <b>Private law firms:</b> Some law firms work on a pro bono basis with NGOs. However, most law firms in India do not have mandatory pro bono programs or pro bono requirements for their lawyers.<sup>17</sup></li> <li>• <b>Individual Attorneys:</b> Individual advocates may contribute their time to public service activities voluntarily and on an ad hoc basis. They are currently the major contributors towards pro bono practice in India. An individual lawyer can participate in the legal aid schemes undertaken by the bar association in which such individual is enrolled. Lawyers can also be empanelled on the legal services committee constituted by the relevant state's Legal Services Authorities ("LSAs").<sup>18</sup></li> <li>• <b>NGOs:</b> NGOs have been instrumental in providing pro bono legal services in India. They work together with some law firms, individual attorneys, law clinics, bar associations, law schools, governmental and</li> </ul>

<sup>17</sup> Email from Mohit Abraham to author (Nov. 26, 2007) (on file with author).

<sup>18</sup> National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, as amended.

	<p>other non-governmental organizations to meet the demand for pro bono legal services.</p> <ul style="list-style-type: none"> <li>• <b>Law clinics organized by law schools:</b> Most law schools in India offer legal services clinics and student activities focused on providing legal advice, offering dispute resolution services, and promoting legal awareness among disadvantaged communities.<sup>19</sup></li> <li>• <b>LSAs:</b> Under the LSA Act, LSAs are constituted at the central, state and district levels to provide state funded legal services to eligible persons belonging to weaker sections of the society as specified under the LSA Act. Such legal services include any services in the conduct of any case or other legal proceeding before any court or other authority or tribunal and providing advice on any legal matter. Such LSAs work together with other governmental and non-governmental agencies, universities, the Bar Council of India and state bar associations and other voluntary social service institutions to discharge their functions of providing legal services to the poor.</li> <li>• The LSA Act also regulates the organization and functioning of the Lok Adalats.<sup>20</sup> Lok Adalats are local “people’s court” settlement and mediation bodies, intended to promote equal access to justice to those economically or otherwise less privileged in the formal court system. Lok Adalats charge no court fee, do not mandate strict procedural rules, and allow disputants to interact with the judge directly to explain their cases. Matters pending in the courts may also be referred to Lok Adalats for resolution.</li> <li>• The Bar Council of India and other state bar associations, through their legal-aid committees/schemes.</li> <li>• <b>Members of the Public through the Public Interest Litigation (“PIL”) mechanism:</b> The Supreme Court of India has held that if a petitioner were “by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief, any member of the public” may petition on their behalf</li> </ul>
--	--

<sup>19</sup> Jane Schukoske & Roopali Adlakha, Enhancing Good Governance in India: Law Schools and Community-University Engagement, J. Indian L. & Soc’y 206 Vol. 3 (2012), <http://www.smsfoundation.org/wp-content/uploads/2015/01/ENHANCING-GOOD-GOVERNANCE-IN-INDIA-LAW-SCHOOLS.pdf> (last visited on May 1, 2019).

<sup>20</sup> Chapter 6 of the LSA Act, available at <https://indiacode.nic.in/bitstream/123456789/1925/1/198739.pdf> (last visited on May 1, 2019).

	<p>against the Government of India to enforce a fundamental constitutional right.<sup>21</sup> In the <i>S.P. Gupta</i> case, the apex court further held that it would “respond even to a letter addressed by such individual acting pro bono publico” and treat it as a writ petition for a PIL case.<sup>22</sup> PIL provides a unique opportunity for public legal services providers in India, and is central to the work of NGOs.</p> <ul style="list-style-type: none"> <li>• Suo moto action by the Supreme Court of India and High Courts of various states: It has been witnessed in the recent past that the courts have taken pro-active measures in initiating PILs suo moto based on personal knowledge or even press reports.<sup>23</sup></li> </ul>
<p>(c) Obstacles to Provision of Pro Bono Services</p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>In order to practice law in India, including providing legal services on a pro bono basis, a person is required to be enrolled as an advocate with a State Bar Council and pass the All India Bar Examination, which is conducted by the Bar Council of India (this requirement was introduced in 2010).<sup>24</sup> To be able to file matters in the Supreme Court, lawyers are required to qualify as Advocates-on-record by clearing the AoR examination. Licensing requirements are prescribed by the Bar Council of India set up under the Advocates Act.<sup>25</sup></p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>The Advocates Act specifies that only advocates as defined under the Act are entitled to practice law in India and in any Indian court or before any Indian authority.<sup>26</sup> To qualify as an advocate, a lawyer must fulfill the conditions prescribed under the Advocates Act and be admitted to the rolls of advocates of any State Bar Council.<sup>27</sup> The Advocates Act does not distinguish between fee-paying and pro bono work. Accordingly, foreign</p>

<sup>21</sup> *S.P. Gupta v. President of India and Ors.*, (1982 2 S.C.R. 365) ¶¶ 1-11.

<sup>22</sup> *Id.* ¶ 17

<sup>23</sup> In the matter of *Court on Its Own Motion v. Union of India & Ors.*, on December 13, 2012, the Supreme Court of India initiated a *suo moto* writ petition after taking notice of the press reports dealing with the poor arrangement and number of deaths that occurred during the yatra in the year 2012 to the holy cave of Amarnathji. The court took *suo moto* action and issued a notice to the Union of India, State of Jammu and Kashmir and the Chairman/ President of the Amarnathji Shrine Board.

<sup>24</sup> The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> and <http://www.barcouncilofindia.org/about/all-india-bar-examination/> (last visited on May 1, 2019).

<sup>25</sup> The Advocates Act, No. 25 of 1961, INDIA CODE, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Advocates-Act1961.pdf> (last visited on May 1, 2019).

<sup>26</sup> Sections 29, 30 and 33 of the Advocates Act.

<sup>27</sup> Section 24 of the Advocates Act sets out the eligibility conditions for a person to be admitted as an advocate to a State roll. Section 24 states that, amongst other things, a person will be qualified to be admitted as an advocate on a State roll if he is a citizen of India. A national of any other country may be admitted as an advocate on a State roll, if citizens of India, duly qualified are permitted to practice law in that other country.

	<p>lawyers are not permitted to plead a pro bono matter in India or offer Indian law advice in a pro bono matter in India. They also may not participate in a joint venture with local lawyers to undertake pro bono work. Foreign law firms therefore cannot develop their own pro bono practices in India.</p> <p>The Supreme Court has recently ruled that foreign lawyers or law firms cannot offer legal services in India on a permanent basis and can only offer advice on visits that do not amount to the regular practice of law. Foreign lawyers may be permitted to appear in India-seated arbitrations and will be governed by the code of conduct applicable to Indian lawyers.<sup>28</sup></p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Professional indemnity insurance for lawyers, advocates, solicitors and counsels is available in India.<sup>29</sup> However, there is no requirement to obtain a professional indemnity legal insurance cover for pro bono legal services. Legal protection insurance is not available in India. However, some liability insurance policies may cover litigation costs in the event of claims being made against an insured party.<sup>30</sup></p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The Standards of Professional Conduct and Etiquette set out under the Bar Council of India Rules prohibit an advocate from soliciting work or advertising, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or producing photographs to be published in connection with cases in which he has been engaged or concerned.<sup>31</sup></p> <p>The Standards of Professional Conduct and Etiquette also state that the sign-board or name-plate or stationery of an advocate should not indicate, amongst other things, that he is or has been associated with any person or organization or with any particular cause or matter or that he specializes in any particular type of work.<sup>32</sup></p>

<sup>28</sup> Anupama Hebbar, Pritha Srikumar Iyer and Sita Kapadia, "Litigation and enforcement in India: Overview" available at <https://uk.practicallaw.thomsonreuters.com/5-502-0726> (last visited on May 1, 2019).

<sup>29</sup> <https://www.newindia.co.in/portal/product/knowMore/MISCELLANEOUS/PF> (last visited on May 1, 2019).

<sup>30</sup> Anupama Hebbar, Pritha Srikumar Iyer and Sita Kapadia, "Litigation and enforcement in India: Overview" available at <https://uk.practicallaw.thomsonreuters.com/5-502-0726> (last visited on May 1, 2019).

<sup>31</sup> Paragraph 36, Section IV, Chapter II, Part VI of the Bar Council of India Rules framed under the Advocates Act available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartVonwards.pdf> (last visited on May 1, 2019).

<sup>32</sup> Paragraph 36, Section IV, Chapter II, Part VI of the Bar Council of India Rules framed under the Advocates Act.

	As the above-mentioned restrictions on advocates extends to both fee-paying and non-fee paying work, advocates entitled to practice law in India are prohibited from advertising pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	India currently does not have continuing legal education requirements. There are also no minimum pro bono requirements to obtain a law degree or for continued licensure.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in India.	<p>Under the LSA Act, LSAs are constituted at the central, state and district levels to provide state funded legal services to eligible persons belonging to weaker sections of the society as specified under the LSA Act.</p> <p>The Bar Council of India and other state bar associations through their legal-aid committees/schemes.</p> <p>Most high courts have a separate legal services cell, which can be approached by both litigators and litigants to provide and avail pro bono legal services respectively.</p> <p>The department of justice also provides for a platform for advocates to register in order to provide pro bono legal services.<sup>33</sup></p>
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in India.	<p>A non-exhaustive list of NGOs that provide pro bono legal services in India are as follows:</p> <ul style="list-style-type: none"> <li>• Lawyers Collective;<sup>34</sup></li> <li>• Human Rights Law Network;<sup>35</sup></li> <li>• Alternative Law Forum;<sup>36</sup></li> <li>• i-Probono;<sup>37</sup></li> <li>• Majlis;<sup>38</sup></li> <li>• National Campaign for the People’s Right to Information;<sup>39</sup></li> </ul>

<sup>33</sup> See <http://doj.gov.in/page/pro-bono-legal-services> (last visited on May 1, 2019).

<sup>34</sup> See <http://www.lawyerscollective.org/> (last visited on May 1, 2019).

<sup>35</sup> See <http://www.hrln.org/hrln/> (last visited on May 1, 2019).

<sup>36</sup> See <http://www.altlawforum.org/> (last visited on May 1, 2019).

<sup>37</sup> See <http://www.i-probono.com/> (last visited on May 1, 2019).

<sup>38</sup> See <http://www.majlislaw.com/> (last visited on May 1, 2019).

<sup>39</sup> See <http://righttoinformation.info/> (last visited on May 1, 2019).



	<ul style="list-style-type: none"> <li>• Public Interest Legal Support and Research Center;<sup>40</sup></li> <li>• Swayam;<sup>41</sup></li> <li>• Manabadhikar Suraksha Mancha.<sup>42</sup></li> </ul> <p>Other Pro-Bono resources</p> <ul style="list-style-type: none"> <li>• Law clinics organized by law schools: Most law schools in India offer clinics and student activities focused on providing legal advice, offering dispute resolution services, and promoting legal awareness among disadvantaged communities.<sup>43</sup></li> <li>• Private law firms: Some law firms work on a pro bono basis with NGOs. However, most law firms in India do not have mandatory pro bono programs or pro bono requirements for their lawyers.<sup>44</sup></li> <li>• Individual Attorneys: Individual advocates may contribute their time to public service activities voluntarily and on an ad hoc basis. They are currently the major contributors towards pro bono practice in India. An Individual lawyer can participate in the legal aid schemes undertaken by the bar association in which such individual is enrolled. Lawyers can also be empanelled on the legal service committee constituted by the relevant state's LSAs.<sup>45</sup></li> <li>• Members of the Public through the PIL mechanism: The Supreme Court of India has held that if a petitioner were “by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief, any member of the public” may petition on their behalf against the Government of India to enforce a fundamental constitutional right.<sup>46</sup> In the <i>S.P. Gupta</i> case, the apex court further held that it would “respond even to a letter addressed by such individual acting pro bono publico” and treat it as a writ petition for a</li> </ul>
--	---

<sup>40</sup> See <http://www.unhcr.org/48fdeca72.html> (last visited on May 1, 2019).

<sup>41</sup> See <http://www.swayam.info/> (last visited on May 1, 2019).

<sup>42</sup> See <http://www.masum.org.in/> (last visited on May 1, 2019).

<sup>43</sup> Jane Schukoske & Roopali Adlakha, Enhancing Good Governance in India: Law Schools and Community-University Engagement, *J. Indian L. & Soc'y* 206 Vol. 3 (2012), <http://www.smsfoundation.org/wp-content/uploads/2015/01/ENHANCING-GOOD-GOVERNANCE-IN-INDIA-LAW-SCHOOLS.pdf> (last visited on May 1, 2019).

<sup>44</sup> Email from Mohit Abraham to author (Nov. 26, 2007) (on file with author).

<sup>45</sup> National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, as amended.

<sup>46</sup> *S.P. Gupta v. President of India and Ors.*, (1982 2 S.C.R. 365) ¶¶ 1-11.

	<p>PIL case.<sup>47</sup> PIL provides a unique opportunity for public legal services providers in India, and is central to the work of NGOs.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>The department of justice provides advocates a platform to register in order to provide pro bono legal services.<sup>48</sup> The National Legal Services Authority (NALSA) was constituted by the Central Government under the LSA Act to provide free legal services<sup>49</sup> to the weaker section of society and organize Lok Adalats for settlement of disputes.<sup>50</sup></p> <p>However, please note that foreign attorneys cannot enroll with these organizations.</p>

May 2019  
Pro Bono Practices and Opportunities in India

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>47</sup> Id. ¶ 17.

<sup>48</sup> <http://doj.gov.in/page/pro-bono-legal-services> (last visited on May 1, 2019).

<sup>49</sup> <https://nalsa.gov.in/about-us> (last visited on May 1, 2019).

<sup>50</sup> The application form for availing legal aid from NALSA is available at: <https://nalsa.gov.in/lams/nologin/applicationFiling.action?requestLocale=en> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Indonesia<sup>1</sup>

### I. Introduction

Indonesia has a tradition of encouraging lawyers to provide pro bono legal services. Although there are no specific laws and regulations mandating the provision of pro bono legal services in Indonesia, *Perhimpunan Advokat Indonesia*, or the Indonesian Advocate Association (“**PERADI**”), recommend that domestic lawyers provide at least 50 hours of pro bono legal services each year. According to Rule No. 1/2010 issued by PERADI, this pro bono requirement shall be included as one of the requirements that needs to be satisfied by domestic lawyers in order to obtain or renew their advocate identity card with PERADI.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The provision of legal services in Indonesia is regulated by Law No. 18/2003 on Advocates, which came into effect on April 5, 2003 (the “<b>Advocate Law</b>”). To be registered as a lawyer in Indonesia, a person must: (i) be an Indonesian national residing in Indonesia, (ii) must not be a civil servant or public officer, (iii) be at least 25 years of age, and (iv) meet a number of other educational, training and character requirements as well as passing the bar exam.</p> <p>Foreign lawyers practicing in Indonesia are known as foreign legal consultants (<i>Konsultan Hukum Asing</i>) and must provide the Ministry of Law &amp; Human Rights with the following documentation to practice: (i) a curriculum vitae, (ii) certified copies of academic degrees, (iii) clarification letters on practicing status, (iv) proof of membership of the bar in the country of origin, (v) immigration documentation, and (vi) the tax numbers of the sponsoring law firm and the foreign lawyer. The license granted is valid for one year.</p> <p>Foreign lawyers practicing in Indonesia are not permitted to: (i) appear before any court; or (ii) set up law firms or branches of their overseas law firms in Indonesia.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The Advocate Law provided that eight bar organizations would be replaced by a single, unified professional association, which led to the establishment of PERADI.<sup>2</sup></p> <p>However, a number of prominent Indonesian lawyers set up a competing association, the <i>Kongres Advokat Indonesia</i> or Indonesia Advocates Congress (“<b>KAI</b>”) in 2008. After an</p>

<sup>1</sup> This chapter was drafted with the support of Emir Nurmansyah of Ali Budiardjo, Nugroho, Reksodiputro (ABNR).

<sup>2</sup> See link at [www.peradi.or.id](http://www.peradi.or.id) (last visited on May 1, 2019).

	<p>extended dispute, the Supreme Court of Indonesia declared that it did not matter which organization an advocate was registered with for the purpose of representing clients in Indonesian courts. Accordingly, the division between PERADI and KAI remains so there is no single unified body.</p> <p>PERADI and KAI are the only licensing “bar” associations for (local) advocates in Indonesia.</p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules that specifically regulate the provision of pro bono legal services in Indonesia.</p> <p>Advocates are not required to charge VAT on services that they provide for free and local regulations do not require lawyers to charge minimum tariffs for the provision of pro bono legal services.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Domestic lawyers are recommended to provide at least 50 hours of pro bono legal assistance each year under Rule No. 1/2010 issued by PERADI. This pro bono requirement must be satisfied by lawyers in order to obtain or renew their advocate identity card.<sup>3</sup></p> <p>In order to be able to practice law in Indonesia, foreign lawyers must provide ten hours of pro bono legal services per month in Indonesia in the areas of legal education, legal research or government legal service.<sup>4</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal work to become a licensed lawyer. However, aspiring lawyers will typically gain pro bono experience during their two year internship with a registered law firm in Indonesia.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>There are pro bono legal opportunities across the full spectrum of the law in Indonesia. Major legal needs for pro bono legal services arise in the areas of criminal law, human rights, police law, the law of domestic relations, environmental law, land law, discrimination law, employment law, and commercial law.</p>

<sup>3</sup> The Indonesian Advocates Association Country Report 2010 (author unknown), p. 1; see also Joint Statement Letter of Head of the Supreme Court and Minister of Justice No. KMA/005/SKKB/VII/1987.

<sup>4</sup> Article 23(3) of the Advocates Law states that foreign advocates are required to provide legal services free of charge for a certain time for education and legal research.

<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>NGOs are the main provider of pro bono legal services in Indonesia, although more recently private practice law firms have become more frequently involved.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>The legal profession is governed by the Advocate Law, which provides that lawyers must be licensed, in order to act as advocates (including the provision of pro bono legal services) in Indonesia.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional license(s), aside from their practicing license, in order to provide pro bono legal services in Indonesia. However, foreign lawyers cannot (i) appear before any court, or (ii) advise on domestic matters (e.g. family law) according to Indonesia law.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Professional indemnity insurance is not mandatory for practicing advocates or law firms in Indonesia. Accordingly, it is not required for the provision of pro bono legal services.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules prohibiting the advertising of pro bono successes or the solicitation of new pro bono clients in Indonesia.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>In Indonesia, lawyers do not receive any “Continuing Legal Education” or equivalent credit for the provision of pro bono legal services.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Indonesia.</p>	<p>There are no governmental sources for the provision of pro bono legal services in Indonesia.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Indonesia.</p>	<p>The following organizations are the main non-governmental pro bono resources in Indonesia:</p> <ul style="list-style-type: none"> <li>• Jakarta LBH;<sup>5</sup></li> <li>• Indonesian Legal Resource Centre (ILRC);<sup>6</sup></li> </ul>

<sup>5</sup> See <https://www.bantuanhukum.or.id/web/category/pro-bono> (last visited on May 1, 2019).

<sup>6</sup> See [www.mitrahukum.org](http://www.mitrahukum.org) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Institute for Policy Research and Advocacy (ELSAM);<sup>7</sup> and</li> <li>• Program for Women-Headed Households in Indonesia (PEKKA).<sup>8</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is no governmental organization dedicated to offering pro bono opportunities with which a local or foreign attorney can register in order to be made aware of pro bono opportunities in Indonesia.</p> <p>There are various NGOs, such as those listed in II.(d).2 with which a local or foreign lawyer can register for pro bono opportunities in Indonesia.</p> <p>Law firms can register with Trust Law Connect by the Thomson Reuters Foundation, in order to be made aware of domestic pro bono opportunities in Indonesia.<sup>9</sup></p>

May 2019  
Pro Bono Practices and Opportunities in Indonesia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>7</sup> See [www.elsam.or.id](http://www.elsam.or.id) (last visited on May 1, 2019).

<sup>8</sup> See [www.pekka.or.id](http://www.pekka.or.id) (last visited on May 1, 2019).

<sup>9</sup> See <http://www.trust.org/trustlaw/> (last visited on May 1, 2019).



## Pro Bono Practices and Opportunities in Japan

### I. Introduction

The Japan Federation of Bar Associations (“**JFBA**”) is an autonomous body governing matters relating to the guidance, liaison and supervision of all attorneys and bar associations, consisting of the 52 bar associations in Japan. Japanese attorneys are not required by law to work a minimum number of hours of pro bono work, however, there are other governmental or non-governmental organizations that provide access to justice free or at a low cost, including, the Japan Legal Support Center, the Duty Attorney Systems, legal counseling centers established by local bar associations and legal expenses insurance initiated by the JFBA.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>There are a number of sources of laws and rules that regulate the provision of legal services in Japan. These are:<sup>1</sup></p> <ul style="list-style-type: none"> <li>• Constitution of Japan</li> <li>• Civil Legal Aid Law</li> <li>• Attorney Act enacted in 1949</li> <li>• Basic Rules on the Duties of Practicing Attorneys established by JFBA</li> <li>• Comprehensive Legal Support Act</li> </ul>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>In order to qualify as an attorney, one must complete a law school curriculum, pass the bar examination, and complete an apprenticeship at the Legal Training and Research Institute in Japan. A practicing attorney cannot concurrently hold office as a judge or a prosecutor at the same time. However, since they all complete the same training of a legal apprentice, it is possible for a judge or a prosecutor to become an attorney and for an attorney to become a judge or a prosecutor.<sup>2</sup></p> <p>In general, three years of legal education, or two years for those with legal education at the undergraduate level, is required to complete law school in Japan. Graduating from a law school is a prerequisite to sit for the bar examination</p> <p>The main legal training after passing the bar examination is the apprenticeship conducted in the District Courts, District Public Prosecutors’</p>

<sup>1</sup> See <http://www.japaneselawtranslation.go.jp/law/detail/?id=1878&vm=04&re=02> and [https://www.nichibenren.or.jp/library/en/about/data/JFBA\\_Brochure-pamf\\_2018.pdf](https://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure-pamf_2018.pdf) (last visited on May 1, 2019).

<sup>2</sup> See [https://www.nichibenren.or.jp/library/en/about/data/JFBA\\_Brochure-pamf\\_2018.pdf](https://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure-pamf_2018.pdf) (last visited on May 1, 2019).

	<p>Offices, and local bar associations throughout Japan.</p> <p>Japanese citizenship is not required to qualify as an attorney in Japan.</p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>By-laws of some local bar associations provide that their members shall perform some public interest activities, although this is not a common practice for all the local bar associations in Japan.<sup>3</sup></p> <p>Attorneys can participate in the all types of public interest activities, including holding law education seminars. There is no limitation to the pro bono legal services.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Legal aid services in criminal and civil cases are mainly organised through the Ministry of Justice and an independent legal aid administration. Legal aid is usually funded by the government, including Japan Legal Support Center (the “JLSC”) and Japan Federation of Bar Associations (the “JFBA”).</p> <p>Generally, lawyers in Japan are not required to work a minimum number of pro bono hours.</p> <p>Some legal aid lawyers are full-time salaried employees of the legal aid administration. Other legal aid lawyers provide services as needed on a part-time contractual basis with the legal aid administration. Legal aid services are also provided through pro-bono schemes, as several law firms make it a requirement. In general, legal aid services are funded by the government, but local bar association may provide incentives for lawyers to engage in pro bono work, such as discounts on membership.<sup>4</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>As stated in question (b)1, some bar associations may require their members to perform public interest activities. Otherwise, aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>In general, the legal aid services are mostly funded by government, while certain local bar association may provide membership discount if attorneys participate in legal aid services.</p>

<sup>3</sup> See <http://niben.jp/pdf/public/kisoku2.pdf> (last visited on May 1, 2019).

<sup>4</sup> See <https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA - Country Profiles.pdf> (last visited on May 1, 2019).

<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in Japan are:</p> <ul style="list-style-type: none"> <li>• Civil legal aid; The JLSC offers support to citizens with limited financial resources through free legal counseling (“legal consultation assistance”) and loans for attorneys’ fees (“attorneys’ remuneration and litigation costs”) for legal representation in civil trials (including family affairs cases and administrative cases) (representation assistance), and loans for attorneys’ fees for preparation of documents to be submitted to the court (document preparation assistance). Foreign nationals may use the civil legal aid system if they lawfully reside in Japan and their domiciles are in Japan.</li> <li>• Court-appointed defense attorney/court-appointed attendant, including for suspects/defendants and juveniles;</li> <li>• Victim participation system/court-appointed, i.e., victim of crime;</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of legal aid services in Japan are:</p> <ul style="list-style-type: none"> <li>• Japan Legal Support Center (“Hoterasu”) established and funded by the government has five primary areas of activities, i.e., providing information, civil legal aid, operations associated with the public criminal defense system, operations to address regional shortage of attorneys, and assistance to victims of crime</li> <li>• Japan Federation of Bar Associations (“JFBA”) supports the legal aid services of Japan Legal Support Center through securing attorneys. Since 2007, JFBA has entrusted its legal aid services to JLSC.</li> <li>• Establishment of Bar funded law offices which engage in activities for public interest purposes, including, but not limited to court-appointed defense attorneys cases and legal aid services on civil cases.<sup>5</sup></li> </ul>

<sup>5</sup> See [http://www.nichibenren.or.jp/library/en/about/data/JFBA\\_Brochure\\_2014.pdf](http://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure_2014.pdf) and [https://www.nichibenren.or.jp/library/en/about/data/JFBA\\_Brochure-pamf\\_2017.pdf](https://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure-pamf_2017.pdf) (last visited on May 1, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	<p>JLSC works with attorneys in relation to civil legal aid services and services related to court-appointed attorneys for defendants including suspects and victim support services.</p> <p>Legal aid services funded by the government would usually be referred to its members, so to that extent, those attorneys providing the legal aid services are qualified.</p>
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in Japan however, there are a number of limitations that apply to what they can do.</p> <p>After approval by the Minister of Justice, qualified foreign attorneys may only practice law as gaikokuho-jimu-bengoshi by registering with the JFBA. As such, they are authorized to provide legal services with respect to the laws of the country in which they have the status of attorney (country of primary qualification) and the laws of other countries designated by the Minister of Justice (designated countries). They may also provide legal services with respect to the laws of third countries other than those of the country of primary qualification and the designated countries, provided they receive written advice from persons meeting certain requirements. Finally, gaikokuho-jimu-bengoshi may represent clients in international arbitration proceedings</p> <p>On the other hand, gaikokuho-jimu-bengoshi are barred from certain forms of practice, for example, representing clients in proceedings at Japanese courts or government tribunals, even if these proceedings are related to the laws of the country of primary qualification or the designated countries.</p>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>Lawyers in Japan do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>There are no rules in Japan that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>

<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Japan do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p> <p>However, the JFBA engages in support activities to improve the quality of young legal professionals with a tutoring system for those lawyers who have commenced their own practices either simultaneously with or at an early stage following their registration as lawyers. However, this is not directly related to pro bono legal services.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Japan.</p>	<ul style="list-style-type: none"> <li>• Japan Legal Support Center, launched by the government in 2006, which aims to improve access to justice, especially in areas outside the larger metropolitan areas of Japan<sup>6</sup> <p style="margin-left: 20px;">Tel: 0570-078377</p> <p style="margin-left: 20px;">Address: 5th Floor Maebashi Terrsa, 2-5-1 Chiyoda-machi, Maebashi</p> </li> <li>• Japan Federation of Bar Associations<sup>7</sup> <p style="margin-left: 20px;">Tel: +81 (0)3 3580 9741; Fax: +81 (0)3 3580 9840</p> <p style="margin-left: 20px;">Address: 1-1-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-0013, Japan</p> </li> <li>• Tokyo Bar Association<sup>8</sup> <p style="margin-left: 20px;">Tel: +81-3-3581-2201; Fax: +81-3-3581-0865</p> <p style="margin-left: 20px;">Address: 6F Bar Association Bldg, 1-1-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-0013</p> </li> <li>• Legal Counseling Centers operated by the Tokyo Bar Association, Dai-ichi Tokyo Bar Association and Dai-ni Tokyo Bar Association<sup>9</sup> <p style="margin-left: 20px;">Tel: 03-5312-5850</p> <p style="margin-left: 20px;">Address: NSO Bldg. 5F, 3-1-22 Shinjuku Shinjuku-ku Tokyo 160-0022</p> </li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Japan.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Japan are:</p>

<sup>6</sup> See <https://www.houterasu.or.jp/en/index.html> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.nichibenren.or.jp/en.html> (last visited on May 1, 2019).

<sup>8</sup> See Website: <https://www.toben.or.jp/english/> (last visited on May 1, 2019).

<sup>9</sup> See Website: <http://www.lccf.info/us/> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Legal counseling centers operated by the Tokyo Bar Association, Dai-ichi Tokyo Bar Association and Dai-ni Tokyo Bar Association</li> <li>• Bar funded law offices;</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>After approval by the Minister of Justice, qualified foreign attorneys may only practice law as gaikokuho-jimu-bengoshi by registering with the JFBA, and are only authorized to provide legal services with respect to the laws of the country of primary qualification and designated countries. Qualified foreign attorneys may only practice the laws of the country of primary qualification, therefore, they will not be able to provide legal aid or pro bono legal services in relation to local civil or criminal cases. Whether qualified foreign lawyers can participate in other forms of public interest activities, such as seminar (in relation to the laws of the country of primary qualification) is not specified.</p>

May 2019

Pro Bono Practices and Opportunities in Japan

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Malaysia<sup>1</sup>

### I. Introduction

The pro bono legal services in Malaysia are provided on a voluntary basis primarily through legal aid centers managed by the Malaysian Bar and various private sector initiatives and complement the well-established government-sponsored legal aid scheme. Although legal services in Malaysia have been liberalized to allow foreign lawyers to practice in Malaysia under limited circumstances, representation of pro bono clients in court proceedings are limited to advocates and solicitors qualified to practice in Malaysia. Members of the Malaysian Bar actively participate in pro bono work in the areas of human rights, criminal defense and public interest. Pupils are encouraged to participate in pro bono legal work during their legal training to instill a sense of social responsibility.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Legal Profession Act 1967 (the “LPA”)<sup>2</sup> consolidates laws relating to the provision of legal services and legal profession in Malaysia.</p> <p>The Malaysian Bar<sup>3</sup> oversees the regulation and enforcement of the LPA within the Peninsula Malaysia whereas the Sabah Law Society<sup>4</sup> and the Advocates’ Association of Sarawak<sup>5</sup> regulate and enforce the LPA within the states of Sabah and Sarawak, respectively. There is no overarching governmental regulatory body of legal profession in Malaysia. Instead, attorneys in the federal government sector are governed by the Judicial and Legal Service Commission whereas the private sector is governed through three main bar associates mentioned here.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Advocates and solicitors have the exclusive right to appear and plead in all Courts of Justice in Malaysia<sup>6</sup>.</p> <p>A person cannot practice as an advocate and solicitor unless his or her name is on the Roll of advocates and solicitors of the High Court and has a valid practicing certificate<sup>7</sup>.</p> <p>All matters pertaining to the qualifications and requirements for admission to the Bar in Malaysia are governed by the LPA. To be eligible to practice as an advocate and solicitor in Malaysia,</p>

<sup>1</sup> This chapter was drafted with the support of Sharon Tan of Zaid Ibrahim & Co. (a member of ZICO Law) - Advocates & Solicitors.

<sup>2</sup> LPA - <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20166.pdf> (last visited on May 1, 2019).

<sup>3</sup> The Malaysian Bar - <http://www.malaysianbar.org.my/> (last visited on May 1, 2019).

<sup>4</sup> Sabah Law Society - <https://sabahlawsociety.org/> (last visited on May 1, 2019).

<sup>5</sup> Advocates’ Association of Sarawak - <http://www.sarawak-advocates.org.my/> (last visited on May 1, 2019).

<sup>6</sup> Section 35(1) of the LPA.

<sup>7</sup> Section 36(1) of the LPA.



	<p>a person must satisfy all the requirements provided in the LPA (e.g. academic requirements, practical requirements and formal requirements), including the requirement to hold a valid practicing certificate<sup>8</sup>.</p> <p>An unauthorized person who (a) acts as an advocate or solicitor or (b) willfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he or she is duly qualified or authorized to act as an advocate and solicitor, or that he is recognized by law as so qualified or authorized, is guilty of an offence and shall be liable to a fine not exceeding RM 2500 or to imprisonment for up to 6 months or both on conviction<sup>9</sup>.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Malaysian Bar is responsible for providing or assisting in the promotion of pro bono legal services known locally as the legal-aid scheme in Malaysia whereby an impecunious person may be represented by advocates and solicitors<sup>10</sup> at no cost, including criminal defense representation.</p> <p>The Legal Aid Act 1971<sup>11</sup> provides for the administration of state- funded free legal aid to qualified persons for criminal, civil and Shariah matters.</p> <p>The criminal matters for which legal aid is available are:</p> <ol style="list-style-type: none"> <li>1. All criminal proceedings in which the accused not being represented by counsel pleads guilty to the charge or charges and wishes to make a plea in mitigation in respect thereof.</li> <li>2. Criminal proceedings under the Child Act 2001 [Act 611]<sup>12</sup>.</li> <li>3. Criminal proceedings under the Minor Offences Act 1955 [Act 336].</li> </ol> <p>Administered by the Legal Aid Department, relevant legislation and regulations (including amendments in 2017) are accessible online.<sup>13</sup></p>

<sup>8</sup> Section 36(1) and 37 of the LPA .

<sup>9</sup> Section 37(1) of the LPA.

<sup>10</sup> Section 42(1)(h) of the LPA.

<sup>11</sup> See <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/ACT%2026.pdf> (last visited on May 1, 2019).

<sup>12</sup> Originally governed by the Children and Young Persons Act 1947 followed by the Child Protection Act 1991 [Act 468] w.e.f 1 March 1992, applicable only in Peninsular Malaysia and Federal Territory of Labuan—see P.U. (B) 77/1992. The Child Protection Act [Act 468] was repealed by the Child Act 2001 [Act 611] w.e.f 1 August 2002, applicable throughout Malaysia—see P. U. (B) 229/2012.

<sup>13</sup> See <http://www.ibg.gov.my/index.php/en/> (last visited on May 1, 2019), under the section entitled Acts and Regulations.

	The Legal Aid Act 1971 mainly relates to state-funded legal aid and there are no such rules in Malaysia for pro bono legal services other than a body of rules governing legal profession, e.g. LPA. The Legal Aid Centre set up pursuant to the LPA is the main nongovernmental sources of pro bono services in Malaysia which can make its own rules and regulations.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	The LPA does not impose any obligation to do pro bono work in Malaysia.  Generally, advocates and solicitors undertake pro bono work through legal aid centers nationwide on a voluntary basis.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Every pupil <sup>14</sup> aspiring to be a lawyer in Malaysia is required to serve at a legal aid center for at least fourteen (14) days during his/her period of pupillage <sup>15</sup> .
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The legal aid centers provide legal assistance in the core areas of criminal law, family law, Shariah law, employment law and public law.  According to the Universal Periodic Review of 2018 conducted by the United Nations under the auspices of the Human Rights Council, human rights violations remains a main concern in Malaysia <sup>16</sup> and this is an area where there is currently an unmet demand for pro bono legal assistance.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	While there are a number of NGOs providing pro bono legal services in collaboration with advocates and solicitors, the Bar Council of Malaysia (the “ <b>Bar Council</b> ”) is the main organization which coordinates private sector pro bono legal services in Malaysia.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Only advocates and solicitors <sup>17</sup> who are licensed to practice law in Malaysia can provide legal services, including pro bono legal services, in Malaysia.

<sup>14</sup> Section 12 (1) of the LPA.

<sup>15</sup> See [http://www.malaysianbar.org.my/bc\\_rulings/10.06\\_compulsory\\_attendance\\_of\\_pupil\\_at\\_a\\_legal\\_aid\\_centre.html](http://www.malaysianbar.org.my/bc_rulings/10.06_compulsory_attendance_of_pupil_at_a_legal_aid_centre.html) (last visited on May 1, 2019).

<sup>16</sup> Reported violations include restrictions on the freedoms of assembly, and expression; **Peaceful Assembly**; *Administrative Detention*; **Sexual Orientation and Gender Identity**. See Malaysia 2018 Universal Periodic Review Submission, available at <https://www.hrw.org/news/2018/03/29/submission-universal-periodic-review-malaysia> (last visited on May 1, 2019).

<sup>17</sup> Section 3 of the LPA defines **advocate and solicitor** means an advocate and solicitor of the High Court admitted and enrolled under the LPA or under any written law prior to the coming into operation of the LPA.

<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Malaysian law has been liberalized to permit foreign lawyers to practice in Malaysia under limited circumstances and in certain permitted areas of practice (<i>i.e.</i> a transaction regulated by Malaysian law and at least one other national law, or a transaction regulated solely by any law other than Malaysian law). Any foreign lawyer who intends to practice in Malaysia is required to register with the Bar Council under the LPA. In the case of a qualified foreign law firm, the Malaysian Bar has stated that there should be a proviso that such aspect of work regulated by Malaysian law shall be undertaken in conjunction with one or more advocates and solicitors of the High Court of Malaya holding a valid and subsisting practicing certificate.</p> <p>However, permitted practice areas, specifically, <b>exclude</b>: constitutional and administrative law; conveyancing; criminal law; family law; succession law, including wills, intestacy, probate and administration; trust law, where the settlor is an individual, and the law relating to charities and foundations, whether the settlor is an individual or a corporation; retail banking, including corporate or commercial loans to small and medium enterprises; registration of patents and trademarks; appearing or pleading in any court of justice in Malaysia; representing a client in any proceedings instituted in such a court or giving advice, whether or not the main purpose of which is to advise the client on the conduct of such proceedings; and appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Malaysia.<sup>18</sup></p> <p>Due to the exclusions mentioned above and also because pro bono services in Malaysia mainly relate to criminal matters, it is very difficult for foreign lawyers to undertake pro bono work.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Professional indemnity insurance is administered by the Bar Council on behalf of every advocate and solicitor. Regardless of the nature of the work conducted by an advocate and solicitor (<i>i.e.</i> legal service or pro bono legal service), all advocates and solicitors are insured under a single master policy before they can be issued their practicing certificates<sup>19</sup>. Such policy would also cover pro bono work in Malaysia.</p>

<sup>18</sup> See [http://www.malaysianbar.org.my/trade\\_in\\_legal\\_services\\_formerly\\_known\\_as\\_gats/liberalisation\\_of\\_legal\\_services.html](http://www.malaysianbar.org.my/trade_in_legal_services_formerly_known_as_gats/liberalisation_of_legal_services.html) (last visited on May 1, 2019) for further information on the liberalization of legal services.

<sup>19</sup> See <https://www.praktis.com.my/about-us/history-of-pii> (last visited on May 1, 2019).

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The Legal Profession (Publicity) Rules 2001 (“<b>LPPER 2001</b>”) which provides the rules for general publication by an advocate and solicitor, prohibits the advertising of pro bono successes or soliciting new pro bono clients. These rules prohibit the following practices<sup>20</sup>:</p> <p>(i) making any claim that an advocate or solicitor or any other advocate and solicitor practicing in his or her firm is a specialist or expert in any area of practice;</p> <p>(ii) make any direct or indirect reference to the number or proportion of cases that have been successfully undertaken by an advocate or solicitor or the advocate’s or solicitor’s firm, or to the advocate’s or solicitor’s earnings or the earnings of any other advocates and solicitors practicing in the same firm.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>The Malaysian Bar advocates continuing legal education (“<b>CPD</b>”) for any advocate and solicitor admitted from 1 July 2011 onwards and for pupils who commenced their pupillage from 1 July 2016 onwards.</p> <p>An advocate and solicitor who handles files from the legal aid centers will receive 1 CPD point for each file when the file is concluded<sup>21</sup>.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Malaysia.</p>	<p>The Yayasan Bantuan Guaman Kebangsaan (“<b>YBGK</b>”) is a government legal aid center governed by the Legal Aid Act 1971 (as described above).<sup>22</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Malaysia.</p>	<p>The Legal Aid Centre by the Bar Council legal aid center (Kuala Lumpur) is the main non-governmental sources of pro bono source in Malaysia.<sup>23</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p><u>In Peninsular Malaysia</u></p> <p>The Bar Council legal aid center is the main organization which coordinates the pro bono opportunities, including the registration process.<sup>24</sup></p>

<sup>20</sup> Rule 5(1)(b) of the LPPER 2001.

<sup>21</sup> CPD Guidelines, updated as at 10 January 2017 - [http://cpd.malaysianbar.org.my/wp-content/uploads/2017/05/CPD-Guidelines-Cycle-3\\_v1-2.pdf](http://cpd.malaysianbar.org.my/wp-content/uploads/2017/05/CPD-Guidelines-Cycle-3_v1-2.pdf) (last visited on May 1, 2019).

<sup>22</sup> See <https://www.kllac.com/ybgk-program/> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.kllac.com/lac-program/> (last visited on May 1, 2019).

<sup>24</sup> See <https://www.kllac.com/lac-program/> and <https://www.kllac.com/volunteer-lawyers-registration-form/> (last visited on May 1, 2019).

	<p>Suaram - a non-governmental organization established in 1989 to monitor and advocate for the respect of human rights in Malaysia.<sup>25</sup></p> <p>UNHCR - a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.<sup>26</sup></p> <p>United Nations Development Programme<sup>27</sup></p> <p>Tenaganita - a Malaysian human rights organization dedicated in assisting, building, advocating and protecting migrants, refugees, women and children from exploitation, abuse, discrimination, slavery and human trafficking.<sup>28</sup></p> <p>Women’s Aid Organization - seeks to end violence against women and promote gender equality in Malaysia.<sup>29</sup></p> <p>AWAM - an independent feminist organization in Malaysia committed to ending gender-based violence and upholding equality and rights for all.<sup>30</sup></p> <p><u>In Sarawak</u></p> <p>Advocates Association of Sarawak<sup>31</sup></p> <p><u>In Sabah</u></p> <p>Sabah Law Society’s Legal Aid Clinic<sup>32</sup></p>
--	---

May 2019  
Pro Bono Practices and Opportunities in Malaysia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>25</sup> See <https://www.suaram.net/> (last visited on May 1, 2019).

<sup>26</sup> See <https://www.unhcr.org/en-my/> (last visited on May 1, 2019).

<sup>27</sup> See <http://www.my.undp.org/> (last visited on May 1, 2019).

<sup>28</sup> See <http://www.tenaganita.net/> (last visited on May 1, 2019).

<sup>29</sup> See <https://wao.org.my/> (last visited on May 1, 2019).

<sup>30</sup> See <https://www.awam.org.my/> (last visited on May 1, 2019).

<sup>31</sup> See <http://www.sarawak-advocates.org.my> (last visited on May 1, 2019).

<sup>32</sup> See <https://sabahlawsociety.org/for-public/legal-aid-clinic/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in New Zealand<sup>1</sup>

### I. Introduction

New Zealand’s population of approximately 4.8 million residents is served by approximately 13,843 lawyers, amongst which just over 13,000 lawyers practice locally, with a further 756 based overseas holding a practicing certificate issued by the New Zealand Law Society (“**NZLS**”).<sup>2</sup> Two thirds of law firms in New Zealand spend 1-5% of practice time on pro bono work, and the value of pro bono work in New Zealand is estimated to be between approximately \$20 million and \$100 million annually.<sup>3</sup> Twenty-four Community Law Centres (“**CLCs**”) provide certain categories of legal services at no cost to people who are unable to meet the cost of a private lawyer or do not have access to legal aid. Direct pro bono work undertaken by CLCs equates to up to \$50 million annually.<sup>4</sup>

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The Lawyers and Conveyancers Act 2006 (<b>LCA</b>) governs the provision of legal services in New Zealand.</p> <p>The NZLS regulates all New Zealand lawyers in the provision of legal services.</p> <p>Criteria for admission is completion of law degree and a practical legal studies course, in each case approved by the New Zealand Counsel of Legal Education.<sup>5</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>All lawyers are required to:</p> <ul style="list-style-type: none"> <li>gain admission to the High Court of New Zealand as both a barrister and a solicitor.<sup>6</sup></li> <li>obtain an annual practicing certificate from the NZLS.</li> <li>complete a minimum of ten hours of Continuing Professional Development each year.<sup>7</sup></li> </ul>

<sup>1</sup> This chapter was drafted with the support of Rachel Gowing of Bell Gully.

<sup>2</sup> New Zealand Law Society, Snapshot of the Profession 2018, available at [https://www.lawsociety.org.nz/\\_data/assets/pdf\\_file/0020/119270/Snapshot-of-the-Profession-2018.pdf](https://www.lawsociety.org.nz/_data/assets/pdf_file/0020/119270/Snapshot-of-the-Profession-2018.pdf) (Feb, 2018) (last visited on October 2, 2019).

<sup>3</sup> Law for Change, Profession’s gift to the community, Law Talk 820, available at <http://www.lawforchange.co.nz/wp-content/uploads/2013/07/Pro-Bono-Law-Talk-1.pdf> (Jun, 2013) (last visited on October 2, 2019).

<sup>4</sup> *Community Law Delivers Real Return on Investment for NZ Public*, Community Law (March 23, 2018), <http://communitylaw.org.nz/community-law-delivers-real-return-investment-nz-public/> (last visited on October 2, 2019).

<sup>5</sup> New Zealand Council of Legal Education, [nzcle.org.nz](http://nzcle.org.nz) (last visited on October 2, 2019).

<sup>6</sup> Section 48(1), Lawyers and Conveyancers Act 2006.

<sup>7</sup> Section 6, Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013.

(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The same criteria are required, whether providing free legal services or legal services to paying clientele.<sup>8</sup></p> <p>Under the LCA, a lawyer may either be (i) an employed lawyer, i.e., employed by law firm or employed as in-house counsel by an entity that is not a law, or (ii) employed on his or her own account.<sup>9</sup></p> <p>An employed lawyer may provide legal services to the public through the law firm or own practice; an in-house lawyer is limited to the provision of legal services to their employer and cannot extend to the clients of the organization.<sup>10</sup></p> <p>Thus, an in house lawyer may not engage in the provision of pro bono legal services but a lawyer working on their own account or for a law firm may, provided the law firm agrees to take on the pro bono work.</p> <p>However, a lawyer may provide legal services to the public as a volunteer through a CLC or the Citizen's Advice Bureau<sup>11</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in New Zealand are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in New Zealand are not required to complete a minimum number of hours of pro bono legal services in order to become a licensed lawyer.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The major unmet legal needs in New Zealand continue to be found in high need communities.</p> <p>The New Zealand experience seems to mirror that of Australia, where 65% of unmet need for legal services is found within 10% of the population. These tend to be civil and administrative issues, and often cluster together.</p> <p>In CLCs, the following areas of law are consistently the highest volume: Employment, Family, Financial (which encompasses credit</p>

<sup>8</sup> New Zealand Law Society, Guidance for lawyers undertaking pro bono work, available at <https://www.lawsociety.org.nz/practice-resources/practice-briefings/Guidance-for-lawyers-undertaking-pro-bono-work.pdf> (July, 2018) (last visited on October 2, 2019).

<sup>9</sup> Ibid.

<sup>10</sup> Ibid; see also Section 9, The Lawyers and Conveyancers Act 2006 (LCA).

<sup>11</sup> Sections 10(5) and 31(4).



	contracts, bankruptcy), Immigration and Consumer. <sup>12</sup>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in New Zealand are:</p> <p>(i) <b>CLCs:</b> independent, either run as charitable trusts or incorporated NGOs.</p> <p>Generally provide free legal consultation and representation to everyone, with a focus on individuals with limited financial resources.</p> <p>There are 24 CLCs across Aotearoa New Zealand and 120 outreach locations, covering major city centers as well as rural communities.</p> <p>The estimated value of CLCs value to the New Zealand community is approximately \$30 to \$50 million per annum.<sup>13</sup></p> <p>(ii) <b>Law Firm Pro Bono Programs:</b> many law firms have developed pro bono programs.<sup>14</sup> For example:</p> <p>DLA Piper encourages all of its lawyers globally to provide 35 hours of pro bono legal services per year.<sup>15</sup></p> <p>Bell Gully publishes a Pro Bono &amp; Community Report annually and targets to contribute approximately \$1 million annual fee equivalent to pro bono work.<sup>16</sup></p> <p>(iii) <b>Other Pro Bono Programs:</b><sup>17</sup></p> <p>In the Employment Court in Auckland. There is a limited program that provides free, limited assistance to persons without legal representation with the drafting and preparation of initial Court documents (either a statement of claim or statement of defense).<sup>18</sup></p> <p>University Legal Clinics: Some law schools, such as the University of Canterbury and the Auckland</p>

<sup>12</sup> General Manager, Auckland Community Law Centre.

<sup>13</sup> New Zealand Institute of Economic Research, NZIER report to Community Law Centres of Aotearoa, The value of investing in Community Law Centres, available at <http://communitylaw.org.nz/wp-content/uploads/2018/03/The-value-of-investing-in-Community-Law-Centres-An-economic-investigation.pdf> (last visited on October 2, 2019).

<sup>14</sup> The two firms referenced are indicative of what the large firms are doing in the pro bono space.

<sup>15</sup> New Zealand Law Society, Global links aid firm's local work, available at <https://www.lawsociety.org.nz/practice-resources/the-business-of-law/pro-bono/global-links-aid-firms-local-work> (last visited on October 2, 2019); see also DLA PIPER, Pro Bono, available at <https://www.dlapiper.com/en/newzealand/focus/probono/pro-bono/> (last visited on October 2, 2019).

<sup>16</sup> Bell Gully, A Helping Hand: Bell Gully's Pro Bono & Community Report, available at <https://www.bellgully.com/Shared%20Documents/Helping%20Hand%202017-2018%20FINAL%20digital%20spreads.pdf> (2018) (last visited on October 2, 2019).

<sup>17</sup> There are other programs not referenced here, but these are indicative.

<sup>18</sup> Employment Court of New Zealand, Pro Bono Legal Assistance Service (Auckland only), available at <https://www.employmentcourt.govt.nz/info-guidance/professional-help/> (last visited on October 2, 2019).

	Law School have clinical programs as part of their course work offering, which creates pro bono opportunities for law students. <sup>19</sup>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in New Zealand do not require any other license in addition to the regular license to practice law.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>If you are a lawyer from another jurisdiction you can provide any legal services but generally you may not carry out work in any of the reserved areas of work. Both 'legal services' and 'reserved areas of work' are defined in <a href="#">s6 of the Lawyers and Conveyancers Act 2006</a> (the LCA). Under <a href="#">s25 of the LCA</a> you may also:</p> <ul style="list-style-type: none"> <li>• do any work, or transact any business in New Zealand that concerns the law of another country or international law</li> <li>• provide legal services (including appearances) in New Zealand in relation to any proceedings before a court or other body if it is essential for the purposes of the proceedings that you have knowledge of the law of another country or international law</li> <li>• use your home jurisdiction description, subject to certain constraints.<sup>20</sup></li> </ul>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>In New Zealand, professional indemnity legal insurance cover is advised but not required when representing pro bono clients.<sup>21</sup></p> <p>A lawyer providing pro bono legal services in New Zealand should ensure that a limited retainer outlining the scope of their work is in place.<sup>22</sup> This will inform the duty of care required in each pro bono case and ensure that the lawyer is not held responsible for issues arising outside the specified scope.<sup>23</sup></p>

<sup>19</sup> See the University of Canterbury, Clinical Legal Studies [https://www.canterbury.ac.nz/courseinfo/GetCourseDetails.aspx?course=LAW3386&occurrence=15S1\(C\)&year=2015](https://www.canterbury.ac.nz/courseinfo/GetCourseDetails.aspx?course=LAW3386&occurrence=15S1(C)&year=2015) (last visited on October 2, 2019). and Auckland Law School, Equal Justice Project (<https://www.auckland.ac.nz/en/on-campus/life-on-campus/clubs-societies/club-categories/social-responsibility/equal-justice-project.html>) (last visited on October 2, 2019).

<sup>20</sup> New Zealand Law Society, Lawyers from other jurisdictions, available at <https://www.lawsociety.org.nz/for-lawyers/joining-the-legal-profession/lawyers-from-other-jurisdictions> (last visited on October 2, 2019).

<sup>21</sup> New Zealand Law Society, Guidance for lawyers undertaking pro bono work, available at <https://www.lawsociety.org.nz/practice-resources/practice-briefings/Guidance-for-lawyers-undertaking-pro-bono-work.pdf> (July, 2018) (last visited on October 2, 2019).

<sup>22</sup> New Zealand Law Society, Guidance to lawyers considering acting under a limited retainer, available at <http://www.lawsociety.org.nz/practice-resources/practice-briefings/Guidance-to-lawyers-acting-under-a-limited-retainer.pdf> (December, 2017) (last visited on October 2, 2019).

<sup>23</sup> Ibid.

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in New Zealand that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in New Zealand do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in New Zealand.</p>	<p>The Right to Legal Assistance:</p> <ul style="list-style-type: none"> <li>• In Civil Proceedings:<sup>24</sup> <ul style="list-style-type: none"> <li>○ Civil legal aid is available for private disputes and other non-criminal disputes, including proceedings over debt recovery, breach of contract, defamation and bankruptcy.</li> <li>○ Available for proceedings before tribunals or specialist courts such as the Human Rights Tribunal and the Employment Court.</li> <li>○ Not available for matters relating to cases before the Disputes Tribunal or the Motor Vehicle Disputes Tribunal, problems with educational institutions or matters for companies or groups of people.</li> </ul> </li> <li>• In Criminal Proceedings:<sup>25</sup> <ul style="list-style-type: none"> <li>○ Criminal legal aid is available to anyone who cannot afford a lawyer and has been charged with an offence that could be punished with a prison term of at least six months.</li> <li>○ Legal aid may also be available for the appeal of such conviction or sentence.</li> <li>○ Non-serious criminal charges do not qualify for legal aid, such as driving offences. However, legal aid may be available for certain non-serious charges if the defendant faces a special barrier of disability, which includes difficulties with reading or writing, or mental illness.</li> </ul> </li> </ul> <p><b>State-Subsidized Legal Aid:</b> New Zealand has a legal aid system that uses public funds to provide</p>
---	--

<sup>24</sup> Ministry of Justice, Civil Legal Aid, available at <https://www.justice.govt.nz/courts/going-to-court/legal-aid/get-legal-aid/can-i-get-family-or-civil-legal-aid/> (last visited on October 2, 2019).

<sup>25</sup> Ministry of Justice, Criminal Legal Aid, available at <https://www.justice.govt.nz/courts/going-to-court/legal-aid/get-legal-aid/can-i-get-criminal-legal-aid/> (last visited on October 2, 2019).

	<p>free legal services to those who cannot afford a lawyer.</p> <p>Qualified individuals will be able to select a lawyer from any practicing lawyers authorized to serve as a legal aid provider to advise and represent them.</p> <p>The Ministry of Justice oversees the legal aid programs and lawyers can only provide legal aid services if they have a contract with the Ministry of Justice.</p> <p><u>Eligibility Criteria:</u></p> <p>Legal Services Act 2011<sup>26</sup> and the Legal Services Regulations 2011 sets out four key considerations:</p> <ul style="list-style-type: none"> <li>• <i>status of the applicant:</i><sup>27</sup> while residence in New Zealand when making the application is not required, if the applicant is overseas and the proceedings might reasonably be brought in an overseas jurisdiction, then legal aid in New Zealand may not be available.<sup>28</sup></li> <li>• <i>financial eligibility:</i> considers gross <i>annual</i> income taking into account family size and composition,<sup>29</sup> disposable capital,<sup>30</sup> whether insurance funding is available<sup>31</sup> etc. For criminal matters, the Legal Services Commissioner must be of the opinion that the applicant does not have sufficient means (looking to the applicant's income and disposable capital).<sup>32</sup></li> <li>• <i>Merits:</i> must show reasonable grounds for taking/defending the <i>proceedings</i> or being a party to the proceedings.<sup>33</sup></li> </ul> <p>Must also show a significant <i>personal</i> interest in the outcome which justifies pursuing the matter or that the proceedings involve domestic violence or mental health.<sup>34</sup></p>
--	---

<sup>26</sup> Sections 6 to 8, Legal Services Act.

<sup>27</sup> Section 10(1)(a), Legal Services Act 2011.

<sup>28</sup> Section 10(4)(c), *ibid.*

<sup>29</sup> Regulation 5, Legal Services Regulations 2011.

<sup>30</sup> Regulation 6, *ibid.*

<sup>31</sup> Section 13, Legal Services Act 2011.

<sup>32</sup> Section 8, *ibid.*

<sup>33</sup> Section 10(3), *ibid.*

<sup>34</sup> Section 11(4), *ibid.*

	<p>For criminal matters, the Commissioner may grant aid if it appears to be necessary in the interests of justice.<sup>35</sup></p> <ul style="list-style-type: none"> <li>• <i>nature of the proceeding:</i></li> </ul> <p>Civil: show that the nature of the proceeding requires legal representation and the applicant would suffer substantial hardship if aid were not granted.<sup>36</sup></p> <p>Criminal: if it relates to a criminal charge, sentencing or appeal to be heard in the District Court, High Court, Court of Appeal or Supreme Court.<sup>37</sup> As of September 2, 2013, criminal offenders are entitled legal representation<sup>38</sup> on a range of matters if the case appears before the New Zealand Parole Board, including conditions of release on the statutory release date, parole, residential restrictions etc.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in New Zealand.</p>	<p>Many of New Zealand's law firms provide legal advice on a pro bono basis. In addition, the Equal Justice Project pro bono team is a group of law students who provide support to practitioners, interest organizations, and community groups.<sup>39</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Not at this stage but there is a proposal in place for establishment of a pro bono clearing house which might enable this in future.</p>

October 2019  
Pro Bono Practices and Opportunities in New Zealand

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>35</sup> Section 8(1)(c), *ibid.*

<sup>36</sup> Section 7(1)(e), *ibid.*

<sup>37</sup> Section 6, *ibid.*

<sup>38</sup> Section 49 (3)(c), Parole Act 2002.

<sup>39</sup> <http://equaljusticeproject.co.nz/pro-bono/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in Pakistan<sup>1</sup>

### I. Introduction

The pro bono environment in Pakistan is nascent, but is growing gradually. At present, Pakistan has a two-pronged structure for legal aid i.e. under the Pakistan Bar Council Free Legal Aid Rules, 1999 and District Legal Empowerment Committee (Constitution & Function) Rules, 2011. While the regulatory framework is present, there remains a strong need for further action amongst the legal community - there is a serious underutilization of funds allocated to institutions and committees responsible for providing legal aid, which in turn demonstrates a lack of will and resolve. The gap left by lack of implementation of the legal aid framework at a government level is to some extent filled by local and international non-governmental organizations, as well as a handful of domestic law firms, which offer legal services to the country's underserved populations and are engaged in direct representation and broader reform work.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The practice of law in Pakistan is primarily governed by the Legal Practitioners and Bar Councils Act of 1973, last amended on 01 June 2018 (the "<b>Bar Councils Act</b>").<sup>2</sup> The Bar Councils Act established the Pakistan Bar Council, as well as the four provincial bar councils, namely the Punjab Bar Council, the Sindh Bar Council, the Khyber Pakhtunkhwa Bar Council and the Baluchistan Bar Council (together, the "<b>Provincial Bar Councils</b>")<sup>3</sup> and a bar council for the Islamabad Capital Territory, namely the Islamabad Bar Council.</p> <p>The Pakistan Bar Council is the highest elected body of lawyers, or "advocates", in Pakistan and is generally responsible for exercising control over and supervising the Provincial Bar Councils and the Islamabad Bar Council and regulating the entry of advocates into the legal profession. It is the body responsible for preparing and maintaining a common roll of advocates, admitting persons as advocates entitled to practice before the Supreme Court, preparing and maintaining a roll of advocates of the Supreme Court, and removing advocates from such roll.<sup>4</sup></p> <p>The Provincial Bar Councils and the Islamabad Bar Council assists the Pakistan Bar Council in carrying out its regulatory functions with respect to the entry of lawyers into the legal profession. The Provincial Bar Councils and the Islamabad Bar</p>

<sup>1</sup> This chapter was drafted with the support of Syed Ali Bin Maaz and Zaid Rahim of Kabraji & Talibuddin.

<sup>2</sup> Pakistan Bar Council, "Pakistan Legal Practitioners and Bar Councils Act, 1973", <http://pakistanbarcouncil.org/legal-practitioners-and-bar-councils-act-1973-2/> (last visited on October 2, 2019).

<sup>3</sup> Ibid, Section 5.

<sup>4</sup> Ibid, Section, 13.

	<p>Council are, <i>inter alia</i>, responsible for admitting persons as advocates entitled to practice before the sub-ordinate courts and the High Court, preparing and maintaining a roll of advocates of the relevant sub-ordinate court and the High Court, and removing advocates from such roll.<sup>5</sup></p> <p>The rules of professional conduct and etiquette applicable to all advocates practicing in Pakistan have been prescribed by the Pakistan Bar Council under the Pakistan Legal Practitioners and Bar Councils Rules of 1976, last amended via notification of the Pakistan Bar Council dated 16 November 2015 (the "<b>Bar Council Rules</b>").<sup>6</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Pursuant to the Bar Councils Act, there are four classes of advocates, namely, (a) senior advocates of the Supreme Court, (b) advocates of the Supreme Court, including advocates-on-record, (c) advocates of the High Court, and (d) other advocates.</p> <p>The Bar Councils Act, as supplemented by the Bar Council Rules, sets forth the core requirements for qualification and enrolment for advocates, which include: (i) Pakistani citizenship, or one year of residency in Pakistan and citizenship in a country that allows Pakistani citizens to qualify in the practice of law; (ii) the applicant must be at least 21 years of age; (iii) a law degree from a university recognized by the Pakistan Bar Council; (iv) passing an assessment conducted by an organization appointed by the federal government of Pakistan; (v) undergoing such training and passing such examination(s) as prescribed by the Pakistan Bar Council; and (vi) payment of related accreditation and other fees.<sup>7</sup></p> <p>An advocate who has practiced before subordinate courts in Pakistan for a period of at least two years will be entitled to apply for admission as an advocate of a High Court.<sup>8</sup></p> <p>Further, specific requirements for qualification and enrolment as senior advocates, advocates and advocates-on-record of the Supreme Court are set forth in the Supreme Court Rules 1980, last amended on 11 November 2017 (the "<b>Supreme Court Rules</b>").<sup>9</sup> Pursuant thereto, an advocate</p>

<sup>5</sup> Ibid, Section 9.

<sup>6</sup> Pakistan Bar Council, "Pakistan Legal Practitioners and Bar Councils Rules, 1976", <http://pakistanbarcouncil.org/category/acts-rules/> (last visited on October 2, 2019).

<sup>7</sup> Ibid 2, Section 26.

<sup>8</sup> Ibid 2, Section 27.

<sup>9</sup> Supreme Court of Pakistan, "Supreme Court Rules, 1980 (amended up to 11-11-2017)", [http://www.supremecourt.gov.pk/web/user\\_files/File/SUPREME\\_COURT\\_RULES\\_1980\\_AMMENDED.pdf](http://www.supremecourt.gov.pk/web/user_files/File/SUPREME_COURT_RULES_1980_AMMENDED.pdf) (last visited on October 2, 2019).



who has been enrolled with the High Courts for seven years is entitled to apply as an advocate of the Supreme Court<sup>10</sup> and an advocate with five years of standing in the Supreme Court shall be qualified to be registered as an advocate-on-record<sup>11</sup>. Further, the chief justice and the judges may select, from time to time, from among those whose names are on the roll of advocates of the Supreme Court, persons who are judged, by their knowledge, ability and experience, to be worthy of being granted the status of senior advocate of the Supreme Court.<sup>12</sup>

**(b) Pro Bono Practice and Culture**

1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.

**Legal Aid Rules**

Pursuant to Bar Councils Act, the Pakistan Bar Council has been mandated to provide free legal aid and free specialized services for the awareness, promotion and enforcement of human rights.<sup>13</sup> In reliance on the rulemaking powers granted to it under the Bar Councils Act, the Pakistan Bar Council has therefore established rules for the provision of legal aid in 1999 (“**Legal Aid Rules**”).<sup>14</sup> The Legal Aid Rules create legal aid committees at the national level (the “**Central Free Legal Aid Committee**”), provincial level (the “**Provincial Free Legal Aid Committee**”) and district level (the “**District Free Legal Aid Committee**”).<sup>15</sup> Funds for the Central Free Legal Aid Committees are collected from, *inter alia*, the Pakistan Bar Council, voluntary contributions, the relevant Bar Councils and associations government grants and other contributions.<sup>16</sup> The funds collected are controlled, utilized and disbursed only by the Central Free Legal Aid Committee for providing free legal aid in accordance with the Legal Aid Rules.<sup>17</sup>

The Central Free Legal Aid Committee seeks to provide legal aid to eligible litigants at the Supreme Court or any tribunal, authority or body

<sup>10</sup> Ibid, Order IV Rule 4.

<sup>11</sup> Ibid, Order IV Rule 14.

<sup>12</sup> Ibid, Order IV Rule 5.

<sup>13</sup> Ibid 2, Section 14.

<sup>14</sup> Pakistan Bar Council Notification, 139 “*Pakistan Bar Council Free Legal Aid Rules*, (Sep. 8, 1999)”, available at <http://pakistanbarcouncil.org/wp-content/uploads/2012/07/1999.pdf> (last visited on October 2, 2019).

<sup>15</sup> Ibid, paragraph 4.

<sup>16</sup> Ibid, paragraph 9(i).

<sup>17</sup> Ibid paragraph 10(i)

at the federal level.<sup>18</sup> Applications for legal aid to the Pakistan Bar Council Central Free Legal Aid Committee are accepted at each registry of the Supreme Court.<sup>19</sup> Provincial Free Legal Aid Committee provides representation in the High Court and any provincial-level tribunal, while the District Free Legal Aid Committee provides aid at district-level proceedings.<sup>20</sup> The Legal Aid Rules provide a template application letter for those seeking legal aid to complete.<sup>21</sup>

The Legal Aid Rules require that each free legal aid committee maintain a panel of lawyers willing to provide pro bono services or work for reduced fees.<sup>22</sup> The Legal Aid Rules also set forth maximum legal fees by type of level of the judiciary; for example, a maximum fee of 5,000 Pakistani rupees (US \$52) is imposed on fees for legal aid cases litigated at the Supreme Court.<sup>23</sup>

#### **Legal Empowerment Rules**

Additionally, pursuant to the Law & Justice Commission of Pakistan Ordinance, 1979 the Law & Justice Commission of Pakistan has established the District Legal Empowerment Committee (Constitution & Functions) Rules, 2011 ("**Legal Empowerment Rules**").<sup>24</sup> The District Legal Empowerment Committee formed under the Legal Empowerment Rules provides legal aid serves to deserving litigants including, *inter alia*, paying for professional fees for lawyers, court fees and process fees.<sup>25</sup> Funds for the District Legal Empowerment Committee have been earmarked under the government's Access to Justice Development Fund.

Any deserving litigant may submit a request in writing on plain paper addressed to the chairperson of the District Legal Empowerment Committee. The application must clearly contain the request for payment to plead his case before court and must be accompanied by the national identity card or any other document of identity. The superintendent district jail may also forward applications on behalf of convicted prisoners,

---

<sup>18</sup> Ibid, paragraph 5.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid, paragraphs 5 and 6.

<sup>21</sup> Ibid, Schedule.

<sup>22</sup> Ibid, paragraph 8.

<sup>23</sup> Ibid, Schedule.

<sup>24</sup> District Legal Empowerment Committee - Law and Justice Commission of Pakistan, "*District Legal Empowerment Committee (Constitution & Functions) Rules, 2011*", <http://ljcp.gov.pk/nljcp/assets/dist/pdf/D.pdf> (last visited on October 2, 2019).

<sup>25</sup> Ibid, Rule 5

	<p>persons on trial or any person confined in jail in relation to civil proceedings after necessary verification that the applicant is a deserving litigant. The District Legal Empowerment Committee may also consider cases referred by any court of law.<sup>26</sup></p> <p>The District Legal Empowerment Committee maintains a list of practitioners to be appointed to perform the functions under the Legal Empowerment Rules. A legal practitioner having at least five years of standing at the Bar would be eligible for appointment. The District Legal Empowerment Committee determines the legal practitioners' fees; however, in accordance with the Legal Empowerment Rules, this may not be more than PKR 20,000.<sup>27</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>While the Legal Aid Rules do not require lawyers to offer pro bono services as a general matter, a free legal aid committee may request any lawyer to conduct one case in a year, free of charge.<sup>28</sup></p> <p>The Legal Empowerment Rules do not obligate lawyers to work on a pro bono basis. Lawyers are appointed by the District Legal Empowerment Committee in accordance with the Legal Empowerment Rules in consultation with the Vice Chairman of the Provincial Bar Council, President of the District Bar Association and approval of the Chief Justice of the High Court.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>The Bar Councils Act, as supplemented by the Bar Council Rules, sets forth the core requirements for qualification and enrolment for advocates as discussed above. These do not currently include a requirement to complete a minimum number of hours of pro bono legal services in order to qualify and enroll as advocates.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The Legal Aid Rules state that their purpose is to establish a system to provide legal services to “the poor, destitute, orphans, widows, indigent and other deserving litigants” needing assistance in the following categories of cases: accidents, succession certificate, family law, ejectment, illegal detention, abuse of power and authority by police, law enforcing agency and executives, neglect of duties by government departments, local councils / bodies and local authorities /</p>

<sup>26</sup> Ibid, Rule 7

<sup>27</sup> Ibid, Rule 8

<sup>28</sup> Ibid 14, paragraph 8(f).

	<p>agencies, public interest litigation, and such other cases as approved by the Pakistan Bar Council Central Free Legal Aid Committee.<sup>29</sup> The Legal Aid Rules further clarify that “poor”, “destitute”, “orphan”, “widow”, “indigent” and “deserving” means a person who is entitled to Zakat or his financial position and income resources are not sufficient to bear the expenses for engaging an advocate to prosecute, defend and protect his legal rights in genuine litigation.<sup>30</sup></p> <p>Legal aid under the Legal Empowerment Rules is available to “deserving litigants”. The Legal Empowerment Rules defines “deserving litigant” as a litigant who might otherwise be unable to obtain legal aid or assistance for protecting his genuine legal rights or interest on account of his limited financial resources.<sup>31</sup> The Legal Empowerment Rules do not provide the areas of law where such legal aid may be provided.</p> <p>Among those populations who continue to face barriers to judicial access or other legal remedies include the several thousand Afghani refugees who have cited harassment, arrests, detentions and evictions pushing them to return to their native country;<sup>32</sup> illegal child and bonded laborers;<sup>33</sup> women and girls who suffer from domestic abuse and gender-based violence;<sup>34</sup> and religious minority groups, many who seek asylum overseas to flee persecution.<sup>35</sup></p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,</p>	<p>Many government-funded organizations and NGOs, as well as a handful of domestic law firms, offer pro bono legal services. As discussed above at II.(b)(1), there are legal aid committees at the national, provincial and district level<sup>36</sup> in addition</p>

<sup>29</sup> Ibid 14, paragraph 3.

<sup>30</sup> Ibid 14, paragraph 1.

<sup>31</sup> Ibid 24, Rule 2

<sup>32</sup> BBC, *Harassment drives Afghan refugees from Pakistan*, BBC News, February 26, 2015, <http://www.bbc.com/news/world-asia-31588821> (last visited on October 2, 2019). See also, Human Rights Watch, *World Report 2016* available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan> (last visited on October 2, 2019).

<sup>33</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2018*, 10 available at <http://hrccp-web.org/publication/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English.pdf> (last visited on October 2, 2019) (citing an estimated 3 million people in various forms of slavery in Pakistan and 12 million children in child labour).

<sup>34</sup> Special Rapporteur on the Independence of Judges and Lawyers, *Mission to Pakistan*, 4, U.N. Doc. A/HRC/23/43/Add.2 (April 4, 2013) (by Gabriela Knaut), available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/43](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/43) (last visited on October 2, 2019), at 16 (noting that “access to justice for women remains illusory” because of high illiteracy and lack of awareness of their legal rights).

<sup>35</sup> Human Rights Watch, *World Report 2014: Pakistan*, available at <https://www.hrw.org/world-report/2014/country-chapters/pakistan> (last visited on October 2, 2019). See also, Suhail Obed, *Exodus of Religious Minorities*, Daily Times, June 5, 2015, available at <http://www.dailytimes.com.pk/opinion/05-Jun-2015/exodus-of-religious-minorities> (last visited on October 2, 2019) (a Pakistani opinion page noting that an estimated 1,338 Pakistani’s applied for asylum abroad in 2013, most of whom were religious minorities). See also, The Hindu Business Line, 16 April, 2016, *Religious minorities continue to face violent attacks in Pakistan*, available at <https://www.thehindubusinessline.com/news/world/religious-minorities-continue-to-face-violent-attacks-in-pakistan-watchdog/article23561059.ece> (last visited on October 2, 2019).

<sup>36</sup> Pakistan Bar Council Notification, 139 (supra note 13) at Section 4.

private law firms (local or international) or corporate organizations?	to the District Legal Empowerment Committee formed by the Law & Justice Commission of Pakistan.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	As outlined at II.(a)(2) above, the provision of legal services is regulated and the Bar Councils Act, as supplemented by the Bar Council Rules, sets forth the core requirements for qualification and enrolment for advocates. Legal services, including pro bono legal services, can only be provided by qualified advocates who are enrolled as per these requirements.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	As discussed above, under the Bar Councils Act, only individuals admitted as lawyers may formally practice law in Pakistan. Citizenship and residency requirements make admission unworkable for the provision of pro bono legal services by foreign lawyers.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There is no requirement for professional indemnity legal insurance cover for legal service providers. However, professional indemnity insurance is available for lawyers and law firms, should they choose to be covered
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no prohibitions on advertising of pro bono successes or soliciting new pro bono clients in Pakistan. However, all advertising must be in compliance with rules and regulations promulgated by the Pakistan Electronic Media Regulations Authority <sup>37</sup> and the Indecent Advertisement Prohibition Act, 1963. <sup>38</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	There is no concept of “Continuing Legal Education” in the rules governing legal practice in Pakistan and therefore no equivalent credit is allocated for pro bono work.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Pakistan.	Amongst government sources of pro bono, the main sources are the legal aid committees at the national level, in each provincial bar council and in

<sup>37</sup> Pakistan Electronic Media Regulatory Authority, About PEMRA - Functions, <http://www.pemra.gov.pk/> (last visited on October 2, 2019).

<sup>38</sup> Government of Balochistan, “The Indecent Advertisements Prohibition Act, 1963”, [https://balochistan.gov.pk/index.php?option=com\\_docman&task=search\\_result&Itemid=677&search\\_phrase=indecent&catid=0&ordering=newest&search\\_mode=any&search\\_where%5B%5D=search\\_name&search\\_where%5B%5D=search\\_description](https://balochistan.gov.pk/index.php?option=com_docman&task=search_result&Itemid=677&search_phrase=indecent&catid=0&ordering=newest&search_mode=any&search_where%5B%5D=search_name&search_where%5B%5D=search_description) (last visited on October 2, 2019).

	<p>each bar council at the district level created pursuant to the Legal Aid Rules.</p> <p>The Government of Pakistan has established Rs. 1.5 billion Access to Justice Development Fund, with one window of investment earmarked for legal aid and empowerment. In particular, 13.5% of the total fund is reserved for legal empowerment and legal aid.<sup>39</sup> This money is funneled under the supervision of Law and Justice Commission of Pakistan regulating the distribution of funds under the mandate of the Legal Empowerment Rules - the District Legal Empowerment Fund.</p> <p>The District Legal Empowerment Fund aims to provide assistance to deserving litigants. The District Legal Empowerment Committee constituted by the Law and Justice Commission under the Legal Empowerment Rules with the concurrence of the concerned High Court and Provincial Government, is composed of District &amp; Sessions Judge, District Co-ordination Officer, Superintendent District Jail, President of the District Bar Association and a representative of the civil society. This composition is designed to include all the major actors of justice system.</p> <p>The website of Law and Justice Commission of Pakistan also gives complete details of distribution and utilization of funds on case to case and region to region basis. Between 2012-2016, 59 % of the funds in Punjab, 91% in Sindh, 69% in Khyber Pakhtunkhwa and 95 % of the funds allocated to respective District Legal Empowerment Committees in Baluchistan, remained unspent.<sup>40</sup></p> <p>In addition, the Legal Aid Society, a not for profit NGO founded by a former Chief Justice of Sindh and former Supreme Court Judge is another source for pro bono.<sup>41</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Pakistan.</p>	<p>There are multiple non-governmental organizations that provide pro bono opportunities. Some of the well-known organizations are listed below:</p> <ul style="list-style-type: none"> <li>• The Human Rights Commission of Pakistan (the “<b>HRC</b>”) provides legal aid and assistance to victims of human rights abuses, and engages in education, organizing and advocacy work around the ratification and implementation by Pakistan of the Universal</li> </ul>

<sup>39</sup> Ziauddin, "Legal aid in Pakistan", Daily Times Pakistan <https://dailytimes.com.pk/388951/legal-aid-in-pakistan/> (last visited on October 2, 2019).

<sup>40</sup> Ibid.

<sup>41</sup> Legal Aid Society, Overview of Organization, <https://www.las.org.pk/about-us/overview-of-organization/> (last visited on October 2, 2019).

	<p>Declaration of Human Rights and of other related internationally adopted norms.<sup>42</sup></p> <ul style="list-style-type: none"> <li>Established in 1980 by Asma Jahangir,<sup>43</sup> AGHS Legal Aid (“AGHS”) was the first free legal aid organization in the Pakistan.<sup>44</sup> AGHS focused on the rights of women, children and minorities in Pakistan.<sup>45</sup> AGHS is involved in litigation, education, publication, domestic and international lobbying, organizing and abuse documentation projects.<sup>46</sup></li> <li>In addition, several NGOs provide legal and other support services to the estimated over 1.4 million refugees, asylum seekers and internally displaced persons in Pakistan.<sup>47</sup> These include CHC- Community Help Community, Norwegian Refugee Council Pakistan, Rights Now Pakistan and Society for Human Rights and Prisoners Aid (SHARP).<sup>48</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities in Pakistan.</p>

October 2019  
Pro Bono Practices and Opportunities in Pakistan

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>42</sup> Human Rights Commission of Pakistan, HRCP, *About Us*, <http://hrcp-web.org/hrcpweb/> (last visited on October 2, 2019).

<sup>43</sup> Asma Jahangir was an internationally renowned human rights activist, a Supreme Court advocate and a critical voice against anti-democratic forces in Pakistan. She helped to establish AGHS, Women’s Action Forum and the HRCP. She served as U.N. Special Rapporteur on Extrajudicial Executions, U.N. Special Rapporteur on Freedom of Religion or Belief and President of the Supreme Court Bar Association of Pakistan.

<sup>44</sup> See AGHS Legal Aid Cell, *About AGHS* (Jul. 6, 2007), <http://aghsblog.wordpress.com> (last visited on October 2, 2019).

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> 2015 UNHCR Country Operations Profile – Pakistan, UNHCR: The UN Refugee Agency <http://www.unhcr.org/pages/49e487016.html> (last visited on October 2, 2019).

<sup>48</sup> See Rights in Exile Programme (IRRI), <http://www.refugeelawinformation.org/about-us-0> (last visited on October 2, 2019), providing contact details for the above named organizations.



## Pro Bono Practices and Opportunities in the Philippines<sup>1</sup>

### I. Introduction

It is ingrained in the 1987 Philippine Constitution that “free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.”<sup>2</sup> As such, Republic Act No. 9406 or the Act Reorganizing and Strengthening the Public Attorney’s Office (“**PAO**”) provides that the PAO shall “render, free of charge, legal representation, assistance, and counselling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases.”<sup>3</sup>

However, due to widespread poverty and frequent human rights violations, the Philippines present numerous opportunities for private lawyers to engage in pro bono work. The national bar association (Integrated Bar of the Philippines), non-governmental organizations, and university clinics are some of the of the active providers of such services.

While foreign lawyers remain unable to practice law in the Philippines, recent legislation requires all newly admitted lawyers in the Philippines to commit a certain number of hours to provision of pro bono services to those in need.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The practice of law in the Philippines is primarily regulated by the Integrated Bar of the Philippines (“<b>IBP</b>”). The IBP is a mandatory Bar Association created by the Philippine Supreme Court in the 1970s.<sup>4</sup> All Philippine lawyers are required to join the IBP and cannot practice law in the Philippines without doing so.<sup>5</sup></p> <p>All Philippine lawyers are also subject to the Code of Professional Responsibility for Lawyers (the “<b>Code</b>”).</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>All persons who wish to practice law in the Philippines must be admitted to the Bar. After successfully fulfilling the academic requirements, the candidate can file an application to take the Bar examinations, provided he or she is a citizen and resident of the Philippines, at least 21 years of age and of good moral character.<sup>6</sup> After passing the Bar examinations, the successful candidate is entitled to take the oath of office, receive his or her certificate of membership to the Philippine Bar and finally, sign the roll of attorneys at the Supreme Court. Only then does the</p>

<sup>1</sup> This chapter was drafted with the support of Ma. Elizabeth E. Peralta-Loriga and Ranulfo G.V. Payos, Jr., of PunoLaw

<sup>2</sup> Constitution of the Philippines, Article III (Bill of Rights), available at <https://lawphil.net/consti/cons1987.html> (last visited on May 1, 2019).

<sup>3</sup> Amending for the Purpose Pertinent Provisions of Executive Order No.292, Otherwise Known as the “Administrative Code Of 1987”, as amended, Granting Special Allowance to Pao Officials and Lawyers, and Providing Funds Therefor. Republic Act No. 9406, available at [http://www.pao.gov.ph/UserFiles/Public\\_Atorney's\\_Office/file/PAO-Law.pdf](http://www.pao.gov.ph/UserFiles/Public_Atorney's_Office/file/PAO-Law.pdf) (last visited on May 1, 2019).

<sup>4</sup> Integrated Bar of the Philippines, IBP Brief History, available at <http://www.ibp.ph/about.html> (last visited on May 1, 2019).

<sup>5</sup> Rules of Court, Rule 138, Section 1, available at [http://www.lawphil.net/courts/rules/rc\\_138\\_bar.html](http://www.lawphil.net/courts/rules/rc_138_bar.html) (last visited on May 1, 2019).

<sup>6</sup> Rules of Court, Rule 138, Section 2, available at [http://www.lawphil.net/courts/rules/rc\\_138\\_bar.html](http://www.lawphil.net/courts/rules/rc_138_bar.html) (last visited on May 1, 2019).

	<p>candidate officially become a lawyer and can use the title of “Attorney”. Once admitted, the lawyer must remain in good standing by maintaining membership in the IBP and by complying with the requirements on Mandatory Continuing Legal Education (“MCLE”).<sup>7</sup></p> <p>There is no distinction between solicitors and barristers as all candidates who wish to practice law must take the Bar examinations to be admitted. Paralegals are not recognized as legal professionals under Philippine law.</p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Constitution of the Philippines and the Code both reflect the principle that attorneys should provide legal representation to indigent individuals.<sup>8</sup></p> <p>The Constitution states that “free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.”<sup>9</sup> In a section of the Code entitled “A Lawyer Shall Not Refuse His Services to the Needy,” the Code requires that absent serious and sufficient cause to decline representation, lawyers must accept certain pro bono cases assigned to them.<sup>10</sup></p> <p>In 2009, the Supreme Court introduced a requirement that all “practicing lawyers”<sup>11</sup> provide a minimum of 60 hours per year of free legal aid or pro bono legal services in all cases involving “marginalized and poor litigants” (the “<b>Rule on Mandatory Legal Aid Service</b>”).<sup>12</sup> Please note that effect of the Rule on Mandatory Legal Aid Service and its implementing rules were deferred to January 1, 2010, provided its implementing rules had been published. As of early 2019, the Rule on Mandatory Legal Aid Service had not come into effect.<sup>13</sup></p> <p>In 2017, the Supreme Court introduced the Rule on Community Legal Aid Service (the “<b>CLAS Rules</b>”) and the IBP published the relevant</p>

<sup>7</sup> Mandatory Continuing Legal Education, Rules 1 and 2, Bar Matter No. 850, available at <http://sc.judiciary.gov.ph/1611/> (last visited on May 1, 2019).

<sup>8</sup> Code of Professional Responsibility, Canon 14, Rule 14.02.

<sup>9</sup> Constitution of the Philippines, Article III (Bill of Rights), available at <https://lawphil.net/consti/consti1987.html> (last visited on May 1, 2019).

<sup>10</sup> Code of Professional Responsibility, Canon 14.

<sup>11</sup> For exclusions to who qualifies as a “practicing lawyer”, see Rule on Mandatory Legal Aid Service, Bar Matter No. 2012 dated February 10, 2009 at Section 4, available at [https://www.lawphil.net/courts/bm/bm\\_2012\\_2009.html](https://www.lawphil.net/courts/bm/bm_2012_2009.html) (last visited on May 1, 2019).

<sup>12</sup> Rule on Mandatory Legal Aid Service, Bar Matter No. 2012 dated February 10, 2009 at Section 5, available at [https://www.lawphil.net/courts/bm/bm\\_2012\\_2009.html](https://www.lawphil.net/courts/bm/bm_2012_2009.html) (last visited on May 1, 2019).

<sup>13</sup> Supreme Court Notice dated September 18, 2012.

	<p>implementing rules in 2018.<sup>14</sup> The CLAS Rules apply to new lawyers who were admitted to the Bar in 2018 and onwards, with some exceptions (for example to those with prior pro bono experience). Organizations and groups, as well as individuals, may receive free legal assistance under the CLAS Rules.<sup>15</sup></p> <p>The terms pro bono and free legal aid service are the same under the CLAS Rules.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Under the Rule on Mandatory Legal Aid Service, continuation of practice by an attorney depends on being issued a compliance certificate by the IBP attesting to the minimum of 60 pro bono hours.<sup>16</sup></p> <p>The CLAS Rules require Covered Lawyers<sup>17</sup> to whom the rules apply to provide 120 hours of pro bono legal services to qualified parties within the first 12 months of admission to the Bar.<sup>18</sup></p> <p>The services under the CLAS Rules include representation of qualified parties in litigation, legal counseling in negotiations, developmental legal assistance, certain judiciary or government services and services to marginalized sectors of society. Non-compliance with these rules may lead to the lawyer being disqualified from receiving a certificate of good standing from the IBP.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for aspiring lawyers to undertake pro bono work in order to become licensed lawyers. However, the CLAS Rules impose a requirement on newly qualified lawyers to complete a minimum number of hours of pro bono legal services within the first 12 months of qualification to the Bar. Aspiring lawyers who undertake certain pro bono work may receive exemption under the CLAS Rules for such work.<sup>19</sup></p>

<sup>14</sup> The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

<sup>15</sup> Section 5(c), The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

<sup>16</sup> Rule on Mandatory Legal Aid Service (n72) at Sections 5 and 7.

<sup>17</sup> Rule on Community Legal Aid Service, Section 4(a). The term “Covered Lawyers” is defined as “those who have successfully passed the Annual Bar Examinations and have signed the Roll of Attorneys for that particular year; for purposes of this Rule, it shall include those who will pass the 2017 Bar Examination and are admitted to the Bar in 2018.”

<sup>18</sup> Section 7(a), The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

<sup>19</sup> Section 8, The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

	<p>Law students who have completed a required amount of study and are supervised in a clinical legal education program may represent clients without compensation in civil, criminal or administrative cases.<sup>20</sup> Such work may count towards those students' exemption of the requirements under the CLAS Rules.</p> <p>Philippine law schools, including the Ateneo de Manila Law School in Makati City and the University of Philippines College of Law, have set up clinical programs through which their students and alumni may provide free legal assistance.<sup>21</sup></p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The absence of effective access to justice by the poor and marginalized presents one of the most prominent opportunities for pro bono work in the Philippines. One such example is marginalized farmers.</p> <p>In the field of environmental law, urgent legal issues include large-scale mining, destruction of marine resources, and indiscriminate logging due to the increasing demand for land and natural resources. These practices frequently occur to the detriment of the poor and marginalized, causing community displacement, increasing urban migration, usurpation of indigenous people's ancestral rights, illegal land conversion, dwindling food production and depletion of freshwater resources, militarization and other human rights abuses, air and water pollution, and other environmental disasters.</p> <p>Gender equality issues also present pro bono opportunities. While the Philippine government has passed a number of laws addressing women's development and gender equality issues, the recognition of certain rights - particularly in the realm of reproductive health - is still unresolved and is an area for potential advocacy.<sup>22</sup></p> <p>Additionally, extra-judicial executions have become an increasingly significant problem in the Philippines.<sup>23</sup> The surge of extra-judicial killings in the Philippines have prompted reports and campaigns extensive investigations by the United</p>

<sup>20</sup> Rules of Court, Rule 138-A, Section 1, available at [https://www.lawphil.net/courts/rules/rc\\_138-a\\_student.html](https://www.lawphil.net/courts/rules/rc_138-a_student.html) (last visited on May 1, 2019).

<sup>21</sup> Ateneo De Manila University School of Law (<http://ateneo.edu/aps/law/ateneo-law-center/ateneo-legal-services-center>) (last visited on May 1, 2019) and University of the Philippines College of Law (<http://law.upd.edu.ph/office-of-legal-aid/>) (last visited on May 1, 2019).

<sup>22</sup> International Labour Organization, Gender Equality in the Philippines (November 2014), available at [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms\\_173283.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_173283.pdf) (last visited on May 1, 2019).

<sup>23</sup> Felipe Villamor, International Criminal Court Will Investigate Duterte Over Drug War, New York Times, February 8, 2006, available at <https://nyti.ms/2BhtGms> (last visited on May 1, 2019).

	Nations, Amnesty International and Human Rights Watch. <sup>24</sup>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>A number of NGOs committed to empowering the poor and marginalized have emerged to help meet the needs for pro bono in the Philippines.<sup>25</sup> For example, one project aims to help farmers obtain access to justice where they have been falsely and arbitrarily accused of crimes by wealthy landowners or elite land claimants.<sup>26</sup> The same project also seeks to provide paralegal training to local women so that they may monitor court cases, gather evidence, write affidavits, and help farmers navigate the legal system.<sup>27</sup></p> <p>At times sole lawyers have provided pro bono legal services. For example, in 2010, a pro bono environmental lawyer helped climate change activists take their fight against flooding to the Philippines Supreme Court.<sup>28</sup></p> <p>A number of law schools regularly provide pro bono legal services. The law schools include the Ateneo de Manila Law School in Makati City and the University of Philippines College of Law.<sup>29</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers who are admitted to the Bar in the Philippines may provide pro bono legal services and do not require a separate license to do so.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers cannot offer pro bono legal services in the Philippines since non-Filipino lawyers are not permitted to offer advice as to Philippine law, and foreign law firms are not allowed to have offices in the Philippines.</p> <p>It may also be noted that very few domestic law firms have associations with large foreign firms or foreign lawyers. These restrictions have been criticized, and some have argued that the country should open itself to cross border practice, particularly in light of globalization.</p>

<sup>24</sup> Human Rights Watch, World Report 2017, Philippines (<https://www.hrw.org/world-report/2017/country-chapters/philippines>) (last visited on May 1, 2019).

<sup>25</sup> Aurora E. Bewicke, Asian Developments in Access to Counsel: A Comparative Study, 10 NW. U. J. INT'L HUM. RTS. 27 (2011), available at <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1124&context=njihr> (last visited on May 1, 2019). See, for example, the Humanitarian Legal Assistance Foundation (HLAF): <http://home.hlaf.org.ph/>.

<sup>26</sup> Ibid. (referencing Rosselynn Jae de la Cruz, Legal Consultant, AKBAYAN Citizens Action Party).

<sup>27</sup> Ibid.

<sup>28</sup> Purple S. Romero, Pro Bono Lawyer Leads Landmark Court Challenge in Philippines, TRUSTLAW, June 29, 2010, available at <http://news.trust.org/item/20100629094500-4631k> (last visited on May 1, 2019).

<sup>29</sup> Ateneo Legal Service Center: <http://www.ateneo.edu/aps/law/ateneo-law-center/ateneo-legal-services-center> (last visited on May 1, 2019). University of Philippines College of Law: <http://law.upd.edu.ph/office-of-legal-aid/> (last visited on May 1, 2019).

<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Professional indemnity insurance is not required in the Philippines (including for providing pro bono legal services). It is uncommon for law firms to take out professional indemnity insurance.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>As a general rule, a lawyer cannot advertise his services in the Philippines. There are exceptions to the prohibition against advertising, these are:</p> <ul style="list-style-type: none"> <li>• Publication in reputable law lists;</li> <li>• Use of professional / business card;</li> <li>• Simple announcement of the opening of a law firm; and</li> <li>• Telephone directory listing.</li> </ul>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Newly qualified lawyers in the Philippines who are subject to the CLAS Rules may receive full MCLE credits for qualifying pro bono hours.<sup>30</sup></p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in the Philippines.</p>	<p>There are a number of governmental programs offering legal assistance to indigent persons in the Philippines.</p> <p>The Public Attorney’s Office (the “<b>PAO</b>”), an agency under the Department of Justice, was established to provide free access to courts, due process and equal protection of the laws to individuals who either have no income or are below certain income thresholds in cases ranging from civil and criminal to administrative cases.<sup>31</sup> To qualify for free legal representation, individuals must qualify under “the double M tests.” Such tests consider the “merits” of the case and the indigency (or “means”) of the individual.<sup>32</sup></p> <p>The PAO fulfills its mandate by providing legal advice, trial preparation, court representation, mediation, forensics, amongst other services.<sup>33</sup></p>
---	---

<sup>30</sup> Section 17, The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

<sup>31</sup> Public Attorney’s Office, About PAO, available at <http://www.pao.gov.ph/page.php?id=10> (last visited on May 1, 2019); Republic Act No. 9406, Section 1, available at [http://www.pao.gov.ph/UserFiles/Public\\_Atorney's\\_Office/file/PAO-Law.pdf](http://www.pao.gov.ph/UserFiles/Public_Atorney's_Office/file/PAO-Law.pdf) (last visited on May 1, 2019).

<sup>32</sup> Public Attorney’s Office, Persons Qualified for Legal Assistance, available at <http://www.pao.gov.ph/page.php?id=28> (last visited on May 1, 2019).

<sup>33</sup> Public Attorney’s Office, Services, available at <http://www.pao.gov.ph/page.php?id=13> (last visited on May 1, 2019).



	<p>Other government-based agencies provide free legal assistance in specific areas of the law, such as agrarian reform.<sup>34</sup></p> <p>The Philippine courts may appoint lawyers to provide free representation to indigent defendants in criminal cases.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Philippines.</p>	<p>The IBP provides legal assistance to indigent Filipinos.<sup>35</sup> The IBP's National Committee on Legal Aid supervises the IBP's legal aid program, which consists of numerous local chapter clinics throughout the Philippines.<sup>36</sup> The services include consultations and counselling to those who qualify.<sup>37</sup> Chapters often allow for walk-in consultation.<sup>38</sup></p> <p>Sentro Ng Alternatibong Lingap Panligal: Provides litigation support, legal literacy and alternative legal education, paralegal information, policy advocacy, research and publication, and internships for law students.<sup>39</sup></p> <p>Balay Mindanaw Group: Provides legal services to marginalized sectors and communities in Mindanao, conducts capacity building interventions on local legislation and dispute resolution, and advances legal issues of different marginalized sectors and communities.<sup>40</sup></p> <p>University of the Philippines College of Law: Provides free legal assistance to indigent litigants and is actively involved in public interest cases.<sup>41</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Apart from the above listing of non-governmental organizations offering pro bono legal services, the following organizations also offer pro bono legal services:</p> <ul style="list-style-type: none"> <li>• IBP Legal Aid Department (+63 2 631-3013)</li> <li>• National Union of People's Lawyers<sup>42</sup></li> </ul>

<sup>34</sup> Department of Agrarian Reform, available at <http://www.dar.gov.ph/> (last visited on May 1, 2019).

<sup>35</sup> Integrated Bar of the Philippines, Contact, available at <http://www.ibp.ph/contact.html> (last visited on May 1, 2019).

<sup>36</sup> Judge Eliza B. Yu, Integrated Bar of the Philippines (IBP) In A Nutshell, available at [http://www.academia.edu/30925204/Integrated\\_Bar\\_of\\_the\\_Philippines\\_IBP\\_in\\_a\\_Nutshell](http://www.academia.edu/30925204/Integrated_Bar_of_the_Philippines_IBP_in_a_Nutshell) (last visited on May 1, 2019).

<sup>37</sup> Integrated Bar of the Philippines Makati Chapter, Legal Aid Assistance Flowchart, available at <http://www.ibpmakati.com/legal-aid-services.do?id=16312> (last visited on May 1, 2019).

<sup>38</sup> For example the Integrated Bar of the Philippines Makati Chapter, available at <http://www.ibpmakati.com/legal-aid-services.do?id=16312> (last visited on May 1, 2019).

<sup>39</sup> See <http://www.saligan.org/> (last visited on May 1, 2019).

<sup>40</sup> See <http://balaymindanaw.org> (last visited on May 1, 2019).

<sup>41</sup> See <http://law.upd.edu.ph/office-of-legal-aid/> (last visited on May 1, 2019).

<sup>42</sup> See <https://nupl.net/> (last visited on May 1, 2019).



- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>• Ateneo Legal Service Center<sup>43</sup></li><li>• Humanitarian Legal Assistance Foundation<sup>44</sup></li></ul> |
|--|--|

May 2019  
Pro Bono Practices and Opportunities in the Philippines

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>43</sup> See <http://www.ateneo.edu/aps/law/ateneo-law-center/ateneo-legal-services-center> (last visited on May 1, 2019)

<sup>44</sup> See <http://home.hlaf.org.ph/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Singapore

### I. Introduction

Singapore’s pro bono movement is an offshoot of its volunteer criminal legal aid scheme, which itself began as a grassroots-led initiative of lawyers in private practice. The pro bono movement gained traction and institutional-level support following a comprehensive review by the Law Society of Singapore in 2006 of the jurisdiction’s legal aid and pro bono landscape. Since 2006 there have been greater institutional attempts at promoting increased pro bono commitments across the legal profession in Singapore.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	The provision of legal services in Singapore is governed primarily by the Legal Profession Act (Chapter 161 of the laws of Singapore) (the “LPA”), its subsidiary legislation and the Legal Profession (Professional Conduct) Rules 2015 (the “PCR”). <sup>1</sup>
2. Describe any licensure requirements governing the provision of legal services.	Generally, a person must be registered to provide legal services in Singapore, as either an advocate and solicitor of the Supreme Court of Singapore or a registered foreign lawyer.
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>Generally, a person must hold a practicing certificate in order to act as a Singapore advocate and solicitor or practice Singapore law. However, in order to promote the provision of pro bono legal services, a specific exemption was created under the Legal Profession (Pro Bono Legal Services) Rules 2013 (the “Pro Bono Exemption Rules”)<sup>2</sup> to allow Singapore lawyers without practicing certificates to provide specified pro bono legal services.</p> <p>Such specified pro bono legal services are services provided (i) under schemes administered by the Law Society of Singapore or certain Singapore courts, (ii) to charities, (iii) to institutions of public character and (iv) to certain voluntary welfare organizations.</p> <p>The above exemption does not extend to appearing or pleading in any Singapore court or appearing before any Singapore quasi-judicial or regulatory body, authority or tribunal.</p>

<sup>1</sup> See the relevant webpage of the Law Society of Singapore for an overview, <https://www.lawsociety.org.sg/Lawyer-Regulation/Act-and-Rules> (last visited on October 2, 2019). The LPA is available at <https://sso.agc.gov.sg/Act/LPA1966> (last visited on October 2, 2019) and the PCR is available at <https://sso.agc.gov.sg/SL/LPA1966-S706-2015> (last visited on October 2, 2019).

<sup>2</sup> Available at <https://sso.agc.gov.sg/SL/LPA1966-S658-2013> (last visited on October 2, 2019).

	Save for the above, there is no Singapore regulation specific to the provision of pro bono legal services.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Singapore are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Law students in Singapore's universities are required to perform 20 hours of approved pro bono work as part of their graduating requirements.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	In 2010, it was reported that a significant proportion of litigants in the State Courts (i.e. the lower courts) did not have legal representation; one-third of litigants in criminal cases and over 90% of litigants in maintenance and family violence cases were unrepresented.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers of pro bono legal services in Singapore are private law firms and legal practitioners, usually in conjunction with programs of the Law Society of Singapore, such as its Community Legal Clinics and its clinics and initiatives aimed at non-profit organizations and social enterprises.</p> <p>NGOs such as the Catholic Lawyers Guild, Lawyers' Christian Fellowship, Jamiyah (Muslim Missionary Society of Singapore) and the Community Justice Centre.</p> <p>University legal clinics organized by the National University of Singapore Faculty of Law, the Singapore Management University School of Law and the Singapore University of Social Sciences School of Law.</p>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Most pro bono matters and programs in Singapore require participating lawyers to be qualified to practice Singapore law, and as noted above, no person may practice Singapore law without a practicing certificate, subject to the exemption for specified pro bono legal services under the Pro Bono Exemption Rules.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Strictly speaking, foreign lawyers do not require any additional license(s) to provide pro bono legal services. However, as noted above, most pro bono matters and programs in Singapore require participating lawyers to be qualified to practice

	Singapore law, whether as an express requirement or by reason of their subject matter.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There are no prescribed requirements for insurance cover in respect of pro bono work specifically. However, all Singapore advocates and solicitors are required to maintain professional indemnity insurance coverage. The Law Society of Singapore also maintains a group insurance policy covering each of its practicing members and each limited liability law corporation and limited liability law partnership in Singapore.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Any person licensed to practice Singapore law must, in the course of giving any free legal advice, take reasonable steps to ensure that no information pertaining to that person is publicized except that person's name, the fact that that person is a legal practitioner and the name of that person's law practice.  Apart from the above, the rules regulating the publicity of legal services in the PCR are also generally applicable to every law practice in Singapore. These include prohibitions on touting and requirements where a client is referred to a law practice, including in relation to maintaining the relevant practitioner's and law practice's independence and impartiality and not rewarding a referrer with any consideration.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked. However, lawyers who act as supervisors of university students working on approved pro bono matters may receive a maximum of two continuing legal education-equivalent points per year. <sup>3</sup>
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Singapore.	Governmental sources of pro bono and/or other legal services in Singapore include: <ul style="list-style-type: none"> <li>The Legal Aid Bureau provides assistance (for which a means-assessed contribution is required) in certain civil matters (excluding small claims, statutory parental maintenance obligations and maintenance and personal protection order proceedings in the family</li> </ul>

<sup>3</sup> See the relevant website of the Singapore Institute of Legal Education, which has responsibility for the administration of the Singapore legal profession's continuing professional development program, at <http://www.sile.edu.sg/pro-bono-programme> (last visited on October 2, 2019).

	<p>courts against unrepresented adverse parties); and<sup>4</sup></p> <ul style="list-style-type: none"> <li>• The Supreme Court Legal Assistance Scheme for Capital Offences provides assistance and representation to defendants charged with capital offences.<sup>5</sup></li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Singapore.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Singapore include:</p> <ul style="list-style-type: none"> <li>• The Law Society of Singapore maintains various programs, including the Criminal Legal Aid Scheme (which provides assistance to persons charged with non-capital offences under specified statutes) and its Community Legal Clinics and assistance programs for non-profit organizations and social enterprises as noted above;<sup>6</sup></li> <li>• As noted above, various NGOs also provide pro bono legal services. Contact details may be found on the Law Society’s Pro Bono Services website;<sup>7</sup> and</li> <li>• Singapore universities’ law faculties also provide pro bono assistance.<sup>8</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Interested attorneys may register to volunteer with:</p> <ul style="list-style-type: none"> <li>• the Legal Aid Bureau;<sup>9</sup></li> <li>• the Supreme Court Legal Assistance Scheme for Capital Offences;<sup>10</sup> and</li> <li>• the Law Society of Singapore’s various programs.<sup>11</sup></li> </ul>

October 2019  
Pro Bono Practices and Opportunities in Singapore

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client

<sup>4</sup> See <https://www.mlaw.gov.sg/content/lab/en.html> (last visited on October 2, 2019).

<sup>5</sup> See <https://www.supremecourt.gov.sg/services/self-help-services/legal-assistance-for-capital-offences> (last visited on October 2, 2019).

<sup>6</sup> See <http://probono.lawsociety.org.sg/Pages/default.aspx> (last visited on October 2, 2019).

<sup>7</sup> See <http://probono.lawsociety.org.sg/Pages/Legal-Clinic-Locator.aspx> (last visited on October 2, 2019).

<sup>8</sup> See <https://nusprobono.com/legal-clinics/> and <https://pbc.smu.edu.sg/> (last visited on October 2, 2019).

<sup>9</sup> See <https://www.mlaw.gov.sg/content/lab/en.html> (last visited on October 2, 2019).

<sup>10</sup> See <https://www.supremecourt.gov.sg/services/self-help-services/legal-assistance-for-capital-offences> (last visited on October 2, 2019).

<sup>11</sup> See <http://probono.lawsociety.org.sg/Pages/default.aspx> (last visited on October 2, 2019).

relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in South Korea

### I. Introduction

Pro bono activities by Korean attorneys in South Korea have evolved significantly in recent decades. While in the past, they generally took the form of providing free legal advice and assistance in litigation to needy individuals, large law firms such as Kim & Chang have signaled a change toward a more holistic approach to pro bono work, with a focus on the wider community and society. In 2013, Kim & Chang launched its Committee for Social Contribution (“CSC”). The CSC has signed a partnership agreement with 25 NGOs to provide legal assistance relating to the rights of minorities including people with disabilities, children and North Korean defectors. In 2016, the country’s 11 major domestic law firms, including Kim & Chang, launched the Law Firm Public Interest Network, signing an agreement to jointly explore and promote public interest activities. The network hosts seminars and networking events to promote greater cooperation in pro bono projects and other public interest activities.<sup>1</sup>

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Attorney-at-Law Act Article 4 (Qualifications for Attorneys-at-Law) provides that a person falling under either of the two categories below qualifies as an attorney-at-law: 1) a person who has completed the required curriculum of the Judicial Research and Training Institute after passing the Korean Bar Examination; or 2) a person who is qualified as a judge or a public prosecutor.</p> <p>Article 6 (Foreign Attorneys-at-Law with Meritorious Services to State) provides that the Minister of Justice may authorize the qualification as an attorney-at-law to a person who, as a foreign attorney-at-law, has rendered meritorious services for Korea or who has other fitting reasons to be granted the qualification of an attorney-at-law. Such a foreign attorney-at-law may establish a legal practice in Korea with the permission of the Minister of Justice only if the legal qualification of Korean nationals who are qualified as attorneys-at-law is recognized and their establishment of legal practices is permitted in the foreign attorney’s home country. He or she may not, however, provide legal services in matters other than those which concern foreigners or foreign laws.</p>
2. Describe any licensure requirements governing the provision of legal services.	A Korean lawyer wishing to practice law in South Korea after receiving his or her license <sup>2</sup> must register with the Korean Bar Association (“KBA”). <sup>3</sup>

<sup>1</sup> See <http://whoswholegal.com/news/probono/article/33841/wwl-pro-bono-law-firm-year-kim-chang> (last visited on October 2, 2019).

<sup>2</sup> The traditional Korean judicial examination system was replaced in 2017 with one resembling the American system, consisting of law school graduation and passage of a bar examination.

<sup>3</sup> Association Rules of the Korean Bar Association Article 36.



	<p>Membership of the KBA is compulsory for all practicing lawyers.</p> <p>A foreign lawyer wishing to practice law in South Korea must register as a Foreign Legal Consultant (“FLC”).</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Details of the instruments listed here are provided in other responses to this survey:</p> <ul style="list-style-type: none"> <li>• Attorney-at-Law Act Article 27 (Duty to Perform Designated Services, such as Public Interest Activities);<sup>4</sup></li> <li>• Association Rules of the KBA Article 9-2 [Participation in Public Interest Activities, Etc.];<sup>5</sup> and</li> <li>• The Seoul Bar Association (“SBA”) 공익활동지침 (Guidelines for Public Interest Activities).</li> </ul>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is a mandatory 30-hour per year pro bono requirement under Attorney-at-Law Act Article 27, the Association Rules of the KBA Article 9-2, and related regulations.</p> <p>In case of special circumstances, local bar associations have the authority to decrease the requirement to 20 hours. The SBA has exercised its authority to do so every year, decreasing the pro bono requirement for its members to 20 hours.</p> <p>This requirement may also be satisfied by making a specified payment to the pro bono fund instead of working the specified number of hours. Those who have been practicing for less than two years and those who are older than 60 years of age are also exempt from the requirement.</p>

<sup>4</sup> Attorney-at-Law Act Article 27 (Duty to Perform Designated Services, such as Public Interest Activities):

- (1) Each attorney-at-law shall engage in public interest activities for not less than a specified number of hours per year.
- (2) Each attorney-at-law shall handle affairs designated by public agencies, the Korean Bar Association, or the local bar association with which he/she is affiliated under Acts and subordinate statutes.
- (3) Necessary matters concerning the scope of public interest activities and the method of performing such activities shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

<sup>5</sup> Association Rules of the Korean Bar Association Article 9-2 [Participation in Public Interest Activities, Etc.]

- (1) Each individual member shall engage in public interest activities for not less than a specified number of hours per year.
- (2) Each individual member shall handle affairs designated under the Acts and subordinate statutes by public agencies the Korean Bar Association, or a local bar association with which he/she is affiliated.
- (3) Matters concerning scope, performing method, etc. of public interest activities shall be determined by the regulations.

[This Article Newly Inserted, Jul. 19, 2000]

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Korea are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>There are various areas of law which require or present opportunities for the provision of pro bono legal services in Korea. Women’s rights issues and labor rights issues are among the most active. Various organizations currently receive government-funded subsidies for their pro bono activities.</p> <p>NGOs served on a pro bono basis by large firms such as Kim &amp; Chang include the International Vaccine Institute, the Korea Differently Abled Federation (“<b>KODAF</b>”) and the Korea Hana Foundation (“<b>KHF</b>”), a non-profit public organization established by Ministry of Unification in 2010 to provide protection and settlement support for North Korean refugees. Firms also have advocated for legislative changes benefitting disabled persons, including through a campaign led by Special Olympics Korea to revise legal terminologies such as “deaf” and “mentally retarded” that are deemed discriminatory toward people with disabilities.</p> <p>KODAF, a network established by individuals with disabilities and aimed at promoting the rights of people with disabilities, concluded a MOU with the CSC in 2013.</p> <p>Kim &amp; Chang also has provided pro bono representation in arbitral disputes, including in the Court of Arbitration for Sport (CAS) where they represented a team of Korean badminton players.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Main providers of pro bono legal services in Korea include the Ministry of Justice<sup>6</sup>, the SBA, large domestic private law firms, and the Korea Legal Aid Corporation (“<b>KLAC</b>”).</p> <p>KLAC is among the most active, benefiting from a provision under the Korean law permitting male attorneys to provide pro bono legal services at KLAC for three years in lieu of military service.</p> <p>KLAC provides free legal advice on a broad range of matters including civil, family, criminal and administrative legal issues. Face-to-face advice is provided at local legal aid offices. Online advice is provided on the KLAC website and by e-mail. A nationwide hotline is accessible by telephone and video phone. KLAC provides assistance with</p>

<sup>6</sup> See [http://www.moj.go.kr/HP/ENG/bureaus/bureaus\\_02.jsp](http://www.moj.go.kr/HP/ENG/bureaus/bureaus_02.jsp) (last visited on October 2, 2019).

	preparing forms and documents such as complaints, briefs, and provisional seizure for monetary issues of less than 10 million won, and in which the case is relatively simple or self-evident. KLAC also represents clients on a pro bono basis in certain criminal cases, including representation of sexually abused children and victim of sexual violence.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	No additional license is required for the provision of pro bono legal services beyond that required for the practice of law in Korea.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	No additional license is required for the provision of pro bono legal services beyond that required for the practice of law by a foreign lawyer in Korea; however, only licensed Korean lawyers may represent clients in litigation. <sup>7</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Law firms often maintain malpractice insurance; however, insurance is not mandatory for the practice of law in general in Korea. In addition, no professional indemnity insurance is required for the provision of pro bono legal services in Korea.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>No special or additional rules pertain to pro bono matters; however, rules regarding solicitation and advertisement are set forth generally in laws and regulations such as the Attorney-at-Law Act Article 23, the Association Rules of the Korean Bar Association,<sup>8</sup> and KBA ‘변호사업무광고규정’ (Attorney-at-law advertisement regulation), which regulate, among others, the method and content of advertisement by attorneys-at-law.</p> <p>The Foreign Legal Consultant Act, Advertisement Regulations for Foreign Legal Consultant, and Code of Ethics for Foreign Legal Consultant govern foreign law firms and foreign lawyers practicing law in Korea. A Foreign Legal Consultant may advertise by providing information and materials (including information regarding the partners of Foreign Legal Consultant Office) and services provided in order to help potential clients in selecting a Foreign Legal Consultant and to</p>

<sup>7</sup> Civil Procedure Act Article 87

<sup>8</sup> Article 44 [Remuneration and Advertisement of Attorneys-at-Law, Law firms, Limited Liability Law Firms, Law Firm Partnerships, Etc.] [...]

(5) Any member and foreign legal consultant shall, when he/she advertises, promotes, or installs office sign, comply as determined by the rules or the regulations of the Korean Bar Association or the local bar association with which he/she is affiliated.

	<p>attract clients through fair competition<sup>9</sup>, subject to certain prohibitions including but not limited to restrictions on contents<sup>10</sup> and methods<sup>11</sup> of advertisement.</p> <p>A foreign legal consultant may not make an exaggerated publicity or advertisement of her career, specialty or performance, and in publicizing or advertising her services, must comply with the Regulations on Advertisement of Services provided by Foreign Legal Consultant established by the KBA.<sup>12</sup> A foreign legal consultant may not contact potential clients or make a clerical employee or a third party to induce the engagement of herself by potential clients, for the purpose of soliciting cases.<sup>13</sup></p>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Korea do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Argentina.	<p>The main governmental sources of pro bono and/or other legal services in Korea are:</p> <ul style="list-style-type: none"> <li>• Korea Legal Aid Corporation;</li> <li>• Ministry of Justice;<sup>14</sup></li> <li>• Seoul Bar Association; and</li> <li>• KBA.</li> </ul>
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Argentina.	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Korea are:</p> <ul style="list-style-type: none"> <li>• MINBYUN – Lawyers for a Democratic Society; and</li> <li>• Large local private law firms (Kim &amp; Chang; Yoon &amp; Yang; Bae, Kim &amp; Lee, etc.).</li> </ul>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	<p>Organizations that inform lawyers of pro bono opportunities include the KBA and the SBA.</p> <p>The Seoul Bar Association Probono Support Center provides a bulletin board for lawyers to volunteer for pro bono activities.</p>

<sup>9</sup> Advertisement Regulations for Foreign Legal Consultant Article 3 (Basic Principle of Advertisement)

<sup>10</sup> Article 4 (Restrictions on Contents of Advertisement)

<sup>11</sup> Article 5 (Restrictions on Methods of Advertisement)

<sup>12</sup> Code of Ethics for Foreign Legal Consultant Article 6 (Prohibition of Exaggerated Advertisement)

<sup>13</sup> Code of Ethics for Foreign Legal Consultant Article 9 (Prohibition of Solicitation of Case)

<sup>14</sup> See [http://www.moj.go.kr/moj\\_eng/index.do](http://www.moj.go.kr/moj_eng/index.do) (last visited on October 2, 2019).

October 2019  
Pro Bono Practices and Opportunities in South Korea

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Taiwan, R.O.C.

### I. Introduction

The Taiwanese legal community recognizes the need to develop and broaden access to legal aid for the underprivileged in Taiwan. In 2004, legislative reform in Taiwan resulted in the passage of the Legal Aid Act, which sought to provide legal assistance to the indigent. The Legal Aid Act includes provisions on state-funded legal services such as legal aid but not on pro bono legal services. Although the pro bono culture in Taiwan is not yet pervasive, the Legal Aid Act, along with other regulations and trends, demonstrates an emerging pro bono culture in Taiwan that bodes well for the development of a positive environment for the provision of pro bono legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Taiwanese lawyers are governed by the Taiwan Bar Association as well as various local bar associations within Taiwan. Among these associations, the most prominent is the Taipei Bar Association, which had a membership base of more than 7,500 attorneys as of 2018, accounting for approximately 70% of all lawyers in Taiwan.</p> <p>Legislation and self-regulating ethics rules adopted by bar associations in Taiwan encourage attorneys to participate in legal aid work and accept pro bono assignments from courts. Article 22 of the Attorney Regulation Act requires attorneys to “fulfil and complete all lawful court assignments” unless excused by good cause. In addition, Article 9 of the Code of Ethics (“Code of Ethics”) prescribed by the Taiwan Bar Association states that attorneys shall participate in legal aid, provide services to the people, or engage in other public interest activities, so as to make legal services widely available. Attorneys violating Article 22 of the Attorney Regulation Act, or seriously violating the Codes of Ethics, may be subject to disciplinary action, including warning, reprimand, suspension of the right to practice law for a period not exceeding two years or disbarment.<sup>1</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>After acquiring a law degree at either the undergraduate or graduate level, Taiwanese students are qualified to take the bar exam. The bar exam is held once a year and is administered by the government branch known as the “Examination Yuan.” There is no distinction between barristers and solicitors in Taiwan.</p>

<sup>1</sup> Taipei Bar Association, Code of Ethics, art. 9, available at <http://www.twba.org.tw/en/Lawyers.htm>; Team – Organization, <http://www.tba.org.tw/4f883cc414.html>; Attorney Regulation Act, arts. 22, 39, 44, available at <http://law.moi.gov.tw/Eng/LawClass/LawAll.aspx?Pcode=10020006> (last visited on October 2, 2019).

	<p>Students who pass the bar exam may enter the Lawyers Training Institute for a one-month training program. Following the training, prospective lawyers must secure a five-month apprenticeship under the supervision of a senior attorney who has practiced law for more than five years. Upon completion of the apprenticeship, he or she may join a local bar association in Taiwan.</p> <p>A lawyer with foreign qualifications may not practice law in Taiwan unless he or she is given permission by the Ministry of Justice under the Attorney Regulation Act and becomes a member of a local bar association. A foreign lawyer granted approval by the Ministry of Justice is known as a “foreign legal affairs attorney” and is only permitted to practice the laws of his or her home jurisdiction in Taiwan.<sup>2</sup></p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules regulating the provision of pro bono or free legal services in Taiwan.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Attorneys in Taiwan are not required to perform pro bono work nor are they required to complete a minimum number of pro bono hours</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Prospective lawyers in Taiwan are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The Legal Aid Act provides for the establishment of the Legal Aid Foundation (the “LAF”) to achieve the purposes of the Legal Aid Act. Despite the broad coverage under the Legal Aid Act, the LAF excludes certain criminal and civil matters from the scope of legal aid unless given approval from the director of the relevant LAF branch office. Excluded criminal matters include, but are not limited to, representation during criminal trials, filing criminal charges in court, reviewing prosecutors’ decisions and providing relevant trial representation. Excluded civil matters include, but are not limited to, election litigation, small claims, matters concerning investment activities, and matters for retrial. These matters, which are</p>

<sup>2</sup> Thomas Chih-hsiung Chen, Legal Education Reform in Taiwan: Are Japan and Korea the Models? Journal of Legal Education, Volume 62, No. 1 at 37 (2012); Taiwan Bar Association, Attorneys in Taiwan, available at <http://www.twba.org.tw/en/Report.htm> (last visited on October 2, 2019).



	excluded from legal aid, present opportunities for the provision of pro bono legal services in Taiwan. <sup>3</sup>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Law firms, NGOs and bar associations in Taiwan are the main providers of pro bono legal services in Taiwan.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Qualified lawyers are not required to obtain any additional licenses in order to provide pro bono legal services in Taiwan.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers are not required obtain any additional licenses in order to provide pro bono legal services in Taiwan. However, foreign lawyers who wish to represent pro bono clients in Taiwan should be aware of various limitations on their practice. Foreign lawyers must receive special approval from the Ministry of Justice and join the local bar association in order to practice in Taiwan, and may not engage in courtroom representation without court approval. Such restrictions may in turn impose limitations on their ability to participate in certain forms of pro bono representation. Language barriers may also present a real challenge. Under the Attorney Regulation Act, approved foreign attorneys in Taiwan are “required to use Chinese (Mandarin dialect) language while conducting proceedings in court or when presenting at an investigation procedure. All documents submitted by aforesaid attorneys to the court or the prosecutors must be drafted in Chinese.” <sup>4</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers may acquire professional indemnity legal insurance cover for pro bono legal services that they provide in Taiwan, but such insurance cover is not required by Taiwanese law.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Under the model rules on promotion of attorney services, attorneys are prohibited from advertising their services (including pro bono legal services) through mass media such as radio broadcasting,

<sup>3</sup> Legal Aid Act, art. 1, available at <http://law.moj.gov.tw/LawClass/LawAll.aspx?PCode=A0030157>. The Foundation does not assist the following types, Legal Aid Foundation, available at <https://www.laf.org.tw/en/index.php?action=service&Sn=9> (last visited on October 2, 2019).

<sup>4</sup> Attorney Regulation Act, arts. 47, 47-1 to 47-7, available at <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?Pcode=I0020006> (last visited on October 2, 2019).

	television, film, newspaper, billboards and balloons. Because of the restrictions on attorney advertising, it could be difficult to make potential clients aware of pro bono legal services offered by law firms or legal professionals. <sup>5</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Taiwan do not receive continuing legal education credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Taiwan.	The Department of Civil Affairs of the Taipei City Government offers free legal advice through its district offices. Pro bono lawyers of the Taipei Bar Association also provide legal consulting services. <sup>6</sup>
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Taiwan.	<p><b>Law Firm Pro Bono Programs</b></p> <p>Many local and international law firms provide legal services to the community on a pro bono basis. The types of pro bono projects undertaken by law firms include legal services through bar associations and the LAF, serving on the boards of local non-profit organizations, contributing to law and policy reform proposals as well as providing sponsorships and endowments to legal education programs.</p> <p><b>Non-Governmental Organizations</b></p> <p>Among NGOs, the Taiwan Association for Human Rights (the “TAHR”) is at the forefront of promoting judicial reform and legal assistance in Taiwan. The TAHR’s focus is not limited to performing pro bono legal work, and it has worked with other judicial reform associations to promote the legal aid system. The TAHR also works on exonerating several death row inmates, lobbying for the recognition of the International Bill of Human Rights in Taiwan and hosting training camps to educate young people on human rights.</p> <p><b>Bar Association Pro Bono Programs</b></p> <p>Bar associations in Taiwan often take on general and specific types of pro bono representations. The Taipei Bar Association, for example, holds regular office hours to provide free general legal counselling and is also committed to representing defendants facing the death penalty who cannot afford legal representation. Moreover, the Taipei</p>

<sup>5</sup> Taipei Bar Association, Attorney Business Development Rules art. 4, available at <http://www.twba.org.tw/> (last visited on October 2, 2019).

<sup>6</sup> Taipei City Government, Civil Affairs, available at: <http://www.taipei.gov.tw/ct.asp?xItem=1269152&ctNode=36783&mp=100002> (last visited on October 2, 2019).

Bar Association's website contains a number of different pro bono opportunities in which Taiwanese lawyers can participate. Ranging from judicial reform, human rights protection and labor rights to environmental protection, there is a wide selection of opportunities for lawyers who would like to perform community services.

#### **University Legal Service Clubs, Legal Clinics and Law Students**

At several law schools in Taiwan, law students provide pro bono legal services to the public through legal service clubs. For example, legal service clubs at the National Taiwan University, the National Chengchi University, the Soochow University, the National Chung-Cheng University, the Chung Yuan Christian University and the National Taipei University hold regular volunteer sessions. Law students provide free oral counselling to individuals with legal problems at these sessions.

Law clinics are not yet prevalent in the Taiwan legal education system, and therefore are not yet a major source for pro bono representation. However, there is discussion towards developing and offering clinical education and opportunities to students in Taiwan. The National Taiwan University introduced a clinical course in 2013 that allows students to help real clients with problems involving consumer law, contract law, criminal law, family law, land use law, and other areas of law. The Chung Yuan Christian University has similarly been offering its law students clinical courses that involve technology law, environmental law, criminal law and labor law cases since 2009.

--

#### References:

- Jones Day;<sup>7</sup>
- Lee and Li, Attorneys-at-Law, Commitments towards Pro Bono;<sup>8</sup>
- Tsar & Tsai Law Firm, Pro Bono;<sup>9</sup>
- TAHR;<sup>10</sup>

---

<sup>7</sup> See <http://www.jonesday.com/taipei> (last visited on October 2, 2019).

<sup>8</sup> See <http://www.leeandli.com/EN/000000012.htm> (last visited on October 2, 2019).

<sup>9</sup> See <http://www.tsartsai.com.tw/eng/probono/> (last visited on October 2, 2019).

<sup>10</sup> See <https://www.tahr.org.tw/about> (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• Taipei Bar Association;<sup>11</sup></li> <li>• NTU Legal Service;<sup>12</sup></li> <li>• College of Law, National Chengchi University;<sup>13</sup></li> <li>• School of Law, Soochow University;<sup>14</sup></li> <li>• Department of Law, National Chung-Cheng University, Legal Service Club;<sup>15</sup></li> <li>• Chung Yuan Christian University School of Law, Legal Service Club;<sup>16</sup></li> <li>• National Taipei University, Publications and Legal Service Club;<sup>17</sup></li> <li>• Martinez S.A. (2016) Reinventing Clinical Legal Education: Taiwanese Adaptation of an American Model. In: Lo C., Li N., Lin T. (eds) Legal Thoughts between the East and the West in the Multilevel Legal Order. Economics, Law, and Institutions in Asia Pacific. Springer, Singapore;</li> <li>• Lo Bing-Cheng et. al, Starting the First Law School Clinic in Taiwan;<sup>18</sup> and</li> <li>• Chung Yuan Christian University School Of Law, Department Of Financial &amp; Economic Law, Legal Service Courses.<sup>19</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>The LAF and various bar associations serve to facilitate the provision of pro bono and other community services in Taiwan. Attorneys interested in providing pro bono legal services can register with the LAF or local bar associations. These organizations provide avenues for both representing and counselling individuals in need of legal aid or representation.</p> <p>Listed below is the contact information for the LAF, the Taipei Bar Association and certain other leading organizations involved in pro bono work in Taiwan:</p>

<sup>11</sup> See <http://www.tba.org.tw/index.html> (last visited on October 2, 2019).

<sup>12</sup> See <http://www.law.ntu.edu.tw/legalservice/schedule.html> (last visited on October 2, 2019).

<sup>13</sup> See [http://www.law.nccu.edu.tw/service/super\\_pages.php?ID=service1](http://www.law.nccu.edu.tw/service/super_pages.php?ID=service1) (last visited on October 2, 2019).

<sup>14</sup> See [http://web-ch.scu.edu.tw/law/web\\_page/5414](http://web-ch.scu.edu.tw/law/web_page/5414) (last visited on October 2, 2019).

<sup>15</sup> See <http://deptlaw.ccu.edu.tw/law2016/student.php?PgTYpe=cusPage&class=205> (last visited on October 2, 2019).

<sup>16</sup> See <http://law.cycu.edu.tw/wSite/ct?xItem=35059&ctNode=12203&mp=14#> (last visited on October 2, 2019).

<sup>17</sup> See [https://www.ntpu.edu.tw/college/e1/about\\_04.php](https://www.ntpu.edu.tw/college/e1/about_04.php) (last visited on October 2, 2019).

<sup>18</sup> See <http://journal.fulbright.org.tw/index.php/browse-topics/education-management-for-the-future/itemlist/tag/Lo%20Bing%20Cheng> (last visited on October 2, 2019).

<sup>19</sup> See <http://fel.cycu.edu.tw/wSite/ct?xItem=72181&ctNode=23358&mp=29> (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• Legal Aid Foundation;<sup>20</sup></li> <li>• Taipei Bar Association;<sup>21</sup></li> <li>• Taiwan Association for Human Rights;<sup>22</sup></li> <li>• Consumers' Foundation, Chinese Taipei;<sup>23</sup></li> <li>• Taipei Women's Rescue Foundation;<sup>24</sup> and</li> <li>• Taipei City Government – Civil Affairs.<sup>25</sup></li> </ul>
--	--

October 2019  
Pro Bono Practices and Opportunities in Taiwan

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>20</sup> Website: <http://www.laf.org.tw> (last visited on October 2, 2019); Phone: +886-2-2322-5255.

<sup>21</sup> Website: <http://www.tba.org.tw> (last visited on October 2, 2019); Phone: +886-2-2351-5071.

<sup>22</sup> Website: <http://www.tahr.org.tw> (last visited on October 2, 2019); Phone: +886-2-2596-9525.

<sup>23</sup> Website: <http://www.consumers.org.tw> (last visited on October 2, 2019); Phone: +886-2-2700-1234.

<sup>24</sup> Website: <http://www.twrf.org.tw/eng/index.php> (last visited on October 2, 2019); Phone: +886-2-2555-8595.

<sup>25</sup> Website: <http://english.gov.taipei> (last visited on October 2, 2019); Phone: +886-2-2720-8889.

## Pro Bono Practices and Opportunities in Thailand<sup>1</sup>

### I. Introduction

Despite the country’s reputation for kindness and voluntarism, the provision of pro bono legal services in Thailand is limited to a small number of lawyers at private law firms participating in a few pro bono opportunities offered or referred to them by non-profit organizations. Foreign lawyers wishing to provide pro bono legal services in Thailand face additional obstacles such as language and cultural barriers as well as barriers to practicing law in the country.

There is still a wide gap between the need for pro bono assistance and responsibility being taken individually and collectively by legal practitioners in meeting those needs. This shortfall can be attributed to the fact that the rendering of pro bono legal services has generally been dependent on the goodwill and social conscience of a few practitioners.

With an increasing number of university students engaging in pro bono activities arranged by university pro bono clubs, there has been a steady progress in pro bono legal services in Thailand. It is expected that universities’ students will play key roles in pro bono legal services in Thailand bridging the language and culture gap between foreign lawyers and local pro bono clients.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Constitution is the supreme law of Thailand that establishes the powers, functions, duties and structures of the cabinet, the parliament and the courts. Thailand has amended its constitutions from time to time in order to meet the rapid change of social and political needs. The National Council for Peace and Order (“<b>NCPO</b>”) unveiled a draft constitution on March 29, 2016.<sup>2</sup></p> <p>The proposed constitution was approved by 61.4<sup>3</sup> percent of Thai voters on August 7, 2016 with 59.4 percent of the public participating.<sup>4</sup></p> <p>Recent Constitutional changes do not have any impact on the provision of legal services in Thailand. The Constitution still guarantees the right and liberty of an individual to exercise his or her right to bring a lawsuit or to defend himself or herself in the Thai Courts.<sup>5</sup></p> <p>The right of an individual to receive legal services is also recognized under Section 83 of the Thai Criminal Procedure Code and Section 61 of Thai</p>

<sup>1</sup> This chapter was drafted with the support of Natthanun Suksomboon of Weerawong, Chinnavat & Partners Ltd.

<sup>2</sup> See [https://web.archive.org/web/20160816213546/http://www.un.or.th/wp-content/uploads/2016/06/2016\\_Thailand-Draft-Constitution\\_EnglishTranslation\\_Full\\_Formatted\\_vFina....pdf](https://web.archive.org/web/20160816213546/http://www.un.or.th/wp-content/uploads/2016/06/2016_Thailand-Draft-Constitution_EnglishTranslation_Full_Formatted_vFina....pdf) (last visited on May 1, 2019).

<sup>3</sup> See <https://www.bangkokpost.com/news/politics/1058026/official-charter-referendum-figures-posted> (last visited on May 1, 2019).

<sup>4</sup> See <https://www.bbc.com/news/world-asia-39499485> (last visited on May 1, 2019).

<sup>5</sup> See Constitution Of The Kingdom Of Thailand, B.E. 2560 (Unofficial Translation), Published in the Government Gazette, Vol. 134, Part 40 a, Page 1, dated 6th April B.E. 2560

[http://www.constitutionalcourt.or.th/occ\\_en/download/article\\_20170410173022.pdf](http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf) (last visited on May 1, 2019)

	<p>Civil Procedure Code, which remains unchanged.<sup>6</sup></p> <p>The legal sector in Thailand is governed by the Thailand Lawyers Act B.E. 2528 (1985) which primarily focuses on the Lawyers' Council of Thailand, requirements for being admitted as a lawyer, good practices of lawyers and the ethical conduct of lawyers.<sup>7</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>There is no restriction on any Thai national, with or without a law degree, to offer legal advice. However, only lawyers accredited with the Lawyers' Council of Thailand are licensed to provide legal advice to a client and represent a client in a court of law in Thailand. These licenses are restricted to Thai nationals only who have received appropriate qualifications and training and they must follow professional ethics and the Lawyers' Council of Thailand's code of conduct. To obtain a lawyer's license, a candidate must:</p> <ul style="list-style-type: none"> <li>• graduate with either a bachelor's degree or an associate degree in law or an equivalent certificate in law from an institution accredited by the Lawyers Council of Thailand;</li> <li>• complete a training course, run by the Institute of Law Practice Training of the Lawyers Council of Thailand, which is divided into two terms. In the first term, the candidate is required to complete coursework in the theory of case conduct and professional ethics and pass a written examination. In the second term, they must practice working in a qualified law office for six months.</li> </ul> <p>Foreign nationals, regardless of their qualifications and license to practice in other countries are not permitted to provide advice or represent their clients within the Thai legal jurisdiction but can obtain a work permit entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).</p> <p>The Lawyers' Council of Thailand and the Thai Bar Association are responsible for regulating</p>

<sup>6</sup> See Criminal Procedure Code, B.E. 2477, at [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=93536&p\\_country=THA&p\\_count=441&p\\_classification=01.04&p\\_classcount=17](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=93536&p_country=THA&p_count=441&p_classification=01.04&p_classcount=17) and Civil Procedure Code, B.E. 2477, at [https://www.imolin.org/doc/amlid/Thailand\\_The%20Civil%20Procedure%20Code.pdf](https://www.imolin.org/doc/amlid/Thailand_The%20Civil%20Procedure%20Code.pdf) (last visited on May 1, 2019).

<sup>7</sup> International Bar Associations, Thailand at [http://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_Thailand.aspx](http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Thailand.aspx) (last visited on May 1, 2019).



	<p>those lawyers who are their members. The main duties of the Lawyers Council are to register and issue licenses to applicant lawyers. The Lawyers Council also produces rules on legal ethics and oversees the general conduct of attorneys.<sup>8</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Thailand has no specific rules or regulations that regulate or encourage Thai or foreign lawyers to provide pro bono legal services. Nevertheless, there are several limitations impeding the development of a mature pro bono practice in Thailand.</p> <p>First, apart from a few volunteer organizations, there is a lack of pro bono referral organizations in Thailand. Referrals are mostly done on an ad hoc basis and in an uncoordinated manner, primarily through NGO networks.</p> <p>Second, there are still only a small number of law firms in Thailand that have developed regular pro bono initiatives. While some law firms organize occasional community outreach activities and donate time and money to charitable causes, few encourage their lawyers to provide pro bono legal services on a consistent basis. In addition, there appears to be a lack of incentives for associates to engage in pro bono work, since they are not normally given any billing credit nor are they counted towards annual billable requirements.</p> <p>Third, foreign lawyers in Thailand face a host of obstacles which prevent them from being active participants in the legal community. These include not only language and cultural barriers, but also legal barriers and restrictions against foreign practitioners, such as the Thailand Lawyers Act 1985, which requires Thai citizenship for an applicant to receive a lawyer's license.</p> <p>Lastly, given that the professional legal community is concentrated mainly in Bangkok, there is a shortage of legal services catering to those living in poor rural areas, who may be among those most in need of legal assistance.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no mandatory pro bono target in Thailand to maintain a lawyer's license or the bar membership status unlike in the United States where the American Bar Association (ABA) has</p>

<sup>8</sup> See Central Intellectual Property and International Trade Court, ET. AL., Judicial System in Thailand: An Outlook for a New Century 48, available at [http://www.aseanlawassociation.org/docs/Judicial\\_System\\_in\\_Thailand.pdf](http://www.aseanlawassociation.org/docs/Judicial_System_in_Thailand.pdf) and International Bar Association, Thailand International Trade in Legal Services, available at [http://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_Thailand.aspx](http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Thailand.aspx) (last visited on May 1, 2019).

	<p>provided its Model Rule 6.1: the 50 hours aspirational pro bono target which was adopted by several states such as Colorado, Montana, North Carolina and others.<sup>9</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is currently no requirements for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Thailand.<sup>10</sup></p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The lack of access to justice is still very much evident in Thailand. The majority of people in Thailand often have a very limited access to the legal system because of insufficient resources. While various governmental and non-governmental organizations attempt to address and tackle these issues, a wide range of individuals and organizations cannot afford legal services because of prohibitive financial consequences of using them.</p> <p>The following are the main areas of law which require the provision of pro bono legal services:</p> <ul style="list-style-type: none"> <li>• Human Rights and Justice-related Issues;</li> <li>• Asylum and Refugee Assistance;</li> <li>• Women’s Issues;</li> <li>• Children’s Rights Issues;</li> <li>• Labour and Employment issues; and</li> <li>• Consumer Protection.</li> </ul> <p>The poor and vulnerable in the Thai society, including the demographics mentioned above (e.g. asylum seekers, refugees, women and children), have difficulties in accessing the justice system due to a lack of knowledge or information which is one of major obstacles.</p> <p>Like other developing countries, there is still a wide gap between laws and regulations in Thailand’s legal framework and the enforcement of such laws and regulations. These have resulted in major unmet legal needs in the areas of:</p> <ul style="list-style-type: none"> <li>• Human Rights Protection;</li> <li>• Child Rights Protection;</li> <li>• Asylum and Refugee protection;</li> </ul>

<sup>9</sup> See Building Pro Bono Culture in Thailand’s Legal Business as a Contribution to Sustainable Development, Pavitra Sakulchaimongkol June 4, 2018, Faculty of Law, Thammasat University at <https://www.tci-thaijo.org/index.php/TBLJ/article/view/126891/95826> (last visited on May 1, 2019).

<sup>10</sup> See Central Intellectual Property and International Trade Court, et. al., Judicial System in Thailand: An Outlook for a New Century 48, available at [http://www.aseanlawassociation.org/docs/Judicial\\_System\\_in\\_Thailand.pdf](http://www.aseanlawassociation.org/docs/Judicial_System_in_Thailand.pdf) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Consumer Protection;</li> <li>• Medical malpractice liabilities; and</li> <li>• LGBT Rights recognition and protection.</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Pro bono legal services in Thailand are provided by law firms, NGOs, Thai bar associations and universities' legal clinics.</p> <p>Several law firms in Thailand have been engaged in various pro bono programs. For instance, some Thai branches of international law firms engage in pro bono projects in Thailand when local pro bono clients are referred from the firm's headquarters to its local branches. Also, some local Thai firms have pro bono programs and invite their lawyers to participate on a voluntary basis. Many of the law firm pro bono programs in Thailand involve providing legal assistance to charitable organizations, non-profit organizations as well as to individuals, with a focus on human rights issues. Examples include: Tilleke &amp; Gibbins - Pro Bono;<sup>11</sup> Siam Premier International Law Office Limited - Pro Bono Services;<sup>12</sup> Lanna Lawyers— Pro Bono Services;<sup>13</sup> Anglo Thai Legal Thailand;<sup>14</sup> JNP Legal Co Ltd;<sup>15</sup> Natipatana Law Office;<sup>16</sup></p> <p>Despite the generally low level of pro bono opportunities in Thailand, there are some pro bono legal services offered by non-profit organizations. For example, the Thai Volunteer Service Foundation maintains a website providing a list of volunteer opportunities for lawyers. Many of the local non-profit websites are only available in the Thai language.<sup>17</sup></p> <p>A few NGOs are also developing pro bono aid clinics. For instance, Bridges Across Borders Southeast Asia Community Legal Education Initiative (“<b>BABSEA CLE</b>”)<sup>18</sup> has been working in collaboration with universities, law students, law faculties, lawyers and other members of the legal community, and NGO partners to develop clinical programs throughout Southeast Asia. The BABSEA CLE Foundation in Thailand is an</p>

<sup>11</sup> See <https://www.tilleke.com/firm/community/probono> (last visited on May 1, 2019).

<sup>12</sup> Available at <http://siampremier.com/about-the-firm/pro-bono/> (last visited on May 1, 2019).

<sup>13</sup> Available at <https://www.lannalawyers.com/pro-bono-services/> (last visited on May 1, 2019).

<sup>14</sup> Available at [www.anglothailegal.com](http://www.anglothailegal.com) (last visited on May 1, 2019).

<sup>15</sup> Available at <http://www.jnplegalthailand.com> (last visited on May 1, 2019).

<sup>16</sup> Available at <http://www.natipatana.com> (last visited on May 1, 2019).

<sup>17</sup> See <http://thaivolunteer.org> (last visited on May 1, 2019).

<sup>18</sup> Available at <https://www.babseacle.org/> (last visited on May 1, 2019).

independently registered local non-profit, and works to develop clinical legal education programs and other community initiatives through partnerships with various universities in Thailand. Projects undertaken by Thailand's BABSEA CLE Foundation include the Legal Clinicians in Residence project, the Legal Ethics, Pro Bono, Access to Justice and Professional Responsibility Curriculum Development project, and the Community Teaching project.

In addition, refugee rights advocacy groups in Thailand have begun to develop pro bono programs to help asylum seekers obtain legal assistance, as Thailand has a particularly large refugee population. According to the UN Refugee Agency in Thailand, as of November 30, 2018 an estimated 97,439 refugees reside in nine camps located across Thailand.<sup>19</sup>

The Rights in Exile Program provides refugee legal aid information and a directory for pro bono opportunities available in various NGOs such as Asylum Access Thailand (AAT), Caritas Thailand and the Center for Asylum Protection (CAP) and etc.<sup>20</sup>

As Thai bar associations are active in providing pro bono legal services, those seeking legal assistance may visit or contact local offices of bar associations for preliminary queries and consultations. Various forms of pro bono legal assistance, including representation in litigation, is provided free of charge (but excluding any court fees or government services fee). Applicants wishing to obtain pro bono legal services must establish that they have low income and that they cannot afford a lawyer by their own means, and that they have suffered an alleged injustice. Furthermore, the applicant must not have any concurrent representation provided by another attorney at the time the pro bono legal services are requested, and the case being dealt with must not be barred by prescription.<sup>21</sup>

Pro bono legal assistance is also provided in certain universities, such as the Faculty of Law Center at Thammasat University, the Legal Consultation Center at Chiang Mai University, Law Student Volunteers Training Center at Khon Kaen University, and the Legal Aid for People Project at Thaksin University. Most pro bono

<sup>19</sup> Available at UNHCR (Thailand) <https://www.unhcr.or.th/en> (last visited on May 1, 2019).

<sup>20</sup> See <http://www.refugeelegalaidinformation.org/thailand-pro-bono-directory> (last visited on May 1, 2019).

<sup>21</sup> The Thai Bar Under The Royal Patronage, <http://www.thethaibar.or.th/thaibarweb/index.php?id=254&L=1> (last visited on May 1, 2019) (only available in the Thai language).

	<p>legal services provided by universities focus on counselling services and do not include the representation of clients in litigation. At present, many universities in Thailand further strive to promote pro bono practices and community awareness through courses targeted at strengthening the students' sense of ethics in the legal profession. In some of these courses, students are given opportunities to visit local communities in Thammasat University Pro Bono Society.<sup>22</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Thailand has no specific regulations that regulate Thai or foreign lawyers providing pro bono legal services. Also, there is no restriction on offering such legal advice. However, only lawyers with licenses obtained from the Lawyers' Council of Thailand are permitted to provide legal advice and represent another party in a Thai Court.</p> <p>A volunteer providing pro bono legal services is not required to have obtained any license or permission unless such services include representation in a Thai Court.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers who wish to provide pro bono legal services in Thailand are not required to have obtained any license or permission, however, they cannot represent another party in a Thai Court.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no requirement to have professional indemnity legal insurance cover for any pro bono legal services provided in Thailand.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no regulations or rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in Thailand.</p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>There is no "Continuing Legal Education" or equivalent credit given to lawyers for pro bono hours worked in Thailand.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	

<sup>22</sup> at <http://interlib.law.tu.ac.th/pro-bono> (last visited on May 1, 2019).

<p>1. Describe any governmental sources of pro bono and/or other legal services in Thailand.</p>	<p>The Lawyers Council of Thailand<sup>23</sup> and the Thai Bar Association<sup>24</sup> provide pro bono legal services including legal counseling, recommendation services, assistance with transactions and contract drafting and representation of clients in litigation proceedings.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Thailand.</p>	<p>The following NGOs and advocacy groups in Thailand have developed pro bono programs and resources.</p> <ul style="list-style-type: none"> <li>• Thai Volunteer Service Foundation;<sup>25</sup></li> <li>• Human Rights Lawyers Association;<sup>26</sup></li> <li>• BABSEA CLE;<sup>27</sup></li> <li>• Asian Forum for Human Rights and Development;<sup>28</sup></li> <li>• New Tactics;<sup>29</sup></li> <li>• HDF Mercy Centre;<sup>30</sup></li> <li>• Internet Law Reform Dialogue;<sup>31</sup></li> <li>• Asia Pacific Refugee Rights Network;<sup>32</sup></li> <li>• Thai Committee for Refugee Foundation;<sup>33</sup> <ul style="list-style-type: none"> <li>• International Rescue Committee;<sup>34</sup></li> <li>• Asylum Access;<sup>35</sup></li> <li>• Human Security Alliance;<sup>36</sup></li> <li>• Jesuit Refugee Service;<sup>37</sup></li> </ul> </li> </ul>

<sup>23</sup> Available at <http://www.lawyerscouncil.or.th/> (last visited on May 1, 2019).

<sup>24</sup> Available at [www.thethaibar.org](http://www.thethaibar.org) (last visited on May 1, 2019).

<sup>25</sup> Available at <http://thaivolunteer.org/eng/> (last visited on May 1, 2019).

<sup>26</sup> Available at <http://humanrightsinasean.info/content/human-rights-lawyers-association.html> (last visited on May 1, 2019).

<sup>27</sup> Available at <http://www.babseacle.org> (last visited on May 1, 2019).

<sup>28</sup> Available at <http://www.forum-asia.org> (last visited on May 1, 2019).

<sup>29</sup> Available at <http://www.newtactics.org> (last visited on May 1, 2019).

<sup>30</sup> Available at <http://www.mercycentre.org> (last visited on May 1, 2019).

<sup>31</sup> Available at <http://www.ilaw.or.th> (last visited on May 1, 2019).

<sup>32</sup> Available at <http://www.aprrn.info> (last visited on May 1, 2019).

<sup>33</sup> Available at <http://www.thaiforrefugees.org> (last visited on May 1, 2019).

<sup>34</sup> Available at [www.theirc.org/where/thailand](http://www.theirc.org/where/thailand) (last visited on May 1, 2019).

<sup>35</sup> Available at [www.asylumaccess.org](http://www.asylumaccess.org) (last visited on May 1, 2019).

<sup>36</sup> Available at [www.hsa-int.net](http://www.hsa-int.net) (last visited on May 1, 2019).

<sup>37</sup> Available at [www.irsap.org](http://www.irsap.org) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Thai Committee for Refugees Foundation;<sup>38</sup></li> <li>• Women Lawyers Association;<sup>39</sup></li> <li>• Foundation for Women;<sup>40</sup></li> <li>• iLaw.<sup>41</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are pro bono directories in Thailand where a local or foreign lawyer can register or browse to find pro bono opportunities:</p> <ul style="list-style-type: none"> <li>• The Thai Volunteer Service Foundation;<sup>42</sup></li> <li>• Rights in Exile Program, Thailand Pro Bono Directory;<sup>43</sup></li> <li>• Foundation for Consumers, voluntary lawyers.<sup>44</sup></li> </ul>

May 2019  
Pro Bono Practices and Opportunities in Thailand

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>38</sup> Available at [www.thaiforrefugees.org](http://www.thaiforrefugees.org) (last visited on May 1, 2019).

<sup>39</sup> Available at <https://asiafoundation.org/projects/women-lawyers-association-of-thailand/> (last visited on May 1, 2019).

<sup>40</sup> Available at <https://www.gaatw.org/about-us/history/127-membership/asia/464-ffw> (last visited on May 1, 2019).

<sup>41</sup> Available at <https://ilaw.or.th> (last visited on May 1, 2019).

<sup>42</sup> Available at <http://thaivolunteer.org> (last visited on May 1, 2019).

<sup>43</sup> Available at <http://www.refugeelaidinformation.org/thailand-pro-bono-directory> (last visited on May 1, 2019).

<sup>44</sup> Available at <https://www.consumerthai.org/news-consumerthai/ffc-news/4147-ffc-voluntary-lawyer-application-announcement-1.html> (last visited on May 1, 2019).



## Pro Bono Practices and Opportunities in Vietnam<sup>1</sup>

### I. Introduction

Over 30 years since the launch of the “Doi Moi” (Open door) policy in 1986, Vietnam has implemented certain economic and political reforms that have helped it in its path towards greater international integration, including advancements in the legal services and pro bono legal services. Important legal developments have taken place which will hopefully pave the way for greater development of the practices of both legal services and pro bono legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Law on Lawyers No. 65/2006/QH11<sup>2</sup> dated 29 June 2006, as amended by Law No. 20/2012/QH13<sup>3</sup> dated 20 November 2012, (“<b>Law on Lawyers</b>”) regulates the provision of legal services of lawyers in Vietnam.</p> <p>Law on Legal Aid No. 11/2017/QH14 dated 20 June 2017 (“<b>Law on Legal Aid</b>”) regulates legal aid.<sup>4</sup></p> <p>Decision No. 112/QD-BTV dated 18 October 2018 (“<b>Decision 112</b>”) of Vietnam Bar Federation promulgates Regulations on Performance of Lawyers’ Pro Bono Legal Services.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Practicing law in Vietnam requires a bachelor’s diploma in law, attendance of lawyers’ training course certified by the Vietnam Judicial Academy, and the completion of a 12-month law practice probation at a law firm or law office.</p> <p>All lawyers must receive a certificate issued by the Ministry of Justice and be admitted to the Bar in the place of their practice.</p>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Law on Lawyers sets out the following rules on provision of pro bono legal services:</p> <ul style="list-style-type: none"> <li>• lawyers are obliged to perform pro bono legal services in accordance with the charter of Vietnam Bar Federation;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Trinh Luong Ngoc of Vietnam International Law Firm (VILAF).

<sup>2</sup> See <https://thuvienphapluat.vn/van-ban/EN/Doanh-nghiep/Law-No-65-2006-QH11-of-June-29-2006-on-lawyers/80636/tieng-anh.aspx> (requires membership to access).

<sup>3</sup> See <https://thuvienphapluat.vn/van-ban/EN/Dich-vu-phap-ly/Law-No-20-2012-QH13-amending-and-supplementing-a-number-of-articles-of-the-Law/153144/tieng-anh.aspx> (requires membership to access).

<sup>4</sup> See <https://thuvienphapluat.vn/van-ban/EN/Dich-vu-phap-ly/Law-11-2017-QH14-on-legal-aid/370443/tieng-anh.aspx> (requires membership to access).

	<ul style="list-style-type: none"> <li>• when providing pro bono legal services, lawyers must devote [their efforts] to perform the legal aid;</li> <li>• law firms and law offices must create conditions for their lawyers to provide pro bono legal services;</li> <li>• the Vietnam Bar Federation must regulate the provision of pro bono legal services by lawyers; and</li> <li>• the State encourages lawyers to participate in provision of pro bono legal services.</li> </ul>
1. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Under Decision 112, lawyers are obliged to perform minimum four hours of pro bono legal services per year.
2. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	No, aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
3. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>Main areas of law which require or present opportunities for the provision of pro bono legal services include:</p> <ul style="list-style-type: none"> <li>• participation in law dissemination;</li> <li>• legal consultancy;</li> <li>• participation in legal proceedings to defend the legitimate rights and interests of people who need legal aid; and</li> <li>• representation in legal matters other than legal proceedings for people who need legal aid.</li> </ul>
4. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers are:</p> <ul style="list-style-type: none"> <li>• National Legal Aid Agency of Vietnam; and</li> <li>• Individual law firms and/or their lawyers.</li> </ul>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	No, lawyers do not require a license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	No, foreign lawyers do not require any additional license(s) to provide pro bono legal services.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private	Yes, Law on Lawyers requires lawyers to have professional indemnity legal insurance cover for legal services which includes the provision of pro bono legal services. In the case of lawyers working for a law practicing organization (such as a private

law firm or organization working on the same pro bono project?	law firm), such organizations are obliged to buy insurance professional responsibility for lawyers.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Information about a case, matter or client which information the lawyer obtained during the course of practice may not be disclosed, except where the client agrees in writing.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Under the Law on Legal Aid, lawyers may be complimented and/or awarded by the Ministry of Justice for their pro bono legal services.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Vietnam.	The National Legal Aid Agency (NLLA) of Vietnam under Ministry of Justice. <sup>5</sup>
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Vietnam.	Bar Associations in Vietnam set up pro bono programs which are usually organized as part of the celebrations connected with Vietnam Lawyer’s day (October 10th each year), a day dedicated to recognizing the achievements of the Vietnamese legal profession. <sup>6</sup>  Other pro bono programs may involve lawyers introducing and explaining the impact of significant legislation relating to the rights and interests of the Vietnamese citizen.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Lawyers may contact legal aid authorities, the Vietnam Bar Federation, Bar Associations and several firms for information of pro bono opportunities. Below are links to these organizations:  <ul style="list-style-type: none"> <li>• National Legal Aid Agency – Vietnam<sup>7</sup></li> <li>• Legal Aid Centers (List of Legal Aid Centers in Vietnam)<sup>8</sup></li> <li>• Vietnam Bar Federation<sup>9</sup></li> <li>• Bar Associations: <ul style="list-style-type: none"> <li>○ Ho Chi Minh City Bar Association<sup>10</sup></li> <li>○ Ha Noi City Bar Association<sup>11</sup></li> </ul> </li> </ul>

<sup>5</sup> See <https://legalaids.gov.vn/> (last visited November 1, 2019).

<sup>6</sup> Please refer to the pro bono program in 2019 of Ho Chi Minh City Bar Associate: <http://www.hcmcbar.org/NewsDetail.aspx?language=&CatPK=6&NewsPK=929> (last visited November 1, 2019).

<sup>7</sup> See <https://legalaids.gov.vn/> (last visited November 1, 2019).

<sup>8</sup> See <https://legalaids.gov.vn/danh-ba-phap-ly> (last visited November 1, 2019).

<sup>9</sup> See <http://liendoanluatsus.org.vn/web/en> (last visited November 1, 2019).

<sup>10</sup> See <http://www.hcmcbar.org/> (last visited November 1, 2019).

<sup>11</sup> See <https://luatsuhanoi.vn/> (last visited November 1, 2019).

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Dragon Law Firm<sup>12</sup></li><li>• Trung Nguyen Law Co<sup>13</sup></li></ul> |
|--|---|

November 2019  
Pro Bono Practices and Opportunities in Vietnam

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>12</sup> See <http://www.vanphongluatsu.com.vn/cong-ty-luat-dragon-tro-giup-phap-ly/> (last visited November 1, 2019).

<sup>13</sup> See <http://www.luattrungnguyen.vn/2014/09/cong-ty-luat-tnhh-trung-nguyen-tro-giup.html> (last visited November 1, 2019).



# Europe



## Pro Bono Practices and Opportunities in Austria<sup>1</sup>

### I. Introduction

Austria has a population of approximately 8.773 million. As of 31 December 2014, the number of lawyers registered to the Austrian bar was 5,940 (and there were 80 EU lawyers registered in Austria under their home professional title). Pro bono legal work is undertaken in Austria, in particular, through NGOs, law firms, certain Chambers and Unions. In addition, a court will grant legal aid in certain circumstances. In such circumstances, if representation by a lawyer is mandatory or otherwise essential, a lawyer will be appointed represent the relevant party on a pro bono basis.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Lawyers in Austria are subject to the provisions of the professional code (<i>Rechtsanwaltsordnung</i> (the “<b>RAO</b>”)) and associated regulations.</p> <p>In addition to the RAO, the bar rules also regulate the compensation of lawyers.<sup>2</sup></p> <p>The criteria that is used for admission is discussed immediately below.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>To become a qualified lawyer (attorney) in Austria, the process is as follows:</p> <ul style="list-style-type: none"> <li>• <b>Legal education required:</b> A prospective lawyer must complete: (i) a relevant university education (i.e. a master’s degree in law or business law); (ii) a five-year legal clerkship (<i>Praktische Verwendung</i>) in different parts of the legal system<sup>3</sup>; (iii) a minimum number of training seminars; and (iv) the bar exam (<i>Rechtsanwaltsprüfung</i>), which consists of written and oral exams (the bar exam can be taken after completion of three years of the legal clerkship).</li> <li>• <b>Administrative requirements:</b> In addition to the legal education requirements set out above, the applicant must: (i) obtain professional indemnity insurance; and (ii) be registered to the local bar association (<i>Rechtsanwaltskammer</i>). Registration requires proof of satisfaction of the above listed educational and administrative requirements only (i.e. if the candidate demonstrates that these requirements are</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Wolfgang Berger and Magdalena Hugeneck of Haslinger / Nagele Rechtsanwälte.

<sup>2</sup> In addition to the RAO, there is the Federal Attorney-at-law-Standard-Rate-Act (*Rechtsanwaltstarifgesetz*, “RATG”), the Professional General Terms on Fees (*Allgemeine Honorar-Kriterien*, “AHK”) and the Professional Guidelines (*Richtlinien für die Ausübung des Rechtsanwaltsberufs, für die Überwachung der Pflichten des Rechtsanwalts und für die Ausbildung der Rechtsanwaltsanwärter*, “RL-BA”).

<sup>3</sup> See RAO §§ 1, 2.

	met then the local bar association is required to undertake the registration). <sup>4</sup>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>There are no rules specifically relating to the provision of pro bono legal services (there are rules that relate to the provision of legal aid services – these are discussed below).</p> <p>As such, the same rules apply regardless of whether a lawyer in Austria is providing services to a paying client or a pro bono client.</p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	<p>Lawyers in Austria are not required to complete a minimum number of hours of pro bono legal services as part of retaining the relevant license (although see below regarding obligations on judges).</p> <p>Practicing lawyers are required to provide legal aid (<i>Verfahrenshilfe</i>) to any natural or legal person unable to bear the expenses of the proceedings, if assigned a case by the local bar association (discussed below).</p>
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	<p>Aspiring lawyers in Austria are not required to complete a minimum number of hours of pro bono legal services in order to become a licensed lawyer. While university law clinics do exist to provide a platform where students are able to provide pro bono legal advice, they are a relatively recent development.</p>
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>The most prominent Austrian organizations that are involved in facilitating pro bono legal services are in the area of immigration and refugee law (see organizations at (d)(2) below).</p> <p>The group in society that is most likely to be unrepresented are those low income individuals, who cannot afford adverse legal costs insurance (<i>Rechtsschutzversicherung</i>), but who do not meet the criteria to be able to benefit from legal aid.</p>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers of pro bono legal services include:</p> <ul style="list-style-type: none"> <li>• <b>NGOs:</b> Notably, certain NGOs focused on immigration and refugee issues (see (d)(2) below).</li> <li>• <b>Law Firms:</b> A number of the larger commercial law firms will operate pro bono programs. However, these are not as</li> </ul>

<sup>4</sup> See RAO § 1.



	<p>advanced or as widespread as is found in US law firms.<sup>5</sup></p> <ul style="list-style-type: none"> <li>• <b>Government:</b> Please see the provision of free legal advice clinics operated by judges at (d)(1) below.</li> <li>• <b>Chambers:</b> Certain pro bono legal services are provided by the Austrian Chamber of Labour (<i>Arbeiterkammer</i>) and the Chamber of Commerce (<i>Wirtschaftskammer</i>). These are Chambers established by law with mandatory membership for all employees in Austria, thus qualifying as semi-governmental organisations.</li> <li>• <b>Unions:</b> Certain pro bono legal services, are also provided by the Austrian Labour Union (<i>Österreichischer Gewerkschaftsbund</i>) to its members.</li> </ul>
<p>(c) Obstacles to Provision of Pro Bono Legal Services</p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>No additional license is required by Austrian lawyers in order to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>As a rule, only those lawyers qualified and admitted to the local bar are permitted to advise in relation to Austrian law – including pro bono matters.</p> <p>There are specific regulations and certain exemptions for qualified lawyers from European Union and EFTA member states wishing to practice in Austria (“<b>European qualified lawyers</b>”).<sup>6</sup> These lawyers are, in general, permitted to give legal advice as well as represent clients before authorities and courts (after prior notification to the local bar association). However, where a client requires legal representation as a matter of law, then such European qualified lawyer must be assisted by an Austrian registered lawyer (<i>Einvernehmensanwalt</i>). This requirement can be avoided if the European qualified lawyer completes an eligibility test (<i>Eignungsprüfung</i>). This eligibility test requires evidence of formal qualification (<i>Ausbildungsnachweis</i>) as defined under Directive 2005/36/EC (see § 24 EIRAG).</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they</p>	<p>Obtaining indemnity insurance is a requirement to qualify and register for the Austrian bar (discussed above). Hence, a practicing lawyer in Austria must</p>

<sup>5</sup> Examples include: <https://www.wolftheiss.com/firm/csr-pro-bono/> and <http://www.chsh.com/en/media/press-info/press-details/article/chsh-provides-pro-bono-advice-to-a-company-promoting-a-barrier-free-society.html> (last visited on May 1, 2019).

<sup>6</sup> See European Lawyer Act (Europäisches Rechtsanwaltsgesetz „EIRAG“) §§ 1 et. seq.

<p>prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>have indemnity legal insurance cover of at least €400,000 per case (or at least €2,400,000 if the law firm is a limited liability company).</p> <p>As regards individuals working under the cover of another provider of pro bono legal services, there are no rules in Austria that prohibit this. However, not all insurers will necessarily provide such cover.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Austria that prohibit advertising pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Austria do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Austria.</p>	<ul style="list-style-type: none"> <li>• In relation to civil proceedings, at least once a week, judges at the district courts are obliged to provide free legal advice to individuals.<sup>7</sup></li> <li>• In relation to civil and criminal proceedings, a party (either an individual or legal entity) may be granted legal aid by the court if certain requirements are met.<sup>8</sup> In essence, a grant of legal aid results in the partial or full exemption from paying the fees of the lawyer and the court in the event that the case is lost (if the recipient of legal aid wins its case, then the other party pays the cost of the fees of the lawyer and the court).</li> <li>• To receive legal aid, the applicant has to demonstrate that they do not have sufficient income and do not have sufficient assets to fund a lawyer. The applicant has to provide an income statement and a declaration of assets.</li> <li>• Lawyers are required to accept matters assigned to them under the legal aid scheme. Where a court decides that legal aid is to be granted and that a lawyer needs to be appointed, the judge will make a request to the local bar association. The board of the local bar association will then assign the matter to a lawyer that is a member of that local bar (and, to the extent possible, the board shall take into consideration requests for a specific attorney).<sup>9</sup> The appointed lawyer may only refuse the</li> </ul>
---	---

<sup>7</sup> See Code of Civil Procedure (Zivilprozessordnung “ZPO”) §§ 439, 434.

<sup>8</sup> See ZPO §§ 63 et seq.

<sup>9</sup> See ZPO § 67.

	<p>mandate for sound reasons such as a conflict of interest.<sup>10</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Austria.</p>	<ul style="list-style-type: none"> <li>• <b>Helping Hands:</b> This NGO is focused on legal aid and advice around all aspects of asylum legislation in Austria and also cases of discrimination and racism. The team consists of professional solicitors and aims to find concrete and individual solutions to cases. They also represent people facing deportation from Austria.<sup>11</sup></li> <li>• <b>Caritas Vienna – Asylzentrum:</b> This organization provides legal advice and representation in asylum appeals, and voluntary return assistance. The legal advice covers: employment of foreigners, family reunion, citizenship law, detention, and administrative criminal cases.<sup>12</sup></li> <li>• <b>Diakonie Flüchtlingsberatung:</b> This is another major NGO in the field of asylum and migration law, providing legal advice and representation in asylum cases.<sup>13</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no material or well-known platforms that provide information or notifications on cases that require pro bono legal support in Austria.</p>

May 2019  
Pro Bono Practices and Opportunities in Austria

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>10</sup> See RAO § 46, 2.

<sup>11</sup> See <http://www.helpinghands.at/> (last visited on May 1, 2019).

<sup>12</sup> See <https://www.caritas-wien.at/hilfe-angebote/asyl-integration/beratung-fuer-asylwerberinnen/asylzentrum/> (last visited on May 1, 2019).

<sup>13</sup> See <https://fluechtlingsdienst.diakonie.at/einrichtung/arge-rechtsberatung-regionalstelle-wien-und-oesterreichweite-koordination> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Azerbaijan<sup>1</sup>

### I. Introduction

Azerbaijan has a population of approximately 9,990,180 individuals whose legal needs are served by lawyers and advocates. Lawyers and advocates can both provide legal services in Azerbaijan but only advocates can represent clients in court proceedings. There are approximately 1,500<sup>2</sup> members of the Bar Association of Azerbaijan (the “**Bar**”) (referred to as “advocates”). The number of advocates practicing in the capital, City of Baku, is 1,110 with the remaining 390 practicing in Azerbaijan’s other regions; approximately 250 advocates practice as independent lawyers with the remaining majority associated with advocate bureaus (i.e. law firms). There are 27 law firms in Baku and a further 15 in the regions. Advocates are obliged to provide legal aid (legal services provided at a low rate and reimbursed by the state) to assist those who are unable to afford a lawyer subject to relevant requirements<sup>3</sup>. However, lawyers (including advocates) in Azerbaijan are not obliged to provide, or report on, pro bono legal services and, as of today, no pro bono programs have been set up by Azerbaijani law firms or corporate legal departments. Pro bono legal services are therefore rarely provided by lawyers in Azerbaijan. In addition, the remoteness of many towns from Baku raises challenges regarding quality control in the absence of regional or local pro bono centers.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	There are no specific rules or requirements for the provision of legal services (including pro bono legal services) in Azerbaijan. However, whether providing paid legal services or pro bono legal services, advocates are required to improve their qualifications and undergo applicable training and educational programs such as advocacy skills.
2. Describe any licensure requirements governing the provision of legal services.	<p>Azerbaijani law does not require lawyers to obtain a license to practice law. If, however, legal services relate to the representation of a client in court, such as the Supreme Court of Azerbaijan,) then a lawyer must pass an exam to become a member of the Bar (i.e. an advocate).<sup>4</sup></p> <p>Such requirement was introduced by the Law on Amendment to the Code of Civil Procedures No 853-VQD dated 31 October 2017 related to the representation of legal entities and individuals in the courts of Azerbaijan. This amendment also provides that legal entities can be represented in courts by advocates or their employees, whereas individuals can be represented by advocates or their close relatives.<sup>5</sup></p>

<sup>1</sup> This chapter was drafted with the support of Natavan Baghirova of BM Morrison Partners.

<sup>2</sup> See <http://barassociation.az/en/azecollegium> (last visited on May 1, 2019).

<sup>3</sup> Article 20 of Law No 783-IQ, dated 28 December 1999, “On Advocates and Activities of Advocates” (“Law on Advocacy”) (<http://www.e-ganun.az/framework/257>) (last visited on May 1, 2019).

<sup>4</sup> See <http://barassociation.az/en/recruitment> (last visited on May 1, 2019).

<sup>5</sup> See <http://e-ganun.az/framework/36866> (last visited on May 1, 2019).

(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<ul style="list-style-type: none"> <li>Please see item II.(a).1 above.</li> </ul>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	In the absence of any such rules, lawyers in Azerbaijan are not required to work a minimum of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Azerbaijan are not required to complete a minimum number of hours of pro bono legal services in order to become lawyers or advocates.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>In accordance with Article 67 of the Civil Procedure Code, any person who is unable, due to their financial position, to hire a lawyer at their own expense are entitled to legal assistance free of charge (whether by the provision of pro bono legal services or the grant of legal aid).</p> <p>Pro bono services can be offered in every area of law including criminal, administrative and civil. However, pro bono legal services are usually provided to select low-income segments of the population.</p> <p>In accordance with Article 193.2 of the Criminal Procedure Code, any person who is unable, due to their financial position, to hire a lawyer at their own expense is granted legal aid by the state so in practice pro bono legal services are not usually offered in connection with criminal law matters but are still technically available.</p>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<ul style="list-style-type: none"> <li>The main providers of pro bono legal services in Azerbaijan are NGOs and universities, such as the Baku State University faculty of law. Otherwise, pro bono legal services are provided by independent lawyers on a voluntary basis.</li> </ul>
(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	As noted above, Azerbaijani law does not require lawyers to obtain a license to practice law (and therefore to provide pro bono legal services). If, however, legal services relate to the representation of a client in court proceedings, then a lawyer must be a member of Bar and pass an exam for that purpose.

<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Pursuant to the Law on Advocacy, the provision of legal services (including pro bono legal services) by foreign-qualified lawyers in Azerbaijan is limited exclusively to advice and opinions on the application of the laws of the state in which such lawyers are qualified to practice, or rules relating to international law. Foreign-qualified lawyers are allowed to participate in civil cases, criminal cases, administrative and economic disputes and administrative violations where permitted by an international treaty ratified by Azerbaijan.<sup>6</sup></p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no professional indemnity legal insurance relevant to the provision of pro bono legal services in Azerbaijan. However, under Article 16.2 of the Law on Advocacy, Azerbaijani law requires that each lawyer creates a safety bank account and credit 2% of their monthly income into such account. The funds from such account are used to satisfy the claims of clients relating to damages suffered in connection with the provision of legal services (including pro bono legal services).</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Azerbaijan that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>There are no specific rules or requirements for the provision of pro bono legal services as part of a lawyer’s continuing professional development in Azerbaijan. Accordingly, there is no “Continuing Legal Education” or equivalent credit for pro bono hours worked, however advocates are required to improve their qualifications and undergo applicable training and educational programs, such as the training program for Bar members on advocacy skills.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Azerbaijan.</p>	<p>As mentioned at item II.(b).4 above, the state provides legal aid to low-income citizens (subject to eligibility and the provision of adequate evidential documentation) but, as of today, there are no state-funded pro bono legal services.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Azerbaijan.</p>	<p>One of the main non-governmental sources of pro bono legal services and/or pro bono resources in Azerbaijan are NGOs and the registration of NGOs is performed by the Ministry of Justice. However, the role of such NGOs is to make proposals to improve the legal framework in</p>

<sup>6</sup> Article 26 of the Law on Advocacy, available at <http://www.e-qanun.az/framework/257> (last visited on May 1, 2019).

	<p>Azerbaijan but they do not render qualified pro bono legal services. Examples of such NGOs include the Eurasian Lawyers Association, the Azerbaijan Lawyers Confederation, the Azerbaijani Center for Human Rights and the Committee for Democracy and Human Rights.</p> <p>In addition, as mentioned at item II.(b).4 above, we understand that graduates of the faculty of law of the Baku State University may provide pro bono legal services to certain low-income segments of the population.</p> <p>As of today, no pro bono programs have been set up by Azerbaijani law firms or corporate legal departments.</p> <p>Each of the above must not include representation before a court unless the provider of the pro bono legal services is an advocate.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>A local or foreign lawyer may register with the Bar in order to be made aware of pro bono opportunities.</p>

May 2019

Pro Bono Practices and Opportunities in Azerbaijan

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



## Pro Bono Practices and Opportunities in the Republic of Belarus<sup>1</sup>

### I. Introduction

Pro bono culture in the Republic of Belarus (“**Belarus**”), as in other countries in the Commonwealth of Independent States, has started to emerge only in recent years after the dissolution of the USSR. Currently, only advocates and law firms are in a position to provide full scale pro bono legal services. However, none of the major law firms in Belarus currently has an established pro bono program. Other potential providers of pro bono legal services are subject to certain restrictions at law which limit the scope of the pro bono advice they are able to deliver. Barriers to the development of pro bono in Belarus are also social in nature – Belarus does not have a tradition of pro bono, and the Belarussian public remains unfamiliar with this type of legal assistance.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The legal professionals in Belarus are primarily comprised of: (a) advocates, who can only be individuals; and (b) commercial attorneys, which may be either commercial organizations or individual entrepreneurs. Unlike advocates, commercial attorneys cannot represent their clients in the state courts of Belarus.</p> <p>There is a distinction between provision of legal services and legal assistance.</p> <p>Legal services are provided by commercial attorneys and are subject to licensing requirements (license to provide legal services) in accordance with the Decree of the President of the Republic of Belarus dated 1 September 2010 No. 450 “<i>On Licensing of Certain Activities</i>” (the “<a href="#">Licensing Decree</a>”).<sup>2</sup></p> <p>Legal assistance is provided by advocates, who are subject to licensing requirements (license to provide legal assistance) in accordance with the Law of the Republic of Belarus dated 30 December 2011 No. 334-3 “<i>On Advocacy and Legal Practice</i>” (the “<a href="#">Advocacy Law</a>”).<sup>3</sup></p> <p>Licensing is conducted by the Ministry of Justice of Belarus (“MoJB”).</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Pursuant to the Licensing Decree and the Advocacy Law:</p> <ul style="list-style-type: none"> <li>• Licenses to practice law in Belarus are issued only to Belarussian legal entities or citizens. Therefore, foreign lawyers and foreign law</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Timour Sysouev of Sysouev, Bondar, Khrapoutski SBH Law Office.

<sup>2</sup> See <http://pravo.by/document/?guid=3871&p0=P31000450> (in Belarussian; no English version currently available) (last visited on October 2, 2019).

<sup>3</sup> See [http://www.pravo.by/document/?guid=2012&oldDoc=2012-2/2012-2\(013-043\).pdf&oldDocPage=6](http://www.pravo.by/document/?guid=2012&oldDoc=2012-2/2012-2(013-043).pdf&oldDocPage=6) (in Belarussian; no English version currently available) (last visited on October 2, 2019).

	<p>firms are prohibited from the practice of law in Belarus.</p> <ul style="list-style-type: none"> <li>• The requirements for commercial attorneys willing to provide legal services are as follows:             <ul style="list-style-type: none"> <li>○ Individual entrepreneurs must hold a legal degree and have at least 3 years of professional experience in the legal sphere;</li> <li>○ Commercial organizations must have a director, deputy directors and employees. All employees at commercial law firms, except for technical and support staff, must have a legal degree, and at least two of them must have 3 years of professional experience in the legal sphere.</li> </ul> </li> <li>• Advocates willing to provide legal assistance must be Belarusian citizens with a recognized legal education, who have completed an internship at an advocate office or with a sole-practicing advocate and have at least 3 years of professional experience. Advocates must also pass a qualification exam set by the qualification commission of the MoJB.</li> <li>• Advocates obtain licenses for the provision of legal assistance and must be admitted to the territorial bar association.</li> </ul>
--	--

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Resolution of the MoJB dated 19 November 2010 “<i>On Some Issues of Legal Education of the Population</i>” (No. 98) (the “Act on Legal Education”)<sup>4</sup> permits advocates, commercial attorneys, court officials, notaries, in-house lawyers, NGOs, and university law clinics to provide free legal education in the following forms:</p> <ul style="list-style-type: none"> <li>• distribution of legal information;</li> <li>• oral legal advice; and</li> <li>• provision of legal assistance for certain matters.</li> </ul> <p>Pro bono legal aid may also be provided under the Edict of the President of Belarus dated 1 July 2005 “<i>On Provision of Gratuitous (Sponsor) Aid</i>”</p>
---	--

<sup>4</sup> See [http://pravo.by/document/?guid=2012&oldDoc=2010-288/2010-288\(064-071\).pdf&oldDocPage=5](http://pravo.by/document/?guid=2012&oldDoc=2010-288/2010-288(064-071).pdf&oldDocPage=5) (in Belarusian; no English version currently available) (last visited on October 2, 2019).

	<p>(No. 300) (the “Edict on Gratuitous Aid”)<sup>5</sup> for specified purposes, including the development of art, sport or social protection of citizens. Pursuant to the Edict on Gratuitous Aid, persons providing sponsor aid (including in the form of free services) must enter into an agreement with the recipients of the aid in which the parties agree on the aim, amount, and procedure for providing sponsor aid. A template sponsor aid agreement has been developed by the Government of Belarus. Recipients of sponsor aid must also provide reports to sponsors on the utilization of the sponsor aid.</p> <p>Under the Advocacy Law, advocates are required to provide pro bono legal assistance, which means that in certain cases (described below) their fees will be covered not by the clients, but by the bar association or from republican or local budget resources.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Belarus are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Belarus are not required to complete a minimum number of hours of pro bono legal services in order to become a licensed lawyer.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Given the lack of an established pro bono culture in Belarus, there is a wide range of unmet legal needs across various areas of law. However, the most pressing needs are in the following areas: criminal law, labor relations law, property and housing law, and social security law.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>As noted in section (d) below, law firms in Belarus that operate as commercial attorneys do not typically establish pro bono programs. However, they do conduct pro bono work on a case by case basis.</p> <p>Advocates provide pro bono legal assistance in the categories of cases directly specified in the relevant legislation (the Advocacy Law).</p> <p>Otherwise, pro bono assistance is provided by NGOs and legal clinics, subject to certain limitations, and by consumer protection associations in the sphere of consumer rights issues.</p>

<sup>5</sup> [http://www.pravo.by/document/?guid=2012&oldDoc=2005-105/2005-105\(005-009\).pdf&oldDocPage=1](http://www.pravo.by/document/?guid=2012&oldDoc=2005-105/2005-105(005-009).pdf&oldDocPage=1) (in Belarusian; no English version currently available) (last visited on October 2, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Belarus do not require any other license in addition to the regular license to practice law (either the license for provision of legal services or for provision of legal assistance).
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers and foreign law firms are not allowed to practice law in Belarus.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Belarus do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Belarus that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Belarus do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Belarus.	<p>The right to legal assistance:</p> <ul style="list-style-type: none"> <li>• Article 62 of the Constitution of Belarus states that everyone shall have the right to legal assistance. However, in practice, legal assistance is available only in a limited number of situations.</li> <li>• Legal assistance is provided (a) at the expense of regional bar associations or (b) at the expense of national or regional budgets in situations set out in Article 28 of the Advocacy Law. Pro bono legal assistance is provided in the following cases at the expense of the applicable regional bar association: <ul style="list-style-type: none"> <li>○ for plaintiffs that have labor or alimony claims in district (city) courts or regional courts;</li> <li>○ oral advice for veterans of the Second World War, in connection with non-business-related matters;</li> <li>○ for citizens of Belarus in connection with the preparation of pension and allowance applications;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ oral advice for certain disabled persons that does not require review of documents; and</li> <li>○ for minors or their parents / guardians in connection with the protection of the minor's interests.</li> </ul> <ul style="list-style-type: none"> <li>• Legal assistance in these matters is provided by individual advocates or advocate offices who are admitted to practice by the applicable regional bar association. The regional bar associations determine the procedure for providing legal aid and they distribute the expenses for conducting the same to the applicable advocate or advocate office.</li> <li>• Legal assistance is provided to the victims of human trafficking or terrorism from the national budget. Reimbursement of advocates' fees for the provision of such legal assistance is made in accordance with the Resolution of the Council of Ministers of the Republic of Belarus dated 6 February 2012 "<i>On Procedure of Reimbursement of Advocates' Fees for Provision of Legal Aid to Victims of Human-trafficking and Terrorism</i>" (No. 122), as follows: <ul style="list-style-type: none"> <li>○ 70 per cent. of the first category tariff rate for one working day in the Supreme Court and in regional courts; and</li> <li>○ 50 per cent. of the first category tariff rate for one working day in the district (city) courts, where such work can include participation in preliminary investigation, giving of oral advice and explanations, drafting of statements, complaints and other legal documents.</li> </ul> </li> <li>• Legal assistance is provided to criminal suspects or defendants from the applicable regional budget by advocates appointed at the request of the court. Reimbursement of advocates' fees for the provision of such legal aid is determined by the Resolution of the Ministry of Justice and the Ministry of Finance of the Republic of Belarus dated 30 August 2007 "<i>On Instruction of Reimbursement of Advocates' Fees from Regional Budgets</i>" (No. 57/129), as follows: <ul style="list-style-type: none"> <li>○ 70 per cent. of the first category tariff rate for one working day at the</li> </ul> </li> </ul>
--	---

	<p>appointment in the Supreme Court or regional courts;</p> <ul style="list-style-type: none"> <li>○ 50 per cent. of the first category tariff rate for one working day at the appointment of district (city) courts; and</li> <li>○ 50 per cent. of one working day salary in connection with conducting of inquiry procedures, preliminary investigation and trial.</li> </ul> <ul style="list-style-type: none"> <li>• Importantly, advocates' fees for the provision of legal assistance to criminal suspects and defendants that are paid out of regional budgets must be reimbursed by such individuals in the event they are found guilty by the court.</li> <li>• Each regional bar association can also determine other categories of individuals to whom its members can provide legal assistance at the expense of such bar association in addition to the categories of individuals eligible to receive mandatory legal assistance (set out above).</li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Belarus.</p>	<p>Law firms in Belarus that operate as commercial attorneys do not typically establish special pro bono programs. Pro bono work is conducted by them on a case-by-case basis, and is not generally considered to be notable or prestigious.</p> <p>NGOs can generally provide limited pro bono assistance in the form of oral legal advice under the Act on Legal Education. There are also special types of NGOs that can provide free legal aid on specific matters, such as trade unions and consumer protection associations.</p> <p>In particular, pursuant to the Law "On Protection of Consumers' Rights" dated 9 January 2002 (No. 90-3),<sup>6</sup> consumer protections associations are entitled to:</p> <ul style="list-style-type: none"> <li>• provide free legal consultations to consumers on the protection of their rights;</li> <li>• submit claims on behalf of consumers to manufacturers or, as the case may be, sellers, suppliers, or their representatives; and</li> <li>• submit claims on behalf of consumers to courts and also represent consumers' interests in courts.</li> </ul>

<sup>6</sup> <http://pravo.by/document/?guid=3871&p0=h10200090> (in Belarusian; no English version currently available) (last visited on October 2, 2019).

	<p>In accordance with the Act on Legal Education, legal clinics established by universities can carry out free oral legal consultations to vulnerable social groups such as indigent citizens, the disabled, veterans of the Second World War, orphans, and single mothers. These consultations are provided by students under the supervision of their professors. Legal clinics have been established at the Belarussian State University, Grodno State University, Vitebsk State University, Gomel State University and Brest State University.</p> <p>The New Eurasia Establishment (the “NEE”) has implemented a legal clinic support program that promotes a network of university-based legal clinics providing free legal services to vulnerable social groups.<sup>7</sup> Through this project, the NEE aims to enhance the professional capacity of legal clinic tutors and clinicians and strengthens the educational role of legal clinics to produce qualified lawyers. The project facilitates networking between legal clinics and promotes their advocacy role in the provision of free services for vulnerable people. A list of legal clinics participating in the NEE’s network is available at the NEE’s website.<sup>8</sup> The program is supported by the Eurasia Foundation with funding from various donors including the US Agency for International Development (USAID) and the UK Foreign and Commonwealth Office.<sup>9</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is currently no such organization in Belarus.</p>

October 2019  
Pro Bono Practices and Opportunities in Belarus

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>7</sup> See <http://eurasia.by/en/about/on-the-establishment/> (last visited on October 1, 2019).

<sup>8</sup> See <http://eurasia.by/en/partners/> (last visited on October 2, 2019).

<sup>9</sup> See <http://eurasia.by/en/donator/> (last visited on July 1, 2019).



## Pro Bono Practices and Opportunities in Belgium

### I. Introduction

Under the Belgian Constitution (the “Constitution”), all individuals have a right to legal assistance, which is provided and obtained in the form of advisory services and representation in judicial matters. Even outside the framework of state organized legal assistance and aid, ample opportunities exist for lawyers and law firms to provide voluntary legal services on a pro bono basis including, for instance, advising and representing social enterprises and non-profit organizations on European law issues. Although Belgian law mandates the government to make differing types of assistance available to indigent people, thereby requiring a fair contribution from the legal profession in assuring the constitutional right to legal assistance, a strong pro bono culture has not traditionally existed in the Belgian domestic legal community for various reasons. In fact, the vast majority of pro bono projects were taken-on by the local offices of international associations with UK or US roots, rather than by domestic or Benelux firms. The latter regularly offer legal aid services for which they are remunerated by the Belgian government on a per activity basis.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>According to article 23 of the Constitution, all Belgian citizens have the right to legal assistance and this is extended to anyone residing on Belgian territory, unless the legislator can objectively justify a differential treatment for non-Belgian citizens. Free legal consultation at any Legal Assistance Bureau in Belgium is available to everyone, including non-Belgian citizens and non-Belgian residents, on a first-come-first serve basis, without the need to satisfy any eligibility criteria.<sup>1</sup> However, this does not mean that the government itself should be providing that legal assistance in the broadest possible way or that it should command that all legal assistance should be gratuitous – a great deal of the actual implementation of this right can left to specialized organizations, and notably to the legal profession.</p> <p>The provision of legal services is regulated by the Judicial Code of Belgium (Articles 428-477) and the Code of Professional Ethics.<sup>2</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Although the Judicial Code of Belgium sets out a basic framework of rules of conduct, the legal profession is to a large extent governed by two overarching Bar associations: the “Flemish Bar Council” (<i>Orde van Vlaamse Balies</i>) for the Dutch-</p>

<sup>1</sup> The mentioned free legal consultation is a form of “front-line legal assistance” organized and funded by the Belgian government. Individuals in need of legal representation before the Courts, tribunals, mediators, etc., also referred to as “second-line legal assistance”, will need to meet the relevant eligibility criteria to be entitled to such legal representation for free or partially free. According to Article 508/1 of the Judicial Code, legal aid is available to all natural persons regardless of their nationality or residency provided that they meet the eligibility conditions. These conditions are primarily linked to the financial situation and living conditions of natural persons.

<sup>2</sup> The Code of Professional Ethics applicable to lawyers at the French-Speaking and the German-Speaking Bar is available at: <http://www.barreaudebruxelles.info/index.php/en/our-bar/the-rules-of-professional-ethics> (last visited on March 1, 2019).

	<p>speaking Bars and the Ordre des Barreaux Francophones et Germanophones for the French and German speaking Bars (each referred to herein as “Orde” and collectively as, the “Ordes”). Aspirant lawyers must hold law degrees and are required to complete a 3-year apprenticeship under the supervision of a senior qualified lawyer (<i>stagemeester; maître de stage</i>) before being qualified to practice independently. However, even during such time, aspirant lawyers are full members of the Bar association, may handle and represent cases themselves and are allowed to use the title of lawyer.</p> <p>Alternative rules and licensure requirements apply for in-house counsel - the principal difference between a lawyer and in-house counsel being that the former acts as a self-employed legal service provider while the latter provides similar services, except those that remain reserved to the legal profession, under an employment contract. Foreign qualified lawyers can also practice in Belgium by registration to the list of European Lawyers (E-list) or list of associated members of the Brussels Bar (B-list) and Nationals of the EU, European Economic Area (“EEA”), Member States and Switzerland can requalify as Belgian lawyers by completing an aptitude test and completing three years of continuous and effective practice in Belgium under supervision of a Belgian-qualified lawyer.</p>
--	---

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>As part of their 3-year apprenticeship post educational qualification, “aspirant lawyers” (<i>stagiair-advocaat; avocat-stagiaire</i>) do not only have to obtain a declaration of professional aptitude (awarded after having passed bar exams), but are also enrolled in what is called “pro deo” assistance, i.e. state-subsidized legal assistance to people that are indigent and could not otherwise afford the services of a lawyer. Currently, the Flemish Bar council requires that every aspirant lawyer completes 5 pro deo cases during their apprenticeship. These cases are assigned during monthly aspirant lawyer meetings, which are supervised by senior lawyers appointed by the local bar. Aspirant lawyers who are members of the French-speaking bars are required to attend 16 monthly meetings over the course of 3 years. However, they are not required to complete a specific number of pro deo cases.</p> <p>For decades the Belgian legal profession (mainly aspirant lawyers) was engaged in pro bono</p>
---	--

	<p>activities to indigent individuals, without any form of financial support from the government. This charitable pro bono system was gradually replaced in 1980 (with regard to aspirant lawyers) and in 1995 (with regard to qualified lawyers) by a state-subsidized pro deo scheme as a result of the integration of a directly enforceable right to legal assistance into article 23 of the Constitution. Proposals for mandatory pro bono requirements have come and gone, mainly due to resistance from the Bar associations and the legal profession in general. This led to a proposal in 2013 to reform the regime of second-line legal assistance which, among other things, aspired to establish a framework for mandatory pro bono legal services was abandoned.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>No - lawyers are not required to do any pro bono hours. Lawyers' involvement in pro bono matters is entirely voluntary.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspirant lawyers are not required to complete a minimum number of hours of pro bono legal services. They are required to attend meetings at a Legal Assistance Bureau in which they are able to take on pro deo cases. See in (b) 1. above. However, these pro deo cases are not part of pro bono legal services, but of state-subsidized legal assistance.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas in which clients seek pro bono assistance are the following: EU law, assistance with setting up non-profit organizations and related services, and refugee assistance.<sup>3</sup> Another area which proved to be successful over the last two years was pro bono assistance to obtain compensation for victims of the Brussels terrorist attack in 2016. Common EU law related matters include divorce proceedings, child allowance claims and other family matters, recognition of judgements rendered in other EU countries, social benefits, e.g. pension.</p> <p>As regards the areas with major unmet legal needs, we understand that these are EU law related matters and legal services offered to non-profit organization. This is due to the fact that companies cannot benefit from second-line legal assistance, subject to one exception. Legal persons, i.e. companies, can only benefit from second-line legal assistance if they become insolvent and criminally prosecuted. Therefore,</p>

<sup>3</sup> See PILnet: 2017 Global Pro Bono Digest 2017, Belgium, p. 15, available at: <https://www.probonoforum.org/europe/wp-content/uploads/2017/10/Global-Pro-Bono-Digest.pdf> (last visited on March 1, 2019). The remainder of the mentioned areas is provided on the basis of the contributor's experience from attending the monthly meetings organized at the French-speaking part of the Legal Aid Office in Brussels.

	<p>non-profit organization wishing to benefit from free legal assistance can only use pro bono legal services. Since the emergence of the European migrant crisis in 2015, the number of refugees and asylum seekers has sharply risen in Belgium. Although refugees and asylum seekers are usually entitled to free legal aid offered by pro deo lawyers, the reduction in legal aid has led to an increase in demand for pro bono legal services also in this area.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p><b>Law firms</b> - Statistics reveal an increase in the number of pro bono programs undertaken by law firms which coincide with the establishment of branches of big Anglo American law firms, where a vibrant pro bono culture has existed for many years – there has also been spill-over to the Belgian domestic legal landscape but this remains fairly limited. A statistical survey incorporating data of 14 international law firms with offices in Belgium and representing more than 500 lawyers, estimated that in Belgium lawyers performed on average 27.1 hours of pro bono legal services over the last 12 months, which compares favorably with the European average of 17.7 hours.</p> <p>The main beneficiaries of such pro bono legal services are groups like Amnesty International, Human Rights Watch, and Friends of the Earth. According to the results of the Brussels Pro Bono Project, initiated in 2004 and led by lawyers of different Anglo American law firms, Brussels in particular offers a wide “number of opportunities, especially in the area of advising and representing non-profit organizations in Europe.” The handling of (high profile) pro bono cases is in part due to the increasing implementation of corporate social responsibility charters by international law firms, thus obliging or encouraging lawyers from such firms to take up a minimal amount of pro bono hours every year.</p> <p>One of the key pro bono projects with active participation of law firms and NGOs is the Brussels Pro Bono Roundtable (the “<b>Roundtable</b>”). The Roundtable was established in 2015 by PILnet, an NGO, to exchange best practices, serve as a meeting platform and foster the development of a pro bono culture within law firms that are not active in the area. The Roundtable meets on average bi-monthly. 1-2</p>

NGOs are asked to present on their work and pro bono needs at each meeting.<sup>4</sup>

**NGOs** - Belgium's most prominent pro bono NGO is Avocats Sans Frontières ("ASF") which seeks to provide legal assistance in sensitive cases around the world. Headquartered in Brussels, ASF organizes seminars for European lawyers on topics such as corporate social responsibility and the role of lawyers in the prevention of torture. However, most of their activities are implemented 'in the field', in fragile or post-conflict countries, where it offers legal aid services, among others, through the establishment of legal centers, organization of mobile court hearings and raising awareness and educating the population on their rights. It also offers professional training to lawyers, institutional support to local Bar associations for the development of the profession and organization of legal aid, observation of trials and networking for the creation of local synergies.

**Bar Association Pro Bono Programs -**

According to the ASF website quite a few Belgian Bar associations financially support the initiatives of the ASF. Similarly, on April 19, 2011 the Dutch speaking Order of the Brussels Bar entered into a protocol agreement (*protocolakkoord; accord de jumelage*) with the Bar of Lubumbashi in the Democratic Republic of Congo, which facilitates exchange opportunities between members of the respective bars, the financing and establishing of a library containing not only books on Congolese, Belgian, French and International law, but also of legislation in neighboring African countries and the OHADA (*Organisation pour l'Harmonisation en Afrique du Droit des Affaires*).

**Pro Bono Resources** - As stated on ASF's website, the International Legal Network (the "ILN") is comprised of "lawyers with one or several fields of legal expertise, thematic or contextual, who are available to act in the field or from their local bar association. Whenever there is a new mission to be undertaken, the ILN sends out a 'call for volunteers' to the whole of the network and entrusts the mission to available lawyers according to their fields of expertise of ASF." More information regarding ASF and the International Legal Network are available at <http://www.asf.be/international-legal-network>.

---

<sup>4</sup> See PILnet: 2017 Global Pro Bono Digest 2017 referenced above.

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	–Lawyers in Belgium do not need to hold any special license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers in Belgium do not need any additional license. However, if the relevant pro bono legal service in question entails representation in Belgian courts, they may only represent and defend clients in association with a Belgian lawyer. Foreign non-EU lawyers cannot plead in Belgian courts.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers do not need to procure professional indemnity legal insurance specific to pro bono legal services. The bar fees paid to any of the Belgian bars will cover indemnity insurance applicable to all legal services including pro bono.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>There are rules that prohibit advertising of pro bono successes. The Code of Professional Ethics for lawyers of the French-speaking Bar of Brussels<sup>5</sup> prohibit advertising that enables others to identify clients (Article 5.5). These rules also prohibit lawyers to advertise their case results, success rate, turnover or a number of handled cases. Lawyers are not prohibited from soliciting new pro bono clients. However, the Code of Professional Ethics establishes a number of rules applicable to solicitation of new clients (Article 5.7). In particular, when soliciting new clients, lawyers are required to get in touch with the client first in writing. They are not allowed to visit the client without prior invitation or authorization to visit beforehand. Moreover, lawyers must abstain from soliciting clients in a manner which could alter their freedom of choice when it comes to choosing their legal representation.</p> <p>Unlike lawyers registered with the French-speaking Bar of Brussel, members of the Orde van Vlaamse Balies are not restricted from advertising pro bono legal services. In any event, it is advisable to present any pro bono advertising campaign to a representative of either the Orde van Vlaamse Balies or the Ordre des Barreaux Francophones et Germanophones, and to request an informal approval before launch. Many advertising campaigns will lead to claims from other law firms to the President of the respective</p>

<sup>5</sup> Source: Code de déontologie des avocats et du Règlement déontologique bruxellois, available at : [http://www.barreaudebruxelles.info/images/publications/recueil\\_codeon\\_rdb.pdf](http://www.barreaudebruxelles.info/images/publications/recueil_codeon_rdb.pdf) (last visited on March 1, 2019).

	orders, and an informal approval will in many cases avoid long discussions with the President and any affected parties.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Belgium do not receive any “Continuing Legal Education” or equivalent credit granted for pro bono work.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Belgium.	<p>The Constitution grants all citizens the right to legal assistance, and the Judicial Code further identifies two systems of assistance: “legal assistance” (<i>juridische bijstand; aide juridique</i>) where the substantive aspect prevails over the pecuniary one, and “legal aid” (<i>rechtsbijstand; assistance judiciaire</i>) which is a purely financial intervention on the part of the state. Legal assistance takes place at two levels, i.e. front-line legal assistance (i.e. lawyers provide preliminary (but limited) legal and practical advice – available to all) and second-line legal assistance (i.e. giving more sophisticated legal advice and/or assisting and representing someone in a judicial proceeding – available to natural persons who have insufficient financial means). Finally, there are also a few opportunities to lodge complaints with Ombudsmen (i.e. mediation services can be solicited in order to assess the fairness of decisions taken by government institutions, autonomous public companies and even private companies). Citizens who fulfil the criteria are partially or completely exempt from paying fees for second-line legal assistance. Lawyers rendering second-line legal assistance services are paid by the Belgian Department of Justice through the intermediary of the local Ordes.</p> <p><b>State-Subsidized Legal Aid</b> - The other component of state-sponsored legal services, “legal aid”, means that certain costs and fees incurred during judicial or extra-judicial proceedings are waived either in part or in full, for litigants who do not have adequate income to cover those costs. These fees include, among others, registration fees (<i>registratierechten; droits d’enregistrement</i>), registry costs (<i>griffierechten; droit de greffe</i>), the fees related to intervention of bailiffs (<i>rechtsdeurwaarders; huissiers de justice</i>), notaries (<i>notarissen; notaires</i>) and specialists in the context of a judicial expert investigation (<i>deskundigenonderzoek; expertise</i>). Access to legal aid is available to Belgian nationals, nationals of EEA member states, foreign nationals in accordance with international treaties, foreign nationals having their ordinary residence in</p>



	<p>Belgium or in a Member State of the EU, EU, foreign nationals in immigration proceedings, and even legal persons can request legal aid.</p> <p><b>Unmet Needs and Access Analysis</b> - Currently, in order to qualify for second-line legal assistance, a single individual, i.e. a person living alone, may not earn more than €1,011 net per month (full exemption from payment) or between € 1,011 and € 1,298 per month (partial exemption).<sup>6</sup> However, if the individual is married, co-habiting or single but taking care of dependents, the thresholds are based on total family income and amount to a maximum of € 1,298 (full exemption) and between € 1,298 net per month and € 1,583 (partial exemption), after a deduction of € 188.22 per dependent that the individual is taking care of. The majority of people in need of legal support exceed these thresholds. The law also identifies certain individuals for which it creates a legal presumption of indigence, among others, refugees, minors, disabled people and people receiving other forms of social state-subsidized benefits. There are no current clear figures on whether the current state-subsidized legal assistance scheme meets current unmet legal needs of indigent and marginalized individuals. Certainly, the amount of eligible categories for legal assistance and aid has not kept pace with the increasing volume of legal proceedings, implying that those who rely on the system, use it extensively.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Belgium.</p>	<p><b>NGOs</b> - One of the main beneficiaries of pro bono legal services in Belgium are groups, such as Amnesty International, Human Rights Watch, Save the Children International<sup>7</sup>, ASF (see above) or Friends of the Earth. These NGOs often seek assistance from pro bono lawyers, for example, in preparation of white advocacy papers that can help them to lobby the EU institutions or other public institutions.</p> <p><b>Brussels Pro Bono Roundtable</b> - The Roundtable serves as a meeting platform for NGOs and law firms to discuss pro bono opportunities. The Roundtable meets on average bi-monthly. During these meetings, NGOs are asked to present on their work and pro bono needs at each meeting. Pro bono work can be</p>

<sup>6</sup> These thresholds apply as of September 1, 2018 but are subject to a regular change. The conditions of access to a second-line legal assistance are available at: <http://www.aidejuridiquebruxelles.be/index.php/FR/conditions-d-acces-a-l-aide-juridique-de-deuxieme-ligne> (last visited on March 1, 2019).

<sup>7</sup> Save the Children advocacy office in Brussels, see the relevant contact at: <https://www.savethechildren.net/contact-us> (last visited on March 1, 2019).

	distributed among law firms directly at these meetings. <sup>8</sup>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Lawyers can register with the Roundtable. This will give them an access to various NGO pro bono opportunities which are presented at these bi-monthly meetings. <sup>9</sup>

May 2019  
Pro Bono Practices and Opportunities in Belgium

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>8</sup> Key contacts: Charles Albert Helleputte, Mayer Brown & Marianne McKeown, PILnet I ([chelleputte@mayerbrown.com](mailto:chelleputte@mayerbrown.com) and [mmckeown@pilnet.org](mailto:mmckeown@pilnet.org)). See PILnet: 2017 Global Pro Bono Digest 2017, Belgium, p. 15, available at: <https://www.probonoforum.org/europe/wp-content/uploads/2017/10/Global-Pro-Bono-Digest.pdf> (last visited on March 1, 2019).

<sup>9</sup> For key contacts, see the following website: <https://www.probonoforum.org/europe/wp-content/uploads/2017/10/Global-Pro-Bono-Digest.pdf>, p. 15 (last visited on March 1, 2019).

## Pro Bono Practices and Opportunities in Bulgaria<sup>1</sup>

### I. Introduction

Free legal representation was institutionalized in Bulgaria in 2006 with the adoption of the Legal Aid Act, which recognized the need to ensure equal access to the justice system for all.<sup>2</sup> There are no regulatory barriers to providing pro bono legal services in Bulgaria and pro bono legal services in general are becoming increasingly popular in recent years. However, the country’s legal industry still has yet to cultivate a strong pro bono culture.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Bar Act of 2004, as most recently amended in 2016 (the “<b>Bar Act</b>”),<sup>3</sup> regulates the legal profession, and governs the rights to provide legal services.</p> <p>Amendments adopted in 2005 to the Ordinance on the Unified Requirements for Acquiring Higher Education in Law and the Professional Qualification “Lawyer,”<sup>4</sup> (the “<b>Legal Education Ordinance</b>”) adopted by the Council of Ministers with Resolution No. 75/Apr. 5, 1996<sup>5</sup> specifically allow for the establishment of legal clinics, recognizing their role in providing valuable practical experience to law students.<sup>6</sup></p> <p>Legal professionals’ ethical obligations are governed by the Attorney’s Code of Ethics, adopted by the Supreme Bar Council, a professional organization comprised of elected members representing bar associations across the country. The Code of Ethics addresses matters of independence, confidentiality and conflicts of interest, as well as questions of remuneration for legal services, incorporating by reference Ordinance No. 1 of July 9, 2004 on the Minimum Size of Attorneys’ Fees.</p> <p>The Legal Aid Act of 2006 (“<b>Legal Aid Act</b>”) regulates the provision of state sponsored legal services for qualifying individuals.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Pursuant to the Bar Act, anyone wishing to become an attorney must have a university law</p>

<sup>1</sup> This chapter was drafted with the support of Anna Rizova and Oleg Temnikov of Wolf Theiss.

<sup>2</sup> Promulgated in the Bulgarian State Gazette, issue No. 79/Oct. 4, 2005, in force as of Jan. 1, 2006.

<sup>3</sup> Bar Act, Promulgated State Gazette No. 55 (June 25, 2004).

<sup>4</sup> Promulgated in SG, issue No. 31/Apr. 12, 1996, last amended, SG, issue No. 69 of 25 August, 2017.

<sup>5</sup> “Ordinance on the Unified Requirements for Acquiring Higher Education in Law and the Professional Qualification “Lawyer,,” Adopted with Resolution of the Council of Ministers No. 75/Apr. 5, 1996, promulgated in SG, issue No. 31/Apr. 12, 1996, last amended SG No. 62 (July 12, 2013), Article 6.

<sup>6</sup> Legal Education Ordinance, Articles 10a.(1-2).

	<p>degree.<sup>7</sup> Law school is a formally accredited five-year university program that concludes with state oral and written examinations.<sup>8</sup></p> <p>Under the Legal Education Ordinance, in order to earn a law degree, students must complete at least ten semesters and a minimum of 3,500 hours of study.</p> <p>All graduates of law school are known as “lawyers” but not all graduates of law school become practicing attorneys.</p> <p>Only an attorney admitted to and registered with a Bar Association (<i>адвокатска колегия</i>) may engage in the private practice of law and appear in court on behalf of clients that are not their employer.</p> <p>Non-attorney lawyers, known as legal advisors or juris consultants, work within companies, governmental agencies, or NGOs, and may engage in the practice of law only on behalf of their respective employers.<sup>9</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Legal Aid Act enshrined free legal representation in Bulgarian law. Prior to this, there was a decentralized and much criticized system for providing legal aid for those who could not afford to pay for an attorney. Private attorneys were permitted to provide free legal assistance to persons entitled to support funds or having financial difficulties, however, there was no requirement that they do so nor was there a tradition or organized system for providing pro bono legal services.<sup>10</sup> In accordance with the policies reflected in the Legal Aid Act, there are no regulatory barriers to providing pro bono legal services.</p> <p>Article 38 of Part 1 of the Bulgarian Bar Act sets out freedom for any attorney to give free legal service to those who need assistance but have no or insufficient means to afford it. In addition, legal assistance and cooperation can be provided to parents, friends or other lawyers. In proceedings, if the adverse party is sentenced to pay the</p>

<sup>7</sup> Article 4.(1).1 of the Bar Act.

<sup>8</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006, available at <http://www.bili-bg.org/cdir/bili-bg.org/files/LPRI-2006-eng.pdf> (last visited on October 2, 2019).

<sup>9</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006, p.8.

<sup>10</sup> The Legal Profession Reform Index for Bulgaria, p.47.

	<p>expenses, the lawyer shall have the right to remuneration as determined by the court.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no obligation on attorneys to work a minimum number of pro-bono hours under Bulgarian law.</p> <p>Pro bono culture in Bulgaria is still developing and commercial practitioners have started to offer pro bono legal services. However, dedicating time and resources to pro bono in a systematic way is the exception rather than the rule.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Bulgaria are not required to complete a minimum number of hours of pro bono in order to become a licensed attorney.</p> <p>Article 4 of the Bar Act sets out the requirements to become a licensed attorney, which include completing a university degree in law, acquiring legal competence pursuant to Chapter 14 of the Judiciary System Act, having at least two years of legal practice, successfully passing the state bar examination and having the moral and professional qualities necessary for practicing law.<sup>11</sup></p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which present opportunities for the provision of pro bono legal services in Bulgaria traditionally include human rights, discrimination and violence against women. For example, the Gender Alternatives Foundation is a non-governmental organization which works on projects to overcome and prevent domestic violence as well as assisting victims of trafficking in Bulgaria, Slovakia and Romania to receive legal aid.<sup>12</sup></p> <p>Additionally, the Bulgarian Helsinki Committee focuses on the legal protection of human rights and has worked on matters involving discrimination of ethnic minorities from the Roma community. This issue in particular presents opportunities for pro bono services including stimulating legislative reform to bring Bulgarian legislation in line with international human rights standards and carrying out advocacy for the protection of human rights.<sup>13</sup></p> <p>Also, the Center for Legal Aid – Voice in Bulgaria has worked on assisting migrants, refugees and other vulnerable groups with their rights, which</p>

<sup>11</sup> Article 4.(1).1 of the Bar Act, Promulgated State Gazette No. 55 (June 25, 2004).

<sup>12</sup> See <http://genderalternatives.org/bg/proekti> (last visited on October 2, 2019)

<sup>13</sup> See <http://www.bghelsinki.org/bg/publikacii/> (last visited on October 2, 2019).

	<p>present another opportunity for the provision of pro bono legal services.<sup>14</sup></p> <p>Other areas as law, such as access to public information, consumer protection, data protection, environmental law and administrative law also increasingly provide opportunities for pro bono work.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>NGOs offering legal services are the most common providers of pro bono legal services in Bulgaria. The NGOs' activities may be primarily law-related, or they may cover a broader range of social services, with legal representation as only one aspect of such services.</p> <p>For example, a "legal" NGO may provide (i) free legal representation to individuals in cases involving human rights (e.g., the Bulgarian Helsinki Committee) or refugees' rights (e.g., the Program for Legal Protection of Refugees and Migrants or the Center for Legal Aid – Voice in Bulgaria), or (ii) free legal consultations for civic organizations (e.g., the Bulgarian Center for Not for Profit Law).<sup>15</sup></p> <p>On the other hand, a "social services" NGO, such as one focused on women's rights, may carry out a range of activities aimed at promoting women's rights, including lobbying the legislature, providing medical and psychological support to victims of domestic violence, and offering free legal services to these victims (e.g., the Gender Alternatives Foundation).</p> <p>The law faculties of many universities in Bulgaria operate law clinics where law students provide legal services on a pro bono basis in areas such as human rights, refugee law, employment law.</p> <p>Private practitioners offering pro bono legal services as part of their general practice is the least common approach. There is not much pressure among private, commercial practitioners to demonstrate a commitment to pro bono.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Under Bulgarian law there are no general regulatory prohibitions or regulatory regimes for providing pro bono legal services.</p> <p>However, a distinction should be drawn between general legal services, which could be provided by</p>

<sup>14</sup> See <http://www.centerforlegalaid.com/> (last visited on October 2, 2019).

<sup>15</sup> See <http://bcnl.org/en> (last visited on October 2, 2019).

	<p>any lawyer and not necessarily attorneys-at-law (<i>адвокату</i>) (such as legal consultations, review and drafting of legal documents, etc.); and services which may be provided exclusively by attorneys-at-law (<i>адвокату</i>) (such as court representation).</p> <p>Where the former may be provided without need of any particular license, the latter, if the provided services fall into the scope of services which may be provided exclusively by attorneys-at-law, may be provided only by registered attorneys (Article. 3 of the Bar Act).</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Once again, a distinction should be made between (1) general legal services not requiring attorneys-at-law to be involved and (2) services which may be provided exclusively by attorneys-at-law.</p> <p>In the first case there are no particular requirements in respect of foreign lawyers.</p> <p>In respect of attorneys-at law, under the Bar Act there are particular formalities to be followed by European Union Lawyers and Foreign Country lawyers:</p> <ul style="list-style-type: none"> <li>• Article 10 sets out the requirements of foreign country lawyers to practice in Bulgaria. A foreign lawyer has to be authorized to pursue the profession of a lawyer in accordance of his or her own country, and may appeal before judicial bodies of the Republic of Bulgaria as defense counsel or representative of a national of his or her own country, acting on a specific case, together with a Bulgarian attorney-at-law.</li> <li>• Article 11 to Article 15 set out that European Union lawyers who are practicing the profession of a lawyer within the Republic of Bulgaria on a temporary basis shall have the rights and obligations of an attorney-at-law, excluding those rights and obligations that arise from being permanently established in Bulgaria.</li> <li>• Article 16 to Article 19a. set out the requirements for European lawyers to permanently establish themselves in the Republic of Bulgaria. Some of the requirements include registering at the Single Register of Foreign Attorneys-at-Law of the Supreme Bar Council and in the register of foreign attorneys-at-law kept by the relevant Attorney's College. Following a three year period of actual and uninterrupted practicing</li> </ul>



	<p>of the profession of a lawyer within the Republic of Bulgaria or upon successfully passing a conversion exam, a European Union lawyer may apply for registration with a Attorney's College.</p> <ul style="list-style-type: none"> <li>Article 19b., to Article 19d. set out the requirements for a lawyer to practice in Bulgaria on a temporary basis, which include notifying the Bar Council in writing.</li> </ul>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>A distinction should be made between (1) general legal services (not requiring attorneys-at-law to be involved) and (2) services which may be provided exclusively by attorneys-at-law.</p> <p>In the first case, there is no requirement for mandatory insurance.</p> <p>Attorneys-at-law shall be insured for the duration of their professional activity against the damages, which may occur as a result of a failure to exercise their obligations.</p> <p>Pro bono legal services are established in Article 38 of the Bar Act and they fall within the definition of "professional activity of a lawyer". Therefore, pro bono legal services shall be covered by professional liability legal insurance, for the duration of the lawyer's professional activity.</p> <p>Each lawyer will be covered by a personal insurance, where individual law firm or other group insurances can also be added on top. Pro bono activity per se does not require additional insurance.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Article 132 of the Bar Act imposes restrictions on direct advertisement of professional activities of lawyers. In respect of attorneys-at-law, as pro bono legal services fall within the scope of the professional activities of lawyers, the advertisement of these services is prohibited and constitutes a disciplinary offence under the Bar Act.</p> <p>In respect of general legal services, although there are no formal prohibitions, if they overlap with attorneys-at-law activities, any advertisement could potentially lead to sanctions, including from the Commission for Protection of Competition.<sup>16</sup></p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>Under the Bar Act attorneys-at-law are obliged to maintain and develop their qualifications (Article 27 and 28). The details of the requirements are set out in Ordinance No. 4 of 2006 for the</p>

<sup>16</sup> See <http://cpc.bg/> (last visited on October 2, 2019).

	<p>Maintenance and Improvement of the Qualification of Attorneys-at-Law and European Attorneys-at-Law.<sup>17</sup></p> <p>The Ordinance does not address pro bono activities and there are no relevant precedents to establish whether pro bono activities could cover such obligations.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Bulgaria.</p>	<p>Government sources of legal services include free legal support funded by the Legal Aid Act. The purpose of the law is to ensure equal access to justice by ensuring and providing effective legal assistance.</p> <p>The agency responsible for administering legal aid is the Bulgarian National Legal Aid Bureau (“<b>NLAB</b>”), an independent state entity, whose structure and functions are regulated by the Legal Aid Act, the Decree of the Council of Ministers No 4/06.01.2006.<sup>18</sup></p> <p>The responsibilities of the NLAB include the monitoring and supervision of activities related to the provision of legal aid, the administering of payments for legal aid, the maintenance of the National Register of Legal Aid and the promotion of the legal aid system.<sup>19</sup></p> <p>Attorneys wishing to provide legal aid under the Legal Aid Act must file an application with the NLAB, which must be pre-approved by their local Bar Council. The NLAB then includes all such individuals in the National Legal Aid Register, which is a public document, available to individuals seeking legal aid.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Bulgaria.</p>	<p>The main sources of non-governmental sources of pro bono are described below:</p> <p><b>The Center for Legal Aid – Voice in Bulgaria (“CLA”)</b><sup>20</sup> promotes the rights of migrants, refugees and asylum seekers on the territory of Bulgaria, through legal aid and advocacy. The CLA provides pro bono legal consultations to asylum seekers, refugees and migrants, as well as legal representation in administrative and judicial proceedings on the national and European levels. The CLA is also actively engaged in</p>

<sup>17</sup> See <https://www.lex.bg/bg/laws/ldoc/2135515374> (last visited on October 2, 2019).

<sup>18</sup> SG 5/17.01.2006.

<sup>19</sup> Legal Aid Act, Article 8.

<sup>20</sup> See <https://www.centerforlegalaid.com/> (last visited on October 2, 2019).

	<p>protecting the basic human rights of undocumented migrants and its representation includes weekly visits to the Detention center for undocumented migrants in Sofia, Busmantsi district.</p> <p><b>The Bulgarian Helsinki Committee</b><sup>21</sup> is an independent non-governmental organization for the protection of human rights. Some of the objectives of the committee are to promote respect for the human rights of every individual, to stimulate legislative reform to bring Bulgarian legislation in line with international human rights standards and to carry out advocacy for the protection of human rights.</p> <p><b>Bulgarian Lawyers for Human Rights</b> (“BLHR”)<sup>22</sup> is a nonprofit organization that seeks to promote the establishment and effective implementation of Bulgaria to international standards of legal protection of human rights. BLHR works with over 25 authoritative practitioners and covers issues concerning protection of human rights in virtually all major sectors of the Bulgarian legislation.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Please see above.</p> <p>Attorneys wishing to provide legal aid under the Legal Aid Act must file an application with the NLAB, which must be pre-approved by their local Bar Council. The NLAB then includes all such individuals in the National Legal Aid Register, which is a public document, available to individuals seeking legal aid and the attorneys will be made aware of the opportunities they can be involved with.</p>

October 2019  
Pro Bono Practices and Opportunities in Bulgaria

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>21</sup> See <http://www.bghelsinki.org/en/> (last visited on October 2, 2019).

<sup>22</sup> See <http://blhr.org/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in the Czech Republic<sup>1</sup>

### I. Introduction

Although the Czech Republic has constitutionally recognized the importance of legal aid since its establishment in 1993, it has historically lacked an entrenched pro bono culture. However, the Czech Republic’s continued integration with its EU neighbors and growing prominence of local and international law firms and NGOs is contributing to increased public awareness of, and greater opportunities for lawyers to engage meaningfully in, pro bono work. Efforts by the Pro Bono Alliance<sup>2</sup> and their legal clearinghouse Pro Bono Centrum have encouraged collaboration between law firms and NGOs in the Czech Republic in recent years and the increasing advocacy work by these groups is contributing to the development of a stronger pro bono tradition.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Act No. 85/1996 on the Legal Profession (the “<b>Advocacy Act</b>”) governs the provision of legal services in the Czech Republic. The Advocacy Act describes how legal services can be provided, admission criteria for prospective lawyers, form of practice and rights and duties of lawyers.<sup>3</sup></p> <p>The Czech Bar Association (“<b>CBA</b>”) is the central self-governing non-governmental organization responsible for the legal profession in the Czech Republic. The CBA produces professional rules and codes of conduct relating to the provision of legal services and maintains the register of lawyers in the Czech Republic. The CBA is supervised by the Ministry of Justice and membership is mandatory for all lawyers practicing in private practice (excluding in-house counsel and government lawyers).<sup>4</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Legal services can only be provided in the Czech Republic by lawyers: (1) qualified to practice in the Czech Republic or (2) qualified in an EU member state.</p> <p><b>Czech Republic qualified lawyers:</b> to be eligible to practice in the Czech Republic as a Czech Republic qualified lawyer, such persons must be registered with the CBA. To be registered, the following criteria must be satisfied: (i) full legal capacity; (ii) no criminal record; (iii) obtained a master’s degree in law; (iv) served at least three years as a trainee lawyer; (v) passed the</p>

<sup>1</sup> This chapter was drafted with the support of Veronika Dvořáková and Adela Havlová of Havel Partners.

<sup>2</sup> See <http://www.probonoalliance.cz/en/> (last visited on May 1, 2019).

<sup>3</sup> See [https://www.cak.cz/assets/zoa-2017\\_en\\_s-dodatkem\\_final\\_1.pdf](https://www.cak.cz/assets/zoa-2017_en_s-dodatkem_final_1.pdf) (last visited on May 1, 2019).

<sup>4</sup> See <https://www.cak.cz/en/> (last visited on May 1, 2019).

	<p>professional bar examination for lawyers; and (vi) taken an oath before the president of the CBA.<sup>5</sup></p> <p>Foreign lawyers are eligible to apply to the CBA for registration upon passing a recognition exam. However, such lawyers are only permitted to provide legal services in the Czech Republic relating to (1) the law of their country of admission; and (2) matters of international law.<sup>6</sup></p> <p><b>EU-qualified lawyers:</b> A lawyer qualified in an EU member state may practice law in the Czech Republic on a long term basis once he/she has been registered with the CBA.<sup>7</sup> EU lawyers must have provided legal services for at least three years prior to practicing law in the Czech Republic, although this requirement may be waived by the CBA under certain circumstances.</p> <p>An EU qualified lawyer does not need to register with the CBA if such lawyer wishes to practice in the Czech Republic temporarily.<sup>8</sup></p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p> <p>Please name the instruments containing the rules, describe them in a few sentences and, if appropriate, provide a link (if online) or a reference to the relevant authority webpage or other source explaining the rules/limitations. Please keep your answer to a paragraph or two.</p>	<p>Although there are several regulations relating to the provision of legal aid (Charter of Fundamental Rights of the European Union<sup>9</sup>, Civil Procedure Act<sup>10</sup>, Advocacy Act<sup>11</sup> as well as certain provisions of the Criminal Procedure Act, Administrative Procedure Act and Constitutional Court Act), there are no rules that explicitly regulate the provision of pro bono legal services.</p> <p>However, the CBA's Code of Conduct encourages lawyers to participate, if called to do so, in projects aimed at the protection of human rights and freedoms, without entitlement to remuneration.<sup>12</sup></p> <p>Please see below for a brief description on the various rules that regulate the provision of free legal aid services in a pro bono context:</p> <p>1) <b>Advocacy Act</b></p>

<sup>5</sup> See [https://e-justice.europa.eu/content\\_legal\\_professions-29-cz-en.do](https://e-justice.europa.eu/content_legal_professions-29-cz-en.do) (last visited on May 1, 2019).

<sup>6</sup> See <https://www.cak.cz/scripts/detail.php?id=6942> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.cak.cz/scripts/detail.php?id=6811> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.cak.cz/scripts/detail.php?id=6830> (last visited on May 1, 2019).

<sup>9</sup> Art 47; Art 37 and 40 of Act 2/1993 on Charter of Fundamental Rights and Freedoms, available at: [https://www.usoud.cz/fileadmin/user\\_upload/ustavni\\_soud/www/Pravni\\_uprava/AJ/Listina\\_English\\_version.pdf](https://www.usoud.cz/fileadmin/user_upload/ustavni_soud/www/Pravni_uprava/AJ/Listina_English_version.pdf) (last visited on May 1, 2019).

<sup>10</sup> Law No. 99/1963 Coll., Civil Procedure Act §§30, 138, available at <http://www.czechlegislation.com/law-no-99-1963-coll-civil-procedure/> (last visited on May 1, 2019).

<sup>11</sup> Section 18.

<sup>12</sup> Art 18, Resolution No. 1/1997 on Rules of Professional Conduct and Rules of Competition of Lawyers, available at: [https://www.cak.cz/assets/code-of-conduct\\_as-of-march-2018.pdf](https://www.cak.cz/assets/code-of-conduct_as-of-march-2018.pdf) (last visited on May 1, 2019).

An individual has the right to obtain an attorney through the CBA once the court has rejected an individual's request for legal aid. The individual must provide evidence that at least two attorneys have previously refused to provide them with legal services.<sup>13</sup> An applicant can submit a petition detailing their personal financial situation, including the value of their assets and personal income, and the income of any dependents. That information is then assessed by the CBA on a case-by-case basis.<sup>14</sup> CBA-appointed lawyers can provide legal services free of charge but normally at a reduced fee which is covered by the CBA. Unlike court appointed attorneys, CBA-appointed lawyers can provide legal aid services during both trial and pre-trial phases.

"Legal services" are defined under the Advocacy Act as representation in courts, legal counselling and legal drafting, regularly and for remuneration. Thus, arguably, it is possible for foreign attorneys to participate in pro bono work (see question (a)(2)) without meeting the above requirements, as this is not work for remuneration. While foreign attorneys will not be permitted to appear in court, they can still be involved in support work for NGOs in areas such as legal research and drafting, as well as providing assistance in understanding foreign legal systems for use before the European Court of Human Rights or international tribunals.

## 2) **Free Legal Aid Act**

The legislative framework governing legal aid has been under considerable debate in recent years. In 2015, a draft legal aid act (the "**Draft Act**") was presented to the Government with the aim of creating one unified legal regime for the provision of legal aid in court proceedings and proceedings in other governmental and administrative bodies<sup>15</sup>, however this was rejected by Cabinet soon after it was proposed. Since then, an amendment of the Advocacy Act was adopted (Act No. 258/2017) to specify the concrete conditions under which an individual has the right to obtain a legal service from an attorney

<sup>13</sup> See European Commission, Legal Aid – Czech Republic, at question 3, available at [http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_cze\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_cze_en.htm) (last visited on May 1, 2019).

<sup>14</sup> See <https://www.cak.cz/scripts/detail.php?id=8750> (last visited on May 1, 2019).

<sup>15</sup> See <http://www.vlada.cz/cz/clenove-vlady/pri-uradu-vlady/jiri-dienstbier/aktualne/vlada-zamitla-dva-poslanecke-navrh-y-akonou-126803/> (last visited on May 1, 2019).

	and set a minimum standards of a legal consultation. <sup>16</sup>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p> <p>If available, please provide a link (if online) or a reference to the relevant source explaining the requirement.</p>	Lawyers in the Czech Republic are not required to work a minimum number of pro bono hours.
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p> <p>If so, please provide a link (if online) or a reference to the relevant source explaining the requirement.</p>	Lawyers in the Czech Republic are not required to complete a minimum number of hours of pro bono legal services to become licensed lawyers.
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	The main areas of law that present opportunities for pro bono legal services in the Czech Republic include contractual law, civil law and regulatory law matters, particularly relating to data protection and the EU GDPR data privacy regime.
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	The main providers of pro bono legal services are NGOs, universities through their pro bono programs or private law firms who provide pro bono legal services as part of their corporate social responsibility policies, such as Havel & Partners, Clifford Chance and DLA Piper. Please see below for a list of pro bono programs offered by NGOs and universities in the Czech Republic.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p> <p>If so, please provide a link (if online) or a reference to the licensing authority webpage or other source explaining the requirement, if available.</p>	Lawyers in the Czech Republic are not required to have a license to provide pro bono legal services.
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p> <p>If so, please provide a link (if online) or a reference to the licensing authority webpage or other source explaining the requirement, if available.</p>	Foreign lawyers do not require any additional licenses to provide pro bono legal services in the Czech Republic, however see question (a)(2). Foreign lawyers are limited to providing pro bono legal services on areas of international law and those governed by the laws of the jurisdictions(s) of their qualification.

<sup>16</sup> Sec 18a, Sec 18b, Sec 18c, Sec 18d on Act No. 85/1996 Coll, on the Legal Profession, available at: [https://www.cak.cz/assets/zoa-2017\\_en\\_s-dodatkem\\_final\\_1.pdf](https://www.cak.cz/assets/zoa-2017_en_s-dodatkem_final_1.pdf) (last visited on May 1, 2019).



<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p> <p>If available, please provide a link (if online) or a reference to the relevant source explaining the requirement.</p>	<p>Attorneys in the Czech Republic must have professional indemnity legal insurance to practice, which would also cover any pro bono work.<sup>17</sup></p> <p>However, in-house lawyers who are excluded from CBA membership do not typically have professional indemnity insurance if they are employed as an employee under a labor contract.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in the Czech Republic.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked in the Czech Republic.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in the Czech Republic.</p> <p>If available, please provide a link (if online) or alternative contact details for each such source or resource.</p>	<p><b>Office of the Ombudsman (Public Defender of Rights)</b></p> <p>The Office of the Ombudsman provides advice and support to people in situations when authorities and other institutions have acted illegally or contrary to the principles of a democratic legal state and good administration, or where such authorities are inactive.<sup>18</sup> In the event that the Ombudsman concludes that discrimination has most likely occurred against a particular person, the Pro Bono Alliance secures free legal representation to those victims in court proceedings.<sup>19</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Czech Republic.</p> <p>If available, please provide a link (if online) or alternative contact details for each such source or resource.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Czech Republic are:</p> <ul style="list-style-type: none"> <li>• <b>Asociace občanských poraden (Association of Civic Counseling):</b> Provides independent and free legal advice in the form of consultations only and does not provide legal representation in court.<sup>20</sup></li> <li>• <b>Česká Advokátní Komora (CBA):</b> Provides free legal advice and consultations. Section</li> </ul>

<sup>17</sup> See Comparative Analysis of Bar Associations and Law Societies in Selected European Jurisdictions (2017), Multi-Donor Trust Fund for Justice Sector Support in Serbia, World Bank Publication, pp 7, available at: <http://documents.worldbank.org/curated/en/512071511257170449/pdf/121502-WP-ComparativeAnalysisofBarAssociationandLawSocietiesinSelectEuropeanJuriscditionsEN-PUBLIC.pdf> (last visited on May 1, 2019).

<sup>18</sup> See <http://www.ochrance.cz/en/> (last visited on May 1, 2019).

<sup>19</sup> See <http://www.probonoalliance.cz/en/cooperation-with-public-defender/> (last visited on May 1, 2019).

<sup>20</sup> See <http://www.obcanskeporadny.cz/> (Czech only).

	<p>18 of the Advocacy Act stipulates that the CBA appoints attorneys for free legal aid purposes.<sup>21</sup></p> <ul style="list-style-type: none"><li>• <b>Český helsinský výbor (Czech Helsinki Committee):</b> Provides legal counselling.<sup>22</sup></li><li>• <b>Legal Clinic - Faculty of Law, Palackého University in Olomouc:</b> Law students provide free legal aid to disadvantaged clients (excluding criminal and commercial law advice), under the supervision of the Faculty of Law.<sup>23</sup></li><li>• <b>Liga lidských práv (League of Human Rights):</b> Provides legal services, including representation, in cases involving patient rights, rights of people with mental disabilities, coercive sterilizations, segregation in education and placement of children in institutions, and police violence.<sup>24</sup></li><li>• <b>Organizace pro pomoc uprchlíkům (Organization for Aid to Refugees):</b> Provides legal advice to refugees mainly on immigration and related legal issues.<sup>25</sup></li><li>• <b>Právní Akademický Spolek Juristi:</b> Run by a students' organization, Juristi, where law students provide online legal counselling in all major legal areas.<sup>26</sup></li><li>• <b>Pro Bono Aliance:</b> Promotes better access to legal aid and socially responsible lawyering.<sup>27</sup></li><li>• <b>Poradna pro občanství, občanská a lidská práva:</b> Provides legal services in person in Prague and 11 other Czech cities or via email to immigrants, senior citizens, ethnic minorities, offenders and victims of discrimination. Specializes in areas of promoting equal opportunities and non-discrimination, respect for family life and human dignity.<sup>28</sup></li><li>• <b>Sdružení pro integraci a migraci (Association for Integration and</b></li></ul>
--	---

<sup>21</sup> See <http://www.cak.cz/en/> (last visited on May 1, 2019).

<sup>22</sup> See <http://www.helcom.cz/cs/en/> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.pf.upol.cz/katedry-a-centra/centra/centrum-pro-klinicke-pravni-vzdelavani> (in Czech only) (last visited on May 1, 2019).

<sup>24</sup> See <http://llp.cz/en/> (last visited on May 1, 2019).

<sup>25</sup> See <https://www.opu.cz/en/co-delame/pravni-poradenstvi/pribehy-klientu/> (last visited on May 1, 2019).

<sup>26</sup> See <http://www.juristi.cz/ppp/> (in Czech only) (last visited on May 1, 2019).

<sup>27</sup> See <http://www.probonoaliance.cz/en/access-to-legal-help/law-on-legal-aid-scheme/> (last visited on May 1, 2019).

<sup>28</sup> See <http://www.poradna-prava.cz> (in Czech only) (last visited on May 1, 2019).

	<p><b>Migration):</b> Provides legal and social counselling to foreigners, such as asylum seekers, refugees, labor migrants, undocumented migrants and their families.<sup>29</sup></p> <ul style="list-style-type: none"> <li>• <b>Transparency International:</b> Provides legal counsel free of charge to citizens who have encountered corrupt practices and are willing to report it, e.g. whistleblowers.<sup>30</sup></li> <li>• <b>Frank Bold:</b> Public interest law firm with non-profit arm providing free legal advice and advocacy on national and EU law.<sup>31</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p> <p>If available, please provide a link (if online) or alternative contact details for each such organization.</p>	<p>Local or foreign attorneys can register with the following public/private organizations in order to be made aware of pro bono opportunities:</p> <ul style="list-style-type: none"> <li>• <b>CBA</b><sup>32</sup></li> <li>• <b>Czech Pro Bono Centrum:</b> pro bono clearinghouse operated by the Pro Bono Alliance.<sup>33</sup> The register is used to assist with provision of pro bono advice to non-profit organizations engaged in socially responsible activities and not individuals.</li> </ul>

May 2019

Pro Bono Practices and Opportunities in the Czech Republic

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>29</sup> See <http://www.migrace.com/en/mission/assistance/pravni-poradenstvi> (last visited on May 1, 2019).

<sup>30</sup> See <https://www.transparency.cz/en/?lang=en> (last visited on May 1, 2019).

<sup>31</sup> See <http://en.frankbold.org/> (last visited on May 1, 2019).

<sup>32</sup> See <https://www.cak.cz/> (last visited on May 1, 2019).

<sup>33</sup> See <http://www.probonocentrum.cz/english> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Denmark<sup>1</sup>

### I. Introduction

Historically there has been a strong tradition of legal aid in Scandinavia, including in Denmark. Legal aid has primarily been focused on providing advice to citizens with limited financial means and is traditionally provided by licensed lawyers on a voluntary basis. Since 1827, Danish citizens have been able to obtain legal aid for lawsuits so long as the citizen has a good reason for taking the case to court and the citizen does not have the financial means to cover court costs (see below for details on income criteria). In addition to this form of state legal aid, in which lawyers are provided with stipends from the state to assist low-income individuals in legal matters, there also exists a private legal aid system, in which lawyers can volunteer to provide pro bono legal advice at legal aid clinics throughout the country. Private legal aid has also been available in Denmark for legal issues outside of the court system since 1885, when the first private legal aid office was opened in Copenhagen. This legal aid office, the Copenhagen Legal Aid Office (*Københavns retshjælp*), remains active and is now the largest legal aid office in Denmark.<sup>2</sup>

Although legal aid is to some extent perceived as a public responsibility, as legal clinics are staffed pro bono by practicing lawyers and/or law students on a voluntary basis, the primary barrier to legal aid is the availability of a sufficient number of volunteers. A study by the Danish Bar and Law Society indicated that, in 2011, only 18% of lawyers regularly engaged in pro bono work.<sup>3</sup> Danish lawyers are not required to complete pro bono work either as a condition of their original license or as part of their continuing education requirements. In addition, lawyers seeking to offer pro bono legal services are free to choose to donate their time to NGOs or other private organizations rather than to public legal aid clinics. As a result, although in theory legal aid and pro bono legal work have historically been strongly supported by the Danish government and Danish society in general, the provision of pro bono legal services is not in practice as established or as widespread as in other jurisdictions, such as the United States.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Legal services in Denmark must be provided in accordance with the Rules of the Danish Bar and Law Society (the “Rules”).<sup>4</sup> The Rules are promulgated by the Danish Bar and Law Society (<i>Advokatsamfundet</i>) and are approved by the Minister for Justice. The supervisory board of the Danish Bar and Law Society, called the General Council, is responsible for the supervision of lawyers and their authorized assistant attorneys (i.e. those who are in the process of carrying out practical legal work in furtherance of the provision of basic, verbal legal advice free of charge under Section 323 of the Administration of Justice Act (<i>Retsplejeloven</i>)).<sup>5</sup></p>

<sup>1</sup> This chapter was drafted with the support of Mark Raboso Ebbesen of ASE.

<sup>2</sup> Copenhagen Legal Aid (*Københavns retshjælp*), <https://www.copenhagenlegalaid.com/front-page> (last visited on May 1, 2019).

<sup>3</sup> Danish Bar and Law Society, “Report on Legal Aid in Denmark” (2011).

<sup>4</sup> See [https://www.advokatsamfundet.dk/Service/English/Rules/-/media/Files/English/Advokatsamfundets\\_regler\\_2\\_eng\\_-\\_081208\\_eng1.ashx](https://www.advokatsamfundet.dk/Service/English/Rules/-/media/Files/English/Advokatsamfundets_regler_2_eng_-_081208_eng1.ashx) (last visited on May 1, 2019).

<sup>5</sup> <https://www.advokatsamfundet.dk/Service/English.aspx> (last visited on May 1, 2019).

<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>According to the Danish Administration of Justice Act, Title VI, Part 12, Section 119, those wishing to practice law in Denmark must:</p> <ul style="list-style-type: none"> <li>• be legally competent and not under guardianship pursuant to section 5 or section 7 of the Danish Legal Incapacity and Guardianship Act;</li> <li>• have not filed for suspension of payments and not be in bankruptcy;</li> <li>• hold a Danish Bachelor’s and Master’s degree in Law;</li> <li>• have carried out practical legal work for at least three years; and</li> <li>• have completed theoretical basic education and passed an examination “in matters of special importance to the profession of lawyer” as well as passed a practical exam in litigation.<sup>6</sup></li> </ul> <p>If a person holds a Master’s degree in Law from one of the EU Member States or from another country with which the European Community has entered into an agreement that corresponds with a Danish Bachelor’s or Master’s degree in Law, the person can practice law in Denmark following a trial period during which the person demonstrates sufficient understanding of Danish procedural law and mastery of the Danish language. This requirement may be waived by the Minister for Justice in order to fulfil Denmark’s EU obligations.<sup>7</sup></p> <p>Only those who have been admitted to practice law may use the title “<i>advokat</i>”.</p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Section 323 of the Administration of Justice Act (<i>Retsplejeloven</i>) states that every person has the right to basic, verbal legal advice free of charge. See II.d.(1) below for more information.</p> <p>In addition, if a person meets certain income eligibility criteria set forth in the Administration of Justice Act section 325, additional legal aid is available. See II.d.(1) below for more information. This type of free legal aid is distinct from the state</p>

<sup>6</sup> Consolidated Act No. 1261 of 23 October 2007 (hereinafter the “Administration of Justice Act”), Title VI, Part 12, Section 119, as excerpted in the Rules, [https://www.advokatsamfundet.dk/Service/English/Rules/-/media/Files/English/Advokatsamfundets\\_regler\\_2\\_eng\\_-\\_081208\\_eng1.ashx](https://www.advokatsamfundet.dk/Service/English/Rules/-/media/Files/English/Advokatsamfundets_regler_2_eng_-_081208_eng1.ashx) (last visited on May 1, 2019).

<sup>7</sup> The Administration of Justice Act, Title VI, Part 12, Section 135a, as excerpted in the Rules, [https://www.advokatsamfundet.dk/Service/English/Rules/-/media/Files/English/Advokatsamfundets\\_regler\\_2\\_eng\\_-\\_081208\\_eng1.ashx](https://www.advokatsamfundet.dk/Service/English/Rules/-/media/Files/English/Advokatsamfundets_regler_2_eng_-_081208_eng1.ashx) (last visited on May 1, 2019).

	<p>legal aid system through which solicitors are paid by the state to represent low-income clients and relies on lawyers providing pro bono legal services on a voluntary basis through legal aid clinics.</p> <p>The Administration of Justice Act section 327 limits the provision of Step 2 and Step 3 legal aid (i.e. legal aid regarding actual filed claims) to those cases that have a fair chance of success. However, this criterion is waived for certain types of cases, such as those involving housing or employment. In addition, approximately 90% of Danish citizens hold private insurance that covers legal fees.<sup>8</sup> If a person holds such insurance, Step 2 and Step 3 legal aid is only available if the insurance does not cover the case or to the extent that the costs exceed the insurance coverage.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Denmark are not required to work a minimum number of pro bono hours—any pro bono work is done on a completely voluntary basis. Certain Danish law firms encourage their lawyers to engage in pro bono work or partner with organizations providing pro bono legal advice (see II.b.(5) below) but on the whole participation by Danish lawyers in pro bono legal aid is quite low. According to the most recent available statistics, from a 2011 study by the Danish Bar and Law Society, only 18% of lawyers engaged in legal aid regularly.<sup>9</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Denmark are not required to complete a minimum number of pro bono hours. However, hours spent engaging in pro bono legal work can count toward an aspiring lawyer's requirement to engage in practical legal work for three years.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Rather than a specific area of law, the primary unmet legal need in Denmark is the availability of lawyers who are willing to volunteer pro bono in legal aid clinics. Due to reforms in the Danish court system that have resulted in courts being concentrated in the larger cities, law firms have now also concentrated in larger cities, leaving fewer lawyers available to participate in legal aid outside of urban areas in Denmark. In addition, lawyers have become more specialized, and fewer lawyers are comfortable advising on the</p>

<sup>8</sup> Id.

<sup>9</sup> Danish Bar and Law Society, "Report on Legal Aid in Denmark" (2011). No more recent statistics are available.

	broad range of legal issues encountered in legal aid offices. <sup>10</sup>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers of pro bono legal services in Denmark are legal clinics (which operate with certain levels of public subsidy) and non-profit organizations.</p> <p>Danish law firms are also increasingly including pro bono work as part of their regular focus and are highlighting pro bono work on their websites. The Association of Danish Law Firms (<i>Danske Advokater</i>) has established a Code of Conduct (<i>advokatkodeks</i>), which includes five elements that law firms joining the code pledge to uphold. One of the elements is social responsibility, which encourages law firms to set goals for how they can contribute to the achievement of full access to legal assistance for all.<sup>11</sup> A number of large Danish law firms have joined the code, including Kromann Reumert, Bech-Bruun, Gorrissen Federspiel and Plesner. A full list of the Danish firms that have joined the code can be found online.<sup>12</sup></p>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	In Denmark, pro bono legal advice must be given by licensed lawyers or by law students or social work students closely supervised by a licensed lawyer. See II.a.(2) above on licensing requirements for lawyers in Denmark.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	See II.a.(2) above for information on foreign lawyers' ability to practice law in Denmark.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>In Denmark, lawyers are required to have professional indemnity legal insurance. These policies must cover "any liability which the person, in his capacity as a lawyer, may incur for property damage inflicted on a third party as a result of any form of negligent act or act of omission committed by the lawyer."<sup>13</sup></p> <p>Most legal aid offices in Denmark have their own liability insurance that covers the volunteer lawyers. In addition, a lawyer is covered by their own liability insurance as long as they are acting</p>

<sup>10</sup> Bettina Lemann Kristiansen, *Legal Aid in Denmark, in Outsourcing "Legal Aid in the Nordic Welfare States"* 99-124 (O. Halvorsen Rønning and O. Hammerslev eds., 2018). Available online at [https://link.springer.com/chapter/10.1007/978-3-319-46684-2\\_5#citeas](https://link.springer.com/chapter/10.1007/978-3-319-46684-2_5#citeas) (last visited on May 1, 2019) (hereinafter "Lemann Kristiansen").

<sup>11</sup> The Lawyers' Code of Conduct (*advokatkodeks*), <http://advokatkodeks.dk/cases/socialt-ansvar/> (last visited on May 1, 2019).

<sup>12</sup> See <http://advokatkodeks.dk/advokater-med-kodeks/> (last visited on May 1, 2019).

<sup>13</sup> Bye-Laws of the Danish Bar and Law Society, Bye-Law 61. Available at <https://www.advokatsamfundet.dk/Service/English/Rules/Bye-laws.aspx> (last visited on May 1, 2019).



	as a lawyer. That means that the lawyer’s individual liability insurance will cover any liability in connection with legal aid clinics, as long as the lawyer is acting under his or her title as an <i>advokat</i> .
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	We are not aware of any rules in Denmark that prohibit advertising of pro bono successes or soliciting new pro bono clients. Danish law firms that participate in pro bono work regularly advertise their pro bono work on their websites, often referring to such work as “corporate social responsibility” (see, for example, the website of the Danish law firm Kammeradvokaten, which advertises its collaboration with the Copenhagen Legal Aid as part of its CSR program). <sup>14</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. In Denmark, continuing legal education can only be in the form of writing, teaching or participating in a formal course. <sup>15</sup>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

1. Describe any governmental sources of pro bono and/or other legal services in Denmark.	<p>Section 323 of the Administration of Justice Act (<i>Retssplejeloven</i>) states that every person in Denmark has the right to basic, verbal legal advice free of charge. This is sometimes referred to as “Step 1 legal aid” and is akin to a “legal A&amp;E department”.<sup>16</sup></p> <p>Step 1 legal aid is limited to verbal advice and is focused on determining whether a person has a viable legal claim and, if so, what are the possibilities for pursuing the claim and what chances there are of receiving further legal aid if a claim is pursued.<sup>17</sup> This basic form of legal aid is available to all citizens regardless of income and is available for all types of legal questions. Step 1 legal aid is provided by lawyers acting in a voluntary capacity through legal aid clinics (<i>advokatvagt</i>), of which there are more than 100 in Denmark.<sup>18</sup></p>
--	---

<sup>14</sup> Kammeradvokaten, CSR – Social Responsibility, <https://kammeradvokaten.dk/om-os/csr-social-ansvarlighed/koebenhavns-retshjaelp/> (last visited on May 1, 2019).

<sup>15</sup> Order No. 1474 of 11 December 2007, “Order on ongoing mandatory continuing education for lawyers and assistant attorneys,” as excerpted in the Rules. Available at [https://www.advokatsamfundet.dk/Service/English/Rules/~media/Files/English/Advokatsamfundets\\_reglor\\_2\\_eng\\_-\\_081208\\_eng1.ashx](https://www.advokatsamfundet.dk/Service/English/Rules/~media/Files/English/Advokatsamfundets_reglor_2_eng_-_081208_eng1.ashx) (last visited on May 1, 2019).

<sup>16</sup> Lemann Kristiansen.

<sup>17</sup> Id.

<sup>18</sup> The Danish Bar and Law Society (Advokatsamfundet), Public Legal aid and Lawyer’s Legal Aid, <https://www.advokatsamfundet.dk/Service/English/Legal-Aid/Public%20Legal%20Aid%20and%20Lawyers%20Legal%20Aid.aspx> (last visited on May 1, 2019).

	<p>Public subsidies, generally funded by the VAT charged on legal services, cover some of the office expenses of these legal aid clinics, although many clinics operate without permanent premises, either within the offices of the private law firms that support them or in public buildings like local libraries.</p> <p>Step 2 and Step 3 legal aid are provided by private legal aid offices (<i>retshjælpskontorer</i>) to individuals meeting certain income criteria (a total personal income of no more than DKK 329,000 for single persons, DKK 418,000 for married couples and an increase of DKK 57,000 for each child under the age of 18).<sup>19</sup></p> <p>Lawyers are paid DKK 1,030 (approximately €137) for Step 2 legal aid and DKK 2,350 (approximately €313) for Step 3 legal aid. Clients are responsible for 25% of the bill and a public subsidy covers the remaining 75%.<sup>20</sup></p> <p>Step 2 legal aid covers extended verbal advice, drawing up documents such as letters, summonses or subpoenas, the settlement of estates in divorces, and simple wills and prenuptial agreements.</p> <p>Step 3 legal aid covers disputes where a settlement or compromise is thought to be a possible outcome (i.e. mainly aimed at preventing lawsuits).</p> <p>Complaints involving administrative authorities are not eligible for legal aid, as such complaints are expected to be handled by the administrative authorities themselves.<sup>21</sup></p> <p>The three-step legal aid system in Denmark is separate from any legal aid provided in the context of a court case, which is subsidized by the state and is available according to the same income criteria as Step 2 and Step 3 legal aid. In this case eligible citizens are provided with a lawyer free of charge by the government.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Denmark.</p>	<p>The primary source of non-governmental pro bono legal advice in Denmark is private entities and non-profit organizations. These actors often give advice in specific fields of law, for example refugee rights, trade unions or tenant associations.</p>

<sup>19</sup> The Danish Ministry of Justice (Justitsministeriet), Free Process (Fri Process), [http://www.civilstyrelsen.dk/Fri\\_proces/fri\\_proces/okonomiske\\_betinger.aspx](http://www.civilstyrelsen.dk/Fri_proces/fri_proces/okonomiske_betinger.aspx) (last visited on May 1, 2019).

<sup>20</sup> Lemann Kristiansen.

<sup>21</sup> Administrative Order on Legal Aid Offices 2014 (*Bekendtgørelse nr. 637 af 11/06/2014*).

	<p>These alternative sources of legal aid seldom have public funding and are therefore not subject to regulations related to the provision of legal aid, including income criteria. Some require subscription, membership or payment of fees, while others are free of charge.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Volunteering at legal aid clinics in Denmark is managed directly by each clinic.</p>

May 2019  
Pro Bono Practices and Opportunities in Denmark

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in England and Wales

### I. Introduction

Pro bono legal services are of increasing importance for attorneys and law firms within England and Wales. There has been a growing commitment by the legal profession to the importance of pro bono legal services, and various organizations and institutions within England and Wales continue to work to foster and develop pro bono legal activity. One such example is the UK Collaborative Plan for Pro Bono, which is a profession-led initiative for law firms, through which participating law firms collaborate with each other in order to improve access to justice through pro bono. Law firms and Chambers in England and Wales are also becoming increasingly aware of the value their existing and prospective clients place on pro bono activities.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in England and Wales is comprised of solicitors and barristers.</p> <p>Solicitors are governed by The Law Society and the Solicitors Regulatory Authority (the “<b>SRA</b>”). The SRA Handbook sets out the ethical and professional standards that solicitors must comply with.<sup>1</sup> The SRA also sets the entry and training requirements for solicitors.</p> <p>The Bar Standards Board (the “<b>BSB</b>”) regulates barristers in England and Wales. It is responsible for setting the standards of conduct, authorizing barristers to practice, monitoring the service provided by barristers, setting education and training requirements, handling complaints against barristers and taking enforcement or other action where appropriate. The BSB Handbook sets out the standards with which barristers must comply.<sup>2</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To act as solicitor in England and Wales, one must hold a practicing certificate issued by the SRA. An admitted solicitor with a practicing certificate is an authorized person under the Legal Services Act 2007 (the “<b>Act</b>”).</p> <p>In order to practice at the Bar of England and Wales, barristers must have a current practicing certificate issued by the BSB. This requirement is part of the Authorization to Practice regime under the Act.</p>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit</p>	<p>Pursuant to the SRA Handbook, solicitors in private practice owe the same duty of care when</p>

<sup>1</sup> See <https://www.sra.org.uk/solicitors/handbook/welcome.page> (last visited on May 1, 2019).

<sup>2</sup> See <https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/the-handbook-publication/> (last visited on May 1, 2019).

<p>regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>undertaking legal work on a pro bono basis as when acting for fee-paying clients. They must exercise competence, skill and diligence, and take into account the individual needs and circumstances of each client pursuant to Principle 5 of the SRA Handbook.</p> <p>Rule 4.10 of the SRA Practice Framework Rules 2011 states, among other things, that in-house solicitors may conduct work on a pro bono basis for a client other than their employer provided that (i) the work is covered by an indemnity reasonably equivalent to that required under the SRA Indemnity Insurance Rules and (ii) the only fees charged for such work are those received by way of costs from the pro bono client's opponent or other third party and such fees must be paid to a charity under a fee sharing agreement.</p> <p>In-house solicitors must not undertake any reserved legal activities unless such provision of services to the public or a section of the public (with or without a view to profit) is not part of their employer's business. A definition of "reserved legal activities" can be found online.<sup>3</sup></p> <p>Self-employed barristers may provide pro bono legal services through a Legal Advice Centre, as provided for in rules rS41-42 of the BSB Handbook. Barristers must not receive either directly or indirectly any fee or reward for the supply of any legal services to any client of the Legal Advice Centre other than a salary paid by the Legal Advice Centre.</p> <p>Self-employed barristers who are Public Access-registered may provide pro bono legal services directly to members of the public if they comply with the Public Access requirements set out in rC119-rC131 of the BSB Handbook.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Solicitors and barristers in England and Wales are not required a minimum number of pro bono hours.</p> <p>However, the UK Collaborative Plan for Pro Bono (as described above) includes an aspirational target of 25 pro bono hours on average per fee-earner per year. Member law firms promote this target as an appropriate minimum commitment for lawyers in England and Wales and as recognition of best practice, and collaborate with one another to achieve this target.<sup>4</sup></p>

<sup>3</sup> See <https://www.legislation.gov.uk/ukpga/2007/29/section/12> (last visited on May 1, 2019).

<sup>4</sup> See <http://probonoplan.uk/>.

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring solicitors and barristers in England and Wales are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require the provision of pro bono legal services in England and Wales include housing, family, employment, small business advice, immigration advice and welfare rights.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in England and Wales are NGOs, legal advice centers, private law firms and Chambers and law clinics.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers do not require a license to provide pro bono legal services in England and Wales.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign-qualified lawyers are prohibited from providing advice as to the laws of England and Wales, and must inform potential recipients of legal advice where they are qualified to practice law.</p> <p>The Qualified Lawyers Transfer Scheme allows those who are already qualified lawyers in other jurisdictions to qualify as a solicitor of England and Wales.</p> <p>Qualified foreign lawyers must apply to the BSB in order to transfer to the Bar.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Pro bono work undertaken by solicitors at law firms is generally covered under the professional indemnity insurance (“PII”) of that law firm.</p> <p>For in-house solicitors, it is not possible for them to conduct work on a pro bono basis other than where their employer provides PII. However, in-house lawyers are able to carry out pro bono activities without insurance provided such work is done in a personal capacity.</p> <p>Barristers must ensure that either their personal insurance or the insurance of the body through which they provide services, covers them for any pro bono legal services being provided. If a barrister holds a self-employed practicing certificate, they must be a member of the Bar Mutual Indemnity Fund.</p>

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Rule 12 of the SRA Solicitors' Code of Conduct 2007 states that where work is publicized as being done on a pro bono basis, there must be no fees charged to the client, except where a conditional fee agreement is used and the only fees charged are those which the firm receives by way of costs from the client's opponent or other third party and which are paid to a charity under a fee sharing agreement.</p> <p>Under Rule rC19 of the BSB Handbook, barristers may not mislead, or cause or permit to be misled, any person to whom they offer to supply legal services.</p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>Continuing Competence is the SRA's system of assuring competence among solicitors. Under Continuing Competence, there is no requirement to complete a certain number of hours of education. Instead, solicitors are expected to review their learning needs and address them through continuing professional development activities. They are then asked to reflect on the learning and look at ways they can incorporate this into their practice. As such, if a solicitor identifies the providing of pro bono advice as a learning need, any pro bono work they undertake can contribute to the solicitor being able to make their required annual declaration to the SRA that they have reflected on their practice and addressed any identified learning and development needs.</p> <p>A new Continuing Professional Development ("CPD") scheme for barristers was introduced on 1 January 2017. Under the scheme, established practitioners must now create a CPD plan which includes objectives, CPD activities and reflection of the process overall. There is no longer a requirement to undertake a minimum number of CPD hours every year. No barrister is required to undertake accredited CPD courses.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in England and Wales.</p>	<p>Free legal support funded by the Government takes the form of Legal Aid. Legal Aid can help meet the costs of legal advice, family mediation and representation in a court or tribunal.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in England and Wales.</p>	<p>Law Centres are a network of over forty not-for-profit legal practices. Each Law Centre is an independent charity with a defined service area. Law Centres help people living in poverty or other disadvantage who cannot afford to pay for</p>



	<p>traditional commercial legal services. They provide legal advice and representation in social welfare law. Central contact details can be found online.<sup>5</sup></p> <p>LawWorks is a charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for Legal Aid and cannot afford to pay and with the not-for-profit organizations that support them.<sup>6</sup></p> <p>Citizens Advice provides free advice to anyone on their rights and responsibilities. It provides face to face advice from 2,500 local Citizens Advice locations across England and Wales, as well as by phone, web chat, post, email and its self-help website. Advice can be found online.<sup>7</sup></p> <p>Advocate is a charity through which free legal advice from a barrister can be obtained. Chambers across England and Wales appoint an internal representative to champion pro bono work. These individuals work closely with Advocate to provide pro bono legal services.<sup>8</sup></p> <p>The National Pro Bono Centre is a hub for pro bono charities across the legal sector. It supports a wide range of pro bono projects, helping individuals and community groups across England and Wales.<sup>9</sup></p> <p>As described above, the UK Collaborative Plan for Pro Bono (the “<b>Plan</b>”) is a profession-led initiative for law firms. Pursuant to the Plan, a ‘trusted referral network’ has been established to facilitate the referring of pro bono matters by member law firms to other member law firms.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>See above.</p>

May 2019  
Pro Bono Practices and Opportunities in England and Wales

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client

<sup>5</sup> See [www.lawcentres.org.uk](http://www.lawcentres.org.uk) (last visited on May 1, 2019).

<sup>6</sup> See <https://www.lawworks.org.uk> (last visited on May 1, 2019).

<sup>7</sup> See [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) (last visited on May 1, 2019).

<sup>8</sup> See <https://weareadvocate.org.uk/> (last visited on May 1, 2019).

<sup>9</sup> See <http://www.nationalprobonocentre.org.uk/> (last visited on May 1, 2019).

relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Finland<sup>1</sup>

### I. Introduction

There is no mandatory pro bono requirement for lawyers in Finland. Due to the fulsome, well developed and broad system of public welfare services in Finland, including state funded legal services, Ombudsman offices and other agencies, the need for pro bono legal services is limited. Hence, pro bono work is not widespread or a significant part of the legal culture in Finland. Nevertheless, the Finnish Bar Association (“**FBA**”) encourages lawyers to become involved in pro bono activities, and several law firms have different pro bono partners and programs. According to a 2012 survey conducted by the FBA (*Asianajajatutkimus 2012*), 75% of the 651 advocates that responded to the survey discharged their duties either free of charge or gave a considerable discount for their services from time to time.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<ul style="list-style-type: none"> <li>• In Finland, advocates, public legal aid attorneys or licensed counsel may all serve as attorneys or counsel. Furthermore, lawyers can be divided into two categories: members of the FBA (advocates or <i>asianajaja</i>, and some public legal aid attorneys) and non-members of the Bar (jurists and some public legal aid attorneys).</li> <li>• The FBA is regulated by the Advocates Act of 1958 (the “<b>Advocates Act</b>”), and only its members are entitled to use the professional title “advocate.”</li> <li>• Under Section 5 of the Advocates Act, an advocate shall fulfill the tasks entrusted to him honestly and conscientiously and observe the Rules of Proper Professional Conduct for Advocates (<i>Hyvää asianajajatapaa koskevat ohjeet/Vägledande regler om god advokatsed</i>) (the “<b>Rules</b>”). The Rules set out the guidelines for practicing advocates. The requirements of proper professional conduct are defined in the Advocates Act, various statutes and, above all, by governing and executive bodies of the FBA.<sup>2</sup></li> <li>• The Act on Licensed Attorneys (<i>Laki luvan saaneista oikeudenkäyntiavustajista 715/2011</i>) governs the matters relating to licensing of the attorneys or counsel.</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Nita Rautakoski and Juha-Pekka Mutanen, of Dittmar & Indrenius.

<sup>2</sup> Rules of Proper Professional Conduct for Advocates (*Hyvää asianajajatapaa koskevat ohjeet/Vägledande regler om god advokatsed*), Introduction.

	<ul style="list-style-type: none"> <li>• The Courts Act (673/2016)<sup>3</sup> governs the appointment of judges.</li> </ul>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<ul style="list-style-type: none"> <li>• Lawyers in Finland can be divided into: (i) in-house lawyers and other persons who have received legal education; (ii) lawyers who are members of the FBA (attorneys-at-law or <i>asianajaja</i> in Finnish and some public legal aid attorneys); (iii) public legal aid attorneys who are not members of the FBA; and (iv) lawyers who are not members of the FBA and do not have the title of attorney-at-law, but have obtained a license to appear in court and represent clients from the Licensed Attorneys Board, pursuant to the Licensed Legal Counsel Act.<sup>4</sup></li> <li>• The FBA is regulated by the Advocates Act, and only its members are entitled to use the professional title “advocate” (or <i>asianajaja</i>). Other titleholders like ‘jurists’ and ‘public legal aid attorneys (or <i>varatuomari</i>)’ are not members of the FBA.</li> <li>• The Act on Licensed Attorneys makes it mandatory for an advocate to obtain a proper license to be able to represent a party to a court proceeding in a general court. In addition to the academic legal training mentioned above, advocates must also pass an examination in professional ethics and an Advocates Examination offered by the Bar.<sup>5</sup></li> <li>• An advocate shall fulfill the tasks entrusted to him honestly and conscientiously and observe the Rules.</li> <li>• While jurists are fully capable of representing clients not subject to the requirement of obtaining a license, since the beginning of 2014, they would need a license in order to act as an attorney in the general courts.<sup>6</sup> Licenses to act as an attorney are granted by the Licensed Attorneys Board, subject to the Act on Licensed Attorneys.</li> <li>• Public legal aid attorneys complete a judicial traineeship at a District Court and obtain a</li> </ul>

<sup>3</sup> See <https://www.finlex.fi/fi/laki/kaannokset/2016/en20160673.pdf> (last visited on May 1, 2019).

<sup>4</sup> See <http://www.finlex.fi/en/laki/kaannokset/2011/en20110715.pdf> (last visited on May 1, 2019).

<sup>5</sup> To obtain such license, an individual must (1) hold a Finnish master's degree in law, other than a master of international and comparative law degree, or completed a law degree outside of Finland that is approved by the Finnish National board of Education; (2) obtain a sufficient amount of experience to act as a trial counsel; (3) be considered as honest and not ill-suitable; and (4) not be bankrupt or have one's individual legal capacity restricted. However, Chapter 15 Section 2 of the Finnish Act on Procedure (Oikeudenkäymiskaari 1.1.1734/4) provides for a few exceptions to the license requirement.

<sup>6</sup> See <https://oikeus.fi/en/index/laatikot/Legalassistance.html> (last visited on May 1, 2019).

	judicial qualification to practice law. They are appointed by the leading public legal aid attorney, who is appointed by the Minister of Justice.
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	There are no rules that specifically regulate the provision of pro bono legal services in Finland. However, despite pro bono legal services not being regulated in the legislation regarding advocates or in the Rules, according to the general approach of advocates, pro bono assignments shall be treated like any other assignment.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Finland are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Finland are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	In Finland, pro bono legal services may be provided in all types of legal matters, such as family and employment law related issues, contract law, assistance to suspected offenders and to victims of crime, and various appeals (e.g., relating to welfare and social security payments). Legal aid covers above-mentioned matters for persons entitled to legal aid. The services covered by legal aid in any given case depend on the nature and importance of the matter. <sup>7</sup>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The Main providers of pro bono legal services in Finland are private attorneys, law firms, FBA (through their sponsored programs), governmental or other public services and NGOs.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Finland do not require any license(s) to provide pro bono legal services, unless the services in question require representation in judicial proceedings.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers in Finland do not require any additional license(s) to provide pro bono legal

<sup>7</sup> See <http://www.probonoinst.org/wpps/wp-content/uploads/finland.pdf> (last visited on May 1, 2019).

	services, unless the services in question require representation in judicial proceedings. <sup>8</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<ul style="list-style-type: none"> <li>• Lawyers in Finland do not require professional indemnity legal insurance cover to provide pro bono legal services, unless the services in question require representation in judicial proceedings.</li> <li>• Members of the FBA are required to have professional indemnity legal insurance for at least 200,000 euros.</li> </ul>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Finland that prohibit advertising of pro bono successes or soliciting new pro bono clients. <sup>9</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	<ul style="list-style-type: none"> <li>• Lawyers in Finland do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked<sup>10</sup></li> <li>• According to the Rules, every member of the Bar must spend at least 18 hours per year in developing their professional skills.<sup>11</sup></li> </ul>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

1. Describe any governmental sources of pro bono and/or other legal services in Finland.	Legal aid is regulated by the Legal Aid Act, 2002/257 ( <i>Oikeusapulaki/Rättshjälpslagen</i> ), the Act on State Legal Aid and Representation of Interests Districts (477/2016) ( <i>Laki valtion oikeusapu- ja edunvalvontapiireistä / Lag on statens rättshjälps- och intressebevakningsdistrikt</i> ) and various government decrees that have been issued based on these acts. <sup>12</sup> The Public Legal Aid Offices, which are under the authority of the Ministry of Justice, provide advocacy services for persons entitled to legal aid. <sup>13</sup> The legal aid's national chat
--	--

<sup>8</sup> See <http://www.trust.org/contentAsset/raw-data/b33f2686-45d9-4e64-9858-a69848ef80eb/file> (last visited on May 1, 2019).

<sup>9</sup> See <https://bit.ly/2UaTZAL> (Section 10); <http://www.trust.org/contentAsset/raw-data/b33f2686-45d9-4e64-9858-a69848ef80eb/file> (last visited on May 1, 2019).

<sup>10</sup> See <https://bit.ly/2lmG2NE>; <http://www.trust.org/contentAsset/raw-data/b33f2686-45d9-4e64-9858-a69848ef80eb/file> (last visited on May 1, 2019).

<sup>11</sup> See [https://www.asianajaliitto.fi/en/finnish\\_bar\\_association/continuing\\_education](https://www.asianajaliitto.fi/en/finnish_bar_association/continuing_education) (last visited on May 1, 2019).

<sup>12</sup> For example Government Decree on Legal Aid 388/2002 (*Valtioneuvoston asetus oikeusavusta /Statsrådets förordning om rättshjälp*); Government Decree on Legal Aid Fee Criteria 290/2008 (*Valtioneuvoston asetus oikeusavun palkkioperusteista/Statsrådets förorming om grunderna för arvoden vid allmän rättshjälp*), Decree 425/2002 of the Ministry of Justice on the location of legal aid offices and their branches and sub-branches (*Oikeusministeriön asetus valtion oikeusaputoimistojen sekä niiden sivutoimistojen ja sivuvastaanottojen sijainnista/Justitieministeriets förordning om förläggningkommunerna för de statliga rättshjälpsbyråerna samt deras filialbyråer och filialmottagningar*) and Decree 608/2016 of the Ministry of Justice on legal aid and representation of interests districts and the location of legal aid offices and representation of interests offices and municipalities whose services of representation of interests the legal aid and representation of interests district is responsible for (*Oikeusministeriön asetus oikeusapu- ja edunvalvontapiireistä, oikeusaputoimistojen ja edunvalvontatoimistojen toimipaikoista sekä kunnista, joiden palveluista oikeusapu- ja edunvalvontapiiri vastaa/Justitieministeriets förordning om rättshjälps- och intressebevakningsdistrikten om rättshjälpsbyråernas och intressebevakningsbyråernas och intressebevakningsbyråernas verksamhetställen samt om de kommuner för vilkas intressebevakningstjänster rättshjälps- och intressebevakningsdistriktet ansvarar*).

<sup>13</sup> See <https://oikeus.fi/oikeusapu/en/index/oikeusavustaja/publiclegalaidoffices.html> (last visited on May 1, 2019).

	<p>service provides general advice on legal matters online.<sup>14</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Finland.</p>	<ul style="list-style-type: none"> <li>• A number of law firms provide pro bono legal services to their pro bono partners and/or on a case-by-case basis.</li> <li>• The FBA runs a program, <i>Asianajajapäivystys/Advokatjouren</i>, in which advocates provide oral advice free of charge in relation to various legal questions.</li> <li>• The FBA has also set up a project to educate young people about the Finnish legal system. Under the <i>Oikeuskasvatusprojekti/Projekt om juridiskt lärande</i>, lawyers go to secondary schools and high schools to speak about the legal system in Finland, the foundations of civil and criminal law, as well as rights and responsibilities of young people in society.</li> <li>• Law students' associations in both Helsinki and Turku have established Committees for Legal Aid. Members of the Committees, who are law students, offer legal advice free of charge for students in their respective universities.</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<ul style="list-style-type: none"> <li>• Directory of public legal aid offices<sup>15</sup></li> <li>• Finnish Refugee Advice Centre (<i>Pakolaisneuvonta/Flyktrådgivningen</i>), advising asylum seekers, refugees and other foreigners with regard to their legal rights<sup>16</sup></li> <li>• Finnish League for Human Rights (<i>Ihmisoikeusliitto/Förbundet för mänskliga rättigheter</i>), providing wide ranging advice in relation to human rights in general<sup>17</sup></li> <li>• Feminist Association Union (<i>Naisialiitto Unioni/Kvinnosaksförbundet Unionen</i>), advising on issues related to women's rights<sup>18</sup></li> </ul>

May 2019  
Pro Bono Practices and Opportunities in Finland

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not

<sup>14</sup> See <https://oikeus.fi/oikeusapu/en/index.html> (last visited on May 1, 2019).

<sup>15</sup> See <https://oikeus.fi/oikeusapu/en/index/yhteystiedot.html> (last visited on May 1, 2019).

<sup>16</sup> See <http://www.pakolaisneuvonta.fi/> (last visited on May 1, 2019).

<sup>17</sup> See <http://www.ihmisoikeusliitto.fi/> (last visited on May 1, 2019).

<sup>18</sup> See <http://www.naisunioni.fi/> (last visited on May 1, 2019).



legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in France

### I. Introduction

The provision of pro bono legal services does not have the same level of popularity in France as in Anglo-Saxon countries. This can mainly be explained by the strong support of the welfare state in France and strict restrictions on advertising legal services that were in place until 2014. Pro bono practices in France have, however, experienced rapid development in the last decade thanks to various kinds of private initiatives (in particular from international law firms with offices in France) and to the involvement of the French Bar and specifically the Paris Bar.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The provision of legal services in France is regulated by the Law No. 90-1259 of 31 December 1990 amending Law No. 71-1130 of 31 December 1971 reforming certain legal and judiciary professions and its implementing Decree No. 91-1197 of 27 November 1991. This law provides for the general framework regulating the legal profession in France.</p> <p>The provision of legal services in France is also regulated by the National Internal Regulation of the French Bar (in its consolidated version of 1 August 2017), including the European Code of Ethics. The National Internal Regulation merges into a single text the various professional rules adopted by local bars.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The provision of legal services in private practice in France requires the Attorney Professional Certificate (<i>Certificat d’Aptitude à la Profession d’Avocat (CAPA)</i>), which is delivered by regional Attorneys Training Centers (<i>Centres Régionaux de Formation à la Profession d’Avocat (CRFPA)</i>). In order to obtain the CAPA, French law students must have a 1<sup>st</sup> year’s master’s degree (Master 1) in law and pass a CRFPA admission exam. They must then follow the CRFPA course which last 18 months, out of which two semesters are dedicated to professional experience. At the end of this course, they must pass the CAPA exam. No specific license requirement is required to become an in-house counsel but a 2<sup>nd</sup> year master’s degree is highly recommended.</p> <p>Foreign attorneys who are EU nationals are given a choice: they can either take the French law exam (<i>Examen d’aptitude en droit français</i>) dedicated to foreign attorneys willing to have their professional title recognized in France, or be exempted from taking such exam and instead</p>

	<p>take the Attorney Professional Certificate exam, as any French law student.<sup>1</sup></p> <p>Foreign attorneys that are not EU nationals must satisfy two conditions: (i) being an attorney in one's home country; and (ii) the reciprocity of the procedure for French attorneys in such home country. Foreign attorneys are exempted from taking the Attorney Professional Certificate exam, but they do need to pass the French Law exam.<sup>2</sup></p>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules that regulate the provision of pro bono legal services in France. The provision of pro bono legal services is an exception to the general professional rule whereby the provision of legal services by attorneys is for a fee.</p> <p>A law of 18 December 1998 has created the local councils for access to law (<i>Conseils départementaux d'accès au droit (CDAD)</i>) in order to facilitate the access of marginalized persons to legal services. Local bars participate in such councils as well as public authorities. Attorneys provide pro bono legal advice at different locations within this framework.</p> <p>The provision of pro bono legal services does not benefit from incentives in France. Article 238 bis of the General Tax Code introduces, in case of donation, a tax reduction of 60% of any donation. However, this does not apply to pro bono initiatives provided by law firms. Not taking into account pro bono activities in a specific tax regime constitutes an incentive to move away from pro bono activities in favor of other economic choices such as endowment funds.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in France are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in France are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in France are human rights law, law</p>

<sup>1</sup> See Decree of November 27, 1991, No. 91-1197, Art. 99.

<sup>2</sup> See Decree of November 27, 1991, No. 91-1197, Art. 100.

<p>bono legal services? What are the major unmet legal needs?</p>	<p>relating to foreigners, social entrepreneurship law and criminal law.</p> <p>The major unmet legal needs come from marginalized populations that are not able to get legal aid due to their lack of information and in some cases language barriers. On the other hand, NGOs also require the provision of pro bono legal services as they do not have the funds to afford the services of private law firms.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>In France, most of the pro bono initiatives come from private law firms and NGOs. Pro bono programs carried out by law firms generally take the form of direct assistance and legal advice provided by attorneys to associations. Pro bono projects can concern economically-oriented activities such as social entrepreneurship and fair-trade project management or the development of French local entrepreneurship. Pro bono projects can also relate to international human rights in France, for example, representing individual clients before international bodies, assisting asylum seekers or victims of trafficking. Then, when involved in pro bono programs, initiatives by NGOs can take two forms: partnerships with law firms or companies, or within the framework of their own activity.</p>
<p>(c) Obstacles to Provision of Pro Bono Legal Services</p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in France do not require a specific license to provide pro bono legal services. The requirement is the same for pro bono legal services as it is with any other legal work.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers in France do not require a specific license to provide pro bono legal services. The requirement is the same for pro bono legal services as it is with any other legal work provided by foreign lawyers in France.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers require the same professional insurance for providing pro bono legal services as they do for providing any other legal services in France. However, the basic insurance provided by the bar does not cover pro bono legal services. This issue is still discussed within the Paris Bar. A report released in June 2017 of the “<i>Union des Jeunes Avocats de Paris</i>” (Young Parisian Attorneys Union) promotes negotiation with insurance companies in order to drive things forward.</p>

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no specific rules that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p> <p>The restriction on legal advertising which ended in 2014 undoubtedly impeded an effective communication of pro bono activities in France. Until then, it was illegal to solicit legal work in any form, either by going to the residence or workplace of a potential client or by sending a personalized proposition of work without having been properly invited beforehand. Advertising was only permissible in order to convey strictly necessary information to the public.</p> <p>In addition, attorneys in France should comply with its other ethical obligations and, in practice, the client should agree before advertising a specific case including pro bono matter.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in France do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in France.</p>	<p>In France, the main source of legal services is the state-subsidized <i>aide juridictionnelle</i> that allows indigents to receive legal representation from a qualified attorney who is paid by the State<sup>3</sup>. The program has created an entire market of French attorneys whose practice focuses on cases referred through the <i>aide juridictionnelle</i> system which should be distinguished from pro bono work. The work these attorneys receive tends to be individualized and often concerns smaller daily matters from clients who cannot afford any other form of representation.</p> <p>Law firms may also expand their pro bono offering by increasing their presence within the <i>accès au droit</i> framework. The <i>accès au droit</i> is unpaid and voluntary and provides clients in need with consultations and assistance to help them make informed legal decisions. It is the area in which most law firms have provided U.S.-style pro bono aid to the French community.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in France.</p>	<p>NGOs and the French bars are the main non-governmental sources of pro bono legal services.</p>

<sup>3</sup> The Law of 3 January 1972 has instituted the *aide juridictionnelle*, involving the state in the remuneration of the attorneys.

<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities. However, information on legal aid and pro bono opportunities in France can be found on the websites of the following public bodies and NGOs:</p> <ul style="list-style-type: none"><li>• Paris Bar;<sup>4</sup></li><li>• <i>Conseil National des Barreaux</i>;<sup>5</sup></li><li>• Ministry of Justice;<sup>6</sup></li><li>• Paris City Hall;<sup>7</sup></li><li>• <i>Fonds de dotation Barreau de Paris Solidarité</i>;<sup>8</sup></li><li>• <i>Défenseur des droits</i>;<sup>9</sup></li><li>• <i>Centre français des fonds et fondations</i>;<sup>10</sup></li><li>• Pro Bono Lab;<sup>11</sup></li><li>• <i>Droits d'urgence</i>;<sup>12</sup> and</li><li>• <i>Adie</i>.<sup>13</sup></li></ul>
--	---

May 2019  
Pro Bono Practices and Opportunities in France

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>4</sup> See [www.avocatparis.org](http://www.avocatparis.org) (last visited on May 1, 2019).

<sup>5</sup> See <https://www.cnb.avocat.fr/fr/commission-acces-au-droit-et-la-justice> (last visited on May 1, 2019).

<sup>6</sup> See <https://www.justice.fr/connaître-vos-droits> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.paris.fr/aidejuridique> (last visited on May 1, 2019); [www.v2asp.paris.fr/commun/pdf/acces\\_en.pdf](http://www.v2asp.paris.fr/commun/pdf/acces_en.pdf) (last visited on May 1, 2019) (brochure in English).

<sup>8</sup> See <http://www.barreausolidarite.org/> (last visited on May 1, 2019).

<sup>9</sup> See <http://www.defenseurdesdroits.fr/> (last visited on May 1, 2019).

<sup>10</sup> See [www.centre-francais-fondations.org](http://www.centre-francais-fondations.org) (last visited on May 1, 2019).

<sup>11</sup> See <http://probonolab.org> (last visited on May 1, 2019).

<sup>12</sup> See [www.droitsdurgence.org](http://www.droitsdurgence.org) (last visited on May 1, 2019).

<sup>13</sup> See [www.adie.org](http://www.adie.org) (last visited on March 1, 2019).

## Pro Bono Practices and Opportunities in Georgia<sup>1</sup>

### I. Introduction

Georgia’s legal system has been transforming since it gained independence from the Soviet Union at the end of the twentieth century. Prior to that, pro bono culture in the legal profession was largely unfamiliar. With the gradual progress in the legal system, strengthening pro bono initiatives has also become an important part of the reform agenda. So far most of the pro bono opportunities are offered by non-governmental organizations (“NGOs”), university law clinics and law firms. However, these practices exist in a context where no state regulations or voluntary standards are in place to support pro bono in Georgia.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Georgian legal practice is regulated under the Law of Georgia on Advocates and Code of the Professional Ethics. The respective laws only regulate the practice of the individuals who have obtained a license as an attorney (the law addresses such individuals as “advocates”). All remaining persons who have undertaken legal education, but have not gained the qualification of an “advocate” are referred to as “jurists” and are outside of the framework of contemplated regulation.</p> <p>There are no further rules that differentiate “advocate” from “jurists” and/or restrict the legal practice of the latter, except when it is directly provided under the law e.g. in civil law court proceedings anyone of legal capacity may provide legal representation before the courts of the first instance, but only “advocates” are authorized to do so in the court of appeal and the Supreme Court.</p> <p>The relevant legislations can be accessed, as follows:</p> <ul style="list-style-type: none"> <li>• Law of Georgia on Advocates<sup>2</sup></li> <li>• Code of the Professional Ethics<sup>3</sup></li> </ul> <p>Regretfully, no English translation is available.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Among the requirements to qualify as an “advocate” in Georgia, a person must: (1) be a Georgian citizen; (2) have received higher legal education; (3) have passed one of the state bar exams (either general or specialized qualification); and (4) have completed one year Professional</p>

<sup>1</sup> This chapter was drafted with the support of Lasha Gogiberidze of BGI Legal.

<sup>2</sup> See <https://matsne.gov.ge/ka/document/download/15472/20/ge/pdf> (last visited on May 1, 2019).

<sup>3</sup> See <https://qba.ge/pdf/5c3a4f30c6981.pdf/5c3a4f30c6981.pdf> (last visited on May 1, 2019).



	<p>Adaptation Program accredited by the Georgian Bar Association.</p> <p>The latter prerequisite is quite innovative for Georgian legal practice (in force as of January 2019) and is to be implemented in upcoming years. In general, a person who meets all other requirements has to undertake one year theoretical and practical training under the supervision of an authorized “advocate” by the Georgian Bar Association.</p> <p>Please find contemplated regulations and association hyperlinked below. Regrettably, no English translation is available:</p> <ul style="list-style-type: none"> <li>• Law of Georgia on Advocates<sup>4</sup></li> <li>• Professional Adaptation Program<sup>5</sup></li> <li>• Georgian Bar Association<sup>6</sup></li> </ul>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>From a regulatory standpoint, there are neither rules nor general voluntary standards applicable for pro bono legal service in Georgia. Therefore, no explicit regulation or limitation on the legal fees are envisaged.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Since there are no formal regulations on pro bono practice, there is no minimum hour requirement that an advocate in Georgia has to serve towards pro bono. Period and/or scope for such activities are solely at the attorneys’/law firms’ discretion.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>As noted above, there are no regulations applicable to pro bono activities. Therefore, no such requirement for aspiring lawyers is envisaged under the law.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Despite the lack of relevant regulations, non-governmental and private organizations generally cover the main areas where pro bono legal assistance might be requested. In particular, areas which have received particular focus are civil, criminal, administrative and constitutional laws, both in legal advising and court representation.</p> <p>However, given that pro bono activities are not regulated, there is no statistical data on</p>

<sup>4</sup> See <https://matsne.gov.ge/ka/document/download/15472/20/ge/pdf> (last visited on May 1, 2019).

<sup>5</sup> See <https://qba.ge/ka> (last visited on May 1, 2019).

<sup>6</sup> See <https://qba.ge/ka> (last visited on May 1, 2019).

	implementation of pro bono activities or any major unmet legal needs.
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Since the law remains silent on pro bono activities, pro bono opportunities in Georgia are in most part provided through law firm initiatives, NGOs, and university law clinics.</p> <p>For example, some of the leading law firms, members of the Association of Law Firms of Georgia, have signed the Pro Bono Declaration and agreed to provide pro bono legal services in a more coordinated and regular manner.</p> <p>Additionally, much of the pro bono opportunities are provided by NGOs in both their field of specialization and beyond. International donors and partners of the organizations finance these opportunities. In many cases, the pro bono legal services are tailored to local priorities and the organizations' profiles.</p> <p>Most recently, one of the fastest developing fields in this area has been university law clinics. At this point, practically all major universities in Georgia have some type of law clinic.</p> <p>Please refer to (d).2 for examples of these main providers of pro bono legal services.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Due to the absence of formal regulation, it is not restricted for a "jurist" to undertake a pro bono legal service. However, on several occasions and in particular, for representation before the court (except before the courts of the first instance of civil law proceedings), an "advocate" license is required.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Since there are no formal regulations on pro bono practice, it is rather difficult to address the matter in question from a pro bono perspective. However, please note that foreign qualified lawyers are not admitted by the Georgian Bar Association to practice law and provide advice on Georgian law until they fully meet the above-discussed criteria on licensing in Georgia.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>As already noted above, there are no applicable regulations regarding pro bono activities. Therefore, no professional indemnity legal insurance is required under the law.</p>

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>As noted above, there are no applicable regulations concerning pro bono activities. Therefore, no such restriction regarding advertisement of pro bono activities or soliciting new pro bono clients are envisaged.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Since the law remains silent on pro bono practice, lawyers do not benefit from pro bono activities undertaken by them. Therefore, lawyers do not receive equivalent credits for “Continuing Legal Education”.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Georgia.</p>	<p>There are no governmental sources of pro bono available apart from the state-sponsored legal aid that is delivered by the Legal Aid Service. However, since this report is solely focused on pro bono activities, it is not further discussed.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Georgia.</p>	<p>As discussed above, pro bono opportunities are offered by law firms, NGOs and university law clinics. Please find relevant sources described and hyperlinked below.</p> <p><b>Law Firms:</b></p> <ul style="list-style-type: none"> <li>• Association of Law Firms of Georgia – Conducts Pro bono activities mainly in Civil and Administrative laws.<sup>7</sup></li> </ul> <p><b>NGOs:</b></p> <ul style="list-style-type: none"> <li>• Transparency International – Georgia – Conducts pro bono activities mainly in Administrative Law.<sup>8</sup></li> <li>• Georgian Young Lawyers’ Association – Conducts pro bono activities mainly in human rights and other cases as determined under the criteria adopted by the organization.<sup>9</sup></li> <li>• Article 42 of the Constitution – Conducts pro bono activities nearly for any cases to the benefit of the vulnerable groups.<sup>10</sup></li> <li>• Anti-violence Network of Georgia – Conducts pro bono activities mainly in cases of domestic violence.<sup>11</sup></li> </ul>

<sup>7</sup> See <http://alfg.ge/?lang=en> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.transparency.ge/en> (last visited on May 1, 2019).

<sup>9</sup> See <https://qyla.ge/en> (last visited on May 1, 2019).

<sup>10</sup> See <https://article42.ge/en> (last visited on May 1, 2019).

<sup>11</sup> See <http://avnq.ge/> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Partnership for Human Rights – Conducts pro bono activities mainly in the areas of human rights.<sup>12</sup></li> <li>• Human Rights Education and Monitoring Center – Conducts pro bono activities mainly in the areas of human rights.<sup>13</sup></li> </ul> <p><b>Law School Clinics:</b></p> <ul style="list-style-type: none"> <li>• Free University of Tbilisi – Conducts pro bono activities in the Civil, Administrative, Criminal, and Constitutional Laws.<sup>14</sup></li> </ul> <p><b>Professional Associations:</b></p> <ul style="list-style-type: none"> <li>• Georgian Trade Unions Confederation – Conducts pro bono activities in the area of labor rights.<sup>15</sup></li> </ul> <p><b>Georgian Bar Association</b></p> <ul style="list-style-type: none"> <li>• Pro Bono Project - Conducts pro bono activities for individuals with disabilities in the areas of health and ownership matters.<sup>16</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Pro Bono Georgia is an organization that gathers companies operating in different industries that are willing to use their expertise and professional resources for the benefit of the society. By creating such database, pro bono activities are offered to the individuals in a variety of practices, including legal services.</p> <p>Similarly, Free Legal Aid Portal is based on a voluntary union of free legal aid providers which ensures cooperation and coordination of activities among its members. The objective of a project is to support creation of accessible and effective legal assistance in Georgia.</p> <p>Please find information on the contemplated sources hyperlinked below:</p> <ul style="list-style-type: none"> <li>• Pro Bono Georgia<sup>17</sup></li> <li>• Free Legal Aid Portal<sup>18</sup></li> </ul>

May 2019  
Pro Bono Practices and Opportunities in Georgia

<sup>12</sup> See <http://phr.ge/> (last visited on May 1, 2019).

<sup>13</sup> See <https://emc.org.ge/en> (last visited on May 1, 2019).

<sup>14</sup> See <https://emc.org.ge/en> (last visited on May 1, 2019).

<sup>15</sup> See <http://gtuc.ge/en/> (last visited on May 1, 2019).

<sup>16</sup> See <https://qba.ge/ka> (last visited on May 1, 2019).

<sup>17</sup> See <http://probonogeorgia.ge/> (last visited on May 1, 2019).

<sup>18</sup> See <http://free.mylaw.ge/en.pbn> (last visited on May 1, 2019).

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Germany

### I. Introduction

Generally, public opinion in Germany considers the provision of pro bono legal services as a positive recent development. However, legal and cultural obstacles to pro bono work still exist. Although pro bono work in Germany may not have such a long-standing tradition as in most Anglo-American countries – only with the emergence of regional and international law firms in the 1990s were institutional pro bono programs established and brought to the public’s attention – pro bono activity has been on the rise in recent years. Through establishing associations such as the Probono e.V., founding multiple university law clinics, and the influence of Anglo-American law firms, pro bono work in the German legal sector has gained much more attention and support.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The practice of law is regulated by various, especially federal laws. The most important among them are:</p> <ul style="list-style-type: none"> <li>• The Federal Lawyer’s Act (<i>Bundesrechtsanwaltsordnung</i>, “<b>BRAO</b>”), which regulates the provision of legal services by lawyers,<sup>1</sup> and the</li> <li>• The Federal Attorneys Services Act (<i>Rechtsdienstleistungsgesetz</i>, “<b>RDG</b>”), which stipulates who may render which types of out-of-court services.<sup>2</sup></li> </ul> <p>The acts listed above are complemented by two more laws:</p> <ul style="list-style-type: none"> <li>• The Ordinance for the Legal Profession (<i>Berufsordnung für Rechtsanwälte</i>, “<b>BORA</b>”), which sets out the rules on professional conduct for lawyers and is adopted by an assembly of elected representatives of the local bar associations.<sup>3</sup></li> <li>• The Federal Attorneys Compensation Act (<i>Rechtsanwaltsvergütungsgesetz</i>, “<b>RVG</b>”), which provides statutory fees for attorneys. However, in most cases attorneys are free to negotiate a fee arrangement (e.g. hourly rates) with their clients.<sup>4</sup></li> </ul>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The only licensure requirement to practice as an attorney in Germany is the admission to the local bar association (<i>Rechtsanwaltskammer</i>). To be</p>

<sup>1</sup> See <https://www.gesetze-im-internet.de/brao/> (last visited on October 2, 2019).

<sup>2</sup> See <https://www.gesetze-im-internet.de/rdg/> (last visited on October 2, 2019).

<sup>3</sup> See [https://www.brak.de/w/files/02\\_fuer\\_anwaelte/berufsrecht/025-bora-stand-01.11.18.pdf](https://www.brak.de/w/files/02_fuer_anwaelte/berufsrecht/025-bora-stand-01.11.18.pdf) (last visited on October 2, 2019).

<sup>4</sup> See <https://www.gesetze-im-internet.de/rvg/> (last visited on October 2, 2019).

	<p>admitted to the bar, each German legal practitioner has to pass two State Examinations (<i>Staatsexamina</i>) and cannot have a criminal record. The First State Examination marks the end of university education. The Second State Examination concludes a mandatory two-year legal clerkship (<i>Referendariat</i>) consisting of several internships in courts, public authorities, law firms, etc. The legal clerkship and both State Examinations are organized by the respective state, acting through the regional or higher regional courts.</p> <p>Besides the non-existence of a criminal record, there are almost no further pre-conditions for admission to bar (cf. Sections 6 and 7 BRAO).</p> <p>There are specific regulations and certain exemptions for foreign-qualified lawyers. Foreign-qualified lawyers from the EEA and Switzerland can obtain a license as a “European Lawyer” in Germany under the Act on the Activities of European Attorneys (<i>Gesetz über die Tätigkeit europäischer Rechtsanwälte, “EuRAG”</i>).<sup>5</sup> To obtain the license, the attorney needs to prove, inter alia, the membership to the lawyers’ profession and the establishment in Germany.</p>
--	--

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no explicit rules governing the provision of pro bono legal services in Germany.</p> <p>While there is a law containing a minimum fee requirement (Section 49b para. 1 BRAO), there are certain exceptions to it. Pursuant to Section 49b para. 1 BRAO, lawyers must generally not agree on lower fees than the ones set out in the Federal Attorneys Compensation Act (RVG). However, exceptions are allowed, for example, in cases where the client is indigent or where there is a family connection between the lawyer and the client.</p> <p>Even if none of the exceptions to Section 49b BRAO apply, it is the prevailing opinion among German scholars that Section 49b BRAO is not applicable in pro bono cases, because offering free legal services does not fall within the purpose of that law.</p> <p>Concerning the questions whether a free initial consultation is permissible, the German Federal Court of Justice (<i>Bundesgerichtshof, “BGH”</i>) decided recently, in 2017, that it is permissible for</p>
---	---

<sup>5</sup> See <https://www.gesetze-im-internet.de/eurag/> (last visited on October 2, 2019).



	<p>a lawyer to advertise for free initial consultation after having been involved in a car accident (BGH, decision of July 3, 2017 – AnwZ (Brfg) 42/16).</p> <p>Another rule which indirectly regulates pro bono legal services is a restriction for foreign-qualified attorneys willing to provide pro bono legal services as they might not be able to render legal services as attorneys at all. This restriction applies to attorneys from outside the EEA and Switzerland, who cannot obtain a practice license and thus can only work in Germany in a supporting role to German attorneys. In contrast, attorneys from EU member states, Switzerland and other EEA member states can obtain a permission as a “European Lawyer” in Germany and are then also allowed to engage in pro bono activities.<sup>6</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Germany are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Germany are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>There is need for pro bono work in Germany despite the existing legal aid system, and attorneys, as well as law clinics, are presented with many opportunities for providing pro bono legal services.</p> <p>The main area of law, which requires the provision of pro bono legal services, is civil law (covered, e.g., by university law clinics). In addition, there has been a recent rise in need for pro bono legal services in the area of refugee and asylum law.</p> <p>Furthermore, social organizations often require the provision of pro bono legal services in labor law, data protection law, trademark law, labeling rules, social franchising, web presence, tax law and copyright law.</p> <p>Major unmet legal needs are revealed, for example, when looking at low income individuals, like single parents, who cannot afford legal costs insurance but are not “sufficiently poor” to qualify for assistance under the Legal Aid Scheme and thus run the risk of being deprived of their rights.</p> <p>Furthermore, NGOs and charitable organizations often struggle to fulfill the requirements of the</p>

<sup>6</sup> See <https://www.anerkennung-in-deutschland.de/html/de/rechtsanwalt.php> (last visited on October 2, 2019).

	<p>Legal Aid Scheme or are not even entitled to legal aid at all as they are not residents in Germany, the EU or EFTA.</p> <p>Finally, very complex cases may be unsatisfactorily dealt with under the legal aid system, because lawyers working for reduced legal aid fees are likely to allocate less time and efforts to these cases. Furthermore, some potential pro bono cases cannot be handled on a legal aid basis because special expertise or manpower is required, for example, cases with cross-border implications.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>There are several providers of pro bono legal services in Germany. Due to the fact that the provision of pro bono legal services faced some legal uncertainties in the past, the development of pro bono is of a more recent nature than for example in the US. Thus statistics are scarcely available and a “main” provider of pro bono legal services cannot be identified.</p> <p>Pro bono legal services in Germany are provided by private attorneys, NGOs (often limited to a specific legal area in line with their business activities, e.g. Caritas Deutschland,<sup>7</sup> Deutsches Rotes Kreuz,<sup>8</sup> Arbeiterwohlfahrt),<sup>9</sup> university law clinics<sup>10</sup> and law firms, most of the latter are of Anglo-American origin and often focus on advising NGOs.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There is no special license for pro bono legal services in Germany. Lawyers just need to be admitted to the local bar association.</p> <p>Legal services provided by non-lawyers in the context of pro bono must be rendered under the supervision of a qualified lawyer (see Section 6 RDG). Pro bono legal services by non-lawyers are in general provided by university law clinics. When a case requires the legal representation of the client in court, often the supervising attorney applies for legal aid on behalf of the client and represents him officially, while the university legal clinic and its law students serve as the “back office” undertaking legal research and drafting documents.</p>

<sup>7</sup> See <https://www.caritas.de/hilfeundberatung/onlineberatung/rechtliche-betreuung/rechtliche-betreuung> (last visited on October 2, 2019).

<sup>8</sup> See <https://www.drk-berlin.net/angebote/beratung/rechtsberatung.html> (last visited on October 2, 2019).

<sup>9</sup> See <https://www.awo-frankfurt.com/dienste-angebote/beratung-hilfen/schuldner-und-rechtsberatung.html> (last visited on October 2, 2019).

<sup>10</sup> See <http://b-s-r-b.de/studentische-rechtsberatung/studentische-rechtsberatungsstellen-in-deutschland/> (last visited on October 2, 2019).

<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in Germany. However, they need to meet the specific requirements to practice law in Germany in general.</p> <p>Foreign-qualified lawyers from the EEA and Switzerland can obtain a license as a “European Lawyer” in Germany under the Act on the Activities of European Attorneys (EuRAG).<sup>11</sup> To obtain the license, the attorney needs to prove, inter alia, the membership to the lawyers’ profession and the establishment in Germany.</p> <p>Lawyers who cannot obtain a practice license and thus only work in Germany in a supporting role to German attorneys, cannot provide pro bono legal services as lawyers.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no requirement for special insurance for pro bono legal services.</p> <p>However, lawyers are required to have a professional indemnity legal insurance in general (Section 51 BRAO). The professional indemnity insurance covers all liabilities originating from an attorney’s professional activities and, consequently, includes liabilities from the provision of pro bono legal services. The attorney-client relationship in a pro bono case resembles the attorney-client relationship in a fee-based mandate, because the client’s dependency on the attorney’s superior knowledge remains the same. Accordingly, the attorney’s responsibilities and the resulting liability risks stay the same. As such, an attorney’s pro bono activities are covered by professional indemnity insurance to the same extent as his regular fee-based activities. On another note, an attorney and his pro bono client may agree to limit, but not completely exclude, the attorneys liability in accordance with general rules of German statutory law (Section 52 BRAO).</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Yes, Section 43b BRAO states that advertisement is only allowed if it solely contains factual information about the professional activity and is not directed to the assignment of an individual case. This law is generally interpreted in a narrow way and in the light of the purpose of the law, which is to protect a prospective client of the situation of being taken by surprise and not being able to decide freely.</p>

<sup>11</sup> See <https://www.gesetze-im-internet.de/eurag/> (last visited on October 2, 2019).

	<p>Simply providing the information that pro bono legal services are offered is allowed under Section 43b BRAO, as this constitutes factual information. Also soliciting a specific client and informing him about one’s own pro bono experience does not generally constitute unlawful behavior. The threshold of Section 43b BRAO might be exceeded if the lawyer offers specific legal advice to a potential client who is seeking advice for a specific case.</p> <p>Advertising pro bono successes and naming the pro bono client is only allowed if the client gives prior consent (Section 6 para. 2 sentence 2 BORA).</p> <p>The question, whether the standards of Section 43b BRAO are met, must be answered separately for each specific case.<sup>12</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Germany do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Germany.</p>	<p>There are no governmental sources of pro bono legal services in Germany, but there are sources of other free or low-cost governmental legal services. These services include legal aid in civil proceedings, legal assistance in criminal proceedings and legal advice.</p> <p>Legal Aid in civil proceedings encompasses the entitlement of an indigent litigant in civil proceedings before the ordinary courts as well as in proceedings before the administrative law, labor law and social courts to receive, under certain conditions, legal assistance under the Legal Aid Scheme (<i>Prozesskostenhilfe</i>). If eligible for legal assistance under the Legal Aid Scheme, the indigent litigant may freely choose his or her attorney. The competent state agencies waive court fees and cover the fees of the indigent litigant’s attorney. However, if the indigent litigant loses the case, he or she must still bear the costs for the opponent’s attorney. The eligibility criteria for legal assistance under the Legal Aid Scheme differ between individuals and legal entities.</p> <p>Legal Assistance in criminal proceedings means that a defendant in criminal proceedings is, in certain cases, entitled to a public defender (<i>Pflichtverteidiger</i>), who is appointed to the defendant by court. This includes in particular</p>

<sup>12</sup> See [https://www.gesetze-im-internet.de/brao/\\_43b.html](https://www.gesetze-im-internet.de/brao/_43b.html) (last visited on October 2, 2019).

	<p>cases where the defendant is charged with a felony and where the defendant is held in remand detention or provisional placement. The competent state agencies will cover the public defender's fees, unless the defendant is found guilty of the crime.</p> <p>Legal advice and out-of-court representation can be sought by eligible indigent persons and legal entities in all areas of law at no or very low cost. The modalities of the provision of legal advice to indigent persons differ between states.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Germany.</p>	<p>Pro bono Deutschland e.V. has been founded by 32 national and international law firms in order to advocate engagement in the area of pro bono legal advice. The association itself does not render any legal services and does not coordinate the pro bono activities or solicit pro bono cases. However, Pro bono Deutschland is a useful resource for information on pro bono legal services in Germany and provides the opportunity to share experiences of pro bono work and to advocate the cause of pro bono legal advice in Germany.<sup>13</sup></p> <p>Startsocial e.V. is a non-profit-organization, which is sponsored and supported by German corporations. It helps selected small and medium-sized social project by matching them with advisory teams consisting of professionals, including law firms.<sup>14</sup></p> <p>Auridis gGmbH is a non-profit-organization funded by retail giant Aldi Süd seeking to support young families and children. Auridis provides social projects in the area of family support and early education with funds, networking opportunities and free counseling, also, with the help of external pro bono lawyers, regarding legal issues.<sup>15</sup></p> <p>There are several network organizations of German university law clinics that provide information on their work and an overview of existing legal clinics in Germany. Many university law clinics look for qualified attorneys willing to supervise law students and to work pro bono in this way.<sup>16</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in</p>	<p>Attorneys, who search for pro bono opportunities focusing on legally advising <u>non-profit-</u></p>

<sup>13</sup> See <https://www.pro-bono-deutschland.org/> (last visited on October 2, 2019).

<sup>14</sup> See <https://startsocial.de/ueber-uns> (last visited on October 2, 2019).

<sup>15</sup> See <https://www.auridis.de/startseite> (last visited on October 2, 2019).

<sup>16</sup> See <https://rlc-deutschland.de/> and <http://b-s-r-b.de/> (last visited on October 2, 2019).

<p>order to be made aware of pro bono opportunities?</p>	<p><u>organizations</u> can, for example, register with the UPJ (a registered association). UPJ is a network, founded in 1996, which works with Probono Deutschland e.V. and several law firms in order to connect law firms and individual lawyers with non-profit-organizations in need for pro bono legal services. UPJ functions as a “Clearinghouse“ and checks the organizations asking for pro bono help. It also provides a Newsletter-Service for interested attorneys and law firms, so that they can apply for pro-bono-mandates and establishes the contact between the law firms and potential pro bono clients.<sup>17</sup></p> <p>In contrast, we are not aware of any organization with which attorneys can register in order to be made aware of pro bono opportunities focusing on legally advising <u>individuals</u>. However, pro bono opportunities focusing on legally advising individuals can for example be found on university law clinics’ websites or on the websites of Public Legal Advice and Settlement Offices. In addition, pro bono work is often provided on a local level, e.g. by legal advice offices (e.g., the Public Legal Advice and Settlement Offices in Hamburg (<i>Öffentliche Rechtsauskunft- und Vergleichsstelle Hamburg</i>)<sup>18</sup> or local lawyers associations (e.g., the Lawyers Association of Frankfurt (<i>Frankfurter Anwaltsverein</i>)).<sup>19</sup></p>
--	--

October 2019  
Pro Bono Practices and Opportunities in Germany

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>17</sup> See <https://probono-rechtsberatung.de/kanzleien/> (last visited on October 2, 2019).

<sup>18</sup> See <https://www.hamburg.de/oera/> (last visited on October 2, 2019).

<sup>19</sup> See <https://www.frankfurter-anwaltsverein.de/buergerservice/rechtsberatung/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in Greece

### I. Introduction

Greece does not have a well-established or prevalent tradition of providing legal pro bono legal services. Some Greek law firms actively advertise their pro bono legal services but this practice does not appear widespread and there are often particularities or limitations to what services can be offered.

By contrast, a pro bono culture, led by Greek and international NGOs, which focuses solely on the needs of refugees and migrants has burgeoned following the concentrated arrival of migrants to Greece over the last decade. Such pro bono legal services, alongside some legal aid services, have mobilised to assist refugees on a range of issues, from asylum applications, family reunification applications through to the protection of their human rights. However, the demand for free legal services greatly outstrips supply in this field.

Overall, the pro bono legal services offered in Greece appear underdeveloped and much can still be done by way of legal reform to improve Greece's pro bono culture.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>In Greece, the legal profession consists of lawyers (or <i>Dikigoros</i> – δικηγόρος) who can also serve as legal advisers (νομικοί σύμβουλοι) – there is no distinction between barristers and solicitors and advocates.</p> <p>The provision of legal services in Greece is subject to the Lawyers Code (Κώδικας περί Δικηγόρων)<sup>1</sup>, which regulates disciplinary law, fees and advancement in status in general.</p> <p>Lawyers in Greece must also comply with a Code of Conduct (Κώδικας Δεοντολογίας)<sup>2</sup> and the rules of the Bar Associations (Εσωτερικοί Κανονισμοί Δικηγορικών Συλλόγων), which follow the provisions of the Code of Conduct for Lawyers in the European Union provided by the Council of Bars and Law Societies of the European Union (the <b>CCBE</b>).<sup>3</sup></p> <p>There are 63 local Bar Associations in Greece<sup>4</sup> – one for each court of first instance (πρωτοδικείο). Each of these bars is a self-regulatory</p>

<sup>1</sup> Law no. 3026/54, as continually amended, notably by law no. 3919/2011 (see <http://ilo.org/dyn/natlex/docs/SERIAL/89474/102803/F-973007144/A-32.pdf>, last visited on May 1, 2019) and law no. 4194/2013 (see [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/DEON\\_National\\_CoC/EL\\_Greece\\_KODIKAS\\_ELLINO\\_N\\_DIKIGORON.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EL_Greece_KODIKAS_ELLINO_N_DIKIGORON.pdf), last visited on May 1, 2019).

<sup>2</sup> See [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/DEON\\_National\\_CoC/EL\\_Greece\\_Code-of-Conduct.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EL_Greece_Code-of-Conduct.pdf) (last visited on May 1, 2019).

<sup>3</sup> For the latest version of the CCBE Code of Conduct, see page 10-17 of [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/DEONTOLOGY/DEON\\_CoC/EN\\_DEON\\_CoC.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/DEONTOLOGY/DEON_CoC/EN_DEON_CoC.pdf) (last visited on May 1, 2019).

<sup>4</sup> For a list of the Bar Associations see <https://portal.olomeleia.gr/en/content/57493> (last visited on May 1, 2019).



	<p>disciplinary body, and has its own Disciplinary Board of Lawyers.<sup>5</sup></p> <p>As of 2018, there are approximately 44,000 registered lawyers in Greece;<sup>6</sup> of these, some 22,000 members belong to the Athens Bar Association alone.<sup>7</sup></p> <p>Further information can be obtained from previous Pro Bono Institute surveys.<sup>8</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To enter the legal profession, a Greek citizen must first obtain a Greek law degree or hold an equivalent qualification from a recognized foreign university.</p> <p>Upon graduating, the graduate must register as a trainee lawyer (ασκούμενος δικηγόρος) with a Bar Association of their choice and complete an 18 month traineeship in a law firm. Once this training has been completed, the candidate must successfully pass the bar examination to obtain a licence to practice.</p> <p>Licensed lawyers are then admitted to the relevant Bar Association and entitled to practise in the courts of first instance (πρωτοδικείο).</p> <p>After 3 years of practice, and subject to the approval of the relevant Bar Association, licensed lawyers are entitled to practise in the courts of appeal (εφετεία).</p> <p>After a further 5 years of practice, and again subject to the approval of the relevant Bar Association, licensed lawyers are entitled to practise in the Supreme Court (Άρειος Πάγος).</p> <p>Further information can be obtained from the Law Society website, previous Pro Bono Institute surveys, and the European e-Justice Portal.<sup>9</sup></p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any</p>	<p>There are no rules which expressly regulate the provision of pro bono legal services in Greece.</p>

<sup>5</sup> See [https://www.ibanet.org/Regulation\\_Directory\\_project\\_Greece.aspx](https://www.ibanet.org/Regulation_Directory_project_Greece.aspx) (last visited on May 1, 2019).

<sup>6</sup> See <http://www.greece-lawyer.com/practice-areas-of-law/general-information/greek-lawyers-code-practice/> (last visited on May 1, 2019).

<sup>7</sup> See [https://www.cbbe.eu/fileadmin/speciality\\_distribution/public/documents/Statistics/EN\\_STAT\\_-2018\\_Number-of-lawyers-in-European-countries.pdf](https://www.cbbe.eu/fileadmin/speciality_distribution/public/documents/Statistics/EN_STAT_-2018_Number-of-lawyers-in-European-countries.pdf) (last visited on May 1, 2019); see also <http://www.dsa.gr/page/identity-athens-bar-association> (last visited on May 1, 2019).

<sup>8</sup> For the 2010 survey, see <http://www.probonoinst.org/wpps/wp-content/uploads/greece.pdf> (last visited on May 1, 2019); for the 2015 survey, see <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-greece.pdf> (last visited on May 1, 2019).

<sup>9</sup> See <http://communities.lawsociety.org.uk/international/regions/europe/greece/how-to-practise-in-greece/5043351.fullarticle> (last visited on May 1, 2019); <http://www.probonoinst.org/wpps/wp-content/uploads/greece.pdf> (last visited on May 1, 2019); and [https://e-justice.europa.eu/content\\_lawyers\\_training\\_systems\\_in\\_the\\_member\\_states-407-en.do?idTaxonomy=407&plang=en&removebanner=true](https://e-justice.europa.eu/content_lawyers_training_systems_in_the_member_states-407-en.do?idTaxonomy=407&plang=en&removebanner=true) (last visited on May 1, 2019): select "Greece" from the list of EU member states.

<p>mandatory or minimum fees imposed on provision of legal services.</p>	<p>The fees of Greek lawyers are generally regulated by Articles 91 to 180 of law no. 3026/1954, as amended by law no. 3919/2011.<sup>10</sup></p> <p>It should be noted that the Lawyers Code requires Greek lawyers to receive a fee for the provision of any legal services.<sup>11</sup> Certain exceptions to this rule exist, but they are extremely limited in scope (for example, the provision of legal advice to retired lawyers or close relatives).</p> <p>A Greek lawyer's fees can be agreed between the lawyer and the client in writing. As amended by law no. 3919/2011, the Lawyers Code no longer dictates the minimum or maximum fees to be charged. To the extent no such agreement is made in writing, the Lawyers Code does, however, provide a fallback position, setting out a minimum fee structure for the provision of legal services.<sup>12</sup></p> <p>Notwithstanding the prohibition described above, private practice lawyers, local organisations and international organisations continue to provide free legal services in Greece.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Greek lawyers are not required to work any minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for a Greek trainee lawyer (ασκούμενος δικηγόρος) to complete any minimum number of pro bono hours in order to qualify into the profession or become a licensed lawyer.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The widely-publicised European 'refugee crisis' saw the arrival of large migrant populations to countries throughout Europe over a relatively short period of time, mainly during 2015. At the height of the crisis, the UNHCR recorded 211,663 people arriving on Greek shores during the month of October 2015.<sup>13</sup> Although the number of migrants arriving month-by-month to Greece by sea has since abated,<sup>14</sup> arrivals have</p>

<sup>10</sup> [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-el-restore-en.do?member=1](https://e-justice.europa.eu/content_costs_of_proceedings-37-el-restore-en.do?member=1)

<sup>11</sup> Refer to Article 175 of the Lawyers Code (restated by law no. 3919/2011), see <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-greece.pdf> (last visited on May 1, 2019); see also [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-el-restore-en.do?member=1](https://e-justice.europa.eu/content_costs_of_proceedings-37-el-restore-en.do?member=1) (last visited on May 1, 2019).

<sup>12</sup> See <http://www.greece-lawyer.com/practice-areas-of-law/general-information/greek-lawyers-code-practice/> (last visited on May 1, 2019); see also [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-el-restore-en.do?member=1](https://e-justice.europa.eu/content_costs_of_proceedings-37-el-restore-en.do?member=1) (last visited on May 1, 2019); Article 63 of law no. 4194/2013 provides an example of one such default position, see <http://kpag.com/greece-lawyers-greek-law-firm/> (last visited on May 1, 2019).

<sup>13</sup> See <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (last visited on May 1, 2019).

<sup>14</sup> 1,129 arrivals by sea were recorded by UNHCR in the first 20 days of January 2019, see <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (last visited on May 1, 2019).

not ceased altogether and many migrants have remained in Greece. The UNHCR estimates that approximately 50,508 migrants have remained on the Greek mainland or surrounding islands since the 2015-2016 flow.<sup>15</sup>

This concentrated arrival of refugees and migrants has put severe strain on small Greek island communities that lack the basic infrastructure and services to adequately respond to the humanitarian needs of these people. In terms of basic housing, of the approximate 4,500 buildings and apartments located across Greece used to accommodate its migrant population, just 310 of these are located on Greek islands.<sup>16</sup> As such, islands such as Samos, which is situated close to the Turkish coast, are less able to cope; a recent UNHCR report said that Samos is inhabited by a migrant population five times larger than the intended capacity of its reception and identification centre.<sup>17</sup>

The refugee crisis has created an important need for legal pro bono initiatives directed towards the protection, immigration and reunification needs of refugees and asylum seekers in Greece – a need which is only growing.

Indeed, the demand for asylum and immigration services is fast growing as the crisis matures and focus shifts to the asylum process. This is despite the drastically reduced number of arrivals to Greece. The Greek Asylum Service, for example, received 66,970 asylum applications in 2018 up from 13,186 in 2015.<sup>18</sup> Some pro bono initiatives, such as RLS-Athens (a registered UK charity), focus solely on reviewing, supporting and providing advice in relation to asylum claims.<sup>19</sup>

Much remains to be done in Greece in relation to the refugee crisis and pro bono legal services will likely continue to play an important role in the future in this space unless changes to domestic

---

<sup>15</sup> See <https://data2.unhcr.org/en/documents/download/67711> (last visited on May 1, 2019).

<sup>16</sup> See <https://data2.unhcr.org/en/documents/download/67704> (last visited on May 1, 2019).

<sup>17</sup> As of December 2018, see <https://data2.unhcr.org/en/documents/download/67711> (last visited on May 1, 2019); UNHCR records c. 11,000 asylum seekers on Samos and Lesbos during the month of November 2018, see <https://data2.unhcr.org/en/documents/download/67726> (last visited on May 1, 2019).

<sup>18</sup> See [http://asylo.gov.gr/en/wp-content/uploads/2019/01/Greek\\_Asylum\\_Service\\_Statistical\\_Data\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2019/01/Greek_Asylum_Service_Statistical_Data_EN.pdf) (last visited on May 1, 2019).

<sup>19</sup> See <https://www.refugeelegalsupport.org/athens> (last visited on May 1, 2019).

	policy address the deficit of free legal services first. <sup>20</sup>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers of pro bono legal services in Greece appear to be a split of private practice law firms and NGOs.</p> <p>Information relating to university pro bono schemes or initiatives, if any, do not appear to be readily available.</p> <p>The Greek government does not appear to readily offer pro bono legal services. However, the Greek government does offer legal aid subject to certain eligibility criteria (see (d)1 below).</p>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Greek lawyers do not require a licence to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers wishing to provide pro bono legal services in Greece do not need any additional licences to do so. However, foreign lawyers must be entitled to practise in Greece.</p> <p>Foreign lawyers who qualified in another member state of the EU may practise on a permanent basis in Greece (in a self-employed or a salaried capacity) under their home-country professional title, pursuant to Presidential Order 152/2000 (in compliance with Directive 98/5/EC). This is subject to conditions, such as the foreign lawyer must register with the relevant Bar Association in Greece and keep chambers in their specific practice.</p> <p>Once registered with a Bar Association, the foreign lawyer becomes subject to the same obligations and assumes the same rights as Greek lawyers.</p> <p>However, the foreign lawyer may only integrate fully into the Greek legal profession once they can evidence three years of regular legal practice in Greece. During this period, foreign lawyers wishing to represent a client in court must be assisted by a lawyer entitled to appear before the court hearing that case.</p>

<sup>20</sup> In some reports cases, pro bono lawyers in Greece are actively providing services formerly provided on an ad hoc basis, e.g. local police handling asylum applications, see <https://www.lawgazette.co.uk/commentary-and-opinion/is-pro-bono-work-enough-to-tackle-the-refugee-crisis/5063970.article#commentsJump> (last visited on May 1, 2019); on the issue of Greek policy, reform measures have been introduced intended to streamline the asylum application process (to reduce backlogs and expedite the process if there is an urgent need for it), see <https://www.asylumineurope.org/news/20-04-2018/greece-reception-standards-and-further-dismantling-procedural-safeguards-latest> (last visited on May 1, 2019); also see <https://www.asylumineurope.org/news/04-04-2016/greece-asylum-reform-wake-eu-turkey-deal> (last visited on May 1, 2019).

	<p>Furthermore, acts or duties which Greek law considers to constitute an exercise of public authority may only be performed by lawyers of Greek nationality.<sup>21</sup></p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Specific rules on lawyers' liability exist in Greece, refer to liability for in-court activity and presuppose fraud or gross negligence of the lawyer.<sup>22</sup> If these conditions are met, it can be argued that these rules are applicable also in the context of provision of pro bono legal services.</p> <p>There is no Professional Indemnity insurance scheme in Greece. Lawyers may enter into private insurance contracts voluntarily.</p> <p>Piraeus Bar Association has negotiated an insurance scheme for its members, which is in force and also covers members of other Greek Bars. However, the scheme is voluntary and run by private companies.</p> <p>An optional auxiliary insurance fund called Λογαριασμός Ενισχύσεως Δικηγόρων Επαρχιών (ΛΕΔΕ) aiming at supporting lawyers working in the Greek Province recently (as of the beginning of March 2019) has negotiated an insurance scheme for its members. The insurance is provided free of charge by a private insurance company.<sup>23</sup></p> <p>It should be noted that any provision limiting a lawyer's liability for fraud or gross negligence is considered null and void.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are rules that prohibit advertising of pro bono successes. The Lawyers' Code<sup>24</sup> prohibits advertising which enables others to identify clients (Article 40.3 (ε)). These rules also prohibit lawyers advertising the outcome of cases, their success rates and/or the turnover of cases (Article 40.3 (γ),(δ)). Lawyers are not prohibited from soliciting new pro bono clients. The Lawyers' Code prohibits lawyers from giving press interviews discussing pending cases and providing information or data in relation to such cases.</p>

<sup>21</sup> See <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-greece.pdf> (last visited on May 1, 2019).

<sup>22</sup> See [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/INSURANCE/INS\\_Position\\_papers/EN\\_INS\\_20100827\\_Revised-Comparative-Table-on-Professional-Indemnity-Insurance-October-2009.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/INSURANCE/INS_Position_papers/EN_INS_20100827_Revised-Comparative-Table-on-Professional-Indemnity-Insurance-October-2009.pdf) (last visited on May 1, 2019);

<sup>23</sup> See <http://www.leda.gr/%ce%b5%ce%bd%ce%b9%cf%83%cf%87%cf%8d%cf%83%ce%b5%ce%b9%cf%82-%cf%80%cf%81%ce%bf%cf%82-%cf%84%ce%b1-%ce%bc%ce%ad%ce%bb%ce%b7/#astikh> (last visited on 27 March 2019)

<sup>24</sup> See [http://www.dsa.gr/sites/default/files/news/attached/n\\_4194-2013\\_-\\_kwdikas\\_dikigorwn\\_fek\\_a\\_208.pdf](http://www.dsa.gr/sites/default/files/news/attached/n_4194-2013_-_kwdikas_dikigorwn_fek_a_208.pdf) (last visited on May 1, 2019)

<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>This question does not apply to Greek lawyers as there are no Continuing Legal Education or education requirements for qualified lawyers in Greece.<sup>25</sup></p>
---	---

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Greece.</p>	<p>There do not appear to be any main governmental sources of pro bono in Greece.</p> <p>However, publicly funded legal aid (as distinct from pro bono legal services) is offered in various forms by the Greek state. This summary does not focus on legal aid but, for completeness, a short summary follows. Further information can be found in the links contained in the footnotes to this section d(1).</p> <p>Citizens with a low income are entitled to receive legal services without paying fees.<sup>26</sup> Articles 194 to 202 of the Code of Civil Procedure, and 100 and 304 of the Code of Penal Procedure, respectively, also provide for the possibility of receiving legal aid in trial proceedings. In principle, the main costs of a trial have to be borne by the party who brings the action; however, the losing party will be ordered to bear the costs of trial for both parties. Legal aid exempts the applicant from all legal costs, including judicial stamp duty, duty on the writ of execution, surcharges on these stamp duties, solicitor’s and bailiff’s fees, costs relating to witnesses and experts, and the fees of the lawyers or other representatives.</p> <p>Legal aid is available before all civil, criminal and administrative courts, both for contentious and non-contentious proceedings, but not for procedures before administrative authorities. The lawyer is appointed on the basis of lists put together and kept by local Bar Associations. Lawyers are included on these lists on a voluntary basis and, if selected, are obliged to provide their legal services without receiving fees. The Ministry of Justice covers the legal fees owed to these lawyers.<sup>27</sup></p> <p>The Greek government also supports a separate programme for Greece’s young people (which is supplementary to the general legal aid system)</p>
--	--

<sup>25</sup> See <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-greece.pdf> (last visited on May 1, 2019); see also [https://e-justice.europa.eu/content\\_lawyers\\_training\\_systems\\_in\\_the\\_member\\_states-407-en.do?idTaxonomy=407&plang=en&removebanner=true](https://e-justice.europa.eu/content_lawyers_training_systems_in_the_member_states-407-en.do?idTaxonomy=407&plang=en&removebanner=true) (last visited on May 1, 2019).

<sup>26</sup> See law no. 3226/2004.

<sup>27</sup> See <https://www.opensocietyfoundations.org/sites/default/files/eu-legal-aid-greece-20150427.pdf> (last visited on May 1, 2019); and <http://www.probonoinst.org/wpps/wp-content/uploads/greece.pdf> (last visited on May 1, 2019).

	<p>called “Legal Aid for Youth”. This initiative was launched in 2010 by the General Secretariat for Youth of the Greek State and recently approved for the 2017-2019 period by the Education Ministry General Secretariat for Lifelong Learning and Youth.<sup>28</sup> The scheme aims to provide free legal aid targeted at minors and socially vulnerable groups of young citizens (up to 30 years of age). Legal services are provided by young lawyers (up to 35 years of age). The programme seeks to serve two purposes: (i) to fight against social discrimination and isolation often experienced by the programme’s target groups; and (ii) to encourage and support young lawyers to take on similar cases. The programme deals with criminal-law related cases (abuse, domestic violence, human trafficking, drug-related offences), civil cases, administrative cases and labour law-related cases.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Greece.</p>	<p>There does not appear to be any main non-governmental source of pro bono in Greece. However, some organisations and some private practice law firms do offer a limited range of pro bono legal services.</p> <p><b>Private practice law firms</b></p> <p>Some Greek law firms freely advertise pro bono legal services and undertake to provide pro bono legal services to charitable organizations and non-profit institutions (advising, in particular, on the formation, ongoing governance and compliance requirements of such organizations), as well as individuals, foundations and start-up companies created by young entrepreneurs.<sup>29</sup></p> <p>Some Greek law firms also offer English-speaking pro bono legal services to UK nationals in exceptional circumstances or on a case by case basis. However, many firms also do not – the UK government maintains a list of law firms that can be instructed by UK nationals which can be accessed via the UK government website.<sup>30</sup></p> <p>In the past, Greek lawyers have led pro bono initiatives to address topical issues such as the</p>

<sup>28</sup> See <https://government.gov.gr/egkrisi-odigou-programmatos-nomiki-voithia-gia-neous-legal-aid-gia-to-chroniko-diastrima-2017-2019/> (last visited on May 1, 2019); see also <https://www.minedu.gov.gr/news-in-english-all/25270-09-11-16-ministry-legal-aid-programme-for-minors-youth-in-vulnerable-groups> (last visited on May 1, 2019); see also <https://edu.klimaka.gr/nomothesia/diaforoi-nomoi/2957-legal-aid-nomiki-voitheia> (last visited on May 1, 2019).

<sup>29</sup> For some examples of such firms, see <https://www.papapolitis.com/about/> (last visited on May 1, 2019); or <https://dftlaw.gr/pro-bono/> (last visited on May 1, 2019); or <http://www.felioslawfirm.gr/firm/pro-bono-work/> (last visited on May 1, 2019); or <http://koslawoffice.gr/social-responsibility/kos-law-firm/9-pro-bono-cases> (last visited on May 1, 2019).

<sup>30</sup> See <https://www.gov.uk/government/publications/greece-list-of-lawyers> (last visited on May 1, 2019).



national debt or to provide counselling services to migrants.<sup>31</sup>

### Non-governmental organisations

The only cases of pro bono court representation are those provided by certain human rights NGOs in cases concerning migrants, refugees and certain vulnerable groups of people. The following are examples of foundations or programmes that are active in providing such pro bono legal services:<sup>32</sup>

- The Marangopoulos Foundation for Human Rights (“**MFHR**”) – established in 1978 the MFHR offers free legal services to people (without any discrimination as to race, religion, sex, language, nationality or social origin) whose fundamental human rights and freedoms have been infringed and who are unable to pay for legal counsel.<sup>33</sup>
- The Integration Centre for Migrant Workers: Ecumenical Refugee Programme (“**KSPM-ERP**”) – established in 2012 as the successor of the Integration Centre for Migrant Workers (which had been operating as an office of the Holy Synod of the Church of Greece since 1978 and operating officially since 1994), the KSPM-ERP runs various programmes which aim to defend and support justice, the dignity and rights of migrants, refugees, asylum seekers and Greek repatriates.<sup>34</sup> The KSPM-ERP runs two offices: the ‘Ecumenical Refugee Programme’ and the ‘Reintegration Center for Returning Migrants’. Both offices have a strong history of working with national and international NGOs to further their underlying mission.<sup>35</sup>
- AITIMA NGO (“**AITIMA**”) – AITIMA was founded in 2008 with the aim of defending human rights and protecting the environment. The organisation achieves these aims by providing free legal advice and consultation to vulnerable groups (including refugees, minorities and newly arrived communities),

<sup>31</sup> One example of this is the Group of Lawyers for the Rights of Migrants and Refugees, see <http://omadadikigorwnenglish.blogspot.com/> (last visited on May 1, 2019): This group operated from February 2016 to December 2018 to (i) provide legal counselling to migrants and refugees on the full range of issues relating to their immigration status, (ii) provide legal assistance in exceptional cases, and (iii) contribute to the public debate on immigrant and refugee issues; see also, the Greece Debt Free (“**GDF**”) initiative: not active since 2015, GDF was aimed at reducing Greece’s national debt and some pro bono services were offered by Greek law firms through the initiative.

<sup>32</sup> For a general overview, please see <http://www.refugeelegalaidinformation.org/greece-pro-bono-directory> (last visited on May 1, 2019).

<sup>33</sup> See <http://www.mfhr.gr/en/means-of-action.html> (last visited on May 1, 2019).

<sup>34</sup> See <http://www.kspm-erp.com/?lang=en> (last visited on May 1, 2019).

<sup>35</sup> For more information, see <http://www.kspm-erp.com/ecumenical-refugee-programme/?lang=en> (last visited on May 1, 2019); and <http://www.kspm-erp.com/reintegration-center/?lang=en> (last visited on May 1, 2019).

	<p>delivering training, providing education, leading cultural events and conferences, conducting research and appealing to the judiciary system.</p> <ul style="list-style-type: none"> <li>• The Greek Council for Refugees (“<b>GCR</b>”)<sup>36</sup> – founded in 1989, GCR was created to support refugees and asylum seekers in Greece and assist with their integration with a range of social, psychosocial and legal services. GCR also works to support and protect the rights of asylum seekers, refugees and vulnerable members of Greek society and, in collaboration with a range of partners—from ministries and local government to international organizations—GCR offers legal support and representation services.<sup>37</sup></li> <li>• HIAS Greece<sup>38</sup> – established in the USA in 2016 to provide legal representation to refugees arriving on the Island of Lesbos, HIAS Greece has since partnered with Islamic Relief USA to provide improved legal services to refugees in Greece throughout 2018 through the Greece Refugee Rights Initiative. From its new office in Athens, HIAS Greece is now able to follow up on cases, pursue strategic litigation, engage in advocacy on behalf of refugees and provide free legal assistance for asylum and reunification proceedings from a local Greek base. HIAS Greece in a branch of HIAS, the Hebrew Immigrant Aid Society founded in 1881.</li> <li>• RLS-Athens (“<b>RLS</b>”)<sup>39</sup> – set up in 2017 by UK asylum and immigration lawyers, RLS runs a law clinic out of the Athens Solidarity Centre to provide free legal support and assistance in relation to asylum and reunification issues. RLS relies on the voluntary services of EU asylum lawyers who rotate their time in Athens. Other RLS activities include supporting and evidencing asylum claims, running advice and information sessions, outreach, contributing to strategic litigation, providing legal education and capacity building within the Greek asylum law community, and training community interpreters.<sup>40</sup></li> </ul>
--	---

<sup>36</sup> See <https://www.gcr.gr/en/> (last visited on May 1, 2019).

<sup>37</sup> See <https://www.gcr.gr/en/our-work/our-services/gcr-legal-unit> (last visited on May 1, 2019).

<sup>38</sup> See <https://www.hias.org/greece> (last visited on May 1, 2019).

<sup>39</sup> See <https://www.refugeelegalsupport.org/> (last visited on May 1, 2019).

<sup>40</sup> Further information is available at <https://reachvolunteering.org.uk/org/refugee-legal-support-athens-rls-athens> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Lawyers Against Poverty (“LAP”)<sup>41</sup> – established in 2015, LAP is an Oxfam initiative which aims to inspire lawyers to play a part in global justice, facilitate the establishment of legal projects that support access to justice, facilitate access to legal education, raise awareness of poverty and work to relieve poverty. Since 2018, LAP have been working with refugees and asylum seekers in Greece to provide timely and effective legal advice in advance of immigration interviews.<sup>42</sup></li> <li>• Advocates Abroad (“AA”)<sup>43</sup> – set up in early 2016 to provide refugees in Greece with information about their rights, AA relies on the work of volunteer lawyers and field teams to run legal clinics in camps and shelters. The clinics are designed to prepare refugees and asylum seekers for asylum interviews, and assist with family reunification applications and appeals. AA also runs information sessions and their Greek qualified lawyer-volunteers also provide court representation for asylum related claims.</li> </ul> <p><b>Legal Aid</b></p> <p>In the legal aid space, Greece’s volatile economic situation and the humanitarian crises affecting it have also led to the emergence of charitable or volunteer led initiatives which provide private mechanisms of legal aid. The actions of groups such as Solidarity Now, ARSIS, the Ecumenical Refugee Programme and some local Bar Associations all provide examples of alternatives to state-sponsored legal aid.<sup>44</sup> The Legal Service offered by ARSIS, for example, is free for beneficiaries of the service subject to such beneficiaries meeting certain financial criteria; it is staffed by a mix of paid lawyers and volunteers. No further explanation of such legal aid is provided in this summary.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations in Greece with which a local or foreign attorneys can register in order to be made aware of pro bono opportunities.</p>

<sup>41</sup> See <https://lawyersagainstpovety.org/activities/projects/> (last visited on May 1, 2019).

<sup>42</sup> Further information is available at <http://www.simmons-simmons.com/en/news/2018/october/lawyers-against-poverty-launch-initiative-to-assist-refugees> (last visited on May 1, 2019).

<sup>43</sup> See <https://advocatesabroad.org/aboutus/> (last visited on May 1, 2019).

<sup>44</sup> See <https://www.opensocietyfoundations.org/sites/default/files/eu-legal-aid-greece-20150427.pdf> (last visited on May 1, 2019).

May 2019  
Pro Bono Practices and Opportunities in Greece

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Hungary<sup>1</sup>

### I. Introduction

Hungary’s pro bono tradition dates back to the beginning of the 20th century, when the Budapest Bar Association stated that the provision of free legal services in Hungary was part of a “noble heritage that had become part of legal practice”.<sup>2</sup> During the period of communism however, the ability to provide pro bono legal services in Hungary became increasingly difficult due to the burdensome approvals required, and such services largely ceased to exist.<sup>3</sup>

Since the end of the 1980s and start of the 1990s, Hungary has had a slow but positive uptake in the availability and provision of pro bono legal services by attorneys around the country. The increasing presence of international law firms and lawyers in Hungary has brought with it a more proactive approach towards the provision of pro bono legal services and has assisted in “laying the groundwork for a renewed [pro-bono] mindset”<sup>4</sup>. Organizations such as PILnet and its Hungarian pro bono clearinghouse have also played an important role increasing collaboration amongst law firms, NGOs and charities.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The provision of legal services in Hungary is regulated by Act LXXVIII of 2017 on Legal Practice (“Attorneys Act”), however separate acts are applicable to the different branches of the legal profession, such as the Act on the Legal Status of Judges.<sup>5</sup> The Attorneys Act does not fix legal fees, which must be negotiated between the lawyer and client.</p> <p>Attorneys at Law (<i>ügyvéd</i>) are independent professionals who can provide legal representation in all cases before all authorities. Certain activities can only be performed by attorneys, including representation and defense in criminal cases, legal consulting, preparing and editing legal documents, and handling money and valuables as deposits in relation to these cases.<sup>6</sup></p> <p>The national Hungarian Bar Association Magyar Ügyvédi Kamara (“MUK”) is a self-governing public body which governs the legal profession in Hungary. MUK consists of 20 regional bar</p>

<sup>1</sup> This chapter was drafted with the support of Lilla Kiss, Adrienn Tar and Judit Budaiof Szecksay Attorneys at Law.

<sup>2</sup> See *The Then, the Now, and the Future of Pro Bono in Hungary*, PILnet, available at: <https://www.pilnet.org/media-coverage/194-the-then-the-now-and-the-future-of-pro-bono-in-hungary.html> (last visited on May 1, 2019).

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> See Act LXXVIII of 2017 on Legal Practice, Act CLXI of 2011 on the judicial system, Act CLXII of 2011 on the legal status of the judges, Act CLXIII of 2011 on public prosecutors, Act XLI of 1991 on public notaries.

<sup>6</sup> See [https://e-justice.europa.eu/content\\_legal\\_professions-29-hu-en.do?member=1](https://e-justice.europa.eu/content_legal_professions-29-hu-en.do?member=1) (last visited on May 1, 2019) and The Law Society, “How to practise in Hungary”, available at <http://communities.lawsociety.org.uk/international/regions/europe-and-cis/hungary/how-to-practise-in-hungary/5047713.fullarticle> (last visited on May 1, 2019).

	<p>associations, which each have representative and administrative arms and an independent budget.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Attorneys must be members of a Hungarian bar association to provide legal services.</p> <p>To be admitted to the Hungarian Bar, an applicant must meet the following criteria: (i) citizenship in a member state of the European Economic Area, (ii) no criminal record and no grounds for exclusion of practicing the legal profession, (iii) university degree,<sup>7</sup> (iv) passing the Hungarian professional (bar) examination in law, (v) engaged in legal practice for at least one year during the ten year period before filing the application; (vi) having liability insurance; (vii) having the conditions necessary for electronic case administration; (viii) having an agreement with an attorney or law firm for his substitution; and (ix) suitable office space.<sup>8</sup></p> <p><i>European Community Lawyers</i></p> <p>Attorneys from other EU member states may practise and give legal advice as “European Community Lawyers” under their respective professional designation given by their home countries.<sup>9</sup></p> <p>After three years’ permanent practice in Hungary, European Community Lawyers may choose to become admitted as a Hungarian lawyer by demonstrating their experience with the Hungarian rules of law and legal terminology at a hearing organized by the Bar Association. Upon admission, European Community Lawyers become Hungarian <i>ügyvéd</i> and may provide legal services in Hungary, with the same rights and obligations as Hungarian lawyers.<sup>10</sup></p> <p><i>Foreign legal counsels (Outside EU)</i></p> <p>The operation in Hungary of foreign legal counsel from outside the territory of the EU falls under different rules of law with a more limited scope of activities. Foreign legal counsel may only provide legal advice concerning the law of their home country and international law (but not Hungarian or Community law) on the basis of a cooperation</p>

<sup>7</sup> The university degree does not have to be from a university in Hungary; however, recognition of the foreign university certificates and degrees is required for legal practice and the professional examination in law. There are no other pro bono specific rules and requirements in order to obtain the degree.

<sup>8</sup> Section 58 of the Attorneys Act.

<sup>9</sup> Chapter XIV of the Attorneys Act.

<sup>10</sup> See The Law Society, “How to practise in Hungary”.

	agreement entered into with a Hungarian attorney or law firm. <sup>11</sup>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>1) <i>Hungarian Constitution</i></p> <p>The Hungarian Constitution provides an individual with the right to legal representation during judicial or criminal proceedings, which must be provided by the state under certain circumstances.<sup>12</sup></p> <p>2) <i>Legal Aid Act (governing provision of free legal services)</i></p> <p>Pursuant to Hungary’s Act on Legal Aid, free legal aid services may be provided by non-governmental organizations (“NGOs”), foundations, minority local governments, universities offering legal education, or lawyers (including European Community lawyers permanently working in Hungary).<sup>13</sup></p> <p>In out-of-court proceedings, all registered legal service providers may provide legal aid, providing it falls within the scope of their practice.<sup>14</sup> However, in court proceedings, only attorneys, law firms and certain other entities (e.g. NGOs and foundations that have been entered in the register) may provide free legal services, if equipped with the necessary technical means for electronic communication with the courts.</p> <p>Pursuant to the Legal Aid Act<sup>15</sup>, there are several provisions that attorneys must abide by to provide free legal services:</p> <ul style="list-style-type: none"> <li>• the attorney’s activity of providing legal services must not be suspended;</li> <li>• no disciplinary procedure must have been initiated against the attorney for the suspension of his or her activities for the provision of legal services; and</li> <li>• the attorney must not be under the effect of a disciplinary sanction.</li> </ul> <p>3) <i>‘Stop Soros’ Legislation</i></p>

<sup>11</sup> Section 82 of the Attorneys Act. See also Organisation for Security and Co-operation in Europe (OSCE) publication, Legal Profession in Hungary, p.5, available at: <https://www.osce.org/odihr/36305?download=true> (last visited on May 1, 2019).

<sup>12</sup> Committee Takes Up Hungary’s Fourth Periodic Report: Experts Praise Reforms, Express Concern Over Minorities, Human Rights, U.N. Press Release Doc. HR/CT/618, available at: <https://www.un.org/press/en/2002/hrct618.doc.htm> (last visited on May 1, 2019).

<sup>13</sup> Art 66 of the Act LXXX of 2003 on Legal Aid.

<sup>14</sup> Id. § 68.

<sup>15</sup> Chapter VIII.



	<p>In June 2018, Hungary’s parliament passed a series of laws that affect individuals or groups that provide assistance to illegal immigrants claiming asylum. In addition, the laws have created an obligation for all NGOs receiving at least HUF 7.2 million annually (USD 25,863) from a foreign source to register as an ‘organisation receiving foreign funding’ and publicise this status on their website and publications. An organisation who fails to comply with such legislation may be subject to fines or forced to dissolve.</p> <p>It is likely that such legislation will negatively impact the majority of Hungarian NGOs, many of whom operate with assistance from international organisations.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Hungary are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Hungary are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Traditionally, there has been demand for pro bono legal services in a variety of areas in Hungary, with strong demand for legal services relating to fundamental human rights, property, data protection and prisoner rights. However, recent changes to labor law in Hungary which allows employers to request their employees to work up to 400 extra hours of overtime per year is likely to lead to an increase in demand for pro bono legal services in labor law.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>In Hungary, providers of pro bono legal services include private law firms and lawyers (particularly well known international law firms who have begun to establish Hungarian offices)<sup>16</sup>, NGOs and charities<sup>17</sup>.</p> <p>In 2006, several private law firms drafted and signed the Public Interest Law Initiative’s Pro Bono Declaration in which they affirmed their</p>

<sup>16</sup> Firms include, among others, Allen & Overy Iroda, Köver Clifford Chance and Siegler Law Office/Weil, Gotshal & Manges: [http://www.probonocentrum.cz/files/file/podklady%20pro%20kulat%C3%BD%20st%C5%AFI/Promoting%20Pro%20Bono%20in%20Hungary%20and%20World%20wide\\_PILL.pdf](http://www.probonocentrum.cz/files/file/podklady%20pro%20kulat%C3%BD%20st%C5%AFI/Promoting%20Pro%20Bono%20in%20Hungary%20and%20World%20wide_PILL.pdf) (last visited on May 1, 2019).

<sup>17</sup> Organisations include the Hungarian Helsinki Committee (<https://www.helsinki.hu/en/>) (last visited on May 1, 2019), PILnet (<https://www.pilnet.org/public-interest-law-programs.html>) and the Street Lawyer Association (<http://utcajogasz.hu/en/>) (last visited on May 1, 2019). See point 2 for more information.

	commitment to advancing the public good by working for more clients on a pro bono basis. <sup>18</sup>
<b>(c) Obstacles to Provision of Pro Bono Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Hungary do not require a license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional licenses to provide pro bono legal services, however see (a)(2) above. Foreign lawyers from outside the European Union may only provide legal advice concerning the law of their home country and international law based on a cooperation agreement between a Hungarian attorney or law firm. This restriction also applies to pro bono legal services.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	All attorneys are obliged to take out liability insurance and the MUK must, upon request, admit as an attorney anyone who, among others, is a member of the Hungarian Attorneys Insurance and Assistance Association (MÜBSE) or has other liability insurance that is accepted by the bar association. <sup>19</sup> Such insurance would cover pro bono services.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	General rules passed by MUK apply in the case of advertising pro bono successes, for instance, the advertisement must not contain any comparison with other attorney's successes or any reference to the successful cases. <sup>20</sup>
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers in Hungary do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Hungary.	Although there are several state-funded avenues for legal aid available in Hungary, the government does not provide pro bono services.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Hungary.	<ul style="list-style-type: none"> <li>HCLU Hungarian Civil Liberties Union (TASZ): HCLU is a non-profit human rights watchdog NGO that provides free legal services through its telephone hotline service,</li> </ul>

<sup>18</sup> Public Interest Law Initiative, "Hungarian Lawyers' Role in Advancing the Public Good (Pro Bono Publico)," (2006), available at: [https://www.probonobook.org/?media\\_dl=350](https://www.probonobook.org/?media_dl=350) (last visited on May 1, 2019) (p.73). See more at [http://www.probonocentrum.cz/files/file/podklady%20pro%20kulat%C3%BD%20st%C5%AFI/Promoting%20Pro%20Bono%20in%20Hungary%20and%20World%20wide\\_PILLI.pdf](http://www.probonocentrum.cz/files/file/podklady%20pro%20kulat%C3%BD%20st%C5%AFI/Promoting%20Pro%20Bono%20in%20Hungary%20and%20World%20wide_PILLI.pdf) (last visited on May 1, 2019).

<sup>19</sup> Section 14-15 of the Attorneys Act.

<sup>20</sup> Section 9 of the Rules No 6/2018 of the Hungarian Bar Association.

	<p>online counseling and in-person legal aid service.<sup>21</sup></p> <ul style="list-style-type: none"> <li>• The Cordelia Foundation for the Rehabilitation of Torture Victims: The foundation assists torture survivors and traumatized asylum seekers, refugees and their family members arriving in Hungary. The foundation assists clients with legal proceedings, namely assistance with documenting the evidence of torture.<sup>22</sup></li> <li>• Magyar Helsinki Bizottság (Hungarian Helsinki Committee): Ensures access to free legal counselling and representation in all places where persons are in need of international protection and are accommodated or detained in Hungary (reception centers, community shelters, asylum policing jails).<sup>23</sup></li> <li>• Háttér Társaság (Háttér Society): Provides free legal counselling and representation for LGBTQI victims of discrimination, harassment and violence or legal matters concerning sexual orientation or gender identity.<sup>24</sup></li> <li>• PILnet (The Global Network for Public Interest Law): Through its pro bono clearinghouse, PILnet connects NGOs with law firms and attorneys to provide pro bono services.<sup>25</sup></li> <li>• Street Lawyer Association (Utcajogász): The Street Lawyers Association has been fighting for the right to housing, for the enforcement of social and housing rights, and for improving the situation of homeless people and people living in housing poverty since 2010.<sup>26</sup></li> <li>• Patent Association: The Association provides free legal advice service including crucial legal and psychological information to women living in abusive relationships in order to be aware of their human rights and the relevant laws.<sup>27</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in</p>	<p>PILnet: PILnet promotes pro bono practice by involving the legal community in pro bono matters</p>

<sup>21</sup> See <https://hclu.hu/en/about-us-page> (last visited on May 1, 2019).

<sup>22</sup> See <http://www.cordelia.hu/index.php/en/> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.helsinki.hu/en/> (last visited on May 1, 2019).

<sup>24</sup> See <http://en.hatter.hu/> (last visited on May 1, 2019).

<sup>25</sup> See <https://www.pilnet.org/public-interest-law-programs.html> (last visited on May 1, 2019).

<sup>26</sup> See <http://utcajogasz.hu/en/> (last visited on May 1, 2019).

<sup>27</sup> See <http://www.patent.org.hu/en/how-we-can-help> (last visited on May 1, 2019).

order to be made aware of pro bono opportunities?	and helped introduce the concept of pro bono practice in Central Europe through its Hungarian Pro bono Clearinghouse, and later through a network of additional PILnet and partner clearinghouses. <sup>28</sup>
---	--

May 2019  
Pro Bono Practices and Opportunities in Hungary

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>28</sup> See <https://www.pilnet.org/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Italy

### I. Introduction

Historically, pro bono legal services have not been provided as part of the legal culture or framework in Italy. Pro bono activities are primarily restricted to legal assistance given to non-profit entities or individuals who cannot pay for legal services based on ethical and social motivations, or very basic legal information promoted to citizens before they wish to contact a lawyer by e.g. local bar associations or notaries' associations. However, in recent years large global law firms with offices in Italy have started to engage in such activities, providing pro bono legal services and embracing the relevant cause.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The provision of legal services is regulated by the Articles from 2229 to 2238 of the Italian Civil Code. In particular, the Italian Civil Code states that: (i) the remuneration for any service provided shall be commensurate with the importance of the services and the dignity of the profession; and (ii) if the activity involves the solution of difficult technical problems, the professional is liable for such activity only in case of gross negligence or wilful misconduct.</p> <p>In addition, lawyers' activities in Italy must be carried out in compliance with the provisions of the Italian Code of Professional Conduct and Ethics (as amended on June 12, 2018) (the "<b>Professional Rules</b>"), issued by the National Bar Association (<i>Consiglio Nazionale Forense</i>); the Professional Rules establish the rules of conduct that any lawyer is expected to observe in general and, specifically, in their relations with clients, with the other party, with other lawyers and with other professionals. The compliance with the Professional Rules is supervised by the local Bar Associations. In regard to such rules, please refer to the website of the National Bar Association.<sup>1</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The new Regulation for the Organization of the Legal Profession (Law No. 247 of December 31, 2012<sup>2</sup>) sets out the rules necessary in order to become an Italian lawyer.</p> <p>The first requirement to enter the legal profession is to have studied law in an Italian university. After graduation, an 18-month traineeship in a law firm or at the Government Legal Service (<i>Avvocatura dello Stato</i>) must be completed by the trainee-lawyer (<i>Praticante Avvocato</i>). At the end of the</p>

<sup>1</sup> See <https://www.consigionazionaleforense.it/web/cnf/codice-deontologico-forense> (last visited on May 1, 2019).

<sup>2</sup> See <https://www.consigionazionaleforense.it/documents/20182/0/Legge+247-2012+-+Testo+aggiornato+al+5+giugno+2018/c8146804-2291-4c3e-b49f-f1c41a53bec0> (last visited on May 1, 2019).

	<p>traineeship, the trainee-lawyer obtains the related certificate and can be admitted to take the State Examination for the Qualification to the Profession of Lawyer (<i>Esame di Stato per l'abilitazione all'esercizio della professione di Avvocato</i>), both written and oral. Upon passing the examination, taking the oath and registering with the Italian Bar Association (<i>Ordine degli Avvocati</i>), the new lawyer can legitimately start to practice in the legal profession.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Under the Italian Law or the Professional Rules, it is not mandatory for attorneys to do or report on pro bono legal services, and no explicit regulation exists to govern such practice.</p> <p>On the contrary, under the principles provided by the Professional Rules, lawyers cannot carry out any conduct directed at the acquisition of client relationships by means not conforming to principles of propriety and decorum, and in the past the offer of legal services free of charge was considered as a breach of the principles connected to the fair competition among attorneys.</p> <p>However, also following the entry into force of certain recent regulations (e.g. Law decree No. 233/2006, known as the “Bersani Decree”, and Law decree No. 1/2012, known as the “Liberalizzazioni Decree”) which affirmed, amongst other things, the principle of freedom of the parties in determining the applicable fees for legal services, the Professional Rules are now usually interpreted so as to allow the provisions of free legal services if they are ethically or socially motivated.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Under Italian Law it is not mandatory for attorneys to provide pro bono legal services and, therefore, Italian lawyers are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Italy are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>In Italy pro bono legal services are offered by lawyers especially to persons belonging to certain “vulnerable categories” such as, <i>inter alia</i>, victims of domestic violence, minors and asylum seekers, as well as to non-profit associations pursuing social objectives, non-governmental organizations</p>

	<p>(“NGOs”), charitable organizations and foundations.</p> <p>It should be noted that certain inefficiencies of the Italian judicial system – in particular, the excessive length of court proceedings and the number of bureaucratic formalities related thereto – affect the effectiveness of pro bono legal assistance and produce delays and inefficiencies that prejudice the possibility of pro bono clients receiving a prompt satisfaction of their rights.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Generally speaking, certain legal services in Italy – in particular, legal assistance in court in litigation cases – can only be provided by Italian lawyers duly registered with the National Bar Association or foreign lawyers who had their qualification recognized in Italy and are therefore fully licensed to practice law in Italy. As a consequence, the main providers of pro bono legal activities in Italy are some global and large local firms (e.g. Latham &amp; Watkins, Linklaters, Clifford Chance, Cleary Gottlieb Steen &amp; Hamilton, Bonelli Erede and Gianni Origoni Grippo Capelli) as well as individual attorneys, which sometimes are also members of certain non-profit associations, NGOs and charitable organizations (e.g. Avvocato di strada Onlus;<sup>3</sup> Naga;<sup>4</sup> Osservatorio Solidarietà<sup>5</sup>).</p>
<p>(c) Obstacles to Provision of Pro Bono Services</p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>No specific license is required by lawyers to provide pro bono legal services in Italy. The only requirements are to be a lawyer registered with the Italian Bar Association (<i>Ordine degli Avvocati</i>) and to offer pro bono legal services in compliance with the applicable legislation and the Professional Rules.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional license to provide pro bono legal services in Italy. Nevertheless, they must comply with the aforementioned applicable legislation and Professional Rules which provide, <i>inter alia</i>, that certain legal services – in particular, legal assistance in court in litigation cases – can only be provided by Italian lawyers duly registered with the National Bar Association or foreign lawyers who had their qualification recognized in Italy and are therefore fully licensed to practice law in Italy.</p>

<sup>3</sup> See <https://www.avvocatodistrada.it/> (last visited on May 1, 2019).

<sup>4</sup> See <https://naga.it/attivita/servizio-legale/> (last visited on May 1, 2019).

<sup>5</sup> See <http://osservatoriosolidarieta.org/chi-siamo/> (last visited on May 1, 2019).



	Please refer to the Consiglio Nazionale Forense website in relation to the recognition of foreign qualifications. <sup>6</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>Pursuant to Article 12 of Law No. 247/2012,<sup>7</sup> all lawyers registered with the National Bar Association have to enter into certain insurance policies aimed at covering professional liability for possible damages suffered by clients in connection with the exercise of professional legal activities.</p> <p>The fundamental requirements of such insurance policies are established by the Ministerial Decree of September 22, 2016,<sup>8</sup> that has been in force since October 11, 2017. Please note that the aforementioned Ministerial Decree does not specify whether the insurance cover also applies to pro bono legal services eventually provided by the lawyers.</p> <p>Such insurance policies shall be entered into also by foreign lawyers who want to practice law in Italy (and who are therefore registered with the national Bar Association), as the Professional Rules applies to any lawyer practicing in Italy.</p>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	The Professional Rules set some limits for advertising attorneys' activities. Pursuant to Article 35 of the Professional Rules, <sup>9</sup> lawyers are permitted to advertise their professional activity in accordance with the standards of truthfulness, fairness, transparency, secrecy and confidentiality, as well as the principles of dignity and decorum of the profession. Such principles could constitute, in certain conditions, restrictions on the advertising of pro bono successes.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Italian lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked. Currently, such credits are only obtained in connection with the participation to lectures, courses, or teaching activities.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Italy.	The following organizations may provide pro bono referrals and opportunities for lawyers to participate in education and research activities:

<sup>6</sup> See <https://www.consiglionazionaleforense.it/l-avvocato-internazionale> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.consiglionazionaleforense.it/documents/20182/0/Legge+247-2012+-+Testo+aggiornato+al+5+giugno+2018/c8146804-2291-4c3e-b49f-f1c41a53bec0> (last visited on May 1, 2019).

<sup>8</sup> See <http://www.gazzettaufficiale.it/eli/id/2016/10/11/16A07253/sq> (last visited on May 1, 2019).

<sup>9</sup> See <https://www.consiglionazionaleforense.it/web/cnf/codice-deontologico-forense> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Ministry of Justice;<sup>10</sup></li> <li>• Notaries' website;<sup>11</sup></li> <li>• Italian Bar Association;<sup>12</sup> and for cities where legal services are mostly provided:             <ul style="list-style-type: none"> <li>▪ Milan Bar Association;<sup>13</sup></li> <li>▪ Rome Bar Association;<sup>14</sup></li> <li>▪ Turin Bar Association.<sup>15</sup></li> </ul> </li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Italy.</p>	<p>Several non-governmental organizations are involved in providing, among other services, legal assistance to citizens who have been expelled, detained or refused a residence or asylum permit, as well as homeless people who cannot afford legal services. For instance, the following organizations are involved in pro bono legal services: (i) <i>Naga</i>;<sup>16</sup> and (ii) <i>Avvocato di strada Onlus</i>.<sup>17</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Several initiatives are being undertaken to enable local and foreign lawyers to register their interest in Italian pro bono opportunities. For example, in May 2017 "Pro Bono Italia" was established.<sup>18</sup> Pro Bono Italia is a non-profit association of lawyers, law firms and forensic associations created for the promotion and spread of the culture of pro bono throughout Italy. Such association carries out, through its members and in compliance with the rules on free patronage, pro bono legal services in favor of non-profit organizations that have social purposes and people who have difficulty in obtaining legal assistance and access to justice, promoting the progress of the public good, the protection of human rights and the improvement of the legal system.</p> <p>Pro Bono Italia has been created in connection with "Italian Pro Bono Roundtable", that is a network of lawyers, law firms and companies sharing the purpose of interacting and cooperating on pro bono basis with Italian NGOs and civil</p>

<sup>10</sup> See <https://www.giustizia.it/giustizia> (last visited on May 1, 2019).

<sup>11</sup> See <https://www.notariato.it/it/sportelli-di-consulenza> (last visited on May 1, 2019).

<sup>12</sup> See <https://www.consiglionazionaleforense.it/> (last visited on May 1, 2019).

<sup>13</sup> See <https://www.ordineavvocatimilano.it/> (last visited on May 1, 2019).

<sup>14</sup> See <https://www.ordineavvocatiroma.it/> (last visited on May 1, 2019).

<sup>15</sup> See <http://www.ordineavvocatitorino.it/> (last visited on May 1, 2019).

<sup>16</sup> See <https://naga.it/attivita/servizio-legale/> (last visited on May 1, 2019).

<sup>17</sup> See <https://www.avvocatodistrada.it/> (last visited on May 1, 2019).

<sup>18</sup> See <http://probonoitalia.org/en> (last visited on May 1, 2019).

	society. For further information, please refer to the PILNet web page for Italy. <sup>19</sup>
--	--

May 2019  
Pro Bono Practices and Opportunities in Italy

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>19</sup> See <http://www.pilnet.org/italy> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Latvia<sup>1</sup>

### I. Introduction

In Latvia, the practice of pro bono legal work is permitted, but unregulated. As a result, pro bono legal services have not developed in a systematic or structured manner. At the same time, there are a number of opportunities for pro bono legal assistance in Latvia, involving assisting both individuals and non-governmental organizations (“NGOs”). As such, international and domestic law firms operating in Latvia are encouraged to provide pro bono legal services to those in need.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The Advocacy Law of the Republic of Latvia (<i>Latvijas Republikas Advokatūras likums</i>) sets out the legal framework in relation to the professional and corporate activities of advocates in Latvia.<sup>2</sup></p> <p>The Cabinet Regulation No. 227 Procedures for the Examination of a Sworn Advocates (in Latvian: <i>Ministru kabineta noteikumi Nr.227 Zvērināta advokāta eksāmena kārtība</i>) sets out the framework in relation to the national training system for lawyers in Latvia.<sup>3</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The following persons may work as advocates:<sup>4</sup></p> <ul style="list-style-type: none"> <li>• sworn advocates;</li> <li>• assistants to sworn advocates;</li> <li>• citizens of European Union (“EU”) Member States who have obtained the qualification of an advocate in one of the EU Member States; and</li> <li>• foreign advocates, except for advocates of EU Member States, may practice in accordance with the international agreements on legal assistance binding to Latvia.</li> </ul> <p>Advocates shall be independent and shall be subject only to the Law in their professional activities.<sup>5</sup></p>

<sup>1</sup> This chapter was drafted with the support of Andris Taurins of Sorainen.

<sup>2</sup> Section 1, Part 1 (General Provisions) of the Advocacy Law of the Republic of Latvia, adopted April 27, 1993 (“**Advocacy Law**”) See <https://likumi.lv/ta/en/en/id/59283-advocacy-law-of-the-republic-of-latvia> (last visited on May 1, 2019). [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Advocacy\\_Law\\_of\\_the\\_Republic\\_of\\_Latvia.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Advocacy_Law_of_the_Republic_of_Latvia.doc) (last visited on May 1, 2019).

<sup>3</sup> Cabinet Regulation No. 227, Procedures for the Examination of a Sworn Advocate, Adopted March 10, 2009 See <https://likumi.lv/doc.php?id=189074> (last visited on May 1, 2019).

<sup>4</sup> Section 4, Part 1 of the Advocacy Law; [https://e-justice.europa.eu/content\\_legal\\_professions-29-lv-en.do?member=1](https://e-justice.europa.eu/content_legal_professions-29-lv-en.do?member=1) (last visited on May 1, 2019).

<sup>5</sup> Section 6, Part 1 of the Advocacy Law

(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules directly governing the provision of pro bono legal services in Latvia, however, some general litigation rules such as “Loser Pays” (state duties and sworn attorney fees)<sup>6</sup> may foster a reluctance to utilize available pro bono legal services.</p> <p>There are also general practice restrictions that affect the availability of pro bono counsel, for example:</p> <ul style="list-style-type: none"> <li>(i) In criminal matters, only (a) a sworn advocate; (b) an assistant of a sworn advocate; (c) a citizen of a EU Member State who has acquired the classification of an advocate in one of the Member States of the EU; or (d) a foreign advocate (except a citizen of a EU Member State) in accordance with the international agreement regarding legal assistance binding on Latvia (“<b>advocates</b>”) are permitted to act as a defense counsel.<sup>7</sup></li> <li>(ii) In civil matters, only (a) natural persons and (b) legal persons (through their officials or authorized employees) are permitted to appear in front of the court of first instance and in the appellate court to conduct their case personally or through advocate in matters concerning: <ul style="list-style-type: none"> <li>I. whether recognition of decisions of a shareholder or stockholder meeting of capital companies is valid;</li> <li>II. obligations law, if the claim exceeds EUR 150.000; and</li> <li>III. protection of commercial secrets against unlawful acquisition, use and disclosure.<sup>8</sup></li> </ul> </li> <li>(iii) Further, civil cases of natural and legal persons shall be conducted in a court of cassation by themselves (for legal persons - through their officials or authorized employees) or through the intermediation of an advocate.<sup>9</sup></li> </ul>

<sup>6</sup> Section 41 (*Reimbursement of Court Costs*) and Section 44 (*Expenses Related to Conducting a Case and Reimbursement Thereof*) of Chapter 4 (*Expenses for Trial*) of the Civil Procedure Law.

<sup>7</sup> Section 79(2) (*Defence Counsel*) of Chapter 5 (*Persons who Perform Defence*) of the Criminal Procedure Law

<sup>8</sup> Section 82.1(1) (*Exceptions to the general rules on the right to representation*) of Chapter 12 (*Representatives*) of the Civil Procedure Law.

<sup>9</sup> Sections 82.1(3) and (4) (*Exceptions to the general rules on the right to representation*) of Chapter 12 (*Representatives*) of the Civil Procedure Law

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Latvia are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Latvia are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p><u>Unmet needs - Access to legal aid</u></p> <ul style="list-style-type: none"> <li>• Currently State-funded legal aid is only available to natural persons and not to NGOs or other persons.</li> <li>• In a criminal case, if a person wants an advocate as defense counsel or it is mandatory to have an advocate under the law, the State provides defense and decides on the salary of the defender from public funds, completely or partially discharging such person from such payment.<sup>10</sup></li> <li>• The person directing the criminal proceedings must invite an advocate in one of the following roles depending on the circumstances:             <ul style="list-style-type: none"> <li>(i) as the defense counsel - if a person who has the right to defense or other person in its interests has not entered into an agreement regarding defense, but the participation of a defense counsel is mandatory for the particular procedural activity under the law (e.g. when announcing the decision on recognition of the person as a suspect, and the first interrogation of the suspect) or if it is the person's wish that a defense counsel participates;<sup>11</sup></li> <li>(ii) as representative of a minor victim - if the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives of a minor submit a substantiated request;<sup>12</sup></li> <li>(iii) as the provider of legal assistance to a minor victim - if a minor victim or his</li> </ul> </li> </ul>

<sup>10</sup> Section 20(4) (*Right to Defence*) of Chapter 2 (*Basic Principles of Criminal Proceedings*) of the Criminal Procedure Law

<sup>11</sup> Section 80(3) (*Retaining a Defence Counsel*) of Chapter 5 (*Persons who Perform Defence*) of the Criminal Procedure Law

<sup>12</sup> Section 104(5) (*Persons who may be the Representative of a Victim - Natural Person*) of Chapter 6 (*Victims and the Representation thereof*) of the Criminal Procedure Law

	<p>or her representative has not entered into an agreement with an advocate regarding provision of legal assistance and such assistance is mandatory under the law (e.g. in cases related to violence by a person on who the minor is dependent on).<sup>13</sup></p> <p><u>Unmet needs - Eligibility Criteria for natural persons</u></p> <ul style="list-style-type: none"> <li>• In addition, natural persons who cannot afford legal representation also face problems in accessing state-funded legal aid due to the relatively high eligibility criteria.</li> <li>• To illustrate, a natural person is only eligible for state legal aid if he or she: <sup>14</sup> <ul style="list-style-type: none"> <li>(i) is classified by relevant regulation as having the status of a “low-income or needy person”; or</li> <li>(ii) finds themselves suddenly in a situation which prevents them from ensuring the protection of their rights (due to a natural disaster or <i>force majeure</i> or other circumstances beyond their control), or are on full support of the State or local government.</li> </ul> </li> <li>• A family (person) is recognized as “needy” if its average monthly income during the last three months per each member of the family does not exceed €128.06.<sup>15</sup></li> <li>• A person is recognized as a “low-income person” if a person's income and material conditions do not exceed the level specified by the relevant municipality (e.g., in the municipality of Riga, the “low-income person” threshold is €320 per month).<sup>16</sup></li> </ul> <p><u>Unmet needs - Conclusion</u></p> <ul style="list-style-type: none"> <li>• Accordingly, despite the provision of state-funded legal aid and supporting legislation, there still appears to be a gap between people who need legal assistance and those who fail to meet the eligibility criteria for State-funded legal assistance.</li> </ul>
--	--

<sup>13</sup> Section 108(6) (*Provision of Legal Assistance to a Victim*) of Chapter 6 (*Victims and the Representation thereof*) of the Criminal Procedure Law

<sup>14</sup> Section 3(2) (*Right to Legal Aid*) of Chapter 1 (*General Provisions*) of the State Ensured Legal Aid Law. This criteria does not apply to asylum seekers or foreign nationals subject to forcible removal, where different eligibility criteria applies.

<sup>15</sup> Paragraph 2 of Regulation 1 (*General Provisions*) of Regulation No. 299 adopted 30 March 2010 (*Regulations regarding the recognition of a family or person living separately as needy*).

<sup>16</sup> Section 14 (*Persons to be Provided with Residential Space First*) of Chapter III (*Renting of Residential space*) of the Law On Assistance In Solving Apartment Matters.



	<ul style="list-style-type: none"> <li>• Pro bono legal services are especially important for such people as well as NGOs and similar organizations.</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Latvia can be categorized as follows:</p> <p><u>Private lawyers</u></p> <ul style="list-style-type: none"> <li>• Legal professionals and law students in Latvia can provide pro bono legal services through the Christian Lawyers Association to Christian organizations and Christians in the defense of religious discrimination.<sup>17</sup></li> </ul> <p><u>Private law firms</u></p> <ul style="list-style-type: none"> <li>• A number of law firms in Latvia provide pro bono legal services.<sup>18;19;20;21</sup></li> <li>• Law firms develop and maintain pro bono programs either independently or in partnership with local charities<sup>22</sup> and the Latvian Council of Sworn Advocates (“<b>Council</b>”).<sup>23</sup></li> </ul> <p><u>NGOs</u></p> <ul style="list-style-type: none"> <li>• Delna (The Society for Transparency), a branch of the international anti-corruption organization Transparency International in Latvia created a network of pro bono lawyers as part of the European Commission’s Speak Up project to strengthen public confidence in democracy and the rule of law by increasing the capacity of the Delna Legal Support and Advocacy Center to investigate and secure anonymity and protection of whistleblowers.<sup>24</sup></li> <li>• Latvian Centre for Human Rights provides pro bono legal services to individuals on a wide range of human rights cases.<sup>25</sup></li> </ul>

<sup>17</sup> See <http://www.kja.lv/merki.html> (last visited on May 1, 2019).

<sup>18</sup> See <https://www.sorainen.com/lv/advokaturas-dienas-2019/> (last visited on May 1, 2019).

<sup>19</sup> See <https://www.sorainen.com/deals/lizda-demands-stop-to-further-liquidation-of-rpiva/> (last visited on May 1, 2019).

<sup>20</sup> See <https://www.sorainen.com/deals/european-court-of-human-rights-initiates-case-bauskas-dzive-vs-latvia/> (last visited on May 1, 2019).

<sup>21</sup> See <https://www.sorainen.com/deals/latvian-start-up-organisations-unite-in-association/> (last visited on May 1, 2019).

<sup>22</sup> See <http://www.petrovs.lv/index.php?page=99> and <https://www.bnt.eu/en/social-responsibility/1880-latvia-social-responsibility> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.tm.gov.lv/en/news/the-ministry-of-justice-in-cooperation-with-the-latvian-council-of-sworn-advocates-and-sworn-advocat> (last visited on May 1, 2019).

<sup>24</sup> See <http://delna.lv/lv/2014/11/06/ti-latvia-pro-bono-juristu-tikla-izveide/> (last visited on May 1, 2019).

<sup>25</sup> See <http://civlektiesibas.org.lv/en/legal-assistance/> (last visited on May 1, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Latvia do not require a license to provide pro bono legal services.</p> <p>Any lawyer can provide pro bono legal services. Except in criminal cases only attorney can provide pro bono legal services.</p> <p>To provide legal services in criminal matters, advocates need to have an order (proxy).</p> <p>To provide legal services in civil matters, authorization of an advocate for the provision of legal aid needs to be confirmed by an order.</p> <p>If an advocate acts as an authorized representative of a party, his or her authorization need to be confirmed by a written authorization.<sup>26</sup></p> <p>The authorization of the State ensured legal aid provider for the provision of legal aid shall be certified by an order for the provision of legal aid issued by the responsible State authority.<sup>27</sup></p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Advocates of EU Member States do not need any additional licenses to provide pro bono legal services in civil matters.</p> <p>Other foreign advocates may practice in Latvia only in accordance with the international agreements on legal assistance binding to Latvia.</p> <p>If foreign advocates want to represent clients in criminal cases, in addition to the above they need to register at the Council and the Council will provide them with a statement, that will allow them to represent the client in their capacity as an “advocate” in criminal cases.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in Latvia do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p> <p>The possible risk of losses resulting from the professional activities of sworn advocates and assistants to sworn advocates may be insured. However, a sworn advocate shall inform his or her client if he or she has not been insured.<sup>28</sup></p>

<sup>26</sup> Sections 85(3) (*Formalising Representation*) of Chapter 12 (*Representatives*) of the Civil Procedure Law

<sup>27</sup> Section 85(3.1) (*Formalising Representation*) of Chapter 12 (*Representatives*) of the Civil Procedure Law

<sup>28</sup> Section 114, Part 6 of the Advocacy Law

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Latvia that prohibit advertising of pro bono successes or soliciting new pro bono clients.<sup>29</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Latvia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Latvia.</p>	<p><u>Legal aid</u></p> <ul style="list-style-type: none"> <li>• The State Ensured Legal Aid Law seeks to institutionalize State funded legal aid and has the stated purpose of promoting the rights of natural persons to fair court protection by ensuring State guaranteed financial support in the form of legal aid.<sup>30</sup></li> <li>• A person eligible for legal aid may request legal aid in certain civil and criminal matters and administrative proceedings.<sup>31</sup> The State shall ensure legal consultations, the drawing up of procedural documents and representation in court during legal proceedings in civil and administrative matters.<sup>32</sup></li> <li>• The State shall ensure the drawing up of procedural documents and defense or representation in a criminal proceeding.<sup>33</sup></li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Latvia.</p>	<ul style="list-style-type: none"> <li>• There is no single main non-governmental source of pro bono resources in Latvia.</li> <li>• Very little information is available about pro bono in Latvia, but these organizations provide some information:             <ul style="list-style-type: none"> <li>(i) Delna, a Latvian operated non-governmental organization working as an anti-corruption watchdog and supporting whistle blowers;<sup>34</sup></li> <li>(ii) Latvian Centre for Human Rights, an independent non-governmental organization, which works with integration</li> </ul> </li> </ul>

<sup>29</sup> Section 5 (Personal Advertising) See [http://www.cbce.eu/fileadmin/user\\_upload/NTCdocument/Latvia\\_ENpdf1\\_1251981360.pdf](http://www.cbce.eu/fileadmin/user_upload/NTCdocument/Latvia_ENpdf1_1251981360.pdf) (last visited on May 1, 2019).

<sup>30</sup> Section 1 (*Purpose of this Law*) of Chapter 1 (*General Provisions*) of the State Ensured Legal Aid Law.

<sup>31</sup> See <https://www.jpa.gov.lv/valsts-nodrosinata-juridiska-palidziba-eng59> (last visited on May 1, 2019).

<sup>32</sup> Section 11 (*Types of Legal Aid in Civil Matters*) of Chapter 4 (*Legal Aid in Civil Matters*) and Section 16 (*Types of Legal Aid in Administrative Matters*) of Chapter 5 (*Legal Aid in Administrative Matters*) of the State Ensured Legal Aid Law.

<sup>33</sup> Section 18 (*Types of Legal Aid in Criminal Matters*) of Chapter 6 (*Legal Aid in Criminal Matters*) of the State Ensured Legal Aid Law.

<sup>34</sup> See <https://delna.lv/en/> (last visited on May 1, 2019).

	<p>issues, elimination of discrimination and hate crimes/speech, asylum, migration and fundamental rights issues;<sup>35</sup></p> <p>(iii) Center MARTA, a non-governmental organization that aims to provide support to women in Latvia, although the center provides state legal aid service in collaboration with Legal assistance administration;<sup>36</sup> and</p> <p>(iv) ProBono Publico Latvia, society that promotes and provides pro bono legal assistance, encourages legislative change and promotes anti-corruption ideas.<sup>37</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Foreign lawyers need to register at the Council to represent client in criminal cases.</p> <p>The Council will provide foreign lawyer with a statement, that will allow them to represent client in court.</p> <p>If foreign lawyer wants to represent client in non-criminal case, than he does not need to register at the Council.</p>

May 2019  
Pro Bono Practices and Opportunities in Latvia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>35</sup> See <http://cilvektiesibas.org.lv/en/> (last visited on May 1, 2019).

<sup>36</sup> See <http://www.marta.lv/index.php?langs=1801> (last visited on May 1, 2019).

<sup>37</sup> See <http://probonopublicolatvia.wixsite.com/probono> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Liechtenstein<sup>1</sup>

### I. Introduction

With a population of around 38,000, Liechtenstein is the fourth smallest country in Europe and the sixth smallest country in the world.<sup>2</sup> Liechtenstein currently does not have a formally regulated culture of providing pro bono legal services and lacks any specific platforms to do so. This may be due to the remarkable wealth that Liechtenstein and most of its inhabitants enjoy. Liechtenstein currently boasts one of the highest gross domestic products per capita adjusted on a purchasing power parity basis.<sup>3</sup> Furthermore, its sophisticated system of state-funded legal aid arguably minimizes the need for individual lawyers to provide pro bono legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	Lawyers in Liechtenstein have to abide by the Code on Lawyers ( <i>Rechtsanwaltsgesetz</i> ) <sup>4</sup> , the Professional Guidelines of the Liechtenstein Chamber of Lawyers ( <i>Standesrichtlinien der Liechtensteinischen Rechtsanwaltskammer</i> ), and the Code of Conduct for Lawyers in the EU ( <i>Berufsregeln der Rechtsanwälte der Europäischen Union</i> ). <sup>5</sup>
2. Describe any licensure requirements governing the provision of legal services.	<p>Once admitted to the Liechtenstein bar, Liechtenstein lawyers are free to practice all forms of Liechtenstein law and may appear before all types of Liechtenstein courts.</p> <p>For admission to the Liechtenstein bar, Liechtenstein lawyers are required to complete their legal studies at a university or college recognized by the Liechtenstein government. The government recognizes universities or colleges providing studies of law that teach the general principles of the Liechtenstein legal system and last for at least four years. As there are currently no universities or colleges that teach Liechtenstein law, almost all Liechtenstein lawyers are educated in Austria or Switzerland, both of which have very similar legal regimes to that of Liechtenstein.</p>

<sup>1</sup> This chapter was drafted with the support of Siegbert Lampert of Lampert & Partner Attorneys at Law Ltd.

<sup>2</sup> See <http://www.liechtenstein.li/en/country-and-people/society/> (last visited on May 1, 2019).

<sup>3</sup> See <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.html> (last visited on May 1, 2019).

<sup>4</sup> See <https://www.gesetze.li/konso/pdf/2013415000?version=6> (last visited on May 1, 2019).

<sup>5</sup> See <https://www.rak.li/en-us/kammer/derrechtsanwalt/berufsunstandesrecht.aspx> (last visited on May 1, 2019).

(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules that specifically regulate the provision of pro bono legal services in Liechtenstein.</p> <p>Generally, a lawyer's fees are freely negotiable within the limits set by the fee regulations of the Liechtenstein Bar Association. A lawyer may provide his services for free, if he or she chooses to do so. However, the provision of free legal services is not common practice in Liechtenstein and, in most cases, lawyers will only agree to provide services without charge if the client is personally known to them.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Liechtenstein are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Liechtenstein are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>There is no documented pro bono legal work being undertaken in Liechtenstein at the moment, and Liechtenstein generally lacks a culture of providing formally regulated pro bono legal services, though lawyers provide pro bono work on a voluntary basis. As noted above, this is likely due to the country's significant wealth, coupled with readily available and fairly significant legal aid services (detailed below).</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>There are currently no significant providers of pro-bono legal services in Liechtenstein neither are any law firms or NGOs providing such services.</p>
(c) Obstacles to Provision of Pro Bono Legal Services	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Liechtenstein do not require a license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>There are no specific licenses required for foreign lawyers to provide pro bono legal services in Liechtenstein.</p> <p>Generally, lawyers who temporarily want to practice their profession in Liechtenstein across the national border must inform the Liechtenstein Chamber of Lawyers of this intention and provide</p>

	<p>proof that they are admitted in their country of origin to practice the profession of lawyer.</p> <p>The Chamber of Lawyers will confirm receipt of the report, and that confirmation must be produced on request to courts of law and administrative authorities<sup>6</sup>.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers do not require professional indemnity legal insurance cover for pro bono legal services that they provide.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Regular forms of advertisement for legal services are strongly restricted in Liechtenstein. According to the Professional Guidelines of the Liechtenstein Chamber of Lawyers, lawyers may only “inform” potential clients about the services they offer. The information provided must be correct, objective, and within the interest of the potential client.<sup>7</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Liechtenstein do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Liechtenstein.</p>	<p>Access to legal services by those unable to afford them is ensured by a well-established system of state-subsidized legal aid (<i>Verfahrenshilfe</i>)<sup>8</sup> that is now extended to both natural and legal persons.<sup>9</sup> Legal aid is available for both criminal and civil cases, in the form of legal advice and representation in court. In respect of litigation matters, legal aid is always granted by the court of first instance, even if it does not become necessary until the case reaches a higher court.</p> <p>A claimant must prove their indigence, i.e., the applicant must disclose his income and assets to determine whether full or partial aid or a deferral of fees or payment in installments may be granted (<i>Teilverfahrenshilfe</i>). In civil cases, it is possible for a court to refuse legal aid for lack of merit. Therefore the claim or defense upheld must not be</p>

<sup>6</sup> See <https://www.rak.li/en-us/kammer/zulassungen/grenzueberschreitendatigerechtsanwaelte.aspx> (last visited on May 1, 2019).

<sup>7</sup> See §35 of the Professional Guidelines of the Liechtenstein Chamber of Lawyers at [https://www.cbbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/DEON\\_National\\_CoC/EN\\_Liechtenstein\\_Professional\\_Guidelines\\_of\\_the\\_Liechtenstein\\_Chamber\\_of\\_Lawyers.pdf](https://www.cbbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Liechtenstein_Professional_Guidelines_of_the_Liechtenstein_Chamber_of_Lawyers.pdf).

<sup>8</sup> See Code of Civil Procedure (Zivilprozessordnung) §§ 63 et seq. available at <https://www.gesetze.li/Seite1.jsp?LGBIm=1912009a> (last visited on May 1, 2019).

<sup>9</sup> See <https://qasserpartner.com/en/legal-aid-now-also-available-legal-entities> (last visited on May 1, 2019).



	<p>obviously willful or hopeless; the standard applied being the reasonableness test (i.e. whether a reasonable person would actually enforce the claim or defense at hand).</p> <p>When legal aid is granted by the court, the Board of the Liechtenstein Bar Association appoints a lawyer to represent the applicant, taking care to ensure an equal allocation of mandates. Lawyers are obliged to take on legal aid cases which are delegated to them by the Liechtenstein Bar Association. However, the delegation may be refused on certain grounds, such as a conflict of interest. If legal aid is granted for all legal costs, the state will waive the court fees and pay the scheduled statutory fees to the attorney.</p> <p>For disputes with banks, investment funds and asset managers there is a Conciliation Board and an appointed conciliator whose responsibility is to mediate conflicts and settle such claims out of court.<sup>10</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Liechtenstein.</p>	<p>Besides the Liechtenstein Bar Association there are no referral organizations, nongovernmental organizations (“NGOs”) or clearing houses that are sources for pro bono opportunities in Liechtenstein. Further information on legal practice in Liechtenstein may be provided by the Liechtenstein Bar Association.<sup>11</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Please see above.</p>

May 2019  
Pro Bono Practices and Opportunities in Liechtenstein

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>10</sup> See at [www.bankenombudsmann.li](http://www.bankenombudsmann.li) (last visited on May 1, 2019).

<sup>11</sup> See <https://www.rak.li/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Lithuania<sup>1</sup>

### I. Introduction

A strong culture of pro bono assistance has developed in the Lithuanian legal community as certain law firms, university students and NGOs provide free legal services to applicants who may not qualify for state legal aid, all of which continues to strengthen access to justice in Lithuania.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Republic of Lithuania Law on the Bar (the “<b>Law</b>”) regulates the provision of legal services in Lithuania and the Code of Ethics of Lithuanian Advocates further governs the legal profession.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>In order to practice law as an advocate in Lithuania, one must:</p> <ul style="list-style-type: none"> <li>be a natural person of Lithuania or a Member State of the EU;</li> <li>hold a bachelor’s and master’s degree in law or a unified studies in law degree or a lawyer’s professional equivalent degree;</li> <li>have a record of at least five years of service in the legal profession or completed an apprenticeship as an advocate’s assistant for at least two years;</li> <li>have high moral character;</li> <li>have proficiency in the state language;</li> <li>have passed the advocate’s qualification examination; and</li> <li>not have health disorders which would prevent them from performing the duties of an advocate.<sup>2</sup></li> </ul> <p>In order to become an attorney who provides legal advice and represents any person or entity in court, one must be admitted to the Lithuanian Bar Association (the “<b>Bar</b>”) following satisfaction of the above requirements.</p> <p>By contrast, jurists are not admitted to the Bar but they can still practice law as in-house counsel to public institutions or companies, and as such, jurists can only give legal advice to and represent their employer in court.</p>

<sup>1</sup> This chapter was drafted with the support of Laurynas Lukošius and Šarūnas Budbergis of Sorainen.

<sup>2</sup> See Article 7 of the Republic of Lithuania Law on the Bar.

	<p>An EU, EEA or Swiss lawyer must register with the Bar, comply with the Lithuanian Code of Ethics, maintain adequate professional indemnity insurance and may only practice under their home title. Foreign lawyers may provide services in the law of their home country and in international law.</p> <p>Foreign lawyers from an EU Member State, EEA country or Switzerland may re-qualify in Lithuania by either:</p> <ul style="list-style-type: none"> <li>• applying to the Bar after satisfying the conditions of nationality and completing three years of regular and effective practice of Lithuanian law in Lithuania;<sup>3</sup> or</li> <li>• sitting the relevant equivalence examination administered by the Bar.<sup>4</sup></li> </ul>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules specifically relating to the provision of pro bono legal services in Lithuania. As such, the same rules apply regardless of whether a lawyer in Lithuania is providing services to paying client or a pro bono client.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Lithuania are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Lithuania.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>While state-subsidized legal aid is available to a fairly wide range of natural persons who can demonstrate need, there is not a similar system of legal aid in place for NGOs and non-profit organizations so there remain opportunities for the provision of pro bono legal services to such entities.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services are NGOs, legal departments of certain universities and law firms.</p>

<sup>3</sup> See <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31998L0005> (last visited November 1, 2019).

<sup>4</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0036> (last visited November 1, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	Attorneys in Lithuania do not require a license to provide pro bono legal services and are permitted to “provide legal services free of charge” pursuant to the Law. <sup>5</sup>
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	An attorney of another EU Member State can provide pro bono legal services provided that they follow the relevant procedures for representation of a client in court.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	The Law requires that an attorney in Lithuania must be insured for loss that exceeds €290, and that the mandatory minimum insurance coverage must be €29,000 per insured event. To the extent that actual loss exceeds an attorney’s insurance coverage, the attorney is personally liable for the difference. An attorney must provide their insurance certificate and policy if a client so requests.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Lawyers in Lithuania are prohibited from advertising their professional activities, but are permitted to provide details in informative and other publications, on official letterforms, business cards and representative items. <sup>6</sup> Lawyers may also be permitted to advertise as providers of sponsorship in accordance with prescribed laws.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Lithuania do not receive Continuing Legal Education or equivalent credit for pro bono hours worked.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Lithuania.	<p>The Lithuanian government does not provide pro bono services, but state-guaranteed legal aid is available to all Lithuanian and EU citizens and other natural persons residing lawfully in Lithuania.</p> <ul style="list-style-type: none"> <li>• Primary legal aid covers legal advice and drafting of documents, but is limited to one hour and may only be applied for once per issue.</li> <li>• Secondary legal aid is available to those who can demonstrate need (financial or otherwise)</li> </ul>

<sup>5</sup> See Article 2, Paragraph 5 of the Republic of Lithuania Law on the Bar.

<sup>6</sup> See Article 42 of the Republic of Lithuania Law on the Bar.

	<p>and includes assistance in legal proceedings and dispute resolutions.</p> <p>Lawyers may enter into an agreement with the relevant government authority to provide state-guaranteed legal aid and will then be selected by the government to represent assigned clients.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Lithuania.</p>	<p>The main and the most popular source of pro bono legal services is Vilnius University Law Clinic, where legal assistance is provided by students of Vilnius University Faculty of Law, supervised by professional lawyers, attorneys and researchers. In essence, supervisors perform pro bono activities by advising students on different situations.<sup>7</sup></p> <p>Other sources include:</p> <ul style="list-style-type: none"> <li>• <b>Mykolas Romeris University Legal Aid Center</b> provides free legal aid to the people of Lithuania and is staffed by Mykolas Romeris University teaching staff and other professional lawyers.<sup>8</sup></li> <li>• <b>Jūsų teisė</b> provides free legal advice.<sup>9</sup></li> <li>• <b>E-Juristai</b> provides free legal advice for disadvantaged individuals.<sup>10</sup></li> <li>• <b>PRO BONO employment law advice line</b> provides free, telephone employment counselling for employees and employers.<sup>11</sup></li> <li>• <b>Magistratus</b> provides free legal advice online.<sup>12</sup></li> <li>• <b>Mteisininkas</b> provides free legal advice online.<sup>13</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Local or foreign attorneys can register with the following organizations in order to be made aware of pro bono opportunities:</p> <ul style="list-style-type: none"> <li>• Vilnius University Law Clinic.</li> <li>• Mykolas Romeris University Legal Aid Center.</li> </ul>

<sup>7</sup> See <https://teisesklinika.lt> (last visited November 1, 2019).

<sup>8</sup> See [https://www.mruni.eu/lt\\_trinti\\_MRTM/teisines\\_pagalbos\\_centras/index1.php](https://www.mruni.eu/lt_trinti_MRTM/teisines_pagalbos_centras/index1.php) (last visited November 1, 2019).

<sup>9</sup> See <http://www.iusuteise.eu/index.html> (last visited November 1, 2019).

<sup>10</sup> See [http://www.e-juristai.lt/lt-63-nemokama\\_teisine\\_konsultacija.html](http://www.e-juristai.lt/lt-63-nemokama_teisine_konsultacija.html) (last visited November 1, 2019).

<sup>11</sup> See <http://www.ldb.lt/informacija/veikla/naujienos/UserDisplayForm.aspx?ID=6810> (last visited November 1, 2019).

<sup>12</sup> See <http://www.magistratus.lt/teisines-konsultacijos/> (last visited November 1, 2019).

<sup>13</sup> See <http://mteisininkas.lt/ads/nemokamos-teisines-konsultacijos/> (last visited November 1, 2019).

	<p>Alternatively, a lawyer can sign up for state-guaranteed legal aid coordinated by these authorities:</p> <ul style="list-style-type: none"> <li>• Municipal authorities to provide primary legal aid;<sup>14</sup> and</li> <li>• State-guaranteed legal aid services to provide secondary legal aid.<sup>15</sup></li> </ul>
--	--

November 2019  
Pro Bono Practices and Opportunities in Lithuania

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>14</sup> See <http://www.teisinepagalba.lt/lt/pirmine/tm/asarasas/> (last visited November 1, 2019).

<sup>15</sup> See <https://vgtpt.lrv.lt/> (last visited November 1, 2019).

## Pro Bono Practices and Opportunities in Luxembourg<sup>1</sup>

### I. Introduction

The development and provision of pro bono legal services in Luxembourg has been slow and limited given Luxembourg's exceptional, extensive and well-established State legal aid system. International law firms are the main participants in pro bono initiatives in Luxembourg in the framework of their global pro bono strategy, but domestic Luxembourgish law firms still contribute to an important part of pro bono activities considering the few international law firms currently established in Luxembourg.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The profession of lawyer (<i>avocat</i>) is regulated in Luxembourg by the law of August 10, 1991, as amended from time to time.<sup>2</sup> This law determines how the profession is organized and how it can be accessed, the lawyers' rights and duties and the disciplinary proceedings to which they can be subjected.</p> <p>Lawyers in Luxembourg must also abide by the Internal Regulation of the Bar Association of Luxembourg as adopted on January 9, 2013, as amended,<sup>3</sup> or the Internal Regulation of the Bar Association of Diekirch of April 22, 2005.<sup>4</sup> These regulations establish the general principles regarding lawyers' activities, including lawyers' fees, legal aid and judicial traineeship.</p> <p>Lawyers are also bound by professional secrecy, which is a matter of public policy and violation of which is a criminal offence.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers are self-employed and can practice on an individual basis or for a law firm.<sup>5</sup> In order to practice in Luxembourg, lawyers must be registered with a bar association established in the Grand Duchy of Luxembourg.<sup>6</sup></p> <p><u>Luxembourgish law students:</u> Upon completion of the complementary courses on Luxembourgish Law during a six month period and following receipt of the Certificate of Complementary Training on Luxembourgish Law, students are admitted to one of the two National Bars, namely</p>

<sup>1</sup> This chapter was drafted with the support of Francisca Salas of Josée Weydert of NautaDutilh.

<sup>2</sup> See <http://legilux.public.lu/eli/etat/leg/loi/1991/08/10/n3/jo> (last visited on May 1, 2019).

<sup>3</sup> See the Internal Regulation of the Bar Association of Luxembourg as adopted on January 9, 2013, Grand Duchy of Luxembourg Official Journal of March 6, 2013 available at <http://www.legilux.public.lu/leg/a/archives/2013/0039/a039.pdf> (last visited on May 1, 2019).

<sup>4</sup> Internal Regulation of the Bar Association of Diekirch of April 22, 2005, the Grand Duchy of Luxembourg Official Journal of July 28, 2005 available at <http://www.legilux.public.lu/leg/a/archives/2005/0111/a111.pdf> (last visited on May 1, 2019).

<sup>5</sup> See [https://e-justice.europa.eu/content\\_legal\\_professions-29-lu-en.do?member=1](https://e-justice.europa.eu/content_legal_professions-29-lu-en.do?member=1) (last visited on May 1, 2019).

<sup>6</sup> See [https://e-justice.europa.eu/content\\_legal\\_professions-29-lu-en.do?member=1](https://e-justice.europa.eu/content_legal_professions-29-lu-en.do?member=1) (last visited on May 1, 2019).



	<p>the Diekirch Bar and the Luxembourgish Bar, and become List II attorneys. Such status enables the attorney to practice as a List I attorney except for the signing of certain acts. Students must then complete a judicial traineeship of a minimum of two years, during which mandatory courses need to be completed, attested by a knowledge assessment exam. To finally become a List I attorney, students must pass the Final Traineeship exam.<sup>7</sup></p> <p><u>Procedure for EU lawyers:</u> Pursuant to the law of August 10, 1991, as amended from time to time,<sup>8</sup> EU nationals enjoy a simplified procedure for admittance to the Luxembourgish National Bars pursuant to Article 10 of the Directive 98/5/EC. Fluency in German and French is required, but fluency in Luxembourgish is no longer required.<sup>9</sup></p> <p><u>Procedure for foreign lawyers:</u> The procedure for EU lawyers also applies to foreign lawyers as long as their country of origin enjoys an extension of the Directive 2005/36/EC<sup>10</sup> in Luxembourg, pursuant to an agreement between both countries.</p> <p><u>In-house counsel:</u> No specific license is required to become an in-house counsel in Luxembourg. Corporate firms usually look for students who have (i) a University of Luxembourg law masters and (ii) completed the Complementary Courses on Luxembourgish Law, even if such requirements are not legally mandatory.</p>
--	--

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules in Luxembourg that regulate the provision of pro bono legal services.</p> <p>The Bar Association of Luxembourg manages the legal aid system as it is the entity that assigns legal aid matters to lawyers and trainees and decides whether or not to grant legal aid.<sup>11</sup> The government bears the costs of providing such legal aid. For instance, the Bar Association of Luxembourg requires trainees in Luxembourg to</p>
---	--

<sup>7</sup> See <https://www.barreau.lu/le-metier-d-avocat/devenir-avocat> [http://mj.public.lu/professions/avocat/stage\\_judiciaire/index.html](http://mj.public.lu/professions/avocat/stage_judiciaire/index.html) (last visited on May 1, 2019).

<sup>8</sup> See <http://legilux.public.lu/eli/etat/leg/loi/2002/11/13/n1/jo> ; <http://www.legilux.public.lu/leg/a/archives/2008/0195/a195.pdf> (last visited on May 1, 2019).

<sup>9</sup> Case C-193/05 Commission v Grand-Duché de Luxembourg ECR [2006] I-8673 <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-193/05> (last visited on May 1, 2019).

<sup>10</sup> See <http://www.legilux.public.lu/leg/a/archives/2008/0195/a195.pdf> (last visited on May 1, 2019).

<sup>11</sup> Law of August 18, 1995 on legal aid, as amended <http://legilux.public.lu/eli/etat/leg/loi/1995/08/18/n4/jo> (last visited on May 1, 2019).

Grand Ducal Regulation of September 18, 1995 on legal aid, as amended <http://legilux.public.lu/eli/etat/leg/rqd/1995/09/18/n2/jo> (last visited on May 1, 2019).

	<p>represent anyone who cannot afford a lawyer.<sup>12</sup> Most cases concern political asylum, divorce, or drug-related crime. Trainees are required to provide free legal advice on behalf of the Luxembourg Bar at the Legal Advice Service (<i>Service d'accueil et d'information juridique</i>), where people can receive general legal advice regarding their rights and how to enforce them. Trainees are also required to provide legal advice and consultation in police stations and the Judicial Investigations Department (<i>cabinet d'instruction</i>),<sup>13</sup> which investigates crimes, interrogates witnesses and suspects, and may decide upon the provisional detention of suspects, in the Luxembourgish courts.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>In Luxembourg, participation in pro bono initiatives is carried out on a voluntary basis and is not a mandatory requirement for lawyers, contrary to legal aid matters that cannot be refused by designated lawyers or trainees.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Luxembourg are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which present opportunities for the provision of pro bono legal services in Luxembourg include family, employment, small business advice, immigration advice and welfare rights.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Luxembourg are:</p> <ul style="list-style-type: none"> <li>- NGOs<sup>14</sup>, such as the Support Association for Immigrant Workers (<i>Association de Soutien aux Travailleurs Immigrés</i>)<sup>15</sup>, Caritas Luxembourg<sup>16</sup>, the Red Cross Luxembourg<sup>17</sup>, Solidarity Action for the Third World (<i>Action Solidarité Tiers Monde</i>)<sup>18</sup>, Indian and Nepali Children's Aid (<i>Aide à l'Enfance de l'Inde et</i></li> </ul>

<sup>12</sup> See Art. 2.9.1 of the Internal Regulation of the Bar Association of Luxembourg: <http://www.leqilux.public.lu/leg/a/archives/2013/0039/a039.pdf> (last visited on May 1, 2019).

<sup>13</sup> <https://www.barreau.lu/votre-avocat/assistance-judiciaire> ; [http://mj.public.lu/services\\_citoyens/assistance\\_judiciaire/index.html](http://mj.public.lu/services_citoyens/assistance_judiciaire/index.html) (last visited on May 1, 2019).

<sup>14</sup> See <https://cooperation.gouvernement.lu/en/partenaires/ong-partenaires.html> (last visited on May 1, 2019).

<sup>15</sup> See <https://www.asti.lu> (last visited on May 1, 2019).

<sup>16</sup> See <https://www.caritas.lu> (last visited on May 1, 2019).

<sup>17</sup> See <http://www.croix-rouge.lu/missions-des-offices-sociaux> (last visited on May 1, 2019).

<sup>18</sup> See <http://astm.lu> (last visited on May 1, 2019).

	<p><i>du Nepal</i>)<sup>19</sup>, Friendship Luxembourg or Men’s Earth Luxembourg (<i>Terre des Hommes Luxembourg</i>)<sup>20</sup> (For more details on these NGOs, please refer to paragraph d) 2 below ;</p> <ul style="list-style-type: none"> <li>- the Law Clinic within the European Private Law LL.M at the University of Luxembourg<sup>21</sup> (For more details, please refer to paragraph d) 2 below) ;</li> <li>- and a few private law firms.</li> </ul> <p>NautaDutilh participates in Pro Bono Connect.<sup>22</sup> Pro Bono Connect links civil society to lawyers from top law firms to give them free legal advice or assistance in legal proceedings.<sup>23</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Luxembourg do not require a license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Unless they have been admitted to one of the Luxembourgish National Bars pursuant to the applicable directive, foreign-qualified lawyers are prohibited from providing advice as to the laws of Luxembourg, and must inform potential recipients of legal advice where they are qualified to practice law.</p> <p>Pursuant to Article 2 (2) of the law of August 10, 1991<sup>24</sup>, as amended, <i>nobody is allowed to give, directly or indirectly, on a regular basis and against compensation, legal advice, unless he/she is authorized to exercise the profession of a lawyer.</i></p> <p>There are a few exceptions. For instance in-house lawyers (Article 2 (3.3)) are allowed to provide legal advice provided that is linked to the activities of their employer.</p> <p>This law does, however, not prohibit the sharing of legal information and documentation (see Article 3).</p>

<sup>19</sup> See <https://www.aein.lu> (last visited on May 1, 2019).

<sup>20</sup> See <http://www.terredeshommes.lu/fr> (last visited on May 1, 2019).

<sup>21</sup> See [https://www.en.uni.lu/university/news/latest\\_news/university\\_law\\_clinic\\_offers\\_free\\_assistance](https://www.en.uni.lu/university/news/latest_news/university_law_clinic_offers_free_assistance) (last visited on May 1, 2019).

<sup>22</sup> See <https://www.nautadutilh.com/en/our-firm/corporate> (last visited on May 1, 2019).

<sup>23</sup> See <https://probonoconnect.nl/en/> (last visited on May 1, 2019).

<sup>24</sup> See <http://legilux.public.lu/eli/etat/leg/loi/1991/08/10/n3/jo> (last visited on May 1, 2019).

<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Pro bono work undertaken by lawyers at law firms is generally covered under the professional indemnity insurance (“PII”) of that law firm.</p> <p>In-house lawyers who are employed by a company should be covered by their employer’s insurance when they provide pro bono legal services on behalf of their company.</p> <p>When lawyers (either in-house or NGO lawyers) are not giving pro bono legal advice as employees, but only in their capacity as volunteers, they can apply to their liability civil insurer Private Life, which in general, does not exclude such activities, but it is highly recommended to conclude a special insurance to cover any damages that they may cause to a third party, even though claims resulting from pro bono legal advice rarely occur.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are strict rules regulating advertising for lawyers in Luxembourg. Title 6 of the Internal Regulation of the Bar Association of Luxembourg<sup>25</sup> prohibits canvassing and states that advertisements may not identify the clients represented, or the matters being handled, by the lawyer or the law firm, unless they have obtained prior informed consent from the clients in order to do so. As such, it appears difficult for Luxembourg law firms to enhance their professional reputations or create goodwill by conducting pro bono work.</p> <p>There are no specific socio-cultural barriers to pro bono in Luxembourg (i.e. corruption or lack of public trust in the judiciary).</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>All trainee lawyers in Luxembourg have to accept legal aid cases in order to become qualified at the Luxembourg Bar, but there is no equivalent credit for pro bono hours worked.</p> <p>There is also no specific tax regime for pro bono hours and initiatives. The law only provides for tax reduction under certain conditions in the context of cash donations to recognized public-interest organizations.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Luxembourg.</p>	<p>There are no specific governmental resources dedicated to pro bono legal services in Luxembourg. The Bar Association of Luxembourg manages the legal aid system as it is the entity that assigns legal aid matters to lawyers and</p>

<sup>25</sup> See <http://legilux.public.lu/eli/etat/leg/ri/2013/01/09/n1/fo> (last visited on May 1, 2019).

	<p>trainees and decides whether or not to grant legal aid. The government bears the costs of providing legal aid (<i>assistance judiciaire</i>) to persons selected by the Bar Association who cannot afford to pay the costs of their defense for instance.<sup>26</sup> Considering this substantial involvement in the State-run legal aid system, the Bar Association has not developed any specific pro bono program.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Luxembourg.</p>	<p>Some law firms, both international and domestic, are involved with, and provide a wide range of pro bono projects, helping individuals and community groups across Luxembourg, Luxembourgish NGOs, or other public interest organizations.</p> <p>The Support Association for Immigrant Workers (<i>Association de Soutien aux Travailleurs Immigrés</i>) is an NGO established in Luxembourg which provides free consultation to refugees.<sup>27</sup> and administrative assistance on immigration matters (how to settle down in Luxembourg, to find accommodation, to apply for a green card, to get a visa to visit Luxembourg, to reunite family members living abroad, to change nationality ...). It prepares asylum seekers for the labor market in Luxembourg by teaching them how to prepare a CV, training them for a job interview and helping them with their professional project. It publishes guidelines in this respect in many languages.</p> <p>Caritas Luxembourg is an NGO established in Luxembourg which provides support for asylum seekers including housing, legal advice, integration support and translation.<sup>28</sup></p> <p>The Red Cross Luxembourg is an NGO established in Luxembourg and works in partnership with the Social Offices of Luxembourg to provide assistance to people in need, generally unemployed people, indebted people, or people going through a divorce or the death of their spouse. The assistance provided can take various forms, helping people through administrative procedures, providing financial management, or even psychological support.<sup>29</sup></p> <p>Solidarity Action for the Third World (<i>Action Solidarité Tiers Monde</i>)<sup>30</sup>, Indian and Nepali Children's Aid (<i>Aide à l'Enfance de l'Inde et du</i></p>

<sup>26</sup> Law of August 10, 1991, art. 37 (1): <http://legilux.public.lu/eli/etat/leg/loi/1991/08/10/n3/fo> (last visited on May 1, 2019).

<sup>27</sup> See <https://www.asti.lu/> (last visited on May 1, 2019).

<sup>28</sup> See <https://www.caritas.lu/> (last visited on May 1, 2019).

<sup>29</sup> See <http://www.croix-rouge.lu/missions-des-offices-sociaux/> (last visited on May 1, 2019).

<sup>30</sup> See <http://astm.lu/> (last visited on May 1, 2019).

	<p><i>Nepal</i>)<sup>31</sup>, Friendship Luxembourg or Men’s Earth Luxembourg (<i>Terre des Hommes Luxembourg</i>)<sup>32</sup> are also NGOs established in Luxembourg which are involved in international actions in various fields including asylum, health, poverty, and children.</p> <p>The Law Clinic within the European Private Law LL.M at the University of Luxembourg is the only existing legal clinic. Students offer free assistance to members of the public (who are not eligible for legal aid or who cannot afford to pay for any legal services) on consumer rights disputes as part of their Master studies.<sup>33</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is a website “<i>Portail du bénévolat</i>”<sup>34</sup> in Luxembourg which explains how to create and manage an association, which gives legal advice on how to become a volunteer (Statute ...) and which provides a list of existing associations<sup>35</sup> and which can be used as a source for opportunities in respect of pro bono legal services.</p> <p>The government of the Grand Duchy of Luxembourg has also published a list of NGOs<sup>36</sup> in order to promote pro bono opportunities. So any lawyer interested in pro bono activities can get in touch with an NGO and indicate that they want to contribute and apply for membership. Pursuant to Article 3 of the law of August 10, 1991<sup>37</sup>, it is not prohibited to share legal information and documentation.</p> <p>But, as explained in paragraph (c) 2 above, unless they have been admitted to one of the Luxembourgish Bars, foreign-qualified lawyers are prohibited from providing advice and must inform potential recipients of legal advice of the jurisdiction where they are qualified to practice law.</p>

May 2019  
Pro Bono Practices and Opportunities in Luxembourg

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide

<sup>31</sup> See <https://www.aein.lu/> (last visited on May 1, 2019).

<sup>32</sup> See <http://www.terredeshommes.lu/fr/> (last visited on May 1, 2019).

<sup>33</sup> See [https://www.uni.lu/university/news/latest\\_news/university\\_law\\_clinic\\_offers\\_free\\_assistance](https://www.uni.lu/university/news/latest_news/university_law_clinic_offers_free_assistance) (last visited on May 1, 2019).

<sup>34</sup> See <http://benevolat.public.lu/fr/index.html> (last visited on May 1, 2019).

<sup>35</sup> See <http://benevolat.public.lu/fr/espace-benevole/decouvrir-associations/index.html> (last visited on May 1, 2019).

<sup>36</sup> See <https://cooperation.gouvernement.lu/en/partenaires/ong-partenaires.html> (last visited on May 1, 2019).

<sup>37</sup> See <http://legilux.public.lu/eli/etat/leg/loi/1991/08/10/n3/fo> (last visited on May 1, 2019).

current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



## Pro Bono Practices and Opportunities in Malta<sup>1</sup>

### I. Introduction

Although many Maltese law firms do provide pro bono legal services, there is no structure, support or guidance in place to assist lawyers in doing so. The large majority of local firms are relatively small and the provision of pro bono legal services has not become established in the same way that it has in the U.S. and U.K. (for example) with the development of large, multinational law firms. This is partly due to the well developed legal aid system in Malta but also due to the absence of a link between private law firms, NGOs and clients.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Malta Chamber of Advocates is the regulator and representative body of lawyers<sup>2</sup>.</p> <p>The Commission for the Administration of Justice<sup>3</sup> supervises the workings of the Courts, the members of the Judiciary, and the members of the legal profession. The Committee for Advocates and Legal Procurators is incorporated within this Commission.</p> <p>Following the setting up of the commission for the Administration of Justice, a Code of Ethics<sup>4</sup> was drawn up in consultation with and approved by the Chamber of Advocates. The Code of Ethics binds advocates with the force of the law. The adjudicating authority is the Committee for Advocates and Legal Procurators.</p> <p>A draft law regulating the legal profession (the Legal Profession (Advocates) Regulation Act, 2012) has been prepared but never presented before Parliament. After stalling for some time, due to political wrangling and prolonged discussions amongst professional bodies, the final draft of the bill is expected to be tabled before parliament in the second half of 2019.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To practice law in Malta, individuals must be in possession of a warrant issued by the President of the Republic and under the Public Seal of Malta (section 79 of the Code of Organization and Civil Procedures (the “COCP”)<sup>5</sup>). Section 81 of the COCP provides that a person shall only be entitled to obtain such a warrant if they:</p>

<sup>1</sup> This chapter was drafted with the support of Andrew Zammit of GVZH Advocates.

<sup>2</sup> See <http://www.avukati.org/> (last visited on May 1, 2019).

<sup>3</sup> See <http://www.judiciarymalta.gov.mt/commission-for-the> (last visited on May 1, 2019).

<sup>4</sup> See <http://www.avukati.org/download/code-of-ethics/> (last visited on May 1, 2019).

<sup>5</sup> See <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8577&l=1> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>a) is of good conduct and good morals;</li> <li>b) is a citizen of Malta or a Member State (or is otherwise permitted to work in Malta);</li> <li>c) has obtained the academic degree of Doctor of Law in Malta, or another prescribed qualification at masters level, or a comparable degree from a competent authority in accordance with the principles of mutual recognition of qualifications, after having read law in Malta or a Member State;</li> <li>d) has, for a period of not less than one year, regularly attended at the office of a practicing advocate of the bar of Malta and at the sittings of the superior courts;</li> <li>e) possesses a full knowledge of the Maltese language; and</li> <li>f) has been duly examined and approved by two judges who have found him to possess the requisite qualifications and to be competent to exercise the profession of advocate in the Court of Malta.</li> </ul> <p>Before beginning to practice law in Malta, those holding a warrant must take an oath of allegiance and an oath of office before the Court of Appeal in a public setting.</p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules that provide a framework for pro bono representation in Malta (although the rules which regulate the provision of legal services generally will apply to pro bono legal services).</p> <p>Lawyers' fees are fixed by law and are stated in a Schedule attached to the COCP (Chapter 12 of the Laws of Malta). However, lawyers can enter into different fee arrangements with their clients, provided that any such agreement is made in writing. Lawyers in Malta are not permitted to negotiate a fee based on a percentage of their client's anticipated award from the legal proceedings.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Malta are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Malta are not required to complete a minimum number of hours of pro bono legal services to become licensed lawyers.</p>

	<p>However, in 2017 a legal clinic was formally inaugurated in the Law Faculty at the University of Malta<sup>6</sup>. Serving at the legal clinic has become obligatory for all law students reading for their Masters and carries a significant credit weighting.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Refugee and immigration matters are pervasive in Malta given the country's geographic location. As a result these present the main opportunities for the provision of pro bono legal services.</p> <p>The provision of pro bono legal services in Malta could also include:</p> <ul style="list-style-type: none"> <li>• Provision of training and/or advice to vulnerable clients and/or groups;</li> <li>• Material support to NGOs or other organizations implementing access to justice projects;</li> <li>• Litigation support and/or training to NGO lawyers;</li> <li>• Assistance with drafting volunteer and administrative policies; and</li> <li>• Non legal support such as provision of office spaces or secretarial support<sup>7</sup>.</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Some private law firms perform pro bono work in Malta (examples are listed at section II.(d)2.). However, it is less common for individual sole practitioners to do so.</p> <p>A number of NGOs provide free legal advice to clients. Some of these are listed at section II.(d).2.</p> <p>The legal clinic set up by the Faculty of Law at the University of Malta also assists consumers and asylum seekers by providing pro bono legal support.</p> <p>The Aditus Foundation<sup>8</sup> is actively involved in assisting asylum seekers by safeguarding their fundamental human rights.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Malta do not require any other license in addition to the regular warrant required to practice law.</p>

<sup>6</sup> See [https://www.um.edu.mt/crc/projects/legal\\_clinic](https://www.um.edu.mt/crc/projects/legal_clinic) (last visited on May 1, 2019).

<sup>7</sup> Mckeown M., Director of Global Pro Bono, PILnet, How Can Pro Bono Legal Services Improve Access to Justice in Malta? Presentation given on 13<sup>th</sup> January 2017, Valletta, Malta

<sup>8</sup> See <https://aditus.org.mt/> (last visited on May 1, 2019).

<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>The provision of temporary services in Malta by a lawyer from a non-EU Member State under his/her home title is not permitted.</p> <p>The EU has comprehensive provisions covering the free movement of lawyers from EEA countries and Switzerland. Collectively these permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer.</p> <p>The Maltese legislation makes no mention of foreign legal consultancy licenses for non-EEA nationals and only covers the requirements which implement the European Establishment Directive. An EEA lawyer who has established in Malta must register with the Chamber of Advocates, adhere to the Maltese code of conduct and practice under their home title.</p> <p>EEA lawyers may appear in court provided they do so in association with a local lawyer. Other nationals do not have the right to appear.</p> <p>A European lawyer who wishes to requalify as a Maltese lawyer may do so but must have been established as a Registered European Lawyer in Malta for a minimum of three years and have obtained experience in local law. Lawyers from other EU or EFTA member states or from Switzerland, who do not have three years' experience and residency in Malta may sit an aptitude test. Lawyers from outside the EEA may apply to the Attorney General for special consideration.<sup>9</sup></p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no requirement in Malta for lawyers to have professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The Chamber of Advocates' Guidelines for Advertising<sup>10</sup> are relatively strict and limit the content of such advertising to the dissemination of essential information concerning the advocates' practice. The advertising may include the following information:</p>

<sup>9</sup> See [https://www.ibanet.org/ppid/constituent/bar\\_issues\\_commission/itils\\_malta.aspx](https://www.ibanet.org/ppid/constituent/bar_issues_commission/itils_malta.aspx) (last visited on May 1, 2019).

<sup>10</sup> See <http://avukati.org/wp-content/uploads/2017/08/GUIDELINES-FOR-ADVERTISING-30.09.2015.pdf> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>(a) Name of partners including academic qualifications; and name of firm (if applicable).</li> <li>(b) Office address and hours (if applicable).</li> <li>(c) Telephone, facsimile and electronic contact numbers.</li> <li>(d) Listing of Practice Areas.</li> <li>(e) Basis or method for charging.</li> </ul> <p>The advertising material shall not include:</p> <ul style="list-style-type: none"> <li>(a) statements of comparison with other practitioners, local or overseas, including by reference to size, number of quantity of clients, turnover and success rate.</li> <li>(b) descriptions of practice areas by reference to “expert”, “specialist” or similar terminology.</li> <li>(c) Identifications or description of clients.</li> <li>(d) Reference to any public or judicial office held or previously held by practitioners.</li> </ul> <p>These advertising standards apply regardless of whether the work done is pro bono or on a commercial basis.</p> <p>We understand that the Chamber of Advocates is undertaking a discussion to revise these rules over the coming months, allowing a more flexible approach to advertising but maintaining the high ethical standards expected from advocates when publicizing their practice.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Malta do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Malta.</p>	<p>Legal aid is provided by the Maltese state and administered by the Legal Aid Agency<sup>11</sup>. The Legal Aid Agency provides administrative support in respect of procedures or measures on legal aid, advocates for legal aid and curators.</p> <p>A separate entity, the Third Country Nationals Unit within the Ministry for Home Affairs and National Security<sup>12</sup>, administers the provision of legal aid to asylum-seekers at appeal stage, and in order to challenge their administrative detention.</p>

<sup>11</sup> Legal Aid Agency (Establishment) Order, S.L. 497.11 of the Laws of Malta

<sup>12</sup> See <https://homeaffairs.gov.mt/en/The-Ministry/Permanent-Secretariat/Pages/Third-Country-Nationals.aspx> (last visited on May 1, 2019).

**Criminal Proceedings**

The right to legal aid in criminal proceedings is a constitutionally protected right and starts from the moment a person becomes a suspect. This right is also reflected in the Criminal Code.

The Legal Aid Agency states that no means test is applied in criminal cases from the time when the person is held in police custody up until trial. However, in 2016, a charter published by the Courts of Justice Department within the Ministry of Justice, Culture and Local Government<sup>13</sup> stated that a party would be entitled to legal aid “if the party lacks funds for legal representation”. The absolute right to a legal aid lawyer without a means test is therefore unclear.

**Civil Proceedings**

The COCP contains provisions that regulate the right to and the procedure for the provision of legal aid in civil proceedings. The law states that legal aid may be granted to any person: (a) who is a party to a civil dispute or who has good grounds for commencing civil legal action; and (b) whose maximum income did not exceed the national minimum wage and total assets did not exceed €6,988.12<sup>14</sup>. The general legal aid provided in civil proceedings does not apply to bringing an action for the correction or cancellation of any registration, or for the registration, of any act of birth, marriage or death.

**Other**

A number of specialized laws also guarantee the right to legal aid. For example:

- The victims of crime have the right to request a legal aid lawyer to assist them during criminal proceedings<sup>15</sup>; and
- Persons who wish to appeal from the first instance decision of the Refugee Commissioner have the right to free legal assistance under the same conditions as Maltese nationals<sup>16</sup>.

---

<sup>13</sup> Ministry for Justice, Culture and Local Government, Courts of Justice Citizens' Charter, Courts of Justice Department, 28 July 2016, [http://www.justiceservices.gov.mt/CourtServices/Courts\\_of\\_Justice\\_EN.pdf](http://www.justiceservices.gov.mt/CourtServices/Courts_of_Justice_EN.pdf) (last visited on May 1, 2019).

<sup>14</sup> Article 912 COCP

<sup>15</sup> Article 10, Victim of Crime Act, Cap. 539 of the Laws of Malta

<sup>16</sup> Article 7(5) Refugees Act, Cap. 420 of the Laws of Malta

	<p>Maltese law specifically states that a company registered under the Companies Act is not entitled to legal aid under any circumstance<sup>17</sup>.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Malta.</p>	<p>Private lawyers provide pro bono legal services to indigent clients. However, there is no structure in place for this and much of the contribution goes unnoticed. The following firms are active in this space: GVZH Advocates<sup>18</sup>; Ganado Advocates<sup>19</sup>; and Fenech &amp; Fenech Advocates<sup>20</sup>.</p> <p>Many freelance or smaller law firms provide pro bono advice, although it may not always be referred to in this way.</p> <p>A number of NGOs provide free legal advice to clients. These include the Jesuit Refugee Service<sup>21</sup>, Aditus Foundation<sup>22</sup>, and the UN Refugee Agency’s refugee services<sup>23</sup>. NGOs also refer pro bono clients to individual lawyers and law firms.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is no public or private organization with which a local or foreign attorney can register to be made aware of pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Malta

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>17</sup> Article 926 COCP

<sup>18</sup> See <https://www.gvzh.com.mt/about-us/social-responsibility/> (last visited on May 1, 2019).

<sup>19</sup> See <https://www.ganadoadvocates.com/about/corporate-responsibility/pro-bono/> (last visited on May 1, 2019).

<sup>20</sup> See <https://fenechlaw.com/about-us/pro-bono-and-csr/> (last visited on May 1, 2019).

<sup>21</sup> See <http://jrusa.org> (last visited on May 1, 2019).

<sup>22</sup> See Malta Pro Bono Directory <http://www.refugeelegalaidinformation.org/malta-pro-bono-directory>

<sup>23</sup> See The UN Refugee Agency in Malta <http://www.unhcr.org.mt/> (last visited on May 1, 2019).



## Pro Bono Practices and Opportunities in Montenegro<sup>1</sup>

### I. Introduction

Given the relative youth of the country, the development of Montenegro’s pro bono culture is still in an early, formative stage. The early focus has been on the provision of state funded legal aid rather than pro bono work. Further, the Advocacy Fees Act restricts members of the Bar Association from charging clients less than 50% of the normal tariff for legal work. Based on the latest published statistics, from 2017, the number of lawyers in Montenegro is 854.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Advocacy Act (Official Gazette of the Republic of Montenegro No. 79/06 and 22/2017) (the “Advocacy Act”)<sup>2</sup> outlines the responsibilities of lawyers practicing in Montenegro, as well as requirements for qualification to practice (we note that all statutes are in Montenegrin only). The same areas are also regulated by the Statute of the Bar Association of Montenegro (Official Gazette of the Republic of Montenegro No. 34 (June 2005), 50/07, 60/13, 70/15 and 79/15). Lawyers must also abide by a code of ethics (Advocacy Professional Code of Ethics (Jan 1999)).<sup>3</sup> The Advocacy Fees Act (Official Gazette of the Republic of Montenegro, 12/05, 45/08, 11/15 and 079/17)<sup>4</sup> details restrictions and requirements for lawyer compensation, although it only applies to work performed for a Montenegrin citizen in Montenegro.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>By Article 2 of the Advocacy Act, attorneys can register with the Bar Association of Montenegro, which gives authorization to practice before the courts and otherwise provide legal services. Article 3 provides the following requirements for registration:</p> <ul style="list-style-type: none"> <li>• Montenegrin citizenship;</li> <li>• completion of a four-year course at the Faculty of Law (level VIII);</li> <li>• completion of the Bar exam and the Legal profession exam; and</li> <li>• good standing.</li> </ul>

---

<sup>1</sup> This chapter was drafted with the support of Milica Popović of CMS RRH.  
<sup>2</sup> See <http://www.advokatskakomora.me/Statut%20-word.docx> (last visited on October 2, 2019).  
<sup>3</sup> See <http://www.advokatskakomora.me/kodeks1.html> (last visited on October 2, 2019).  
<sup>4</sup> See [http://www.advokatskakomora.me/advokatska\\_tarifa.html](http://www.advokatskakomora.me/advokatska_tarifa.html) (last visited on October 2, 2019).

	<p>There are exceptions for EU and Serbian citizens, who do not have to be registered with the Bar Association to practice law in Montenegro. Under Article 5D of the Advocacy Act, lawyers who are EU citizens are allowed to practice in Montenegro without the obligation to be registered with the Bar Association of Montenegro providing that they submit: (i) a written notice about their intent to practice in Montenegro; (ii) proof of registration with their national Bar Association, and (iii) a certificate of professional liability insurance in their home country. Serbian lawyers can practice under the authority of the Agreement between Montenegro and the Republic of Serbia on Legal Assistance in Civil and Criminal Matters, signed in 2016.<sup>5</sup></p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The provision of pro bono legal services is not explicitly regulated in Montenegro. Article 1 (5) of the Advocacy Fees Act stipulates that it is open to a lawyer and their client to agree on fees and payment of expenses.</p> <p>A significant indirect restriction on pro bono work is created, however, by Article 4 of the Advocacy Fees Act, which restricts lawyers practicing in Montenegro from charging clients less than 50% of the specified tariff for legal work.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Montenegro are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Montenegro.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services relate to human rights and assisting migrants and asylum seekers, including those based in permanent camps.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Montenegro are international and domestic NGOs. Examples of these providers and their contact details are set out in section (d) 2, below, and include the Red Cross, Human Rights Action, and the Youth Initiative for Human Rights.</p>

<sup>5</sup> The agreement is available (in Montenegrin): [http://www.pravda.gov.me/rubrike/medjunarodni\\_ugovori/drzave/srbija](http://www.pravda.gov.me/rubrike/medjunarodni_ugovori/drzave/srbija) (last visited on October 2, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Montenegro do not require any special license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers in Montenegro do not require an additional license for providing pro bono services.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Montenegro are obliged to ensure professional insurance with a competent and relevant insurer. There are no further limitations or requirements unless set out in the individual insurance policy.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Under the Advocacy Act and Advocacy Professional Code of Ethics, lawyers in Montenegro should not offer or recommend publicly their services or their office.  There are no additional rules on advertising pro bono success or soliciting new pro bono clients in Montenegro.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers in Montenegro do not receive "Continuing Legal Education" or equivalent credit for pro bono hours worked.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Montenegro.	There are no governmental sources of pro bono and/or other legal services in Montenegro.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Montenegro.	<p>1. Red Cross Montenegro<sup>6</sup></p> <p>Montenegro Red Cross consists of Red Cross organizations at the municipality level. There are 23 organizations that each function as a legal entity: 19 local RC branches, the City Red Cross organization of Podgorica, Red Cross of the Old Royal Capital and two city Red Cross organizations. The Red Cross provides assistance particularly to Roma refugees from Kosovo. The Red Cross is the implementing partner of UNHCR and runs the Konik camp for them. As well as physical infrastructure there is an emphasis on education of women, preventing early marriage and the provision of legal aid, for example to acquire identity documents, which</p>

<sup>6</sup> See <http://www.ckcg.me/en/> (last visited on October 2, 2019). Address: Jovana Tomasevica 6, 81000 Podgorica

	<p>are a prerequisite for access to many other rights.</p> <ol style="list-style-type: none"> <li>2. Pravni Centar Legal Center<sup>7</sup> – An NGO, founded in 2007, based in Podgorica. It provides free legal assistance, counseling and representation services before courts and other administrative bodies for displaced persons, asylum seekers, persons at risk of statelessness in Montenegro and victims of domestic violence. It has run a number of projects in association with UN organizations and US and EU governmental bodies. It has four offices in Montenegro: Podgorica; Bar; Berane, and Camp Konik.</li> <li>3. Civil Alliance<sup>8</sup></li> <li>4. Human Rights Action<sup>9</sup></li> <li>5. Youth Initiative for Human Rights<sup>10</sup></li> <li>6. MANS is a non-governmental organization devoted to fight against corruption and organized crime<sup>11</sup></li> </ol>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p> <p>The nearest such service offers a platform where lawyers can give preliminary answers to a legal problem and there is then an opportunity to hire them for further work, subject to the minimum pay requirements under the Advocacy Fees Act, set out above.<sup>12</sup></p>

October 2019  
Pro Bono Practices and Opportunities in Montenegro

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>7</sup> See <http://pravnicentar.co.me/en/about-us/> (last visited on October 2, 2019). Address: Jovana Tomaševića 31/6, Podgorica; Tel: +382 20 230 913; Email: [pravnicentar@t-com.me](mailto:pravnicentar@t-com.me)

<sup>8</sup> See <http://gamn.org/?lang=en> (last visited on October 2, 2019). address: Studentska street, no. 21/a 81000 Podgorica, Montenegro

<sup>9</sup> See <http://www.hraction.org/?lang=en> (last visited on October 2, 2019).

<sup>10</sup> See <http://www.yihr.me> (last visited on October 2, 2019).

<sup>11</sup> See <http://www.mans.co.me/en/> (last visited on October 2, 2019).

<sup>12</sup> See <https://www.zastupaj.me/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in the Netherlands<sup>1</sup>

### I. Introduction

The Dutch Constitution (*Grondwet*) and the European Convention on Human Rights provide for a right to access to justice and legal representation. As a result, people in the Netherlands with limited means seeking legal advice are generally well-represented by a comprehensive system of government-subsidized legal services. As a consequence true pro bono work in the Netherlands has been very limited and is less focused on indigents and more on interest groups and foundations serving broader social needs and advocating for human rights. These foundations have a substantial need for pro bono legal services, since they are not entitled to receive government-subsidized legal aid.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Every <i>advocaat</i> practicing in the Netherlands is a member of the Dutch Bar Association (<i>Nederlandse Orde van Advocaten</i>) and is subject to the Dutch Act on Lawyers (<i>Advocatenwet</i>)<sup>2</sup>, the administrative decrees and other rules, including the general rules regulating lawyer conduct (<i>Gedragsregels</i>)<sup>3</sup>, issued by the Dutch Bar Association. Lawyers who do not comply with these rules are subject to disciplinary proceedings and can ultimately be disbarred.</p> <p>The Dutch Act on Lawyers, its implementing regulations, and the Dutch Bar Association provide rules on the practice of an <i>advocaat</i>. These regulations include rules on education and entry in the profession, as well as professional rules of conduct.</p> <p>Any student who completes a legal education is a <i>jurist</i>. A <i>jurist</i> is not allowed to practice in court, but is allowed to give legal advice. A <i>jurist</i> is not a member of the Bar nor subject to codes of conducts or other requirements. In this overview the term lawyer only refers to the Dutch term <i>advocaat</i> and not to a <i>jurist</i>.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>After completing a three-year Bachelor of Laws and a one-year Master of Laws (during which specific courses need to be followed to receive <i>civiel effect</i>) professional training (<i>Beroepsopleiding</i>) needs to be completed in order to become a lawyer. This professional training takes approximately three years and</p>

<sup>1</sup> This chapter was drafted with the support of Willianne van Zandwijk and Mirjam Vos of NautaDutilh.

<sup>2</sup> See <http://regelgeving.advocatenorde.nl/content/act-advocates> (last visited on May 1, 2019).

<sup>3</sup> See <http://regelgeving.advocatenorde.nl/content/code-conduct-european-lawyers> (last visited on May 1, 2019).

	consists of coursework and an apprenticeship under a supervising senior lawyer. <sup>4</sup>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	The Dutch regulatory regime does not generally allow lawyers to provide their services based on a contingency fee. <sup>5</sup> Lawyers are required to charge a reasonable fee. However, lawyers in the Netherlands are permitted to provide legal services completely free of charge (i.e., pro bono legal services). There are no other rules that specifically regulate the provision of pro bono legal services in the Netherlands.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Dutch lawyers have no legal duty to provide pro bono legal services, given the governmental provision of extensive legal aid. Working with the subsidized legal aid program (pro deo) or providing services for free (pro bono) is a decision left entirely to the individual lawyer.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in the Netherlands are not required to complete a minimum number of hours of pro bono legal services in order to become an lawyer.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The nature of the pro bono work in the Netherlands is focused on interest groups and foundations serving public or social needs and human rights. These foundations are not entitled to receive government-subsidized legal aid and therefore have a substantial need for pro bono legal services.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Only a few large, commercial law firms in the Netherlands provide pro bono legal services. Large law firms that provide pro bono legal services to organizations often require that the case holds demonstrable social significance or sets a legal precedent.  Also, there are many non-profit organizations in the Netherlands that provide legal advice at no cost. These foundations are commonly known as <i>Rechtswinkels</i> (Law Stores). Staff usually consists of law students and other volunteers, and they can exist as separate foundations or be part of a university.

<sup>4</sup> These requirements follow from the Advocatenwet (See <http://regelgeving.advocatenorde.nl/content/act-advocates> (last visited on May 1, 2019)) and the Lawyer Decree (*Verordening op de advocatuur*) (See <http://regelgeving.advocatenorde.nl/content/verordening-op-de-advocatuur> (last visited on May 1, 2019)).

<sup>5</sup> See article 6.24 of the Lawyer Decree (*Verordening op de advocatuur*).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	Dutch lawyers do not require a license to provide pro bono legal services, this includes a <i>jurist</i> .
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	The rules on foreign lawyers practicing in the Netherlands are fairly complex, and differ for EU and non-EU citizens. In practice, there are no reports of foreign lawyers practicing pro bono in the Netherlands. While pro bono projects may be multi-jurisdictional, Dutch lawyers normally act as local counsel and deal with the Dutch elements of a project.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers are obliged to be insured against civil legal liability arising out of their legal practice to an extent to which is reasonable having regard to the nature and extent of the risks incurred by their professional activities. <sup>6</sup> Generally, professional insurance covers liability arising out of pro bono work. There are no extra insurance requirements for pro bono lawyers. In general, Dutch law firms ordinarily limit liability in their engagement letters or terms and conditions to the amount of fees paid (which is zero for pro bono engagements).
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in the Netherlands that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Dutch lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked, however in some law firms the hours worked on pro bono cases are taken into account for a "billable hours target" (if applicable) which target can be linked to a bonus.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in the Netherlands.	<p>The Dutch Legal Aid Act contains the right for litigants in civil cases to avail themselves of state-subsidized legal aid if they meet certain criteria, primarily based on income.<sup>7</sup> A lawyer who provides legal aid services for a subsidized fee is often called a <i>pro deo</i> lawyer (a pro bono lawyer receives no compensation at all).</p> <p>Under the supervision of the Legal Aid Board (<i>Raad voor Rechtsbijstand</i>), two parties provide primary and secondary legal assistance to</p>

<sup>6</sup> See article 3.9 of the Code of Conduct for European Lawyers and article 6.24 of the Lawyer Decree (*Verordening op de advocatuur*).

<sup>7</sup> See the Dutch Legal Aid Act (de Wet op de Rechtsbijstand), available at <https://wetten.overheid.nl/BWBR0006368/2018-01-01#HoofdstukIII> (last visited on May 1, 2019).



	<p>indigents: (i) Legal Services Counters (<i>Juridsch Loketten</i>), commonly known as the "front office", serve as the primary point of contact for legal aid and, if necessary, will assist with referrals to a lawyer or mediator; and (ii) private lawyers and mediators, registered with the Legal Aid Board, provide secondary legal aid in more complicated or time-consuming matters.</p> <p>In addition to lawyers in private practice, a variety of non-profit organizations subsidized by national and local governments are available to provide legal services to indigents. For instance, there is a national organization of "social advisers" (<i>Sociaal Raadslieden</i>)<sup>8</sup>, subsidized primarily by municipalities, that assists indigents in completing forms, writing letters and bringing administrative appeals.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Netherlands.</p>	<p>There are many non-profit organizations in the Netherlands that provide legal advice at no cost. These foundations are commonly known as <i>Rechtswinkels</i> (Law Stores).<sup>9</sup> Staff usually consists of law students and other volunteers, and they can exist as separate foundations or be part of a university. The <i>Rechtswinkels</i> are the larger non-governmental sources that provide legal services at no costs, the links to their websites are provided in footnote 8.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>In the Netherlands Pro Bono Connect<sup>10</sup> is the first public interest clearinghouse which acts as an intermediary between non-governmental organizations and law firms. Fifteen of the Netherlands' largest law firms support Pro Bono Connect. NGO's may contact Pro Bono Connect with legal questions concerning the aims of their organization or questions that are of strategic importance for their work. After receiving a request from an NGO, the project coordinator will contact the organization to further assess whether it is suitable for submission to a law firm. The project coordination will also, if necessary, assist the NGO to frame the legal question. Pro Bono Connect is a clearing house which intermediates between the non-governmental organization and one of the fifteen Netherlands' top firms that are members of Pro Bono Connect. It is not possible for individual lawyers to become a member of Pro Bono Connect.</p>

<sup>8</sup> See <https://www.sociaalwerk nederland.nl/sociaal-raadslieden> (last visited on May 1, 2019).

<sup>9</sup> Examples of these Law stores are the Law Store Utrecht, Law Store Leiden and Law Store Rotterdam. (See <https://www.rechtswinkelutrecht.nl/vacatures/>, <https://www.leidserechtswinkel.nl/> and <http://rechtswinkelrotterdam.nl/> (last visited on May 1, 2019).

<sup>10</sup> See <https://probonoconnect.nl/en/> (last visited on May 1, 2019).

May 2019  
Pro Bono Practices and Opportunities in the Netherlands

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Northern Ireland

### I. Introduction

Northern Ireland has a longstanding commitment to pro bono and a number of public interest groups offer pro bono legal services. The Bar of Northern Ireland operates a dedicated Pro Bono Unit offering free advice and representation to clients where public funding (legal aid) is unavailable or where the applicant is unable to afford legal assistance.<sup>1</sup> Since 2009, the PILS Project (Public Interest Litigation Support Project), a dedicated strategic litigation project established by Public Interest Litigation Support Ltd., has been working to advance human rights and equality in Northern Ireland through the use of and support for public interest litigation.<sup>2</sup> In addition, since 1977, the Law Centre (NI), a not-for-profit agency, has been working to advance social welfare rights and social justice in Northern Ireland through advice, casework, training, information, publications, information-sharing practitioner meetings and policy development.<sup>3</sup>

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Every barrister called to the Bar of Northern Ireland is subject to the Code of Conduct of the Bar of Northern Ireland which sets the standards of professional conduct and practice required of barristers in Northern Ireland.<sup>4</sup></p> <p>Every solicitor registered with the Law Society of Northern Ireland is subject to various regulations which set the standards of professional conduct and practice required of solicitors in Northern Ireland.<sup>5</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Both practicing barristers<sup>6</sup> and solicitors<sup>7</sup> must maintain a practicing certificate on an annual basis.</p> <p>Providing any form of legal services without a current practicing certificate would constitute professional misconduct.</p>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any	There are no rules or regulations specific to the provision of pro bono legal services in Northern Ireland.

<sup>1</sup> See <http://www.barofni.com/page/helping-the-community> (last visited on May 1, 2019).

<sup>2</sup> See [www.pilsni.org](http://www.pilsni.org) (last visited on May 1, 2019).

<sup>3</sup> See [www.lawcentreni.org/about-us/what-we-do.html](http://www.lawcentreni.org/about-us/what-we-do.html) (last visited on May 1, 2019).

<sup>4</sup> See Bar Code of Conduct [http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code\\_of\\_Conduct\\_Complete%202018%204.pdf](http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code_of_Conduct_Complete%202018%204.pdf) (last visited on May 1, 2019).

<sup>5</sup> See <https://www.lawsoc-ni.org/regulations-standards> (last visited on May 1, 2019).

<sup>6</sup> See sections 3.2(a) and 6 of the Bar Code of Conduct [http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code\\_of\\_Conduct\\_Complete%202018%204.pdf](http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code_of_Conduct_Complete%202018%204.pdf) (last visited on May 1, 2019).

<sup>7</sup> See Practising Certificate Regulations 1992 <https://www.lawsoc-ni.org/dataeditoruploads/doc/Practising%20Certificate%20Regulations%201982.pdf> (last visited on May 1, 2019).

mandatory or minimum fees imposed on provision of legal services.	See response to II.(a).1 above.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Northern Ireland are not required to work a minimum number of pro bono hours but they are encouraged to do so by both the Bar Council and the Law Society of Northern Ireland.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Northern Ireland are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers – this applies equally for both barristers and solicitors.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law which require or present opportunities for the provision of pro bono legal services in Northern Ireland are personal finance, housing and human rights.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The main providers of pro bono legal services in Northern Ireland are NGOs, private law firms and barristers, public services and universities.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Northern Ireland require a license to provide legal services in order to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers that are registered European lawyers do not require any additional license(s) to provide pro bono legal services in Northern Ireland. <sup>8</sup> Foreign lawyers (which are not EU registered) should be licensed to practice in Northern Ireland.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	All barristers in Northern Ireland are required to maintain professional indemnity insurance at a level and to a specification prescribed by the Bar Council. <sup>9</sup>  All solicitors in Northern Ireland in private practice (not in-house or government) are required to maintain professional indemnity insurance at a level and to a specification prescribed by the Law Society of Northern Ireland. <sup>10</sup> This applies to pro

<sup>8</sup> See <https://www.lawsoc-ni.org/registered-european-lawyer> (last visited on May 1, 2019).

<sup>9</sup> See 6.1(i) and 7 of the Bar Code of Conduct [http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code\\_of\\_Conduct\\_Complete%202018%204.pdf](http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code_of_Conduct_Complete%202018%204.pdf) (last visited on May 1, 2019).

<sup>10</sup> See the Solicitors Indemnity Insurance Regulations 2014 [https://www.lawsoc-ni.org/DataEditorUploads/Solicitors%20Indemnity%20Insurance%20Regulations%202014.pdf\\_02082017.pdf](https://www.lawsoc-ni.org/DataEditorUploads/Solicitors%20Indemnity%20Insurance%20Regulations%202014.pdf_02082017.pdf) (last visited on May 1, 2019).

	bono work and work at law centers, charities and other non-commercial advice services. <sup>11</sup>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>There are no rules in Northern Ireland that prohibit advertising of pro bono successes or soliciting new pro bono clients by barristers, however advertising must generally conform to the British Code of Advertising Practice.<sup>12</sup></p> <p>There are no rules in Northern Ireland that prohibit advertising of pro bono successes or soliciting new pro bono clients by solicitors, however client consent is generally required for solicitors to advertise the identity of a client or items of the client's business, and soliciting of business is generally subject to customary ethical standards e.g., no inaccurate, misleading or unjustifiable statements.<sup>13</sup></p>
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Neither barristers nor solicitors receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Northern Ireland.	There are no governmental sources of pro bono and/or other legal services in Northern Ireland.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Northern Ireland.	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Northern Ireland are:</p> <ul style="list-style-type: none"> <li>• Children's Law Centre;<sup>14</sup></li> <li>• Citizens Advice Bureau;<sup>15</sup></li> <li>• Law Centre NI;<sup>16</sup></li> <li>• PILS Project;<sup>17</sup></li> <li>• Pro Bono Unit of the Bar of Northern Ireland;<sup>18</sup> and</li> </ul>

<sup>11</sup> See <https://www.abi.org.uk/products-and-issues/choosing-the-right-insurance/business-insurance/liability-insurance/professional-indemnity-insurance/solicitors-professional-indemnity-insurance/> (last visited on May 1, 2019).

<sup>12</sup> See section 30 of the Bar Code of Conduct [http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code\\_of\\_Conduct\\_Complete%202018%204.pdf](http://566ad0c461e77093ef13-65f8032302ddd1853f457c0e466d0549.r89.cf3.rackcdn.com/Code_of_Conduct_Complete%202018%204.pdf) (last visited on May 1, 2019).

<sup>13</sup> See Solicitors (Advertising, Public Relations and Marketing) Practice Regulations 1997 (as amended) [https://www.lawsoc-ni.org/dataeditoruploads/doc/regulations/Solicitors\\_%28Advertising\\_and\\_Public\\_Relations\\_and\\_Marketing%29\\_Practice\\_Regulations\\_1997\\_as\\_amended2006\\_PDF.pdf](https://www.lawsoc-ni.org/dataeditoruploads/doc/regulations/Solicitors_%28Advertising_and_Public_Relations_and_Marketing%29_Practice_Regulations_1997_as_amended2006_PDF.pdf) (last visited on May 1, 2019).

<sup>14</sup> See <http://www.childrenslawcentre.org.uk/> (last visited on May 1, 2019).

<sup>15</sup> See <https://www.citizensadvice.org.uk/nireland/> (last visited on May 1, 2019).

<sup>16</sup> See <https://www.lawcentreni.org/> (last visited on May 1, 2019).

<sup>17</sup> See <https://www.pilsni.org/> (last visited on May 1, 2019).

<sup>18</sup> See <http://www.barofni.com/page/helping-the-community> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Ulster University Law Clinic.<sup>19</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>See responses to II.(d).2 above.</p>

May 2019

Pro Bono Practices and Opportunities in Northern Ireland

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>19</sup> See <https://www.ulster.ac.uk/lawclinic/home> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Norway<sup>1</sup>

### I. Introduction

Norway has been an advocate for the provision of free legal services for centuries. The Royal Decree of 9 September, 1638 first promulgated the provision of legal aid to all those who could not afford it<sup>2</sup>, and since then, Norway has established a comprehensive, state-subsidized legal aid system that is one of the best funded per capita in Europe.<sup>3</sup> Due in large part to Norway’s entrenched state support for legal aid, pro bono work is not widespread or a significant part of the legal culture in Norway. However, the Norwegian Bar Association (*Advokatforeningen*) (“**NBA**”) has historically provided pro bono legal services and approximately one third of practicing lawyers in Norway have accepted pro bono clients.<sup>4</sup>

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>All lawyers in Norway are subject to The Norwegian Code of Conduct for Lawyers (the “<b>Code</b>”)<sup>5</sup> and Regulations for Advocates.<sup>6</sup></p> <p>The NBA is the representative organization for lawyers in Norway and is responsible for safeguarding the legal profession in Norway. Membership is voluntary, however more than 90% of lawyers in Norway are members.<sup>7</sup></p> <p>Alleged violations of the Code by lawyers are heard by the NBA’s Disciplinary Council (<i>Advokatforeningens disiplinærutvalg</i>).</p>
2. Describe any licensure requirements governing the provision of legal services.	<p><b>Norwegian lawyers</b></p> <p>The admission process for Norwegian lawyers is governed by the Courts of Law Act, Chapter 11.<sup>8</sup> Applicants must satisfy the following conditions:</p> <ul style="list-style-type: none"> <li>• hold a Norwegian University degree in law (5 years);</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Christel Søreide of Advokatfirmaet Wiersholm AS.

<sup>2</sup> Stockholm Institute for Scandinavian Law (2010), ‘The Norwegian Bar Association’, available at: <http://www.scandinavianlaw.se/pdf/46-17.pdf> (last visited on May 1, 2019).

<sup>3</sup> European Commission for the Efficiency of Justice (2014), ‘Report on European judicial systems’; Ronning (2018), ‘Legal Aid in Norway’, available at: [https://www.researchgate.net/publication/322009715\\_Legal\\_Aid\\_in\\_Norway#pf18](https://www.researchgate.net/publication/322009715_Legal_Aid_in_Norway#pf18) (last visited on May 1, 2019), and Ronning (2017), ‘Outsourcing Legal Aid in the Nordic Welfare States’, available at: [https://link.springer.com/chapter/10.1007%2F978-3-319-46684-2\\_2](https://link.springer.com/chapter/10.1007%2F978-3-319-46684-2_2) (last visited on May 1, 2019).

<sup>4</sup> John T. Johnsen (2011) ‘A New Scheme for Short Legal Advice in Norway’ at 11.

<sup>5</sup> The Code is available at: [https://www.ccbe.eu/fileadmin/specialty\\_distribution/public/documents/National\\_Regulations/DEON\\_National\\_CoC/EN\\_Norway\\_Rules\\_of\\_conduct\\_for\\_advocates.pdf](https://www.ccbe.eu/fileadmin/specialty_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Norway_Rules_of_conduct_for_advocates.pdf) (last visited on May 1, 2019).

<sup>6</sup> Regulations for Advocates is available at: [https://www.ccbe.eu/fileadmin/specialty\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Norway\\_Regulations\\_for\\_advocates.pdf](https://www.ccbe.eu/fileadmin/specialty_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Norway_Regulations_for_advocates.pdf) (last visited on May 1, 2019).

<sup>7</sup> For more information, please see here: <https://www.advokatforeningen.no/om/om-medlemskapet/english/the-norwegian-bar-association/#Requirements> (last visited on May 1, 2019).

<sup>8</sup> The Courts of Law Act “Lov om domstolene” of August 13th 1915, available at: <https://www.domstol.no/globalassets/upload/da/internet/domstol.no/domstoladministrasjonen/internasjonalt/courts-of-justice-act-english-translation-uten-paragrafinnledning.pdf> (last visited on May 1, 2019).



- obtain a police certificate certifying that they have a reputable past;
- participate in a recognized legal course covering relevant issues to a lawyer (litigation, client relationship, ethics, negotiation, client accounts, book-keeping, etc.); and
- practice as an associate lawyer, assistant judge, university teacher in jurisprudence or hold a position in the prosecution for two years. Assistant lawyers work under the license and indemnity insurance of their employer.

#### **Foreign lawyers practicing in Norway**

Lawyers who wish to work in Norway under a foreign license to provide legal services will be subject to different regulations depending on whether such applicant intends to practice law in Norway on a permanent basis or a temporary basis. Further, different rules apply to applicants who are lawyers in an EEA or non-EEA state.

##### *A) Permanent establishment in Norway for lawyers from EEA states*

Lawyers from EEA states can practice foreign law, international law and Norwegian law upon sending notification to the Supervisory Council and providing proof of registration as a lawyer in the applicant's home country. Applicants must provide security, pay contributions to the Supervisory Council and the Disciplinary Committee and present a declaration of acceptance of assignment from an auditor. For more information, please see the Regulations for Advocates section 10-1 to 10-5.<sup>9</sup>

##### *B) Permanent establishment in Norway for lawyers from outside EEA*

Foreign lawyers practicing outside the EEA are only entitled to practice foreign law and international law in Norway (upon Supervisory Council approval). The Supervisory Council may also add restrictions or other conditions to the practice of such applicant (see Regulation for Advocates sections 10-6 and 10-9).<sup>10</sup>

##### *C) Temporary practice as a 'guest lawyer'*

---

<sup>9</sup> Available here: [https://www.cbbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Norway\\_Regulations-for-advocates.pdf](https://www.cbbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Norway_Regulations-for-advocates.pdf) (last visited on May 1, 2019).

<sup>10</sup> See above.

Foreign lawyers practicing inside or outside the EEA may provide legal advice in Norway without having to apply to the Supervisory Council. Lawyers must use the professional title from their home country and may need to produce certain documentation relating to their legal certifications to the Norwegian authorities or courts. Legal services may be provided in respect of Norwegian, foreign and international law.

The Code applies to guest lawyers and such persons will be required to continue compliance with their home country's legal practice rules. Please see Regulations for Advocates sections 10-10 and 10-15.<sup>11</sup>

#### **Working under a Norwegian legal license**

Lawyers who wish to practice Norwegian law on a continuous basis may do so upon obtaining a Norwegian license to practice law. Once such license is obtained, the applicant may be considered to be an 'advokat' on a par with lawyers educated in Norway.<sup>12</sup>

To obtain a license to practice, an application must be made to the Supervisory Council and the following conditions should be satisfied:

- *Lawyers from EEA states:* Applicants must pass an examination at the University of Oslo demonstrating their knowledge of Norwegian law.
- *Lawyers from outside EEA states:* Applicants will be assessed for competence and suitability by the Supervisory Council and may be subject to certain restrictions or conditions. See Regulations for Advocates sections 9-7.<sup>13</sup>

#### **Special permission exceptions**

The Supervisory Council may grant special permission to persons to provide legal assistance in certain circumstances, including:

- applicants who have a relevant law degree but are not licensed as a lawyer;
- applicants who are certified as public accountants;
- legal aid organizations; and

<sup>11</sup> See above.

<sup>12</sup> Available here: <https://www.advokatforeningen.no/om/om-medlemskapet/english/working-as-a-lawyer-in-norway/> (last visited on May 1, 2019).

<sup>13</sup> Available here: [https://www.cbbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Norway\\_Regulations-for-advocates.pdf](https://www.cbbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Norway_Regulations-for-advocates.pdf) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• certain foreign legal practitioners.</li> </ul> <p>Such special permission to practice law may be subject to certain terms set by the Ministry of Justice in Regulation of Attorney Practice (<i>Advokatforskriften</i>).</p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules that regulate the provision of pro bono legal services in Norway, however the provision of such services is covered by the same rules that regulate the provision of all legal services in Norway.</p> <p>Any legal practitioner will be able to offer pro bono legal services as long as they have the necessary legal status to do so. However, it is advisable to seek the assistance of the NBA before providing pro bono legal services.</p> <p>In comparison, free legal aid is thoroughly regulated through the Free Legal Aid Act.<sup>14</sup> The Act defines which groups of people have the right to free, State-subsidized legal aid, which is helpful for pro bono organizations to determine who their services are best suited to (i.e. those that fall outside of the State-subsidized legal aid net). As pro bono work is initiated on a voluntary basis and is unrestricted as to the types of cases it can consider, pro bono advice is able to be offered to a wider pool of persons compared to the State supported legal aid schemes in Norway.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There are no requirements for lawyers in Norway to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Norway. Pro bono legal services in Norway are provided on an entirely voluntary basis.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which present opportunities for the provision of pro bono legal services in Norway include immigration law, welfare law and issues concerning children's rights.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,</p>	<p>The main providers of pro bono legal services in Norway include associations and organizations</p>

<sup>14</sup> The Free Legal Aid Act "Lov om fri rettshjelp" of 13<sup>th</sup> June 1980.

<p>private law firms (local or international) or corporate organizations?</p>	<p>such as “Juss-Buss”<sup>15</sup>, “JURK”<sup>16</sup> (free legal aid for women) and Gatejuristen<sup>17</sup>. These organizations provide free legal services on a daily basis in Norway.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There are no requirements for lawyers to have a license to provide pro bono legal services in Norway.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in Norway. Please refer to II.(a).2 for details concerning the licensure requirements for foreign lawyers in Norway.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>All practicing lawyers in Norway must have insurance to cover liability that they may incur during practice. Members of the NBA may either obtain insurance through the NBA or take out individual insurance through an insurance company.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules that prohibit the advertising of pro bono successes or soliciting new pro bono clients in Norway.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>There are no “Continuing Legal Education” or equivalent credit programs for pro bono hours worked in Norway.</p> <p>Nevertheless, the provision of pro bono legal services is seen as a form of social responsibility in Norway. Pro bono work is appreciated by the Norwegian community and strengthens the reputation of the pro bono service provider.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Norway.</p>	<p>The NBA provides organized free legal aid service in various locations across Norway, where local lawyers offer a free first consultation.<sup>18</sup></p>

<sup>15</sup> Available here: <https://foreninger.uio.no/jussbuss/english/> (last visited on May 1, 2019).

<sup>16</sup> Available here: <https://foreninger.uio.no/jurk/english/> (last visited on May 1, 2019).

<sup>17</sup> Available here: <https://gatejuristen.no/kontaktinformasjon/gatejuristen-tromso-2/> (last visited on May 1, 2019).

<sup>18</sup> See <http://www.advokatforeningen.no/om/om-medlemskapet/english/the-norwegian-bar-association/> (last visited on May 1, 2019).

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Norway.</p>	<ul style="list-style-type: none"> <li>• Rights in Exile Program<sup>19</sup></li> <li>• Norwegian People’s Aid:<sup>20</sup></li> <li>• Online attorney-matching program<sup>21</sup></li> <li>• Student-run clinic Juss-Buss:<sup>22</sup></li> <li>• Jussformidlingen<sup>23</sup></li> <li>• Jushjelpe i Midt-Norge<sup>24</sup></li> <li>• Legal Aid for Women (JURK) <sup>25</sup></li> <li>• Street Lawyer (<i>Gatejuristen</i>) <sup>26</sup></li> <li>• Childs' Lawyer (<i>Barnas jurist</i>)<sup>27</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Interested lawyers may apply for membership with the NBA to learn more about the pro bono opportunities available to them.</p> <p>The service “<i>advokatenhjelperdeg</i>” can also assist lawyers to connect with pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Norway

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>19</sup> See <http://www.refugeelegalaidinformation.org/norway-pro-bono-directory> (last visited on May 1, 2019).

<sup>20</sup> Norwegian People’s Aid (“**NPA**”) specializes in first aid and rescue services, as well as asylum and integration cases. The NPA works both domestically and internationally. See <http://www.npaid.org/> (last visited on May 1, 2019).

<sup>21</sup> See <http://www.refugeelegalaidinformation.org/norway-pro-bono-directory> and <http://www.advokatenhjelperdeg.no/> (last visited on May 1, 2019).

<sup>22</sup> Juss-Buss specializes in cases involving the Immigration Act, Norwegian prisoners’ rights, family law and debt cases, and labour, pensions and social welfare work. Jussformidlingen handles similar cases.

<sup>23</sup> See <http://foreninger.uio.no/jussbuss/english/about/> (last visited on May 1, 2019).

<sup>24</sup> See <http://jussformidlingen.no> (last visited on May 1, 2019).

<sup>25</sup> See <http://www.jushjelpe.no> (last visited on May 1, 2019).

<sup>26</sup> See <https://www.jus.uio.no/english/services/public/> and <https://gatejuristen.no/> (last visited on May 1, 2019).

<sup>27</sup> See <http://barnasjurist.no> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Poland<sup>1</sup>

### I. Introduction

The pro bono culture in Poland emerged in the early twentieth century and developed throughout World War II. However, due to the political situation under the communist regime, access to pro bono legal services became limited after the World War II. It wasn't until 1989, when, as a result of the free democratic society being re-established in Poland, involvement of non-governmental organizations ("NGOs"), law firms as well as professional legal associations and successful governmental initiatives became official and supported by the state. As a consequence, after 1989, an active pro bono culture re-emerged and now continues to grow. As a member of the European Union ("EU"), Poland also became bound by the EU's legal requirements and extensive jurisprudence on the right of access to justice. In the past 20 years, many new pro bono programs have developed and the pro bono activities initiated earlier in the decade have expanded and diversified. Further, in recent years, all Polish Bar Associations have actively promoted various pro bono programs, each attracting thousands of people seeking free legal advice.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The following are the key laws/rules that regulate the provision of legal services in Poland:</p> <ul style="list-style-type: none"> <li>• The Constitution of April 2, 1997 – the supreme law in Poland.</li> <li>• Ratified international agreements, regulations, directives and decisions of the EU.</li> <li>• The May 26, 1982 Law on Attorneys (<i>Prawo o Adwokaturze</i>) regulates the organization and responsibilities of advocates while the July 6, 1982 Law on Legal Advisers (<i>Ustawa o Radcach Prawnych</i>) regulates the organization and responsibilities of legal advisers.<sup>2</sup></li> <li>• Free Legal Aid and Education Act of August 5, 2015 determines the scope of free legal assistance (at the pre-court stage) to eligible persons.</li> <li>• The Law on the free legal aid and legal education (<i>Ustawa o nieodpłatnej pomocy prawnej oraz edukacji prawnej</i>), Dz.U. 2018 pos. 1467.<sup>3</sup></li> </ul>

<sup>1</sup> This chapter was drafted with the support of Wojciech Kozłowski and Aleksandra Gliszczyńska-Grabias of Dentons Europe Dąbrowski i Wspólnicy sp. k.

<sup>2</sup> European Justice Portal, Law, Poland, at: [https://e-justice.europa.eu/content\\_member\\_state\\_law-6-pl-en.do?member=1](https://e-justice.europa.eu/content_member_state_law-6-pl-en.do?member=1) (last visited on May 1, 2019) and The Polish Legal System, at: [http://eur-lex.europa.eu/n-lex/info/info-pl/index\\_en](http://eur-lex.europa.eu/n-lex/info/info-pl/index_en) (last visited on May 1, 2019) and Piotr Rakowski and Robert Rybicki, An Overview of Polish Law, available at <http://www.nyulawglobal.org/globalex/Poland1.htm> (last visited on May 1, 2019).

<sup>3</sup> Available at: [http://orka.sejm.gov.pl/proc8.nsf/ustawy/1868\\_u.htm](http://orka.sejm.gov.pl/proc8.nsf/ustawy/1868_u.htm) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>Any rules or regulations framed under the above-mentioned statutes or local government law.</li> </ul>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The legal professionals licensed to provide legal advice consist of advocates (<i>adwokat</i>), and legal advisers (<i>radca prawny</i>).<sup>4</sup> Although there is no material difference between advocates and legal advisers in respect of their scope of competence, a legal adviser can provide legal services on the basis of entering into an employment contract, whereas an advocate cannot practice solely under an employment contract.<sup>5</sup> Due to historical differences in competence, advocates are generally perceived as more frequently dealing with criminal defense. However this perception is changing over time.</p> <p>The May 26, 1982 Law on Attorneys (<i>Prawo o Adwokaturze</i>) regulates the organization and responsibilities of advocates. The July 6, 1982 Law on Legal Advisers (<i>Ustawa o Radcach Prawnych</i>) regulates the organization and responsibilities of legal advisers.</p> <p>In order to be admitted to practice as an advocate or legal adviser, an individual is required to complete a five-year law program, followed by practical training for three years and six months and pass the final bar examination.<sup>6</sup></p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There is no legal requirement in Poland to provide pro bono legal services. The key laws/rules that regulate the provision of legal services in Poland are specified in paragraph II.(a).1 above. In particular, the key laws/rules that regulate the provision of pro bono legal services in Poland are the Free Legal Aid and Education Act of August 5, 2015 and the Law on the free legal aid and legal education (<i>Ustawa o nieodpłatnej pomocy prawnej oraz edukacji prawnej</i>), Dz.U. 2018 pos. 1467.</p> <p>All practicing attorneys are required to take on <i>ex officio</i> cases of all types (<i>i.e.</i>, legal aid), which are assigned by the court from an alphabetical list of</p>

<sup>4</sup> Lawyers' training systems in the EU (*Poland*) at: [https://e-justice.europa.eu/content\\_lawyers\\_training\\_systems\\_in\\_the\\_member\\_states-407-en.do?clang=en](https://e-justice.europa.eu/content_lawyers_training_systems_in_the_member_states-407-en.do?clang=en) (last visited on May 1, 2019) and Legal Professions (Poland) at: [https://e-justice.europa.eu/content\\_legal\\_professions-29-pl-en.do?member=1](https://e-justice.europa.eu/content_legal_professions-29-pl-en.do?member=1) (last visited on May 1, 2019).

<sup>5</sup> Lawyers' training systems in the EU (*Poland*) at: [https://e-justice.europa.eu/content\\_lawyers\\_training\\_systems\\_in\\_the\\_member\\_states-407-en.do?clang=en](https://e-justice.europa.eu/content_lawyers_training_systems_in_the_member_states-407-en.do?clang=en) (last visited on May 1, 2019).

<sup>6</sup> The Law on the Advocates' Profession dated May 26, 1982 and July 6, 1982 Law on Legal Advisers and <https://www.osce.org/odhr/36308?download=true> (last visited on May 1, 2019).



	<p>practicing lawyers. Such attorneys are compensated by the State<sup>7</sup>, so it is not classical pro bono work. The judge appoints a lawyer from a list provided by the local bar associations. Legal aid fees are relatively low and capped, principally with no differentiation in payments according to the time spent on a case or its complexity. Private attorneys may take a case directly within their private practices or participate in pro bono activities voluntarily or through their respective bar associations as described below under “Bar Association Pro Bono Programs”. In addition, at the centers run by NGOs carrying out public benefit activities (<i>organizacje pozarządowe prowadzące działalność pożytku publicznego</i>), advice may also be provided by tax advisors, with the exception of the matters related to business activity, and by university law graduates (who have at least three-year experience).<sup>8</sup></p> <p>The President of Poland signed an amended law on free legal assistance in July, 2018. Pursuant to this amendment, with effect from January 1, 2019, legal aid will be available to every person who states that they are not able to bear the costs of legal representation. This has broadened the scope of eligible persons entitled to pro bono legal services. Furthermore, the new law broadens the areas of legal issues that can be covered with pro bono aid, with the only exclusion being matters related to economic activities. The amended law introduces free mediation as well as a new category of aid called “civic counseling” for issues such as debt, housing problems or social security. Free civic counseling will be provided by NGOs and funded from the state budget.<sup>9</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>While all practicing attorneys are required to take on <i>ex officio</i> cases, there is no legal requirement in Poland to provide pro bono legal services. Neither the Free Legal Aid and Education Act of August 5, 2015 nor the professional ethical rules</p>

<sup>7</sup> L. Bojarski, “The Role of the Nongovernmental Sector in Pursuing Reform of the Legal Aid System: The Case of Poland.” This report accompanies “Making Legal Aid a Reality: A Resource Book for Policy Makers and Civil Society” (2009), by Public Interest Law Institute available at <http://www.pilnet.org/public-interest-law-resources/19-making-legal-aid-a-reality-a-resource-book-for-policy.html> (last visited on May 1, 2019).

<sup>8</sup> Szymon Szmak, “Provision of legal services in Poland – free legal aid and legal expenses insurance as selected objects of the recent regulation” available at <https://piu.org.pl/wp-content/uploads/2017/05/WU-2016-04-08-Szmak-en.pdf> (last visited on May 1, 2019) and <https://www.premier.gov.pl/en/news/news/in-january-2016-free-legal-assistance-will-be-launched-throughout-poland.html> (last visited on May 1, 2019).

<sup>9</sup> Full text of the amended law is available (in Polish) at: <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20180001467> (last visited on May 1, 2019). Also, see news report dated July 30, 2018, titled “Poland’s President signs law on free legal aid”, available at: <https://polandin.com/38296662/polands-president-signs-law-on-free-legal-aid> (last visited on May 1, 2019); The Free Legal Aid and Education Act of August 5, 2015 and Szymon Szmak, “Provision of legal services in Poland – free legal aid and legal expenses insurance as selected objects of the recent regulation” available at <https://piu.org.pl/wp-content/uploads/2017/05/WU-2016-04-08-Szmak-en.pdf> (last visited on May 1, 2019).

	of the bar associations require a minimum of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Neither the Free Legal Aid and Education Act of August 5, 2015 nor the professional ethical rules of the bar associations require aspiring lawyers in Poland to work a minimum of pro bono hours in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Areas of law which present opportunities for pro bono legal services in Poland include, civil, criminal, family law, labor and unemployment, inheritance, administrative, housing, financial, refugees, social aid, healthcare and disability issues. <sup>10</sup> Other major unmet legal needs in Poland include, legal aid to victims of violence, legal aid to migrants and refugees, as well as to the LGBTQ community.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers of pro bono legal services in Poland are: (i) private law firms; (ii) NGOs; (iii) Bar Associations; and (iv) University legal clinics.</p> <p>Currently, many domestic and international law firms in Poland have dedicated pro bono programs and policies providing for significant legal assistance.<sup>11</sup> The Pro bono Center (<i>Centrum Pro Bono</i>) publishes an annual report that highlights the activities of all private law firms in Poland that collaborate with the Pro bono Center. According to the most recent report, in 2017 law firms collaborating with the Pro bono Center provided legal advice in a wide range of cases, including matters involving non-profit organizations, people with disabilities, environmental protection, and animal rights. Lawyers were also advising on intellectual property law, privacy law, labor law, tax law, business law, internet law and public procurement.<sup>12</sup> On June 22, 2007, the Pro Bono declaration was signed at a roundtable on Pro Bono in Poland, as a public affirmation of law firms' commitment to the provision of legal services to the poor.</p> <p>There are a number of noteworthy NGOs that are active in Poland. The Pro bono Center<sup>13</sup> coordinates a cooperative network between law firms and NGOs. Most aspects of pro bono work</p>

<sup>10</sup> Legal Clinics, 2016/2017 report, available at: <http://www.fupp.org.pl/kliniki-prawa/publikacje/raporty> (last visited on May 1, 2019).

<sup>11</sup> Centrum Pro bono, at <http://www.centrumprobono.pl/o-programie/idea-pracy-prawnikow-pro-bono/> (last visited on May 1, 2019).

<sup>12</sup> 2017 Report available at <http://www.centrumprobono.pl/wp-content/uploads/2014/02/raport-2017-1MB.pdf> (last visited on May 1, 2019).

<sup>13</sup> Centrum Pro bono, available at <http://www.centrumprobono.pl/> (last visited on May 1, 2019).

distribution between NGOs and private law firms are now handled by the Pro bono Center. The Helsinki Foundation for Human Rights (“HFHR”) is devoted to research and education in the field of human rights in Poland and abroad (primarily in the Russian Federation, Ukraine, Belarus, the Caucasus and Central Asia). The HFHR runs several programs aimed at providing cost-free legal advice, including free legal assistance at administrative proceedings, preparing opinions on drafts of legal acts and organizing seminars to educate the public on various laws.<sup>14</sup> The Federation for Women and Family Planning (*Federacja na rzecz Kobiet i Planowania Rodziny*) provides free legal advice by phone and an online forum. For many women, this is the only chance to obtain legal advice anonymously and free of charge.<sup>15</sup> Other NGOs of note include: The Polish Society of Antidiscrimination;<sup>16</sup> Campaign Against Homophobia;<sup>17</sup> and Empowering Children Foundation.<sup>18</sup>

There are also a number of Bar Association Pro Bono Programs in Poland. The National Council of the Bar and the National Council of Legal Advisers coordinate annual countrywide events for people who cannot afford to pay for legal services to receive free legal advice. The National Council of the Bar has hosted a “Day of Free Legal Advice” every year since 2006.<sup>19</sup> There are also reports on local National Councils of the Bar associations organizing pro bono legal aid days. The “Blue Umbrella” is another free legal advice program and week-long event organized by the National Council of Legal Advisers. First held in 2009, “Blue Umbrella” is now a bi-annual event. Most clients have sought assistance in matters related to inheritance, alimonies, and distribution of marital assets in cases of divorce. Persons also often inquire about issues related to labor law, insurance law, as well as real estate and traffic accidents. The National Notary Council organizes an annual “open door” event offering free advice

---

<sup>14</sup> Helsinki Foundation for Human Rights, Legal Programs, at: <http://www.hfhr.pl/en/programy/programy-prawne/> (last visited on May 1, 2019).

<sup>15</sup> <http://federa.org.pl/> (last visited on May 1, 2019).

<sup>16</sup> <https://interwencjiprawna.pl/en/> (last visited on May 1, 2019).

<sup>17</sup> Kampania przeciw Homofobii: <https://kph.org.pl> (last visited on May 1, 2019).

<sup>18</sup> Dajemy Dzieciom Siłę: <https://fdds.pl/what-do-we-do/support/> (last visited on May 1, 2019).

<sup>19</sup> IX Dzień Bezpłatnych Porad Prawnych już 18 kwietnia, at: <http://www.adwokatura.pl/z-zycia-nra/dzien-bezplatnych-porad-prawnych-18-kwietnia/> (last visited on May 1, 2019).

	<p>in cases involving various aspects of real estate or estate law.<sup>20</sup></p> <p>There are a number of University Legal Clinics in Poland through which law students provide supervised pro bono legal services. The Legal Clinics Foundation has set up a network of legal clinics and promoted pro bono work throughout Poland. During the academic year of 2016/2017, there were 26 legal clinics in 17 cities and the legal clinics accepted 6,531 cases.<sup>21</sup> The Legal Clinics Foundation's programs and initiatives aim to incorporate pro bono ethics into legal education. It also involves lawyers in its pro bono activities. In 2004, the Legal Clinics Foundation launched the "Pro bono Lawyer" competition, which has now become an annual event.<sup>22</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Poland are required to be admitted to a particular bar association in Poland in order to be able to provide legal services, including pro bono legal services, as an advocate or legal adviser.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Subject to reciprocity and the international agreements ratified by the Republic of Poland or the provisions of the international organizations, foreign lawyers are entitled to practice law in Poland on a permanent basis after having been entered onto one of the lists of foreign lawyers kept by District Bar Councils or Councils of District Chambers of Legal Counsellors.</p> <p>A lawyer from the EU entered on the list kept by the District Bar Council is entitled to practice within the scope corresponding to the profession of advocate, whereas a lawyer entered on the list kept by the Council of District Chamber of Legal Counsellors can practice within the scope corresponding to the profession of legal counsellor.</p> <p>A lawyer from outside the EU entered on the list kept by the District Bar Council is solely permitted to provide legal advice and prepare legal opinions on domestic law of their home state and on international law, within the scope corresponding to the profession of advocate, and a lawyer</p>

<sup>20</sup> Dzień Otwarty Notariatu, available at <http://www.porozmawiajznotariuszem.pl/> (last visited on May 1, 2019).

<sup>21</sup> Legal Clinics, 2016/2017 report, available at: <http://www.fupp.org.pl/kliniki-prawa/publikacje/raporty> (last visited on May 1, 2019).

<sup>22</sup> Lawyer Pro bono, Legal Clinics Foundation, available at <http://www.fupp.org.pl/en/lawyer-pro-bono/lawyer-pro-bono-contest-s> (last visited on May 1, 2019).

	<p>entered on the list kept by the Council of District Chamber of Legal Counsellors is permitted to solely provide legal advice and prepare legal opinions on domestic law of their home state and on international law, within the scope corresponding to the profession of legal counsellor.<sup>23</sup></p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Every advocate and legal advisor performing their professional duties in Poland is required to be insured. The Law on Attorneys, states that advocates are obliged to be insured in terms of civil liability for damages caused within the exercise of their professional activities. Advocates are obliged to prove to the regional Bar that they have concluded a proper insurance contract with a relevant insurance company. The Law on Legal Advisers requires legal advisors to also comply with the above-mentioned requirement.<sup>24</sup></p> <p>In practice, the local bar associations, like the Warsaw Bar Association, conclude insurance contracts with insurance companies and the member-advocates of the given bar pay monthly, quarterly or annual contribution fees for this group insurance. At the same time, lawyers are free to purchase their own or additional insurance if they deem it necessary or appropriate. Many global law firms are also purchasing additional insurance policies that cover some or all of their branches worldwide, but this depends on their internal decisions and insurance contracts. This is also applicable in Poland for professionals acting as legal advisors (<i>radcowie prawni</i>).</p> <p>A foreign lawyer providing pro bono legal services in Poland is required to maintain civil liability insurance against damage done in the provision of legal assistance, pursuant to the principles applicable to advocates or the principles applicable to legal counsellors, depending on which list he/she has been entered onto.</p> <p>The obligation specified above can be waived in respect of persons who can prove that they are covered by insurance or a guarantee taken out pursuant to the laws of their home state, and that the conditions and scope of such insurance or guarantee are equivalent to the conditions and scope of the insurance referred to above. Where the equivalence is only partial, the foreign lawyer</p>

<sup>23</sup> ACT of July 5, 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland.

<sup>24</sup> Art. 8a Section 1 of the May 26, 1982 Law on Attorneys (*Prawo o Adwokaturze*), which regulates the organization and responsibilities of advocates and Art. 22 Section 7 of the July 6, 1982 Law on Legal Advisers (*Ustawa o Radcach Prawnych*), which regulates the organization and responsibilities of legal advisers.

	is obliged to enter into an agreement providing for additional insurance or additional guarantee. <sup>25</sup>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	The set of rules established by the Polish Bar Council ( <i>Zbiór Zasad Etyki Dziennikarskiej i Godności Zawodu</i> ) generally prohibit advertisement of legal services, for example, through press, television etc. as well as solicitation of clients. However, there are no provisions prohibiting the advertisement of pro bono successes by way of public announcements, for example, on the law firm's website. <sup>26</sup>
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Generally, lawyers in Poland do not receive any credits or other benefits for time spent on pro bono work. However, private law firms in Poland may establish their own internal systems for encouraging involvement in pro bono work.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Poland.	The Commissioner for Human Rights in relation to the Polish Ombudsman ( <i>Rzecznik Praw Obywatelskich</i> ) is the constitutional authority for legal control and protection and is integral and independent from other state authorities. The Commissioner also provides pro bono legal aid as part of his statutory activities. <sup>27</sup>  Other similar state-established and state-sponsored entities include, the Commissioner for the Rights of the Child ( <i>Rzecznik Praw Dziecka</i> ) and the Commissioner for Patients' Rights ( <i>Rzecznik Praw Pacjentów</i> ). These institutions provide individuals with free legal advice and intervene, on pro bono basis, in individual cases of various violations of freedoms and rights. <sup>28</sup>
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Poland.	Please see II.(b).5 above.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	A local or foreign attorney can register with the Centrum Pro Bono in order to be made aware of pro bono opportunities. <sup>29</sup>

<sup>25</sup> ACT of July 5, 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland.

<sup>26</sup> Please see <http://www.nra.pl/dokumenty.php?pgnum=0&sort=1&limit=30&datado=3000&slowa=kodeks+etyki> (last visited on May 1, 2019).

<sup>27</sup> See <https://www.rpo.gov.pl/en> (last visited on May 1, 2019).

<sup>28</sup> See <http://brpd.gov.pl/> (last visited on May 1, 2019) and <https://www.bpp.gov.pl/en/> (last visited on May 1, 2019).

<sup>29</sup> Please see <http://www.centrumprobono.pl/> (last visited on May 1, 2019).

May 2019  
Pro Bono Practices and Opportunities in Poland

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



## Pro Bono Practices and Opportunities in Portugal<sup>1</sup>

### I. Introduction

Access to justice in Portugal is a right provided by the Portuguese Constitution, and lawyers have a general duty to help protect this right. Portugal has increased its efforts to make legal assistance available to those who cannot afford it through a system that involves cooperation between Portuguese Social Security services and the Portuguese Bar Association. In addition, several NGOs in Portugal provide legal assistance to the public in particular areas such as criminal law, consumer law and refugee law. In recent years, law firms have started their own pro bono programs, providing legal assistance, usually to non-profit associations.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Legal activity in Portugal is regulated by Law No. 145/2015 of 9 September 2015, which provides the ethics rules with which lawyers must comply (the “<b>Statute</b>”). Article 66 provides that only lawyers duly registered with the Portuguese Bar Association can practice ‘acts of lawyers’ (<i>atos próprios dos advogados</i>), namely representing a client in court or in other legal matters and providing legal advice.<sup>2</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To practice law in Portugal, a lawyer (<i>advogado</i>) must be registered with the Portuguese Bar Association.<sup>3</sup> The Portuguese Bar Association was created by Law No. 11715 of 12 June 1926, and is organized into seven districts: Lisbon, Porto, Coimbra, Évora, Faro, Açores and Madeira. Its current articles of association are now set forth in the Statute.</p> <p>To register with the Portuguese Bar Association, an individual must have:</p> <ul style="list-style-type: none"> <li>(i) obtained a law degree from an accredited university;</li> <li>(ii) undertaken an internship with a maximum duration of 18 months divided in two phases: <ul style="list-style-type: none"> <li>(a) a minimum of six-months of training on the regulations and principles applicable to the profession, at the end of which the candidate is required to carry out written works or reports that evidence the knowledge acquired to pass to the second</li> </ul> </li> </ul>

<sup>1</sup> This chapter was drafted with the support of Pacome Ziegler of PLMJ Abogados.

<sup>2</sup> Pursuant to Article 1 of the Law No. 49/2004, of 24 August 2004, holders of a Masters or Ph.D. in Law are authorised to provide legal advice, if they are registered for such purpose with the Portuguese Bar Association in accordance with a special procedure provided for in the Statute.

<sup>3</sup> Articles 66 and 205 of the Statute.

	<p>training phase and be able to appear in Court, and</p> <p>(b) a maximum of 12 months of practical training in a law firm, having a lawyer with at least five years of professional experience as a tutor; and</p> <p>(iii) passed a final entrance examination for the Portuguese Bar Association (<i>prova de agregação</i>).<sup>4</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Portuguese Constitution guarantees access to law and judicial review for everyone. Furthermore, it prohibits denial of justice deriving from a lack of financial resources, and confirms that everyone has the right to legal information and counselling, by means of legal aid if necessary.<sup>5</sup> This constitutional right of access to justice is enshrined in Law No. 34/2004, of 29 July 2004<sup>6</sup>; Administrative Ordinances Nos. 1085-A/2004, of 31 August 2004, No. 10/2008, of 3 January 2008 and No. 11/2008, of 3 January 2008 and Internal Regulation No. 330-A/2008, approved by the General Council of the Portuguese Bar Association<sup>7</sup> (in each case, as subsequently amended).</p> <p>It is a duty of lawyers registered with the Portuguese Bar Association to assist with enhancing access to justice (the Statute, Article 90(2)(f)).</p> <p>However, there are no specific rules directly governing pro bono practice. The ethics rules governing legal activity (as referred to in II(a)(1) above) generally apply.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no formal obligation for private lawyers in Portugal to undertake pro bono activities.</p>

<sup>4</sup> Id. at Article 195.

<sup>5</sup> Article 20 of the Portuguese Constitution.

<sup>6</sup> Law No. 34/2004 was amended by Law No. 47/2007, of 28 August 2007, by Law No. 40/2018, of 8 August 2018 and by Decree-Law 120/2018, of 27 December 2018. Law No. 34/2004 repealed Law No. 30-E/2000, of 20 December 2000, which first introduced the current structure of state-funded legal aid through social security services. Law No. 34/2004 transposes into the Portuguese territory the European Directive No 2003/8/CE, of January 27, 2003, concerning the improvement of access to justice in cross border disputes, available online at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0008&from=EN> (last visited on May 1, 2019).

<sup>7</sup> See [http://www.oa.pt/Conteudos/Artigos/detalhe\\_artigo.aspx?idsc=25368&ida=67239](http://www.oa.pt/Conteudos/Artigos/detalhe_artigo.aspx?idsc=25368&ida=67239) (last visited on May 1, 2019).

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>As far as individuals are concerned, the main areas of law which require or present opportunities for the provision of pro bono legal services are criminal law, consumer law, family law, labour law and more recently immigration and refugee law.</p> <p>There is also high demand from NGOs, foundations and associations to assist them with corporate and tax law matters on a pro bono basis.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The Portuguese Bar Association has a network of “Legal Consulting Offices”, which are staffed by volunteer lawyers and where any individual may obtain guidance regarding legal matters.<sup>8</sup></p> <p>Legal advice provided under this mechanism is free of charge for interested parties, although the applicable regulations limit the number of consultancy requests and the duration of consultations that one person may benefit from. In addition, in the past, the Portuguese Bar Association has organized an annual “Free Legal Consulting Day”, during which lawyers were available at a number of locations to assist the public with legal questions.</p> <p>Portuguese law firms also generally have pro bono programs providing free legal assistance to charity institutions that work in the social, cultural, or educational areas. Some non-profit organizations and associations in Portugal offer legal support services to the public.</p> <p>There are some state organizations that provide legal consulting assistance to the public concerning specific legal areas, such as the Authority for Working Conditions (<i>Autoridade para as Condições do Trabalho</i>), which provides legal advice on labor law-related issues.</p>
<p><b>(c) Obstacles to Provision of Pro bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Other than the requirement that only lawyers registered with the Portuguese Bar Association can provide legal advice, there is no specific</p>

<sup>8</sup> The Portuguese Bar Association (General Council) will refer the matter to the Legal Consulting Office closest to the complainant’s residency area [http://www.oa.pt/ci/Conteudos/Contactos/lista\\_contactos.aspx?sidc=67944&idc=104964](http://www.oa.pt/ci/Conteudos/Contactos/lista_contactos.aspx?sidc=67944&idc=104964) (last visited on May 1, 2019).

	license required to provide pro bono legal services in Portugal.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional license(s) to provide pro bono legal services in Portugal. Foreigners can provide pro bono legal services in Portugal on the same conditions as Portuguese lawyers, provided they are registered with the Portuguese Bar Association.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	All lawyers duly registered with the Portuguese Bar Association automatically benefit from a professional liability insurance with a compensation limit of EUR 150,000.00 (other insurance may be contracted in addition to this). The insurance cover is comprehensive and therefore covers pro bono legal services provided by lawyers in Portugal. A specific professional indemnity legal insurance cover for pro bono legal services is not required under Portuguese law.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>There are no specific rules that allow or prohibit the advertising of pro bono successes or soliciting new pro bono clients.</p> <p>The general guidelines for lawyers on advertising and soliciting new clients are set out in the Statute:</p> <p>Article 90 of the Statute provides that it is a duty of the lawyer not to solicit any clients, including through an intermediary.</p> <p>Article 94 of the Statute further provides that lawyers may disclose their professional activity in an objective, truthful and dignified matter, in strict respect of professional ethics, professional secrecy and rules on advertising and competition. The Statute considers persuasive, ideological, self-aggrandizing or comparative advertising as well as any reference to the law firm's standing to be unlawful acts of advertising and therefore prohibits them.</p>
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	There is no "Continuing Legal Education" or equivalent credit for pro bono hours completed by lawyers in Portugal.
<b>(d) Sources of Pro bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Portugal.	The Portuguese social security services (through their system of legal protection <sup>9</sup> ), the Portuguese Bar Association (through the network of "Legal

<sup>9</sup> See <http://www.seg-social.pt/protecao-juridica> (last visited on May 1, 2019).

	Consulting Offices <sup>10</sup> ) and parish councils all over the country are the main governmental sources of pro bono and/or other legal aid services in Portugal.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Portugal.	Several non-governmental foundations, associations and non-profit organizations operating in Portugal are sources of pro bono legal services. Recently, in 2013, the first “clearing house” for pro bono legal services was created in Portugal – “Associação Pro Bono” <sup>11</sup> , which puts pro bono beneficiaries in contact with volunteer lawyers, law students, mediators and notaries.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Associação Pro Bono <sup>12</sup> is a private organization through which local or foreign lawyers registered with the Portuguese Bar Association can be made aware of pro bono opportunities.  Local or foreign lawyers (along with trainee lawyers, mediators and notaries) registered with Associação Pro Bono receive regular emails informing them of pro bono opportunities.

May 2019  
Pro Bono Practices and Opportunities in Portugal

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>10</sup> See [http://www.oa.pt/ci/Conteudos/Contactos/lista\\_contactos.aspx?sidc=67944&idc=104964](http://www.oa.pt/ci/Conteudos/Contactos/lista_contactos.aspx?sidc=67944&idc=104964) (last visited on May 1, 2019).

<sup>11</sup> See <https://www.probonoportugal.com/> (last visited on May 1, 2019).

<sup>12</sup> See <https://www.probonoportugal.com/advogados-e-advogados-estagiarios> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in the Republic of Ireland

### I. Introduction

The Republic of Ireland has a longstanding commitment to pro bono and a number of public interest groups offer pro bono legal services. In 2009, the Public Interest Law Alliance (PILA) was launched with a collaborative vision for getting the law working for those most in need. PILA is supported by the Free Legal Advice Centre (FLAC) which was established in 1969 by a group of law students. Today, FLAC administers 21 independent legal centers across the country and also provides advice at 49 citizens advice centers across the country. In 2004, the Bar of Ireland launched the Voluntary Assistance Scheme,<sup>1</sup> a pro bono initiative which provides legal assistance to charities, NGOs and civic society groups.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Every barrister called to the Bar of Ireland is subject to the Code of Conduct which sets the standards of professional conduct and practice required of barristers in Ireland.<sup>2</sup></p> <p>Every solicitor registered with the Law Society of Ireland is subject to various regulations which set the standards of professional conduct and practice required of solicitors in Ireland.<sup>3</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Both practicing barristers<sup>4</sup> and solicitors<sup>5</sup> must maintain a practicing certificate on an annual basis.</p> <p>Providing any form of legal services without a current practicing certificate would constitute professional misconduct.</p>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>There are no rules or regulations in the Republic of Ireland that are specific to the provision of pro bono legal services.<sup>6</sup></p> <p>See response to II.(a).1 above.</p>

<sup>1</sup> See <https://www.lawlibrary.ie/Legal-Services/Voluntary-Assistance-Scheme.aspx> (last visited on May 1, 2019).

<sup>2</sup> See Bar Code of Conduct <https://www.lawlibrary.ie/Membership/Adopted-Code-of-Conduct-Bar-of-Ireland-23-July-201.aspx> (last visited on May 1, 2019).

<sup>3</sup> See <https://www.lawsociety.ie/Solicitors/Regulations/> (last visited on May 1, 2019).

<sup>4</sup> See section 9.1 of the Bar Code of Conduct <https://www.lawlibrary.ie/Membership/Adopted-Code-of-Conduct-Bar-of-Ireland-23-July-201.aspx> (last visited on May 1, 2019).

<sup>5</sup> See <https://www.lawsociety.ie/globalassets/documents/committees/conduct-guide.pdf> (last visited on May 1, 2019).

<sup>6</sup> For example, section 12.4 of the Bar Code of Conduct states that nothing in the rules shall operate to inhibit a Barrister's entitlement to act for a client pro bono. See <https://www.lawlibrary.ie/Membership/Adopted-Code-of-Conduct-Bar-of-Ireland-23-July-201.aspx> (last visited on May 1, 2019).

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in the Republic of Ireland are not required to work a minimum number of pro bono hours but are encouraged to do so by both the Bar Council and the Law Society of Ireland.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in the Republic of Ireland are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers– this applies equally for both barristers and solicitors.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in the Republic of Ireland are housing, human rights, immigration and personal finance.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in the Republic of Ireland are NGOs, private law firms and barristers, public services and universities.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in the Republic of Ireland require a license to provide legal services which would include pro bono legal services – see response to II.(a).2 above.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers should be licensed to practice law in Ireland and such a license would also be required to cover the provision of pro bono legal services.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Both barristers<sup>7</sup> and solicitors require professional indemnity legal insurance cover for any pro bono legal services that they provide in the Republic of Ireland.<sup>8</sup> Neither barristers nor solicitors are prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project.</p>

<sup>7</sup> See section 2.18 of the Bar Code of Conduct <https://www.lawlibrary.ie/media/lawlibrary/media/Adopted-Code-of-Conduct-Bar-of-Ireland-23-July-2014.pdf> (last visited on May 1, 2019).

<sup>8</sup> See (ix) of “legal services” which includes acting on a pro bono basis in the Solicitors Professional Indemnity Insurance Regulations 2018 <https://www.lawsociety.ie/globalassets/documents/committees/pii/2018-19/si-351-2018.pdf> (last visited on May 1, 2019).



4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There is no express prohibition in the Republic of Ireland for barristers <sup>9</sup> or solicitors to advertise pro bono successes or solicit new pro bono clients. <sup>10</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Barristers receive “Continuing Legal Education” or equivalent credit for pro bono hours worked. <sup>11</sup> Solicitors, on the other hand, do not. <sup>12</sup>
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in the Republic of Ireland.	There are no governmental sources of pro bono and/or other legal services in the Republic of Ireland.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Republic of Ireland.	<p>The main non-governmental sources of pro bono and/or other pro bono resources in the Republic of Ireland are:</p> <ul style="list-style-type: none"> <li>• Free Legal Advice Centres;<sup>13</sup></li> <li>• Public Interest Law Alliance;<sup>14</sup></li> <li>• Threshold;<sup>15</sup> and</li> <li>• Voluntary Assistance Scheme.<sup>16</sup></li> </ul>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	See responses to II(d)2 above.

May 2019  
Pro Bono Practices and Opportunities in the Republic of Ireland

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>9</sup> See <https://www.lawlibrary.ie/Membership/Downloads/Guidance-on-Advertising.aspx> (last visited on May 1, 2019).

<sup>10</sup> See <https://www.lawsociety.ie/globalassets/documents/regulation/adv-regulations/guidelines-advertising.pdf> (last visited on May 1, 2019).

<sup>11</sup> The Voluntary Assistance Scheme provides 3 CPD points to all barristers who carry out work for the scheme. See <https://www.lawlibrary.ie/Access-to-Legal-Services/Voluntary-Assistance-Scheme/VAS-Downloads/VASSpeech2014.aspx> (last visited on May 1, 2019).

<sup>12</sup> See section 6 of the 2019 CPD Scheme <https://www.lawsociety.ie/globalassets/documents/cpd-scheme/2018-cpd-scheme-booklet.pdf> (last visited on May 1, 2019).

<sup>13</sup> See <https://www.flac.ie/> (last visited on May 1, 2019).

<sup>14</sup> See <https://www.pila.ie/> (last visited on May 1, 2019).

<sup>15</sup> See [www.threshold.ie](http://www.threshold.ie) (last visited on May 1, 2019).

<sup>16</sup> See <https://www.lawlibrary.ie/legal-services/voluntary-assistance-scheme.aspx> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Romania<sup>1</sup>

### I. Introduction

Whilst historically few lawyers in Romania engaged in pro bono work, pro bono legal services are of increasing importance for the legal profession in Romania. There has been a growing commitment by the legal community to providing and promoting wider availability of pro bono legal services, and various organizations and institutions in Romania (including law firms and bar associations, as well as NGOs) continue to work to foster and develop pro bono legal activity. Lawyers and law firms in Romania are also becoming increasingly aware of the value that many existing and prospective clients place on pro bono activities.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	The regulation of the legal profession in Romania is decentralized. <sup>2</sup> A practicing lawyer must be a member of one of the 41 regional bar associations in Romania. <sup>3</sup> The regional bar associations hold most of the regulatory power. <sup>4</sup> At national level, the National Association of Bars in Romania ( <i>Uniunea Nationala A Barourilor Din Romania</i> or <i>UNBR</i> ), which consists of representatives from each regional bar association, has advisory jurisdiction over issues related to the regulation and discipline of Romanian lawyers. <sup>5</sup> The laws and rules that regulate the provision of legal services across all the regional bar associations include Law no. 51 from June 7, 1995 for the organization and practice of the lawyer's profession <sup>6</sup> and the Statute of the lawyer's profession. <sup>7</sup>
2. Describe any licensure requirements governing the provision of legal services.	Qualifying as a lawyer ( <i>avocat</i> ) in Romania consists of the following four stages: <ul style="list-style-type: none"> <li>• completing a qualifying law degree;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Andreea Toma and Cristian Bumbac of Leroy si Asociatii.

<sup>2</sup> THE LAW SOCIETY OF ENGLAND AND WALES, How to practise in Romania (Sep. 2014), available at <http://communities.lawsociety.org.uk/international/regions/europe-and-cis/romania/how-to-practise-in-romania/5043182.article> (last visited on October 2, 2019).

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Available in English at <http://www.unbr.ro/law-no-51-from-june-7-1995-for-the-organisation-and-practice-of-the-lawyers-profession/> (last visited on October 2, 2019).

<sup>7</sup> Available (in Romanian) at [http://www.unbr.ro/wp-content/uploads/2013/10/Statutul\\_Profesiei\\_de\\_Avocat\\_041013.pdf](http://www.unbr.ro/wp-content/uploads/2013/10/Statutul_Profesiei_de_Avocat_041013.pdf) (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• passing a bar exam in order to apply for admission to one of the 41 regional bar associations in Romania as a trainee lawyer;<sup>8</sup></li> <li>• completing a two-year professional training period under the supervision of a permanent lawyer who has been practicing for at least six years;<sup>9</sup> and</li> <li>• either passing the bar exam for permanent lawyers or the graduation exam of the National Institute for the Training and Improvement of Lawyers (<i>Institutul National pentru Pregatirea si Perfectionarea Avocatilor</i>).<sup>10</sup></li> </ul> <p>Trainee lawyers may only argue first-instance cases. Only fully-qualified lawyers may argue cases before most Romanian courts (subject to certain exceptions), and work on their own.<sup>11</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Romanian legislation contains no specific rules governing the provision of pro bono legal services by Romanian lawyers. However, there are applicable provisions in Romanian law that set forth the right to benefit from legal aid<sup>12</sup> and how legal aid is financed and organized.<sup>13</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Neither the law for the organization and practice of the legal profession<sup>14</sup>, nor the law regarding scholars and students' internships<sup>15</sup> requires practicing lawyers, or law students to do pro bono work in Romania.</p>

<sup>8</sup> Law no. 51 from June 7, 1995 for the organisation and practice of the lawyer's profession, available in English at <http://www.unbr.ro/law-no-51-from-june-7-1995-for-the-organisation-and-practice-of-the-lawyers-profession/> (last visited on October 2, 2019). See also the Statute of the lawyer's profession, available (in Romanian) at [http://www.unbr.ro/wp-content/uploads/2013/10/Statutul\\_Profesiei\\_de\\_Avocat\\_041013.pdf](http://www.unbr.ro/wp-content/uploads/2013/10/Statutul_Profesiei_de_Avocat_041013.pdf) (last visited on October 2, 2019).

<sup>9</sup> Ibid.

<sup>10</sup> UNIUNEA NATIONALA A BAROURILOR DIN ROMANIA, Decision No. 04/2011 of the National Association of the Romanian Bars, available at [http://www.unbr.ro/fisiere/file/consilii\\_si\\_cp/CONS-CP-07-09-IUL-2011/HOTARAREA\\_04-2011\\_2011\\_CONSILIUL\\_UNBR\\_APROBARE\\_REGULAMENT\\_EXAMENE\\_150711RevDOCclean-OK-WEBSITE.pdf](http://www.unbr.ro/fisiere/file/consilii_si_cp/CONS-CP-07-09-IUL-2011/HOTARAREA_04-2011_2011_CONSILIUL_UNBR_APROBARE_REGULAMENT_EXAMENE_150711RevDOCclean-OK-WEBSITE.pdf) (last visited on October 2, 2019).

<sup>11</sup> DREPT ONLINE, Legal Profession Career, available at [http://www.dreptonline.ro/cariere/cariera\\_avocat.php](http://www.dreptonline.ro/cariere/cariera_avocat.php) (last visited on October 2, 2019).

<sup>12</sup> Emergency Ordinance No. 51/2008 on Judicial Public Help with Respect to Civil Matters, published in Monitorul Oficial no. 327/25.04.2008, as subsequently amended. Available (in Romanian) at: <http://legislatie.just.ro/Public/DetaliuDocument/91863> (last visited on October 2, 2019).

<sup>13</sup> Law no. 51 from June 7, 1995 for the organisation and practice of the lawyer's profession, available in English at <http://www.unbr.ro/law-no-51-from-june-7-1995-for-the-organisation-and-practice-of-the-lawyers-profession/> (last visited on October 2, 2019); the Statute of the lawyer's profession, available (in Romanian) at [http://www.unbr.ro/wp-content/uploads/2013/10/Statutul\\_Profesiei\\_de\\_Avocat\\_041013.pdf](http://www.unbr.ro/wp-content/uploads/2013/10/Statutul_Profesiei_de_Avocat_041013.pdf) (last visited on October 2, 2019) and Framework Regulations regarding the organization of the Legal Aid Bureaus (Servicii de Asistenta Judiciara) of the Romanian Bars, adopted by Decision No. 180 of 17 Dec. 2016 of the UNBR Council, as further amended (hereafter, "Legal Aid Framework Regulations"), accessible (in Romanian) at: <http://www.unbr.ro/hotararea-nr-180-din-17-decembrie-2016-a-consiliului-unbr-privind-aprobarea-regulamentului-cadru-pentru-organizarea-functionarea-si-atributiile-serviciilor-de-asistenta-judiciara-ale-barou/> (last visited on October 2, 2019).

<sup>14</sup> Law no. 51/1995 for the organisation and practice of the lawyer's profession.

<sup>15</sup> Law no. 258/2007 regarding scholars and students' internship.

	<p>However, at the end of 2018 UNBR adopted a professional policy declaration relating to pro bono legal services.<sup>16</sup> The declaration calls upon sole practitioners, law firms and the regional bar associations to provide pro bono legal services of the same quality as those provided to paying clients, with pro bono work counting towards the formal training requirements for both trainee lawyers and qualified lawyers. The declaration also encourages the promotion and development of pro bono programs, policies and events, as well as the publication by law firms of the time and resources dedicated to pro bono work. The declaration followed the launch of the Just Access program (see below). UNBR is also running a parallel consultation to establish and promote a pro bono culture, to highlight the importance of pro bono legal services and to establish best practices for engaging in pro bono work.<sup>17</sup> UNBR's Permanent Commission is tasked with monitoring progress towards the goals set out in the declaration.<sup>18</sup></p> <p>Furthermore, multinational companies have continued to demand social responsibility policies from outside counsel in recent years. This increasing trend has contributed to the recognition of pro bono legal services as a key component of social responsibility for law firms.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Romania are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers. Please see above.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>An area where pro bono legal services seem to abound is the NGO sector. For example, in 2012 the Foundation for the Development of Civil Society (<i>Fundatia pentru Dezvoltarea Societatii Civile</i>) launched a project called "Pro Bono legal services for NGOs" which allowed lawyers to commit available time and resources to provide pro bono legal services to different NGOs.<sup>19</sup></p> <p>As NGOs have dominantly concentrated their efforts on the promotion and protection of human rights in Romania, pro bono projects are usually focused on mitigating human rights violations. In</p>

<sup>16</sup> See <http://www.unbr.ro/hotararea-consiliului-unbr-nr-414-08-12-2018-referitor-la-declaratia-de-politica-profesionala-privind-avocatura-pro-bono/?highlight=%22pro%20bono%22> (last visited on October 2, 2019).

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> See <http://www.fdsc.ro/servicii-juridice-pro-bono-pentru-onguri> (last visited on October 2, 2019).

	<p>addition, an increasing number of Romanian and international law firms have decided in recent years to engage in pro bono activities, mainly by supporting NGOs which promote social development. For example, Leroy si Asociatii (“<b>Leroy</b>”), one of the country’s leading law firms<sup>20</sup>, supports several non-profit organizations and foundations by providing pro bono legal services. These include: NESsT Romania, a non-profit organization which develops sustainable social enterprises aimed to address critical social problems in emerging market economies; Lycée Français Anna de Noailles (the French School of Bucharest), a foundation supported by Leroy on an ongoing basis with pro bono legal advice on various matters, including financing, real estate and employment matters; and Eidos Foundation, a non-profit organization committed to supporting new cultural practices, assisted by Leroy on various projects, such as on legal issues pertaining to the organization of the Unfinished Festival (a multi-disciplinary event that brings together change-makers to share work and ideas) or on the negotiation of the contractual documentation related to a photographic project documenting the contemporary portrait of Romania on the occasion of The Great Union anniversary.</p> <p>More recently, UNBR has been actively encouraging the provision of pro bono legal services and promoting recognition of their importance as a hallmark of the legal profession. UNBR’s professional policy declaration relating to pro bono legal services (see above) followed shortly after the launch of the Just Access program. The program is aimed at improving access to justice (particularly for vulnerable individuals or groups) by raising awareness, improving the services provided by central and regional authorities, as well as promoting the training and development of lawyers and social care specialists, and an interdisciplinary approach in dealing with cases.<sup>21</sup></p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>In recent years, pro bono programs in Romania have intensified as a result of the commitment of corporate law firms in Bucharest, as well as in Romania’s major cities to align the practice of local firms with the pro bono culture of their</p>

<sup>20</sup> See <https://chambers.com/profile/organisation/7281?publicationTypeld=7> (last visited on October 2, 2019).

<sup>21</sup> See <http://www.unbr.ro/lansarea-programului-de-educatie-si-asistenta-juridica-pentru-imbunatatirea-accesului-cetatenilor-la-justitie-just-access/?highlight=%22pro%20bono%22> (last visited on October 2, 2019).

international partners. Indeed, it has become customary for large Romanian law firms to dedicate part of their resources to pro bono activities.<sup>22</sup> In addition, as mentioned above, organizations such as the Foundation for the Development of Civil Society aim to connect NGOs with providers of pro bono legal services by developing a program enabling NGOs to request pro bono legal services from participating law firms.<sup>23</sup>

There are several international and local NGOs that provide Romanians with free legal assistance. These NGOs tackle a wide variety of issues, such as government corruption and microfinance, discrimination based on sexual orientation and/or HIV positive status, the rights of the Roma minority, prison conditions and mental health treatment.

For example: (i) the NGO "Accept" created the Anti-Discrimination Coalition which aims to improve access to justice and efficiency of remedies available to persons exposed to discrimination;<sup>24</sup> (ii) the Advocacy and Legal Assistance Centre (an institutional project of the Transparency International network in South-Eastern Europe set up in Romania in 2003) is dedicated to the assistance and guidance of victims and witnesses of abuse or corruption in the public system.<sup>25</sup> (iii) the Association for the Defense of Human Rights in Romania-Helsinki Committee (APADOR CH) is involved in public efforts to improve prison conditions;<sup>26</sup> (iv) the Romanian Association Against AIDS (ARAS) is leading an awareness-raising and prevention campaign and is also providing advocacy help for AIDS-affected vulnerable groups;<sup>27</sup> (v) the Roma Center for Social Intervention and Studies (Romani CRISS) advocates Roma rights by providing legal assistance in cases of abuse;<sup>28</sup> and (vi) the ESTUAR Foundation aims to provide

---

<sup>22</sup> See <http://www.avocatura.com/stire/8563/se-implica-marile-case-de-avocatura-in-programe-de-responsabilitate-sociala-nu-p.html> (last visited on October 2, 2019).

<sup>23</sup> See footnote 19 above.

<sup>24</sup> See <http://www.antidiscriminare.ro/first-english-page> (last visited on October 2, 2019).

<sup>25</sup> See [https://www.transparency.org.ro/arhiva/centru/alac/index\\_en.html](https://www.transparency.org.ro/arhiva/centru/alac/index_en.html) (last visited on October 2, 2019).

<sup>26</sup> See <http://www.apador.org/en/studiu-fti-privind-arestul-preventiv-si-alternativele-sale/> (last visited on October 2, 2019).

<sup>27</sup> See <https://www.aidsactioneurope.org/en/organisation/aras-romanian-association-against-aids> (last visited on October 2, 2019).

<sup>28</sup> See <http://www.romanicriss.org/en/> (last visited on October 2, 2019).

	<p>basic protection for adults with mental health problems.<sup>29</sup></p> <p>The concept of a university legal clinic is fairly new in the Romanian legal community. However, while few university legal clinics seem to be established currently<sup>30</sup>, several initiatives may prompt the creation of opportunities for law students to become involved in pro bono activities: for example, ACTEDO and Jussbuss organised an interactive workshop for law students at Babes-Bolyai University in Cluj-Napoca regarding the provision of pro bono legal services to vulnerable groups<sup>31</sup> and UNBR's professional policy declaration relating to pro bono legal services (see above) encourages aspiring lawyers to engage in pro bono work.<sup>32</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Romania do not require a specific license to provide pro bono legal services. There are no rules or regulations directly governing pro bono practice in Romania.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional license(s) to provide pro bono legal services. There are no rules or regulations directly governing pro bono practice in Romania.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Romanian lawyers who undertake pro bono activities are required to conclude a legal assistance and representation contract with the beneficiary of the service. Provided that the contract is duly signed, the attorney is insured against any alleged professional misconduct towards the pro bono client, with the exception of willful misconduct or gross negligence in handling the respective case. Standard professional insurance covers any and all legal representation granted by the insurance beneficiary that is formalized through a legal assistance and representation contract.<sup>33</sup></p>

<sup>29</sup> See <http://www.estuar.org/> (last visited on October 2, 2019).

<sup>30</sup> For example, the webpage of the Association of Law Students at Alexandru Ioan Cuza University in Iasi mentions the "Free Legal Advice Centre – Law Faculty Legal Clinic": <http://www.uaic.ro/studenti/asociatii-si-ligi-studentesti/asociatia-studentilor-la-drept-asd/> (last visited on October 2, 2019).

<sup>31</sup> See <http://actedo.org/atelier-interactiv-pentru-studenti-la-drept-asistenta-juridica-pentru-grupurile-vulnerabile-un-model-norvegian/> (last visited on October 2, 2019).

<sup>32</sup> See <http://www.unbr.ro/hotararea-consiliului-unbr-nr-414-08-12-2018-referitor-la-declaratia-de-politica-profesionala-privind-avocatura-pro-bono?highlight=%22pro%20bono%22> (last visited on October 2, 2019).

<sup>33</sup> For a general description of the standard professional insurance, see for instance: <http://www.euroins.ro/asiurarea-pentru-avocati.244.html> (last visited on October 2, 2019).



<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules or regulations directly governing pro bono practice in Romania. However, the prohibition of advertising for the purpose of attracting clients and the limitations applicable to professional publicity would presumably apply also to pro bono successes. Such practices are still regarded as contrary to the restrictive advertising rules applicable to lawyers and to the fair competition between lawyers.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Romania do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. There are no rules or regulations directly governing pro bono practice in Romania.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Romania.</p>	<p>Romania maintains a legal aid system (as opposed to governmental sources of pro bono per se).</p> <p>Romania’s Constitution provides for the right to representation by a lawyer (selected by the person or appointed by the state) during any judicial proceeding.<sup>34</sup> Legal representation is mandatory in certain cases and in such cases a lawyer will be appointed by the state if an individual has not hired counsel.<sup>35</sup> In other cases, indigent persons may request and be granted state-sponsored legal aid (either in the form of legal representation or legal advice).<sup>36</sup> Lawyers interested in providing legal aid must make a request to be included in the Legal Aid Registry (<i>Registrul de Asistenta Judiciara</i>) maintained by each local bar.<sup>37</sup> If the number of attorneys listed on the Legal Aid Registry is insufficient, the local bar may designate other lawyers to provide legal aid.<sup>38</sup> Each local bar also has a Legal Aid Bureau (<i>Serviciu de Asistenta Judiciara</i>, or “SAJ”) responsible for, among other things, designating the lawyers who provide legal aid.<sup>39</sup></p>

<sup>34</sup> The Constitution of Romania, article 24, available at <http://www.cdep.ro/pls/dic/site.page?id=339> (last visited on October 2, 2019).

<sup>35</sup> Cozmin Obancia, Marinela Cioroaba and Andrei Savescu, Access to Justice in Central and Eastern Europe Country Reports: Romania 423 (2003), available at [http://pilnet.org/component/docman/doc\\_download/48-access-to-justice-in-central-and-eastern-europe-country.html](http://pilnet.org/component/docman/doc_download/48-access-to-justice-in-central-and-eastern-europe-country.html) (last visited on October 2, 2019).

<sup>36</sup> Ibid.

<sup>37</sup> Legal Aid Framework Regulations”, article 2.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

	<p>Any lawyer registered with the SAJ infrastructure is subject to mandatory assignment to legal aid matters. Registration on the Legal Aid Registry constitutes consent to provide legal aid services. Failure to provide legal aid whilst registered on the Legal Aid Registry is subject to disciplinary sanctions.<sup>40</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Romania.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Romania are:</p> <ul style="list-style-type: none"> <li>• UNBR and the 41 regional bar associations.<sup>41</sup></li> <li>• Centre for Legal Resources Foundation (<i>Fundația Centrul pentru Resurse Juridice</i>).<sup>42</sup></li> <li>• ACTEDO<sup>43</sup></li> <li>• Civil Society Development Foundation (<i>Fundatia pentru Dezvoltarea Societatii Civile</i>).<sup>44</sup></li> <li>• Centre for Legal Resources Applied in National, EU and International Law (<i>Centrul de Resurse Juridice Aplicate in Drept Intern, Comunitar si International</i>).<sup>45</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Lawyers (whether local or foreign) may wish to contact, or subscribe for newsletters from, any of the organizations listed above.</p>

October 2019  
Pro Bono Practices and Opportunities in Romania

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>40</sup> Legal Aid Framework Regulations, articles 1, 10, 11, 71 and 72.

<sup>41</sup> See <http://www.unbr.ro/> (last visited on October 2, 2019).

<sup>42</sup> See <http://www.crij.ro/en/> (last visited on October 2, 2019).

<sup>43</sup> See <http://actedo.org/infographic-pro-bono-network-human-rights-2016/> (last visited on October 2, 2019).

<sup>44</sup> See <http://www.fdsc.ro/servicii-juridice-pro-bono-pentru-onguri> (last visited on October 2, 2019).

<sup>45</sup> See <http://www.stiintejuridice.ro/Stiinte-Juridice/consultanta-asistenta-si-reprezentare-pro-bono.html> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in Russia

### I. Introduction

Russia does not have a long history of providing pro bono legal services as the Russian legal market has only been developing for less than 30 years. However, the trend is toward increasing the pro bono legal services provided by law firms in Russia due to the policies of international law firms which have introduced a good philosophy and tradition of pro bono.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Pro bono legal services as well as legal aid are regulated by the Federal Law “On Free Legal Aid” (the “<b>Free Legal Aid Law</b>”). According to the Free Legal Aid Law, pro bono legal services can be provided by any person who has a legal degree from a Russian university, except for representation in criminal proceedings, which can only be provided by state-licensed attorneys (called “<b>advocates</b>”). At the same time, the Free Legal Aid Law generally regulates only pro bono legal services provided by law school legal clinics and non-governmental centers of pro bono legal services which can be established by advocates, notaries, law firms, bar chambers of advocates and notaries. Pro bono legal services that are provided by private law firms or individual attorneys remain unregulated and, thus, are solely subject to arrangements with such law firms and individual attorneys.</p> <p>Legal aid is provided by governmental authorities, advocates and notaries to certain categories of individuals who relate to vulnerable social groups.</p> <p>General information on pro bono legal services is available on the website of the Russian Ministry of Justice.<sup>1</sup> Lists of existing pro bono legal services providers and free legal aid sources in particular regions of Russia are also published on the website of the Russian Ministry of Justice.<sup>2</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Any person who has a legal degree from a Russian university can provide legal services including pro bono legal services. However, representation of clients in criminal proceedings can only be provided by state-licensed attorneys (the “<b>advocates</b>”). Advocates must successfully</p>

<sup>1</sup> See <https://minjust.ru/ru/kto-okazyvaet-besplatnyu-yuridicheskuyu-pomoshch> (last visited on May 1, 2019).

<sup>2</sup> See <https://minjust.ru/ru/besplatnaya-yuridicheskaya-pomoshch-5> (last visited on May 1, 2019).

	complete an examination and application process administered by regional bar chambers in Russia.
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>The Free Legal Aid Law regulates provision of pro bono legal services by law school legal clinics and non-governmental centers of pro bono legal services, which can be established by advocates, notaries, law firms, bar chambers of advocates and notaries. The procedure of establishing law school legal clinics and the regulation of their activities is determined by the Ministry of Education and Science. Basic requirements for non-governmental centers of pro bono legal services are set out in the Free Legal Aid Law and include (i) existence of office facilities where legal services can be provided and (ii) provision of such services by individuals who have a legal degree from a Russian university.</p> <p>The types of legal services that are provided by law schools' legal clinics and non-governmental centers of pro bono legal services as well as categories of individuals that can receive pro bono legal services is determined by internal regulations of such organizations. The Free Legal Aid Law simply stipulates that pro bono legal services shall be preferably provided to vulnerable social groups. No minimum fees are imposed.</p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Russia are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Russia are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Mostly, the recipients of pro bono legal services in Russia are socially vulnerable groups, therefore, providers of such services mainly specialize in economic, social and cultural rights protection and government relations which are the main areas of individuals' legal needs. The economic conditions in Russia do not provide many opportunities to socially vulnerable group members to hire law firms or advocates, thus, individuals either protect their rights on their own or approach providers of pro bono legal services.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other	There are no official statistics on who the main providers of pro bono legal services are in Russia.

<p>public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Generally, provision of pro bono legal service by private law firms and individual attorneys is less developed (except for provision of such services by offices of international law firms). Thus, in practice, the main providers of pro bono legal services are still law school legal clinics and non-governmental centers of pro bono legal services. The lists of non-governmental centers of pro bono legal services are available on the website of the Russian Ministry of Justice.<sup>3</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Russia do not require a license to provide pro bono legal services, except for representation of pro bono clients in criminal proceedings as describe in II.(a).2 above.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers in Russia do not require any additional licenses to provide pro bono legal services, but foreign lawyers must also have a legal degree from a Russian university to provide pro bono legal services connected with the Russian law. Foreign lawyers may provide pro bono legal services on legal matters of their home jurisdiction without obtaining degree from a Russian university.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in Russia do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Russia that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Russia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Russia.</p>	<p>As a general rule, all governmental authorities shall provide free consultations regarding their activities and/or services. In addition, there are specifically designed state bureaus of free legal aid which can be established by the local</p>

<sup>3</sup> See <https://minjust.ru/ru/spisok-negosudarstvennyh-centrov-besplatnoy-yuridicheskoy-pomoshchi> (last visited on May 1, 2019).

	<p>authorities. State bureaus of free legal aid can provide any types of legal services to vulnerable social groups which are determined by the Free Legal Aid Law, including oral and written consultations, assistance with drafting of legal documents, representation in court.</p> <p>For the purposes of provision of free legal aid, state bureaus can engage advocates. Such engagement is made on the basis of agreements between the relevant state bureaus of free legal aid and local advocate chambers. A list of advocates that participate in the governmental free legal aid system in a particular region of Russia is published by the local authorities each year.</p> <p>The concept of “legal aid” is distinct from pro bono legal services in Russia. Legal aid is provided and funded by public bodies. Pro bono legal services are not organized by public authorities, but only by legal entities or individuals. However, providers of pro bono legal services may obtain governmental support, including funding.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Russia.</p>	<p>Please see II.(b).5 above.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in Russia in order to be made aware of pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Russia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Scotland<sup>1</sup>

### I. Introduction

The demand for pro bono legal advice in Scotland has risen in recent years due to an increase in the number of people that are not eligible for Legal Aid but also cannot afford to pay for legal representation. The provision of pro bono legal services in Scotland is also becoming increasingly important for private law firms within Scotland as a result of corporate social responsibility commitments. Many law firms in Scotland seek to fulfill their pro bono initiatives through collaboration with law centers and interaction with local communities.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Scotland is divided into three branches: solicitors, solicitor advocates and advocates.</p> <p>Solicitors are regulated by The Law Society of Scotland (the “<b>Law Society</b>”) and must observe the Law Society of Scotland Practice Rules 2011 (the “<b>Rules</b>”),<sup>2</sup> which govern the provision of legal services by solicitors.</p> <p>Solicitor advocates are also regulated by the Law Society and must also observe the Rules. However, as these solicitors have extended rights of audience to higher courts alongside advocates, they must pay particular attention to Rule C4.<sup>3</sup></p> <p>Advocates are regulated by the Faculty of Advocates (the “<b>Faculty</b>”) under powers delegated to it by the Court of Session. The Court of Session is responsible for regulating the professional practice, conduct and discipline of advocates under the Legal Services (Scotland) Act 2010. The Guide to Professional Conduct (the “<b>Guide</b>”) sets out the principles and rules of professional conduct applicable to advocates in Scotland.<sup>4</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To practice as a solicitor/solicitor advocate in Scotland, a person must be admitted as a solicitor, have their name on the roll and hold a practicing certificate. Such practicing certificates are obtained from the Council of the Law Society.</p> <p>Pursuant to the Legal Services (Scotland) Act 2010, persons are admitted to the office of Advocate by the Court of Session. The Court of</p>

<sup>1</sup> This chapter was drafted with the support of Christopher Clark of Shepherd and Wedderburn LLP.

<sup>2</sup> Please see <https://www.lawsco.org.uk/members/rules-and-guidance/rules-and-guidance/> (last visited May 1, 2019).

<sup>3</sup> Please see <https://www.lawsco.org.uk/members/rules-and-guidance/rules-and-guidance/section-c/rule-c4/> (last visited May 1, 2019).

<sup>4</sup> Please see <http://www.advocates.org.uk/media/2878/guide-to-conduct-sixth-edition.pdf> (last visited May 1, 2019).



	Session is also responsible for prescribing the criteria and procedure for admission but delegates this to the Faculty. However, such criteria and procedure are subject to the approval of the Lord President of the Court of Session.
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>The provision of pro bono legal services by solicitors and/or advocates in Scotland is not regulated by any separate rules specific to pro bono legal services. However, as noted above, all solicitors in Scotland must observe the Rules and all advocates in Scotland must adhere to the Guide, which also apply to the provision of pro bono advice.</p> <p>Pursuant to Rule B2.1.2, in-house solicitors in Scotland must not act for two or more parties whose interests conflict. As it is the role of in-house solicitors to provide legal advice to the company or organization that employs them, they should be mindful of the potential for conflicts of interest to arise with respect to providing pro bono legal advice to third party clients.</p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Scotland are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Scotland are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	In Scotland, civil legal assistance is split into two distinct categories: (a) Legal Advice & Assistance (any assistance given to an individual not including court representation); and (b) Assistance by Way of Representation, which covers court representation. The main opportunities for the provision of pro bono legal services are (i) providing advice not covered by the Scottish Legal Aid Board pertaining to personal injury, certain elements of employment law, and advice to companies/charities, or (ii) providing advice to individuals who are deemed ineligible for any form of Legal Aid.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The main providers of pro bono legal services in Scotland include NGOs (such as Citizens Advice Scotland through their Citizens Advice Bureau, The Ethnic Minorities Law Centre and The Scottish Child Law Centre), charities (such as LawWorks Scotland and Shelter Scotland), law

	<p>school and university pro bono centers and clinics and private law firms. The Faculty of Advocates also provides pro bono legal services through its Free Legal Services Unit.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There is no requirement in Scotland for an additional license to be obtained by lawyers in order to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>There is no bar to lawyers qualified in another jurisdiction working in Scotland to provide pro bono legal services provided that they do not describe themselves as “solicitors” and instead must describe themselves under their home title. Foreign lawyers cannot undertake certain types of work reserved by statute for Scottish-qualified solicitors. These are set out in section 32 of the Solicitors (Scotland) Act 1980 and include the conveyancing of land and/or buildings, litigation (civil or criminal) and obtaining confirmation in favor of executors (the Scottish equivalent of probate). However, this is slightly relaxed for European lawyers under the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000<sup>5</sup> which allows European lawyers to undertake certain types of work. European lawyers are allowed to represent individuals in litigation. Lawyers from a select group of European countries are also allowed to undertake conveyancing and executory work.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Pursuant to Rule B7.1.2, the Law Society maintains the Master Policy, which is a compulsory professional indemnity insurance arrangement that covers all Scottish solicitors working in private practice (this includes cover for pro bono legal services). However, there is no requirement for professional indemnity insurance for in-house solicitors.</p> <p>Under paragraph 5.1.4 of the Guide, advocates are obliged to maintain a reasonable level of professional indemnity insurance cover having regard to the nature of that advocate’s practice.</p> <p>As well as holding professional indemnity insurance coverage in its work for their direct employer, a lawyer must have coverage if they act for a client other than his or her employer, including a pro bono client.</p>

<sup>5</sup> See <https://www.legislation.gov.uk/ssi/2000/121/contents/made> (last visited May 1, 2019).

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Rule B3.2 states that solicitors in Scotland must not make a direct or indirect approach whether verbal or written to any person whom they know or ought reasonably to know to be the client of another regulated person with the intention to solicit business from that person and, as such, solicitors must consider whether a potential third party pro bono client is already a client of another solicitor or law firm before approaching them.</p> <p>Paragraph 10.2 of the Guide sets out several prohibitions to an advocate’s right to advertise its services in Scotland. These include that any such advertising must not be inaccurate or likely to mislead, make direct comparisons in terms of quality with or criticisms of other identifiable persons and/or include statements about the advocate’s success rate.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Pro bono work does not constitute Continuing Professional Development for solicitors, solicitor advocates or advocates in Scotland.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Scotland.</p>	<p>The Government Legal Service for Scotland (the “GLSS”) is a professional community of government lawyers in Scotland. The GLSS Pro Bono Network is designed to encourage government lawyers to volunteer their legal services for the benefit of the wider community. Through the GLSS Pro Bono Network, government lawyers can become involved in a number of pro bono activities, including providing advice at their local citizens advice bureau, serving as a charity trustee, raising funds, lobbying at local and national levels, negotiating agreements and establishing citizens advice bureaux.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Scotland.</p>	<p>The main non-governmental sources of pro bono in Scotland include bodies that work to connect organizations that are able to provide pro bono legal services with individuals or bodies that require them, such as LawWorks Scotland<sup>6</sup>, Citizens Advice Scotland<sup>7</sup>, Inspiring Scotland<sup>8</sup> and the Faculty of Advocates Free Legal Services Unit<sup>9</sup>.</p>

<sup>6</sup> See <http://www.lawworksscotland.org/legal-advice-other-services/> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.cas.org.uk/> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.inspiringscotland.org.uk/> (last visited on May 1, 2019).

<sup>9</sup> See <http://www.advocates.org.uk/instructing-advocates/free-legal-services-unit/free-legal-services-unit-homepage> (last visited on May 1, 2019).

3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	See above.
---	------------

May 2019  
Pro Bono Practices and Opportunities in Scotland

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Serbia<sup>1</sup>

### I. Introduction

While Serbia does not have a history of pro bono culture in the traditional sense, Serbs do have a tradition of helping friends, family, and neighbors in need. Combined with a few pioneering law firms and the assistance of NGOs, the prospect for a legal community that accepts pro bono as part of a lawyer's role could develop. The government is also taking new steps to take some responsibility, sponsoring the adoption of Law on Free Legal Aid, which will become applicable as of 1 October 2019. Adoption and funding of this legislation serves as a major boon to support citizens unable to otherwise afford legal assistance.<sup>2</sup>

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The Legal Profession Act 2011 (<b>LPA</b>)<sup>3</sup> governs the provision of legal services in Serbia.</p> <p>The Serbian Bar Association, as an umbrella organization, regulates all Serbian attorneys in the provision of legal services. Every attorney in Serbia must be a member of this association, which is automatically achieved by obtaining membership in one of nine regional Bar Associations in Serbia.<sup>4</sup> In addition, a lawyer in Serbia can practice law as an in-house lawyer, without being an attorney and member of the Serbian Bar Association, but in such case they can provide services only to their employer, and they may not provide services to third parties.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Prerequisites for admission to practice as an attorney in Serbia include familiar requirements, where an individual must have:</p> <ul style="list-style-type: none"> <li>• obtained a law degree earned in the Republic of Serbia or a law degree earned in a foreign country and recognized in accordance with the regulations governing the University education sector;</li> <li>• passed the bar exam and attorney-at-law exam in the Republic of Serbia;</li> <li>• citizenship of the Republic of Serbia (an exemption from this requirement could apply, please see below);</li> <li>• general health and full working capacity;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Milan Radonic and Nikola Stojiljkovic of the Joint Law Office Marić & Mujezinović in cooperation with Kinstellar

<sup>2</sup> See <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-serbia.pdf> (last visited on May 1, 2019).

<sup>3</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019).

<sup>4</sup> See [https://aks.org.rs/sr\\_lat/](https://aks.org.rs/sr_lat/) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• lack of employment;</li> <li>• no criminal record for a felony that would make an applicant unworthy of confidence for the practice of law;</li> <li>• the absence of other registered independent activity, or the status of the statutory representative, the Director or Chairman of the Managing Board in a legal entity, member or the President of the Executive Board of a bank, representative of the state capital, receiver, procurator and person who is by employment contract banned from competing;</li> <li>• worthiness of the practice of law as an attorney;</li> <li>• provided convenient workspace for the legal profession and the fulfillment of technical requirements in accordance with an appropriate act of the Serbian Bar Association;</li> <li>• at least three years have elapsed since the final decision to refuse the application of attorney-at-law to be registered in the directory of attorneys-at-law of any bar association within the Serbian Bar Association, if the applicant has previously submitted a request which was rejected.<sup>5</sup></li> </ul> <p>An attorney in Serbia must uphold the basic duties, being:</p> <ul style="list-style-type: none"> <li>• actually and consistently practicing law;</li> <li>• providing legal aid professionally and conscientiously in accordance with the law, the statute of the bar association and the Code of Professional Ethics of Attorneys (<b>Code</b>);<sup>6</sup></li> <li>• maintaining client confidentiality; and</li> <li>• protecting the reputation of the legal profession in Serbia.<sup>7</sup></li> </ul> <p>An attorney in Serbia is obliged to continuously acquire and improve the knowledge and skills necessary for professional, independent, autonomous, effective and ethical practice of law, in accordance with a program of professional development adopted by the Serbian Bar</p>
--	---

<sup>5</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019), art. 6.

<sup>6</sup> See [https://www.paragraf.rs/propisi/kodeks\\_profionalne\\_etike\\_advokata.html](https://www.paragraf.rs/propisi/kodeks_profionalne_etike_advokata.html) (last visited on May 1, 2019).

<sup>7</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019), art. 15.

	<p>Association.<sup>8</sup> There are no formal requirements for attorneys regarding minimum CPD hours which must be obtained.<sup>9</sup></p> <p>The right to practice law in Serbia is acquired by registering in the directory of attorneys and by taking the oath.</p>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are limits regarding the availability of free legal aid but these are beyond the scope of this note.</p> <p>There are no specific rules regulating provision of pro bono legal services. However, it should be noted that certain actions construed to be pro bono legal services are deemed to be contrary to rules of the Code.</p> <p>For example, with regards to the mandatory or minimum fees imposed on provision of services in general, it should be noted that there is a Tariff on Fees and Expenses Payable for the Work of Attorneys (<b>Tariff</b>).<sup>10</sup> Therefore, attracting clients by offering free legal representation or representation for fees, which are lower than the ones proscribed by the Tariff is deemed unfair competition, and as such is prohibited by the Code.<sup>11</sup> This applies even where the nature of the legal work is not commercial and is, in fact, pro bono.<sup>12</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Attorneys in Serbia are not required to work a minimum number of pro bono hours. However, the Serbian Bar Association has suggested 50 hours per annum.<sup>13</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Serbia are not required to complete a minimum number of hours of pro bono legal services in order to become an attorney.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Areas of law relating to refugees, displaced persons and human trafficking are the main areas of law, which require or present opportunities for</p>

<sup>8</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019), art. 17.

<sup>9</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>10</sup> See [https://www.paragraf.rs/propisi/tarifa\\_o\\_nagradama\\_i\\_naknadama\\_troskova\\_za\\_rad\\_advokata.html](https://www.paragraf.rs/propisi/tarifa_o_nagradama_i_naknadama_troskova_za_rad_advokata.html) (last visited on May 1, 2019).

<sup>11</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>12</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 3 May 2019.

<sup>13</sup> World Bank Multi-Donor Trust Fund for Justice Sector Support, SERBIAN FREE LEGAL AID FISCAL IMPACT ANALYSIS: VOLUME, COSTS AND ALTERNATIVES, (2013), available at [http://www-wds.worldbank.org/external/default/WDSContentServer/WDS/IB/2014/03/25/000333037\\_20140325152745/Rendered/PDF/861870WP0P1102010Free0Legal0Aid0Law.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDS/IB/2014/03/25/000333037_20140325152745/Rendered/PDF/861870WP0P1102010Free0Legal0Aid0Law.pdf) (last visited on May 1, 2019).



	<p>the provision of pro bono legal services in Serbia.<sup>14</sup></p> <p>The major unmet legal needs in Serbia continue to be found in protection of rights of various sensitive groups and/or minorities e.g. poverty stricken parts of the population, victims of family violence, patient organizations etc.<sup>15</sup></p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The key providers of pro bono legal services in Serbia are a mix of law firms and NGOs. From an NGO perspective, there are a large number focused on refugees and other displaced persons,<sup>16</sup> as well as victims of human trafficking. Please see list at II.(d).2 below for an extensive list of NGOs.</p> <p>In addition to NGOs, various local law firms provide pro bono legal services, including:</p> <ul style="list-style-type: none"> <li>• Joint Law Office Marić &amp; Mujezinović in cooperation with Kinstellar (who were involved in the “pro bono network for civil society organizations in Serbia”);</li> <li>• Karanović &amp; Partners law firm;<sup>17</sup>; and</li> <li>• Harrison’s Solicitors.<sup>18</sup></li> </ul> <p>Certain law faculties of various universities also provide clinics which offer pro bono legal services, including the law faculties of the Universities of Nis, Belgrade, Novi Sad and Kragujevac, and the University Union also offer pro bono legal services on their legal clinics.<sup>19</sup></p> <p>Unfortunately, there is a relatively low number of lawyers per head of population in Serbia compared to western jurisdictions, at approximately 8,500 lawyers in Serbia, which is roughly one lawyer for each 800 citizens.<sup>20</sup> Further, as the majority of lawyers in Serbia are sole practitioners and thus do</p>

<sup>14</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>15</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>16</sup> See <http://www.refugeelegalaidinformation.org/serbia-pro-bono-directory> (last visited on May 1, 2019).

<sup>17</sup> See [https://www.legal500.com/firms/13339-karanovic-partners-oad/press\\_releases/31864](https://www.legal500.com/firms/13339-karanovic-partners-oad/press_releases/31864) (last visited on May 1, 2019).

<sup>18</sup> See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/692747/List\\_of\\_lawyers\\_in\\_Serbia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692747/List_of_lawyers_in_Serbia.pdf) (last visited on May 1, 2019).

<sup>19</sup> See <http://www.prafak.ni.ac.rs/en/law-faculty-nis/organization-structure/teaching-scientific-unit/legal-clinic-pf>

, [http://www.ius.bg.ac.rs/Pravna%20klinika/Pravna\\_klinika\\_PF.htm](http://www.ius.bg.ac.rs/Pravna%20klinika/Pravna_klinika_PF.htm), <http://pravnaklinika.pf.uns.ac.rs/>, <http://www.iura.kg.ac.rs/index.php/sr/prklin.htm> and <http://pravnofakultet.rs/besplatna-pravna-pomoc/> (last visited on May 1, 2019).

<sup>20</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

	not have the time or resources to provide as much pro bono assistance. <sup>21</sup>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	By admission to the Serbian Bar Association, an attorney is authorized to provide all types of legal aid in Serbia, and there are no additional specialist licenses required to provide pro bono legal services. <sup>22</sup>
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign attorneys do not require any special licenses to practice pro bono legal services specifically.  However, foreign attorneys seeking to practice in Serbia must register and are restricted in their practices. To register, they must, <i>inter alia</i> , show that they are a member of the bar in their home state and meet the other applicable bar requirements. If the lawyer does not take Serbia's bar exam and attorney-at-law exam, they are placed on Register A, where they can only provide oral and written advice on international law and the laws of their state of origin. If the lawyer did take the bar exam and the attorney-at-law exam in Serbia, they may practice law in Serbia, but for three years must act in conjunction with local counsel and are placed on Register B. <sup>23</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Attorneys-at-law are required by the LPA to carry mandatory professional indemnity insurance policy as a condition to maintaining the operation of their practices, and any providing of pro bono legal services by an attorney would be covered by their mandatory professional indemnity insurance.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	The Serbian Bar Association bans advertising or self-promotion by Serbian attorneys via its bylaws, as required by Serbian law, though that does not include electronic communication, basic contact information, or printed material provided to clients. <sup>24</sup> Therefore whilst there are no specific restrictions that apply to advertising pro bono services, general restrictions to the practicing of all areas of law apply.

<sup>21</sup> PILNET: THE GLOBAL NETWORK FOR PUBLIC INTEREST LAW, Against the Tide: Mira Vucetic Prsic Launches Pro Bono in Serbia, (20 May 2009), <http://www.pilnet.org/project-updates/47-against-the-tide.html> (last visited on May 1, 2019). Correspondence with Nikola Stojiljković Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019 confirms that this view remains relevant.

<sup>22</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>23</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>24</sup> Mrakovic & Partners, Advertising Law in Serbia, HG.ORG LEGAL RESOURCES, available at <http://www.hg.org/article.asp?id=31383> (last visited on May 1, 2019).

<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>The Serbian Bar Association organizes Continuing Legal Education, but it is not mandatory for attorneys to attend it. Performing pro bono activities does not bring any benefit in relation to attending continuous legal education, nor is a condition for attending such education.<sup>25</sup></p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Serbia.</p>	<p>To the best of our understanding, there are no governmental sources of pro bono and/or other legal services in our jurisdiction.<sup>26</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Serbia.</p>	<p>The main NGOs providing services or information are:</p> <ul style="list-style-type: none"> <li>• ASTRA<sup>27</sup></li> <li>• Asylum Protection Center/Center for Protection and Asylum<sup>28</sup></li> <li>• Autonomous Women’s Center<sup>29</sup></li> <li>• Belgrade Center for Human Rights<sup>30</sup></li> <li>• Child’s Rights Center<sup>31</sup></li> <li>• Civic Initiatives<sup>32</sup></li> <li>• Group 484<sup>33</sup></li> <li>• Initiative for Development and Cooperation (IDC) Serbia<sup>34</sup></li> <li>• International Aid Network<sup>35</sup></li> <li>• MPDL SE EUROPE<sup>36</sup></li> <li>• Novi Sad Humanitarian Centre<sup>37</sup></li> <li>• Praxis<sup>38</sup></li> </ul>

<sup>25</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>26</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>27</sup> See [www.astra.org.rs](http://www.astra.org.rs) (last visited on May 1, 2019).

<sup>28</sup> See <http://www.apc-cza.org/sr-YU/> (last visited on May 1, 2019).

<sup>29</sup> See <http://www.womenngo.org.rs/english/> (last visited on May 1, 2019).

<sup>30</sup> See <http://www.bqcentar.org.rs/bqcentar/eng-lat/> (last visited on May 1, 2019).

<sup>31</sup> See <http://www.cpd.org.rs/en/home.html> (last visited on May 1, 2019).

<sup>32</sup> See [www.gradjanske.org/page/about/en.html](http://www.gradjanske.org/page/about/en.html) (last visited on May 1, 2019).

<sup>33</sup> See [www.grupa484.org.rs](http://www.grupa484.org.rs) (last visited on May 1, 2019).

<sup>34</sup> See [www.idcserbia.org](http://www.idcserbia.org) (last visited on May 1, 2019).

<sup>35</sup> See [www.ian.org.rs](http://www.ian.org.rs) (last visited on May 1, 2019).

<sup>36</sup> See [www.mpd.org/serbia](http://www.mpd.org/serbia) (last visited on May 1, 2019).

<sup>37</sup> See [www.nshc.org.rs](http://www.nshc.org.rs) (last visited on May 1, 2019).

<sup>38</sup> See [www.praxis.org.rs](http://www.praxis.org.rs) (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Welcome to Europe (note this is European-wide and not limited to Serbia)<sup>39</sup></li> <li>• Humanitarian Center for Integration and Tolerance<sup>40</sup></li> <li>• Helsinki Committee for Human Rights in Serbia<sup>41</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>To the best of our understanding, in Serbia, there are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Serbia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>39</sup> See <https://w2eu.info/index.en.html> (last visited on May 1, 2019).

<sup>40</sup> See [www.hcit.rs](http://www.hcit.rs) (last visited on May 1, 2019).

<sup>41</sup> See <http://www.helsinki.org.rs/index.html> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Slovakia<sup>1</sup>

### I. Introduction

In Slovakia, a culture of pro bono continues to grow through facilitators which operate as pro bono clearinghouses. The Pro Bono Advocacy program, for example, provides many opportunities for lawyers interested in providing pro bono services to the non-profit sector. While the Centre for Legal Aid (the “Centre”) is a state-sponsored organization providing comprehensive legal aid to those in need through volunteer attorneys. Lawyers interested in providing pro bono services can either register with either the Pro Bono Advocacy program, the Centre or contact one of the local NGOs listed below. In addition, many law firms provide pro bono services through their own initiative without appointment by a court, and some firms have long-standing partners (e.g., local non-profit organizations) to whom they provide pro bono services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) dated 4 December 2003 (as amended, the “Act”) governs the provision of legal services in Slovakia. <sup>2</sup> Lawyers’ fees are governed by an implementing decree of the Ministry of Justice (No. 655/2004) and are generally determined by agreement between a lawyer and their client. <sup>3</sup>
2. Describe any licensure requirements governing the provision of legal services.	In order to practice as a lawyer in Slovakia, a person must satisfy all the legal requirements stipulated in the Act and have been duly admitted to the Slovak Bar Association. <sup>4</sup> Generally, for registration as a lawyer with the Slovak Bar, a person must: <ul style="list-style-type: none"> <li>• hold a university degree in law;</li> <li>• have acquired at least three years’ experience as an articulated clerk;</li> <li>• have passed a bar examination; and</li> <li>• be of good character (must have clean criminal record).<sup>5</sup></li> </ul>

<sup>1</sup> This chapter was drafted with the support of Adam Hodoň of Kinstellar

<sup>2</sup> Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) dated 4 December 2003 available at [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Slovak\\_Rep\\_Parliamentary-Act-No-5862003.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Slovak_Rep_Parliamentary-Act-No-5862003.pdf) (last visited October 2, 2019).

<sup>3</sup> European E-Justice, Going to court – Costs of proceedings – Slovakia available at [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-sk-en.do?member=1](https://e-justice.europa.eu/content_costs_of_proceedings-37-sk-en.do?member=1). (last visited October 2, 2019).

<sup>4</sup> See Section 3 of the Act at 1 above.

<sup>5</sup> See Section 3 of the Act at 1 above.

(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>The Act and Law No. 327/2005 Coll. on the Provision of Legal Aid for People in Material Need (the “Legal Aid Act”) provide that lawyers may provide legal services for a reduced fee or free of charge, and further stipulate that lawyers must not request or receive any fee from a client whose legal services have been paid by the state under Section 25 of the Act.<sup>6</sup></p> <p>The basis for provision of state-funded legal aid arises out of the Constitution, under which everyone has the right to legal advice and representation in proceedings before courts and state agencies (subject to certain legal conditions).<sup>7</sup> The system for granting legal aid for indigent natural persons in civil, commercial, administrative and asylum matters is comprehensively regulated by the Legal Aid Act.<sup>8</sup></p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no requirements for lawyers in Slovakia to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	The Act does not require that any minimum number of hours of pro bono legal services be provided in order to become a licensed lawyer in Slovakia.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>The Centre provides legal services, inter alia, for disputes related to:</p> <ul style="list-style-type: none"> <li>• civil, family, labor and commercial law, protection in enforcement proceedings (executions), judicial proceedings in administrative matters and in all these cases in proceedings before the Constitutional Court; and</li> <li>• asylum cases, proceedings on administrative expulsion, proceedings on the apprehensions of a non-EU foreign national or an applicant for asylum, and in these cases also in proceedings before the Constitutional Court.<sup>9</sup></li> </ul>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other	Based on information available, through its work with private law firms and individual lawyers, the

<sup>6</sup> See Section 24 of the Act at 1 above, ex-offo representation.

<sup>7</sup> Constitution of the Slovak Republic available at <https://www.prezident.sk/upload-files/46422.pdf> (Article 47(2)) (last visited October 2, 2019).

<sup>8</sup> Constitutional Court of the Slovak Republic – The Centre for Legal Aid available at <https://www.ustavnysud.sk/en/centrum-pravnej-pomoci> (last visited October 2, 2019).

<sup>9</sup> See the Centre for Legal Aid at 7 above (last visited October 2, 2019).

public services, schools and universities, private law firms (local or international) or corporate organizations?	Centre is one of the main facilitators of pro bono legal services in Slovakia. However, an increasingly important role is played by NGOs.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	The law does not require Slovak lawyers to have a license to provide pro bono legal services, but they must be licensed to provide legal services in general in accordance with the Act as set forth in section (a)(1) above.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	While there are no specific references to pro bono legal services, the Act regulates the practice of foreign lawyers in Slovakia, including registration requirements and limitations as to who foreign lawyers may represent and when they may appear in proceedings before a court or other public authority. <sup>10</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Though there is no specific reference to pro bono legal services, lawyers in Slovakia are required to maintain a professional indemnity policy covering any loss or damage arising out of the provision of legal services. <sup>11</sup> Lawyers may opt to be insured through the Collective Professional Indemnity Policy maintained by the Slovak Bar Association. <sup>12</sup>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Advertising with respect to pro bono matters is not prohibited, but Slovak lawyers are required to adhere to the regulations set forth in the Act and as maintained by the Slovak Bar Association. <sup>13</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Slovakia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Slovakia.	The Centre was created pursuant to the Legal Aid Act as a state budgetary organization under the Ministry of Justice of the Slovak Republic. The Centre provides quality and complex legal aid through lawyers of the Centre, volunteer advocates registered within the Slovak Bar Association or mediators to persons who, due to lack of means, are unable to pay for specified

<sup>10</sup> See Part Three of the Act at 1 above.

<sup>11</sup> See Section 27(1) of the Act at 1 above.

<sup>12</sup> See Section 29 of the Act at 1 above.

<sup>13</sup> See Section 27(2) of the Act at 1 above.



	<p>legal services. On a limited basis, the Centre will reimburse volunteer lawyers.<sup>14</sup></p> <p>Since 1 January 2012, the Constitutional Court of Slovakia has referred complainants to the Centre if they apply for legal representation and fulfil the prerequisites to be exempted from court fees. The Constitutional Court provides complainants with information about this option, and private individuals can apply for legal assistance or preliminary consultation even before filing a complaint at the Constitutional Court.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Slovakia.</p>	<p>In May 2011, the Pro Bono Advocacy program was launched by Pontis Foundation and Slovak law firms to connect non-profit organizations with Slovak lawyers who are able provide pro bono advice and services.<sup>15</sup> The program is sponsored by The Global Network for Public Interest Law, a global pro bono clearinghouse, and has been endorsed by the Slovak Bar Association and the Minister of Justice of the Slovak Republic.<sup>16</sup></p> <p>Along with the Pro Bono Advocacy program, the following non-governmental organizations are involved in pro bono legal services on a private basis:</p> <ul style="list-style-type: none"> <li>• Via Iuris;<sup>17</sup></li> <li>• Nadácia Charty 77;<sup>18</sup></li> <li>• Centrum Nádej;<sup>19</sup></li> <li>• Liga za ľudské práva (Human Rights League);<sup>20</sup> and</li> <li>• Slovak Humanitarian Council.<sup>21</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Slovak attorneys interested in pro bono opportunities should register with the Centre<sup>22</sup> or the Pro Bono Advocacy program.<sup>23</sup></p>

<sup>14</sup> Pro Bono in Slovakia by Viliam Myšička and Marko Ernek available at <http://news.trust.org/item/20160717100005-g6c7q> (last visited October 2, 2019).

<sup>15</sup> Pro Bono Advocacy programme launched in Slovakia available at <https://www.kinstellar.com/news-and-deals/news/detail/37/pro-bono-advocacy-programme-launched-in-slovakia> (last visited October 2, 2019).

<sup>16</sup> Pro Bono Advocacy programme launched in Slovakia at 14 above.

<sup>17</sup> See <https://viaiuris.sk/en/> (last visited October 2, 2019).

<sup>18</sup> See <http://www.charta77.sk/> (last visited October 2, 2019).

<sup>19</sup> See <http://www.centrumnadej.sk/> (last visited October 2, 2019).

<sup>20</sup> See [www.hrl.sk](http://www.hrl.sk) (last visited October 2, 2019).

<sup>21</sup> See [www.shr.sk](http://www.shr.sk) or [www.nasiutecenci.sk](http://www.nasiutecenci.sk) (last visited October 2, 2019).

<sup>22</sup> See <http://www.centrumpravnejpomoci.sk/> (last visited October 2, 2019).

<sup>23</sup> See <http://www.nadaciapontis.sk/> (last visited October 2, 2019).

October 2019  
Pro Bono Practices and Opportunities in Slovakia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Slovenia<sup>1</sup>

### I. Introduction

The provision of pro bono legal services is an increasingly important part of the practice of law in Slovenia, and a number of lawyers accept pro bono cases. Traditionally, the Slovenian Bar Association has organized a pro bono day every year on 19 December. Lawyers, however, are under no obligations to take or report any pro bono legal work. Nonetheless, while pro bono legal services in Slovenia have been increasing for several years, due to the creation of the Free Legal Aid, many lawyers engaged in pro bono legal services in Slovenia express frustration with administering pro bono legal services due to difficulties in communicating with clients, particularly because many pro bono clients lack access to telephones and internet and are poorly educated.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The legal profession in Slovenia is governed by Article 137 of the Constitution<sup>2</sup>, the Bar Act<sup>3</sup>, and the Code of Conduct for Lawyers<sup>4</sup>, the Lawyers' Tariff<sup>5</sup> and by internal acts of the Slovenian Bar Association.</p> <p>All practicing attorneys in Slovenia are required to join the Slovene Bar Association, which consists of 11 regional assemblies where membership is based on territorial and functional principles, largely coinciding with the territories of the district courts.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>As per the Bar Act, in order to become a lawyer in Slovenia, an individual must obtain a law degree from one of the three law faculties in Slovenia or abroad (in line with the laws that regulate recognition of diplomas). To become an attorney-at-law, it takes another year of work as an "attorney-at-law candidate" in a legal office, prosecutor's office, state attorney's office, court or notary, after passing the bar exam.</p> <p>Foreign attorneys who wish to represent parties in courts in Slovenia may do that under the principle of reciprocity. Foreign attorneys that wish to practice in Slovenia must have obtained the right to practice law in the country of their citizenship, actively speak Slovene and pass an exam on the legal order of the Republic of Slovenia.</p>

<sup>1</sup> This chapter was drafted with the support of Dr. Neža Kogovšek Šalamon of the Mirovni Institut.

<sup>2</sup> Slovenian constitution: <https://www.us-rs.si/en/about-the-court/legal-basis/constitution/> (last visited on October 2, 2019).

<sup>3</sup> Bar Act: <http://www.odv-zb.si/en/regulations/bar-act> (last visited on October 2, 2019).

<sup>4</sup> Slovenian Code of Conduct for Lawyers: [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/DEON\\_National\\_CoC/EN\\_Slovenia\\_code-of-professional-conduct-of-the-Bar-Association-of-Slovenia.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Slovenia_code-of-professional-conduct-of-the-Bar-Association-of-Slovenia.pdf) (last visited on October 2, 2019).

<sup>5</sup> Lawyers Tariff Act: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO265> (last visited on October 2, 2019).

	Attorneys from other EU member states may practice in Slovenia under the name “attorneys” after three years of continuous practice in Slovenia under the title obtained in their own country.
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	Under the Lawyers’ Tariff of 2014, lawyers in Slovenia are required to charge a minimum tariff for legal work but may provide free legal services to socially disadvantaged and impoverished individuals. Nonetheless, lawyers are required to charge VAT on pro bono service if they issue an invoice to the client (even if the invoice is later written off or not paid by the client), although lawyers who provide free services to defendants in criminal cases may not have to charge VAT on their services <sup>6</sup> . For the avoidance of doubt, lawyers who provide free pro bono services and do not issue an invoice to their pro bono clients are not required to charge VAT.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no requirements for lawyers in Slovenia to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	There are no requirements for aspiring lawyers to complete a minimum number of hours of pro bono legal services in Slovenia in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>Areas where pro bono work would be welcome in Slovenia are: immigration law; legal advice to and representation of civil society organizations, including NGOs that work on climate change, hate speech cases, and generally provision of legal advice to socially deprived groups.</p> <p>Lawyers in Slovenia rarely take on some of the most challenging cases pro bono (such as providing services to individuals in rural areas) due to the difficulties in communicating with clients, who lack access to internet, are poorly educated or unaware of their rights and legal options.</p>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Pro bono legal services are most likely to be administered by “candidate” lawyers, and many lawyers at private law firms will agree to take on pro bono legal services several times per year.

<sup>6</sup> Slovenian Bar Association, Interpreting Lawyers’ Fees, <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5198> (last visited on October 2, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	There is a requirement in Slovenia that legal services be provided by lawyers who have undergone training and passed Slovenia's law exam. This requirement will apply equally to the provision of pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	While foreign lawyers can provide pro bono legal services this can be quite difficult due to the requirement that legal services be provided by attorneys who speak Slovenian and have passed an exam on the legal order in the Republic of Slovenia. <sup>7</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	In Slovenia, there are no specific rules on liability of lawyers. The Bar Act, however, provides that the Bar Association of Slovenia shall insure a lawyer against liability for damages that the client might incur with reference to the legal practice. The premium for such insurance is paid out of the lawyer's insurance fee payable to the Bar Association.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Slovenia that prohibit advertising of pro bono successes or soliciting new pro bono clients. However, there is a general prohibition on advertising of attorneys successes, turnover, cases won and other similar aspects of attorneys' work. <sup>8</sup>
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers in Slovenia do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Slovenia.	Slovenia's Constitution, the Civil Procedure Act <sup>9</sup> and the Free Legal Aid Act <sup>10</sup> provide significant services for individuals in need of legal aid. However, these services are insufficient to help all individuals requiring legal services and, in fact, there are indications that many of the most vulnerable individuals in Slovenia are not aware of these free services.

<sup>7</sup> The full translation of the conditions for foreign attorneys to practice law in Slovenia is available at <http://www.odv-zb.si/en/regulations/bar-act> (last visited on October 2, 2019), see particularly Articles 34.a and onwards.

<sup>8</sup> See Article 21 of the Bar Act, available at: <http://www.odv-zb.si/en/regulations/bar-act> (last visited on October 2, 2019)..

<sup>9</sup> Civil Procedure Act: [www.uil-sipo.si/fileadmin/upload.../Civil\\_Procedure\\_Act\\_Slovenia\\_ZPP-2004.doc](http://www.uil-sipo.si/fileadmin/upload.../Civil_Procedure_Act_Slovenia_ZPP-2004.doc) (last visited on October 2, 2019).

<sup>10</sup> Free Legal Aid Act: <http://www.pisrs.si/Pis.web/npbDocPdf?idPredpisa=ZAKO6913&idPredpisaChng=ZAKO1265&type=doc&lang=EN> (last visited on October 2, 2019).

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Slovenia.</p>	<p>There are very few NGOs in Slovenia that provide pro bono legal services, for example: (i) Institute for Free Legal Aid (Zavod Za Brezplačno Pravno Pomoč) – a non-profit institute offering legal aid and legal advice;<sup>11</sup> and (ii) Humanitarian Association Law for All (Pravo ze Vse).<sup>12</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations in Slovenia with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

October 2019  
Pro Bono Practices and Opportunities in Slovenia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>11</sup> See <http://www.brezplacnopravnepomoc.si> (last visited on October 2, 2019).

<sup>12</sup> See <http://www.pravozavse.si/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in Spain

### I. Introduction

Spanish Law sets forth a right to free legal assistance (*Asistencia Jurídica Gratuita*) in the *Ley 1/1996, de 10 de febrero, de asistencia jurídica gratuita*<sup>1</sup> funded by the government. The beneficiaries of this aid are Spanish Citizens and foreign citizens who reside in Spain, as well as foundations and public interest associations, which have not economical resources.

There is a recent interest by private practitioners and other non-governmental organizations to provide an organized and qualified pro bono practice to compensate. Firms have been implementing areas dedicated to pro bono work and have been forming alliances with other organizations to develop the practice and provide a “self-regulated” environment. The pro bono practice in Spain consist in to provide legal services to clients as charities, NGOs, and marginalized individuals.

In 28 June 2018, 28 legal firms have incorporated the Foundation “*Sumando al Probono Jurídico*” to contribute and increase the probono activity in Spain.<sup>2</sup>

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	There are the following rules in Spain that specifically regulating the provision of legal services by in-house lawyers: (i) Royal Decree 658/2001, of 22 June, approving the Spanish Lawyers’ Statute <sup>3</sup> ( <i>Real Decreto 658/2001, de 22 de junio, que aprueba el Estatuto General de la Abogacía Española</i> ); and (ii) the Deontological Code of Lawyers <sup>4</sup> ( <i>Código Deontológico</i> ) regulate the exercise of law in general for both private practice and in-house lawyers.
2. Describe any licensure requirements governing the provision of legal services.	Private practice and in-house lawyers are required to be admitted to one of the regional Bar Associations either as practising lawyer ( <i>abogado ejerciente</i> ) or as non-practising lawyer ( <i>abogado no ejerciente</i> ).  In addition, candidates seeking admission to a Spanish Bar Association are required: (i) to complete a specific LLM ( <i>Máster de Acceso a la Abogacía</i> ), which includes a period of compulsory work experience (i.e., an internship lasting between four (4) and six (6) months); and (ii) to pass the Spanish Bar Exam (Spanish Law 34/2006, of 30 October, regarding the admission to the bar ( <i>Ley 34/2006, de 30 de octubre, sobre</i>

<sup>1</sup> See <https://www.boe.es/buscar/pdf/1996/BOE-A-1996-750-consolidado.pdf> (last visited on May 1, 2019).

<sup>2</sup> See <https://www.abogacia.es/tag/pro-bono/> (last visited on May 1, 2019).

<sup>3</sup> See <http://www.abogacia.es/wp-content/uploads/2013/05/Estatuto-General-de-la-Abogacia.pdf> (last visited on May 1, 2019).

<sup>4</sup> See [http://www.abogacia.es/wp-content/uploads/2012/06/codigo\\_deontologico1.pdf](http://www.abogacia.es/wp-content/uploads/2012/06/codigo_deontologico1.pdf) (last visited on May 1, 2019).



	<i>acceso a las profesiones de abogado y procurador de los tribunales)).</i>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>There are no professional rules in Spain specifically regulating the provision of pro bono legal services by in-house lawyers and private practice lawyers.. Notwithstanding, the above-mentioned rules established in the Section II(a).1 are applicable.</p> <p>In-house lawyers and private practice lawyers who wish to provide pro bono legal services can either do so individually or through available clearinghouses or local Bar Associations, which are able to match pro bono matters with the relevant volunteer.</p> <p>Bar Associations and clearinghouses, like TrustLaw, have helped to expand the scope of pro bono activity in Spain, and in-house lawyers and private practice lawyers are permitted to join the pro bono programs run by any of the Bar Associations or clearinghouses.</p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	<p>Lawyers are not required to work a minimum number of pro bono hours.</p> <p>However, each company or law firm may have its own internal regulations regarding pro bono work with which the relevant in-house lawyer or private practice lawyer will be expected to comply.</p>
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	<p>No, the rules of Bar Association (<i>Colegio de Abogados</i>), do not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>The main areas of concern for pro bono activity in Spain are corporate matters and litigation issues and procedure. Most in-house lawyers and private practice lawyers providing pro bono legal services will not wish to undertake these reserved activities. However, where individual pro bono matters touch on (or are likely to touch on) these areas, in-house lawyers and private practice lawyers are advised to seek specific advice.</p>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main provides of pro bono legal services are NGOs, universities, and private law firms .</p>

(c) Obstacles to Provision of Pro Bono Legal Services	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Each of Spain's 83 regional Bar Associations has its own pro bono program. These programs encourage and coordinate the provision of pro bono legal services but do not impose specific licensing or regulatory requirements for individuals providing pro bono services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>In order to provide pro bono legal services in Spain, foreign-qualified lawyers (including in-house lawyers) must hold a law degree, be admitted to practice in Spain and be members of a Spanish Bar Association. In addition, to be admitted to a Spanish Bar Association, any foreign-qualified attorney is required to validate his/her foreign law degree in addition to satisfying the other conditions to admission described in section C.1 above.</p> <p>The conditions for foreign-qualified lawyers (including in-house lawyers) to be admitted to practise in Spain vary as follows depending on the nationality of the foreign attorney<sup>5</sup>:</p> <ul style="list-style-type: none"> <li>(i) Foreign-qualified lawyers that are EU/EEA nationals are not required to request the waiver of nationality (<i>dispensa de nacionalidad</i>) in order to be admitted to practice in Spain; and</li> <li>(ii) Foreign-qualified lawyers that are not EU/EEA nationals are required to request a waiver of nationality (<i>dispensa de nacionalidad</i>) in order to be admitted to practice in Spain.</li> </ul> <p>Similarly, the procedure for validation of a foreign-qualified lawyers' law degree also depends on the jurisdiction where the relevant lawyer is qualified:</p> <ul style="list-style-type: none"> <li>(i) Foreign-qualified lawyers that are admitted to practice in a EU jurisdiction are required to submit to the relevant Spanish Bar Association (A) a law degree certificate issued by their EU university, and (B) a certificate issued by their foreign EU Bar Association (or equivalent); and</li> <li>(ii) Foreign-qualified lawyers that are admitted to practice in a non-EU jurisdiction are required to validate their foreign law degree with the Spanish</li> </ul>

<sup>5</sup> See <http://www.abogacia.es/2016/03/30/ejercicio-de-la-abogacia-en-espana-por-graduados-o-abogados-extranjeros/> (last visited on May 1, 2019).

	<p>Ministry of Culture. This validation process may take up to two (2) years.</p> <p>According to the information provided by the Madrid Bar Association (<i>Colegio de Abogados de Madrid</i>), foreign-qualified lawyers can provide pro bono legal services on matters not involving Spanish law, provided that (i) they do not appear as Spanish-qualified lawyers before any Spanish courts or governmental authorities; and (ii) they do not purport to be Spanish-qualified lawyers.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Pursuant to Section 21.1 of the Spanish Lawyers' Statute, any lawyer being admitted to practice in Spain shall be covered by a professional civil liability insurance policy provided by the relevant regional Bar Association. Such professional civil liability insurance policy covers pro bono legal services provided either through clearinghouses or through the relevant Bar Association.</p> <p>As an example, the professional civil liability insurance policy provided by the Madrid Bar Association (<i>Colegio de Abogados de Madrid</i>) to all its attorneys covers up to an amount of €300,000.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no specific prohibitions on providing free legal services, advertising pro bono successes or soliciting new pro bono clients, provided that the person providing such services is admitted to practise.</p> <p>Bar Associations and clearinghouses, like TrustLaw, have helped to expand the scope of pro bono activity in Spain, and in-house lawyers are permitted to join the pro bono programs run by any of the Bar Associations or clearinghouses.</p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>In-house lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.</p> <p>However, each regional Bar Association has its own education initiatives.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Spain.</p>	<p>Spanish Law sets forth a right to free legal assistance (<i>Asistencia Jurídica Gratuita</i>), funded by the government. This right only applies to: (i) natural persons; (ii) acting in a judicial procedure; (iii) who comply with certain low income requirements.<sup>6</sup> Any practicing lawyer (<i>abogado</i></p>

<sup>6</sup> Free legal assistance (*Asistencia Jurídica Gratuita*) is a form of government spending on legal aid. The beneficiaries of this aid are Spanish Citizens and foreign citizens who reside in Spain, as well as foundations and public interest associations. In order to be eligible for this legal aid the natural

	<p><i>ejerciente</i>) who signs up for this service may exercise it and shall receive a compensation from the government for his services. The Bar Associations manage the provisions of these services, provide training for the lawyers and control that the recipients of these services comply with the income requirements.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Spain.</p>	<p>The most common resource for pro bono legal services are those offered by lawyers in different law firms.</p> <p>Additionally, private practitioners usually come together to set up private associations that offer pro bono legal services. Some of those associations are:</p> <p>Fundación Pro Bono (has been recently incorporated and includes 28 of the most important law firms in Spain, its webpage will be set up soon).</p> <ul style="list-style-type: none"> <li>• Hazlo Posible<sup>7</sup></li> <li>• Fundación Fernando Pombo, Project Exequo<sup>8</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is not a resource that unifies all the information regarding pro bono opportunities.</p> <p>The most common way lawyers become aware of pro bono opportunities is through its own law firms or the associations to which the law firm is engaged, such as the ones above-mentioned.</p>

May 2019  
Pro Bono Practices and Opportunities in Spain

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

person has to earn less than 15,061.20 euros per year. This aid may be recognized regardless of the economic requirements taking into account: (i) the circumstances of the family; (ii) the number of children; (iii) disability; (iv) and other circumstances of similar nature. Certain beneficiaries will receive this legal aid regardless of their economic situation, among others: (i) victims of gender violence; (ii) minors, mentally disabled people and victims of abuse; (iii) victims of accident and terrorism; and (iv) some associations of public interest (i.e. consumer rights associations).

<sup>7</sup> See <https://legal.probonos.net/> (last visited on May 1, 2019).

<sup>8</sup> See <http://www.fundacionpombo.org/que-hacemos/proyecto-exequo/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Sweden<sup>1</sup>

### I. Introduction

The legal systems in Sweden and other Nordic countries are very similar, providing a comprehensive system of subsidized legal services. As a result, there has historically been little need for lawyers to provide free legal services in Sweden.

Unlike many other countries, there is no need to be a lawyer to practice law in Sweden, so anyone can provide pro bono legal services. However, lawyers in Sweden do not have the same tradition of working pro bono as lawyers in many other countries do, although the biggest law firms have increased pro bono work in recent years. The pro bono work in Sweden mainly consists of various social initiatives, such as projects related to human rights, the environment and the environmental impact and children's rights. One of the most well-known pro bono projects for lawyers in Sweden is "Advokatjouren", an organization, started by the Swedish Bar Association, which offers free legal consulting (for 15 minutes) to the public.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Swedish Constitution is comprised of four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law of Freedom of Expression.<sup>2</sup></p> <p>Statutes are divided into acts, ordinances and regulations.</p> <p>Case law also plays an important role in the application of Swedish law throughout the court system.<sup>3</sup></p> <p>Under the Swedish Code of Judicial Procedure (Rättegångsbalken), a lawyer is required to act in accordance the Rules of Professional Conduct which are a codification of the practices established by the Board of the Swedish Bar Association (Sveriges Advokatsamfund) and the precedents of the Bar Association's disciplinary committees (Advokatsamfundets disciplinnämnd).</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Any person may practice law in Sweden, but only members of the Swedish Bar Association are entitled to use the professional title of advocate (advokat).</p> <p>There are no obstacles to foreign-qualified lawyers practicing in Sweden without being established as an advocate under the Swedish system.</p>

<sup>1</sup> This chapter was drafted with the support of Arvid Weimers of Roschier.

<sup>2</sup> The Swedish System of Government, available at <https://sweden.se/society/the-swedish-system-of-government/> (last visited on May 1, 2019).

<sup>3</sup> European Judicial Network, "Legal order – Sweden", available at [https://e-justice.europa.eu/content\\_legal\\_professions-29-se-en.do](https://e-justice.europa.eu/content_legal_professions-29-se-en.do) (last visited on May 1, 2019).

	Foreign-qualified lawyers are prohibited from representing a party in a Swedish court until he or she passes an examination in order to demonstrate sufficient knowledge of the legal system. <sup>4</sup>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	Lawyers admitted to the Swedish Bar Association (Sw. Sveriges Advokatsamfund) have to withdraw from the bar if they leave a law firm to practice privately in-house with a company or elsewhere. Hence, they are not governed by the rules and regulations, or under the supervision of, the Swedish Bar Association and can offer legal services as they wish (subject to the view of their employer and applicable employment agreement).  There are no specific rules that regulate the provision of pro bono legal services.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Sweden are not required by the rules that govern them to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Sweden are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The pro bono work in Sweden mainly consists of various social initiatives, such as projects related to human rights, the environment and the environmental impact and children's rights. The pro bono work can also for example consist of supporting sport teams and start-ups.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Advocates and law firms engage in pro bono activities on a case by case basis, typically either when contacted directly by individuals needing assistance or by partnering with a non-profit organization for discrete or long term projects.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Any person may practice law and offer pro bono legal services to the public, without the need for an authorization.  Anyone may appear before any court, at any level of the court system, representing himself/herself or another person. In-house lawyers are therefore able to offer legal services to pro bono clients and

<sup>4</sup> European Judicial Network, "European Judicial Network", available at [https://e-justice.europa.eu/content\\_legal\\_professions-29-se-en.do](https://e-justice.europa.eu/content_legal_professions-29-se-en.do) (last visited on May 1, 2019).

	represent pro bono clients in court. However, the members of the Swedish Bar Association have an exclusive right to offer legal advice under the professional title “advokat” and that title is protected by law and exclusively reserved for the members of the Bar.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign-qualified lawyers are prohibited from representing a party in a Swedish court until he or she passes an examination in order to demonstrate sufficient knowledge of the Swedish legal system. <sup>5</sup> As such, foreign-qualified lawyers may be limited in their provision of legal aid and pro bono legal services until such qualification is met.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Sweden do not require professional indemnity legal insurance cover for any pro bono legal services that they provide however, it is advisable (also subject to view of the employer).
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Sweden that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Sweden.	There are no governmental sources of pro bono in Sweden, the pro bono work is mainly private initiatives.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Sweden.	One of the most well-known pro bono projects for lawyers in Sweden is "Advokatjouren", an organization, started by the Swedish Bar Association, which offers free legal consulting (for 15 minutes) to the public. During the 15 minutes the person who visit "Advokatjouren" can get advice on how to move forward with any kind of legal issue. However, the lawyers of "Advokatjouren" do not offer drafting of documents. The organization offers meetings to the public with lawyers in several cities in Sweden.

<sup>5</sup> European Judicial Network, “European Judicial Network”, available at [https://e-justice.europa.eu/content\\_legal\\_professions-29-se-en.do](https://e-justice.europa.eu/content_legal_professions-29-se-en.do) (last visited on May 1, 2019).



	Please visit the webpage of the Swedish Bar Association to read more about "Advokatjouren". <sup>6</sup> For more information in English, please contact the Swedish Bar Association.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There is no Swedish public organization where foreign attorneys can register to get information about pro bono opportunities.

May 2019  
Pro Bono Practices and Opportunities in Sweden

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>6</sup> See <https://www.advokatsamfundet.se/Behover-du-advokat/Advokatjouren/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Switzerland<sup>1</sup>

### I. Introduction

Switzerland is a confederation of 26 cantons and half-cantons, and has a three-tiered federal structure: the Confederation (or federal state), the cantons (or states), and the municipalities (or local authorities).<sup>2</sup> If “pro bono” legal services are taken to mean the independent, voluntary services of lawyers rendered on an unpaid basis, then the pro bono tradition in Switzerland generally remains limited relative to other jurisdictions, although it should be noted that a limited number of pro bono clearinghouses or other centralized organizations have emerged in recent years. The main reason pro bono legal services remains limited is the existence of the comprehensive and mandatory government legal aid scheme, which applies to the majority of lawyers working in Switzerland; lawyers may feel less inclined to take on pro bono activities if they are already required to undertake reduced-fee legal aid representation on a regular basis.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Given Switzerland’s federal structure, regulation of legal services occurs at both the federal and cantonal levels.</p> <p>At the federal level, the Federal Act on the Freedom of Movement of Lawyers 2002 (“<b>FAFML</b>”) is the main legislation governing the legal profession,<sup>3</sup> which regulates amongst other things, the inter-cantonal freedom of movement, cantonal registers and the federal rules of professional conduct. As the federal bar association, the Swiss Bar Association (“<b>SAV</b>”) coordinates the regulation of continuous education and representation at a federal government level.</p> <p>The SAV is supplemented by 24 local bar associations at the cantonal level,<sup>4</sup> and each cantonal bar association has powers to control the conduct of lawyers seeking to practice law within their territories, subject to the membership in the respective bar association.</p> <p>Lawyers in Switzerland are not required to join either the SAV<sup>5</sup> or the relevant cantonal bar association, although most lawyers typically do</p>

<sup>1</sup> This chapter was drafted with the support of Dr. Ernst Staehelin of Staehelin Olano Advokatur und Notariat, in Basel.

<sup>2</sup> ‘Operation and organization of Switzerland’, available at [www.ch.ch/en/demokratie/federalism/](http://www.ch.ch/en/demokratie/federalism/) (last visited on May 1, 2019).

<sup>3</sup> Federal Act on the Freedom of Movement for Lawyers 2002 (Switzerland), available at [www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Switzerland-Federal-Act-on-the-Freedom-of-Movement-for-Lawyers.pdf](http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Switzerland-Federal-Act-on-the-Freedom-of-Movement-for-Lawyers.pdf). (last visited on May 1, 2019).

<sup>4</sup> Art 6 of the Swiss Bar Association.

<sup>5</sup> Federal Laws of the Swiss Bar Association 2000 (Switzerland), available at [www.sav-fsa.ch/en/anwaltsrecht/gesetze-bund.html](http://www.sav-fsa.ch/en/anwaltsrecht/gesetze-bund.html) (last visited on May 1, 2019).

	<p>so,<sup>6</sup> and every member of a cantonal bar association also automatically becomes a member of the SAV.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The general licensure requirements to obtain a Swiss license in order to practice law are as follows: (1) completing recognized legal studies in the form of a Swiss university or equivalent university diploma; (2) undertaking an apprenticeship of 1-2 years (the length will differ depending on the canton); and (3) passing the bar examination.<sup>7</sup></p> <p>There are no continuing legal education requirements in Switzerland.</p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Where “pro bono” legal services is taken to mean the independent, voluntary services of lawyers rendered on an unpaid basis, then there are no express rules regulating the provision of such services. The government legal aid scheme offers certain free legal representation in court, which is viewed by some to constitute “pro bono” work, so we have set out in this section the rules regulating the provision of such services.</p> <p>The Swiss Constitution expressly includes the right to free legal representation,<sup>8</sup> and as a member nation of the Council of Europe, Switzerland also falls under the Council of Europe’s general mandate to provide free legal services to indigents.<sup>9</sup></p> <p>Such rights are not absolute; the right to free legal representation is only given where it is “<i>necessary to safeguard the applicant’s rights</i>”.<sup>10</sup></p> <p>Successful legal aid applicants will be exempted from various cost obligations (court, procedural or</p>

<sup>6</sup> It is estimated that approximately 90-95% of lawyers in Switzerland are members of a bar association. With the exceptions of the Cantons of Ticino and Jura, the cantonal bar associations are private professional associations.

<sup>7</sup> The Law Society ‘How to Practice in Switzerland’ (1 August 2017), available at <http://communities.lawsociety.org.uk/international/regions/europe/switzerland/how-to-practice-in-switzerland/5062543.fullarticle> (last visited on May 1, 2019).

<sup>8</sup> Federal Constitution of the Swiss Confederation 1999 (Switzerland), available at [www.admin.ch/opc/en/classified-compilation/19995395/index.html](http://www.admin.ch/opc/en/classified-compilation/19995395/index.html) (last visited on May 1, 2019), art 29(3). Note also that the Federal Supreme Court held in 1937 that indigent Swiss citizens implicitly have the right to the assistance of counsel in legal proceedings and that cantonal governments were required to provide lawyers to all civil litigants unable to afford them (decision of the Federal Supreme Court, Oct. 8, 1937, BGE 63 I 209 (Switzerland)).

<sup>9</sup> Lua Kamal Yuille, ‘No One’s Perfect (Not Even Close): Reevaluating Access to Justice in the United States and Western Europe’ (2003-2004) 42 Colum J Transnat’l L 863, 882 (discussing the 1979 European Court of Human Rights decision finding Ireland in breach of its obligations relating to the right to a fair trial).

<sup>10</sup> Federal Constitution, (n 8), Art 8.

	<p>advance costs) and/ or receive appropriate legal representation.<sup>11</sup></p> <p>All Swiss qualified lawyers registered under a cantonal attorneys' register (i.e. those with the right to represent parties in courts) are obliged to accept court-assigned defense and mandates of judiciary assistance in the canton in which they are registered, but note that this does not apply to foreign lawyers practicing in Switzerland.<sup>12</sup> Most Swiss qualified lawyers are usually on such register (there is no distinction between barristers and solicitors). Foreign lawyers registered in the cantonal attorneys' register are allowed to undertake legal assistance if they wish , but as they would need to use the official language relevant to the canton concerned, this may create difficulties in practice.</p> <p>Legal aid lawyers will receive reduced fees from the canton for such court-mandated representation if the legally aided recipient loses the court action in civil cases,<sup>13</sup> and regardless of the outcome of the case in criminal cases.<sup>14</sup> There is no regulatory scheme for such fees; based on the case law by the Swiss federal courts, the hourly fee is around CHF 200. The courts are free to review the hours declared and to reduce such hours if they deem appropriate.</p> <p>As is commonly the case throughout Europe, mandatory participation in a government legal aid scheme has generally reduced voluntary pro bono activism in Switzerland.<sup>15</sup> Neither the SAV nor the cantonal bar association do have a recognized definition or guidelines for pro bono work , though law firms and corporations may maintain their own internal guidelines.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Switzerland are not required to work a minimum number of pro bono hours or government legal aid schemes (both outside and within the government legal aid scheme).</p>

<sup>11</sup> Swiss Civil Procedure Code 2008 (Switzerland), available at <https://www.admin.ch/opc/en/classified-compilation/20061121/index.html> (last visited on May 1, 2019), Art 117, and Swiss Criminal Procedure Code 2007 (Switzerland), available at [www.admin.ch/opc/en/classified-compilation/20052319/index.html](http://www.admin.ch/opc/en/classified-compilation/20052319/index.html) (last visited on May 1, 2019), art 136.

<sup>12</sup> FAFML, (n 3), Art 25. See also Ernst Staehelin, 'Le projet de loi sur la profession d'avocat (Draft Bill on the Legal Profession)' (2012) Swiss Bar Association Publication <[www.sav-fsa.ch/en/documents/dynamiccontent/128\\_le-projet-de-loi-sur-la-profession-davocat-\(1\).pdf](http://www.sav-fsa.ch/en/documents/dynamiccontent/128_le-projet-de-loi-sur-la-profession-davocat-(1).pdf)> accessed 24 December 2018, p. 129 ("*des avocats étrangers qui exercent la profession d'avocat à titre permanent en Suisse . . . ne soient pas soumis à l'obligation d'accepter des défenses d'office ou des mandats de l'assistance judiciaire . . .*") ("*foreign lawyers working as attorneys on a permanent basis in Switzerland. . . are not obligated to accept legal aid postings*").

<sup>13</sup> Civil Procedure Code (n 11) Art 117.

<sup>14</sup> Swiss Criminal Procedure Code (n 11) Art 135.

<sup>15</sup> Yuille (n 9) 908.

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services (both outside and within the government legal aid scheme) in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>As there is no prevalent culture of pro bono legal services in Switzerland outside of the established legal aid scheme (see response to II.(b)(1)), it is difficult to identify the areas of “major unmet legal needs” in Switzerland. In the context of legal aid, unmet needs may be identified in the context of legal aid for legal advice outside of court proceedings (as opposed to legal representation in court).</p> <p>Pro bono clearinghouses described in paragraph II.(d) may have a particular focus, for example the Geneva Bar Association’s Human Rights Pro Bono Platform only matches lawyers with opportunities from NGOs with a human rights focus.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Switzerland are a limited number of private local and international law firms.</p> <p>Although the websites of the majority of local and international law firms surveyed in Switzerland do not advertise any local pro bono activities, there are some notable exceptions such as Pestalozzi, which is listed as a Swiss based member firm of LexMundi’s Pro Bono Foundation,<sup>16</sup> CMS, which lists a number of NGOs which it has assisted on a pro bono basis,<sup>17</sup> or Froriep, which was shortlisted as “Domestic Law Firm of the Year” by TrustLaw in part due to its regular ongoing pro bono activities<sup>18</sup> and which has recently published a free guide on legal structure options for social enterprises in conjunction with TrustLaw and Sigma Legal.<sup>19</sup></p> <p>In some instances, lawyers in Switzerland also serve on the boards of non-profit organizations without receiving compensation.<sup>20</sup></p>

<sup>16</sup> Lex Mundi Pro Bono Foundation ‘Pestalozzi – Switzerland’ [www.lexmundiprobono.org/assnfe/cv.asp?ID=9921](http://www.lexmundiprobono.org/assnfe/cv.asp?ID=9921) (last visited on May 1, 2019).

<sup>17</sup> CMS ‘Corporate Social Responsibility’ <https://cms.law/en/CHE/About-Us/Corporate-Social-Responsibility> (last visited on May 1, 2019).

<sup>18</sup> Froriep ‘FRORIEP shortlisted for the “Domestic Law Firm of the Year Award” at the Trust Law Awards on 26 September 2018 in New York’ (28 June 2018) [www.froriep.com/en/news/froriep-shortlisted-for-the-domestic-law-firm-of-the-year-award-at-the-trust-law-content---1--455--588.html](http://www.froriep.com/en/news/froriep-shortlisted-for-the-domestic-law-firm-of-the-year-award-at-the-trust-law-content---1--455--588.html) (last visited on May 1, 2019).

<sup>19</sup> Froriep, Sigma Legal and Thomson Reuters Foundation ‘Philanthropy and Social Entrepreneurship: A Guide to Legal Structures for NGOs and Social Entrepreneurs in Switzerland’ (Thomson Reuters 2017) [www.trust.org/publications/i/?id=f18a9dc0-6dc3-4b02-b019-2940cedd7369](http://www.trust.org/publications/i/?id=f18a9dc0-6dc3-4b02-b019-2940cedd7369) (last visited on May 1, 2019).

<sup>20</sup> Vischer ‘Pro Bono’ [www.vischer.com/en/about-us/pro-bono/](http://www.vischer.com/en/about-us/pro-bono/) (last visited on May 1, 2019).

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	Generally no special license is required to provide pro bono legal services in Switzerland. However, lawyers in Switzerland will have access to different pro bono opportunities depending on their particular credentials, e.g. only members of the Geneva Bar Association can participate in the Geneva Bar Association’s Human Rights Pro Bono Platform.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional licenses to provide pro bono legal services in Switzerland. Note that although foreign lawyers will not have access to the same pro bono opportunities and/or other legal services compared to local Swiss qualified lawyers (for example, it would not be mandatory for them to participate in the government legal aid scheme, and they would not be eligible to join the Geneva Bar Association’s Human Rights Pro Bono Platform clearinghouse unless they are registered in that cantonal bar association), arguably they may have more time and inclination to participate in pro bono activities.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p>Lawyers practicing in Switzerland (both Swiss qualified and foreign) and registered in the cantonal attorney’s register must have mandatory indemnity legal insurance cover “<i>in accordance with the type and extent of risks that are associated with their activity</i>” as a rule of professional conduct.<sup>21</sup></p> <p>This insurance covers pro bono as well as government legal aid work. There are no special provisions regarding insurance for pro bono and/or legal aid work.</p>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Generally the advertising of legal services or within the legal sector in Switzerland is only permitted if “it remains objective and as long as it corresponds to the public need for information”, <sup>22</sup> and there are no specific rules that prohibit advertising of pro bono successes or soliciting new pro bono clients. Advertising the names of individual pro bono and/or legal aid clients would also violate professional confidentiality obligations if clients have not provided prior approval or consent.

<sup>21</sup> FAFML, art 12(f).

<sup>22</sup> FAFML (n 3), Art 12.

<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>No, because there are no “Continuing Legal Education” – requirements (see response to II.(a)(2)).</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Switzerland.</p>	<p>Aside from the government legal aid scheme (see response to II.(b)(1)), there are no other government sources of pro bono and/or other legal services in Switzerland.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Switzerland.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Switzerland are:</p> <ul style="list-style-type: none"> <li>• <b>Geneva Bar Association’s Human Rights Pro Bono Platform:</b> The Geneva Bar Association (a private cantonal bar association independent from the government) has a pro bono clearinghouse connecting human rights NGOs with suitable lawyers.<sup>23</sup></li> <li>• <b>TrustLaw:</b> TrustLaw is Thomson Reuters Foundation’s global pro bono legal program, which connects law firms and corporate legal teams around the world with high-impact NGOs and social enterprises working to create social and environmental change.<sup>24</sup></li> <li>• <b>Swiss Refugee Council:</b> Experts will directly answer asylum seekers’ queries for free or forward them to the appropriate authorities.<sup>25</sup></li> <li>• <b>L’Association Romande Contre Le Racisme:</b> Based in Lausanne and provides legal aid services to victims of racism in Switzerland.<sup>26</sup></li> <li>• <b>International Bridges to Justice:</b> An independent, non-profit NGO based in Geneva that strives to protect due process and achieve fair trials for accused persons throughout the world.<sup>27</sup></li> <li>• <b>Juris Conseil Junior:</b> A non-profit association based in Geneva which enables minors and young adults—as</li> </ul>

<sup>23</sup> See <https://www.odage.ch/pro-bono> (last visited on May 1, 2019).

<sup>24</sup> See <http://www.trust.org/trustlaw/> (last visited on May 1, 2019).

<sup>25</sup> See <http://www.fluechtlingshilfe.ch> (last visited on May 1, 2019).

<sup>26</sup> See <http://www.prevention.ch/associationracisme.html> (last visited on May 1, 2019).

<sup>27</sup> See <http://www.ibj.org/> (last visited on May 1, 2019).



	<p>well as their families and the professionals who work with them—to seek free legal advice from lawyers on a pro bono basis. Services are free and confidential.<sup>28</sup></p> <ul style="list-style-type: none"> <li>• <b>AsyLex:</b> A non-profit association supporting asylum seekers by providing free legal advice and templates for asylum interviews.<sup>29</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Local or foreign lawyers can register with the following organizations or platforms in order to be made aware of pro bono opportunities:</p> <ul style="list-style-type: none"> <li>• <b>Geneva Bar Association’s Human Rights Pro Bono Platform:</b> See response to II.(d)(2) for further details. Members of the Geneva Bar Association may apply to be matched with pro bono opportunities.<sup>30</sup></li> <li>• <b>TrustLaw:</b> See response to II.(d)(2) for further details. Individuals, law firms or in-house legal teams can apply to become TrustLaw members in order to access pro bono opportunities.<sup>31</sup></li> </ul>

May 2019  
Pro Bono Practices and Opportunities in Switzerland

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>28</sup> See <http://www.icj.ch/www/index.php> (last visited on May 1, 2019).

<sup>29</sup> See <https://www.asylex.ch/?> (last visited on May 1, 2019).

<sup>30</sup> See <https://www.odage.ch/pro-bono/partenaires-avocats/inscription> (last visited on May 1, 2019).

<sup>31</sup> See <http://surveys.trust.org/s3/TrustLaw-Application-Form-Beneficiaries> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Ukraine<sup>1</sup>

### I. Introduction

While the provision of pro bono legal services in Ukraine remains limited compared to certain Western countries, access to pro bono legal services has continued to increase over the last several years. Since the Euromaidan Revolution in 2014 and the conflicts in Crimea and Eastern Ukraine, numerous pro bono initiatives have been implemented in Ukraine aimed at assisting protesters, volunteers and internally displaced persons. In addition, significant reform of the legal system in Ukraine, continued proliferation of NGO activity and the adoption of international standards and traditions in the legal profession have laid a stronger foundation for pro bono culture in recent years. Although access may still be limited, both national and international law firms and solo practitioners in Ukraine have more opportunities than ever to provide pro bono legal services, and as a result Ukrainian citizens and residents have more access to these services than ever before.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Ukraine is comprised of licensed attorneys (“advocates”) and unlicensed lawyers (“jurists”). The provision of legal services by advocates is regulated by the Law of Ukraine “On the Bar and Legal Practice.”<sup>2</sup> This law sets out the general requirements for advocates as well as their rights, duties and professional liability. The provision of legal services by jurists is not regulated by any specific law and is governed by sections of the Ukrainian Civil Code, including those on representation and agreements on the provision of services.<sup>3</sup></p> <p>The key difference between jurists and advocates is that only advocates can represent individuals in court proceedings (regardless of the type of proceedings) with minor exceptions. Advocates must obtain an advanced degree and have at least two-year experience in the field of law. Advocates must also comply with certain ethical standards.<sup>4</sup> As of September 1, 2018, there were approximately 45,000 practicing advocates in Ukraine.<sup>5</sup></p> <p>Jurists are not subject to any mandatory educational requirements nor binding ethical</p>

<sup>1</sup> This chapter was drafted with the support of Mykola Stetsenko, Andriy Romanchuk, Dmytro Tkachuk, Oleksii Izotov and Dmytro Izotov of Avellum.

<sup>2</sup> See the Law of Ukraine “On the Bar and Legal Practice” No. 5076-VI dated July 5, 2012, available at <https://zakon.rada.gov.ua/laws/show/en/5076-17> (last visited on May 1, 2019) in Ukrainian.

<sup>3</sup> See the Civil Code of Ukraine No. 435-IV dated January 16, 2003, available at <https://zakon.rada.gov.ua/laws/show/en/435-15> (last visited on May 1, 2019) in Ukrainian.

<sup>4</sup> See the Rules of Advocates’ Ethics approved by Congress of Attorneys of Ukraine on June 9, 2017, available at <https://zakon.rada.gov.ua/rada/show/n0001891-17> (last visited on May 1, 2019) in Ukrainian.

<sup>5</sup> See the Report of Ukrainian National Bar Association dated September 1, 2018, available at [http://unba.org.ua/assets/uploads/7db87c8d8ac5d21d5b9b\\_file.pdf](http://unba.org.ua/assets/uploads/7db87c8d8ac5d21d5b9b_file.pdf) (last visited on May 1, 2019) in Ukrainian.

	standards and are not covered by the attorney-client privilege. <sup>6</sup>
2. Describe any licensure requirements governing the provision of legal services.	<p>In addition to obtaining an advanced degree and gaining relevant experience, advocates must (1) pass an examination verifying their practical and theoretical legal skills, and (2) be proficient in the Ukrainian language. Following the examination, advocates must complete a half-year internship and take the oath of advocate before a regional bar council.<sup>7</sup></p> <p>There is generally no licensing requirement for jurists, nor are jurists subject to any binding ethical standards.</p>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>Article 59 of the Ukrainian Constitution provides that every citizen have the right to receive legal aid.<sup>8</sup> The Law of Ukraine “<i>On Free Legal Aid</i>” sets forth the conditions and requirements for the entitlement to legal aid,<sup>9</sup> as well as the responsibilities of advocates to provide legal aid.<sup>10</sup></p> <p>Under the general rule, there is no requirement, whether from the bar associations or by law, for either advocates or jurists to provide pro bono legal services. However, if an advocate voluntarily enters into the agreement with a center for provision of free legal aid, such person may be mandatorily required to provide pro bono legal services to the persons applying to the said centers.<sup>11</sup></p> <p>It should be noted that there are no particular requirements advocates or jurists must meet to provide pro bono legal services. In particular, if the individual is permitted to represent the client under the laws regulating legal representation in</p>

<sup>6</sup> See V. Kukharchyk and M. Kulya, *The Legal Profession in Ukraine* (Apr. 2008), p. 3-6 available at <http://www.osce.org/odihr/36311> (last visited on May 1, 2019).

<sup>7</sup> See *Id.* at 5. For the detailed information regarding the requirements of becoming an advocate in Ukraine and access to legal profession, see website of Ukrainian National Bar Association, available at <http://en.unba.org.ua/> (last visited on May 1, 2019).

<sup>8</sup> Cf. Ukraine Const., available at [https://www.ecoi.net/en/file/local/1226402/1226\\_1484303007\\_ukraine-constitution-am2016-eng.pdf](https://www.ecoi.net/en/file/local/1226402/1226_1484303007_ukraine-constitution-am2016-eng.pdf) (last visited on May 1, 2019). See also, Article 15 of the Civil Procedural Code of Ukraine No. 1618-IV dated December 18, 2004, available at <https://zakon.rada.gov.ua/laws/show/1618-15> (last visited on May 1, 2019) in Ukrainian (availability of free legal aid in civil proceedings); Article 16 of the Code of Administrative Procedure of Ukraine No. 2747-IV dated July 6, 2005, available at <https://zakon.rada.gov.ua/laws/show/2747-15> (last visited on May 1, 2019) in Ukrainian (availability of free legal aid in administrative proceedings); Article 20 of the Criminal Procedure Code of Ukraine No. 4651-VI dated April 3, 2012, available at <https://zakon.rada.gov.ua/laws/show/4651-17> (last visited on May 1, 2019) in Ukrainian (availability of free legal aid in criminal proceedings).

<sup>9</sup> See the Law of Ukraine “On Free Legal Aid” No. 3460-VI dated June 2, 2011, available at <https://helsinki.org.ua/en/articles/the-law-of-ukraine-on-free-legal-aid/> (last visited on May 1, 2019) as amended on June 2, 2011. For current version cf. <https://zakon.rada.gov.ua/laws/show/3460-17/ed20181104> (last visited on May 1, 2019) in Ukrainian.

<sup>10</sup> For more information on state-funded legal aid, see report prepared by the Ukrainian National Bar Association “Legal Aid System in Ukraine: Current Issues and Recommendations for Reform”, available at <http://en.unba.org.ua/assets/uploads/news/novosti/2016-05-23.legal.aid.report.pdf> (last visited on May 1, 2019).

<sup>11</sup> See *Id.* Articles 21-22.

	Ukraine, such individual will be permitted to represent the client in the pro bono matter. <sup>12</sup>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Generally, lawyers in Ukraine are not required to work a minimum number of pro bono hours. However, if an advocate voluntarily enters into the agreement with a center for provision of free legal aid, such agreement can prescribe specific number of pro bono hours a lawyer has to work.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Ukraine are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Although pro bono culture in Ukraine remains underdeveloped, generally legal professionals are able to provide pro bono legal services across all areas of law. Opportunities are available to both provide the more traditional pro bono legal services to the disabled, veterans or orphans, as well as to the internally displaced and other Ukrainians affected by the conflicts in Crimea and Donbass region. Institutional barriers remain, as well as a historical lack of a pro bono culture and advocacy, but the implementation of the judicial reform and change in the legal landscape in Ukraine is likely to continue to yield positive developments in pro bono legal services in Ukraine.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>Pro bono opportunities have been historically very limited, with pro bono culture practically non-existent in Ukraine during Soviet times. Then, subsequent to the break-up of the Soviet Union and prior to the recent military conflicts in Ukraine in 2014, pro bono opportunities were generally limited to offerings provided through NGOs and various social programs.</p> <p>Now, while still developing, pro bono opportunities are wide-ranging following the events and aftermath of the Euromaidan Revolution, which led to greater awareness in Ukrainian society of pro bono legal services. For example, as further described below in Section (d) below, attorneys could often get involved in pro bono matters through their law firms, which frequently have their own pro bono initiatives, a number of NGOs located in Ukraine, various initiatives provided through the bar association and through university legal clinics.</p>

<sup>12</sup> See *Id.* Article 9.

(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Ukraine only require those licenses that relate to the legal profession in general (e.g. non-Ukrainian speakers or individuals who are not advocates may not provide representation in court proceedings (with minor exceptions)).
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers in Ukraine only require those licenses that relate to the legal profession in general, though in practice lawyers without knowledge of Ukrainian culture or language will find difficulties.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Advocates or jurists involved in pro bono legal assistance in Ukraine do not require any professional indemnity legal insurance cover for any pro bono legal services that they may provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>Ukrainian law does not prohibit advertising of pro bono successes or soliciting new pro bono clients.</p> <p>At the same time, the Rules of Advocates' Ethics<sup>13</sup> establish a number of general requirements that any advocate must comply with when advertising any of its legal services (including when using pro bono projects in such advertising).</p> <p>In particular, such advertising must be objective, specific and understandable, and must not be misleading. Advertising of advocates' legal services must not involve criticism of other advocate's legal activities or create unreasonable expectations from the clients.</p>
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Under Ukrainian law, lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.
(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Ukraine.	In addition to information centers that provide free information of rights under the judicial system, the government has also instituted a program whereby advocates, that (1) are included in the list of advocates who provide free legal aid, and (2) entered into agreement with relevant center, may be mandatorily assigned to cases representing indigent victims and witnesses in criminal

<sup>13</sup> Rules of Advocates' Ethics, approved by the Congress of Advocates of Ukraine on 9 June 2017 (<https://zakon.rada.gov.ua/rada/show/n0001891-17>) (last visited on May 1, 2019).

	<p>proceedings. Advocates can decline such assignments only upon certain specified grounds.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Ukraine.</p>	<p>NGOs are currently the main providers of pro bono legal services in Ukraine.</p> <ul style="list-style-type: none"> <li>• There are a number of NGOs which support citizens affected by recent conflicts, including: HIAS in Ukraine,<sup>14</sup> CrimeaSOS<sup>15</sup> and EuroMaidan SOS.<sup>16</sup></li> <li>• Ukrainian Pro Bono Clearing House: a platform where Ukrainian attorneys can register to provide free legal services.<sup>17</sup></li> <li>• USAID's Access to Justice and Legal Empowerment Project, aiming to improve access to pro bono legal services in Ukraine.<sup>18</sup></li> <li>• The Ukrainian Helsinki Human Rights Union has established a program aimed at promoting and cultivating human rights in Ukraine in line with European standards.<sup>19</sup></li> <li>• Environment People Law focuses on increasing environmental advocacy and awareness.<sup>20</sup></li> <li>• International Renaissance Foundation is an NGO focused on fostering democratic values in Ukraine.<sup>21</sup></li> <li>• Caritas Ukraine is the project whose main aim is to provide legal assistance to migrants, asylum seekers and refugees detained at detention facilities and asylum seekers and refugees who are in the procedure of granting refugee status in Ukraine.<sup>22</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in</p>	<p>Law firms and programs implemented by the Ukrainian Bar Association also contribute to pro bono culture in Ukraine.</p>

<sup>14</sup> See <https://www.hias.org/ukraine> (last visited on May 1, 2019).

<sup>15</sup> See <http://krymsos.com/en/about/krym-sos/> (last visited on May 1, 2019).

<sup>16</sup> See <http://euromaidansos.org> (last visited on May 1, 2019).

<sup>17</sup> See <https://pro-bono.in.ua/> (last visited on May 1, 2019).

<sup>18</sup> See <https://www.usaid.gov/ukraine/democracy-human-rights-and-governance> (last visited on May 1, 2019).

<sup>19</sup> See <https://helsinki.org.ua/> (last visited on May 1, 2019).

<sup>20</sup> See <http://epl.org.ua/> (last visited on May 1, 2019).

<sup>21</sup> See <http://www.irf.ua/en/> (last visited on May 1, 2019).

<sup>22</sup> See <http://www.caritas-ua.org/> (last visited on May 1, 2019).

<p>order to be made aware of pro bono opportunities?</p>	<ul style="list-style-type: none"> <li>• Law firms are among the most frequent providers of pro bono services in Ukraine. <ul style="list-style-type: none"> <li>○ Avellum<sup>23</sup></li> <li>○ Asters<sup>24</sup></li> <li>○ AEQUO<sup>25</sup></li> <li>○ Vasil Kisil and Partners<sup>26</sup></li> </ul> </li> <li>• The Ukrainian Bar Association has also launched a number of pro bono initiatives. <ul style="list-style-type: none"> <li>○ Ukrainian Bar Association launched the project “Legal Support to Sport in Ukraine” aiming at legal support of the activity of persons involved in sports and legal representation of interest of persons involved in sports.<sup>27</sup></li> <li>○ Clinics that advise soldiers and their families of rights, including compensation, health care and housing assistance, that they are entitled to but have not yet received.</li> </ul> </li> </ul>
--	---

May 2019  
Pro Bono Practices and Opportunities in Ukraine

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>23</sup> See <https://avellum.com> (last visited on May 1, 2019).

<sup>24</sup> See <https://www.asterslaw.com/> (last visited on May 1, 2019).

<sup>25</sup> See <https://aequo.ua/> (last visited on May 1, 2019).

<sup>26</sup> See <http://vkp.ua/> (last visited on May 1, 2019).

<sup>27</sup> See <https://uba.ua/eng/projects/68/> (last visited on May 1, 2019).



# Middle East



## Pro Bono Practices and Opportunities in Bahrain<sup>1</sup>

### I. Introduction

There are several local firms in Bahrain, such as Zu’bi & Partners, that offer pro bono legal services to those who are unable to pay for lawyers, legal advice and representation before the Bahraini courts. The provision of pro bono legal services has improved markedly in the past seven years. Pro bono legal services in Bahrain continue to be of growing importance and are currently focused on increasing the provision of legal support and representation for those most in need. For example, given the complex interaction between the courts, local authorities and ministries, pro bono legal service providers in Bahrain have, in recent years, focused on providing clarification and guidance on legal procedures and processes. Legal representation in respect of pro bono matters in Bahrain have tended to focus on cases heard before criminal courts but there are also efforts to provide legal services in respect of matters in the civil and family courts as well. There is also increasing interest in providing pro bono legal services to support to non-profit organisations and social institutions in Bahrain for which further details are provided below.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Legal Practice Act of 1980 (the “<b>Legal Practice Act</b>”) regulates the provision of legal services.</p> <p>According to the Legal Practice Act, only Bahraini advocates have the right to appear before courts and tribunals, in front of police, administrative and judicial committees. Non-lawyers are prohibited from giving legal advice or performing any legal act.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Bahraini lawyers practice under a single title of “Advocate”.</p> <p>According to the Legal Practice Act, a person practicing law before the Bahraini courts must have his / her name registered in the table of advocates. Such registration requires a person to:</p> <ul style="list-style-type: none"> <li>• be of Bahraini nationality;</li> <li>• have full civil capacity;</li> <li>• hold the degree of Bachelor in Law from a recognized university – the degree must have included the study of Islamic Law and if not, the applicant must pass an exam prepared by the Ministry of Justice and Islamic Affairs or must have obtained an equivalent certificate in Islamic Law from one of the recognized Islamic law universities; and</li> </ul>

---

<sup>1</sup> This chapter was drafted with the support of Noor Al Taraif of Zu’bi & Partners.

	<ul style="list-style-type: none"> <li>• be of good character and conduct and have no outstanding criminal or disciplinary ruling against him / her.</li> </ul> <p>Advocates must renew their registration annually.</p>
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	Pursuant to the Bahraini Civil Procedures Act, if someone is charged and cannot afford a lawyer, the courts shall provide them with a lawyer to represent them. However such work is of the nature of legal aid, i.e. the lawyers are required to take on the cases assigned to them by the courts unless there is a conflict. Lawyers do not get paid for such work, however the courts sometimes give these lawyers a small fee for their work, usually around 100 BHD (c. USD 270).
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Bahrain are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Bahrain are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main opportunities in pro bono legal services in Bahrain are mainly in criminal law. Often those charged with crimes cannot afford legal services independently.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Pro bono legal services in Bahrain are provided by private law firms.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Yes, lawyers in Bahrain require a license to provide any legal services, including pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers cannot provide pro bono legal services in Bahrain, only Bahraini nationals may practice law in Bahrain.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private	Lawyers in Bahrain do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.

law firm or organization working on the same pro bono project?	
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Bahrain.	In Bahrain the main governmental sources of pro bono and/or other legal services are public attorneys, the Bahrain bar society, and the legal courts of Bahrain.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Bahrain.	The main non-governmental sources of pro bono and/or other pro bono resources in Bahrain are private law firms.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There are currently no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities in Bahrain.

September 2019  
Pro Bono Practices and Opportunities in Bahrain

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



## Pro Bono Practices and Opportunities in Israel<sup>1</sup>

### I. Introduction

Traditionally, the public obligation of the legal profession in Israel was seen as corresponding to the project of nation-building and contributing to national institutions. There was no sense that the provision of free legal services was required to fulfill any social obligation that the profession might have, or to uphold the legitimacy or exclusivity of the profession with respect to legal services. Issues such as access to justice, legal representation of the poor and protection of human rights were generally absent from the discourse and practices of the Bar.<sup>2</sup> Since the 1990s, however, both the traditional concept of lawyering, as well as the Israel Bar Association’s hegemony in this area, have eroded.

Today, the Israel Bar Association Act provides that “the Bar Association is entitled, *inter alia*, to provide legal relief to those of limited means.”<sup>3</sup> Pro Bono practice is, in other words, permissible but not mandatory. Though not required, pro bono is increasingly being viewed as essential for the fulfilment of the right of legal representation. This dramatic change in pro bono culture and practice is perhaps best illustrated by the 2002 launch of the Israel Bar Association’s first pro bono program, Schar Mitzvah. This move was preceded by a two-year struggle within the Israel Bar Association’s internal institutions, as critics feared that the initiative would encroach upon the livelihoods of practitioners who currently provided legal services for a fee to many of the same individuals who would become eligible for pro bono legal services.<sup>4</sup>

In Israel, the term “legal aid” is more prevalent in legal discourse than the term “pro bono.” Attorneys usually refer to one of three categories of no-fee or reduced-fee services as falling under the concept of legal aid: (i) state sponsored legal aid; (ii) legal aid provided by non-profit organizations and NGOs; and (iii) legal services provided by private sector attorneys. For purposes of this chapter, the term “pro bono” refers to all three categories, except where otherwise made explicit.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	The Israel Bar Association regulates the provision of legal services in Israel, pursuant to The Bar Association Act, 5721-1961. <sup>5</sup>
2. Describe any licensure requirements governing the provision of legal services.	Only members of the Israel Bar Association can practice Israeli law in Israel. Israeli law requires licensure to practice as an attorney, and acquiring such a license requires (i) an academic legal education, (ii) a period of apprenticeship and (iii) passing an examination. The academic requisite is studied through an undergraduate program, i.e. a bachelor’s level education, at the end of which

<sup>1</sup> This chapter was drafted with the support of Adrian Daniels of Yigal Arnon & Co.

<sup>2</sup> N. Ziv, *The Legal Profession: Looking Backward: Combining Professionalism, Nation Building and Public Service: The Professional Project of the Israeli Bar 1928 – 2002*, 71 *FORDHAM L. REV.* 1621, 1623 (2003).

<sup>3</sup> Israel Bar Association Act, Section 3(2) (1961).

<sup>4</sup> The struggle to reform the Bar Association and the profession can be traced through a series of Supreme Court cases that challenged the legality and even constitutionality of some of the established rules and regulations, most notably the prohibitions on advertising and on holding certain additional occupations. In 2001, the total ban on advertising by attorneys was replaced with a regulatory scheme that allows attorneys to advertise their services under certain conditions. Israel Bar Association Rules (Advertising) 2001; Israel Bar Association Rules (Additional Practices) 2002, respectively.

<sup>5</sup> See [http://www.israelbar.org.il/english\\_index.asp](http://www.israelbar.org.il/english_index.asp); [http://www.israelbar.org.il/uploadFiles/The\\_Bar\\_Association\\_Act\\_june\\_2015.pdf](http://www.israelbar.org.il/uploadFiles/The_Bar_Association_Act_june_2015.pdf) (last visited on May 1, 2019).

	<p>an LL.B degree is awarded.<sup>6</sup> For purposes of acceptance to the Israeli Bar, degrees comparable with the Israeli bachelor of law (LL.B), offered by a recognized university outside of Israel, can substitute for an Israeli degree provided the applicant pass a special exam on the laws of Israel.<sup>7</sup></p> <p>In order to be accepted to the Israeli Bar, a law student must continue his or her legal education beyond the LL.B degree by undertaking a one-year internship (a “stage”) under the training of an experienced attorney (i.e. an attorney who has practiced law for at least five years) or a judge. Public service legal internships are valid.</p> <p>After completing their internship, candidates are eligible to sit for the Bar exam after which they become members of the Israeli bar and licensed to practice law.</p> <p>Attorneys licensed to practice in non-Israeli jurisdictions are permitted to practice in Israel regarding the laws which apply in the jurisdiction in which they are licensed to practice. Foreign law firms may also establish local branches in Israel, in which attorneys licensed to practice in foreign jurisdictions may practice law, provided such legal services relate to the law of the jurisdiction in which they are licensed.</p>
--	--

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>State sponsored civil legal aid is governed by the Legal Aid Act and the Legal Aid Regulations.<sup>8</sup> The law stipulates that any resident of Israel may receive legal assistance in the form of legal services provided by government attorneys, so long as he or she qualifies under the economic criteria. In order to qualify for legal aid, a petitioner must fulfill three conditions:</p> <ul style="list-style-type: none"> <li>• Area of Law: The legal issue must pertain to one of the following areas of law: matters of personal status; prosecution or defense of suits related to rights to dwelling places; fiscal matters (e.g., bankruptcy); civil torts; matters in the competence of the Labor Courts; suits filed in accordance with amendments concerning pension rights, grants, rehabilitation and other rights of the disabled; all suits involving the rights of demobilized</li> </ul>
---	--

<sup>6</sup> Israel Bar Association Act, Section 24 (1961).

<sup>7</sup> Israel Bar Association Act, Section 25 (1961).

<sup>8</sup> Legal Aid Act 1972 and Legal Aid Regulation 1973, respectively.

	<p>soldiers; suits involving Holocaust survivors with respect to their rights as such; suits involving the Law of Return and Citizenship and Population Registry Laws; representation before forced hospitalization committees under the Treatment of Mental Patients Law (Amend. No. 5); representation of victims of human trafficking; and registration of businesses, trades or professions. The Ministry of Justice also provides legal aid for social security benefits under the National Insurance Act, a category that includes general disability benefits, employment disability benefits, unemployment benefits, benefits for children, compensation for reserve service, old age welfare rights, minimum wage, compensation for victims of terror and hostilities, national medical insurance, and maternity insurance.<sup>9</sup></p> <ul style="list-style-type: none"> <li>• Economic Threshold: the petitioner must meet two economic criteria: (a) an income threshold - total pre-tax earnings may not exceed 2/3 of the average income for a family of three, with increases of 6% for each additional family member; and (b) a property ownership threshold -available funds from property may not exceed three times the average income mentioned above, with an exclusion for one private residence. In social security, assistance to victims of human trafficking, sex crimes or to families affected by crimes resulting in death, rights of Holocaust survivors, or family matters, economic eligibility criteria are modified or waived.</li> <li>• Legal Merit: The claim must have legal merit, i.e. there is a reasonable prospect in law of succeeding in the claim.</li> </ul> <p>In addition to the state-sponsored civil legal aid system, in April of 2002 the Israel Bar Association approved the <i>Schar Mitzvah</i> program, which mission was to “substantially expand accessibility to the justice system and provide legal aid to those who cannot afford to pay for legal services.”<sup>10</sup> Licensed attorneys (private or government attorneys) are allowed to enroll in the program. Two kinds of legal aid are provided under the program:</p> <ul style="list-style-type: none"> <li>• one program consists of initial counseling and guidance offered in 70 help centers located</li> </ul>
--	---

<sup>9</sup> See <https://www.justice.gov.il/Units/Siuamishpaty/News/articles/Pages/InformationBrochure.aspx> (last visited on May 1, 2019).

<sup>10</sup> “Schar Mitzvah”, [http://www.israelbar.org.il/english\\_inner.asp?pgId=75176&catId=372](http://www.israelbar.org.il/english_inner.asp?pgId=75176&catId=372) (last visited on May 1, 2019).



	<p>throughout the country. The primary aim of the centers is to guide petitioners and empower them to independently pursue their claims and assert their rights <i>pro se</i>. This service is provided at no cost to the petitioner and with no eligibility threshold; and</p> <ul style="list-style-type: none"> <li>• the other form of assistance provides legal representation before judicial tribunals. In order to be eligible for this form of assistance, the petitioner must meet a set of eligibility requirements. The eligibility threshold of the <i>Schar Mitzvah</i> for representation before judicial tribunals is designed to complement the Ministry of Justice legal aid program: as such, the Bar Association will not provide legal aid to a petitioner who is eligible for state-sponsored legal aid, other than in emergency situations. A family of up to three persons whose earnings total 67%-85% of the national average will be eligible for legal aid provided by the Bar Association, whereas families with earnings of less than 67% will be referred to the state-sponsored legal aid program.</li> </ul> <p>Finally, in 1995, comprehensive legislation was passed establishing the Office of the Public Defender and expanding the right to counsel in criminal cases. The Public Defender Act expanded the right of public defense to indigent defendants when the likely outcome of the legal proceeding will have grave and fateful consequences for that person (for example, prolonged detention until conclusion of the proceedings, a sentence of actual imprisonment, psychiatric hospitalization and extradition). In addition, the Public Defender Act entitles persons suffering from a personal disability that adversely impacts upon their basic ability to defend themselves (for example, a defendant who is mute, blind or deaf, a fear as to mental illness or a defect in his intellectual capacity, and minors with no legal capacity) to public defense. Further, a person is entitled to representation by a public defender when exceptional rules of procedure and evidence are being applied in a trial (for example, a preliminary hearing, evidence given by video, hearsay evidence through a special investigator, and so forth) or when such representation is necessary to ensure due process and prevent a perversion of the law.<sup>11</sup></p>
--	--

---

<sup>11</sup> Section 18 of the Public Defense Act, 1995.

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Israel are not required to work a minimum number of pro bono hours. The Israel Bar Association Act provides that “the Bar shall provide legal relief to those with limited means who are not entitled to such relief from the State pursuant to the law”.<sup>12</sup> In other words, complementing the state’s legal aid system is one of the responsibilities of the Bar Association in Israel. Such responsibility, however, is not the personal responsibility of lawyers in Israel, but of the Bar as a whole. Though not required, pro bono is increasingly being viewed as essential for the fulfilment of the right of legal representation.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Israel are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers. <i>See supra</i> for attorney licensure requirements.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services are: (i) civil rights; (ii) family law (including divorce) (iii) education rights; and (iv) refugee and immigration matters.</p> <p>In terms of unmet legal needs, approximately 116,600 illegal immigrants currently live in Israel<sup>13</sup>, of which approximately 83,000 entered Israel legally and have over-stayed their work or tourist visa with which they have entered, and approximately 33,600 entered Israel illegally, and, in each case, are commonly referred to as “infiltrators.” The state policy towards infiltrators is one of temporary non-deportation, officially referred to as “group protection”, or of voluntary departure for those who qualify. Infiltrators in Israel are denied basic rights provided to residents, including free non-emergency healthcare, and have limited or no access to basic state-sponsored services, including pro bono legal services, other than representation by the Office of the Public Defender (for criminal matters only).</p> <p>NGOs providing legal aid to illegal immigrants are: Kav LaOved (Worker’s Hotline); The Hotline for Refugees and Migrants and HIAS (Hebrew Immigrant Aid Society).</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,</p>	<p>Pro bono legal services are provided through NGOs, state-sponsored programs, Law faculties of universities and colleges and private sector</p>

<sup>12</sup> Israel Bar Association Act, Section 2(4) (1961).

<sup>13</sup> According to Population and Immigration Authority data reviewing 2018.

<p>private law firms (local or international) or corporate organizations?</p>	<p>attorneys. It is unclear which actors provide the largest proportions of pro bono legal services in Israel.</p> <ul style="list-style-type: none"> <li>• Legal aid provided by non-profit organizations and NGOs.<sup>14</sup> Examples of leading NGOs that provide legal aid include ACRI (the Association for Civil Rights in Israel); <i>Adalah</i> (the Legal Center for Arab Minority Rights in Israel); Kav LaOved (Worker’s Hotline); Yedid (the Association for Community Empowerment) and Naamat (Israel’s Working Women’s Organization).</li> <li>• State-sponsored legal aid, which exists in two forms: (i) the Legal Aid Bureau of the Ministry of Justice, which is charged with the administration of legal aid in civil matters, such as family and labor law and social benefit litigation;<sup>15</sup> (ii) the Office of the Public Defender, which is charged with providing legal aid in criminal cases.</li> <li>• Legal services provided by private sector attorneys: More than 2,000 attorneys participate in the Israeli Bar Association’s pro bono project<sup>16</sup> and over 1,100 outside attorneys provide services in the courts and other legal forums where fees are paid by the state. These opportunities are available to all private sector attorneys, including in-house counsel, seeking to provide pro bono legal services.</li> </ul>
---	--

**(c) Obstacles to Provision of Pro Bono Services**

<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Israel do not require a license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers are required to be licensed in Israel—i.e., be members of the Israel Bar Association—to provide legal services, including pro bono legal services. In addition to a degree comparable with the Israeli bachelor of law (LL.B), offered by a recognized university outside of Israel, foreign lawyers must pass a special exam</p>

<sup>14</sup> This includes cause-lawyering. In this chapter the term “cause-lawyering” refers to legal aid provided by attorneys who are paid, albeit not by a client, such as staff attorneys at NGOs.

<sup>15</sup> Legal Aid Act 1972 and Legal Aid Regulation 1973. In 2011, the Legal Aid Department at the Ministry of Justice provided legal representation in approximately 200,000 legal proceedings. MINISTRY OF JUSTICE, ISRAEL, Functions of the Legal Aid Department, available at <https://www.justice.gov.il/En/Guides/TheLegalAidDepartment/Pages/LegalAidDepartment-.aspx> (last visited on May 1, 2019).

<sup>16</sup> The Israel Bar Association, “Schar Mitzvah”, The Israel Bar Association Pro Bono Program, (May 20, 2010), [http://www.israelbar.org.il/english\\_inner.asp?pgId=75176&catId=372](http://www.israelbar.org.il/english_inner.asp?pgId=75176&catId=372) (last visited on May 1, 2019).

	<p>on the laws of Israel in order to be licensed in Israel and provide pro bono legal services.<sup>17</sup></p> <p>Attorneys licensed to practice in non-Israeli jurisdictions are permitted to practice in Israel regarding the laws which apply in the jurisdiction in which they are licensed to practice, whether as individuals or in branches of foreign law firms established and registered in Israel.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in Israel do not require professional indemnity legal insurance cover for any pro bono legal services that they provide. However, attorneys licensed in foreign jurisdictions providing services in Israel regarding the laws which apply in the jurisdiction in which they are licensed to practice, regardless such services are pro-bono or not, must provide the Bar Association with collateral in order to ensure compensation for anyone who might be injured by any of his / her actions.<sup>18</sup></p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The struggle to reform the Israel Bar Association and the profession can be traced through a series of Supreme Court cases that challenged the legality and even constitutionality of some of the established rules and regulations, most notably the prohibitions on advertising and on holding certain additional occupations. In 2001, the total ban on advertising by attorneys was replaced with a regulatory scheme that allows attorneys to advertise their services in a limited fashion (e.g., name, title, qualifications, languages spoken). Israel Bar Association Rules (Advertising) 2001; Israel Bar Association Rules (Additional Practices) 2002, respectively. As such, the rules prohibit advertising successes or soliciting clients—whether pro bono or not.<sup>19</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>No.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Israel.</p>	<p>State-sponsored legal aid exists in two forms in Israel:</p> <ul style="list-style-type: none"> <li>• The Legal Aid Department of the Ministry of Justice is charged with the administration</li> </ul>

<sup>17</sup> Israel Bar Association Law Amendment (5709-2009), which stipulates that the Bar Association may register foreign attorneys and law firms operating in Israel on the basis of their law license at a foreign bar association.

<sup>18</sup> See [http://www.israelbar.org.il/UploadFiles/Bar\\_Association\\_Order\\_\(Securities\\_for\\_a\\_Foreign\\_Lawyer\)\\_july\\_2012.pdf](http://www.israelbar.org.il/UploadFiles/Bar_Association_Order_(Securities_for_a_Foreign_Lawyer)_july_2012.pdf) (last visited on May 1, 2019).

<sup>19</sup> See [http://www.israelbar.org.il/uploadFiles/Bar\\_Association\\_Rules\\_\(advertising\)\\_english\\_nov\\_2011.pdf](http://www.israelbar.org.il/uploadFiles/Bar_Association_Rules_(advertising)_english_nov_2011.pdf) (last visited on May 1, 2019).

	<p>of legal aid in civil matters, such as family and labor law and social benefit litigation.<sup>20</sup> The Legal Aid staff consists of around 220 employees, including attorneys, management, and national service members. In addition, the Department collaborates with approximately 1,100 external, non-governmental attorneys, whose fees are paid for by the State Treasury.<sup>21</sup></p> <ul style="list-style-type: none"> <li>• The Office of the Public Defender is charged with providing legal aid in criminal cases.<sup>22</sup></li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Israel.</p>	<p>The Israel Bar Association Pro Bono Project (<i>Schar Mitzvah</i>): as described above, two kinds of legal aid are provided under the program. One consists of initial counseling and guidance offered in 70 help centers located throughout the country. The primary aim of the centers is to guide petitioners and empower them to independently pursue their claims and assert their rights pro se. This service is provided at no cost to the petitioner and with no eligibility threshold. The other form of assistance provides legal representation before judicial tribunals. In order to be eligible for this form of assistance, the petitioner must meet a set of eligibility requirements (see above).</p> <ul style="list-style-type: none"> <li>• As part of the <i>Schar Mitzvah</i> program, the Israel Bar Association appealed to all members of the Bar to join the program. It launched a media campaign aimed at fostering public awareness of the new initiative. It also created a database of volunteer attorneys, classified by geographical area, type of voluntary work and area of specialization. During 2018, the program received 19,692 requests for assistance, half of which received general legal advice and/or representation by the program's volunteers.<sup>23</sup></li> <li>• More than 2,000 private sector attorneys, including in-house counsel, participate in the</li> </ul>

<sup>20</sup> Legal Aid Act 1972 and Legal Aid Regulation 1973. In 2011, the Legal Aid Department at the Ministry of Justice provided legal representation in approximately 200,000 legal proceedings. MINISTRY OF JUSTICE, ISRAEL, Functions of the Legal Aid Department, available at <https://www.justice.gov.il/En/Guides/TheLegalAidDepartment/Pages/LegalAidDepartment-.aspx> (last visited on May 1, 2019).

<sup>21</sup> Ministry of Justice, Israel, Functions of the Legal Aid Department, available at <https://www.justice.gov.il/En/Guides/TheLegalAidDepartment/Pages/LegalAidDepartment-.aspx> (last visited on May 1, 2019).

<sup>22</sup> See <https://www.justice.gov.il/En/Units/PublicDefense/About/Pages/default.aspx> (last visited on May 1, 2019).

<sup>23</sup> Information provided to Yigal Arnon and Co. upon request from Yael Chaskalovitz, National coordinator for Schar Mitzva, on February 26, 2019.

	<p><i>Schar Mitzvah</i> program, seeking to provide pro bono legal services<sup>24</sup></p> <ul style="list-style-type: none"> <li>• Non-profit organizations and NGOs.<sup>25</sup> Examples of leading NGOs that provide legal aid include ACRI (the Association for Civil Rights in Israel;<sup>26</sup> <i>Adalah</i> (the Legal Center for Arab Minority Rights in Israel);<sup>27</sup> Kav LaOved (Worker’s Hotline);<sup>28</sup> Yedid (the Association for Community Empowerment);<sup>29</sup> and Naamat (Israel’s Working Women’s Organization).<sup>30</sup></li> <li>• Legal services provided by private sector attorneys: as described above, more than 2,000 attorneys participate in the <i>Schar Mitzvah</i> program<sup>31</sup> and over 1,100 outside attorneys provide services in the courts and other legal forums where fees are paid by the state.<sup>32</sup> These opportunities are available to all private sector attorneys, including in-house counsel, seeking to provide pro bono legal services.</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Local and foreign lawyers can register with the Israel Bar Association <i>Schar Mitzvah</i> program in order to be made aware of pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Israel

This memorandum was prepared by **Latham & Watkins LLP** for the Pro Bono Institute. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>24</sup> The Israel Bar Association, “Schar Mitzvah”, The Israel Bar Association Pro Bono Program, (May 20, 2010), [http://www.israelbar.org.il/english\\_inner.asp?pgId=75176&catId=372](http://www.israelbar.org.il/english_inner.asp?pgId=75176&catId=372) (last visited on May 1, 2019).

<sup>25</sup> This includes cause-lawyering. In this chapter the term “cause-lawyering” refers to legal aid provided by attorneys who are paid, albeit not by a client, such as staff attorneys at NGOs.

<sup>26</sup> See <https://www.english.acri.org.il/> (last visited on May 1, 2019).

<sup>27</sup> See <https://www.adalah.org/en> (last visited on May 1, 2019).

<sup>28</sup> See <https://www.kavlaoved.org.il/en/> (last visited on May 1, 2019).

<sup>29</sup> See <http://www.iataskforce.org/entities/view/183> (last visited on May 1, 2019).

<sup>30</sup> See <https://naamat.org/> (last visited on May 1, 2019).

<sup>31</sup> The Israel Bar Association, “Schar Mitzvah”, The Israel Bar Association Pro Bono Program, (May 20, 2010), [http://www.israelbar.org.il/english\\_inner.asp?pgId=75176&catId=372](http://www.israelbar.org.il/english_inner.asp?pgId=75176&catId=372) (last visited on May 1, 2019).

<sup>32</sup> Functions of the Legal Aid Department, available at <https://www.justice.gov.il/En/Guides/TheLegalAidDepartment/Pages/LegalAidDepartment.aspx> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Kuwait<sup>1</sup>

### I. Introduction

Kuwait's population of approximately 4.3 million residents<sup>2</sup> is served by approximately 6,000 lawyers. Kuwait is a civil law jurisdiction, which acknowledges both the codified laws adopted through the Kuwait National Assembly and Sharia law. At present, the practice of providing pro bono legal services in Kuwait is not as widespread or institutionalized as in many western jurisdictions but there are practices in place to ensure that those without the financial means may access legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Kuwait Lawyers' Association<sup>3</sup> regulates all Kuwaiti lawyers in the provision of legal services, as established by System Statute of the Association of Lawyers Kuwait 1963.<sup>4</sup></p> <p>All Kuwaiti lawyers must adhere to the Charter of Honor adopted by the General Assembly of the Kuwaiti Lawyers' Association.<sup>5</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>All Kuwaiti lawyers must hold a university law degree from a recognized university. Any degree issued by a university outside of Kuwait must be attested by both the Ministry of Foreign Affairs of the country of origin, and the Kuwaiti Ministry of Foreign Affairs.</p> <p>To act as a lawyer in Kuwait, a person must also be a registered member of the Kuwait Lawyers' Association and pay the applicable monthly subscription fee.<sup>6</sup></p>
(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>In criminal proceedings, Article 120 of Law No. 17/1960<sup>7</sup> promulgating procedures in criminal proceedings, provides that in cases of felonies, there is an obligation on the court to appoint a pro bono lawyer to defend the defendant.</p>

<sup>1</sup> This chapter was drafted with the support of Nadya Saleh and Bishr Alboukai of Al Markaz Law Firm.

<sup>2</sup> Central Statistical Bureau of Kuwait, available at: [https://www.csb.gov.kw/Pages/Statistics\\_en?ID=64&ParentCatID=1](https://www.csb.gov.kw/Pages/Statistics_en?ID=64&ParentCatID=1) (last visited on May 1, 2019).

<sup>3</sup> The Kuwait Lawyers Association is also known as the Kuwaiti Bar Association.

<sup>4</sup> Kuwait Lawyers Association, 'System Statute of the Association of Lawyers Kuwait', available at: <http://kuwaitlawyers.com/page/1/%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A> (last visited on May 1, 2019).

<sup>5</sup> Kuwait Lawyers Association, 'Charter of Honor', available at: <http://kuwaitlawyers.com/page/2/%D9%85%D9%8A%D8%AB%D8%A7%D9%82-%D8%A7%D9%84%D8%B4%D8%B1%D9%81> (last visited on May 1, 2019).

<sup>6</sup> Ibid.

<sup>7</sup> Available in Arabic at: <https://www.e.gov.kw/sites/kgoarabic/Forms/QanoonAlljraat.pdf>



	<p>There is no reciprocal regime for civil proceedings.</p> <p>There are no rules in place that limit or restrict the provision of pro bono legal services, by lawyers.</p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Kuwait are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Kuwait are not required to work a minimum number of hours of pro bono legal services in order to become a licensed lawyer.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law which require or present opportunities for the provision of pro bono legal services include immigration advice and employment rights.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The main providers of pro bono legal services in Kuwait are private law firms, although, this is at the discretion of each firm and information on such services is not publicly known.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers do not require a specific license to provide pro bono legal services in Kuwait.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers are not required to be registered with the Kuwait Bar Association. In addition, there are no requirements in terms of licenses to provide pro bono legal services in Kuwait.</p> <p>Foreign lawyers may only practice in Kuwait if they practice in an in-house role, or with a recognized Kuwaiti law firm.</p> <p>Foreign lawyers must hold a law degree from a recognized university. Any degree issued by a university outside of Kuwait must be attested by both the Ministry of Foreign Affairs of the country of origin, and the Kuwaiti Ministry of Foreign Affairs.</p>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There are no requirements to have professional indemnity legal insurance for any pro bono legal services provided in Kuwait.

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Article 12 of the Charter of Honor<sup>8</sup> prohibits any local lawyers from advertising, or marketing their legal services (pro bono or otherwise).</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Kuwait do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Kuwait.</p>	<p>Save for the attorneys appointed by the court in relation to felonies, there are no governmental sources of pro bono legal services and/or other legal services in Kuwait.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Kuwait.</p>	<p>Many of Kuwait’s law firms provide legal advice on a pro bono basis.  The Kuwait Humanitarian Centre founded by Mishari Al Ghazali provides pro bono legal services for the underprivileged.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations in Kuwait with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Kuwait

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>8</sup> Kuwait Lawyers Association, ‘Charter of Honor’, available at: <http://kuwaitlawyers.com/page/2/%D9%85%D9%8A%D8%AB%D8%A7%D9%82-%D8%A7%D9%84%D8%B4%D8%B1%D9%81> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Qatar<sup>1</sup>

### I. Introduction

The pro bono legal market does not have any great tradition in Qatar for a variety of reasons. Qatari nationals are well looked after by both the State and the buoyant economy in Qatar and so the need for pro bono legal representation amongst Qatari nationals would be extremely rare. The poorer section of any society comprise those persons who are jobless or are involved in employment involving unskilled labor. In Qatar, there is virtually no unemployment and all unskilled labor is provided by expatriate workers who are invariably intransient and thus not likely to be in Qatar long enough to become involved in legal issues (skilled work is provided by Qatari nationals, predominantly in the government sector, however skilled work also predominantly provided by expatriates). Pro bono opportunities may well exist in terms of issues between such unskilled labor and any unscrupulous employer in the private sector, but this market at this point remains very underdeveloped. The Qatar government is also very supportive of charitable organizations, so their requirements for legal services is also likely to be minor.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Law (23) for year 2006 regarding enacting the code of law practice (“Advocacy Law”) which is applicable generally for Qatar proper.<sup>2</sup></p> <p>QFCA Rules No 6 of 2018 contains Legal Services Code which is applicable to law firms operating in and from the Qatar Financial Centre (“QFC”) which is a separate jurisdiction to Qatar proper.<sup>3</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Entry into the Roll of Practicing Lawyer under the Advocacy Law requires a formal application to the Ministry of Justice and is open to those persons with:</p> <ul style="list-style-type: none"> <li>• Qatari citizenship or citizenship of a Gulf Cooperation Council (the “GCC”) country (provided the GCC country provides reciprocal rights).</li> <li>• A law degree from a recognized university.</li> <li>• Full mental capacity and at least 21 years of age.</li> <li>• Respectable, reputable character and worthy of respect accorded to members of the profession.</li> <li>• No convictions for felonies or crimes involving moral turpitude or dishonesty, unless having been rehabilitated.</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Frank Lucente of Al Tamimi & Co.

<sup>2</sup> See <http://www.almeezan.qa/LawPage.aspx?id=2563&language=en> (last visited on October 2, 2019).

<sup>3</sup> See [http://www.complinet.com/qfca/display/display.html?rbid=1557&record\\_id=5427&element\\_id=5348&highlight=legal+services#r5427](http://www.complinet.com/qfca/display/display.html?rbid=1557&record_id=5427&element_id=5348&highlight=legal+services#r5427) (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• Completion of a term of training – shall have completed the training term which comprises six month training at the Centre for Judicial and Legal Studies, in addition to eighteen months at a practicing lawyer’s office who has engaged in legal practice for at least five years, or has worked at the judiciary, public prosecution or any other legal work at any Ministry, government agency, public entity or institution.</li> </ul> <p>Qatari faculty members of Qatari nationality who have obtained a doctorate degree and teach law in a recognized university may also be enrolled in the Roll of Practicing Lawyers.</p> <p>For the QFC a legal services firm must obtain a license from the QFC Authority and lawyers within that firm must be members of a Recognized Legal Body that satisfies the QFC Authority’s discretionary power to determine what qualifies as a Recognized Professional Body.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Advocacy Law requires that a party to a proceeding can have a lawyer appointed by the Court if the party is insolvent or is unable to find a lawyer willing to take on the case. In such circumstances, the Court has the discretionary power to appoint any lawyer, who cannot refuse the appointment unless that lawyer can show cause why such appointment should not be made. The lawyer can apply to the court for payment of fees but the amount a court will pay is usually so miniscule it is not worth the lawyer’s time making an application, usually being an amount not exceeding 3,000 USD for the entire proceeding.</p> <p>The QFC has no equivalent rule.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Qatar are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Qatar are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Generally, the main areas of law which require or present opportunities for the provision of pro bono legal services in Qatar are criminal cases against expatriate workers or labor law claims by expatriate workers.</p>

<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>There may be some charitable organizations/NGOs who provide some assistance for expatriate workers facing legal problems but information concerning the same is not made publicly available.</p> <p>The Human Rights Committee and the Department of Labour (both government entities) will on occasion investigate breaches of the law by employers upon the complaint of an employee and the Ministry of Labour has a dispute resolution process for employment dispute.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There is no specific license required to provide pro bono legal services in Qatar.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers are generally prohibited from providing legal services unless they are members of a QFC registered law firm. Otherwise there is no obstacle to providing pro bono legal services.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>The Advocacy Law sets out no requirement for professional indemnity legal insurance for the provision of pro bono legal services.</p> <p>The QFC Authority requires all professional firms to maintain professional indemnity insurance, but make no specific provision for the level of insurance to be maintained. Whether the insurance cover will prohibit pro bono work will be a matter for such policy documents. There are insurances available that will cover pro bono cases.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in Qatar that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Qatar do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked – and there are no continuing legal education rules in Qatar.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Qatar.</p>	<p>There are no governmental sources of pro bono and/or other legal services in Qatar.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Qatar.</p>	<p>There may be some charitable organizations/NGOs who provide some assistance for expatriate workers facing legal</p>

	problems but information concerning the same is not made publicly available.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities in Qatar.

October 2019  
Pro Bono Practices and Opportunities in Qatar

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Saudi Arabia

### I. Introduction

The provision of pro bono legal services is currently not as institutionalized in the Kingdom of Saudi Arabia (“**Saudi Arabia**”) as it is in many western jurisdictions. Whilst the Ministry of Justice (the “**MoJ**”) is planning to make it obligatory for lawyers to provide free legal services to low-income members of the public, Saudi Arabia does not currently regulate, nor does it expressly mandate the provision of pro bono legal services by lawyers practicing in Saudi Arabia. That being said, the Saudi Bar Association, (“**The SBA**”) an independent professional body under the MoJ, established by Royal Decree no. (317) dated 08/07/1436H. (corresponding to 27 April 2015G.) issued two regulations, the Judicial Aid Guide and the Legal Clinics Regulations, regarding judicial (legal) aid which is funded by the State, while pro bono legal services in Saudi Arabia remain unregulated and not mandatory. Pro bono legal services in Saudi Arabia are offered by international law firms. Some international law firms have set certain pro bono requirements that must be met. The obligation here is a result of the international nature of the law firm, rather than the local/Saudi nature of the law firm, and as such the provision of such pro bono legal services follows the guidelines set by the individual law firms themselves. Notwithstanding the lack of formal regulation, attorneys practicing in Saudi Arabia at times enter into ad hoc arrangements with local governmental agencies and non-profit organizations to provide pro bono legal services. The below sets out the current state of pro bono practice in Saudi Arabia through a description of the regulatory framework of the legal profession and the judicial system and addresses the potential changes and opportunities in pro bono practice. Given the lack of significant pro bono regulation and practices, the below also sets out, in brief, the judicial (legal) aid regulation and practices which act as a guide for future pro bono practices.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The judicial system in Saudi Arabia is subject to an ongoing reorganization pursuant to the Judicial System Act, promulgated by Royal Decree no. M/78 dated 19/09/1428 H. (corresponding to 1 October 2007 G.) (the “<b>Judicial System Act</b>”). Following the promulgation of the Judicial System Act, Saudi Arabia recognizes a dual system of courts with separate administrative and non-administrative courts. The administrative arm of the judicial system in Saudi Arabia is regulated by the Board of Grievances Act<sup>1</sup> (promulgated around the same time as the Judicial System Act) and is comprised of the Board of Grievances which has three different levels of courts. The highest court in the Board of Grievances is the supreme administrative court, followed by the administrative appellate courts and the administrative courts. These courts have jurisdiction to hear disputes against the state and other government agencies, pertaining to administrative law.<sup>2</sup> Until the full implementation of the Judicial System Act (the timing of which is currently unclear), the Board of Grievances also</p>

<sup>1</sup> Board of Grievances Act issued by the Royal Decree number m/78 dated 19/9/1428 H (corresponding to Sep. 30, 2007 G).

<sup>2</sup> Id. at art. 13.



	<p>has jurisdiction to hear all types of commercial disputes and certain criminal matters.</p> <p>Under the Judicial System Act, non-administrative courts are categorized in the following order: (i) the supreme court; (ii) the appellate courts; and (iii) the courts of first instance. The courts of first instance include general courts, criminal courts, domestic relations courts, commercial courts and labor courts. The appellate courts are comprised of different legal panels including the criminal, domestic relations, commercial and labor panels each with the jurisdiction to review any appealed judgment from the first instance courts. The Judicial System Act contemplates that the supreme court's main functions will be to ensure the consistency of local laws with the Islamic principles of <i>Sharia'a</i> and to review judgments and decisions of the appellate courts.</p> <p>Many specialized judicial committees will be abolished under the Judicial System Act except for the customs, commercial and banking committees. Once fully implemented, the new court system will result in a structure that will be familiar to lawyers in many other jurisdictions; it will simplify and clarify the jurisdictions of the courts and is also expected to encourage the development of greater specialization by members of the judiciary, which in turn could lead to greater certainty of judicial interpretation<sup>3</sup>.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The legal profession in Saudi Arabia is regulated by the Code of Law Practice promulgated by Royal Decree no. M/38 dated 28/07/1422H. (corresponding to 15 October 2001G.) and its implementing regulations (the "<b>Code of Law Practice</b>"). Under the Code of Law Practice, the practice of law in Saudi Arabia comprises the representation of third parties before the courts of law and the provision of legal consultancy services.<sup>4</sup> In order to practice law in Saudi Arabia any lawyer must be licensed by the MoJ or else must be supervised by an attorney licensed by the MoJ. Only Saudi nationals, holding a local degree in <i>Sharia'a</i><sup>5</sup> or law (or the equivalent from a foreign university) and having a minimum number of years of relevant practical experience inside or outside of Saudi Arabia, may be licensed. The required number of years of experience is (i) three years if the candidate holds a bachelor's degree,</p>

<sup>3</sup> See <http://www.tamimi.com/en/magazine/law-update/section-8/may-7/the-new-court-system-in-saudi-arabia.html> (last visited on May 1, 2019).

<sup>4</sup> Code of Law Practice issued by the Royal Decree number m/38 dated 28/7/1422 H. (corresponding to Oct. 15, 2001 G.), art. 1.

<sup>5</sup> *Sharia'a* is the moral code and religious law of Islam which is the supreme law in Saudi Arabia.

	<p>(ii) one year if the candidate holds a master’s degree and (iii) no experience if the candidate holds a doctorate degree. A practicing lawyer must also have a good reputation, not be convicted of any major offenses under local laws and be a resident of Saudi Arabia. The Code of Law Practice provides for an exception to the above requirements, whereby a non-lawyer can litigate up to a maximum of three cases at a time when acting on behalf of three different persons and an unlimited number of cases, when acting as the official corporate representative on behalf of an entity, on behalf of close relatives (up to the fourth degree) or as guardian or trustee.<sup>6</sup></p> <p>The Code of Law Practice also provides for the possibility of setting up professional partnerships for the practice of law between two or more licensed lawyers. The legal profession in Saudi Arabia is currently regulated by the MoJ and the SBA.</p> <p>Non-Saudi lawyers may practice law in Saudi Arabia in accordance with the relevant agreements<sup>7</sup> between Saudi Arabia and other countries in this regard.</p>
--	--

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are currently no rules that regulate pro bono legal services in Saudi Arabia, however judicial (legal) aid services is regulated by the SBA’s Judicial Aid Guide issued in 08/08/1439H. (corresponding to 24 April 2018), which contains provisions on the services provided by SBA lawyers to those unable to afford lawyers’ fees and regulates the relationship between the SBA lawyers providing the services and the person receiving those services. The rules remain for guidance purposes only and are not mandatory. The SBA establishes a “Judicial Aid Fund” which receives donations, endowments, revenues to ensure the sustainability of the provision of judicial (legal) aid. The fund enables the SBA to assign lawyers to cases where the client is unable to afford the lawyer’s fee in exchange for the judicial aid provided.<sup>8</sup> For the avoidance of doubt the above does not apply to pro bono services but may act as a guide for future pro bono regulation and practices.</p>
---	---

<sup>6</sup> Code of Law Practice, supra n.1 at art. 18.

<sup>7</sup> Code of Law Practice, art. 3(a).

<sup>8</sup> See <https://sba.gov.sa/wp-content/uploads/2018/04/legal-aid-by-law.pdf> (last visited on May 1, 2019).

	<p>The SBA also issued a Legal Clinics Regulation dated 08/08/1439H. (corresponding to 24 April 2018) whereby it regulates the licensing of universities, institutes and non-profit organizations to provide pro bono legal services to those unable to afford lawyers' fees. These services would be provided by Law and Sharia'a students under the supervision of a council of efficient SBA qualified lawyers who have the necessary experience.<sup>9</sup></p> <p>While Saudi Arabia does not yet have an established and formalized pro bono culture, individual attorneys in Saudi Arabia often provide pro bono legal services on an informal basis. Such participation is typically seen via private practice law firms or through individual collaboration with non-governmental organizations either directly or via referral organizations such as TrustLaw, an affiliate of the Thomson Reuters Foundation. As the legal profession continues to mature in Saudi Arabia, it is expected that pro bono legal services will become more institutionalized and better regulated.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>As of this date there are no rules or requirements set in place regulating pro bono legal services, however, the Judicial Aid Guide states that every lawyer has an obligation to provide (12) hours of judicial (legal) aid services per year. Nonetheless, as previously mentioned, the rules are used for guidance only and is not mandatory on its members. For the avoidance of doubt the above does not apply to pro bono legal services but may act as a guide for future pro bono legal regulation and practices.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Saudi Arabia are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers. The requirements set forth by the MoJ in order to become a licensed lawyer are as stated in part a(2) of this Schedule and do not include any conditions regarding pro bono/judicial (legal) aid services.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>According to the Judicial Aid Guide, judicial aid services may be provided in three main areas of law, judicial (legal) aid in criminal law cases conditional on the SBA's review and approval of the case, judicial (legal) aid in legal status cases</p>

<sup>9</sup> See <https://sba.gov.sa/wp-content/uploads/2018/05/legal-clinic-bylaw.pdf> (last visited on May 1, 2019).

	mentioned in the Law of Civil Procedures <sup>10</sup> (including but not limited to: cases relating to marriage, divorce inheritance, guardianship) and judicial (legal) aid in civil law cases that do not fall under the jurisdiction of the criminal or legal status courts. <sup>11</sup> For the avoidance of doubt the above does not apply to pro bono legal services but may act as a guide for future pro bono regulation and practices.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Pro bono legal services in Saudi Arabia are mainly provided by lawyers on an informal and unregulated basis, some private international law firms also do require lawyers to spend a specific number of hours providing pro bono legal services. That being said, there is no mandate or obligation on lawyers working in local firms to provide any pro bono legal services. The Legal Clinics established by the SBA also allow Law and Sharia'a students to provide pro bono legal services under the supervision of qualified lawyers.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Pro bono legal services in Saudi Arabia are not regulated, so there are no requirements set in place or a license that must be obtained in order for a lawyer to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	There are no requirements set in place or a license that must be obtained by foreign attorneys to provide pro bono legal services in Saudi Arabia.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There is no regulation that addresses this issue in regards to pro bono legal services, however according to the Judicial Aid Guide, the lawyer shall be exempted from any fees that may be imposed upon him for the provision of pro bono legal services. <sup>12</sup>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules or regulations that prohibit advertising of pro bono successes or soliciting new pro bono clients in regards to pro bono legal services, however according to the Judicial Aid Guide, the lawyer has an obligation not to disclose information related to the person receiving the judicial (legal) aid services. <sup>13</sup> For the avoidance

<sup>10</sup> The Law of Civil Procedures promulgated by Royal Decree No. M/1, dated 22/1/1435H. (corresponding to 25/11/2013G), art. 33.

<sup>11</sup> The Judicial Assistance Guide issued by the Saudi Bar Association in 08/08/1439H. (corresponding to 24/04/2018), art 7, 8, 9.

<sup>12</sup> The Judicial Aid Guide issued by the Saudi Bar Association in 2018, art 13.

<sup>13</sup> The Judicial Aid Guide issued by the Saudi Bar Association in 2018, art 11.

	of doubt the above does not apply to pro bono legal services but may act as a guide for future pro bono regulation and practices.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked and there is no regulation that addresses this issue in regards to pro bono legal services. However, according to the Judicial Aid Guide any lawyer providing judicial (legal) aid services shall receive a written statement that confirms his assistance in providing judicial (legal) aid services, the hours spent shall be recorded in the SBA Lawyers Register and the lawyer with the most hours of judicial (legal) aid shall be awarded with a certificate and a plaque, in addition to national awards. <sup>14</sup> For the avoidance of doubt the above does not apply to pro bono legal services but may act as a guide for future pro bono regulation and practices.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Saudi Arabia.	The Saudi Bar Association is the main source of pro bono and judicial (legal) aid services through its regulation of legal clinics and the establishment of its judicial (legal) aid program. <sup>15</sup>
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Saudi Arabia.	Most of the pro bono legal services by non-governmental entities is provided by attorneys on an informal basis. Such participation is typically seen via private practice law firms or through individual collaboration with non-governmental organizations either directly or via referral organizations such as TrustLaw, an affiliate of the Thomson Reuters Foundation.
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There are currently no organizations that an attorney can register in for information regarding pro bono opportunities, however, the SBA has an electronic platform where any lawyer interested in providing judicial (legal) aid services may register and their names would be put on a list, and the SBA would contact them if any judicial (legal) aid opportunities arise.

May 2019  
Pro Bono Practices and Opportunities in Saudi Arabia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This

<sup>14</sup> The Judicial Aid Guide issued by the Saudi Bar Association in 2018, art 12.

<sup>15</sup> See <https://sba.gov.sa/#> (last visited on May 1, 2019).

memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Turkey<sup>1</sup>

### I. Introduction

Pro bono legal services in Turkey might be considered a new concept especially in comparison with sophisticated and institutionalized pro bono programs in the United States and Continental Europe. Therefore, legal regulations or organizations in Turkey with regards to the provision of pro bono legal services are not well-established or sufficient to meet current needs. In particular, provisions in the Lawyer's Act (detailed below) and the priorities of Turkish law firms still need to develop to make the provision of pro bono legal services in Turkey more common.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	In Turkish law, legal services provided by lawyers and the features and purpose of legal services rendered by lawyers are regulated by the Lawyers Act (Law No:1136) ( <i>published in Official Gazette dated April 07, 1969 numbered 1136</i> ). <sup>2</sup>
2. Describe any licensure requirements governing the provision of legal services.	<p>Pursuant to Article 9 of the Lawyers Act, a person who is accepted to be a lawyer shall be given a license which enables them to act as a lawyer. Acceptance as a lawyer is effective from the moment that the license is given. The acceptance conditions to be a lawyer are set forth in Article 3 of the Lawyers Act as follows: (i) to be a Turkish Citizen; (ii) to graduate from a Law Faculty in Turkey or graduate from foreign law faculty and successfully pass exams with regards to classes which have not taken according to education programs of Turkish law faculties; (iii) to complete a legal internship and obtain a document confirming completion of that internship; (iv) to have place of residence in the same region as the bar association to which the lawyer is to be registered; and (v) not to be in a condition which prevents that individual from being a lawyer according to the Lawyers Act.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act. For more information on licensure requirements, please refer to the website of the Union Of Turkish Bar Association which is entitled to provide licenses to lawyers in Turkey.<sup>3</sup></p>

<sup>1</sup> This chapter was drafted with the support of Bilinç Emiroğlu and Erdem Atilla of Pekin & Pekin.

<sup>2</sup> There is no official English translation of the Lawyers Act however, the Turkish version can be found at <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.1136.pdf> (last visited on May 1, 2019).

<sup>3</sup> See <https://www.barobirlik.org.tr/en> (last visited on May 1, 2019).



(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>There are no rules in Turkey that specifically regulate the provision of pro bono legal services by lawyers.</p> <p>However, as a general rule, Article 164/4 of the Lawyers Act provides that: (i) it is not possible to agree on a fee for legal services that is below the Minimum Attorney Fee Tariff; and (ii) if free legal services are provided for disputes, such services shall be notified to the Management Board of the Bar Association.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.</p>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Turkey are not required by any rules to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>However, according to Article 4 of Union Of Turkish Bar Association Legal Aid Regulation (published in Official Gazette dated March 30, 2004 numbered 25418), Bar Associations may assign aspiring lawyers with temporary duties for educational purposes in Legal Aid Bureaus which provide state funded assistance to people who cannot afford attorney fee and other court expenses provided that they must prove their entitlement for legal aid.</p>
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>As explained under II.(b).1 and 2 above, there are rules that specifically regulate any area of law for pro bono legal services in Turkey. Further to our research, there is no published official report or statistics with respect to pro bono legal services and/or unmet legal needs.</p> <p>That being said, women's rights, children's rights and disability rights are areas which present more opportunities for pro bono legal services since such areas widely affect people with low income in Turkey. In addition, refugees' rights are another example of unmet legal needs in Turkey due to the number of people that have fled to Turkey in recent years in order to escape from Syrian Civil War.</p>
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,	Although there are no main providers of pro bono legal services in Turkey which are regulated by law or established by government, there are

<p>private law firms (local or international) or corporate organizations?</p>	<p>several non-governmental organizations, universities and law firms establishing pro bono departments.</p> <p>The Istanbul Bilgi University Human Rights Center is one of the well-known institutions in Turkey providing pro bono legal services.<sup>4</sup> In particular, The Istanbul Bilgi University Human Rights Center provides legal counselling for clients, drafts contracts and other legal documents for clients. It also conducts research in specific legal fields, as requested by its clients.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There is no separate license requirement for lawyers in Turkey for providing pro bono legal services. That said, pursuant to Article 3/a of the Lawyers Act, lawyers are required to obtain a license to act as a lawyer and be registered with a Bar Association in Turkey.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in Turkey. Since non-Turkish foreign-qualified lawyers are not permitted to be registered with a Bar Association, foreign-qualified lawyers may only provide pro bono legal services through their employer or in conjunction with a registered Turkish lawyer or foreign Attorney Partnership.</p> <p>Pursuant to Article 44/B of the Lawyers Act regulating Attorney Partnerships, foreign Attorney Partnerships (i.e. a partnership established by more than one attorney of non-Turkish citizenship or an assemblage of attorneys of Turkish and non-Turkish citizenship, within the framework of the legislation on incentives to foreign capital and on a reciprocal basis, in order to render consultancy services exclusively in the fields of foreign laws and international law) that meet the detailed criteria set out therein are permitted to provide legal advice services (including pro bono legal services) in Turkey provided that such legal services only involve foreign laws and international law-related matters. This limitation applies both to Turkish lawyers and non-Turkish lawyers that work with the relevant foreign Attorney Partnership, including providing pro bono legal services.</p>

<sup>4</sup> See <https://insanhaklarimerkezi.bilgi.edu.tr/en/projects/24-ucretsiz-hukuki-destek-ag-pro-bono/> (last visited on May 1, 2019).

	Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Turkey do not require professional indemnity legal insurance cover for pro bono legal services.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Article 55 of the Lawyers Act prohibits lawyers from making any attempt or act that may be considered an “advertisement” in order to obtain “job opportunity”. Since soliciting activities might be deemed as “seeking/obtaining job opportunity”, both advertisement of pro bono legal services and soliciting pro bono clients may be within the prohibition set forth in the Article 55 of the Lawyers Act.  Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Turkey do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Turkey.	There are no governmental sources of pro bono and/or other pro bono legal services in Turkey.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Turkey.	There is currently very limited non-governmental sources of pro bono and/or other pro bono resources in Turkey. However, The Istanbul Bilgi University Human Rights Center is one of the most successful non-governmental sources rendering pro bono legal services in Turkey. <sup>5</sup>  Other non-governmental sources of pro bono and/or other pro bono resources in Turkey include:  <i>Mor Çatı Women’s Shelter Foundation</i> which provides pro bono legal services in respect of violence against women and provides psychological and legal services via volunteer experts and lawyers. <sup>6</sup>

<sup>5</sup> See <https://insanhaklarimerkezi.bilgi.edu.tr/en/projects/24-ucretsiz-hukuki-destek-ag-pro-bono/> (last visited on May 1, 2019).

<sup>6</sup> See <https://www.morcati.org.tr/en/> (last visited on May 1, 2019).

	<p><i>Youth Re-autonomy Foundation of Turkey</i> which provides pro bono legal services on re-integration of the children push to the crime into society.<sup>7</sup></p> <p><i>Foundation for Children with Leukemia</i> which tries to create solutions for children with Leukemia and associated health problems.<sup>8</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of legal pro bono opportunities.</p> <p>However, The Istanbul Bilgi University Human Rights Center is the most well-known organization in Turkey and may be able to provide further guidance on the types of pro bono opportunities that exist in Turkey from time to time.<sup>9</sup></p>

May 2019  
Pro Bono Practices and Opportunities in Turkey

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>7</sup> See <http://www.tcyov.org/hakkimizda/> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.losev.org.tr/v2/en/default.asp> (last visited on May 1, 2019).

<sup>9</sup> See <https://probono.bilgi.edu.tr/en/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in the United Arab Emirates

### I. Introduction

In April 2018, the Government of Dubai Legal Affairs Department launched its Smart Platform for Pro Bono Legal Services. The platform aims to enhance the involvement of legal professionals in the Emirate of Dubai in pro bono work, ensuring that financially disadvantaged members of the public have access to free legal services and raising legal awareness in society more generally.

In 2009, the Academy of Law in the Dubai International Financial Centre (“DIFC”) launched the first institutional pro bono program in the UAE. It provides access to justice for those who are financially in need and who have legal issues that arise within the DIFC Courts area of Dubai and/or fall within the jurisdiction of the DIFC Courts.

Currently, there are no institutional pro bono programs in the Emirate of Abu Dhabi although the Executive Affairs Authority may be able to assist lawyers in identifying areas where community services can be provided.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	The United Arab Emirates is a constitutional federation of seven emirates. The constitution allocates governing and executive powers between the federal government and the local governments of each emirate. The legal profession is generally regulated at the federal level <sup>1</sup> however all lawyers providing legal services must be licensed in the emirate in which they choose to practice and license requirements vary depending on nationality, type of practice and office location. <sup>2</sup> This section focuses on the three largest legal markets within the UAE.
2. Describe any licensure requirements governing the provision of legal services.	<p><b>Abu Dhabi:</b> Persons are only permitted to practice law (including providing pro bono legal services) in the UAE if they are registered with the Ministry of Justice and the Executive Affairs Authority.<sup>3</sup></p> <p><b>Dubai:</b> Advocates<sup>4</sup> and legal consultants<sup>5</sup> are required to register with the Government of Dubai Legal Affairs Department in order to practice law</p>

<sup>1</sup> See UAE Federal Law 23 of 1991 (Regulating the Legal Profession).

<sup>2</sup> See Essam Tamimi, *Litigation in the United Arab Emirates*, 20, *International Legal Practice* 134, 135 (1995).

<sup>3</sup> Art. 4 of UAE Federal Law 23 of 1991 (Regulation of the Legal Profession) and <http://www.eaa.gov.ae/en/pages/legal-affairs.html#id122234> (last visited on May 1, 2019).

<sup>4</sup> Art. 6 (Practicing the Profession) of the Bylaw concerning the Registration of Legal Advocates in the Emirate of Dubai <https://legal.dubai.gov.ae/en/Services/Pages/Advocates-and-Legal-Consultants-Bylaws-and-Resolutions.aspx> (last visited on May 1, 2019).

<sup>5</sup> Art. 6(a) (Practicing the Profession) of the Bylaw concerning the Registration of Legal Consultants in the Emirate of Dubai <https://legal.dubai.gov.ae/en/Services/Pages/Advocates-and-Legal-Consultants-Bylaws-and-Resolutions.aspx> (last visited on May 1, 2019).

	<p>and provide pro bono legal services since they are provided to the public.</p> <p><b>Dubai International Financial Centre:</b> The requirements for the Emirate of Dubai also apply to advocates and legal consultants practicing within the DIFC.</p> <p>In addition, any person wishing to participate in the Academy of Law's Pro Bono Program must be registered with the Academy of Law's Register of Practitioners or is otherwise approved by the Pro Bono Program Leader.<sup>6</sup></p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p><b>Abu Dhabi:</b> There are no rules which expressly regulate the provision of pro bono legal services.<sup>7</sup></p> <p><b>Dubai:</b> Registered advocacy and legal consultancy firms may register on the Voluntary Legal Services Smart Portal to provide pro bono legal services. Individuals wishing to benefit from those services must register on the portal.<sup>8</sup></p> <p><b>Dubai International Financial Centre:</b> DIFC Courts Practice Direction No. 1 of 2017 sets out the general guidelines for any person wishing to participate in the Academy of Law's Pro Bono Program<sup>9</sup>.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Abu Dhabi, Dubai and DIFC are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Abu Dhabi, Dubai and DIFC are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services are employment and residential matters.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,</p>	<p>Private law firms are the main providers of pro bono legal services in the United Arab Emirates.</p>

<sup>6</sup> Practice Direction No. 1 of 2017 in respect of the Academy of Law's Pro Bono Program [https://www.draacademy.ae/files/2515/1314/4466/Practice\\_Direction\\_No.\\_1\\_of\\_2017\\_-\\_In\\_respect\\_of\\_the\\_Academy\\_of\\_Law\\_s\\_Pro\\_Bono\\_Programme.pdf](https://www.draacademy.ae/files/2515/1314/4466/Practice_Direction_No._1_of_2017_-_In_respect_of_the_Academy_of_Law_s_Pro_Bono_Programme.pdf) (last visited on May 1, 2019).

<sup>7</sup> See: [http://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_UAE\\_Abu\\_Dhabi.aspx](http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_UAE_Abu_Dhabi.aspx) (last visited on May 1, 2019).

<sup>8</sup> See <https://probono.legal.dubai.gov.ae/en/probono.aspx?ServiceID=33> (last visited on May 1, 2019).

<sup>9</sup> See <https://www.draacademy.ae/services/pro-bono-programme/guidelines-and-practice-directions/> (last visited on May 1, 2019).

private law firms (local or international) or corporate organizations?	
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Yes – see response to II(a)2 above.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	No – see response to II(a)2 above.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	<p><b>Abu Dhabi:</b> Lawyers do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p> <p><b>Dubai and DIFC</b><sup>10</sup>: Generally advocates<sup>11</sup> and legal consultants<sup>12</sup> do not need to maintain professional indemnity insurance if they are not providing legal services to the public; however, since pro bono legal services are provided to the public, advocates and legal consultants may need to maintain professional indemnity insurance to enable them to provide certain pro bono legal services such as legal opinions and advice, drafting contracts, registering and liquidating companies, concluding settlements, representing clients before arbitration panels and centers, conciliation commissions and other entities and any other legal service except, in the case of legal consultants only, pleading and representing clients before the Dubai courts.<sup>13</sup></p>
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Abu Dhabi, Dubai and DIFC that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Abu Dhabi, Dubai and DIFC do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	

<sup>10</sup> Art. 3(a) (*Scope of Application*) of the Bylaw concerning the Licensing of Advocacy Firms in the Emirate of Dubai and the Bylaw concerning the Licensing of Legal Consultancy Firms in the Emirate of Dubai. <https://legal.dubai.gov.ae/en/Services/Pages/Advocates-and-Legal-Consultants-Bylaws-and-Resolutions.aspx> (last visited on May 1, 2019).

<sup>11</sup> Art. 3(b) (*Scope of Application*) of the Bylaw concerning the Licensing of Advocacy Firms in the Emirate of Dubai <https://legal.dubai.gov.ae/en/Services/Pages/Advocates-and-Legal-Consultants-Bylaws-and-Resolutions.aspx> (last visited on May 1, 2019).

<sup>12</sup> Art. 3(b) (*Scope of Application*) of the Bylaw concerning the Licensing of Legal Consultancy Firms in the Emirate of Dubai <https://legal.dubai.gov.ae/en/Services/Pages/Advocates-and-Legal-Consultants-Bylaws-and-Resolutions.aspx> (last visited on May 1, 2019).

<sup>13</sup> “Advocacy Firms”, “Legal Services”, Art. 9(c)(2) (Licensing Requirements) and Art. 10(5) (License Renewal Requirements) of the Bylaw concerning the Licensing of Advocacy Firms in the Emirate of Dubai and “Legal Services”, “Legal Consultancy Firm”, Art. 9(d) (Licensing Requirements) and Art. 10(5) (License Renewal Requirements) of the Bylaw concerning the Licensing of Legal Consultancy Firms in the Emirate of Dubai <https://legal.dubai.gov.ae/en/Services/Pages/Advocates-and-Legal-Consultants-Bylaws-and-Resolutions.aspx> (last visited on May 1, 2019).



<p>1. Describe any governmental sources of pro bono and/or other legal services in the United Arab Emirates.</p>	<p>The notable governmental source of pro bono services in the United Arab Emirates is the Voluntary Legal Services Smart Portal hosted by the Government of Dubai Legal Affairs Department<sup>14</sup></p> <p>In addition, there is a Pro Bono Program hosted by the Academy of Law in the Dubai International Financial Centre<sup>15</sup></p> <p>The Executive Affairs Authority for the Government of Abu Dhabi may be able to assist lawyers in identifying areas where community services can be provided<sup>16</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the United Arab Emirates.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in the United Arab Emirates are: (i) TrustLaw hosted by the Thomson Reuters Foundation<sup>17</sup>; and (ii) Global Network for Public Interest Law<sup>18</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>See responses to II(d)1 and 2 above.</p>

May 2019

Pro Bono Practices and Opportunities in the United Arab Emirates

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>14</sup> See <https://probono.legal.dubai.gov.ae/en/probono.aspx> (last visited on May 1, 2019).

<sup>15</sup> See <https://www.draacademy.ae/services/pro-bono-programme/> (last visited on May 1, 2019).

<sup>16</sup> See <http://www.eaa.gov.ae/en/pages/legal-affairs.html#id122234> (last visited on May 1, 2019).

<sup>17</sup> See <http://www.trust.org/trustlaw/> (last visited on May 1, 2019).

<sup>18</sup> See <https://www.pilnet.org> (last visited on May 1, 2019).

# North and Central America



## Pro Bono Practices and Opportunities in Canada<sup>1</sup>

### I. Introduction

Canada has a rich tradition of promoting access to justice through, among other things, legal aid and pro bono legal assistance. In recent years there has been increased support for the active coordination of pro bono opportunities and, particularly as a result of the efforts of professional bodies such as the Canadian Bar Association (the “**CBA**”), various initiatives have been undertaken to promote, simplify and encourage pro bono participation across Canada. While pro bono legal services and legal aid are generally available across Canada, several factors affect the availability of such services, including underfunding, insurance requirements, uneven coverage, fragmented approaches, discretionary eligibility criteria and a lack of information to potential clients/applicants. Notwithstanding these factors, lawyers and law students across Canada increasingly continue to provide pro bono legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession is governed by provincial/territorial legislation.</p> <p>Each of the 14 provincial/territorial law societies is established by provincial/territorial law and is principally responsible for regulating the conduct of Canadian lawyers in the public interest of that jurisdiction. For example, the Law Society of Ontario’s (the “<b>LSO</b>”) authority to license and regulate lawyers was granted by the Ontario government through the Law Society Act, R.S.O. 1990, c. L.8, pursuant to which the LSO has developed by-laws and rules of professional conduct setting out the professional and ethical obligations of lawyers and paralegals and the manner in which they are regulated by the Law Society.<sup>2</sup></p> <p>The Federation of Law Societies of Canada (the “<b>Federation</b>”), which is the national coordinating body for Canada’s 14 law societies, leads the development of national standards for the legal profession and undertakes initiatives to promote access to legal services and introduce common standards in, among others, admissions, money laundering, codes of conduct and complaints and discipline across all provinces/territories.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To practice in Canada, each lawyer is required to be a member of a law society and be governed by its rules, i.e. the LSO. Each law society has set its own standards for admission to the profession, but generally speaking, admission to a provincial/territorial law society requires an</p>

<sup>1</sup> This chapter was drafted with the support of Diego Beltran and Shane D’Souza of McCarthy Tétrault LLP.

<sup>2</sup> See <https://lso.ca/about-lso/legislation-rules> (last visited on May 1, 2019).



	<p>applicant to have attended an approved law school in Canada, passed the relevant provincial/territorial bar admission course and completed a period of articling, which is a training period with a law firm.</p> <p>Foreign-qualified lawyers cannot practice law in Canada without being licensed to practice. To obtain a license to practice in a province/territory, foreign-qualified lawyers are required to complete the necessary accreditation licensing process and complete articling.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no additional rules that regulate the provision of pro bono legal services, provided that the lawyer is appropriately licensed to practice in the relevant province/territory in Canada.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Canada are not required to complete a minimum number of pro bono hours.</p> <p>Canadian lawyers are encouraged by their regulatory bodies and professional associations to provide pro bono representation to persons who would otherwise be self-represented. The CBA's Pro Bono Committee suggests that all members of the legal profession aim to contribute 50 hours or 3% of billings per year on a pro bono basis<sup>3</sup> and the Federation's Model Code of Professional Conduct encourages lawyers to enhance the profession's standard and reputation by providing pro bono legal services<sup>4</sup>.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Canada are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>Certain law schools in Canada, e.g. Osgoode Hall Law School, require law students to undertake public interest placements, but this is not a regulatory requirement.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require the provision of pro bono legal services in Canada include criminal, family, employment, immigration advice, human rights and welfare rights.</p>

<sup>3</sup> Canadian Bar Association, Resolution 98-01-A, Promoting a Pro Bono Culture in the Canadian Legal Profession, available at <http://www.cba.org/CBA-Equal-Justice/Resources/Resolutions> (last visited on May 1, 2019).

<sup>4</sup> Federation of Law Societies of Canada, Model Code of Professional Conduct, available at <https://flsc.ca/wp-content/uploads/2018/03/Model-Code-as-amended-March-2017-Final.pdf> (last visited on May 1, 2019).

<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Canada are NGOs, such as Pro Bono Law Ontario, Pro Bono Law Alberta, Pro Bono Law Saskatchewan, Access Pro Bono - British Columbia and Pro Bono Quebec, private law firms, such as McCarthy Tétrault LLP<sup>5</sup> and Blake, Cassels &amp; Graydon LLP<sup>6</sup> and law students under supervision of lawyers in legal aid clinics<sup>7</sup>.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers do not require an additional license to provide pro bono legal services in Canada, provided that the lawyer is appropriately licensed to practice in the relevant province/territory.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require an additional license to provide pro bono legal services in Canada, provided that they are appropriately licensed to practice in the relevant province/territory.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>In Canada, professional indemnity legal insurance is required for the provision of any pro bono legal services.</p> <p>Whilst all lawyers in Canada are generally required by their relevant law society to maintain adequate professional indemnity insurance in order to practice, some provinces provide an exemption from maintaining insurance for certain groups of lawyers, such as in-house, government/public, non-practicing and retired. Some provincial/territorial law societies and insurance providers have made arrangements for such uninsured members to benefit from extended indemnity insurance coverage when providing pro bono legal services, although this is not currently available in all provinces/territories and, where it is available, is generally subject to limitations, such as only extending protection for certain “approved” services and programs. Some provincial law societies provide insurance coverage for a nominal annual fee to retired or non-practicing lawyers with a status of “active for pro bono only.” Please see the websites of the provincial pro bono organisations for more information on insurance.<sup>8</sup></p>

<sup>5</sup> <https://www.mccarthy.ca/en/community/corporate-social-responsibility/pro-bono-community-work> (last visited on May 1, 2019).

<sup>6</sup> <https://www.blakes.com/English/WhoWeAre/SocialResponsibility/Pages/ProBono.aspx> (last visited on August 1, 2019).

<sup>7</sup> Pro Bono Students Canada, available at <http://www.probonostudents.ca/> (last visited on May 1, 2019).

<sup>8</sup> See e.g., the insurance provisions of Alberta, available at <https://www.lawsociety.ab.ca/lawyers-and-students/membership-services/applying-for-insurance-and-insurance-exemptions/> (last visited on May 1, 2019) and Ontario, available at [http://www.lawpro.ca/Insurance/Practice\\_Type/Practice\\_Type.asp](http://www.lawpro.ca/Insurance/Practice_Type/Practice_Type.asp) (last visited on May 1, 2019).

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>The practice regarding continuing legal education varies between each of Canada’s provincial/territorial law societies. Some law societies, such as the LSO and the Law Society of British Columbia, have formal Continuing Professional Development (“CPD”) requirements, which explicitly exclude pro bono activities, and others, such as the Law Society of Alberta, have less formal CPD requirements but suggest that their members undertake pro bono legal services.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Canada.</p>	<p>Free legal support funded by the Canadian government takes the form of legal aid.</p> <p>The administration of legal aid services in Canada falls mainly within the responsibility of the provincial/territorial governments. Each province/territory has established its own legal aid plan, utilising different delivery mechanisms, employing varying eligibility criteria and coverage provisions.</p> <p>For criminal matters, legal representation is generally provided for indictable offences and for certain summary offences if there is a likelihood of imprisonment or, for some schemes, loss of livelihood, if convicted. For civil matters, most plans provide legal representation for disputes involving child protection/welfare matters, while some also cover matters such as child custody and immigration/refugee issues.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Canada.</p>	<p>Several province-wide pro bono organizations have been established (i.e., Pro Bono Law Ontario,<sup>9</sup> Pro Bono Law Alberta,<sup>10</sup> Pro Bono Law Saskatchewan,<sup>11</sup> Access Pro Bono - British Columbia<sup>12</sup> and Pro Bono Quebec<sup>13</sup> to increase access to justice by creating and facilitating opportunities for lawyers to provide pro bono legal services particularly through referral programs.</p> <p>The CBA has a dedicated pro bono committee that is mandated to recognize and support the</p>

<sup>9</sup> See <http://www.pblo.org> (last visited on May 1, 2019).

<sup>10</sup> See <http://www.pbla.ca/> (last visited on May 1, 2019).

<sup>11</sup> See <http://www.pblsask.ca> (last visited on May 1, 2019).

<sup>12</sup> See <http://accessprobono.ca/> (last visited on May 1, 2019).

<sup>13</sup> See <http://justiceprobono.ca/en/> (last visited on May 1, 2019).

	<p>efforts of pro bono lawyers, share information about the provision of pro bono legal services across the country, and provides resources to lawyers in private practice, the public sector and the corporate sector. The CBA lists numerous pro bono opportunities on its website.<sup>14</sup></p> <p>Pro Bono Students Canada (“<b>PBSC</b>”) relies on volunteer lawyers supervising its various projects. PBSC has a chapter in 22 law schools across Canada, with about 1,600 law students volunteering approximately 140,000 hours of free legal services to 400-500 public interest groups, community organizations, pro bono lawyers, courts and tribunals across the country.<sup>15</sup></p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>See above.</p>

May 2019  
Pro Bono Practices and Opportunities in Canada

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>14</sup> See <https://www.cba.org/Sections/Pro-Bono/Pro-Bono-Resources-in-Canada/Resources> (last visited on May 1, 2019)..

<sup>15</sup> See <https://www.probonostudents.ca/> (last visited on May 1, 2019)



## Pro Bono Practices and Opportunities in Costa Rica<sup>1</sup>

### I. Introduction

The legal community in Costa Rica is increasingly recognizing the value of a pro bono culture and the significant impact it can have on the society, and as such, pro bono services have increased steadily in the last few years. Although the pro bono movement is not yet fully developed, recent years have seen great strides in the promotion of pro bono activities in Costa Rica. This was aided by the Pro Bono Declaration for the Americas which has helped institutionalize pro bono activities by lawyers in Costa Rica over the last decade. As part of these advances, the Pro Bono Commission of the Bar was founded in 2010 and some of the top Costa Rican law firms have committed themselves to devoting a percentage of their time to providing pro bono services and have established programs for doing so. In spite of these advances, much work remains to be done, including the challenge of developing a greater pro bono culture in private firms.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The Law No. 13, dated October 28, 1941 (<i>Ley Orgánica del Colegio de Abogados y Abogadas de Costa Rica</i>), requires every practicing lawyer to be registered with the Costa Rica Bar Association (<i>Colegio de Abogados y Abogadas de Costa Rica</i>), which, among other functions, oversees their professional conduct and ethical behavior.<sup>2</sup></p> <p>The legal profession in Costa Rica is also regulated by the Costa Rica Bar Association (the “<b>Bar Association</b>”). Lawyers in Costa Rica must comply with a Code of Conduct (<i>Código de Deberes Jurídicos, Morales y Éticos del Profesional en Derecho</i>)<sup>3</sup>, and the rules of the Bar Association (<i>Reglamento Interior del Colegio de Abogados</i>)<sup>4</sup>. Lawyers in Costa Rica must at all times preserve absolute independence, comply with confidentiality rules, serve the clients’ interests diligently, conscientiously and promptly, and cannot act in situations where a conflict of interest exists.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers in Costa Rica are required to be registered with the Bar Association in order to become a qualified lawyer and practice law. Candidates must:</p>

<sup>1</sup> This chapter was drafted with the support of Irene Aguilar of BLP Abogados.

<sup>2</sup> See [https://www.abogados.or.cr/uploads/CMS/Articulo/1.1Ley\\_Organica\\_del\\_colegio\\_de\\_Abogados\\_y\\_abogadas\\_de\\_Costa\\_Rica.pdf](https://www.abogados.or.cr/uploads/CMS/Articulo/1.1Ley_Organica_del_colegio_de_Abogados_y_abogadas_de_Costa_Rica.pdf) (last visited on November 1, 2019).

<sup>3</sup> See [https://www.abogados.or.cr/uploads/CMS/Articulo/2.0Codigo\\_de\\_Deberes\\_Juridicos.pdf](https://www.abogados.or.cr/uploads/CMS/Articulo/2.0Codigo_de_Deberes_Juridicos.pdf) (last visited on November 1, 2019).

<sup>4</sup> See <https://www.abogados.or.cr/uploads/CMS/Articulo/19.0Reglamento-interior-del-Colegio-de-Abogados-y-Abogadas-de-Costa-Rica.pdf> (last visited on November 1, 2019).

	<p>(a) obtain a law degree from a university in Costa Rica that offer law studies;</p> <p>(b) take a legal deontology course; and</p> <p>(c) then pass a compulsory bar exam named “Academic Excellence Exam” (<i>Examen de Excelencia Academica</i>)<sup>5</sup> administered by the Bar Association.</p> <p>Foreign lawyers who want to practice law in Costa Rica (including providing pro bono services) are required to apply to the University of Costa Rica to have their law degree assessed as being equivalent to a Costa Rican law degree and to sit for a legal ethics exam. Once in receipt of all required documentation (including proof of residency), the foreign lawyer can apply for registration with the Bar Association.<sup>6</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules or requirements for lawyers in Costa Rica regarding pro bono work.</p> <p>The principal barrier to the proliferation of pro bono services in Costa Rica is a lack of explicit legal regulations and public cooperation. Additionally, minimum fees for legal services are regulated by the Government in the Decree on Professional Fees for Legal Services (<i>Arancel de Honorarios por Servicios Profesionales de Abogacia y Notariado</i>)<sup>7</sup> which requires those providing legal services to charge fees for their services with an express prohibition against reducing or eliminating such fees. The Bar Association has begun to enforce these regulations.</p> <p>However, Article 68 of the Bar Association’s Professional Code of Conduct provides for an exception to this minimum fee rule in respect of “social projection” matters allocated to lawyers by the Bar Association, which may include certain pro bono matters. Accordingly, “private” pro bono initiatives are not covered under this exception and (in theory) lawyers in Costa Rica can only provide pro bono legal services if they have authorization from the Bar Association for the specific pro bono matter in question.</p>

<sup>5</sup> See <https://www.abogados.or.cr/uploads/CMS/Articulo/f8958935d0b7847dc0b64de3fad2af37d9fb93b6.pdf> (last visited on November 1, 2019).

<sup>6</sup> See further detail in [https://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_Costa\\_Rica.aspx](https://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Costa_Rica.aspx) (last visited on November 1, 2019).

<sup>7</sup> *Decreto N° 41457*. Available at [http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NRTC&nValor1=1&nValor2=88156&nValor3=117836&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=88156&nValor3=117836&strTipM=TC) (last visited on November 1, 2019).

	<p>This process may be slowing down the creation of new pro bono organizations and opportunities and may also be the reason why the majority of pro bono services currently provided by Costa Rican law firms are corporate services to non-profit entities, rather than to individuals.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers are not required to work a minimum number of pro bono hours in Costa Rica.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The areas of law which require or present opportunities for the provision of pro bono legal services vary depending on the expected reach of the programs and the end users. For instance, in terms of individuals, the main areas of law which may present major unmet legal needs are family law, immigration law, human rights law and elder law. Conversely, with respect to foundations, NGOs, nonprofit organizations, etc., the main areas of law which may present higher opportunities are the ones related to the management of such organizations and day-to-day projects (e.g. corporate law, insurance law, labor law, administrative law, civil law, etc.).</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The Pro Bono Commission of the Bar Association (<i>Comisión Pro Bono del Colegio de Abogados</i>)<sup>8</sup> is Costa Rica’s leading center for pro bono work and focuses on finding and distributing pro bono opportunities to private lawyers. Founded in 2010, it does not provide direct services to clients but rather serves as an intermediary or link between law firms or individual lawyers in Costa Rica and non-profit entities, NGOs and individuals who have requested free legal services in matters of public interest, general impact or that cause an important social or legal effect. About seven law firms currently participate in this initiative.</p> <p>Even though the Pro Bono Commission is a leading center for pro bono matters, as of today, Costa Rica does not have a pro bono clearing house.<sup>9</sup></p> <p>On the other hand, BLP Abogados (“BLP”) was the first Costa Rican signatory of the Pro Bono Declaration for the Americas and has been</p>

<sup>8</sup> See <https://comisionprobono.wordpress.com/> (last visited on November 1, 2019).

<sup>9</sup> Further detail in the latest Latin Lawyer and the Vance Center’s Annual Pro Bono Survey 2018. Available at <https://www.vancecenter.org/wp-content/uploads/2019/01/Pro-bono-compressed.pdf> (last visited on November 1, 2019).

recognized by Latin Lawyer as a “Leading Light Central America 2018” for its pro bono work at a regional level. The firm provides most of its pro legal aid through its popular BLP Pro Bono Foundation, which it established in late 2008. The organization, set up by the firm, is one of the biggest providers of free legal aid in the country.<sup>10</sup>

Among others, BLP helped structuring Costa Rica’s first ever water fund, Agua Tica and founded the Yo Puedo y Vos Foundation, which supports disabled people in Costa Rica. In addition, in 2018 BLP founded Inspiring Girls, an international organization that inspire girls for pursuing their professional interest despite gender cultural construction.

BLP brings pro bono work to more than 80 NGOs, which aim to encourage human development in Central America. This year BLP was awarded as the Best National Firm for pro bono in Latin America by the IFLR Women in Business Law Awards.

Also, Batalla law firm has been recognized as a “Leading Light” for standing out for the pro bono work done by its lawyers and its efforts to build a lasting pro bono infrastructure, both internally and in the Costa Rican legal market.

Founded in 2017, HIAS Costa Rica (“**HIAS**”) offers, in partnership with the United Nations High Commissioner for Refugees, legal guidance to refugees and asylum seekers on the administrative procedures for the refugee status determination, as well as for access to basic rights such as health, education, and work. HIAS also provides legal orientation to people with a need for immediate attention, such as unaccompanied and separated children, gender-based violence survivors, LGBTQ, people with disabilities and elderly people. HIAS helps more than 500 people per month.<sup>11</sup>

Finally, the Bar Association and some universities provide free legal assistance and pro bono clinics for individuals with limited financial resources and with special legal needs. Unfortunately, none of those clinics are able to assist people from rural areas.

Specifically, University Legal Clinics (*Consultorios Jurídicos*) are offered in a few law degrees as an optional subject (except in the case of the University of Costa Rica), although they are

<sup>10</sup> See <https://latinlawyer.com/l/250/firms/1133296/blp-costa-rica> (last visited November 1, 2019).

<sup>11</sup> See <https://www.hias.org/blog/hias-costa-rica-promotes-pro-bono-work> and <https://www.hias.org/where/costa-rica> (last visited November 1, 2019).

	neither a degree requirement nor a condition to join the Bar Association. However, in order to obtain a university degree in any field, not just related to law, students must complete 150 hours of College Community Service ( <i>Trabajo Comunal Universitario</i> ). <sup>12</sup>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Costa Rica do not require a specific license or permit to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	There are no rules or requirements placed on foreign lawyers based in Costa Rica to provide pro bono legal services.  However, as discussed above foreign lawyers who want to practice law in Costa Rica (including providing pro bono services) are required to have their law degree assessed as being equivalent to a Costa Rican law degree and to sit for the Bar Association’s legal ethics exam, after which can apply for registration with the Bar Association.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Costa Rica do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	In case the pro bono matter is assigned by the Pro Bono Commission of the Bar Association, any initiative of disclosing the results or its development in the media must be previously authorized by the Pro Bono Commission. <sup>13</sup> In the case of pro bono initiatives directly established and procured by law firms, advertising rules and restrictions applicable to a regular attorney-client relationship shall apply.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	As of today, lawyers in Costa Rica are not required to earn any “Continuing Legal Education” or equivalent credit so no such credit is given for pro bono hours worked.  However, the Law No. 9266, dated August 12, 2014 ( <i>Reforma Ley Orgánica del Colegio de Abogados y Abogadas de Costa Rica</i> ), expressly

<sup>12</sup> See further detail in the applicable regulation “*Reglamento General del Consejo Nacional de Enseñanza Superior Universitaria Privada*”, Article 29, E) vi), available at [http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?nValor1=1&nValor2=46634](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=46634) (last visited November 1, 2019).

<sup>13</sup> See <https://comisionprobono.wordpress.com/faq%C2%B4s/> (last visited on November 1, 2019).

	<p>established as a purpose for the Bar Association the promotion of continuing academic excellence of Costa Rican lawyers. As a consequence, the Bar Association will implement a “Continuing Legal Education Program” in the near future, but it is not expected that credit will be given pro bono work.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Costa Rica.</p>	<p>Currently, there is no governmental source of pro bono or any other similar kind in Costa Rica.</p> <p>Costa Rica has in force the Public Defender (<i>Defensa Publica</i>) which only provides state-subsidized legal aid for criminal and family law matters for Costa Rican citizens who lack sufficient financial resources to hire a private defense lawyer. There is also state-subsidized legal assistance for employees who lack the financial means to retain an attorney to represent them in labor-related claims and lawsuits.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Costa Rica.</p>	<p>As discussed above, the main non-governmental source of pro bono in Costa Rica is the Pro Bono Commission of the Bar Association.</p> <p>Other pro bono sources are international organizations, such as:</p> <p>(a) TrustLaw, the pro bono program from Thomson Reuters Foundation, which connects law firms and corporate legal teams around the world, including Costa Rica, with high-impact NGOs and social enterprises working to create social and environmental change</p> <p>(b) Inter-American Bar Association (<i>Federacion Interamericana de Abogados</i>): which launched its pro bono program, by which it connects lawyers throughout the American region, including Costa Rica, with people who are willing to exercise their rights of information in cases of public interest related to transparency of governmental entities<sup>14</sup></p> <p>Other international organizations that promote the pro bono culture in Costa Rica include the Cyrus R. Vance Center, the Pro Bono Network of the Americas (<i>Red Pro Bono de las Americas</i>) and the United Nations High Commissioner for Refugees.</p>

<sup>14</sup> See <http://www.iaba.org/comunicado-y-reglamentacion-pro-bono-fia-de-interes-publico-vinculado-con-el-derecho-a-la-informacion/> (last visited November 1, 2019).

<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>As discussed above, lawyers may register with the Pro Bono Commission of the Bar Association. The Pro Bono Commission manages a registry of private law firms and individual attorneys willing to provide pro bono legal services and which comply with the requirements and conditions set forth by the Pro Bono Commission in order to be registered. In addition, there is a procedure to solicit the assignment of a case.<sup>15</sup></p> <p>The most active law firms which participate with the Pro Bono Commission are:</p> <ol style="list-style-type: none"> <li>1. BLP;</li> <li>2. Central Law;</li> <li>3. EY;</li> <li>4. Officium Legal;</li> <li>5. Batalla;</li> <li>6. Facio &amp; Cañas; and</li> <li>7. Consortium.</li> </ol> <p>In addition, there are seven individual attorneys which also partake in such commission.</p>
--	--

November 2019  
Pro Bono Practices and Opportunities in Costa Rica

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>15</sup> For further detail see the form to request the assignment of a case available at [https://docs.google.com/forms/d/1145iD7OI1PcbGvrRVx6mRdNoeQHfTAsIjBjOvwQ-icY/viewform?edit\\_requested=true](https://docs.google.com/forms/d/1145iD7OI1PcbGvrRVx6mRdNoeQHfTAsIjBjOvwQ-icY/viewform?edit_requested=true) (last visited November 1, 2019).



## Pro Bono Practices and Opportunities in the Dominican Republic<sup>1</sup>

### I. Introduction

The legal community in the Dominican Republic is increasingly recognizing the value of a pro bono legal services culture and the significant positive impact that pro bono legal services can have on democracy and justice. The Pro Bono Declaration for the Americas (the “**PBDA**”) is the founding document that helps to institutionalize pro bono legal services provided by the Dominican Republic lawyers, alongside the Pro Bono Foundation RD (*Fundación Pro Bono RD, Inc*) (the “**Foundation**”), which coordinates and enables the pro bono efforts. Despite these advances, much work remains to be done, including the challenge of developing a pro bono culture in law firms, the financial sustainability of pro bono clearing houses and more clarity on how pro bono work should be rewarded.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Dominican Republic is comprised of lawyers. The provision of legal services by lawyers is regulated by:</p> <ul style="list-style-type: none"> <li>• Law No. 3-19 of January 28, 2019 (<i>Ley 3-19 que crea el Colegio de Abogados de la República Dominicana</i>)<sup>2</sup> (“<b>Law No. 3-19</b>”), which creates the Dominican Bar Association and its functions, including overseeing the lawyers’ professional conduct, adopting a professional ethics code, creating educative programs for lawyers and defending lawyers’ rights; and</li> <li>• Law No. 821 of November 21, 1927 of the Judicial Organization and its amendments (<i>Ley de Organización Judicial No. 821 y sus Modificaciones</i>)<sup>3</sup> (“<b>Law No. 821</b>”), which rules lawyers’ dress code and behavior in the Courts of the Dominican Republic, being ethical, honorable and discreet.</li> </ul>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The law governing the licensure requirements and the provision of legal services is established in Law No. 821.</p> <p>Article 73 of Law No. 821 sets out the requirements to practice as a lawyer in the Dominican Republic.<sup>4</sup> These include:</p> <ul style="list-style-type: none"> <li>• be a Dominican national of legal age and in enjoyment of civil rights;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Georges Santoni Recio of Russin, Vecchi & Heredia Bonetti.

<sup>2</sup> See <http://colegiodeabogados.org.do/index.php/sobre-nosotros/base-legal/1408-ley-3-19-crea-el-colegio-de-abogados/file> (last visited on October 2, 2019).

<sup>3</sup> See [http://www.poderjudicial.gob.do/documentos/PDF/leyes/LEY\\_821\\_27.pdf](http://www.poderjudicial.gob.do/documentos/PDF/leyes/LEY_821_27.pdf) (last visited on October 2, 2019).

<sup>4</sup> See <https://www.monografias.com/trabajos14/organ-judicial/organ-judicial.shtml> (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• hold a law degree awarded by recognized Dominican universities;</li> <li>• be admitted to the Dominican Republic Bar Association (<i>Colegio de Abogados</i>);<sup>5</sup></li> <li>• to have taken oath before the Supreme Court of Justice;<sup>6</sup> and</li> <li>• be enrolled in the lawyer's panel of a court of first instance.</li> </ul> <p>The Dominican Republic Bar Association is regulated by Law No. 3-19, which establishes the Bar's functions, which include, amongst other things, overseeing the lawyers' professional conduct, adopting a professional ethics code and defending lawyers' rights.</p> <p>A foreign lawyer may become a member of the Dominican Republic Bar Association:</p> <ul style="list-style-type: none"> <li>• by obtaining a law degree in the Dominican Republic;</li> <li>• by obtaining validation of a law degree from overseas universities; or</li> <li>• if there is a reciprocal treaty between the Dominican Republic and the government of the foreign jurisdiction in which the foreign national has a license to practice law.</li> </ul>
--	---

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Currently there is no law regulating the provision of pro bono legal services in the Dominican Republic.</p> <p>Article 89 of Law No. 3-19 states that lawyers can provide legal services on a gratuitous or onerous basis.<sup>7</sup></p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in the Dominican Republic are not required to complete a minimum number of hours of pro bono legal services.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in the Dominican Republic are not required to complete a minimum number of hours of pro bono legal services to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal</p>

<sup>5</sup> See <https://colegiodeabogados.org.do/index.php/sobre-nosotros/quienes-somos> (last visited on October 2, 2019).

<sup>6</sup> See <http://www.poderjudicial.gob.do/> (last visited on October 2, 2019).

<sup>7</sup> See <http://colegiodeabogados.org.do/> (last visited on October 2, 2019).

<p>bono legal services? What are the major unmet legal needs?</p>	<p>services in the Dominican Republic are: Human rights, criminal (e.g. domestic violence) and civil (e.g. employment, legal advice to SMEs).</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in the Dominican Republic are NGOs, private law firms, independent practitioners and universities. Pro bono coordinators also play a critical role in the pro bono system in the Dominican Republic and have begun to demonstrate even further value.<sup>8</sup> Typically they are appointed by law firms to help streamline the process of assigning pro bono work to lawyers and to act as a point of contact with the pro bono clearing house or NGOs they serve.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers do not require a license to provide pro bono legal services in the Dominican Republic.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require a license to provide pro bono legal services in the Dominican Republic as long as they comply with the requirements to practice as lawyers in the Dominican Republic. Please see response in Section II.(a)2 .</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in the Dominican Republic do not require professional indemnity legal insurance cover for the provision of pro bono legal services. However pro bono work undertaken by lawyers at a law firm is generally covered under the professional indemnity insurance of that law firm.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Currently there is no law in the Dominican Republic that prohibits the advertising of pro bono successes or soliciting of new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Currently lawyers in the Dominican Republic do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. While pro bono practice is not currently widely institutionalized in law firms in the Dominican Republic, some of the law firms in the Dominican Republic acknowledge pro bono when evaluating lawyers.</p>

<sup>8</sup> See <https://latinlawyer.com/benchmarking/pro-bono-2018/1179675/the-scene-is-set> (last visited on October 2, 2019).

(d) Sources of Pro Bono Opportunities and Key Contacts

<p>1. Describe any governmental sources of pro bono and/or other legal services in the Dominican Republic.</p>	<p>The obligation of providing free legal aid is established in Articles 176 and 177 of the Constitution of the Dominican Republic. Article 177<sup>9</sup> states that:</p> <p><i>“The State is responsible for organizing programs and services for free legal assistance for people who lack the financial resources to obtain legal representation of their interests, particularly for the protection of the rights of the victim, without prejudice to the powers that correspond to the Public Ministry in the field of criminal proceedings.”</i></p> <p>This is implemented by the Law of Public Defense, passed on August 12, 2004 with the approval of Law No. 277, which created the National Public Defender Service. The Public Defenders provide free advice and guidance before and during judicial proceedings in criminal matters, to those who do not have financial resources or legal representation, being free of the payment of any legal fees and any related taxes.<sup>10</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Dominican Republic.</p>	<p>Along with several partners in Latin America, Cyrus R. Vance Center launched the PBDA. The statement commits signatory law firms and other legal organizations, including those in the Dominican Republic, to undertake a minimum of 20 hours of pro bono work by each lawyer working there.</p> <p>The Foundation is the Dominican Republic’s leading clearing house for pro bono work and focuses on finding and distributing pro bono opportunities to private law firms and independent practitioners. Founded in 2011, the Foundation is managed by a board of directors consists of 16 directors. Currently, approximately 15 law firms and 92 independent practitioners are members of the Foundation. They undertake to provide free legal services to low-income people, vulnerable groups, micro-entrepreneurs and social enterprises.<sup>11</sup> Their pro bono legal services cover a wide range of areas of law, including human rights, criminal (e.g. domestic violence, etc.), civil (e.g. employment, intellectual property rights, legal advice to SMEs, etc.) and public law matters</p>

<sup>9</sup> See <http://republica-dominicana.justia.com/nacionales/constitucion-de-la-republica-dominicana/titulo-v/capitulo-vi/> (last visited on October 2, 2019).

<sup>10</sup> See <https://www.defensapublica.gob.do/> (last visited on October 2, 2019).

<sup>11</sup> See <http://probonord.org.do/historia-mision-y-objetivos> (last visited on October 2, 2019).

	(e.g. state property liability, freedom of information, environmental issues, etc.). <sup>12</sup>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Please see above at Section II.(d).2

October 2019  
Pro Bono Practices and Opportunities in Dominican Republic

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>12</sup> See <http://probonord.org.do/servicios> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in El Salvador<sup>1</sup>

### I. Introduction

The provision of pro bono legal services in El Salvador has been increasing in the recent years with both Non-Governmental Organizations (**NGOs**), universities and private law firms providing pro bono legal services to individuals and other organizations. Nevertheless, underfunding, lack of information and lack of legislation promoting pro bono practices are the major reasons for the inapplicability, lack of use and under-exploitation of this resource.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	The practices and representation of Salvadoran attorneys at court is currently governed by the Organic Law of the Judicial Branch (or in Spanish <i>Ley Orgánica Judicial</i> ). Also, there are a number of rules in other laws, specifically in the diverse procedural codes/laws (Civil, Criminal, Administrative, etc.) that regulate the provision of legal services. <sup>2</sup>
2. Describe any licensure requirements governing the provision of legal services.	Legal services can only be provided by attorneys authorized by the Supreme Court of El Salvador. The requirements to obtain a license include having a bachelor’s degree in law studies and conclusion of legal practices. The specific requirements are established in article 140 of the <i>Ley Orgánica Judicial</i> . <sup>3</sup>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	There are no rules that regulate the provision of pro bono legal services in El Salvador. In addition, there are no special requirements for mandatory or minimum fees to be imposed on the provision of legal services (including pro bono legal services).
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in El Salvador are not required to work a minimum number of pro bono hours.

<sup>1</sup> This chapter was drafted with the support of Armando Arias and Rafael Burgos of Arias Law.

<sup>2</sup> See [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072959054\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072959054_archivo_documento_legislativo.pdf) (last visited on May 1, 2019).

<sup>3</sup> See [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072959054\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072959054_archivo_documento_legislativo.pdf) (last visited on May 1, 2019).

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Yes, all law students must provide pro bono legal assistance<sup>4</sup> as a requirement for being admitted as attorneys by the Salvadoran Supreme Court. There is not a minimum number of hours that aspiring lawyers must complete, but a minimum of cases in which the student must participate. The number of cases that the aspiring lawyer must participate in is six.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require pro bono or legal services are:</p> <ul style="list-style-type: none"> <li>• Family law</li> <li>• Criminal law</li> <li>• Constitutional law</li> </ul> <p>The major unmet legal needs are:</p> <ul style="list-style-type: none"> <li>• Environmental law</li> <li>• Consumer protection law</li> <li>• Administrative law</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>NGO's in their sphere of activities, universities and major law firms. Some of the relevant providers of pro bono legal services are:</p> <ol style="list-style-type: none"> <li>1. Universidad Dr. José Matías Delgado – Centro de Prácticas Jurídicas (<a href="mailto:rcorellanao@ujmd.edu.sv">rcorellanao@ujmd.edu.sv</a>).</li> <li>2. Arias (<a href="mailto:lilian.arias@ariaslaw.com">lilian.arias@ariaslaw.com</a>)<sup>5</sup></li> <li>3. Universidad Francisco Gavidia – Centro de práctica jurídica<sup>6</sup></li> <li>4. Romero Pineda y Asociados<sup>7</sup></li> <li>5. Archbishopric of San Salvador<sup>8</sup></li> <li>6. Human Rights Institute (Instituto de Derechos Humanos) Universidad José Simeón Cañas<sup>9</sup></li> </ol>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There is no special license required for lawyers in El Salvador providing pro bono legal services.</p>

<sup>4</sup> The pro bono legal assistance may be also executed working in a Governmental institution, not participating in cases but providing assistance to the internal work of the institution.

<sup>5</sup> See <http://ariaslaw.com/es/rse/pro-bono> (last visited on May 1, 2019).

<sup>6</sup> See <https://fci.ufg.edu.sv/cpj.html#.XD9qM1xKjIU> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.romeropineda.com/probono/> (last visited on May 1, 2019).

<sup>8</sup> See <http://www.arzobispadosansalvador.org/sobre-nosotros/curia/vicaria-episcopal-promocion-humana/tutela-legal/> (last visited on May 1, 2019).

<sup>9</sup> See <http://www.uca.edu.sv/idhuca/> (last visited on May 1, 2019).



<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Legal services can only be provided by lawyers authorized by the Supreme Court. A foreign lawyer that wishes to practice law in El Salvador should be authorized by the Supreme Court, for which it will be necessary to authorize his or her college degree before the University of El Salvador. The procedure of authorizing the college degree implies taking subjects related to Salvadoran constitutional law, among others. An indirect alternative for foreign lawyers to provide pro bono services is to work the cases along with an authorized attorney in El Salvador.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no special requirement in El Salvador related to professional indemnity legal insurance and the provision of pro bono legal services.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules in El Salvador that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>There are no specific credits for pro bono hours worked in El Salvador.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in El Salvador.</p>	<p>There are not governmental specific sources of pro bono legal services in El Salvador. Governmental activities of legal assistance are provided as legal aid through the Office of Public Defense (or in Spanish “Procuraduría General de la República”).</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in El Salvador.</p>	<p>Most of the major private law firms in El Salvador have constituted their own pro bono programs and many NGOs in the country run different pro bono programs focused on their particular sphere of activity. Please refer to section b(5).</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Even though there is not a public or private register, pro bono opportunities can be identified by making direct communication with NGO’s, universities and legal law firms with pro bono programs.</p>

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Guatemala<sup>1</sup>

### I. Introduction

Historically, Guatemala has not had a strong tradition or requirement for the provision of pro bono legal services by individual lawyers or private law firms. The provision of pro bono legal services in Guatemala has been led by non-profit organizations and by special practice programs included as part of law schools' curricula. However, in the last three years there have been more private law firms interested in providing pro bono legal services. An example of this advancement is the incorporation of Fundación Pro Bono Guatemala, which was founded by 12 private law firms in 2018. As of this date, Fundación Pro Bono Guatemala has not been officially registered in Guatemala as a non-profit organization due to government regulatory delays; however, it has partnered with international and local institutions and has provided greater opportunities for pro bono legal services to be provided by private law firms.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Guatemala is governed by the bar association, <i>Colegio de Abogados y Notarios de Guatemala</i>. The bar provides rules on professional ethics and requirements for admission to the bar.<sup>2</sup></p> <p>In addition to the code of ethics provided by the bar association, attorneys are regulated by law under <i>Ley de Colegiación Profesional Obligatoria</i>.<sup>3</sup> This law codifies the nature and scope of the legal profession in Guatemala, as well as the requirements for becoming a legal professional. It also codifies the ethical standards and principles to which the <i>Colegiación Profesional</i> should adhere.</p> <p>Attorneys' fees in Guatemala are regulated by Decree 111-96.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>In order to practice law in Guatemala, attorneys need a legal degree and also need to pass an exam.</p> <p>Attorneys will then apply for and be sworn into the bar association, <i>Colegio de Abogados y Notarios de Guatemala</i>, which was established by Decree 72-2001 (<i>Ley de Colegiación Profesional Obligatoria</i>) of the Congress of the Republic of Guatemala. Attorneys will then be registered and sworn in by Guatemala's Supreme Court of Justice.<sup>4</sup></p>

<sup>1</sup> This chapter was drafted with the support of Cindy Arrivillaga of Arias Law.

<sup>2</sup> See <http://ariaslaw.com/boletines/Codigo%20de%20Etica%20de%20Guatemala.pdf> (last visited on May 1, 2019).

<sup>3</sup> Decreto 72-2001.

<sup>4</sup> Decree 2-89. Article 196. [https://www.rgp.org.gt/docs/legislacion\\_registral/Ley%20del%20Organismo%20Judicial.pdf](https://www.rgp.org.gt/docs/legislacion_registral/Ley%20del%20Organismo%20Judicial.pdf) (last visited on May 1, 2019).

	<p>As stated above, the only bar association is the <i>Colegio Abogados y Notarios de Guatemala</i>, and an attorney can only practice law in Guatemala if they are licensed by the bar association and Guatemala’s Supreme Court of Justice.</p> <p>Under Article 87 of the Guatemalan Constitution, a foreign lawyer’s degree can be recognized by the <i>University of San Carlos de Guatemala</i> for purposes of practicing in Guatemala.<sup>5</sup> A foreign lawyer would then need to take and pass a bar exam in Guatemala or provide 1,600 hours of social service before applying to the bar.<sup>6</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Article 12 of the Constitution says a “defense of the person and his [or her] rights are inviolable” and that each person has a right to be heard in a legal process.</p> <p>The provision of pro bono legal services in Guatemala, unlike the right to legal assistance,<sup>78</sup> is not specifically accounted for in any regulations, nor is it required.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Guatemala are not required by to work a minimum number of pro bono hours. However, the Pro Bono Declaration of the Americas (“<u>Declaration</u>”) has been signed by several legal organizations in Guatemala, including <i>Colegio de Abogados y Notarios de Guatemala</i>.<sup>9</sup></p> <p>The Declaration commits lawyers to practicing 20 hours of pro bono legal services each year.<sup>10</sup> At this time, this is a purely aspirational figure and not a requirement for legal practice in Guatemala.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement by the bar association for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in Guatemala are:</p>

<sup>5</sup> See [https://www.constituteproject.org/constitution/Guatemala\\_1993.pdf?lang=en](https://www.constituteproject.org/constitution/Guatemala_1993.pdf?lang=en) (last visited on May 1, 2019).

<sup>6</sup> Constitution of the Republic of Guatemala. Article 87. ([https://www.constituteproject.org/constitution/Guatemala\\_1993.pdf?lang=en](https://www.constituteproject.org/constitution/Guatemala_1993.pdf?lang=en) (last visited on May 1, 2019) and <http://rye.usac.edu.gt/index.php?inco=1> (last visited on May 1, 2019).

<sup>7</sup> See <http://ariaslaw.com/boletines/Codigo%20de%20Etica%20de%20Guatemala.pdf> (last visited on May 1, 2019).

<sup>8</sup> Decree 129-97. Article 3. <http://www.idpp.gob.gt/publicaciones/leyesidpp.aspx> (last visited on May 1, 2019).

<sup>9</sup> See [https://www.vancecenter.org/wp-content/uploads/2019/01/Signatarios\\_1-17-18.pdf](https://www.vancecenter.org/wp-content/uploads/2019/01/Signatarios_1-17-18.pdf) (last visited on May 1, 2019).

<sup>10</sup> See <https://www.vancecenter.org/wp-content/uploads/2018/03/english.pdf> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• Immigration/Asylum/Migrants.</li> <li>• Servicing unmet needs within the poorer communities.</li> <li>• Labor matters.</li> <li>• Family matters.</li> <li>• Violence against women.</li> <li>• Criminal matters.</li> <li>• Legal reforms.</li> </ul>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Guatemala are NGOs, private and public institutions, universities and private law firms:</p> <ul style="list-style-type: none"> <li>• Some local NGOs and other non-profit institutions in Guatemala provide legal services for refugees, migrants and immigrants.<sup>11</sup> There are also private and public institutions providing legal services on labor, civil, family, violence against women and criminal matters. Additionally, there are non-profit institutions that provide pro bono legal services attending to cases of corruption and the promotion of legal reforms.</li> <li>• These institutions include: Casa del Migrante Nazareth; Pastoral de Movilidad Humana<sup>12</sup>; Acción Ciudadana<sup>13</sup>; Grupo de Apoyo Mutuo<sup>14</sup>; Instituto de Estudios Comparados en Ciencias Penales<sup>15</sup>; Fundación Sobrevivientes<sup>16</sup>; Bufete Popular Universidad Rafael Landívar<sup>17</sup>; Bufete Popular Universidad Mariano Gálvez<sup>18</sup>; Bufete Popular Universidad de San Carlos de Guatemala; Bufete Popular Universidad Rural<sup>19</sup>; and Institute of Criminal Public Defense<sup>20</sup>.</li> <li>• The Bufete Popular is a compulsory student program at the four universities named above</li> </ul>

<sup>11</sup> See list of NGOs and their contact information on <http://www.refugeelaidinformation.org/guatemala-pro-bono-directory> (last visited on May 1, 2019).

<sup>12</sup> See <http://movilidadhumana.com/tag/guatemala/> (last visited on May 1, 2019).

<sup>13</sup> See <http://accionciudadana.org.gt>. (last visited on May 1, 2019).

<sup>14</sup> See <http://grupodeapoyomutuo.org.gt/> (last visited on May 1, 2019).

<sup>15</sup> See <https://iccp.org.gt> (last visited on May 1, 2019).

<sup>16</sup> See <http://www.sobrevivientes.org> (last visited on May 1, 2019).

<sup>17</sup> See <http://principal.url.edu.gt/index.php/academia/bufete-popular> (last visited on May 1, 2019).

<sup>18</sup> See <https://derecho.umg.edu.gt/> (last visited on May 1, 2019).

<sup>19</sup> See <http://urural.edu.gt/wp-content/uploads/2016/12/GUIA-PRACTICA-BUFETE-2017.pdf> (last visited on May 1, 2019).

<sup>20</sup> See <http://www.idpp.qob.gt/> (last visited on May 1, 2019).

	<p>where students provide pro bono legal services to those who cannot afford to pay for legal services and often in conjunction with a regional or international NGOs. The main legal services provided by these programs are labor, civil and family matters.</p> <ul style="list-style-type: none"> <li>• Regional organizations that help asylum-seekers and refugees include the Inter-American Commission for Human Rights and the Inter-American Court of Human Rights.<sup>21</sup></li> <li>• Private law firms provide pro bono legal services. They are contacted directly by non-profit entities. Since 2018, The Fundación Pro Bono Guatemala has acted as a clearing house for pro bono legal services and has made alliances with local and international organizations, such as The Cyrus R. Vance Center for International Justice and La Red Pro Bono de las Américas. Through Fundación Pro Bono Guatemala, many private law firms in Guatemala have been able to provide pro bono legal services, mainly for refugees, migrants and immigrants.</li> <li>• Private lawyers (acting individually) may provide pro bono legal services, though it is difficult to find information on what services can be provided if at all.<sup>22</sup></li> </ul>
--	---

**(c) Obstacles to Provision of Pro Bono Legal Services**

<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>No additional licensure is required to provide pro bono legal services beyond the requirements for all legal practice.</p> <p>Students can provide pro bono legal services (through authorized institutions such as Bufete Popular) under the supervision of licensed attorneys. The pro bono legal services provided by law students are limited to labor<sup>23</sup>, civil<sup>24</sup> and family<sup>25</sup> matters.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>No additional licensure is required for foreign lawyers to provide pro bono legal services beyond the requirements for all legal practice.</p>

<sup>21</sup> See <http://www.refugeelawinformation.org/guide-access-regional-human-rights-americas> (last visited on May 1, 2019).

<sup>22</sup> See e.g. <https://www.gov.uk/government/publications/queatemala-list-of-lawyers> (UK government’s list of local counsel in Guatemala, which also provides for whether the lawyers will engage in pro bono services; however, the type of service is not specified and are only done on “case-by-case” basis).

<sup>23</sup> Decree 1441. Article 321. <https://www.gov.uk/government/publications/queatemala-list-of-lawyers> (last visited on May 1, 2019).

<sup>24</sup> Decree 54-77. [http://ww2.oj.gob.gt/archivodeprotocolos/index.php?option=com\\_rubberdoc&view=doc&id=98&format=raw&Itemid=140](http://ww2.oj.gob.gt/archivodeprotocolos/index.php?option=com_rubberdoc&view=doc&id=98&format=raw&Itemid=140) (last visited on May 1, 2019).

<sup>25</sup> Decree Law 206. Article 10.

<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers are not required to have special indemnity insurance for the provision of pro bono legal services.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Article 10 and 11 of the Lawyer’s Professional Code of Ethics prohibit directly or indirectly soliciting clientele and limit publication of legal services to business cards.<sup>26</sup> Thus, there is not an opportunity to advertise pro bono legal services directly by attorneys or law firms in Guatemala.</p> <p>However, pro bono legal services are usually promoted by the universities, <i>Bufete Popular</i> or other non-profit institutions that include them as part of their services. For instance, Fundación Pro Bono Guatemala as a clearing house of pro bono legal services may promote its services, indirectly promoting pro bono practices in participating law firms.*</p> <p>*This last statement is the opinion of local counsel. In their opinion, this would still align with Professional Code of Ethics.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>There is no “Continuing Legal Education” or equivalent credit for pro bono hours worked in Guatemala.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Guatemala.</p>	<p>The government in Guatemala is focused on providing legal assistance for indigent persons, rather than providing pro bono legal services.</p> <p>Right to legal assistance for indigent persons is established under Article 12 of the Constitution<sup>27</sup> and Article 89 of the Civil and Commercial Code<sup>28</sup>.</p> <p>The Institute of Criminal Public Defense (“IDPP”) is the country’s public criminal defender’s office.<sup>29</sup> A recent article suggests that IDPP is woefully understaffed for the amount of work, especially when it comes to serving underrepresented indigenous peoples.<sup>30</sup></p>
---	--

<sup>26</sup> See <http://ariaslaw.com/boletines/Codigo%20de%20Etica%20de%20Guatemala.pdf> (last visited on May 1, 2019).

<sup>27</sup> See [https://www.constituteproject.org/constitution/Guatemala\\_1993.pdf?lang=en](https://www.constituteproject.org/constitution/Guatemala_1993.pdf?lang=en) (last visited on May 1, 2019).

<sup>28</sup> See <https://www.wipo.int/edocs/lexdocs/laws/es/gt/gt007es.pdf> (last visited on May 1, 2019).

<sup>29</sup> See <http://www.idpp.gob.gt/> (last visited on May 1, 2019).

<sup>30</sup> See <https://www.univision.com/noticias/criminalidad-y-justicia/guatemala-has-15-public-defenders-to-serve-65-million-indigenous-residents> (last visited on May 1, 2019).



<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Guatemala.</p>	<p>Please refer to (b).5, as discussed, the main sources of pro bono in Guatemala are NGOs, private non-profit entities and legal clinics run through universities.</p> <p>Private lawyers also provide pro bono legal services. Since 2018, Fundación Pro Bono Guatemala has acted as a clearing house and connected national and international organizations—such as the Cyrus R. Vance Center for International Justice and La Red Pro Bono de las Americas—with private law firms.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Local and foreign lawyers can register with The Fundación Pro Bono Guatemala in order to be made aware of pro bono opportunities. The relevant email address is: <a href="mailto:fundacionprobonogt@gmail.com">fundacionprobonogt@gmail.com</a></p>

May 2019  
Pro Bono Practices and Opportunities in Guatemala

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Haiti<sup>1</sup>

### I. Introduction

Pro bono legal services in Haiti are constrained by resources as well as limitations mandating that lawyers who practice in the country must be Haitian citizens. Following the severe earthquake in 2010, several pro bono organizations were established to provide pro bono legal services – many of which focus on assisting Haitians with immigration matters, including applications for Temporary Protected Status (“TPS”) designation in the United States. Critically, pro bono legal services in Haiti also focus on increasing access to justice and furthering human rights.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Decree of March 29, 1979 (the “Decree”) regulates the practice of law and provision of legal services in Haiti.<sup>2</sup> Lawyers must also adhere to the Deontology Code of the Haitian Federation of Bar Associations (the “Deontology Code”).</p> <p>The Law on Legal Assistance of August 7, 2018 provides a legal framework for Legal Aid Offices in the country.<sup>3</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The Decree includes the following requirements for becoming a lawyer in Haiti; the individual must:</p> <ul style="list-style-type: none"> <li>• be at least 18 years old;</li> <li>• complete a law license (equivalent to a Bachelor’s) at the State University of Haiti or any foreign license recognized in Haiti as equivalent;</li> <li>• submit a certificate of good moral conduct (<i>certificat de bonne vie et moeurs</i>);</li> <li>• register with one of the bar associations of Haiti;</li> <li>• complete a two-year internship (<i>le stage</i>); and</li> <li>• pass an admission exam (<i>Certificat d’Aptitude à la Profession d’Avocat</i>).</li> </ul> <p>Importantly, Article 5 of the Decree further requires that lawyers must be Haitian citizens in order to practice law in the country.</p>

<sup>1</sup> This chapter was drafted with the support of Alexandre Lespinasse of Cabinet de Lespinasse

<sup>2</sup> See the Decree of March 29, 1979 available at <http://cabinetjacquesetassocies.com/new/wp-content/uploads/2015/03/decret-du-29-mars-1979-reglementant-la-profession-d-avocat.pdf> (last visited on October 2, 2019).

<sup>3</sup> As the focus of this report are “pro bono” services (i.e., the voluntary contribution of private attorneys), this chapter does not include a review of the Law on Legal Assistance as it governs a state-funded “legal aid” system.

(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	Publically available information does not seem to indicate any legal restriction directly governing pro bono work in Haiti.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no requirements for lawyers in Haiti to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	The Decree does not require that any minimum number of hours of pro bono legal services be provided in order to become a licensed lawyer in Haiti.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Furthering human rights, democracy and justice are the priorities for pro bono work in Haiti. In addition, pro bono legal services are provided in Haiti to advocate for victims of the 2010 earthquake and subsequent natural disasters, including assistance to obtain safe housing, international aid and immigration opportunities, notably through the TPS designation.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Non-governmental organizations, such as the Bureau des Avocats Internationaux (“BAI”) provide on-the-ground pro bono legal services in Haiti. <sup>4</sup> BAI’s Boston-based partner, Institute for Justice and Democracy in Haiti (“IJDH”) advances justice and democracy in Haiti through advocacy, litigation and coalition-building both in Haiti and abroad. <sup>5</sup>
(c) Obstacles to Provision of Pro Bono Legal Services	
1. Do lawyers require a license to provide pro bono legal services?	The Decree does not require lawyers in Haiti to have a license to provide pro bono legal services, but they must be licensed in accordance with section (a)(1) above and be Haitian citizens in order to provide such legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	In accordance with the Decree, foreign lawyers may not practice law, including providing any pro bono legal services, unless they are Haitian citizens.

<sup>4</sup> See <http://www.ijdh.org/about/> (last visited on October 2, 2019).

<sup>5</sup> See <http://www.ijdh.org/about/> (last visited on October 2, 2019).

<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers are not required to have professional indemnity legal insurance to cover the provision of pro bono legal services in Haiti.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The Decree does not have specific regulations for advertisements related to pro bono legal services. However, the Deontology Code generally prohibits lawyers from advertising their services.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Haitian lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Haiti.</p>	<p>In Haiti, governmental legal aid is primarily the responsibility of the Ministry of Justice and the bar association.<sup>6</sup> By law, primary legal aid is available to all, however access to legal aid services can be inconsistent and often is unavailable in rural areas.<sup>7</sup> There are no pro bono legal services that are provided by the Haitian government.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Haiti.</p>	<p>BAI and IJDH provide pro bono legal services and resources to Haitians and have the most readily accessible and up-to-date information available online.<sup>8</sup> Their website includes a calendar of events in Haiti and the United States for those interested in learning more about their work and the pro bono opportunities available in Haiti.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Attorneys interested in providing pro bono legal services to Haitians can contact the following organizations:</p> <ul style="list-style-type: none"> <li>• BAI and IJDH (current volunteer opportunities focused on translation French and/or Kreyol into English);<sup>9</sup></li> <li>• Haitian Lawyers Association (voluntary bar association in Florida which provides pro bono legal services to Haitian immigrants);<sup>10</sup></li> </ul>

<sup>6</sup> See [https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA - Country\\_Profiles.pdf](https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA - Country_Profiles.pdf) (last visited on October 2, 2019).

<sup>7</sup> See [https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA - Country\\_Profiles.pdf](https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA - Country_Profiles.pdf) (last visited on October 2, 2019).

<sup>8</sup> See <http://www.iidh.org/about/> (last visited on October 2, 2019).

<sup>9</sup> See <http://www.iidh.org/take-action/volunteer/> (last visited on October 2, 2019).

<sup>10</sup> See <http://haitianlawyersassociation.org/about/> (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• Haitian TPS Pro Bono Directory (directory of U.S.-based organizations assisting Haitians with TPS applications);<sup>11</sup></li> <li>• Center for Gender &amp; Refugee Studies (pro bono opportunities to work on asylum matters);<sup>12</sup> and</li> <li>• Lawyers Without Borders Canada (Canadian lawyers can volunteer with the organization to increase access to justice, fight against impunity and increase citizen participation in Haiti).<sup>13</sup></li> </ul>
--	--

October 2019  
Pro Bono Practices and Opportunities in Haiti

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>11</sup> See <https://www.probono.net/haitianimmigration/directory/> (last visited on October 2, 2019).

<sup>12</sup> See <https://cgrs.uchastings.edu/about/get-involved> (last visited on October 2, 2019).

<sup>13</sup> See <https://www.asfcanada.ca/engagez-vous/je-veux-mimpliquer/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in Mexico<sup>1</sup>

### I. Introduction

Access to proper legal representation in Mexico is considered to be a luxury. For the most part, the general population of Mexican society relies on unsophisticated and non-professional lawyers to assist their daily needs. Having identified this issue, the Mexican government had historically concentrated on creating numerous sources of state funded legal aid institutions to assist the population. Areas such as criminal prosecution, human rights, labor disputes, tax counseling, consumer protection, to name a few, have been the major focus, and are dealt with by legal aid institutions, as opposed to by pro bono legal service providers. There is recent interest by private practitioners and other non-governmental organizations to provide an organized and qualified pro bono practice to compensate for the gaps left by the legal aid institutions in Mexico. Law firms have been implementing areas dedicated to pro bono work and have been forming alliances with other organizations to develop the practice and provide a “self-regulated” environment for providing pro bono legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>In Mexico, the legislative authority that regulates the practice of any profession, including the provision of legal services, is granted to each of the local legislatures of each of the States in Mexico. In addition to this authority, Federal Congress issued a Law for the Regulation of Constitutional Article 5 Concerning the Exercise of Occupations in Mexico City (<i>Ley Reglamentaria del Artículo 5° Constitucional, relativa al ejercicio de las profesiones en la Ciudad de México</i><sup>2</sup>, the “<b>Professions Law</b>”). This law is applicable at both a local and federal level: local level in Mexico City, for matters exclusively related to local jurisdiction, and at a federal level for matters related to a federal jurisdiction.</p> <p>A number of local governments in Mexico have issued specific legislation for such matters, while other States have decided to refer such matters to the provisions applicable to Mexico City.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>According to the Professions Law, admission to the practice of law in Mexico requires: (i) submission of a valid university degree as proof of conclusion of all courses and credits required to graduate from the respective law school; and (ii) registration of a law university degree before the <i>Dirección General de Profesiones</i> in order for a professional license (<i>cédula</i>) to be issued by the Ministry of Education (<i>Secretaría de Educación Pública</i>).</p>

<sup>1</sup> This chapter was drafted with the support of Daniel Guaida of Gonzalez-Calvillo.

<sup>2</sup> See [http://www.diputados.gob.mx/LeyesBiblio/pdf/208\\_190118.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/208_190118.pdf) (last visited on May 1, 2019).

	Membership to a bar or collegiate body in Mexico is not mandatory.
<b>(b) Pro Bono Practice and Culture</b>	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	There are no rules in Mexico specifically regulating the provision of pro bono legal services.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Mexico are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	<p>Under the Professions Law, education programs for aspiring professionals (including lawyers) need to include temporary work which is “in the best interest of society and the State”. This temporary work, known as social service (<i>servicio social</i>), should last between 6 and 24 months. Fulfillment of the social service by all students is mandatory before obtaining a valid degree.</p> <p>This is a general requirement for all graduate degree occupations and can include, but is not limited to, the rendering of pro bono legal services in Mexico.</p>
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	<p>In 2014 the National Council for the Evaluation of Social Development Policy (<i>Consejo Nacional de Evaluación de la Política de Desarrollo Social</i> or CONEVAL) presented two studies reflecting the level of poverty in the main cities of Mexico. The studies revealed that 53.3 million Mexican citizens were living in poverty in 2012, of which, 68.6% lived in urban areas. Consequently, the vast majority of Mexico’s population are unable to afford proper legal counsel and defense. The main areas of law which require pro bono legal services in Mexico are, among others, the following:</p> <ul style="list-style-type: none"> <li>• Family law;</li> <li>• Criminal law;</li> <li>• Human Rights Protection;</li> <li>• Labor law; and</li> <li>• Civil and corporate law for non-profit organizations.</li> </ul>



<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Mexico are NGOs, universities and, most recently, private law firms.</p> <p>Universities typically hold clinics or provide pro bono legal services in which their teachers and students provide assistance to the general public, mostly treating family and civil matters. In addition, NGOs provide assistance of more specialized counsel, in criminal and human rights matters.</p> <p>Recently, there has been an interest from private law firms (such as Gonzalez Calvillo, S.C.) to assist on specific matters on a pro bono basis. This type of work is performed by private firms and is usually related to highly specialized and complex matters that benefit from the infrastructure and accumulated knowledge that these firms can provide.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There are no special requirements for lawyers to hold a particular license to provide pro bono legal services in Mexico, other than the general requirements to practice law.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>The Professions Law provides a procedure for foreign professionals to exercise their trade in Mexico. Ultimate approval to exercise a profession in Mexico with a foreign degree will depend on the international treaties entered into by Mexico, and if no treaty is in place, provision of professional services by foreign individuals will be determined by the application of reciprocity rules with the foreign government.</p> <p>The process to allow foreign professionals to practice in Mexico, requires a registration of their foreign degree with the Mexican authorities. Equivalency with local degrees is reviewed by the authorities for such purposes.</p> <p>After being admitted to practice in Mexico, a foreign lawyer would not require an additional license to provide pro bono legal services.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>As a general rule, no professional liability insurance is legally required to provide legal services in Mexico and this would apply equally to pro bono legal services.</p>

<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules pursuant to Mexican laws that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Other than mandatory hours credited to students and aspiring professionals to meet the necessary thresholds to comply with the social service (<i>Servicio Social</i>), there is no requirement to accrue hours from pro bono work and lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked in Mexico.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Mexico.</p>	<p>There are no governmental sources of pro bono legal services in Mexico.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Mexico.</p>	<p>There are several non-governmental organizations that provide pro bono legal services and resources in Mexico such as:</p> <ul style="list-style-type: none"> <li>• Centro Mexicano Pro Bono, A.C. a non-profit association dedicated to bringing lawyers who wish to contribute pro bono work to vulnerable population groups and civil organization who require legal counsel or guidance;<sup>3</sup></li> <li>• Fundación Appleseed Mexico an organization dedicated to rendering legal services to civil associations; this foundation has a Pro Bono Mexico Network conformed by many Mexican lawyers who are willing to devote their time and expertise in pro bono cases; and</li> <li>• Fundación Barra Mexicana a civil association aiming to facilitate, coordinate, and promote pro bono work among lawyers in Mexico.<sup>4</sup></li> </ul> <p>Additionally, several universities and law firms in Mexico have pro bono clinics and practices dedicated to connecting people who cannot afford and require legal advice or services with specialized professionals who are willing to render services on a pro bono basis.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in</p>	<p>We are not aware of any public or private organizations in Mexico that openly admit</p>

<sup>3</sup> See : <http://www.probono.mx/> (last visited on May 1, 2019).

<sup>4</sup> See <http://www.fbma.org.mx/principal.html> (last visited on May 1, 2019).

order to be made aware of pro bono opportunities?	attorneys specifically to render pro bono opportunities.
---	--

May 2019

Pro Bono Practices and Opportunities in Mexico

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Nicaragua<sup>1</sup>

### I. Introduction

The provision of, and access to, pro bono legal services in Nicaragua has increased in recent years with non-profit legal organizations and private law firms emerging to provide pro bono legal services to individuals and organizations. In particular, with the arrival of international law firms to the country and the expansion of native firms, the volume and diversity of pro bono services have increased. However, lack of public information and legislation promoting bono practices inhibit growth in pro bono engagement in Nicaragua. In addition, recent civil unrest within the country increased demand for free legal services. Nicaragua’s underdeveloped legal aid resources presents a significant opportunity for improvement to access to pro bono legal services throughout the country.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The regulatory framework governing the practice of law in Nicaragua is formed by two laws, the Organic Law of the Judicial Branch (<i>Ley Orgánica del Poder Judicial</i>)<sup>2</sup> and the Law of Judicial Career (<i>Ley de Carrera Judicial</i>)<sup>3</sup>.</p> <p>Various government institutions within the judicial branch in Nicaragua regulate the practice of law, including the National Counsel for Administration and Judicial Career (<i>Consejo Nacional de Administración y Carrera Judicial</i>)<sup>4</sup>.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The national Supreme Court of Justice grants licenses to practice law in Nicaragua.</p> <p>Attorney’s must have a bachelor’s degree in law, sworn references and maintain good standing with the National Council for Administration and Judicial Career in order to receive and maintain a license to practice law in Nicaragua.</p>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>Under the Nicaraguan constitution, everyone has a right to representation by an attorney. All persons and entities that are citizens of or reside in Nicaragua are entitled to free legal services performed by an attorney appointed by the court.</p> <p>There are no explicit regulations or limitations on providing free legal services in Nicaragua, and</p>

<sup>1</sup> This chapter was drafted with the support of Marcela Deras and Ivania Paguaga at Arias.

<sup>2</sup> For more information, refer to the Organic Law of the Judicial Branch at <https://www.poderjudicial.gob.ni/arc-pdf/LOPJ.pdf> (last visited on May 1, 2019).

<sup>3</sup> For more information, refer to the Law of Judicial Career at [https://www.poderjudicial.gob.ni/piupload/noticia\\_reciente/ley\\_de\\_carrera\\_judicia\\_su\\_normativa.pdf](https://www.poderjudicial.gob.ni/piupload/noticia_reciente/ley_de_carrera_judicia_su_normativa.pdf) (last visited on May 1, 2019).

<sup>4</sup> For more information, refer to the National Counsel for Administration and Judicial Career website at <https://www.poderjudicial.gob.ni/carrerajudnue/default.asp> (last visited on May 1, 2019).

	there are no minimum fees required for providing legal services.
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no laws which require licensed attorneys in Nicaragua to perform a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	There is no requirement for aspiring lawyers in Nicaragua to complete a minimum number of hours of pro bono legal services in order to become licensed. However, some private universities require students perform social work before granting a degree and the provision of pro bono legal services can fulfill this requirement.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law which present opportunities for providing pro bono legal services in Nicaragua include human and civil rights, labor, and government welfare benefits.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>Many private law firms have developed robust pro bono practices, which provide free or low cost legal services for a variety of legal matters including immigration, microfinance, housing, and others. Law firms located in Nicaragua with pro bono practices include Arias Law<sup>5</sup>, Dentons Muñoz<sup>6</sup>, and Alvarado y Asociados<sup>7</sup>.</p> <p>Legal clinics established by universities, namely the <i>Universidad Centroamericana</i><sup>8</sup> and the <i>Universidad Politenica de Nicaragua</i>, allow law students to provide free legal services to clients under the supervision of a licensed attorney. These university sponsored clinics provide representation for a wide array of legal matters including civil lawsuits (family, property, trusts and estates, labor, administration), criminal matters and mediations.</p>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers only need a valid license to provide legal services, assist with legal opinions or perform pro bono legal services. There are no other additional requirements.

<sup>5</sup> For more information about Arias Law’s pro bono practice, please find more information here <http://ariaslaw.com/en/csr/pro-bono> (last visited on May 1, 2019) or contact Marcela Deras ([Marcela.deras@ariaslaw.com](mailto:Marcela.deras@ariaslaw.com))

<sup>6</sup> For more information about Dentons Muñoz’s pro bono practice, please find the office website here <https://www.dentonsmunoz.com/> (last visited on May 1, 2019).

<sup>7</sup> For more information about Alvarado Y Asociados pro bono practice, please find their pro bono website here <https://alvaradoyasociadoslegal.com/pro-bono/> (last visited on May 1, 2019).

<sup>8</sup> For more information about the Universidad Centro Americana’s free legal clinic, please find more information here at <https://fci.uca.edu.ni/index.php/56-bufete-juridico/799-bufete-juridico> (last visited on May 1, 2019).

<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>There are no additional licenses required for foreign lawyers to provide pro bono legal services in Nicaragua. If foreign lawyers provide legal services in Nicaragua, they must validate their university degree with local authorities and register with the Supreme Court of Justice.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>No, lawyers in Nicaragua are not obligated to have indemnity legal insurance to cover pro bono or any other legal services provided.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>No, there are no rules that prohibit advertising pro bono successes or soliciting new pro bono clients. The only regulation of pro bono legal services are the internal policies of the attorneys, law firms, and NGOs providing such services.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>No, lawyers in Nicaragua do not receive credit for pro bono hours worked. There is no formal continuing legal education requirement or equivalent in Nicaragua.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Nicaragua.</p>	<p>Regional NGOs which specialize in providing pro bono legal assistance include the Lex Mundi Pro Bono Foundation<sup>9</sup>, which provides legal resources and advice for social enterprises and entrepreneurs and the Nicaraguan Center for Human Rights (human rights)<sup>10</sup>.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Nicaragua.</p>	<p>Regional NGOs which specialize in providing pro bono legal assistance include the Lex Mundi Pro Bono Foundation<sup>11</sup>, which provides legal resources and advice for social enterprises and entrepreneurs and the Nicaraguan Center for Human Rights (human rights)<sup>12</sup>.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Currently there are no public or private organizations in which an attorney can register in order to be made aware of pro bono opportunities in Nicaragua.</p>

<sup>9</sup> For more information, refer to the Lex Mundi Pro Bono Foundation website found here <https://www.lexmundiprobono.org/lexmundiprobono/default.asp> (last visited on May 1, 2019).

<sup>10</sup> For more information, refer to the Nicaraguan Centre for Human Rights website found here <https://www.cenidh.org/> (last visited on May 1, 2019).

<sup>11</sup> For more information, refer to the Lex Mundi Pro Bono Foundation website found here <https://www.lexmundiprobono.org/lexmundiprobono/default.asp> (last visited on May 1, 2019).

<sup>12</sup> For more information, refer to the Nicaraguan Centre for Human Rights website found here <https://www.cenidh.org/> (last visited on May 1, 2019).

May 2019  
Pro Bono Practices and Opportunities in Nicaragua

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



## Pro Bono Practices and Opportunities in Panama<sup>1</sup>

### I. Introduction

The importance of pro bono legal services continues to grow in Panama. The legal community recognizes the value of pro bono work and the significant impact it can have, not only on those represented but on the system as a whole, by promoting democratic values and the fair administration of justice. Several major Panamanian law firms make pro bono work a central tenet of their mission and are signatories to the Vance Center’s Pro Bono Declaration for the Americas, which commits members to undertake an average of at least 20 hours of pro bono per attorney.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Practicing lawyers, whether or not they are members of the National Bar, are regulated by the Law of Advocacy (<i>Ley de la Abogacía, Ley No. 9 de 18 de Abril de 1984</i>)<sup>2</sup> and by the Code of Ethics and Professional Responsibility of the National Bar of Panama (<i>Código de Ética del Colegio Nacional de Abogados</i>).<sup>3</sup></p> <p>In addition, attorneys who are members of the National Bar are also governed by the regulations promulgated by the National Bar (<i>Estatuto del Colegio Nacional de Abogados</i>).<sup>4</sup></p> <p>The National Bar was created to oversee lawyers’ professional conduct and to help improve the administration of justice in all its branches. The combination of the Law of Advocacy and the regulations promulgated by the National Bar establish the requirements for the practice of law in Panama, as well as the procedures and sanctions that can be brought against lawyers who fail to abide by the norms contained therein.</p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>In the past, in order to practice law in Panama, a lawyer was required to be a member of the National Bar of Panama (<i>Colegio Nacional de Abogados</i>) under Article 1 of Law No. 9 of 1984. This requirement was declared unconstitutional in a 1994 ruling by the Supreme Court of Justice.<sup>5</sup> As a result, since 1994, it is no longer a requirement to be a member of the National Bar,</p>

<sup>1</sup> This chapter was drafted with the support of Mario Fábrega, arbitrator.

<sup>2</sup> “Ley de la Abogacía, Ley No. 9 (de 18 de Abril de 1984) por la cual se regula el ejercicio de la Abogacía. (Reformada por la Ley 8 de 16 de Abril de 1993).” See <https://panamacna.com/ley-de-la-abogacia/> (last visited on October 2, 2019).

<sup>3</sup> See Article 18 of Law No. 9 of 1984. For the Code of Ethics of the National Bar, see “Código de Ética y Responsabilidad Profesional del Abogado”, <https://panamacna.com/codigo-de-etica/> (last visited on October 2, 2019).

<sup>4</sup> “Estatuto del Colegio Nacional de Abogados de Panamá”, <https://panamacna.com/estatuto/> (last visited on October 2, 2019).

<sup>5</sup> For the full text of the ruling regarding the constitutionality of this requirement see: [http://infojuridica.procuraduria-admon.gob.pa/Infojuridica/fallo\\_screen?sec\\_fallo=5716](http://infojuridica.procuraduria-admon.gob.pa/Infojuridica/fallo_screen?sec_fallo=5716) (last visited on October 2, 2019).

	<p>and every practicing attorney can choose whether or not to become a member.</p> <p>Since 1994, the only requirement to practice law in Panama is possession of a certificate of accreditation issued by the Supreme Court of Justice.</p> <p>In order to receive this accreditation, an applicant must (i) be a Panamanian national; (ii) obtain a law degree granted by the University of Panama, the University of Santa María la Antigua, or any other institution of higher learning established in Panama in the future whose law degree is officially recognized; or, for degrees awarded by other institutions, (iii) possess a law degree from a University of recognized prestige, which must be validated by the University of Panama, with the only exception to this rule being in the case of applicable international conventions which exempt the applicant from this obligation.<sup>6</sup></p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>In general, the National Bar's Code of Ethics and Professional Responsibility prohibits the levying of charges for legal services that are lower than the minimum established by the Fee Schedule promulgated by the National Bar, when the purpose of such an action is unfair competition.<sup>7</sup></p> <p>However, under the Minimum Professional Fee Schedule, legal representation for the protection of the poor or for those who qualify for pro bono legal sponsorship are excepted from this rule.<sup>8</sup></p> <p>The Office of the Attorney General of Panama (<i>Procuraduría General de la Nación</i>) protects the fundamental right to justice and the guarantee of equal treatment under the law for all, including and especially for those who are members of the most vulnerable parts of Panamanian society.<sup>9</sup> This policy of access to justice, to knowledge and protection of civil rights, is laid out in a Bill of Rights of Individuals before Justice (<i>Carta de Derechos de las Personas ante la Justicia en el Ministerio Público de la República de Panamá</i>).<sup>10</sup></p>

<sup>6</sup> See Article 3 of Law No. 9 of 1984 and, for other administrative requirements, <https://www.organojudicial.gob.pa/uploads/blogs.dir/1/2019/01/406/requisitos-para-la-idoneidad-de-abogados.pdf> (last visited on October 2, 2019).

<sup>7</sup> See Articles 15 and 31 of the Code of Ethics and Professional Responsibility, <https://panamacna.com/codigo-de-etica/> (last visited on October 2, 2019).

<sup>8</sup> See Article 1 of the Minimum Professional Fee Schedule, <https://panamacna.com/tarifa-de-honorarios/> (last visited on October 2, 2019).

<sup>9</sup> <http://ministeriopublico.gob.pa/secretaria-derechos-humanos/acceso-la-justicia/> (last visited on October 2, 2019).

<sup>10</sup> <http://ministeriopublico.gob.pa/wp-content/multimedia/2016/07/carta-derecho-de-personas-ante-la-justicia.pdf> (last visited on October 2, 2019).

	Article 57 of this Bill of Rights states that “All persons entitled to free legal aid have the right to a public defender.”
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Panama are not required to work a minimum number of pro bono hours.
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Panama are not required to complete a minimum number of hours of pro bono legal services in order to become a licensed attorney.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	Panama has many areas of unmet legal needs as well as other areas of law which present opportunities for pro bono legal service. These include: the representation of indigent clients and members of vulnerable groups, partnerships with NGOs focused on community and development, and projects for the drafting of laws that promote social and cultural progress in the country.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p><b>Government:</b> The Legal Orientation Service, or SOL (<i>Servicio de Orientación Legal</i>), of the National Bar has as one of its objectives the “provision of pro bono professional legal services, through the Commission of the Legal Orientation Service, to those who do not have the means to procure these services.”<sup>11</sup> Since 1981 the SOL provides access to professional attention, information and legal guidance, free of charge, for those of limited resources whose individual or societal rights are being violated.</p> <p><b>Law Firms:</b> The National Bar of Panama and many major Panamanian law firms are signatories to the Pro Bono Declaration of the Americas, spearheaded by the Vance Center for International Justice in New York. By doing so, they are committing to the principle that it is the duty of the legal profession to provide a fair and equitable legal system and agree to provide a minimum of 20 hours of annual pro bono work per practicing attorney. Among others, Morgan &amp; Morgan, ARIFA, and Galindo, Arias &amp; López, are signatories and have been recognized for their pro bono work. They maintain active practices and partnerships with individual clients, NGOs and other pro bono organizations.<sup>12</sup></p>

(c) Obstacles to Provision of Pro Bono Legal Services

<sup>11</sup> <https://panamacna.com/servicio-de-orientacion-legal-sol/> (last visited on October 2, 2019).

<sup>12</sup> See <https://sites.morimor.com/newmorimor/es/pro-bono/>, <https://www.arifa.com/about-the-firm/probono-and-csr/pro-bono.html>, and <https://gala.com.pa/> (last visited on October 2, 2019), for their respective pro bono websites.

<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Panamanian attorneys do not require an additional license to provide pro bono legal services, but, as detailed above, would still require a certificate of accreditation issued by the Supreme Court in order to practice law.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Although accredited lawyers in Panama would not require an additional license to provide pro bono legal services, one of the requirements to practice law in Panama is Panamanian citizenship (see section II.(a)(2) above). Since the provision of pro bono legal services would be considered the practice of law, it is likely unlawful for a foreign attorney to provide pro bono legal services in Panama.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no regulation or legal requirement that practicing attorneys be covered by professional indemnity legal insurance. In fact, this kind of insurance is likely not even offered in Panama.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules regarding attorney publicity that apply specifically to the advertising of pro bono successes or the solicitation of new pro bono clients. The rules governing attorney publicity generally are part of the National Bar's Code of Ethics and Professional Responsibility.<sup>13</sup></p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Panama do not receive "Continuing Legal Education" or equivalent credit for pro bono hours worked.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<p>1. Describe any governmental sources of pro bono and/or other legal services in Panama.</p>	<p>The State provides free legal services through the Public Defender's Office (<i>Instituto de Defensa Pública</i>, previously known as the <i>Instituto de Defensoría de Oficio</i>).<sup>14</sup> This organization, in recognition of international conventions of human rights and Panama's Constitution, guarantees the right to legal representation in judicial processes involving criminal law, criminal law for minors, agrarian law, family law and civil law.</p> <p>See also Section II.(b)(5) above regarding the Legal Orientation Service.</p>
--	---

<sup>13</sup> See Chapter 6 of the Code of Ethics and Professional Responsibility, <https://panamacna.com/codigo-de-etica/> (last visited on October 2, 2019).

<sup>14</sup> For more information, see <https://www.organojudicial.gob.pa/administrativos/instituto-de-defensorde-oficio> (last visited on October 2, 2019).

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Panama.</p>	<p>See Section II.(b)(5) above.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>As noted above, it is unlikely that a foreign attorney would be able to provide pro bono legal services in Panama. For local attorneys, a few options are contacting one of the firms listed in Section II.(b)(5), the National Bar of Panama or the Public Defender's Office.</p>

October 2019  
Pro Bono Practices and Opportunities in Panama

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.



# South America



## Pro Bono Practices and Opportunities in Argentina<sup>1</sup>

### I. Introduction

The Argentine legal system has long provided a mechanism for providing pro bono legal services to the people of Argentina. Support in Argentina for the emerging concept of pro bono legal work among private lawyers and law firms began in the late 1990s and intensified through the following decades. Two aspects contributed to the development of pro bono practices: first, the number of law students in Argentina who provide free services through their university clinics has increased and secondly, the support of the Buenos Aires Bar Association has become more significant. These two unique factors presented leaders of the Argentine pro bono movement with opportunities for improving and developing a complementary system.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The ethical rules that govern the practice of law generally in Argentina are regulated and enforced by bar associations in Argentina, which are organized according to provinces and territories within each province.</p> <p>In case of the City of Buenos Aires which is the main province in Argentina, Law Number 23.187 is applicable.<sup>2</sup> There are similar rules in the other provinces of Argentina.</p> <p>According to Law Number 23.187, Section 11, in order to practice law in Argentina, lawyers must have a degree from an accredited university (i.e., authorized by the Ministry of Culture and Education) to register before the <i>Colegio de Abogados</i> (Bar Association).<sup>3</sup></p>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>There are no specific licenses required in Argentina to provide legal services (including pro bono legal services). An individual must be able to practice law before they can provide legal services.</p> <p>In order to practice law in Argentina, lawyers must have a degree from an accredited university (i.e., authorized by the Ministry of Culture and Education) to register before the Bar Association. In case of foreigners, their foreign diploma must be recognized at a state or private university. Each such university has its own administrative requirements for the recognition of foreign diploma.</p>

<sup>1</sup> This chapter was drafted with the support of Melisa Romero of MMB Abogados.

<sup>2</sup> See [http://www.cpacf.org.ar/inst\\_lev\\_23187.php](http://www.cpacf.org.ar/inst_lev_23187.php) (last visited on May 1, 2019); [http://www.cpacf.org.ar/inst\\_codigo\\_etica.php](http://www.cpacf.org.ar/inst_codigo_etica.php) (last visited on May 1, 2019).

<sup>3</sup> See [http://www.cpacf.org.ar/mat.php?sec=mat\\_requisitos](http://www.cpacf.org.ar/mat.php?sec=mat_requisitos) (last visited on May 1, 2019).



(b) Pro Bono Practice and Culture	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>Bar associations in Argentina regulate and discipline their members by adopting and enforcing the ethical rules that govern the practice of law in their jurisdiction, these apply to the provision of pro bono legal services. In addition to regulating their attorneys' conduct, bar associations promote and organize the provision of pro bono legal services by their members. Some of their policies provide that attorney members have a duty to provide pro bono legal services (although this duty is not expressed as the requirement to complete a particular number of hours of pro bono work per year).</p> <p>Lawyers and law firms may publicize that they offer pro bono work, but practically speaking, they do not generally offer their services to the public since they receive cases through the Pro bono Commission or other pro bono clearinghouses existing in Bar Associations or Universities. Although there is technically no ethical restriction on pro bono lawyers' ability to collect fees, lawyers must comply with the pro bono policies of whichever clearinghouse or referring agency they work with.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There are no specific rules regarding a minimum of pro bono hours that lawyers are required to work in Argentina.</p> <p>However, as of 3 April 2009, 22 private Argentine law firms<sup>4</sup> have signed the Pro Bono Declaration for the Americas, spearheaded by the Cyrus R. Vance Center for International Justice of the New York Bar, as well as the Bar Association of Buenos Aires. The Declaration calls for each signatory to commit to an average of no less than 20 hours of annual pro bono work per practicing attorney.<sup>5</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Argentina are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in Argentina are those related to microfinance, human rights, access to information and healthcare. However, one key requirement is</p>

<sup>4</sup> See <http://www.probono.org.ar/estudios-registrados.php> (last visited on May 1, 2019).

<sup>5</sup> See <http://www.probono.org.ar/en/pro-bono-declaration.php> (last visited on May 1, 2019).

	to continue to promote pro bono legal work within Argentine society so that it becomes even more widespread.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The main providers of pro bono legal services are NGOs, clearing houses ( <i>Comisión Probono del Colegio de Abogados de la Ciudad de Buenos Aires</i> ), universities ( <i>Universidad Nacional de Buenos Aires, Universidad Torcuato Di Tella, Universidad Católica Argentina</i> <sup>6</sup> ) and private law firms.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Argentina do not require a specific license to provide pro bono legal services. However, lawyers are required to have a law degree from Argentina and to be registered with a local bar association to be able to practice law (including the provision of pro bono legal services) in Argentina. An individual must be able to practice law before they can provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional license(s) to provide pro bono legal services in Argentina. However, in order to practice law generally (including the provision of pro bono legal services) in Argentina, a foreign lawyer is required to obtain the recognition of their foreign diploma at a state or private university in Argentina and also of the Argentinian Ministry of Education. Each such university has its own administrative requirements for the recognition of foreign diplomas. Once the relevant foreign lawyer has received such recognition, they may register with the Bar Association to practice law in Argentina. <sup>7</sup>
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Argentina do not require professional indemnity legal insurance cover for any legal services (including pro bono legal services) that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in Argentina.

<sup>6</sup> See <http://www.probono.org.ar/probono-y-las-universidades.php> (last visited on May 1, 2019).

<sup>7</sup> See [http://www.cpacf.org.ar/mat.php?sec=mat\\_requisitos](http://www.cpacf.org.ar/mat.php?sec=mat_requisitos) (last visited on May 1, 2019).

<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Argentina do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Argentina.</p>	<p>There are several governmental sources of pro bono legal services within the scope of the office of the Public Prosecutor in Argentina, which offers legal services related to disability rights, rights of the elderly, health issues, family law, among others.<sup>8</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Argentina.</p>	<p>The main non-governmental and other sources of pro bono are:</p> <ol style="list-style-type: none"> <li>1. Bar Associations;<sup>9</sup></li> <li>2. Universities;<sup>10</sup> and</li> <li>3. NGOs.<sup>11</sup></li> </ol>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations in Argentina with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

May 2019  
Pro Bono Practices and Opportunities in Argentina

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>8</sup> See <https://www.argentina.gob.ar/justicia/afianzar/caj> (last visited on May 1, 2019).

<sup>9</sup> See [http://www.cpacf.org.ar/serv\\_com.php?sec=consultorio\\_juridico\\_gratuito](http://www.cpacf.org.ar/serv_com.php?sec=consultorio_juridico_gratuito) (last visited on May 1, 2019), and <http://www.probono.org.ar/en/index.php> (last visited on May 1, 2019).

<sup>10</sup> See: [http://www.derecho.uba.ar/institucional/depto\\_pracprofesional\\_consultorio\\_y\\_patrocinio\\_juridico\\_gratuito](http://www.derecho.uba.ar/institucional/depto_pracprofesional_consultorio_y_patrocinio_juridico_gratuito) (last visited on May 1, 2019).

<sup>11</sup> See <https://adc.org.ar/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Bolivia<sup>1</sup>

### I. Introduction

Pro bono work is not an established practice in Bolivia. Ultimately, Bolivia still lacks an institutionalized infrastructure for pro bono work, which other Latin American countries, such as Argentina, appear to have put in place.<sup>2</sup> The pervasive corruption of the Bolivian judiciary, coupled with the limited impact that pro bono service providers have, has meant that those with limited financial resources find it difficult to obtain effective legal assistance.

The Latin Lawyer and the Vance Center’s Annual Pro Bono Survey 2017 (the “**Vance Survey 2017**”) noted some promising developments in Bolivia. Although it noted that Bolivia has an “under developed” pro bono practice, it was also flagged as likely to have a clearing house up and running in the next year, a clear indication of progress.<sup>3</sup> Despite this not yet coming to fruition (see below for further details), the Vance Survey 2017 also noted an increase in the level of participation in their survey. For example, there were 130 respondents compared to 110 from the previous year. Specifically, there was an increase in the share of respondents from Bolivia in the Vance Survey 2017.<sup>4</sup> The Latin Lawyer and the Vance Center’s Annual Pro Bono Survey 2018 (the “**Vance Survey 2018**”) had the same number of respondents (130) as the Vance Survey 2017, which is reflective of the continued, “successful institutionalisation” of pro bono practice in this region.<sup>5</sup>

Although this arguably has not yet translated into substantive pro bono developments in Bolivia, they are promising developments. With continued, external assistance from international pro bono organizations and further activism from private attorneys and law firms, the pro bono infrastructure in Bolivia should take further shape.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p><i>La Ley del Ejercicio de la Abogacía– Ley no. 387 (the “<b>Lawyers Act</b>”) of 2013 regulates the rights and duties of lawyers. It also confirms that the compensation of a lawyer will be announced (via the public media) by the Ministry of Justice every two years.<sup>6</sup></i></p> <p><i>Reglamento a la Ley del Ejercicio de la Abogacía Decreto Supremo no. 1760 dated October 9, 2013 (the “<b>Lawyers Act Regulations</b>”) regulates the Lawyers Act.</i></p>
2. Describe any licensure requirements governing the provision of legal services.	It is a requirement for a lawyer in Bolivia to be registered with the Ministry of Justice in order to practice law. Candidates must provide evidence of their graduation from law school and a

<sup>1</sup> This chapter was drafted with the support of Maria del Carmen Ballivian of C.R. & F. Rojas.

<sup>2</sup> See The Latin Lawyer and the Vance Center Pro Bono Survey 2017, p. 13, [https://www.vancecenter.org/wp-content/uploads/Latin\\_Lawyer\\_Survey\\_2017-compressed.pdf](https://www.vancecenter.org/wp-content/uploads/Latin_Lawyer_Survey_2017-compressed.pdf) (last visited on October 2, 2019)

<sup>3</sup> Ibid, p. 2

<sup>4</sup> Ibid, p. 9

<sup>5</sup> See The Latin Lawyer and the Vance Center Pro Bono Survey 2018, p. 6 <https://www.probono.org.co/pdf/ProBonodelaAalaZ/Probono-latinlawyer.pdf> (last visited on October 2, 2019)

<sup>6</sup> See <https://medios.economiayfinanzas.gob.bo/MH/documentos/L387.pdf> (last visited on October 2, 2019)

	<p>certificate of good conduct. This qualification route is applicable to barristers, solicitors and in-house counsel.</p> <p>Foreign lawyers who want to practice law in Bolivia are required to obtain an official approval of their professional degree.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules or requirements placed on lawyers in Bolivia when undertaking pro bono work.</p> <p>Article 11 of the Lawyers Act states that attorneys and lawyers in Bolivia may provide free assistance to people of limited economic resources.</p> <p>The Ministry of Justice sends lists of attorneys and lawyers registered in the last year to the Judicial Court in order to appoint lawyers and attorneys ex officio (i.e. public defenders appointed by the Departmental Courts of Justice), to provide judicial assistance, in accordance with Law No. 025 of the Judicial Authority. Lawyers who work as employees in a company, law firms, legal entities or public institutions (i.e. who are subject to binding employment agreements) are compulsorily exempt from this obligation. Attorneys who work independently (for example, on a freelance basis) are not exempt from this obligation.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers are not required to work a minimum number of pro bono hours in Bolivia.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal serves in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require pro bono legal services are those which are tailored to increasing access to justice for under-represented Bolivian citizens on low incomes. The substantive areas of law and the relevant client populations may differ but each programme shares the important goal of placing clients in need with pro bono attorneys who are willing to represent them for no fee or a reduced fee.</p> <p>The major unmet legal needs in Bolivia are related to protecting the civil rights, civil liberties or public rights of the elderly, women and children.</p>

<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Bolivia currently lacks a well-developed system of and coordinated approach to pro bono work. The delivery of pro bono services is very much dependent on the engagement and commitment by individual attorneys.</p> <p>Private attorneys in Bolivia usually co-operate with pro bono organizations in order to engage in pro bono work. A few international law firms are seeking to set up their own pro bono practice. For example, Ferrere has been proactively taking pro bono work on board and the Ferrere pro bono committee (made up of associates and coordinating partners) directs and coordinates pro bono work, as well as determining the availability of resources for such cases.<sup>7</sup> Guevara &amp; Gutiérrez is a signatory of the Pro Bono Declaration of the Americas (the “<b>PBDA</b>”) and was recognized by the Latin Lawyer as a Leading Light due to its commitment to the pro bono practice. Housing charity <i>Un Techo Para Mi País</i>, <i>Fundación Nutrición y Desarrollo</i> (which aims to combat malnutrition in the Andean region) and <i>Aldeas Infantiles SOS</i> (which assists foster children) are some of the organizations the firm has helped.<sup>8</sup></p> <p>C.R. &amp; F. Rojas Abogados has assisted and continues to assist with the following organizations:</p> <ul style="list-style-type: none"> <li>• <i>Aldeas Infantiles SOS</i> (a non-profit, non-governmental and independent organization that promotes the rights of children. C.R. &amp; F. Rojas Abogados provides legal services to this organization in employment, tax, migration and incorporation matters);</li> <li>• <i>un Techo para mi País</i> (a housing charity that was founded by C.R. &amp; F. Rojas Abogados and they acted as this organization’s legal representatives until it was incorporated and fully operational);</li> <li>• <i>Comité de Damas Paceñas</i> (a non-profit, independent organization involved with social charity/welfare. C.R. &amp; F. Rojas Abogados assists them in all their organizational matters);</li> <li>• Sovereign Order of Malta (a Catholic organization, whose volunteers are involved in health and social welfare.</li> </ul>
--	--

<sup>7</sup> See <https://www.ferrere.com/en/csr> (last visited on October 2, 2019)

<sup>8</sup> See <https://latinlawyer.com/11250/firms/1130576/quevara-gutierrez-servicios-legales> (last visited on October 2, 2019)

	<p>C.R. &amp; F. Rojas Abogados contributes extensively to work involving hospitals and social welfare); and</p> <ul style="list-style-type: none"> <li>• Trustlaw - Fundación Thompson Reuters (this foundation is the philanthropic arm of Thompson Reuters, a global news and information provider, registered as an independent charity in both the USA and the UK. C.R. &amp; F. Rojas Abogados is involved in a case study for the Mexican Center for Philanthropy (“CEMEFI”), which has institutional links with the above foundation.).</li> </ul> <p>The Cyrus R. Vance Center for International Justice (the “<b>Vance Center</b>”) states that there are a number of Bolivian law firms that have signed up to the PBDA. The Vance Center launched this along with several partners in Latin America. This statement commits signatory law firms and other legal organizations to undertake an average of at least 20 hours of pro bono work for each attorney working there. The Vance Center also created the Pro Bono Network of the Americas (“<b>PBNA</b>”) in 2011 as an informal collaborative mechanism between lawyers, non-governmental organizations and pro bono initiatives in order to promote access to justice. Various Bolivian organizations are signatories to the PBNA.<sup>9</sup> Despite these developments, pro bono programs in private Bolivia law firms still require further development.</p> <p>There are a limited number of non-governmental organizations involved in pro bono activity in Bolivia (see below for further details).</p> <p>There are currently no Bolivian Bar Association Pro Bono Programs. The Multinational Public Defender Service is a governmental entity and legal aid institution.</p> <p>Capacitación y Derechos Ciudadanos (a non-profit human rights organization founded by students of the Universidad Católica Boliviana which provides legal advice for the population with low incomes and limited access to justice), combined with two Bolivian law schools (Universidad Católica Boliviana and the Universidad Salesiana de Bolivia) created the first legal clinic in 2012. This project was also supported by the International Senior Lawyers Project, which provided experienced pro bono lawyers during the setting up of the legal clinic. It</p>
--	--

<sup>9</sup> See <https://www.vancecenter.org/pro-bono-network-of-the-americas/> (last visited on October 2, 2019)



	was noted that ongoing expertise for this clinic would be provided throughout August 2013. <sup>10</sup>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Bolivia do not require a license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	There are no particular rules or requirements placed on foreign lawyers based in Bolivia to provide pro bono legal services.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Bolivia do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in Bolivia.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Bolivia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Bolivia.	<p>Currently, in Bolivia, there is no central pro bono organization or clearing house that serves as a central body to (i) co-ordinate pro-bono activities nationally or (ii) assign pro bono matters to firms who are interested in such work (like the Comisión Pro Bono in Argentina or the ProVene in Venezuela).</p> <p>By way of example, the Refugee Legal Aid Information for Lawyers Representing Refugees Globally Rights in Exile Programme website noted that there are no known non-governmental organizations or law firms that offers refugees legal assistance in Bolivia and that they would welcome suggestions of individuals or organizations.<sup>11</sup></p> <p>According to the Vance Survey 2017 (as referenced in the introduction), Bolivia was one of several countries in Latin America which was in the process of setting up a clearing house of for the first time. A clearing house is a form of a</p>

<sup>10</sup> See <https://www.lawschool.cornell.edu/spotlights/First-Bolivian-Legal-Clinic.cfm> (last visited on October 2, 2019)

<sup>11</sup> See <http://www.refugeelegalaidinformation.org/bolivia-pro-bono-directory> (last visited on October 2, 2019)

	<p>matchmaking service for potential pro bono clients and pro bono lawyers. It assists clients in identifying their specific legal needs and connects them (through its network) with pro bono lawyers who have the relevant skill sets. However, the Vance Survey 2017 further reports that the Bolivian clearing house submitted all the paperwork to the government around two years ago (assumed to be around 2015). Since then, the government dissolved the ministry in charge of processing the application and a different ministry is now dealing with the process.<sup>12</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Bolivia.</p>	<p>There are a limited number of non-governmental organizations involved in pro bono activity in Bolivia. Most pro bono cases involving Bolivian citizens or non-governmental organizations are taken on by international law firms (usually North American firms with a large presence in Latin America, rather than local Bolivian law firms).</p> <p>The Vance Center is a global organization with an active presence in Latin America. Examples of some of their initiatives are as follows:</p> <ul style="list-style-type: none"> <li>• The Vance Center Women in the Profession Program (“WIP”) promotes the advancement of women in the legal profession and aims to use the practice of law to enhance the status of women and ensure that they have equal protection under the law. The WIP program in Bolivia was launched in 2017 and several female lawyers are active participants.<sup>13</sup></li> <li>• The WIP International Steering Committee held its annual meeting in 2019, with participation from 12 national chapters, including Bolivia. Each chapter representative presented on pro bono efforts in her country and the committee discussed pro bono opportunities involving all of the national chapters.<sup>14</sup></li> <li>• A previous project on women prisoners’ rights involved research on the causes and consequences of women’s imprisonment in Bolivia, El Salvador, Guatemala, Ecuador, Chile, Paraguay, and Colombia, which led to</li> </ul>

<sup>12</sup> See The Latin Lawyer and the Vance Center Pro Bono Survey 2017, p. 16, 17, [https://www.vancecenter.org/wp-content/uploads/Latin\\_Lawyer\\_Survey\\_2017-compressed.pdf](https://www.vancecenter.org/wp-content/uploads/Latin_Lawyer_Survey_2017-compressed.pdf) (last visited on October 2, 2019)

<sup>13</sup> See <https://www.vancecenter.org/our-programs/women-in-the-profession/> (last visited on October 2, 2019)

<sup>14</sup> See <https://www.vancecenter.org/vance-center-co-sponsors-events-in-santiago/> (last visited on October 2, 2019)

	<p>recommendations for improvement in light of the Bangkok Rules.<sup>15</sup></p> <p>The Latin American AGO <i>Red ProBono Internacional</i> serves as a clearing house to coordinate the work of pro bono lawyers and law firms on a regional basis. The focus of this organization is on the development of pro bono service. They therefore provide information and advice to Bolivian law firms about pro bono work.</p> <p>Bolivia has only three non-governmental organizations that are involved in pro bono work. They are present throughout Bolivia and cover different fields:</p> <ul style="list-style-type: none"> <li>• <i>El Centro de Estudios Jurídicos e Investigación Social</i> is an organisation working on human rights problems, which represents pro bono clients before the <i>Comision Interamericana de Derechos Humanos</i> (CIDH) and the Inter American Court of Human Rights.</li> <li>• <i>La Oficina Jurídica Para La Mujer</i> which was founded to promote and guarantee the rights of women.</li> <li>• <i>La Capacitación y Derechos Ciudadanos</i> (see above).</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations in Bolivia with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p> <p>Useful information on pro bono opportunities in Bolivia can be found in the following links (the majority are in the Spanish language):</p> <ul style="list-style-type: none"> <li>• Public Defender Service<sup>16</sup></li> <li>• The Cyrus R. Vance Center for International Justice<sup>17</sup></li> <li>• The <i>Centro de Estudios Jurídicos e Investigación Social</i><sup>18</sup></li> <li>• <i>Oficina Jurídica Para La Mujer</i><sup>19</sup></li> <li>• <i>Red ProBono Internacional</i><sup>20</sup></li> </ul>

<sup>15</sup> See <https://www.vancecenter.org/colombiaconference/> (last visited on October 2, 2019)

<sup>16</sup> See <http://www.defensoria.gob.bo/> (last visited on October 2, 2019)

<sup>17</sup> See <http://www.vancecenter.org/vancecenter/> (last visited on October 2, 2019)

<sup>18</sup> See <http://cejis.org/> (last visited on October 2, 2019)

<sup>19</sup> See <http://www.ojmbolivia.org> (last visited on October 2, 2019)

<sup>20</sup> See <http://redprobono.org/es/> (last visited on October 2, 2019)

October 2019  
Pro Bono Practices and Opportunities in Bolivia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Brazil

### I. Introduction

Brazil, Latin America’s largest country and arguably the region’s leading economy even following slow recovery from a recession since 2017, is home to a vibrant and developed legal community. Despite the size of its economy and concentrated efforts to reduce poverty, Brazil has a large amount of economic inequality.<sup>1</sup> The Brazilian Federal Constitution (the “**Constitution**”) sets forth as fundamental rights the right to access to justice and the right to free state-provided legal assistance for all citizens and foreign persons living in Brazil<sup>2</sup>, but in practice such fundamental rights are not yet fully accessible for a significant part of the population. While this combination would appear to present meaningful opportunities for the provision of pro bono legal services, the Brazilian legal community does not have a long-standing tradition of providing such services as a result of regulatory restrictions (including restrictions on providing pro bono legal services to individuals) that were in force until 2015 that significantly hindered the development of pro bono work in Brazil. As a result, pro bono legal services are less developed in Brazil than in other Latin American countries. Since these regulatory restrictions were removed, however, law practitioners as well as larger law firms in Brazil have been devoting increasing resources to pro bono activities and pro bono legal services are expected to continue to increase in the future.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The key piece of legislation regulating legal services in Brazil is Law No. 8,906/1994 (Bar Association Statute).<sup>3</sup></p> <p>The two main sets of rules governing the conduct of lawyers are:</p> <ul style="list-style-type: none"> <li>• General Rules of the Bar Association, enacted by the Bar Federal Council; and</li> <li>• Ethics and Disciplinary Code of the Bar Association, which sets forth rules of professional conduct and ethics, regulating issues such as advertising, client relationships and fees.</li> </ul> <p>Lawyers are regulated by state bar associations, which are overseen by the national bar association known as the Ordem dos Advogados do Brazil (“<b>OAB</b>”).<sup>4</sup></p> <p>The OAB and each state bar association (26 in total) may also make binding rules.</p>

<sup>1</sup> Brazil: Extreme Inequality in Numbers, <https://www.oxfam.org/en/even-it-brazil/brazil-extreme-inequality-numbers> (last visited on May 1, 2019).

<sup>2</sup> Constituição Federal [C.F.] [Constitution] art. 5 (Braz.), available at <http://english.tse.jus.br/arquivos/federal-constitution> (last visited on May 1, 2019).

<sup>3</sup> Neil Montgomery and Helena Calderano, [Regulation of the Legal Profession in Brazil](https://uk.practicallaw.thomsonreuters.com/8-637-9911?transitionType=Default&contextData=(sc.Default)&firstPage=true&comp=pluk#co_anchor_a51610), Practical Law Country Q&A, [https://uk.practicallaw.thomsonreuters.com/8-637-9911?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&comp=pluk#co\\_anchor\\_a51610](https://uk.practicallaw.thomsonreuters.com/8-637-9911?transitionType=Default&contextData=(sc.Default)&firstPage=true&comp=pluk#co_anchor_a51610) (last visited on May 1, 2019).

<sup>4</sup> OAB Conselho Federal, <https://www.oab.org.br/> (last visited on May 1, 2019).

<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To be admitted to practice law in Brazil, an individual must:</p> <ul style="list-style-type: none"> <li>• have a law degree from an accredited institution (which is a five-year degree);</li> <li>• pass the Brazilian Bar Association Examination.<sup>5</sup></li> </ul> <p>It is not necessary to complete an internship<sup>6</sup> but many prospective attorneys complete a two-year internship at a registered legal practice (usually a law firm) during their legal studies.<sup>7</sup></p>
<p>(b) Pro Bono Practice and Culture</p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>In 2015, the Ethics and Disciplinary Code of the Bar Association (“<b>Ethics Code</b>”) was amended to include a chapter that allowed attorneys to provide pro bono legal service, a practice that had previously been restricted.<sup>8</sup></p> <p>In-house lawyers, who may be restricted from representing third parties are expressly allowed to provide pro bono legal services.<sup>9</sup></p> <p>Pro bono legal services may not be used for political or partisan services or to gain customers.<sup>10</sup></p> <p>Each state bar chapter sets a fee schedule containing minimum fees that a lawyer may charge for certain types of work.<sup>11</sup></p> <p>Client and lawyer are free to discuss how fees are to be charged, which can be fixed fees, hourly fees or contingent fees.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no minimum pro bono hours requirement for lawyers in Brazil.</p>

<sup>5</sup> Law No. 8906 of 4 July 1994, Article 8, available at <https://www.oab.org.br/visualizador/20/legislacao-sobre-ensino-juridico> (in Portuguese) (last visited on May 1, 2019).

<sup>6</sup> Law No. 8906 of 4 July 1994, Article 9, available at <https://www.oab.org.br/visualizador/20/legislacao-sobre-ensino-juridico> (in Portuguese) (last visited on May 1, 2019).

<sup>7</sup> *Id.* at 3.

<sup>8</sup> Ethics Code, Art. 30, available at <https://www.oab.org.br/institucionalconselhofederal/quadroadvogados> (in Portuguese) (last visited on May 1, 2019). See Edward Soares, [Brazil: Bar Association Publishes New Code of Ethics and Discipline](http://www.loc.gov/law/foreign-news/article/brazil-bar-association-publishes-new-code-of-ethics-and-discipline/) (Nov. 10, 2015), <http://www.loc.gov/law/foreign-news/article/brazil-bar-association-publishes-new-code-of-ethics-and-discipline/> (last visited on May 1, 2019).

<sup>9</sup> See OAB edita provimento que regulamenta a advocacia pro bono, <http://www.oab.org.br/noticia/29076/oab-edita-provimento-que-regulamenta-a-advocacia-pro-bono> (in Portuguese) (last visited on May 1, 2019).

<sup>10</sup> “Article 30. In the exercise of pro bono assistance, the lawyer needs to employ the usual care and dedication, so that the beneficiary will feel duly assisted and will trust the pro bono lawyer. § 1º Pro bono assistance corresponds to the free and voluntary provision of legal services in favor of non-profit legal entities and of those that the non-profit legal entities represent, whenever they cannot afford to pay for legal assistance. § 2º Pro bono assistance may also be provided in favor of individuals who do not have enough resources to, without impairing their own subsistence, hire a lawyer. § 3º Pro bono advocacy cannot be used for political or election purposes, neither benefit institutions that have such purpose, nor be used as means of advertising to attract clients.”

<sup>11</sup> *Id.* at 3.

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no minimum pro bono hours requirement for aspiring lawyers in Brazil.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>Brazilian law proscribes that persons are entitled to legal aid:</p> <ul style="list-style-type: none"> <li>• Public defenders are appointed to provide a broad array of legal services. However, there is a deficit of public defenders available.</li> <li>• Law No 1060 of February 5, 1950 ensures legal assistance to any person who alleges they are unable to bear legal costs without affecting the financial ability to support themselves or their own family.<sup>12</sup></li> <li>• Many states, however, do not have dedicated public defenders offices, leaving gaps of access to legal services, particularly to those who cannot afford private services but do not meet low financial thresholds and try to fill gaps by working with state bar associations by providing some compensation to attorneys. This process is insufficient to meet the legal need and pro bono lawyers are needed to fill this gap.<sup>13</sup></li> </ul> <p>In addition, due to the large level of income inequality in Brazil, there are a variety of different needs for legal pro bono legal services.</p> <ul style="list-style-type: none"> <li>• The Instituto Pro Bono (“IPB”) serves as a clearinghouse for pro bono cases, such as those relating to public interest rights of action, known as “interesses difusos e coletivos”, comparable to a class action. <sup>14</sup></li> <li>• The IPB has advised NGOs in matters concerning the rights of children, women, minorities and persons with special needs, environment law, housing issues and labor disputes.</li> <li>• The IPB also works with lawyers from top firms to provide legal services to directly to clients in the outskirts of São Paulo.</li> </ul> <p>There are other “third sector” NGOs that specialize in provision of social services and human rights.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other</p>	<p>Prior to 2015, only public officials and bar associations could provide pro bono legal</p>

<sup>12</sup> Law No 1060 of February 5, 1950, Article 2.

<sup>13</sup> Marcos Fuchs, Expanding Access to Justice 7 (2004).

<sup>14</sup> Instituto Pro Bono, <https://probono.org.br/> (last visited on May 1, 2019).



<p>public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>services.<sup>15</sup> As a result, NGOs such as IPB, the Instituto de Defesa do Direito de Defesa (“IDDD”)<sup>16</sup> and Viva Rio<sup>17</sup>, used to be the primary providers of pro bono legal services and are still heavily involved in providing pro bono legal services and coordinating with practitioners in Brazil.<sup>18</sup></p> <p>The IPB, created in 2002, campaigned for 13 years for the OAB to change its position, providing a considerable boost to pro bono legal work by allowing law firms and independent practitioners to participate.</p> <p>Law firms have begun to get involved in pro bono as the IPB now has more than 60 member firms, with Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados launching a dedicated pro bono department.<sup>19</sup></p> <p>IPB and licensed attorneys also work with law students to provide pro bono legal services through clinics and other projects.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers must be licensed to practice law in Brazil to provide pro bono legal services.</p> <p>Law firms and lawyers at NGOs may supervise law student participation in legal clinics.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers may not advise or consult on matters of Brazilian law, enter into a partnership with a Brazilian lawyer or law firm or form multi-jurisdiction partnerships.<sup>20</sup></p> <p>A foreign lawyer who wishes to practice in Brazil must be authorized by the OAB under its Regulation No. 91/2000, which generally restricts the scope of activities in which foreign lawyers may engage and their relationships with local law firms. The authorization must be renewed every three years.</p> <p>Foreign lawyers are required to register with the state bar association in the state in which they</p>

<sup>15</sup> Pro Bono Survey: Country by Country, Latin Lawyer (Nov. 19, 2015), <https://latinlawyer.com/benchmarking/pro-bono-2015/1097715/pro-bono-survey-country-by-country> (last visited on May 1, 2019).

<sup>16</sup> IDDD, <http://www.iddd.org.br> (last visited on May 1, 2019).

<sup>17</sup> Viva Rio, <http://www.vivario.org.br/en/> (last visited on May 1, 2019).

<sup>18</sup> Pro Bono & the Legal Profession: Strengthening Access to Justice (Apr. 7/8, 2011), <https://www.vancecenter.org/wp-content/uploads/stories/vancecenter/brazil%20eng.pdf> (last visited on May 1, 2019).

<sup>19</sup> Pro Bono Profile: Brazil’s Instituto Pro Bono, Latin Lawyer (Apr. 5, 2018), <https://latinlawyer.com/benchmarking/12th-annual-awards/1167559/pro-bono-profile-brazils-instituto-pro-bono> (last visited on May 1, 2019).

<sup>20</sup> Brazilian Bar Association Regulation No. 91/2000, available at <https://www.oab.org.br/eisnormas/legislacao/provimentos/91-2000> (in Portuguese) (last visited on May 1, 2019). See also How to Practice in Brazil, Law Society, <http://communities.lawsociety.org.uk/international/regions/americas-and-caribbean/brazil/how-to-practise-in-brazil/5044592.fullarticle> (last visited on May 1, 2019).

	<p>intend to carry out professional activities, and are required, among other things, to hold a residence visa, proof of qualification to practice and proof of good conduct.</p> <p>Foreign lawyers are subject to the rules of the OAB. Under these rules, foreign lawyers may:</p> <ul style="list-style-type: none"> <li>• Register as a Foreign Law Consultant to practice the law of their home jurisdiction or international law;</li> <li>• Register a foreign law firm followed by the mandatory title of Foreign Law Consultants; and</li> <li>• Qualify as a Brazil lawyer (by re-validating their degree and passing the bar exam).</li> </ul>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>There is no legal requirement for practicing lawyers to take out professional indemnity insurance.<sup>21</sup></p> <p>Some state bar associations regulate professional indemnity insurance generally.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The OAB generally restricts the types of advertising a law firm may do and limits the purpose of advertisements to information purposes.<sup>22</sup></p> <p>Advertisements must include the full name of the lawyer and their OAB registration number. They may also include titles, professional qualifications, technical and scientific expertise, an address, office hours, e-mails and phone numbers.</p> <p>Advertisements may not include any mention of civil service, employment relationships or sponsorships that may attract clients.</p> <p>Advertisements may not include the cost of services or any claim as to the quality of the lawyer.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Not generally, but state bar associations may have differing regimes.</p>

**(d) Sources of Pro Bono Opportunities and Key Contacts**

<sup>21</sup> *Id.* at 3.

<sup>22</sup> Renata Garcia, Advertising Regulation for Lawyers in Brazil, *The Brazilian Business* (Jul. 10, 2015), <http://thebrazilbusiness.com/article/advertising-regulation-for-lawyers-in-brazil> (last visited on May 1, 2019).

<p>1. Describe any governmental sources of pro bono and/or other legal services in Brazil.</p>	<p>The main source of free governmental legal services are legal aid services provided by public defenders.<sup>23</sup></p> <p>Public defense services are insufficient to cover the demand so public defenders' offices often partner with state bar associations and private practitioners to provide pro bono legal services.<sup>24</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Brazil.</p>	<p>IPB, founded in 2002, is a well-established NGO provider of pro bono legal services in Brazil and led the campaign to relax the restrictions on the provision of pro bono legal services in 2015.</p> <p>IPB has also established wide international alliances with similar organizations in the Americas and elsewhere.</p> <p>Other pro bono legal service providers and "third sector" entities, which are essentially NGO-driven initiatives meant to provide various forms of social services including pro bono legal services, include IDDD, Viva Rio, Connectas Human Rights and Terceiro Setor.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Law firms are now developing dedicated pro bono resources. Local practitioners, firms and students can register their interest with the IPB, which serves as a clearinghouse for pro bono cases, though it also has a number of in-house lawyers who provide pro bono legal services directly.<sup>25</sup></p> <p>While foreign lawyers may not practice Brazilian law, opportunities for an international law firm to provide pro bono legal services in Brazil may still be permissible through relations with established local law firms, with Brazil-based NGOs and other entities of the "third sector", as well as through contact with the IPB.</p> <p>There are also websites that list entities in the "third sector" in Brazil and specify areas in which they may need assistance.<sup>26</sup></p>

May 2019  
Pro Bono Practices and Opportunities in Brazil

<sup>23</sup> Law No 1060 of February 5, 1950 ensures legal assistance to any person who alleges they are unable to bear legal costs without affecting the financial ability to support themselves or their own family. Law No 1060 of Feb. 5, 1950, Article 2.

<sup>24</sup> See generally Marcos Fuchs, *Expanding Access to Justice* 6-7 (2004).

<sup>25</sup> See Instituto Pro Bono, <https://probono.org.br/cadastro/> (in Portuguese) (last visited on May 1, 2019).

<sup>26</sup> See Terceiro Setor, <http://www.terceirosetor.org.br/> (in Portuguese) (last visited on May 1, 2019); Centro de Voluntariado, <http://www.voluntariado.org.br/> (in Portuguese) (last visited on May 1, 2019); Seja um Voluntário <http://www.voluntarios.com.br/> (in Portuguese) (last visited on May 1, 2019); and Instituto Ethos <http://www3.ethos.org.br/> (in Portuguese) (last visited on May 1, 2019).

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Chile<sup>1</sup>

### I. Introduction

Fundación Pro Bono was established in 2000 in acknowledgement that a significant proportion of the Chilean population did not have the monetary resources to obtain legal assistance. It plays a crucial role in the development of pro bono practice in Chile, focusing the legal assistance needs and distributing them among different collaborators (such as law firms, non-governmental organizations (“NGOs”), internal prosecutor’s offices, among others). Likewise, in the development of pro bono practices in Chile, other relevant actors have emerged, such a University Legal Clinics, Legal Assistance Corporations, NGOs and private citizens. Pro bono work in Chile is crucial, especially considering that it aims to help low income society groups and emerging groups that, without pro bono help, would not be able to obtain suitable legal assistance and guidance regarding day by day activities and other needs. The latter, principally through the promotion of voluntary work and the provision of free legal services. Nonetheless, there is a lot of work still to be done in order to create awareness of the importance of the matter.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The legal profession in Chile is subject to limited regulatory oversight. Neither membership with a local bar association nor postgraduate education is required in order to practice law. Furthermore, disqualification from the practice of law is very rare, and malpractice insurance is not common among Chilean lawyers.</p> <p>Notwithstanding the foregoing, lawyers affiliated with the Chilean Bar Association must observe the rules and principles established in the Bar’s Professional Ethics Code. Information regarding the Chilean Professional Ethics Code can be found online.<sup>2</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The Supreme Court grants licenses to practice law in Chile, and such a license bestows upon an individual the title of lawyer or “<i>Abogado</i>”.</p> <p>To obtain a license to practice law in Chile it is necessary to have a law degree from a Chilean university and to subsequently successfully complete a postgraduate professional practice period of six months in a Legal Assistance Corporation (“<i>Corporación de Asistencia Judicial</i>” or “CAJ”), which is a branch of government overseen by the Ministry of Justice.</p>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit	There are no specific rules in Chile that regulate the provision of pro bono legal services.

<sup>1</sup> This chapter was drafted with the support of Francisca Salas of Cariola Díez Pérez-Cotapos.

<sup>2</sup> See <http://colegioabogados.cl/el-colegio/codigo-de-etica-profesional/> (last visited on May 1, 2019).

<p>regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>It is not mandatory for lawyers to provide pro bono legal services, but it is indeed a common practice. Accordingly, each attorney decides how many hours they will devote to providing pro bono legal services and attorneys are not required to work a minimum number of pro bono hours.</p> <p>Nonetheless, it is recommended by Fundación Pro Bono (through its declaration guide) that lawyers work a minimum of 20 hours for pro bono matters per year. Information regarding the declaration guide and recommendation can be found online.<sup>3</sup></p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>To become licensed lawyers, aspiring lawyers are required to, amongst other matters, successfully complete a postgraduate professional practice period of six months in a Legal Assistance Corporation ("<i>Corporación de Asistencia Judicial</i>" or "<i>CAJ</i>"). In said instance, they must provide free legal advice to people with financial difficulties.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>In general terms, areas of law that present opportunities for the provision of pro bono legal services correspond to corporate and civil law, family law and criminal law. Also, some specific matters such as partitions (this is the process for the distribution of the deceased's goods among the heirs in proportion to the quota corresponding to each of them) represent a relevant legal unmet need, especially considering that the government, through its CAJs, does not provide guidance and assistance in connection with these type of matters because they involve arbitral judges (which are expensive).</p> <p>Moreover, even though the Fundación Pro Bono provides assistance in connection with partitions, it does so only when specific criteria are met: the community members must be contactable, the disputed property must have a maximum fiscal appraisal, and the disputed property must be located in the city of Santiago.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities,</p>	<p>Fundación Pro Bono is Chile's leading clearinghouse for pro bono work and focuses on finding and distributing pro bono opportunities to private attorneys, with the goal of improving access to free justice in Chile. Fundación Pro</p>

<sup>3</sup> See <http://www.probono.cl/wp-content/uploads/2013/08/guia-pro-bono-para-estudios-juridicos-de-latinoamerica.pdf> (last visited on May 1, 2019).

<p>private law firms (local or international) or corporate organizations?</p>	<p>Bono does not provide pro bono legal services directly to clients rather, it serves solely as a clearinghouse, referring matters to private law firms and individual attorneys and developing new pro bono programs serving non-profit entities, NGOs and private citizens.</p> <p>The legal departments of some Companies and some Law Firms in Chile also have pro bono Programs, and there are NGOs such as CODEPU (<i>“Corporación de Promoción y Defensa de los Derechos del Pueblo”</i>), which is an NGO focusing its efforts on the defense of human rights, which provide pro bono legal services. In addition, there is a collaborative relationship between the Fundación Pro Bono and the Chilean Bar Association who organizes and promotes pro bono activities in Chile.</p> <p>Finally, University Legal Clinics provide pro bono legal services as a requirement to be an approved university. Aspiring lawyers also provide free legal service through the practice period of six months in a Legal Assistance Corporation.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There are no specific regulations which impose practice limitations on the provision of pro bono legal services by lawyers in Chile.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers that have validated their law degree in Chile do not require any additional license to provide pro bono legal services in Chile. Moreover, a validated foreign lawyer may be able to appear in court, provide legal assessment in the country and also to serve in position in connection with being a lawyer is required.</p> <p>Moreover, in connection with the aforementioned validation, Chile is part of some international treaties which are currently in force (with Colombia, Ecuador, Spain, Peru and Uruguay, among others), in order to facilitate the validation procedure for lawyers of involved jurisdictions.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers (including in-house lawyers) in Chile are not required to maintain professional indemnity legal insurance cover for pro bono legal services.</p>



<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>In relation to advertising pro bono legal services, although the Chilean Professional Ethics Code expressly prohibits the promotion of legal services in certain circumstances (article thirteen of the Chilean Professional Ethics Code), the promotion of, or solicitation for, pro bono legal services is expressly allowed. Information regarding the Chilean Professional Ethics Code, and the referred article, can be found online.<sup>4</sup></p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Chilean lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in Chile.</p>	<p>Legal Aid Corporation (“<i>Corporación de Asistencia Judicial</i>” or “CAJ”), which is a branch of government overseen by the Ministry of Justice in which law students provide free legal services representing the State of Chile for a period of time of approximately six months, in various areas of law.<sup>5</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Chile.</p>	<p>Please refer to II.(b).5 above for brief details on the main non-governmental sources of pro bono and/or other pro bono resources in Chile.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Fundación Pro Bono is a private organization in which any attorney can register for pro bono opportunities.<sup>6</sup></p>

May 2019  
Pro Bono Practices and Opportunities in Chile

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>4</sup> See <http://colegioabogados.cl/el-colegio/codigo-de-etica-profesional/> (last visited on May 1, 2019).

<sup>5</sup> See <http://www.cajmetro.cl/> (last visited on May 1, 2019).

<sup>6</sup> See <http://probono.cl/> (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Colombia<sup>1</sup>

### I. Introduction

The pro bono movement in Colombia has gained significant momentum over the last few years. Though, historically, the Colombian legal establishment has not shown significant commitment to providing pro bono legal services, this is now changing considerably. This change in attitude has developed mainly as a result of both the concerted efforts of a younger generation of attorneys as well as Colombia’s Fundación Pro Bono, which has acted as a clearing house for pro bono work throughout Colombia. Today, many leading law firms in Colombia engage in systematic pro bono activities. This commitment has encouraged a nascent culture of pro bono work that is expected only to increase in the coming years. This section provides a brief overview of the Colombian legal system, reviews different avenues of free legal aid available to indigent persons and introduces a number of organizations currently providing pro bono legal services in Colombia.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>In Colombia, the provision of legal services is permanently regulated by “Consejo Superior de la Judicatura” a specialized entity that provides the license for lawyers and verifies the fulfillment of the practice of law in Colombia.</p> <p>Lawyers are regulated under “Ley 1123 de 2007”, which is a statute that regulates the disciplinary norms for the exercise of law by attorneys in Colombia.<sup>2</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>To practice law in Colombia, an attorney must hold a law degree from a licensed Colombian university and be registered in the <i>Consejo Superior de la Judicatura</i>. Additionally, with a new law “Ley 1905 de 2018,” to practice law, the person that graduates from law school must certify that they have passed the State Exam that will be made by the <i>Consejo Superior de la Judicatura</i>. Please refer to C(2) for information on the licensure requirements for foreign attorneys to provide legal services in Colombia.</p>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>Colombia does not have any specific laws or rules that regulate the provision of pro bono legal services. However, lawyers in Colombia must have a license by <i>Consejo Superior de la Judicatura</i> to provide free legal services.</p> <p>In Civil Proceedings, there is no right to free legal assistance. However, the <i>consultorios jurídicos</i></p>

<sup>1</sup> This chapter was drafted with the support of Maria Alejandra Salazar-Tamayo of Gomez-Pinzon Zuleta.

<sup>2</sup> See <https://www.ramajudicial.gov.co/web/consejo-superior-de-la-judicatura> (last visited on May 1, 2019).

	<p>are entitled to provide free legal aid to those who cannot pay for a lawyer. Those centers are an essential part of Law Schools and are staffed by law students in their final year of study and may assist clients in connection with civil, family, labor or administrative matters. Law schools also have <i>centros de conciliación</i> which engage in binding mediations, providing another route for people to resolve legal issues.</p> <p>In criminal proceedings, all defendants are entitled to the assistance of counsel. Indigent criminal defendants have the constitutional right to be represented by counsel free of charge. Such assistance is provided by the <i>Defensoría del Pueblo</i> the “<b>Public Defender’s Office</b>”) an entity created by the Constitution and charged with providing free services to indigent criminal defendants. The Public Defender’s Office is also empowered to provide legal assistance to persons who are not indigent but are unable for some other reason to obtain competent legal representation.</p> <p>All licensed and practicing attorneys may be required to provide free assistance to indigent criminal defendants if called upon to do so by the Public Defender’s Office. This occurs where no <i>defensor public</i> (public defender) is available to take the case. These <i>defensores de oficio</i> (public defenders), as they are also known, are obligated to serve as part of their professional obligation to protect the State of Law and human rights. Although <i>defensores de oficio</i> receive payment only in exceptional situations, they are subject to the same obligations as a <i>defensor público</i>. The failure of an attorney to respond to such a summons may result in the institution of disciplinary proceedings against him or her. Disciplinary sanctions include censure, fines, suspension and expulsion from the profession.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Colombia are not required by such rules to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There are no specific requirements for aspiring lawyers in Colombia to work a minimum number of hours pro bono to obtain a law degree.</p> <p>However, law students are required to provide free legal services in a <i>consultorio jurídico</i> (<i>legal clinic</i>) during their last year of study. While law students in the <i>consultorios jurídicos</i> are supervised by licensed attorneys, law students</p>

	are authorized to provide representation only in certain types of civil and criminal cases.
4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law that require pro bono legal services are Family and Labor matters. It is often found that people do not know their own rights in these areas of law.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	<p>The main providers of pro bono legal services in Colombia are NGOs, universities through their investigation groups or through <i>consultorio jurídico</i> and law firms.</p> <p>Colombian Firms run their own pro bono programs individually. These are typically established either because the law firm in question is a signatory to the Pro Bono Declaration for the Americas or because the program forms part of that firm's corporate social responsibility policy.</p>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Colombia do not require a special license to provide pro bono legal services.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Attorneys holding law degrees from foreign universities may be admitted to practice, if (i) their degree is evaluated and determined by the authorities in Colombia to be the equivalent of a Colombian degree; and (ii) they pass the <i>Examen de Estado</i> . While degrees granted in some jurisdictions, such as Spain and other Latin American countries, are regularly deemed to be equivalent, degrees granted in other jurisdictions, such as the United States, are unlikely to be so regarded.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Colombia do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Colombia that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers in Colombia do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked.

(d) Sources of Pro Bono Opportunities and Key Contacts

1. Describe any governmental sources of pro bono and/or other legal services in Colombia.

*Fundación Pro Bono Colombia* (which is supported by the Colombian government and has worked closely with it in Colombia's peace process) is a pro bono clearinghouse. Officially launched in 2008, its members include over 20 law firms in Colombia. The foundation runs legal seminars for the underprivileged and researches human rights issues. It also offers legal training in human rights issues, family law and administrative law for attorneys from law firms providing pro bono legal services.

If a lawyer is interested in providing pro bono legal services in Colombia, the best way to start is to contact *Fundación Pro Bono Colombia* in order to join that organization as an independent lawyer. Through that organization independent lawyers get access to the clearinghouse's database of available cases and can take whichever case best fits their skills.

*Fundación Pro Bono* also helps people find the right lawyer for their pro bono case according to the lawyer's specialty and experience.

In addition to legal clinics, Colombian law schools are developing *grupos de derecho publico*, which undertake high-impact human rights litigation, mainly through constitutional actions.

*Servicios Jurídicos No Remunerados* is a partnership formed between *Universidad de Los Andes* and a number of Colombian law firms. It offers free legal services to nonprofit groups dedicated to humanitarian causes, in particular in the areas of health, education, environment, disability and children's law. Over 25 Colombian law firms donate their services to this project, permitting the organization to provide its clients with specialized support in nearly every area of substantive law. Initially, the program offered only services related to legal incorporation and the negotiation of contracts. However, nowadays, attorneys linked to the program also provide representation for public interest controversies.

*Compartamos con Colombia* is an alliance of professional services firms formed to support not-for-profit entities. It undertakes initiatives designed to contribute to Colombia's development. The alliance counts 17 law firms, investment banks and consulting firms among its ranks.

*Compartamos con Colombia* provides subsidized institutional support to (i) nonprofit organizations, (ii) projects that seek to efficiently channel

	<p>resources or projects that promote social entrepreneurship, and (iii) initiatives furthering self-sustaining social investment. The organization also develops strategies promoting corporate responsibility and family-based philanthropy. To date, <i>Compartamos con Colombia</i> has provided free or low-cost institutional support to over 60 nonprofit organizations operating in the areas of sustainable development, children’s rights, education, health and microfinance, among others.</p> <p>The NGO <i>Comisión Colombiana de Juristas</i> is dedicated to the preservation of human rights in Colombia. Its activities include commenting on proposed legislation, compiling and distributing information and legal analysis to the population at large and providing direct representation in high-impact litigation aimed at preserving and safeguarding human rights. It represents clients in cases both before the Constitutional Court (and other Colombian bodies) and before the Inter-American Commission on Human Rights.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Colombia.</p>	<p><i>Fundación Pro Bono Colombia</i> is a pro bono clearinghouse. Officially launched in 2008, its members include over 20 law firms. The foundation runs legal seminars for the underprivileged and researches human rights issues. It also offers legal training in human rights issues, family law and administrative law for attorneys from law firms providing pro bono legal services. HR Note: <i>Fundación Pro Bono Colombia</i> appears in the above section which relates to governmental sources of pro bono. This section relates to non-governmental sources of pro bono. Is it right that it appears in both places?</p> <p>If a lawyer is interested in providing pro bono legal services in Colombia, the best way to start is to contact <i>Fundación Pro Bono Colombia</i> in order to join that organization as an independent lawyer. Through that organization independent lawyers get access to the clearinghouse’s database of available cases and can take whichever case best fits their skills.</p> <p><i>Fundación Pro Bono Colombia</i> also helps people find the right lawyer for their pro bono case according to the lawyer’s specialty and experience.</p> <p>In addition to legal clinics, Colombian law schools are developing <i>grupos de derecho publico</i>, which undertake high-impact human rights litigation, mainly through constitutional actions.</p>

3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	Fundación Pro Bono Colombia. <sup>3</sup>
---	---

May 2019  
Pro Bono Practices and Opportunities in Colombia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>3</sup> See <https://probono.org.co/> (last visited on May 1, 2019).



## Pro Bono Practices and Opportunities in Ecuador<sup>1</sup>

### I. Introduction

The legal community in Ecuador historically has not been involved in pro bono, nor are attorneys required to do pro bono work once they are admitted to practice. Recent years have seen an increase in free legal services in Ecuador, with (i) the enhanced role of the Public Defenders' Office in providing legal assistance to persons deprived of financial resources or are otherwise unable to retain legal counsel, (ii) the obligation imposed on universities to maintain free legal clinics and (iii) the requirement for law graduates to perform one compulsory school year of legal service to the community before being able to be admitted as lawyers being particularly noteworthy. There are also encouraging signs that Ecuadorian local law firms are taking more interest in providing pro bono legal services, such as the commitment by certain leading law firms, through signing the Pro Bono Declaration for the Americas, that their practicing attorneys shall perform an average of 20 hours of pro bono work annually. There is reason for optimism given the features of Ecuadorian laws that are conducive to the expansion of pro bono legal services among the Ecuadorian legal profession (such as the ability of lawyers to render free legal services) as well as the recent trajectory of pro bono legal services in Ecuador.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Organic Code of the Judicial Branch (<i>Código Orgánico de la Función Judicial</i>), in particular Title VII – Attorneys and Lawyers (<i>Título VII – Abogadas y Abogados</i>) therein, regulates the provision of legal services in Ecuador by attorneys and lawyers.</p> <p>Among others, the Organic Code of the Judicial Branch provides:</p> <p>(1) that the duties of attorneys and lawyers in the sponsorship of the causes in Ecuador include, but are not limited to, the following:<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Act in the service of justice and for this purpose collaborate with judges and courts;</li> <li>• Sponsor under the principles of loyalty, probity, truthfulness, honesty and good faith;</li> <li>• Defend in accordance with law, the truth as underlined by facts, and the norms as set out in the Code of Conduct in Professional Practice (<i>Código de Conducta en el Ejercicio Profesional</i>) that the Council of the Judiciary (<i>Consejo de la Judicatura</i>) dictates;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Mr. Roberth Puertas from Fundación Fabián Ponce Ordóñez, a foundation set up by the law firm Pérez Bustamante & Ponce in 1987 to render pro bono services to the general public.

<sup>2</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 330.

	<ul style="list-style-type: none"> <li>• Instruct and exhort their clients to comply with the instructions of the courts and judges, as well as to pay due respect to them and to all people that are involved in the judicial processes;</li> <li>• Faithfully perform their obligations towards their clients;</li> <li>• Refrain from promoting the public dissemination of reserved aspects of the unresolved judicial processes in which they are involved;</li> <li>• Record in all the original documents that they present in judicial processes their names (in legible characters), their registration numbers in the Forum (<i>Foro</i>) and their signatures;</li> <li>• Report the people in the legal profession who have performed illegal acts;</li> <li>• Act in accordance with law and with due respect to the judicial authorities; and</li> <li>• Others as determined by law.</li> </ul> <p>(2) that attorneys and lawyers are prohibited from, among others, the following when sponsoring causes:<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Reveal the secrecy of their clients, their documents or instructions;</li> <li>• Abandon, without just reason, the causes that they are defending;</li> <li>• Assure their clients of the triumph of the trial;</li> <li>• Defend one party after defending the other in related processes;</li> <li>• Authorize with their signatures writings or minutes prepared by another person;</li> <li>• Defend cases in which they are the judge;</li> <li>• Intervene in cases in a manner that causes the recusal of the judge;</li> <li>• Meet with the judge to deal with matters inherent to the case being defended, without prior notice being given in advance to the counterparty or their defense counsel so that they can be present if they wish;</li> </ul>
--	---

<sup>3</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 335.

	<ul style="list-style-type: none"> <li>• Exercise the right of action or defense in an abusive, malicious or reckless manner, violating the principles of good faith and loyalty, through practices such as the presentation of distorted evidence, the use of trickery and the use of procedures to unduly delay the progress of the litigation in bad faith;</li> <li>• To be absent from any hearing or judicial proceeding, in which their presence is necessary for the development of the trial, except due to fortuitous event or force majeure duly verified</li> <li>• Others as determined by the Organic Code of the Judicial Branch</li> </ul>
<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>To be able to sponsor as a lawyer in Ecuador, one must:<sup>4</sup></p> <ul style="list-style-type: none"> <li>• hold a law degree granted by a faculty of jurisprudence, law or legal science within a legally recognized university that is registered with the Higher Education Council (<i>Consejo de Educación Superior</i>). In the circumstance where one holds a degree obtained outside of Ecuador, he or she must provide proof of prior approval and registration; and</li> <li>• be in enjoyment of political participation rights in Ecuador, or alternatively, if he or she is not an Ecuadorian citizen, be in enjoyment of civil rights.</li> </ul> <p>To be able to sponsor as a lawyer in Ecuador, one must also be part of the Forum, through his or her inclusion into the register that the Council of the Judiciary keeps through the Regional Offices (<i>direcciones regionales</i>).<sup>5</sup></p> <ul style="list-style-type: none"> <li>• The regional offices of the Council of the Judiciary keep a book. The names of all the lawyers who have joined the Forum are registered in the book in chronological order, with the book also noting down the dates on which the registered lawyers have obtained their respective degree, and the faculty of jurisprudence, law or legal science that has awarded that degree.<sup>6</sup></li> <li>• The professional registration number of each registered lawyer is also inscribed in the book,</li> </ul>

<sup>4</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 324.

<sup>5</sup> *ibid.*

<sup>6</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 325.

	<p>and a card with the same number incorporated will serve as proof of the professional qualification of that lawyer before the jurisdictional bodies and other organizations of the public and private sector in Ecuador.<sup>7</sup></p> <ul style="list-style-type: none"> <li>In the courts and tribunals in Ecuador, written submissions that are not signed by a lawyer registered with the Forum will not be admitted, except in cases related to jurisdictional guarantees and the causes known to the judges of the peace. When a lawyer appears for the first time in a process sponsoring one of the parties, the actuary will verify the original registration card, and a copy of the same is also required.<sup>8</sup></li> </ul> <p>Please also refer to section (b)(3) below on the requirement to perform legal assistance to the community, which is another prerequisite to becoming a lawyer in Ecuador. The registration card will not be issued to the person applying for registration with the Forum without proof of him or her having completed the year of pre-professional practice.<sup>9</sup></p> <p>Despite the foregoing, a law graduate is not required to be a member of a local Bar Association in order to practice law.<sup>10</sup></p>
--	---

**(b) Pro Bono Practice and Culture**

<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The term “pro bono” does not exist in Ecuadorian legislations and there are not rules that specifically regulate the provision of pro bono legal services in Ecuador. However, Ecuadorian laws, among others, provide for the following:</p> <ul style="list-style-type: none"> <li>In all judicial proceedings, it is necessary for lawyers to intervene in the sponsorship of the parties, except in constitutional processes, mediation processes, cases related to the maintenance payment for children and adolescents and those that are brought before the judges of peace, without prejudice to the right to self-defense contemplated in the Code of Criminal Procedure (<i>Código de Procedimiento Penal</i>). Those who are financially unable to hire the services of a</li> </ul>
---	---

<sup>7</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 326.

<sup>8</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 327.

<sup>9</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 326.

<sup>10</sup> Ecuadorian laws used to require registration at a Bar Association as a pre-condition to practice law in Ecuador. In 2007, the Ecuadorian Supreme Court has ruled such requirement to be contrary to the Ecuadorian Constitution at the time. After the enactment of the Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*) in 2009, such requirement was formally removed from Ecuadorian laws.

	<p>lawyer will have the right to be sponsored by public defenders (<i>defensor público</i>).<sup>11</sup> Please refer to section (d)(1) below for more information on the Public Defenders' Office (<i>Defensoría Pública</i>).</p> <ul style="list-style-type: none"> <li>• It is within the rights of the lawyer who sponsors in cause to arrange freely his or her professional fees.<sup>12</sup></li> <li>• The faculties of jurisprudence, law or legal science within the universities in Ecuador are not permitted to function without organizing and maintaining free legal clinics.<sup>13</sup> Please refer to section (d)(2) below for more information.</li> </ul> <p>Ecuadorian laws further provide that universities and other organizations in Ecuador have to obtain authorization from the Public Defenders' Office before being able to operate free legal clinics. Please refer to section (c)(1) below for more information.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<ul style="list-style-type: none"> <li>• Attorneys and law firms in Ecuador are not required by law to perform pro bono work, and hence there is no minimum pro bono hour requirement imposed on licensed attorneys.</li> <li>• However, some Ecuadorian law firms have undertaken, by signing the Pro Bono Declaration for the Americas, that their practicing attorneys shall perform an average of 20 hours of pro bono work on an annual basis. Please refer to section (b)(5) below for more information.</li> </ul>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<ul style="list-style-type: none"> <li>• Graduates in law or legal science in Ecuador must perform one compulsory school year of legal service to the community by providing legal assistance in the National Assembly (<i>Asamblea Nacional</i>), the Public Defenders' Office, the State Attorney General's Office (<i>Fiscalía General del Estado</i>), jurisdictional bodies, free legal offices of the universities, public institutions in the rural, marginal urban sectors, entities that make up decentralized autonomous governments, any other institution in the public sector, or indigenous communities, populations and nationalities exercising jurisdictional functions. Providing the aforementioned legal service to the</li> </ul>

<sup>11</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 327.

<sup>12</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 331.

<sup>13</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 292.

	<p>citizens will be a prerequisite for a graduate to obtain the professional lawyer title.<sup>14</sup></p> <ul style="list-style-type: none"> <li>• During the year of pre-professional practice, each graduate has to perform at least two hours per day, 40 hours per month and altogether 500 hours of pro bono legal services.<sup>15</sup></li> <li>• During the year of pre-professional practice, graduates may not request nor receive any money, goods, services or benefit in return; the breach of which will be reported to the respective Regional Office which will in turn notify the Council of the Judiciary which will proceed to suspend the internship period of the graduate, who will not be able to obtain a certificate of having performed his or her pre-professional practice within the next two years.<sup>16</sup></li> <li>• At the end of the year of pre-professional practice, the Council of the Judiciary will, based on the evaluation given by the institution where the graduate attended, issue the Certificate of Professional Aptitude (<i>Certificado de Aptitud Profesional</i>), which is an indispensable requirement to practice law in Ecuador.<sup>17</sup></li> <li>• A graduate may exempt himself or herself from having to perform the year of pre-professional practice, if he or she can prove that he or she has previously provided services for at least two years in a free legal office of a university, or has completed an internship for the same period of time in a judicial unit.<sup>18</sup></li> </ul>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>From the experience of Fundación Fabián Ponce Ordóñez, which is in line with the statistics released by the Public Defenders' Office<sup>19</sup>, the main areas of law which require or present opportunities for the provision of pro bono legal services in Ecuador are criminal law, family law and laws relating to children and teenagers.</p>

<sup>14</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 339.

<sup>15</sup> Rules on Pre-Professional Practice for Graduates of the Faculty of Law (*Reglamento Prácticas Pre Profesionales a Egresados Facultad Derecho*), article 18.

<sup>16</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 340.

<sup>17</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 341.

<sup>18</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 342.

<sup>19</sup> Information from the official website of the Public Defenders' Office at [http://www.defensoria.gob.ec/wp-content/uploads/2019/01/informe\\_asambleanacional.pdf](http://www.defensoria.gob.ec/wp-content/uploads/2019/01/informe_asambleanacional.pdf) at pages 22-24 (last visited on May 1, 2019).

<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p><u>Governmental or other public services:</u> Please refer to section (d)(1) below for more information on the Public Defenders' Office.</p> <p><u>Schools and universities:</u> Please refer to section (d)(2) below for more information on the operation of legal clinics by universities.</p> <p><u>NGOs and corporate organizations:</u> Please refer to section (c)(1) below for more information on the requirement of authorization from the Public Defenders' Office for the operation of free legal clinics by organizations in Ecuador. As of April 2019, only one NGO has been registered as an authorized free legal services supplier with the Public Defenders' Office.<sup>20</sup></p> <p><u>Private local law firms:</u></p> <ul style="list-style-type: none"> <li>• The pro bono culture in Ecuador has not been prevalent to date. Although certain features of local laws are conducive to the expansion of pro bono legal services among the Ecuadorian legal profession, such as the absence of a "loser-pays" statute (except in case of frivolous or baseless litigation), the ability of lawyers to render free legal services and the fact that there is no limitation on advertising or soliciting pro bono work, local law firms have generally tended to perform pro bono legal services on a sporadic (and limited) basis, predominately focusing on the supply of corporate services for the benefit of non-profit entities.</li> <li>• There are some noteworthy exceptions. The Ecuadorian law firm Pérez Bustamante &amp; Ponce set up a foundation in 1987 (Fundación Fabián Ponce Ordóñez) devoted exclusively to pro bono projects. The foundation has four areas of focus, namely (i) protection of rights through the Inter-Disciplinary Clinic, which provides both legal and psychological support, and advises and legally represents vulnerable and/or at-risk persons or groups, (ii) alternative dispute resolution provided by the Mediation Center, (iii) training and information on relevant legal and social matters, and (iv) legal advisory services to NGOs and the community. The foundation has completed more than 5000 hours of pro bono work per year, more than 1000 cases per year were handled by the Inter-Disciplinary Clinic, and more than 300</li> </ul>
--	---

<sup>20</sup> Information from the official website of the Public Defenders' Office at [http://www.defensoria.gob.ec/wp-content/uploads/2019/01/Directorio\\_CJG.pdf](http://www.defensoria.gob.ec/wp-content/uploads/2019/01/Directorio_CJG.pdf) (last visited on May 1, 2019).



	<p>cases per year were handled by the Mediation Center, with a more than 90% effectiveness rate. In recognition of their pro bono efforts, Pérez Bustamante &amp; Ponce and Fundación Fabián Ponce Ordóñez were awarded, among others, the Institutional Medal of Honour by the Mayor's Office, Quito in 2012, the Dr. Vincente Rocafuerte Social Award by the National Assembly of the Republic of Ecuador in 2016, the Pro Bono Leading Firm award by Who's Who Legal in 2017 and the Solidarity Project Award by Club de Abogados Iberoamérica in 2018.<sup>21</sup></p> <ul style="list-style-type: none"> <li>• Certain prestigious Ecuadorian law firms have signed the Pro Bono Declaration for the Americas facilitated by the Cyrus R. Vance Center for International Justice of the New York City Bar.<sup>22</sup> Signatories to the Pro Bono Declaration for the Americas undertake that their practicing attorneys shall perform an average of 20 hours of pro bono work on an annual basis, and collaborate with the Cyrus R. Vance Center and with certain prestigious legal magazines (such as Latin Lawyer) in surveys that attempt to monitor the status of pro bono in Ecuador.<sup>23</sup></li> </ul>
--	---

**(c) Obstacles to Provision of Pro Bono Legal Services**

<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<ul style="list-style-type: none"> <li>• Lawyers in Ecuador are able to provide free legal services. There is no need for them to obtain a specific license before providing pro bono legal services.</li> <li>• On the contrary, every other organization (including without limitation organizations belonging to or sponsored by universities, branch organizations, community and grassroots organizations, and non-profit associations or foundations) organizing and maintaining free legal clinics to provide defense and legal counseling services in Ecuador to persons of limited economic resources and groups which require priority attention must apply to the Public Defenders' Office (providing the list of legal professionals that comprise the organization, legal</li> </ul>
--	---

<sup>21</sup> Information from the official website of Pérez Bustamante & Ponce at <https://www.pbplaw.com/en/responsabilidad-social/> (last visited on May 1, 2019).

<sup>22</sup> Such Ecuadorian law firms are Andrade Veloz & Asociados, Bustamante y Bustamante, Consulegis Abogados, Corral y Rosales, Estudio Jurídico Cervantes (Sunklen Services S.A.), Perez Bustamante & Ponce Abogados and Vivanco & Vivanco. An updated list of such law firms may be found at [https://www.vancecenter.org/wp-content/uploads/2019/01/Signatarios\\_1-17-18.pdf](https://www.vancecenter.org/wp-content/uploads/2019/01/Signatarios_1-17-18.pdf) (last visited on May 1, 2019).

<sup>23</sup> The most recent edition of such survey may be found at <https://www.vancecenter.org/wp-content/uploads/2019/01/Pro-bono-compressed.pdf> (last visited on May 1, 2019).

	<p>assistance that the organization seeks to provide, etc.) and be accredited by the Public Defenders' Office. Authorizations for such organizations must be renewed on an annual basis. Their provision of legal services are also to be supervised by the Public Defenders' Office (with the quality of such services also evaluated). If serious anomalies are found within the operation of an organization, and the organization does not rectify the anomalies within a reasonable period of time, the Public Defenders' Office can prohibit its further operation.<sup>24</sup></p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<ul style="list-style-type: none"> <li>• Lawyers graduated outside of Ecuador may practice law in Ecuador, provided they meet the requirements set forth in the international treaties and agreements signed by Ecuador. Their titles will be recognized in the form and under the conditions that the law prescribes and in observance of the principle of reciprocity. Prior to joining the Forum, they will have to carry out the year of pre-professional practice as aforementioned in section (b)(3).<sup>25</sup></li> <li>• Foreign attorneys cannot work on pro bono cases, unless they are able to meet the requirements to be admitted to practice law in Ecuador. There are no rules allowing foreign attorneys to practice law in Ecuador on an extraordinary basis (e.g. in connection with a specific pro bono case).</li> </ul>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in Ecuador do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Other than the general constitutional provisions on free choice of services and accurate contents in advertisement, there are no specific rules on the advertisement of legal services in Ecuador including advertising of pro bono successes or soliciting new pro bono clients.</p>
<p>5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?</p>	<p>There is no special professional credit available for the performance of pro bono work in Ecuador.</p>

<sup>24</sup> Ecuadorian Constitution (*Constitución de la República del Ecuador*), article 193; Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), articles 286 & 293-294.

<sup>25</sup> Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 332.

(d) Sources of Pro Bono Opportunities and Key Contacts

<p>1. Describe any governmental sources of pro bono and/or other legal services in Ecuador.</p>	<p>The Ecuadorian Constitution (<i>Constitución de la República del Ecuador</i>) provides that the right of persons to defense shall include the guarantee to be assisted, in court procedures, by an attorney of the person's choice or by a court-appointed defense attorney.<sup>26</sup> When a person cannot hire legal defense services for the protection of his or her rights due to his or her situation of defenselessness or economic, social or cultural status, a public defender shall be appointed.<sup>27</sup></p> <p>The principal functions of the Public Defenders' Office include, but are not limited to:<sup>28</sup></p> <ul style="list-style-type: none"> <li>• Direct, organize and implement a system of public defense in Ecuador, with national coverage in all matters but prioritizing fields relating to criminal law, labor law and children and adolescents;</li> <li>• Guarantee the right to competent and uninterrupted defense;</li> <li>• Process and deliver in a free, technical and timely manner in accordance with law legal advice, guidance, assistance, mediation and judicial representation services to people in the public who cannot hire legal defense services due to their situation of defensiveness or economic, social or cultural status;</li> <li>• Guarantee specialized public defense for women, children and adolescents and victims of violence; and</li> <li>• Promote public defense services to people in situation of defenselessness, in order to ensure their timely access to justice.</li> </ul>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Ecuador.</p>	<ul style="list-style-type: none"> <li>• The faculties of jurisprudence, law or legal science within the universities in Ecuador are required to organize and maintain free legal clinics to provide sponsorship, defense and legal advice services to persons of limited economic resources and groups which require priority attention<sup>29</sup>, subject to prior</li> </ul>

<sup>26</sup> Ecuadorian Constitution (*Constitución de la República del Ecuador*), article 76.

<sup>27</sup> Ecuadorian Constitution (*Constitución de la República del Ecuador*), article 191; Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 286.

<sup>28</sup> Information from the official website of the Public Defenders' Office at [http://www.defensoria.gob.ec/?page\\_id=256](http://www.defensoria.gob.ec/?page_id=256) (last visited on May 1, 2019).

<sup>29</sup> Ecuadorian Constitution (*Constitución de la República del Ecuador*), article 193; Organic Code of the Judicial Branch (*Código Orgánico de la Función Judicial*), article 292.

	<p>authorization from the Public Defenders' Office as discussed in section (c)(1) above.</p> <ul style="list-style-type: none"> <li>• Please also refer to section (b)(5) above for more information on the provision of pro bono legal services by local law firms in Ecuador.</li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Ecuador Pro Bono Directory (Refugee Legal Aid Information for Lawyers Representing Refugees Globally):<sup>30</sup></p> <ul style="list-style-type: none"> <li>• For instance: Asylum Access Ecuador, with the assistance of its Volunteer Legal Advocates, provides individualized legal advice and representation to refugees, helps refugees assert rights protected by Ecuadorian laws, engages in policy advocacy and strategic litigation for the promotion of greater fairness in the refugee status determination process, etc.</li> </ul> <p>Ecuador Public Defenders' Office Directory.<sup>31</sup></p>

May 2019  
Pro Bono Practices and Opportunities in Ecuador

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>30</sup> See <http://www.refugeelegalaidinformation.org/ecuador-pro-bono-directory> (last visited on May 1, 2019).

<sup>31</sup> See [http://www.defensoria.gob.ec/wp-content/uploads/2019/01/Directorio\\_CJG.pdf](http://www.defensoria.gob.ec/wp-content/uploads/2019/01/Directorio_CJG.pdf) (last visited on May 1, 2019).

## Pro Bono Practices and Opportunities in Paraguay<sup>1</sup>

### I. Introduction

Paraguay has a tradition of providing free legal assistance for citizens with limited means, and the Ministry of Public Defense has over 300 paid attorneys who support and provide legal advice to such individuals. In addition to legal aid provided by the public sector there is also an increasing movement among private law firms to provide free legal advice to vulnerable individuals, with pro bono culture expanding across local law firms and universities throughout Paraguay. This survey summarizes the existing legal regime relevant to the provision of pro bono legal services in Paraguay.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The provision of legal services in Paraguay is governed by Law No. 879/81 “Judicial Organization Code”, as amended (the “<b>Code</b>”). The Code also establishes the requirements under which an individual can be admitted to practice law in Paraguay. The authority in charge of the application of the Code is the Supreme Court of Justice.<sup>2</sup></p> <p>The fees for the provision of legal services are regulated by Law No. 1.376/88, as amended (the “<b>Legal Fees Law</b>”), which is further discussed below.<sup>3</sup></p> <p>Further, the Paraguayan Bar Association (the “<b>Bar</b>”) provides for an ethics code. However, this is only binding for members of the Bar.<sup>4</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>The requirements for practicing law in Paraguay are governed by article 87 et seq. of the Code. The Code sets forth the following requirements in order to practice law in Paraguay:</p> <ul style="list-style-type: none"> <li>• obtaining a law degree issued by a duly acknowledged and authorized Paraguayan university (or having a foreign degree validated by the National Council of Education (“CONES”) and then registered with the Ministry of Education;</li> <li>• being at least 18 years old;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Carlos Vasconsellos, Claudia Arietti, Sally Romero and Marcelo Rodríguez of Ferrere Abogados

<sup>2</sup> Please refer to the following link for more information on the Code: [https://www.pj.gov.py/descargar/ID1\\_60\\_id482\\_codigo\\_organizacion\\_judicial.pdf](https://www.pj.gov.py/descargar/ID1_60_id482_codigo_organizacion_judicial.pdf) (last visited on May 1, 2019).

<sup>3</sup> Please refer to the following link for more information on the Legal Fees Law: <http://www.bacn.gov.py/leyes-paraguayas/2444/arancel-de-honorarios-de-abogados-y-procuradores> (last visited on May 1, 2019).

<sup>4</sup> Please refer to the following link for more information on the Bar: <http://www.colegiodeabogados.org.py/normativa.php> (last visited on May 1, 2019).

	<ul style="list-style-type: none"> <li>• demonstrating a reputation of honor and good behavior;</li> <li>• taking an oath before the Supreme Court of Justice; and</li> <li>• registering with the Supreme Court's Register of Lawyers.</li> </ul> <p>Note that practitioners are not required to be members of the Bar in order to practice law in Paraguay.<sup>5</sup></p>
<b>(b) Pro Bono Practice and Culture</b>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>In Paraguay, there is no obligation for lawyers to provide pro bono legal services. To the contrary, the Legal Fees Law states that agreements/engagement letters with pro bono clients setting fees which are lower than the ones established by the Legal Fees Law are void. The Legal Fees Law states that a judge would determine the threshold of legal fees by considering the amount of the claim, the quality of the legal services, the complexity of the matter and the economic gains by the client. The judge would generally apply a percentage ranging from 5% to 20% over the amount of the claim to establish this threshold. The higher the value of the claim, the lower the percentage. There are also certain processes and actions that have a fixed percentage under the Legal Fees Law.</p> <p>The Legal Fees Law also states that a partial or total waiver of legal fees is void. Pro bono engagement letters can be declared void by a judge if the pro bono lawyer claims the payment of legal fees. Therefore, under the current Paraguayan legal framework, there is a risk for pro bono clients that their pro bono lawyers could claim payment of their legal fees in court pursuant to the Legal Fees Law. However, the most prestigious law firms do not charge a fee to their pro bono clients and do not initiate judicial claims to collect their legal fees.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Paraguay are not required to work a minimum number of pro bono hours.</p>

<sup>5</sup> Please refer to the following link for more information: <https://www.pj.gov.py/contenido/1356-juramento-de-abogados-servicio-gratuito/1356> (last visited on May 1, 2019).

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Paraguay are not required to complete a minimum number of pro bono legal services in order to become licensed lawyers.</p> <p>However, some universities in Paraguay require law students to complete a minimum number of hours of pro bono legal services in order to get their degree. As an example, law students at the <i>Universidad Católica Nuestra Señora de la Asunción</i> are required to do pro bono work as part of the Legal Clinics Course (<i>Consultorio Jurídico</i>).</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require the provision of pro bono legal services are: (i) Family Law; (ii) Criminal Law (including cases of violence against women and children); and (iii) Labor Law.</p> <p>There is a clear consensus amongst Paraguayan lawyers and the Paraguayan government that there is a significant shortfall in the provision of public legal aid services since there are not enough public defenders to meet the demands of individuals with limited economic resources and to ensure access to justice.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p><b>1. CIDSEP</b></p> <p>The <i>Centro Interdisciplinario de Derecho Social y Economía Política</i> of the <i>Universidad Católica</i> (“<b>CIDSEP</b>”) in association with the Bar, is Paraguay’s leading clearinghouse for pro bono work. CIDSEP is currently working with six major law firms and approximately 60 independent lawyers. CIDSEP notifies practitioners when pro bono work becomes available giving due consideration to the area in which the practitioner is involved.</p> <p><b>2. International Red Pro Bono<sup>6</sup></b></p> <p>International Red Pro Bono is a foundation that assists and organizes pro bono legal services for lawyers and law firms. The foundation was created in 2000 and since then it has implemented work programs to provide opportunities for attorneys to get involved in pro bono opportunities. The foundation facilitates pro bono legal services across various areas, including corporate advice, dispute advice, legal reports and judicial representation to improve access to free justice in Paraguay.</p>

<sup>6</sup> See <http://redprobono.org/> (last visited on May 1, 2019).



	<p><b>3. Universidad Católica<sup>7</sup></b></p> <p>Law students at the Catholic University of Asunción are required to do pro bono work as part of the Legal Clinics Course (<i>Consultorio Jurídico</i>) (as mentioned above).</p> <p><b>4. Universidad Nacional de Asunción<sup>8</sup></b></p> <p>Recently, the <i>Universidad Nacional de Asunción</i> opened a Legal Clinic Program to provide free legal services to people in with limited economic resources.</p> <p><b>5. Law Firms Pro Bono programs</b></p> <p>A few private law firms in Paraguay have pro bono programs in place. An example is FERRERE, a multi-jurisdictional South American law firm, which encourages pro bono work among its attorneys as an integral part of their professional obligations. FERRERE provides its pro bono clients with the same quality professional service as that provided to all of its clients. FERRERE has a Pro Bono Committee, comprised of associates and coordinating partners, which directs and coordinates pro bono work, as well as determines the resources available for pro bono cases.<sup>9</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers do not require a license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional license to provide pro bono legal services in Paraguay. However, to practice law in Paraguay, foreign lawyers must have their foreign law degree recognized and validated by the CONES and then registered with the Ministry of Education. The process for foreign lawyers to be licensed in Paraguay involves submitting all documents in connection with their legal studies abroad duly apostilled. Once the documents have been recognized and validated by the CONES and registered with the Ministry of Education, the foreign lawyer is required to register at the Supreme Court’s Register of Lawyers.</p> <p>Once this process is completed, foreign lawyers are allowed to practice law in Paraguay, including pro bono matters. Foreign lawyers cannot practice or advise in any field of law without being duly</p>

<sup>7</sup> See <https://www.universidadcatolica.edu.py/> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.una.py/> (last visited on May 1, 2019).

<sup>9</sup> See <https://www.ferrere.com/en/csr/> (last visited on May 1, 2019).

	authorized to do so through the process described above.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Paraguay do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Paraguay that prohibit advertising of pro bono successes or soliciting new pro bono clients.
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Paraguay do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.

**(d) Sources of Pro Bono Opportunities and Key Contacts**

1. Describe any governmental sources of pro bono and/or other legal services in Paraguay.	<p><b>Litigation costs</b></p> <p>The Procedural Civil Code enables people without resources to pay for a judicial proceeding to request from a judge the benefit of litigation in forma pauperis. In order for a judge to grant this benefit, the requesting party must demonstrate his or her inability to obtain resources to pay for costs associated to a judicial proceeding.</p> <p>A public defender will represent and defend such client who has obtained a certificate of litigation in forma pauperis. However, the pro bono client may also elect to be represented by a separate lawyer instead. This is not completely pro bono since it allows the lawyer to demand payment of, and claim his legal fees from, the losing counterparty of his client or even from his client when and if his economic situation improves. Apart from the above, the government also provides state-subsidized legal aid, but does not have any separate pro bono initiatives.</p> <p><b>Legal Aid</b></p> <p>The Ministry of Public Defense (<i>Ministerio de la Defensa Pública</i>) is a judicial institution made up of approximately 330 professional lawyers who are paid by the Paraguayan State to defend individuals who (i) have limited economic resources or are absent; (ii) are legally incapacitated; or (iii) are minors in the context of civil, labor, minor-related, administrative or criminal proceedings.</p>
---	--

	<p>Individuals seeking legal assistance from the Ministry of Public Defense must visit the public defender (<i>Defensor</i>) on duty in the relevant jurisdiction and constituency. Each judicial district has public defenders who may act within the limits of such district. The legal assistance provided by the Ministry of Public Defense is free and the defendants are exempt from court fees. Defendants are required to pay only those legal fees, notices and/or edicts specifically designated by law.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Paraguay.</p>	<p>Please see the answer to question (b)5 above in relation to the main providers of pro bono legal services.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p><u>CIDSEP</u></p> <p>As discussed above, CIDSEP is a clearinghouse for pro bono work. Contact details for CIDSEP are as follows:</p> <p>Address: Alberdi 855 casi Piribebuy, Paraguay          Phone: (595 21) 445429          Email: cidsep@uc.edu.py</p> <p><u>International Red Pro Bono</u><sup>10</sup></p> <p>As mentioned above, the foundation has implemented work programs to provide opportunities for attorneys to get involved in pro bono opportunities. The foundation facilitates pro bono services across various areas, including corporate advice, dispute advice, legal reports and judicial representation to improve access to free justice in Paraguay.</p> <p><b>Address:</b> Mariano Sánchez Fontecilla N° 370 Las Condes – Santiago de Chile  <b>Phone:</b> (562 38) 156 60  <b>Email:</b> contacto@redprobono.org</p> <p><u>FERRERE</u><sup>11</sup></p> <p>FERRERE is the only multi-jurisdictional South American law firm. It has 150 attorneys across Uruguay, Paraguay, Ecuador and Bolivia and employs US-style structure, methodologies and policies. The firm seeks to foster and value social commitment among its lawyers and requires, as an essential element of its professional culture, that community interest initiatives receive the same quality of service as its corporate clients.</p>

<sup>10</sup> See <http://redprobono.org/> (last visited on May 1, 2019).

<sup>11</sup> See <http://www.ferrere.com> (last visited on May 1, 2019).

	<p>FERRERE has a pro bono committee which is in charge of receiving, processing and approving each pro bono case.</p> <p><b>Address:</b> Torres del Paseo, Torre 1 - Nivel 25   Avda. Santa Teresa No. 2106- - Asunción, Paraguay <b>Phone:</b> (+595 21) 3183000 <b>Email:</b> <a href="mailto:probonoparaguay@ferrere.com">probonoparaguay@ferrere.com</a></p>
--	--

May 2019

Pro Bono Practices and Opportunities in Paraguay

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

## Pro Bono Practices and Opportunities in Peru<sup>1</sup>

### I. Introduction

In Peru, the pro bono work of lawyers received greater attention when the Code of Ethics of Lawyers, promulgated by the Board of Deans of the Peruvian Bar Associations, made reference to the social responsibility that all lawyers have in the framework of facilitating access to justice and legal representation of society. In addition, a number of law firms have ratified the Pro Bono Declaration for the Americas, which offers greater scope and obligations to lawyers with regards to the provision of pro bono legal services.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	In Peru, the Code of Ethics regulates the provision of legal services. Within this context, this Code of Ethics regulates the freedom of sponsorship, the duties that a lawyer has with its client, professional secrecy, conflicts of interest. Failure to comply with any of them constitutes an administrative offense under sanction.
2. Describe any licensure requirements governing the provision of legal services.	In order to provide legal services in Peru, an individual must be a licensed attorney and be a member of the Bar Association of Lima.
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	There are no rules that regulate the provision of pro bono legal services in Peru, except for the ethic norms or rules that apply to all attorneys in Peru (e.g. conflict of interests). There is only a slim reference in the Code of Ethics of the Lima Bar Association, which only applies to its members and that states that lawyers can offer free provision of legal services to people with low resources.  For those lawyers / entities who signed the Pro Bono Declaration for the Americas, such agreement shall be applicable. <sup>2</sup>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Peru are not required to work a minimum number of pro bono hours unless the firm that they work for has signed the Pro Bono Declaration for the Americas which commits signatories to undertake a minimum of 20 hours of pro bono work per lawyer per year.

<sup>1</sup> This chapter was drafted with the support of Roxana Gayoso of Estudio Echeopar.

<sup>2</sup> See [http://www.cal.org.pe/pdf/etica/2012/codigo\\_etica\\_abogado.pdf](http://www.cal.org.pe/pdf/etica/2012/codigo_etica_abogado.pdf) (last visited on May 1, 2019)

<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Peru are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>According to our experience, the areas that have the most opportunities to provide pro bono legal services in Peru are the areas of procedural law, constitutional law, civil law and the law that governs the use of natural resources.</p> <p>The main legal needs in Peru are related to the constitution of associations and consultancy on the protection of the rights of vulnerable populations.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main provider of pro bono legal services in Peru is the Alianza Pro Bono Perú, which acts as a link between NGOs or people in a state of vulnerability and law firms, which will be the providers of legal services.</p> <p>The main law firms that are part of the Alianza Pro Bono are the following: Benítes, Vargas &amp; Ugaz Abogados, García Sayan Abogados, Lazo, De Romaña &amp; CMB Abogados, among others.</p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>	
<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Peru do not require a license to provide pro bono legal services.</p>
<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Additional licenses are not required by the Code of Ethics of the Lima Bar Association for foreign lawyers to provide pro bono legal services in Peru.</p>
<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>The Code of Ethics of the Lima Bar Association does not explicitly state that lawyers in Peru require professional indemnity legal insurance to cover any pro bono legal services that they provide.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in Peru.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Peru do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>

(d) Sources of Pro Bono Opportunities and Key Contacts	
1. Describe any governmental sources of pro bono and/or other legal services in Peru.	Most State Ministries provide free legal services according to their competence. Without prejudice to this, the Ombudsman's Office, an autonomous body of the State, provides advice to citizens for all types of disputes with the State.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Peru.	Alianza Pro Bono, which acts as a link between NGOs or people in a state of vulnerability and law firms. <sup>3</sup>  TrustLaw is the Thomson Reuters Foundation's global pro bono legal program. <sup>4</sup>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities. The Alianza Pro Bono Perú is a platform that connects vulnerable populations and/or NGOs only with the firms that are part the Assembly.

May 2019  
Pro Bono Practices and Opportunities in Peru

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

---

<sup>3</sup> See <http://www.alianzaprobono.pe/> (last visited on May 1, 2019)

<sup>4</sup> See <http://www.trust.org/trustlaw/> (last visited on May 1, 2019).



## Pro Bono Practices and Opportunities in Uruguay<sup>1</sup>

### I. Introduction

The Uruguayan Constitution guarantees free legal services for persons without resources who qualify for them. Historically, such assistance has been offered by governmental agencies, legal clinics and NGOs in relation to certain specific areas of law. However, lawyers and law firms in Uruguay are increasingly committed to providing pro bono legal services. The conditions of pro bono programs in Uruguay are independently regulated by each organization.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>The legal profession in Uruguay is regulated by Law 15750, Ley Orgánica De La Judicatura y de Organizacion de Los Tribunales.<sup>2</sup></p> <p>Although bar affiliation is not mandatory in Uruguay, the Uruguayan Bar Association has approved a Code of Ethics for the legal profession. Lawyers affiliated to the Uruguayan Bar Association are bound by this Code of Ethics.<sup>3</sup></p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers in Uruguay must:</p> <ul style="list-style-type: none"> <li>• possess a University degree which qualifies the holder to practice law;</li> <li>• be at least 21 years of age;</li> <li>• be sworn in by the Supreme Court of Justice and be enrolled in the registry.<sup>4</sup></li> </ul> <p>It is not compulsory for a lawyer in Uruguay to belong to the bar association; a lawyer may practice law without belonging to the Uruguayan Bar Association (Colegio de Abogados del Uruguay).<sup>5</sup></p>
(b) Pro Bono Practice and Culture	
1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>There are no laws regulating the performance of pro bono legal services in Uruguay. Several private organizations and firms provide this kind of legal service. In such cases, the conditions of each pro bono program are independently regulated by each organization.</p>

<sup>1</sup> This chapter was drafted with the support of Isabel Laventure of Ferrere.

<sup>2</sup> <https://www.impo.com.uy/bases/leyes/15750-1985> (last visited on October 2, 2019).

<sup>3</sup> See [http://www.colegiodeabogados.org/2011/cms/descargables/s1340385991m90284900\\_descargable\\_02\\_CodigodeETICA.pdf](http://www.colegiodeabogados.org/2011/cms/descargables/s1340385991m90284900_descargable_02_CodigodeETICA.pdf) (last visited on October 2, 2019).

<sup>4</sup> See <https://www.impo.com.uy/bases/leyes/15750-1985> and <https://www.impo.com.uy/bases/leyes/16320-1992/505> (last visited on October 2, 2019).

<sup>5</sup> See [http://www.colegiodeabogados.org/2011/estatutos.php?id\\_articulo=2](http://www.colegiodeabogados.org/2011/estatutos.php?id_articulo=2) (last visited on October 2, 2019).

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Uruguay are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Uruguay are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers. However, most Law Schools in Uruguay run Legal Clinics as a mandatory course for law degree candidates.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The income thresholds set by law for legal aid entitlement are both strictly enforced (individuals with an income even slightly above such threshold will not receive assistance) and set so low that those who only just exceed the threshold are very likely to be unable to afford legal representation.</p> <p>Therefore, the main areas of law that require the provision of pro bono legal services are Family and Inheritance Law, Housing, and Access to Health Services and high cost medication.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>Aside from Legal Aid, the main providers of pro bono legal services in Uruguay are the Legal Clinics run by Law Schools. Law firms typically devote resources to pro bono legal services for NGOs.</p> <p><b>Universities</b></p> <ul style="list-style-type: none"> <li>• University of the Republic;<sup>6</sup></li> <li>• UDE;<sup>7</sup></li> <li>• Catholic University of Uruguay; and</li> <li>• University of Montevideo.</li> </ul> <p><b>Law Firms</b></p> <ul style="list-style-type: none"> <li>• Ferrere;<sup>8</sup></li> <li>• Hughes and Hughes;<sup>9</sup></li> <li>• Jiménez de Aréchaga, Viana &amp; Brause;<sup>10</sup> and</li> <li>• Guyer &amp; Regules<sup>11</sup>.</li> </ul> <p><b>NGOs</b></p>

<sup>6</sup> See <https://www.fder.edu.uy/consultoriojuridico/> (last visited on October 2, 2019).

<sup>7</sup> See <https://ude.edu.uy/consultorio-juridico-gratuito/> (last visited on October 2, 2019).

<sup>8</sup> See <https://www.ferrere.com/es/rse/> (last visited on October 2, 2019).

<sup>9</sup> See [http://www.hughes.com.uy/corporate\\_responsibility](http://www.hughes.com.uy/corporate_responsibility) (last visited on October 2, 2019).

<sup>10</sup> See <http://jimenez.com.uy/en/who-we-are/> (last visited on October 2, 2019).

<sup>11</sup> See [https://www.guyer.com.uy/en/category/who\\_we\\_are/international\\_recognition/latin\\_lawyer/2012-latin-lawyer/](https://www.guyer.com.uy/en/category/who_we_are/international_recognition/latin_lawyer/2012-latin-lawyer/) (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• Instituto de Estudios Legales y Sociales del Uruguay (“<b>IELSUR</b>”),<sup>12</sup> and</li> <li>• Servicio Paz y Justicia Uruguay (“<b>SERPAJ</b>”).<sup>13</sup></li> </ul>
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	No license is required for lawyers to provide pro bono legal services in Uruguay.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	To provide pro bono legal services, foreign lawyers must have their law degree validated in Uruguay, but no additional license is required.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	There is no mandatory requirement for professional indemnity legal insurance cover for any pro bono legal services provided in Uruguay.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no specific rules that prohibit advertising of pro bono successes or soliciting new pro bono clients or apply to pro bono matters. General provisions apply. <sup>14</sup>
5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Uruguay do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Uruguay.	Legal aid services are administered by the Office of the Public Defender of the Capital. Legal assistance for criminal proceedings is provided free of charge, regardless of the financial situation of the individual. Legal aid in civil matters is only available for those with an income level below the thresholds set out in Supreme Court of Justice Decision No. 7,414. Anyone who is single, has no significant assets, and does not have any dependents shall be granted legal aid if their income is no greater than three times the national minimum wage. Any individual who is married or has dependents and does not have any significant assets shall be granted legal aid if their income is not more than five times the national minimum wage. <sup>15</sup>

<sup>12</sup> See <https://www.escri-net.org/member/instituto-estudios-legales-y-sociales-del-uruguay-ielsur> (last visited on October 2, 2019).

<sup>13</sup> See <http://www.serpaj.org.uy/serpajph/serpaj/quienessomos.php> (last visited on October 2, 2019).

<sup>14</sup> See <https://www.impo.com.uy/bases/leyes/15750-1985> (last visited on October 2, 2019).

<sup>15</sup> See <http://seleccion.poderjudicial.gub.uy/seleccion/archivos/acordada7414.pdf> (last visited on October 2, 2019).

2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Uruguay.

**Pro-Bono Clearing House**

A pro-bono clearinghouse has been set up in Uruguay with the support of the Cyrus R. Vance Center for International Justice in New York.<sup>16</sup> This is intended to be a link between those people who cannot access a legal service and the lawyers who can provide pro bono legal services to cover it. The Faculty of Law of the Universidad de Montevideo also participates in this project so that its students can work in pro bono cases together with the lawyers of the Uruguayan legal firms.<sup>17</sup>

**Legal Clinics**

The University of the Republic provides free legal assistance through its Legal Office which runs a Legal Clinic. This was established in 1950 as a mandatory internship for students of law at the University of the Republic. Since its inception, the Legal Clinic has expanded to other parts of Uruguay, resulting in the formation of neighborhood Legal Clinics. The University of the Republic also has an agreement with the Municipality of Montevideo in which the University of the Republic provides staff and the municipality provides the necessary infrastructure. Similar legal offices have been founded throughout other cities in Uruguay, including Salto, Paysandú, Bella Union and Maldonado.

The University of Montevideo and the Catholic University also run legal clinics.

**Neighborhood Legal Clinics (C.E.D, Faculty of Law, University of the Republic).**

The C.E.D. is the trade association formed by law and notary students. The primary and essential object of their offices (of which there are many across Montevideo) is to provide advice, assistance and free legal representation to people who request them according to certain pre-established criteria.<sup>18</sup>

**Law Firms**

Several law firms and private practitioners also provide pro bono legal services:

- **Ferrere:** The firm is aware of the difficulties to access justice faced by some community members, and it has assumed an ethical

<sup>16</sup> See <https://www.vancecenter.org/vance-center-celebrates-launch-of-uruguayan-pro-bono-clearinghouse/> (last visited on October 2, 2019).

<sup>17</sup> See <http://www.um.edu.uy/noticias/64360-pro-bono-servicio-juridico-gratuito-para-el-bien-publico/> (last visited on October 2, 2019).

<sup>18</sup> See <https://cedfeuu.edu.uy/> (last visited on October 2, 2019).

	<p>commitment to performing pro bono activities to provide such access. Therefore, pro bono work is promoted as an integral part of the professional duties.<sup>19</sup></p> <ul style="list-style-type: none"> <li>• <b>Hughes and Hughes:</b> The firm is a founding member of the Pro-Bono Clearing House in Uruguay. The firm also provides pro bono legal services to: (i) Fundación Los Pinos; (ii) Movimiento Scout del Uruguay; (iii) One Laptop per Child; (iv) Cande Down side Up; (v) Cámara de Comercio Uruguay-Australia; (vi) Cámara de Comercio Uruguay-EEUU; (vii) Cámara de Comercio Uruguayo-Británica; (viii) Club Social y Deportivo CYSSA de Juan Lacaze.<sup>20</sup></li> <li>• <b>Jiménez de Aréchaga, Viana &amp; Brause:</b> The firm participates in social projects such as: (i) Teleton Foundation (for children’s rehabilitation and physical therapy processes); (ii) the Ronald McDonald House Association of Uruguay (non-profit organization focused on promoting philanthropic, educational and scientific work in order to help Uruguayan children and their families); (iii) La Magdalena (non-profit organization located in the northern part of Uruguay, dedicated to foster learning and religious education of rural families, and the support of their health and social conditions, to facilitate their permanent residence in the countryside).<sup>21</sup></li> <li>• <b>Guyer &amp; Regules’:</b> Lawyers at this firm each provide 12 to 15 hours of pro bono legal services a year. Recipients include: (i) the Jubilar High School, a private school whose goal is to provide education to the most disadvantaged sectors of the population; and (ii) DESEM, the local arm of Junior Achievement Worldwide, which seeks to develop entrepreneurial skills at early ages. Guyer &amp; Regules also successfully negotiated with Uruguay’s Ministry of Economy and parliament to introduce to the national budget tax deductions on donations to school and high-school education in low-income neighbourhoods.<sup>22</sup></li> </ul> <p><b>NGOs</b></p>
--	--

<sup>19</sup> See <https://www.ferrere.com/es/rse/> (last visited on October 2, 2019).

<sup>20</sup> See [http://www.hughes.com.uy/corporate\\_responsibility](http://www.hughes.com.uy/corporate_responsibility) (last visited on October 2, 2019).

<sup>21</sup> See <http://jimenez.com.uy/en/who-we-are/> (last visited on October 2, 2019).

<sup>22</sup> See [https://www.guyer.com.uy/en/category/who\\_we\\_are/international\\_recognition/latin\\_lawyer/2012-latin-lawyer/](https://www.guyer.com.uy/en/category/who_we_are/international_recognition/latin_lawyer/2012-latin-lawyer/) (last visited on October 2, 2019).

	<ul style="list-style-type: none"> <li>• <b>The Instituto de Estudios Legales y Sociales del Uruguay (“IELSUR”)</b>: The IELSUR is an NGO that was founded in July 1984 by a group of lawyers to provide litigation and other forms of legal support in human rights violations that occurred during the civil-military dictatorship between 1973 and 1985. Today, IELSUR continues to fight human rights violations on a wider scale. IELSUR collaborates with several organizations, including the Committee on the Rights of the Child, ESCR-Net, the International Action Network on Small Arms, and the Latin American Coalition Against Gun Violence.<sup>23</sup></li> <li>• <b>Servicio Paz y Justicia Uruguay (“SERPAJ”)</b>: SERPAJ is an NGO that focuses on advocacy, education and defense of human rights and peace. SERPAJ does not provide direct legal assistance but rather organizes conferences and maintains a reference network of lawyers providing pro bono legal services.<sup>24</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is no public or private organization that centralizes pro bono opportunities in Uruguay. A foreign attorney interested in conducting pro-bono work should contact the organizations mentioned in II.(d).2.</p>

October 2019  
Pro Bono Practices and Opportunities in Uruguay

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>23</sup> See <https://www.escri-net.org/member/instituto-estudios-legales-y-sociales-del-uruguay-ielsur> (last visited on October 2, 2019).

<sup>24</sup> See <http://www.serpaj.org.uy/> (last visited on October 2, 2019).

## Pro Bono Practices and Opportunities in Venezuela<sup>1</sup>

### I. Introduction

There is a significant need for pro bono legal services in Venezuela due to the large social and economic inequality that exists. Venezuelan lawyers have always done pro bono work for people close to them without such work being formalized, quantified or collected; however, the institutionalization of pro bono work is a relatively recent development.

The main obstacle for the institutionalization of pro bono work is that there are no governmental policies or bar associations in Venezuela that require Venezuelan lawyers to perform professional volunteer work for people with limited resources. Pro bono work has not been a priority for law firms in Venezuela. However, within the last few years law firms have become increasingly conscious of the fact that, with their assistance in pro bono matters, they can help people with limited resources to access justice.

### II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	The provision of legal services in Venezuela is mainly regulated by the Lawyers' Law ( <i>Ley de Abogados</i> ) and the Lawyers' Ethics Code ( <i>Código de Ética del Abogado</i> ). In general, the Lawyers' Law sets forth the requirements to be able to practice law, the description of what should be considered a law practice; the individuals that are allowed to practice law; the rights and obligations of lawyers; what should be considered an illegal law practice; disciplinary provisions applicable to lawyers. The Lawyers' Law also establishes the regulations of institutions providing for the social welfare of lawyers. The Lawyers' Ethics Code mainly pertains to the moral behavior and social conducts a lawyer should abide by when practicing in Venezuela.
2. Describe any licensure requirements governing the provision of legal services.	In order to practice law in Venezuela a person has to obtain a legal degree from a local university. Individuals holding a law degree issued by a foreign university, would have to validate such degree in accordance with Venezuelan law. Afterwards, registration with one of the various bar associations existing in Venezuela is required, as well as registration with the Lawyer Social Security Institute ( <i>Instituto de Previsión Social del Abogado</i> ). There are 23 different bar associations, one for each Venezuelan region, and each one is governed by its own regulations. All of these bar associations fall under the guise of the Federal Bar Association ( <i>Federación de Colegios de Abogados</i> ). Venezuela does not have multiple license schemes or multiple levels of practitioners.

<sup>1</sup> This chapter was drafted with the support of Arnaldo Troconis of D'Empaire Reyna Abogados.



	<p>Upon a lawyer's registration they are granted a registration number that allows them to both litigate and carry out any action as a lawyer in any practice of law around the country.</p>
<p><b>(b) Pro Bono Practice and Culture</b></p>	
<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules or requirements that specifically regulate the provision of pro bono legal services in Venezuela.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no obligation on private attorneys to work a minimum number of pro bono hours in Venezuela. However, Fundación Pro Bono Venezuela ("ProVene"), is making concerted efforts to make law firms in Caracas achieve certain goals of pro bono hours per year, taking as its reference the Americas Declaration of Pro Bono (<i>Declaración Pro Bono de las Américas</i>), that requires law firms subscribed to it to work 20 hours per lawyer each year in connection with pro bono cases.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>In order to become licensed lawyers, law students (in some universities) in Venezuela must devote a specific number of hours (as determined by each university) to assist in non-profit legal matters. To support students in fulfilling this requirement, Venezuelan Universities have created legal clinics (<i>Clínicas Jurídicas</i>) through which law students provide pro bono legal services.</p> <p>In addition, Venezuelan law students, as well as students aspiring to obtain any other professional degree in Venezuela, are required to perform a minimum of 120 hours of Community Service (<i>Servicio Comunitario</i>) in order to graduate. Community Service consists on volunteering in resource-poor areas surrounding the university. However, such volunteering does not oblige students to carry out professional works, i.e., law students do not necessarily have to perform legal work (although work at <i>Clínicas Jurídicas</i> would qualify towards this requirement).</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>There are great opportunities to do pro bono work in Venezuela due to the high percentage of the population with limited financial resources and that have no opportunities to be assisted or advised by a lawyer.</p> <p>The main areas of law in which there are more opportunities to provide pro bono legal services in</p>

	Venezuela are, criminal and human rights, which in Venezuela often go hand in hand.
5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Most pro bono legal services are provided by (i) legal clinics ( <i>Clínicas Jurídicas</i> ) created by universities, (ii) several Venezuelan (and a few international) NGOs, such as <i>Foro Penal</i> , and (iii) Venezuelan foundations, such as ProVene.
<b>(c) Obstacles to Provision of Pro Bono Legal Services</b>	
1. Do lawyers require a license to provide pro bono legal services?	Lawyers do not require a special license to provide pro bono legal services in Venezuela.
2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional license(s) to provide pro bono legal services in Venezuela. A foreign lawyer's university degree must be validated in Venezuela and they must be registered with the corresponding regional bar association and the Lawyer Social Security Institute ( <i>Instituto de Previsión Social del Abogado</i> ). Venezuela does not have multiple license schemes or multiple levels of practitioners.
3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Venezuela are not required to be covered by professional indemnity legal insurance to provide pro bono legal services.
4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	According to the Lawyers' Ethics Code, article 10, a lawyer cannot advertise for its own praise, nor will it encourage news or comments related to matters in which they have intervened or how they conducted them. Advertising through written or audiovisual means will be limited to the mention of their name, scientific titles, specialty, address of their office and, telephone and post office box. Any announcement of quasi-commercial content stating that special results and advantages are promised, constitutes "a serious lack of professional ethics." We understand that this extends to pro bono legal services as well.
5. Do lawyers receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked?	Lawyers do not receive any "Continuing Legal Education" or equivalent credit for pro bono hours worked in Venezuela.
<b>(d) Sources of Pro Bono Opportunities and Key Contacts</b>	
1. Describe any governmental sources of pro bono and/or other legal services in Venezuela.	We believe there are no governmental sources of pro bono legal services in Venezuela. However, in accordance with the Constitution (article 49) and

	Organic Code of Criminal Procedure (article 127(3)), a person accused of committing a crime in Venezuela is entitled to receive legal aid if required.
2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Venezuela.	<p>Although the Constitution of Venezuela recognizes and protects the development of humanitarian activities throughout the country, the government approved an amendment to the International Cooperation Law in December 2010 (<i>Ley de Cooperación Internacional</i>) that created new barriers for NGOs.</p> <p>ProVene is making efforts to encourage law firms to achieve certain goals of pro bono hours per year, as well as providing pro bono legal services on its own. Likewise, some law firms in Venezuela already have pro bono programs in which their lawyers are requested or suggested to work on pro bono cases sent by ProVene or by NGOs or other organizations founded by, or with tight relations to, the partners of such law firms. Venezuelan companies as well, carry out different activities during the year that allow their employees, including lawyers in their legal departments, to work as volunteers with different NGOs, following the guidelines of the company's Corporate Social Responsibility (<i>Responsabilidad Social Empresarial</i>).</p>
3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?	ProVene has several social network accounts in which they post pro bono projects and programs, also anyone can register on their website to become a volunteer and be informed of any opportunities. <sup>2</sup>

May 2019  
Pro Bono Practices and Opportunities in Venezuela

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>2</sup> See <http://provene.org/> (last visited on May 1, 2019).

**A SUMMARY OF PRO BONO REQUIREMENTS IN 84 JURISDICTIONS**

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Angola	No – but aspiring lawyers are often required to provide legal aid when appointed by the Angolan Bar Association	No	Must complete apprenticeship and be admitted to the Angolan Bar Association	Yes – with respect to law firms  No – with respect to sole practitioners	No – but must align with general regulations for advertising legal services	No
Argentina	No – certain private law firms have committed to an average of no less than 20 hours of annual pro bono work per practicing attorney	No	Foreign diploma must be recognized by an Argentine university; must register with the Argentine Bar Association	No	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Australia	No	No – but lawyers may be entitled to a “nil fee” practicing certificate	May practice foreign law or must be admitted as an Australian lawyer	Yes – certain to specific exemptions  A community legal service must have an approved insurance policy; in-house corporate and government lawyers must have insurance coverage for pro bono services provided outside of a community legal service	No – but must align with general regulations for advertising legal services	No
Austria	No – but required to provide legal aid when assigned by the local bar association	No	Must be admitted to the local bar; exceptions for European qualified lawyer to be able to give legal advice and represent client before authorities and courts	Yes – indemnity insurance is required to qualify and register for the Austrian bar	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Azerbaijan	No	Must be a member of the Bar Association of Azerbaijan and pass an exam to represent a client in court proceedings, but not required to practice law	Limited exclusively to advice and opinions related to respective foreign law or international law; may only practice where permitted by an international treaty	No – but lawyers must create safety bank accounts with 2% of monthly income	No	No
Bahrain	No	No	N/A – only Bahraini nationals may practice law	No	No	No
The Republic of Belarus	No	No	N/A – foreign lawyers and foreign law firms may not practice law	No	No	No
Belgium	No – but aspiring lawyers must attend meetings at a Legal Assistance Bureau and take on state-subsidized pro deo cases	No	No additional license needed, but may only represent and defend clients in association with a Belgian lawyer; foreign non-EU lawyers cannot plead in court	No	Yes – by the French-speaking Bar of Brussels  No – by the Orde van Vlaamse Balies	No
Bolivia	No	No	No	No	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Brazil	No	No	Must be authorized by the national bar association and register with the applicable state bar association	No	No – but must align with general regulations for advertising legal services	Generally no – but state bar associations have differing regimes
Bulgaria	No	No – but certain legal services may only be provided by attorneys-at-law (e.g., court representation) rather than lawyers	No – with respect to lawyers  Yes – attorneys-at-law must follow certain formalities to practice	No – with respect to lawyers  Yes – with respect to attorneys-at-law	Yes	No
Cameroon	No	No	No additional license(s) to provide pro bono legal services <sup>1</sup>	No	No	No
Canada	No	No	Must be appropriately licensed in the relevant province/territory	Yes	No	Generally no – but varies by provincial/territorial law societies
Chile	No – but aspiring lawyers must complete a six-month practice period in a Legal Assistance Corporation	No	Must validate their law degree in Chile	No	No	No

<sup>1</sup> **Note to Draft:** Chapter is not clear whether foreign lawyers are permitted to practice law in Cameroon or if there are certain requirements for them to do so, but must be of Cameroonian nationality to become a lawyer.



Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
China	No	No	<p>Non-citizen lawyers (with a few exceptions) are not allowed to sit for the Chinese Bar exam</p> <p>Foreign non-lawyers can work for a foreign firm’s Chinese office, but cannot practice or interpret Chinese law</p>	No	No	No
Colombia	No – but aspiring lawyers are required to provide free legal services in a legal clinic during their final year of study	No	Foreign law degree must be equivalent to a Colombian degree and must pass the State Exam	No	No	No
Costa Rica	No	No	Foreign law degree must be equivalent to a Costa Rican degree, must pass legal ethics exam and register with the Bar Association	No	No – but must align with general regulations for advertising legal services	N/A – no continuing legal education requirements in Costa Rica

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive "Continuing Legal Education" for pro bono legal services?
The Czech Republic	No	No	Must apply to the Czech Bar Association after passing a recognition exam; may only practice law relating to their country of admission and international law	Yes – with certain exceptions for in-house lawyers	No	No
Denmark	No – but can count towards practical legal work requirement for aspiring lawyers	No	Certain European lawyers may practice following a trial period which demonstrates sufficient understanding of Danish procedural law and mastery of the Danish language	Yes	No	No
The Dominican Republic	No	No	Must meet requirements and become a member of the Dominican Republic Bar Association	No	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Ecuador	No – certain private law firms have committed to an average of no less than 20 hours of annual pro bono work per practicing attorney	No – but organizations providing free legal clinics must be accredited by the Public Defenders’ Office	Must be admitted to practice law in Ecuador	No	No – but must align with general regulations for advertising legal services	No
Egypt	No	No	May be licensed for a particular case or topic if reciprocal arrangement exists in foreign lawyer’s home jurisdiction	No	No – but must align with general regulations for advertising legal services	No
El Salvador	No – but aspiring lawyers must participate in at least six pro bono legal cases	No	Must be authorized by the Supreme Court of El Salvador	No	No	No
England and Wales	No	No	Must qualify as a solicitor of England and Wales or apply to the Bar Standards Board	Yes – except for in-house lawyers providing pro bono services in a personal capacity	No – but may not charge client a fee for work publicized as pro bono	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Finland	No	No	Yes – but further requirements must be fulfilled if the services require representation in judicial proceedings	Yes – required for members of the Finnish Bar Association	No	No
France	No	No	Yes – must satisfy requirements to practice law in France	Yes	No – but must align with general regulations for advertising legal services	No
Georgia	No	No – but representations before a court may require an “advocate” license	Must be admitted to the Georgian Bar Association	No	No	No
Germany	No	No	Must meet requirements to practice law in Germany	Yes – required to practice law in Germany	No – but must align with general regulations for advertising legal services	No
Ghana	No	No	Required to take a “Post-Call” Law Course in order to practice law in Ghana	No	No – but must align with general regulations for advertising legal services	No
Greece	No	No	Must be entitled to practice law in Greece	No	No – but must align with general regulations for advertising legal services	N/A – no continuing legal education requirements in Greece

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Guatemala	No – certain legal organizations have committed to an average of no less than 20 hours of annual pro bono work per practicing attorney	No	Must be permitted to practice law in Guatemala	No	Yes – but universities and non-profit institutions may be allowed to promote the pro bono legal services they provide	No
Haiti	No	No	N/A – only citizens may be qualified to practice law in Haiti	No	Yes – generally advertising legal services is generally prohibited by the Deontology Code	No
Hong Kong	No	No	Registered foreign lawyers may provide pro bono legal services which do not relate to Hong Kong law	Yes – but lawyers should obtain approval from their firm to ensure their pro bono legal services are covered	No – but must align with general regulations for advertising legal services	No – but NGO training courses may be accredited by the Law Society
Hungary	No	No	Must be qualified to practice in Hungary	Yes	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
India	No	No	Must be fulfill certain conditions, be admitted to the rolls of advocates of any State Bar Council and not provide legal services in India on a permanent basis	No	Yes	N/A – no continuing legal education requirements in India
Indonesia	Yes – must provide at least 50 hours of pro bono legal assistance each year to obtain or renew advocate identity card	No	Must have practicing license and provide 10 hours of pro bono legal services per month in Indonesia; not permitted to appear in court or advise on domestic matters (e.g., family law) under Indonesian law	No	No	No
Israel	No	No	May become a member of the Israel Bar Association or practice law of the jurisdiction in which they are qualified	No – but foreign lawyers must provide collateral to the Bar Association in order to practice law of the jurisdiction in which they are qualified	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Italy	No	No	Must be fully licensed to practice law in Italy	Yes	No – but must align with general regulations for advertising legal services	No
Japan	Certain local bar associations require members to perform some public interest activities	No	Must register with the Japan Federation of Bar Associations and may only practice subject to certain limitations	No	No	No
Kenya	No	No	Must be admitted to practice in Kenya	Yes – in-house lawyers should confirm that they are appropriately insured through a pro bono provider when providing pro bono legal services	No – but must align with general regulations for advertising legal services	Generally no – but legal work for the Legal Aid Program may qualify
Kuwait	No	No	Only if they practice in-house or with a recognized Kuwaiti law firm	No	Yes	No



Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Latvia	No	No – but subject to certain requirements whether it is a criminal or civil matter	Yes – if an advocate in an EU Member State or in accordance with international agreements; need to register with the Council for criminal matters	No	No	No
Liechtenstein	No	No	Right to practice law must be confirmed by the Chamber of Lawyers	No	Yes – may only “inform” potential clients about legal services they offer	No
Lithuania	No	No	Yes – attorneys from EU Member States if they follow procedures for representation of a client in court	Yes – must be insured for loss that exceeds €290 and must have minimum insurance coverage of €29,000 per insured event	Yes – general prohibition against advertising legal services, but may provide details in informative and other publications, on official letterforms, business cards and representative items	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Luxembourg	No	No	Must be admitted to one of the Luxembourgish National Bars	No – but highly recommended to have insurance coverage if providing pro bono legal advice in a personal capacity	No – but must align with general regulations for advertising legal services	No
Malaysia	No – but aspiring lawyers must serve at a legal aid center for at least 14 days during their pupillage	No	Under limited circumstances and in certain permitted areas after registering with the Bar Council	No – all lawyers are covered under a single master policy	Yes	Yes – for matter from legal aid centers
Malta	No – but aspiring lawyers serve at the legal clinic at the University of Malta	No	EEA lawyers must register with the Chamber of Advocates and work in association with a local lawyer; legislation is silent with respect to non-EEA lawyers	No	No – but must align with general regulations for advertising legal services	No
Mexico	No – but aspiring lawyers must complete 6 to 24 months of social service to obtain a valid degree	No	Must be admitted to practice law in Mexico	No	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive "Continuing Legal Education" for pro bono legal services?
Montenegro	No	No	EU citizens are permitted to practice upon completion of certain notice requirements to the Bar Association	Yes	Yes	No
Morocco	No	No	Must satisfy criteria to practice law in Morocco	No	No	No
Netherlands	No	No	Must be qualified to practice law in the Netherlands	Yes	No	No
New Zealand	No	No	May not carry out certain legal services unless admitted to practice law in New Zealand	No	No	No
Nicaragua	No	No	Must validate university degree with local authorities and register with the Supreme Court of Justice	No	No	No
Northern Ireland	No	No	Must be a registered foreign European lawyer or licensed to practice law in Northern Ireland	Yes – with exceptions for lawyers working in-house and in the government	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Norway	No	No	Must be allowed to practice law in Norway	Yes	No	No
Pakistan	No – but lawyers may be asked to take on one case per year free of charge	No	Must be qualified and enrolled as an advocate – criteria includes Pakistani citizenship or at least one year of residency in the country	No	No – but must align with general regulations for advertising legal services	N/A – no continuing legal education requirements in Pakistan
Panama	No	No	Must be a citizen of Panama to practice law in the country	No	No – but must align with general regulations for advertising legal services	No
Paraguay	No	No	Must be authorized to practice law in Paraguay	No	No	No
Peru	No – certain firms have committed to an average of no less than 20 hours of annual pro bono work per practicing attorney	No	Must be a licensed attorney and be a member of the Bar Association of Lima	No	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
The Philippines	Yes – lawyers are required to provide 120 hours of pro bono legal services in their first 12 months of practice and to continue to provide such services to maintain their compliance certificate; aspiring lawyers may be able to waive the 120 hours requirement by providing pro bono legal services whilst a student	No	No - non-Filipino lawyers are not permitted to offer advice on Philippine law	No	Yes	Newly qualified lawyers may receive full MCLE credits for qualifying pro bono hours
Poland	No	No	Must be entered onto one of the lists of foreign lawyers kept by District Bar Councils or Councils of District Chambers of Legal Counsellors	Yes	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Portugal	No	No	Must be registered with the Portuguese Bar Association	No – but lawyers duly registered with the Portuguese Bar Association automatically benefit from a professional liability insurance policy	No – but must align with general regulations for advertising legal services	No
Qatar	No	No	Generally no – but may do so if they are members of a Qatar Financial Centre registered law firm	All professional firms are required to maintain professional indemnity insurance	No	N/A – no continuing legal education requirements in Qatar
The Republic of Ireland	No	No	Must be licensed to practice law in the Republic of Ireland	Yes	No	No – solicitors do not receive credit  Yes – barristers may receive credit
Romania	No	No	Must be permitted to practice law in Romania	Must enter into a legal assistance and representation with pro bono client to be insured	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Russia	No	No – but must be a state-licensed attorney to represent pro bono clients in criminal proceedings	Must have a legal degree from a Russian university to provide pro bono legal services connected with the Russian law	No	No	No
Saudi Arabia	No	No	Must be licensed by the Ministry of Justice	No	No	No
Scotland	No	No	May provide pro bono legal services provided that they do not describe themselves as “solicitors” (must use their home title), but cannot undertake certain types of work reserved by statute for Scottish-qualified solicitors.	Yes	No – but must align with general regulations for advertising legal services	No
Serbia	No	No	Must be registered to practice law in Serbia and may not practice certain types of law	No	No – but must align with general regulations for advertising legal services	No



Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Singapore	No – but aspiring lawyers are required to perform 20 hours of approved pro bono work as part of their graduation requirements	No	Must be qualified to practice law in Singapore	No	No – but must align with general regulations for advertising legal services	Lawyers who supervise university students on approved pro bono matters may receive a maximum of two continuing legal education-equivalent points per year
Slovakia	No	No	Must be registered to practice law in Slovakia and are subject to certain limitations	Yes	No – but must align with general regulations for advertising legal services	No
Slovenia	No	No	Must speak Slovenian and have passed an exam on the legal order in the Republic of Slovenia	No – but the Bar Association of Slovenia provides insurance coverage for lawyers	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
South Africa	Some South African law societies mandate attorneys provide 24 hours per year of free legal advice  Aspiring lawyers must provide community service, which can include pro bono legal services	Yes	Must be qualified to practice law in South Africa	No	No – but must align with general regulations for advertising legal services	No
South Korea	Yes – 30 hours per year (subject to certain exceptions)	No	Must be able to practice law in South Korea; only licensed Korean lawyers may represent clients in litigation matters	No	No – but must align with general regulations for advertising legal services	No
Spain	No	No	Must be admitted to the Spanish Bar Association and qualified to practice law in Spain	Yes	No	No
Sweden	No	No	Must pass an exam on Swedish law	No	No	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive "Continuing Legal Education" for pro bono legal services?
Switzerland	No	No – but type of work may be limited by a lawyer's credentials	Must be able to practice law in Switzerland	Yes	No	N/A – no continuing legal education requirements in Switzerland
Taiwan, R.O.C.	No	No	Must be approved by the Ministry of Justice and join the local bar association	No	No – but must align with general regulations for advertising legal services	No
Thailand	No	No	Must hold license from the Lawyers' Council of Thailand; cannot represent another party in Thai court	No	No	No
Turkey	No	No	Only through their employer or in conjunction with a registered Turkish lawyer or foreign Attorney Partnership	No	Yes	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive "Continuing Legal Education" for pro bono legal services?
Uganda	Advocates Regulation is not yet operational, but will require lawyers to provide at least 40 hours of pro bono legal services or make a payment in lieu	No	Must be permitted to practice law in Uganda by the Law Council	No	Yes	May earn two CLE points by working at an annual pro bono day organized by the Uganda Law Society
Ukraine	No	No	Must be licensed to practice law in Ukraine	No	No – but must align with general regulations for advertising legal services	No
The United Arab Emirates	No	No	Must be registered with the appropriate authority in Abu Dhabi, Dubai or Dubai International Financial Centre	No – not required in Abu Dhabi  Yes – required in Dubai and Dubai International Financial Centre	No	No
Uruguay	No – but most law schools require students to participate in legal clinics	No	Must have law degree validated in Uruguay	No	No – but must align with general regulations for advertising legal services	No

Country	Is there a minimum pro bono hours requirement for lawyers (or aspiring lawyers)?	Are lawyers required to have a specific pro bono license?	May foreign lawyers practice pro bono in the country?	Are there any requirements for having professional indemnity insurance for pro bono legal services?	Are there any rules prohibiting advertising pro bono?	Do lawyers receive “Continuing Legal Education” for pro bono legal services?
Venezuela	No – but law students are required to assist in non-profit legal matters and perform 120 hours of community service which can be fulfilled through the provision of pro bono legal services	No	Must have law degree validated in Venezuela and must be registered with a regional bar association and the Lawyer Social Security Institute	No	Yes	No
Vietnam	Lawyers must perform at least four hours of pro bono legal aid per year, but no pro bono requirement to become a lawyer	No	Must be qualified to practice law in Vietnam	Yes	No – but must align with general regulations for advertising legal services	No – but may be awarded for pro bono legal services by the Ministry of Justice



