



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

### INTRODUCTION

Free legal representation was institutionalized in Bulgaria in 2006 with the adoption of the Legal Aid Act<sup>2</sup>, which recognized the need to ensure equal access to the justice system for all. In accordance with the policies reflected in the Legal Aid Act, there are no regulatory barriers to providing pro bono legal services. Nevertheless, while free legal representation is not discouraged, there are both financial and practical considerations that may affect practitioners' willingness or ability to provide pro bono services. For example, budget cuts have made it exceedingly difficult for legal aid attorneys to collect compensation for their services. Likewise, some practitioners may be required to charge and remit VAT to the State, regardless of whether their services were provided free of charge. The most critical impediment to pro bono services in Bulgaria, however, is the overall lack of cultural awareness of such services and a resulting lack of pro bono "infrastructure" (such as the lack of referral organizations or clearing-houses). Most free legal representation in Bulgaria is provided by NGOs in the course of their general operations, or by private practitioners on an individualized, ad-hoc basis. However, a systematic, organized approach to the provision of pro bono services is lacking.

### OVERVIEW OF THE LEGAL SYSTEM

#### Constitution and Governing Laws

The Bulgarian Constitution (the "**Constitution**"), adopted on July 12, 1991 following the fall of the Communist regime in 1989, is the supreme internal legislative act and sets forth the basic rights of citizens, the form and structure of government and the collaboration among the different branches of government.<sup>3</sup> The provisions of the Constitution apply directly and do not require the enactment of any laws to implement such provisions.<sup>4</sup> Treaties ratified in accordance with the appropriate procedure also apply directly and supersede domestic legislation.<sup>5</sup>

The legislative body in Bulgaria is known as the National Assembly (or *Narodno Sabranie*), a unicameral parliament with the power to pass laws, enact state budgets and establish tax rates, among other things.<sup>6</sup> Some of the major codes enacted by the National Assembly which directly affect the practice of law, many in recent years, include the Administrative Procedure Code 2006, the Civil Procedure Code 2008, the Criminal Code 1968, as amended, and the Criminal Procedure Code 2006.<sup>7</sup> Since Bulgaria is a member of the European Union (the "EU"), the law of the EU also frequently interacts with Bulgaria's internal legislation.<sup>8</sup>

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<sup>1</sup> This chapter was drafted with the support of the law firm of Djingov, Gouginski, Kyutchukov & Velichkov.

<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> See <http://www.nyulawglobal.org/globalex/Bulgaria1.htm> (last visited on September 4, 2015).

<sup>4</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>5</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

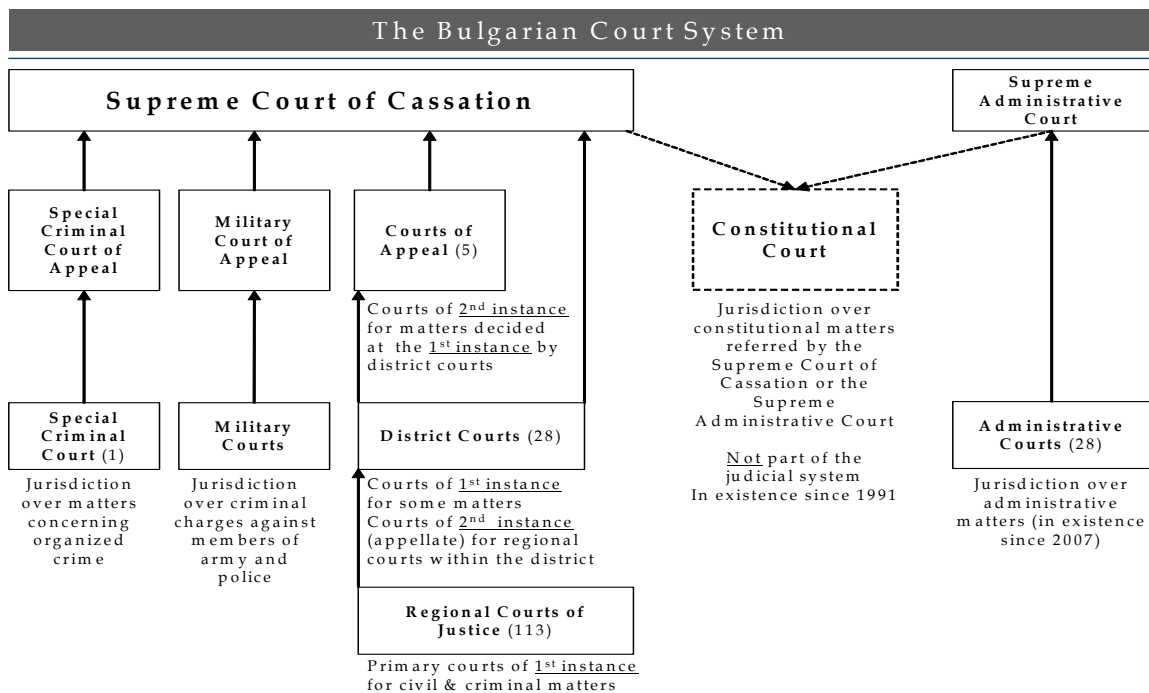
<sup>6</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>7</sup> See <http://www.nyulawglobal.org/globalex/Bulgaria1.htm> (last visited on September 4, 2015); The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006.

<sup>8</sup> See <http://www.nyulawglobal.org/globalex/Bulgaria1.htm> (last visited on September 4, 2015).

## The Courts

The Constitution provides for an independent judiciary established in accordance with the framework set forth in the Constitution.<sup>9</sup> The Bulgarian judicial system is comprised of judges, prosecutors and investigating police officers who have magistrate rank.<sup>10</sup> All courts have corresponding prosecution offices in the respective judicial districts.<sup>11</sup> Prosecutors conduct investigations, file criminal charges, oversee the enforcement of penalties for criminal offenses and of other sanctions and take part in civil (though very rare, e.g. in procedures on interdiction of persons) and administrative proceedings.<sup>12</sup> Investigators also conduct investigations in cases envisaged by law.<sup>13</sup> A Constitutional Court exists to rule on constitutional issues, but is not a part of the judicial system.<sup>14</sup> The chart below illustrates the structure of the court system in detail.<sup>15</sup>



The judicial system is largely overseen and governed by an administrative body known as the Supreme Judicial Council (the “SJC”).<sup>16</sup> Judges, prosecutors and investigators are appointed, promoted, demoted, transferred and removed from office by the SJC.<sup>17</sup> The SJC is composed of 25 members who are also

<sup>9</sup> BULGARIA CONST., ch. 7, arts. 117-134.

<sup>10</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>11</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>12</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>13</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>14</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>15</sup> While not reflected on the chart, in administrative-criminal proceedings Regional Courts of Justice act as the court of first instance and their decisions may be appealed to the Administrative Courts. In such instances, the acts of the Administrative Courts are final and binding.

<sup>16</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>17</sup> BULGARIA CONST., ch. 6, art. 129.



judges, prosecutors and investigators.<sup>18</sup> Eleven members are elected within the judiciary, 11 are elected by the National Assembly, and three are *ex officio* members by law (the presidents of the Supreme Court of Cassation, the Supreme Administrative Court, and the Chief Prosecutor).<sup>19,20</sup>

## The Practice of Law

### Education

Pursuant to the Attorneys Act of 2004 (the “**Attorneys Act**”),<sup>21</sup> anyone wishing to become an attorney must have a university law degree.<sup>22</sup> Law school is a formally accredited five-year university program that concludes with state oral and written examinations.<sup>23</sup> Under the Ordinance on the Unified Requirements for Acquiring Higher Education in Law and the Professional Qualification “Lawyer,”<sup>24</sup> (the “**Legal Education Ordinance**”) adopted by the Council of Ministers<sup>25</sup> with Resolution No. 75/Apr. 5, 1996, in order to earn a law degree, students must complete at least ten semesters and a minimum of 3,500 hours of study.<sup>26</sup> Students complete obligatory courses such as constitutional law, criminal law and procedure and European Union law, and have the option to take elective courses in the areas of intellectual property law and bank law.<sup>27</sup> Amendments to the Legal Education Ordinance adopted in 2005 specifically allow for the establishment of legal clinics, recognizing their role in providing valuable practical experience to law students.<sup>28</sup>

Those who graduate law school go on to have careers as prosecutors, investigators, judges, attorneys, non-attorney lawyers known as legal advisors, notaries and bailiffs, all of whom are known generally as “lawyers” in Bulgaria.<sup>29</sup> However, only attorneys who are members of Attorneys’ Colleges,<sup>30</sup> may engage in the private practice of law independently and appear in court on behalf of clients.<sup>31</sup>

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<sup>18</sup> Judicial Reform Review for Bulgaria, Volume IV, Bulgarian Institute for Legal Initiatives, February 2013.

<sup>19</sup> See <http://www.nyulawglobal.org/globalex/Bulgaria1.htm> (last visited on September 4, 2015).

<sup>20</sup> Pursuant to the major constitutional changes recently voted by the National Assembly (still to be reviewed by the Constitutional Court before entering into force), the SJC will be divided into two separate panels, a judges’ and a prosecutors’ panel.

<sup>21</sup> Attorneys Act, Promulgated State Gazette No. 55 (June 25, 2004).

<sup>22</sup> Article 4.(1).1 of the Attorneys Act, Promulgated State Gazette No. 55 (June 25, 2004).

<sup>23</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006.

<sup>24</sup> Promulgated in SG, issue No. 31/Apr. 12, 1996, last amended, SG, issue No. 62/ July 12, 2013.

<sup>25</sup> The Council of Ministers is a cabinet composed of the Prime Minister, Deputy Prime Ministers and Ministers with overall responsibility for implementing the state’s domestic and foreign policy.

<sup>26</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>27</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), Articles 7.(4) and 9.(1).

<sup>28</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), Articles 10a.(1-2).

<sup>29</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006.

<sup>30</sup> These are mandatory organizations of attorneys, governed by their respective Bar Councils that have executive, managerial and disciplinary functions and oversee the attorneys admitted to their respective organizations.

<sup>31</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006, p. 8.



## Licensure

As described above, all graduates of law school are known as “lawyers” but not all graduates of law school become practicing attorneys. Only an attorney admitted to and registered with an Attorneys’ College (*Advokatska Kolegia*) may engage in the private practice of law and appear in court on behalf of multiple clients. 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.

Attorneys’ Colleges are organizations administered and overseen by an elected Bar Council as independent, self-governing bodies whose decisions are subject to administrative and judicial review.<sup>32</sup> A separate Attorney’s College, and a corresponding Bar Council, operate in each of the 28 districts in Bulgaria with the exception of the capital of Sofia (where the Sofia City district and Sofia Region district share a single Attorney’s College).<sup>33</sup> An attorney admitted to an Attorney’s College may practice in any district and before any forum in the country, but must maintain an office in the territory of the Attorney’s College of which he or she is a member.<sup>34</sup>

All Bulgarian citizens of legal capacity are eligible for admission to an Attorneys’ College if they meet the requirements set forth in the Attorneys Act, including holding a university law degree, having had at least two years of professional legal experience<sup>35</sup>, passing the state bar examination, and having the moral and professional qualities necessary for practicing law.<sup>36</sup> Foreign attorneys educated and accredited to practice law in an EU member state may take a transfer test in Bulgarian law and be entered into the Unified Registry of Foreign Attorneys in Bulgaria.<sup>37</sup>

## Demographics

According to the Council of Bars and Law Societies of Europe Lawyers’ Statistics for 2015, there were 12,629 fully-qualified attorneys registered in Attorneys’ Colleges around Bulgaria.<sup>38</sup> As of February 2012, there were 2,275 judges and 2,517 prosecutors practicing law in Bulgaria.

## Legal Regulation of Lawyers

The Attorneys Act of 2004 regulates the legal profession,<sup>39</sup> and governs the rights to provide legal services. The precursor to the Attorneys Act of 2004 was its namesake of 1991,<sup>40</sup> which did away with the regulatory scheme in place during Communist rule in Bulgaria between 1945 and 1989, and established the legal profession as a vocation regulated by the Constitution and aimed at protecting individual rights and liberties. 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’

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<sup>32</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006, p. 27.

<sup>33</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006, p. 9.

<sup>34</sup> Attorneys Act, Article 40.(6).

<sup>35</sup> Candidates without a two-year legal experience are admitted in the Attorneys’ Colleges as Junior Attorneys.

<sup>36</sup> Attorneys Act, Article 4.(1)1-5.

<sup>37</sup> Attorneys Act, Article 18.1.

<sup>38</sup> Council of Bars and Law Societies of Europe Statistics, 2015, available at <http://www.cbbe.eu/index.php?id=375&L=0> (last visited on September 4, 2015).

<sup>39</sup> SG 55/2004, last amended 1/1/2012.

<sup>40</sup> SG 80/91.



Fees.<sup>41</sup> Finally, the Legal Aid Act of 2006<sup>42</sup> regulates the provision of state-sponsored legal services for qualifying individuals.

## LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

### The Right to Legal Assistance

In 2006, Bulgaria established a framework for the provision of legal aid in civil, administrative and criminal proceedings with the adoption of the Legal Aid Act.<sup>43</sup> The law was part of an initiative to reform the Bulgarian judicial system, and one of the key objectives of that initiative was ensuring equal access to the judicial system for all Bulgarian citizens. When the Legal Aid Act was adopted, the legislator did not extend these access rights to legal entities. While some Bulgarian courts have extended the right to legal aid to legal entities pursuant to the Legal Aid Act, the majority of courts favor the literal interpretation of Art. 5 of the Legal Aid Act and maintain that only natural persons are entitled to this right.

The Legal Aid Act provides for the following categories of legal aid: (i) legal consultations aimed at reaching a settlement prior to filing a case; (ii) preparing a case file for the purposes of filing a case; (iii) legal representation in civil, criminal and administrative proceedings; and (iv) legal representation of individuals detained for probable cause.<sup>44</sup> Legal aid is not available in commercial and tax matters.<sup>45</sup>

The agency responsible for administering legal aid is the Bulgarian National Legal Aid Bureau (“**NLAB**”), 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>46</sup> 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>47</sup> 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. According to the annual report of the NLAB for 2014, as of December 31, 2014, there are 5,034 attorneys listed in the National Legal Aid Register.

In 2015, the NLAB established seven legal aid centers, where indigent individuals can seek legal assistance on civil, criminal, and administrative matters from NLAB staff attorneys. Legal assistance is also available on the NLAB’s “hot line.”<sup>48</sup>

### State-Subsidized Legal Aid

#### Eligibility Criteria

Whether one qualifies for legal aid depends on the specific category of legal aid sought. First, legal aid is available by law in all cases where the relevant laws implicated in the proceedings require legal

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<sup>41</sup> Last suppl. SG 28/28.03.2014.

<sup>42</sup> SG 79/04.10.2005.

<sup>43</sup> SG 79/04.10.2005, in force since 01.01.2006.

<sup>44</sup> Id. § 21.

<sup>45</sup> Id. § 24.

<sup>46</sup> SG 5/17.01.2006.

<sup>47</sup> Legal Aid Act, Article 8.

<sup>48</sup> See <http://btvnovinite.bg/article/bulgaria/obshtestvo/centrove-shte-predlagat-bezplatna-pravna-pomosht-na-grazhdanite.html> (last visited on September 4, 2015).



representation<sup>49</sup>; for example, pursuant to Article 30 of the Constitution, every Bulgarian citizen is entitled to legal representation upon their arrest or indictment in a criminal proceeding. Second, where an individual is involved in ongoing civil, criminal and administrative proceedings, legal aid is available if that individual cannot afford an attorney, or wishes to retain an attorney, and the interests of justice require the provision of legal aid (as determined by the organization administering the proceedings (e.g., the pertinent court)). Whether an individual can afford an attorney is determined on the basis of sworn declarations provided by that individual. Finally, where an individual is not currently involved in legal proceedings, they may receive legal aid if they qualify for the receipt of state aid, if they have been placed in a social services institution, or if they have a foster child in custody. The determination of whether an individual not currently in civil proceedings qualifies for legal aid is vested with the NLAB.<sup>50</sup>

### Mandatory Assignments to Legal Aid Matters

Individuals eligible for legal aid may request representation by a particular attorney. If that attorney is listed in the National Legal Aid Register, they may not decline to undertake the representation.<sup>51</sup>

### Unmet Needs and Access Analysis

At the time it was promulgated, the Legal Aid Act was viewed as an important novel initiative for ensuring equal access to the justice system. However, its practical implementation has been hampered by the limited availability of financial resources. For 2015, the legal aid budget was BGN ten million. However, due to budgetary deficits, the actual amount allocated to legal aid for 2015 was approximately BGN 9.5 million.<sup>52</sup>

### Alternative Dispute Resolution

The two key alternative dispute resolution systems in Bulgaria are the institution of the Ombudsman and arbitration of commercial disputes under the Court of Arbitration. As to the former, the Ombudsman Act 2003 created the institution of the Ombudsman. The Ombudsman may intervene by means envisaged by law when citizens' rights and freedoms have been violated by actions or omissions of the state and municipal authorities, as well as by public officers. As to the latter, the Court of Arbitration within the Bulgarian Chamber of Commerce and Industry is a 117-year old well-regarded institution that offers, among other things, out-of-court arbitration and mediation resolution services.

## PRO BONO ASSISTANCE

### Pro Bono Opportunities

While the concept of pro bono legal representation exists in principle in Bulgaria, there is no structured approach to the provision of such services, and there appears to be an overall lack of awareness of pro bono services both among practitioners and among individuals who need such services. Most pro bono services are provided on an ad-hoc basis resulting from a fortuitous encounter of supply and demand rather than a streamlined, systematic approach. For example, it is common practice to see public announcements in the media advertising temporary law clinics or hot lines offering free legal consultations, usually for a particular social group. The only systematic approach to pro bono representation lies in the work of NGOs, which sometimes provide free legal services in their field of operation, and the work of pro bono law clinics at higher education institutions. Accordingly, free legal services are usually provided by public service attorneys or law students. Private practitioners engage in free legal representation less frequently and usually on an ad-hoc, individual basis. In practice, pro bono representation is provided in one of four ways:

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<sup>49</sup> Id. Article 23.

<sup>50</sup> Id. Article 25.

<sup>51</sup> Id. Article 26.

<sup>52</sup> See <http://presa.bg/article/archive/60441/2/0> (last visited on September 4, 2015).





## NGOs Offering Pro Bono Services

This is the most common approach to pro bono services in Bulgaria, as many NGOs offer free legal consultations in the field in which they operate. 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. For example, a "legal" NGO may provide (i) free legal representation to individuals in cases involving human rights (e.g., the Association for European Integration and Human Rights) 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). 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). Notably, however, these NGOs do not serve as referral organizations or clearing-houses; rather, the pro bono services are provided by staff attorneys.

## Pro Bono Law Clinics at Higher Education Institutions

The law faculties of many universities in Bulgaria operate law clinics where law students provide legal services on a pro bono basis. Participation in the clinics is optional, with supervision provided by practicing attorneys.<sup>53</sup> While successful at exposing students to real-life legal problems and courtroom practices on behalf of disadvantaged clients, many clinics face resistance from local bar councils who view the clinics as possible competitors.<sup>54</sup>

## Private Practitioners Offering Pro Bono Services as Part of their General Practice

This is the least common approach. While it appears that some law firms have pro bono practice areas, generally, private practitioners handle on a pro bono basis high-profile matters which can help generate publicity for their practice. In this respect, it is worth noting that because the pro bono culture in Bulgaria is generally underdeveloped, there is no pressure among private, commercial practitioners to demonstrate a commitment to pro bono, and, as a result, dedicating time and resources to pro bono in a systematic way is the exception rather than the rule.

## Practitioners Offering Free Legal Representation to Friends and Family

Finally, while not pro bono in the traditional sense, in practice, most free legal representation is provided to friends or family by practicing attorneys, an option specifically provided for under the Attorneys Act.<sup>55</sup>

## Historic Development and Current State of Pro Bono

### Historic Development of Pro Bono

As a general matter, Bulgaria lacks the systematic commitment to pro bono among legal practitioners observed in the Anglo-American legal tradition. Typically, private practitioners engaged in pro bono legal work have either studied or worked abroad and have, in essence, imported the concept of organized pro bono services. Thus, as noted above, pro bono legal services are most commonly provided by NGOs offering free legal consultations in the fields in which they operate, alongside their core activities such as lobbying or social services.

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<sup>53</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, 2003), Article 10a.(3).

<sup>54</sup> The Legal Profession Reform Index for Bulgaria, American Bar Association, May 2006.

<sup>55</sup> Id. Attorneys Act, Article 31, paragraph 1, item 3 & Ordinance No. 1 of July 9, 2004 on the Minimum Size of Attorneys' Fees, Article 5, item 3.



## Current State of Pro Bono; Barriers and Other Considerations

### Laws and Regulations Impacting Pro Bono

In Bulgaria, there are no regulatory impediments to providing pro bono legal services. While there are regulations governing the minimum remuneration for legal service, these regulations specifically permit attorneys to provide free legal assistance to: (i) indigent persons; (ii) persons eligible for State aid; and (iii) relatives or other attorneys.<sup>56</sup>

However, there are both financial and practical considerations that may limit practitioners' willingness or ability to provide pro bono services. First, practitioners may have a financial disincentive to provide pro bono services since the Value Added Tax Act<sup>57</sup> requires attorneys whose income in the latest fiscal year exceeds BGN 50,000 (US\$31,800) to register to pay VAT. VAT is then owed to the State for any services provided by these attorneys, regardless of whether they were provided free of charge.

Additionally, pro bono representation could, at least in theory, expose attorneys to disciplinary sanctions. Because the Attorneys Act imposes minimum remuneration for the provision of legal services unless the exceptions specified by law apply,<sup>58</sup> attorneys providing free legal services to ineligible individuals are subject to disciplinary sanctions. When individuals seek free legal representation pursuant to the Legal Aid Act, they must prove their eligibility through (in the case of indigent persons) declarations certified by the relevant authorities responsible for state aid, or (in the case of foster parents), through sworn declarations verified by the courts; individuals who provide false information are subject to criminal sanctions. In contrast, information provided by individuals seeking legal representation on a pro bono basis is not similarly certified or verified, and no criminal liability arises for the provision of false information. Thus, absent assistance by the state or by referral organizations, attorneys are not in a position to verify eligibility and could, in theory, become subject to disciplinary sanctions for providing free legal services on the basis of false representations by their clients.

Finally, a 2015 proposed amendment to the Attorneys Act contemplates that only attorneys (i.e., persons admitted to and registered with an Attorneys' College) could provide legal consultations<sup>59</sup>; non-attorney lawyers (i.e., "legal advisors" who tend to work for companies or NGOs) providing legal consultations would face fines by the state. The proposed amendment has been criticized by the Bulgarian Helsinki Committee (an NGO focused on the protection of human rights) as an encroachment on legal practitioners' ability to provide free legal services to persons in need.<sup>60</sup>

### Socio-Cultural Barriers to Pro Bono or Participation in the Formal Legal System

The most critical barrier to pro bono work in Bulgaria remains the lack of awareness among both practitioners and potential clients, and the resulting lack of a pro bono "infrastructure," including referral organizations or clearing houses. However, in recent years, there has been an increased recognition of the need to provide pro bono services for vulnerable social groups (for example, the provision of free legal representation to refugees and migrants increased as a result of the recent influx of Syrian war refugees in Bulgaria). Additionally, there has been a growing awareness of the importance of fostering a pro bono culture, particularly among young lawyers, and a growing commitment to pro bono among private practitioners.

### Pro Bono Resources

The following NGOs provide pro bono legal services, either to individuals or NGOs, though they do not serve as clearing houses or referral organizations:

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<sup>56</sup> Attorneys Act of 2004, art. 38; Ordinance No. 1 of Jul. 9, 2004 on the Minimum Size of Attorneys' Fees, art. 5 (last amend. and suppl. SG 28/28.03.2014).

<sup>57</sup> SG 63/04.08.2006, last suppl. SG 41/05.06.2015.

<sup>58</sup> Attorneys Act of 2004, art. 38; Ordinance No. 1 of Jul. 9, 2004 on the Minimum Size of Attorneys' Fees, art. 5 (last suppl. SG 31/15.04.2011).

<sup>59</sup> See <http://parliament.bg/bills/43/554-01-14.pdf> (last visited on September 4, 2015).

<sup>60</sup> See <http://new.legalworld.bg/42546.zabranata-neadvokati-da-okazvat-pravna-pomosht-e-posegatelstvo-sreshtu-naj-uzavimite-grajdani.html> (last visited on September 4, 2015).





- The Gender Alternatives Foundation, focused on the promotion of women's rights (<http://www.genderalternatives.org/index.php/en/news/101-dynamic-start-for-gender-alternatives-foundation>) (last visited on September 4, 2015))
- Bulgarian Helsinki Committee, focused on the legal protection of human rights and providing legal consultations, representation and defence to approximately 5,000 people annually ([www.bghelsinki.org#sthash.M1revVx8.dpuf](http://www.bghelsinki.org#sthash.M1revVx8.dpuf)) (last visited on September 4, 2015))
- Center for Legal Aid – Voice in Bulgaria, focused on promoting the rights of migrants, refugees, and other vulnerable groups (<http://www.centerforlegalaid.com/>) (last visited on September 4, 2015))
- The Bulgarian Center for Not-for-Profit Law, focused on providing legal advice to civic organizations (<http://www.bcnl.org/en/index.html>) (last visited on September 4, 2015).

## CONCLUSION

While Bulgaria established formal free legal representation in 2006 and pro bono legal representation exists in principle, there is no organized effort to provide pro bono services. In recent years, there has been a trend among young professionals educated and trained abroad to return to Bulgaria, bringing with them cultural awareness of best practices, including a commitment to pro bono legal services. As such, the expectation is that over the next decade, the pro bono culture in Bulgaria will grow and develop further.

In the immediate term, it is key to increase awareness of pro bono services and work towards the establishment of referral organizations and clearing houses. NGOs that currently provide some legal representation can play a critical role by serving as intermediaries between individuals in need of representation and practitioners in the broader legal community.

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