

Pro Bono Practices and Opportunities in Georgia¹

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"> • Law of Georgia on Advocates² • Code of the Professional Ethics³ <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</p>

¹ This chapter was drafted with the support of Lasha Gogiberidze of BGI Legal.

² See <https://matsne.gov.ge/ka/document/download/15472/20/ge/pdf> (last visited on May 1, 2019).

³ See <https://gba.ge/pdf/5c3a4f30c6981.pdf/5c3a4f30c6981.pdf> (last visited on May 1, 2019).

		<p>one year Professional 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"> • Law of Georgia on Advocates⁴ • Professional Adaptation Program⁵ • Georgian Bar Association⁶
(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>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,</p>

⁴ See <https://matsne.gov.ge/ka/document/download/15472/20/ge/pdf> (last visited on May 1, 2019).

⁵ See <https://gba.ge/ka> (last visited on May 1, 2019).

⁶ See <https://gba.ge/ka> (last visited on May 1, 2019).

		<p>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 implementation of pro bono activities or any major unmet legal needs.</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>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>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	<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>
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	<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>Law Firms:</p> <ul style="list-style-type: none"> • Association of Law Firms of Georgia – Conducts Pro bono activities mainly in Civil and Administrative laws.⁷ <p>NGOs:</p> <ul style="list-style-type: none"> • Transparency International – Georgia – Conducts pro bono activities mainly in Administrative Law.⁸ • Georgian Young Lawyers’ Association – Conducts pro bono activities mainly in human

⁷ See <http://alfg.ge/?lang=en> (last visited on May 1, 2019).

⁸ See <https://www.transparency.ge/en> (last visited on May 1, 2019).

		<p>rights and other cases as determined under the criteria adopted by the organization.⁹</p> <ul style="list-style-type: none"> • Article 42 of the Constitution – Conducts pro bono activities nearly for any cases to the benefit of the vulnerable groups.¹⁰ • Anti-violence Network of Georgia – Conducts pro bono activities mainly in cases of domestic violence.¹¹ • Partnership for Human Rights – Conducts pro bono activities mainly in the areas of human rights.¹² • Human Rights Education and Monitoring Center – Conducts pro bono activities mainly in the areas of human rights.¹³ <p>Law School Clinics:</p> <ul style="list-style-type: none"> • Free University of Tbilisi – Conducts pro bono activities in the Civil, Administrative, Criminal, and Constitutional Laws.¹⁴ <p>Professional Associations:</p> <ul style="list-style-type: none"> • Georgian Trade Unions Confederation – Conducts pro bono activities in the area of labor rights.¹⁵ <p>Georgian Bar Association</p> <ul style="list-style-type: none"> • Pro Bono Project - Conducts pro bono activities for individuals with disabilities in the areas of health and ownership matters.¹⁶
	<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</p>

⁹ See <https://gyla.ge/en> (last visited on May 1, 2019).

¹⁰ See <https://article42.ge/en> (last visited on May 1, 2019).

¹¹ See <http://avng.ge/> (last visited on May 1, 2019).

¹² See <http://phr.ge/> (last visited on May 1, 2019).

¹³ See <https://emc.org.ge/en> (last visited on May 1, 2019).

¹⁴ See <https://emc.org.ge/en> (last visited on May 1, 2019).

¹⁵ See <http://gtuc.ge/en/> (last visited on May 1, 2019).

¹⁶ See <https://gba.ge/ka> (last visited on May 1, 2019).

		<p>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">• Pro Bono Georgia¹⁷• Free Legal Aid Portal¹⁸
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¹⁷ See <http://probonogeorgia.ge/> (last visited on May 1, 2019).

¹⁸ See <http://free.mylaw.ge/en.pbn> (last visited on May 1, 2019).