

## 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)	<b>Professional Regulation</b>	
	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 “Act”);<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 (“GBA”),<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>

<sup>1</sup> This chapter was drafted with the support of Kimathi Kuenyehia of Kimathi & Partners.

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

<sup>3</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>4</sup> See [The Constitution and Code of Ethics of the Ghana Bar Association](#). (last visited November 1, 2019)

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

<sup>6</sup> Section 13(3) of the Act.

<sup>7</sup> Section 3 of the Act.

<sup>8</sup> 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>
<b>(b)</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 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</p>

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

<sup>10</sup> Section 8(1) of the Act.

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

<sup>12</sup> 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)

		administration, employment and family law matters.  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.
	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 Ghana are:  (a) the Legal Aid Board;  (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  (c) private law firms such as Kimathi & Partners; <sup>19</sup> AB & David; <sup>20</sup> KAA Law; <sup>21</sup> and Sedi Legal Bureau. <sup>22</sup>
(c)	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?	Qualified lawyers possessing a valid Solicitor’s License are not required to obtain a specific license to provide pro bono legal services in Ghana.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	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.
	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	The law does not require lawyers to obtain professional indemnity legal insurance cover in order to provide pro bono legal services in Ghana.

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

	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?	<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 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>
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Ghana do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<b>(d)</b>	<b>Sources of Pro Bono Opportunities and Key Contacts</b>	
	1. Describe any governmental sources of pro bono and/or other legal services in Ghana.	The Legal Aid Board <sup>26</sup> was established in Ghana under the Legal Aid Scheme Act, 1997 (Act 542) to

<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)

		<p>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 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”)</b><sup>30</sup></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”)</b><sup>31</sup></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>

<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).

<sup>29</sup> See <http://glc.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)

		<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> <p><b>The Ark Foundation<sup>34</sup></b></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”)<sup>35</sup></b></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:</li> </ul>

<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)

<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)

		<p>+233 (0) 264 214 018</p> <ul style="list-style-type: none"><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>
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