

Pro Bono Practices and Opportunities in Liechtenstein¹

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.² 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.³ 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>) ⁴ , 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>). ⁵ |
| | 2. Describe any licensure requirements governing the provision of legal services. | 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. 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. |
| (b) | Pro Bono Practice and Culture | |

¹ This chapter was drafted with the support of Siegbert Lampert of Lampert & Partner Attorneys at Law Ltd.

² See <http://www.liechtenstein.li/en/country-and-people/society/> (last visited on May 1, 2019).

³ See <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.html> (last visited on May 1, 2019).

⁴ See <https://www.gesetze.li/konso/pdf/2013415000?version=6> (last visited on May 1, 2019).

⁵ See <https://www.rak.li/en-us/kammer/derrechtsanwalt/berufsunstandesrecht.aspx> (last visited on May 1, 2019).

| | | |
|---|---|--|
| <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> | |
| <p>(c)</p> | <p>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 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 authorities⁶.</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.⁷</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> |
| (d) | Sources of Pro Bono Opportunities and Key Contacts | |
| | <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>)⁸ that is now extended to both natural and legal persons.⁹ 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</p> |

⁶ See <https://www.rak.li/en-us/kammer/zulassungen/grenzueberschreitendtaetigerechtsanwaelte.aspx> (last visited on May 1, 2019).

⁷ See §35 of the Professional Guidelines of the Liechtenstein Chamber of Lawyers at https://www.cbce.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Liechtenstein_Professional_Guidelines_of_the_Liechtenstein_Chamber_of_Lawyers.pdf.

⁸ 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).

⁹ See <https://gasserpartner.com/en/legal-aid-now-also-available-legal-entities> (last visited on May 1, 2019).

| | |
|--|---|
| | <p>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 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.¹⁰</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.¹¹</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.

¹⁰ See at www.bankenombudsmann.li (last visited on May 1, 2019).

¹¹ See <https://www.rak.li/> (last visited on May 1, 2019).