



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

### INTRODUCTION

Luxembourg has an expansive and well-implemented legal aid system that uses public funds to help those in need of legal services. This system is managed nationally by the Luxembourg Bar Association. In addition, Luxembourg is known in Europe for its low number of indigent people among its approximate 563,000 inhabitants.<sup>2</sup> This raises the question as to whether there is a large role to be played by pro bono work on a private basis in Luxembourg. Furthermore, because of strict restrictions on advertising, law firms in Luxembourg are largely unable to advertise their involvement in, or offering of, any type of pro bono work.

For these reasons, pro bono culture is not very developed in Luxembourg. However there are pro bono opportunities and specialized attorneys working in international law firms have adopted creative and innovative approaches to pro bono work. For instance, by using their technical skills and expertise to propose cost-savings solutions and/or problem-solving approaches to help indigent people, in Luxembourg or elsewhere, through NGOs, charities, and other institutions.

### OVERVIEW OF THE LEGAL SYSTEM

#### The Justice System

##### The Constitution and Governing Laws

The Luxembourgish Constitution, adopted on October 17, 1868, as amended, is the supreme law of the Grand Duchy of Luxembourg. The *Cour Constitutionnelle* ensures the constitutionality of the law on referral to either the administrative or the judicial jurisdictions.<sup>3</sup> Luxembourg is a civil law country that has been substantially influenced by the French Civil Code and, to a lesser extent, by the Belgium Code.

##### The Courts

The Luxembourgish court system is divided into three distinct branches: the judicial jurisdictions, the social jurisdictions and the administrative jurisdictions.<sup>4</sup>

The first-level judicial courts are called Peace Justices (*Justices de Paix*), and include three tribunals: the Peace Tribunal (*Tribunal de Paix*), which handles small civil and commercial matters, the Police Tribunal (*Tribunal de Police*), which handles minor penal offenses, and the Labor Jurisdictions (*Juridictions du Travail*), which handle labor issues. Both the Police Tribunal's and the Peace Tribunal's decisions are subject to appeal to the District Tribunals (*Tribunaux d'Arrondissement*),<sup>5</sup> while the Labor Jurisdiction's decisions are directly subject to appeal to the Superior Court of Justice (*Cour Supérieure de Justice*); including the Judicial Appellate Court (*Cour d'Appel*) and the Court of Cassation (*Cour de Cassation*). The District Tribunals handle civil and commercial matters above a specific amount and have exclusive jurisdiction on specific matters, such as on exequatur of foreign judgments. The District Tribunals also

---

<sup>1</sup> This chapter was written with the contribution of Tom Storck, associate at Stibbe (Luxembourg).

<sup>2</sup> Population statistics as of December 31, 2014. See [www.statistiques.public.lu](http://www.statistiques.public.lu) (last visited on September 4, 2015).

<sup>3</sup> See the Ministry of Justice website available at <http://www.justice.public.lu/fr/organisation-justice/cour-constitutionnelle/index.html> (last visited on September 4, 2015).

<sup>4</sup> See the Ministry of Justice website available at <http://www.justice.public.lu/fr/organisation-justice/index.html> (last visited on September 4, 2015).

<sup>5</sup> There are two District Tribunals in Luxembourg, the country being divided into two districts, Diekirch and Luxembourg-City.



handle matters of serious offenses and crimes. The District Tribunals' decisions are also subject to appeal to the Superior Court of Justice.

The social jurisdictions consist of the Social Security Board (*Conseil Arbitral de la Sécurité Sociale*), the first-level social court whose decisions are subject to appeal to the Social Security Superior Council (*Conseil Supérieur de la Sécurité Sociale*). The Social Security Superior Council's decisions are also subject to appeal to the Court of Cassation.

The administrative jurisdictions consist of the Administrative Tribunal (*Tribunal Administratif*), the first-level administrative court whose decisions are subject to appeal to the Administrative Court (*Cour Administrative*), which has jurisdiction over final decisions.

All judges in Luxembourg, regardless of their jurisdictions, are appointed by decree of the Grand Duke, the Luxembourgish head of State. To become a judge, one must be a Luxembourgish national and have an appropriate knowledge of the three administrative languages of Luxembourg, namely French, German and Luxembourgish. Moreover, it is necessary to complete a master's degree in law, and, in addition, the specific complementary courses of Luxembourgish law. Further, one must complete at least one year of the two-year judicial traineeship or of the notarial traineeship. Thereafter, candidates may attempt to pass the entry-exam (*examen-concours*) into the judicial traineeship. A candidate having passed this exam is appointed as *attaché de justice* for a provisional duration of 12 months during which training programs and tests have to be taken by the candidate.<sup>6</sup>

Alternatively, if all available *attaché de justice* positions have not been filled, following the entry-exam, candidates fulfilling certain conditions (e.g. having passed the two-year judicial traineeship and having practiced as an attorney for at least five years) can be provisionally appointed as *attaché de justice* without having to pass the entry-exam. The training requirements after the provisional appointment remain the same.

The training of an *attaché de justice* generally includes theoretical training at the French National School of the Magistrature followed by practical training in Luxembourgish tribunals, police offices and prison facilities before being officially appointed.

## The Practice of Law

### Education

The access to the profession of attorney (*avocat*) is governed by the grand-ducal regulation of June 10, 2009.<sup>7</sup> A University of Luxembourg law master's degree or an equivalent foreign diploma homologated by the authorities<sup>8</sup> is necessary to enter the educational process required to become an attorney.

The Luxembourg bar requires trainee attorneys in Luxembourg to represent anyone who cannot afford an attorney.<sup>9</sup> In addition, the legal system in Luxembourg ensures that legal assistance is provided to indigents in need of representation. In this respect, attorneys as well as trainee-attorneys can be designated to represent them. Most cases concern political asylum, divorce, or drug-related crime. Furthermore, trainee attorneys are required to provide free legal advice on behalf of the Luxembourg Bar at the Legal Advice Service (*Service d'accueil et d'information juridique*), where people can receive general legal advice regarding their rights and how to enforce them). Trainee attorneys are also required to provide legal advice and consultation in police stations and the Judicial Investigations Department (*cabinet*

---

<sup>6</sup> See the Luxembourg law of June 7, 2012 regarding attachés de justice, as amended.

<sup>7</sup> Grand-Ducal Regulation of June 10, 2009 organizing the judicial trainee and regulating access to the notary profession, Grand Duchy of Luxembourg Official Journal of June 17, 2009 available at <http://www.legilux.public.lu/leg/a/archives/2009/0140/a140.pdf> (last visited on September 4, 2015).

<sup>8</sup> Grand-Ducal Regulation of September 10, 2004 fixing criteria for homologating foreign titles, Grand Duchy of Luxembourg Official Journal of September 29, 2004 available at <http://www.legilux.public.lu/leg/a/archives/2004/0162/a162.pdf> (last visited on September 4, 2015).

<sup>9</sup> See Art. 2.9.1 of the Internal Regulation of the Bar Association of Luxembourg.



*d'instruction*),<sup>10</sup> which investigates crimes, interrogates witnesses and suspects, and may decide upon the provisional detention of suspects, in the Luxembourgish courts.

### Licensure

- Luxembourgish law students: 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 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>11</sup>
- 
- Procedure for EU attorneys: Pursuant to the law of August 10, 1991, as modified by the law of December 18, 2008,<sup>12</sup> EU nationals enjoy a simplified procedure for admittance to the Luxembourgish National Bars so long as they possess the required qualifications to be an attorney in their home country. A Luxembourgish Law exam can be required if the Minister of Justice considers that the training followed by the applicant in his/her home country does not sufficiently cover some legal subjects. Fluency in German and French is required, but Luxembourgish is no longer required.<sup>13</sup>
- 
- Procedure for foreign attorneys: The procedure for EU attorneys also applies to foreign attorneys so long as their country of origin enjoys an extension of Directive 2005/36/CE<sup>14</sup> in Luxembourg, pursuant to an agreement between both countries.
- 
- In-House Counsel: No specific license is required to become an in-house counsel in Luxembourg. Corporate firms however seek out 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.

### Demographics

The number of attorneys per capita in Luxembourg is very high. Overall, there is approximately one attorney per 255 inhabitants in Luxembourg.<sup>15</sup> There were approximately 2,200 attorneys in Luxembourg in 2014, among which French are the greatest number (41%), followed by the Luxembourgers (30%), Belgians (11%) and Germans (9%).<sup>16</sup>

---

<sup>10</sup> Id.

<sup>11</sup> Grand-Ducal Regulation of June 10, 2009, op. cit.

<sup>12</sup> Law of December 18, 2008 transposing, for the attorney profession, the Directive 2005/36/CE, Grand Duchy of Luxembourg Official Journal of December 22, 2008 available at <http://www.legilux.public.lu/leg/a/archives/2008/0195/a195.pdf> (last visited on September 4, 2015).

<sup>13</sup> Case C-193/05 Commission v Grand-Duché de Luxembourg ECR [2006] I-8673.

<sup>14</sup> Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005 on the recognition of professional qualifications, OJ L 255 of 30.9.2005.

<sup>15</sup> This figure has been calculated considering the population and the number of attorneys identified in 2014.

<sup>16</sup> See <http://www.lessentiel.lu/fr/news/luxembourg/story/24198867> (last visited on September 4, 2015).



## Legal Regulation of Lawyers<sup>17</sup>

Access to the legal profession is regulated by the law of August 10, 1991, as modified by the law of December 18, 2008.<sup>18</sup> This law determines how the profession is organized and how it can be accessed, the attorneys' rights and duties and the disciplinary proceedings to which they can be subjected. Attorneys in Luxembourg must also abide by the Internal Regulation of the Bar Association of Luxembourg as adopted on January 9, 2013<sup>19</sup> and the Internal Regulation of the Bar Association of Diekirch of April 22, 2005.<sup>20</sup> These regulations establish the general principles regarding attorneys' activities, including attorneys' fees, legal aid and judicial traineeship.

## LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

### The Right to Legal Assistance

Pursuant to Article 189 of the law of March 7, 1980, Luxembourg has created a legal advice service.<sup>21</sup> This service, established in the courts, is subject to the authority of the attorney general (*Procureur général d'Etat*). Its mission is to welcome individuals and to provide general information on the extent of their rights. An officer from the Public Prosecutor's Office is available on a continual basis for technical information and orientation services, and a commission, including an attorney or a third year trainee-attorney, is available on certain days for legal advice.<sup>22</sup> The legal advice service generally deals with civil matters, divorce, criminal matters, labor issues and tenancy law. This service is not available for business persons seeking commercial law-related advice.

### State-Subsidized Legal Aid

The law of August 18, 1995 on legal aid, modifying the law of August 10, 1991, considerably extended the number of persons who are eligible for legal aid. Pursuant to this law, the state bears the costs of providing legal aid (*assistance judiciaire*) to persons selected by the Bar Association. It is the Bar Association's mission to provide legal aid to persons who are unable to find an attorney for their defense or to those who cannot afford to pay the costs of their defense.<sup>23</sup> The decision of whether or not to grant legal aid rests with the Chairman of the Bar in the applicant's district of residence. In the case of nonresidents, it is the Chairman of the Luxembourg Bar Council who decides.<sup>24</sup>

### Immigration Status

In addition to Luxembourg nationals, persons with insufficient means can obtain legal aid, provided they are either (i) foreigners authorized to take up residence in Luxembourg; (ii) nationals of an EU Member

<sup>17</sup> See the Luxembourg Bar website available at <http://www.barreau.lu/le-metier-d-avocat/la-deontologie> (last visited on September 4, 2015).

<sup>18</sup> Law of December 18, 2008, op.cit.

<sup>19</sup> 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 September 4, 2015).

<sup>20</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 September 4, 2015).

<sup>21</sup> See the Luxembourg Bar website available at <http://www.barreau.lu/le-barreau/la-maison-de-l-avocat/service-d-accueil-et-d-information-juridique> (last visited on September 4, 2015).

<sup>22</sup> Grand-Ducal Regulation of November 16, 1976, art. 2.

<sup>23</sup> Law of August 10, 1991, art. 37 (1).

<sup>24</sup> Id. at art. 37-1 (5).



State; (iii) foreigners placed on the same footing as Luxembourg nationals for legal aid purposes by virtue of an international agreement; or (iv) any other foreigner in a proceeding relating to his or her rights of asylum, entry, residence, establishment, and/or expatriation from Luxembourg.<sup>25</sup>

Furthermore, pursuant to directive 2003/8/CE of January 27, 2003, in civil and commercial matters, any person having his domicile or continually residing in Luxembourg may be entitled to legal aid, including for the preparation of a legal aid request to be filed in another EU Member State. According to the same directive, in civil and commercial matters, any persons having his domicile or regular residence in another EU Member State, excluding Denmark, may receive Luxembourg legal aid for cross-border litigation.<sup>26</sup>

### Financial Means

The essential criterion for receiving legal aid is financial need. A person's ability to pay for legal services is determined by assessing his or her gross income and capital, and the gross income and capital of any other member of their household.<sup>27</sup> Unlike several other European countries offering legal aid, the Luxembourg rules do not impose a strict monetary threshold above which a person cannot apply for legal aid. The decision to grant legal aid is based on complex calculation methods and made on a case-by-case basis, taking into account, in particular, monthly earnings, personal wealth, and the number of persons in the household.<sup>28</sup>

Legal aid will generally cover the entire cost of court proceedings, procedures or actions for which it was granted (including attorney's fees and emoluments, stamp and registration duty, costs incurred by the clerk's office, cost and fees of experts, bailiffs, translators, interpreters, notaries, allowances to witnesses, travel expenses, and publication costs).<sup>29</sup> Contribution or partial payment is not a common practice in Luxembourg. With regard to criminal proceedings, legal aid does not cover the costs and penalties pronounced in the event of conviction. Furthermore, legal aid does not cover procedural indemnities or indemnities for abuse of process and vexatious proceedings in civil cases.<sup>30</sup>

### Merits

Legal aid is not available to persons who bring an action that seems *a priori* unreasonable or unlikely to succeed, or whose subject matter seems disproportionate to the costs involved.<sup>31</sup>

### Legal Issues/Case Types

The scope of work covered by legal aid is very diverse. Legal aid can be granted in contested or non-contested cases, whether handled in or out of court. Moreover, legal aid is available for all cases brought before ordinary or administrative courts. Legal aid can also be granted to those who are seeking declaratory and precautionary court orders and to those involved in enforcement actions.<sup>32</sup>

There are three situations in which legal aid is not available (except in cases of cross-border litigations under specific circumstances): (i) owners or drivers of motor vehicles relating to disputes resulting from the use of such motor vehicles; (ii) subject to certain exceptions, traders, manufacturers, artisans, or

---

<sup>25</sup> Law of August 10, 1991, art. 37-1 (1).

<sup>26</sup> Id. at art. 37-1 (1).

<sup>27</sup> Id. at art. 37-1 (1). However, the means of other people living in the household are not taken into consideration if the proceeding opposes spouses or persons usually living together in the same home, or where there is a conflict of interest between them regarding the subject matter of the dispute, making a separate evaluation of financial means necessary.

<sup>28</sup> Grand-Ducal Regulation of September 18, 1995 (on legal aid), art. 1.

<sup>29</sup> Grand-Ducal Regulation of September 18, 1995 (on legal aid), art. 8.

<sup>30</sup> Law of August 10, 1991, art. 37-1 (2).

<sup>31</sup> Id. at art. 37-1 (3).

<sup>32</sup> Id. at art. 37-1 (2).



professional persons involved in disputes relating to their commercial or professional activity and; (iii) persons involved in disputes arising from speculative activity, such as disputes pertaining to losses in connection with the trading of securities.<sup>33</sup>

### Applicant Type

Legal aid can be granted to both plaintiffs and defendants, but only to natural persons. In June 2009, the availability of legal aid was extended to minors involved in legal proceedings, irrespective of the financial resources of their parents or other persons in the household. In those cases, the state retains the right to require a refund from parents who have sufficient means.<sup>34</sup>

### Mandatory Assignments to Legal Aid Matters

As far as legal aid is concerned, attorneys and trainees are designated by the Secretary of the Bar. Once appointed, attorneys cannot refuse their appointment, except for reasons of impediment or conflicts of interest.<sup>35</sup> Attorneys assigned to legal aid matters get remuneration from the state, calculated according to the number of hours dedicated to the case on an hourly rate basis determined in the grand ducal regulation of December 23, 1972.<sup>36</sup> If the legal aid beneficiary's attorney wins the case, the condemned party will have to bear the cost of the proceeding in place of the state, including the winning party's attorney's fees.<sup>37</sup>

### Unmet Need and Access Analysis

Luxembourg's legal aid system is among the most efficient in Europe. As legal aid is dispatched by the Bar Association, and as it forms part of the training requirements of the trainee-attorneys, there are enough attorneys who are at all times available to handle the workload. As the state funds the system, attorneys are required to charge fixed rates, which are substantially lower than the standard rates usually charged to regular clients.

### Alternative Dispute Resolution

#### Mediation and Arbitration

The law of February 24, 2012 created a legislative framework for mediation in civil and commercial matters in Luxembourg. Three types of mediation can be distinguished under Luxembourg law: conventional mediation, judicial mediation and family mediation. As far as conventional mediation is concerned, the parties agree to proceed to mediation independently from any judicial proceeding. In this case, the chosen mediator does not have to be chartered by the Minister of Justice. In judicial mediation, the parties agree to proceed to such mediation either upon the judge hearing their dispute's invitation or upon their own initiative. Finally, family mediation only concerns specific matters, namely divorce and all separation-related issues, as well as children-related issues.<sup>38</sup> In these two last cases, the chosen mediator needs to be chartered by the Minister of Justice unless he is exempted from such approval according to article 1251-3 al. 3 of the New Civil Procedure Code. In all cases, the duration of the mediation is set for a maximum of three months that can be extended at the parties' request, except for family mediation.

---

<sup>33</sup> Id. at art. 37-1 (2).

<sup>34</sup> Id. at art. 37-1 (2).

<sup>35</sup> Id. at art. 37-1 (5); Internal Regulation of the Bar Association of Luxembourg, art. 2.6 (Commissions et désignations d'office).

<sup>36</sup> See Grand-Ducal Regulation of December 23, 1972, art. 4 a) and Grand-Ducal Regulation of September 18, 1995 (on legal aid), art. 9.

<sup>37</sup> Law of October 3, 1995, art. 15.

<sup>38</sup> New Civil Procedure Code, art. 1251-1.



With respect to mediator remediation for conventional mediation, the mediator freely sets his level of remuneration. For judicial and family mediation, the mediator's fees are legally set at €57 per hour.<sup>39</sup> Legal aid can be obtained to cover the family and judicial mediations' costs. In criminal mediation, the State attorney can decide to proceed to mediation if he considers such measure able to ensure that reparation is made to the victim, that any difficulties arising from the offence will be resolved or that it will help with the rehabilitation of the offender. In this case, the mediator must be chartered by the Minister of Justice. The mediator's fees are set on an hourly basis by the government, and legal aid can be obtained to cover his costs.

Arbitration offers an alternate dispute resolution process that is limited to the cases upon which the parties have agreed to resort to arbitration. The arbitrator is appointed by the parties or, in the case they have not reached an agreement within 30 days, by the Arbitration Council.<sup>40</sup> The arbitrator is required to render his award within six months.<sup>41</sup>

### Ombudsman

An Ombudsman role was established by the law of August 22, 2003. His/Her scope of intervention concerns disputes between individuals and the administration in case of disapproval of an administration's decision. Before asking the Ombudsman's help, the applicant must have first contacted the administration from whom they did not get a satisfying response. Anyone can benefit from the Ombudsman's help regardless of his nationality or his legal status (natural or moral person).<sup>42</sup> In 2014, 689 claims were submitted to the Ombudsman who has an impressive "rate of correction" of 82.53%<sup>43</sup> meaning that 189 total or partial corrections to the initial decision of the administration have been obtained (determined on the basis of closed cases, not taking into account the claims rejected by the Ombudsman, transmitted to other Ombudsman, inadmissible declaration, unfounded statement or claims which the applicant decided to renounce).

## PRO BONO ASSISTANCE

### Pro bono Opportunities

#### Private Attorneys

In Luxembourg, participation in pro bono initiatives is done on a voluntary basis and is not a mandatory requirement for attorneys, contrary to legal aid matters that cannot be refused by designated attorneys or trainees.

#### Law firm Pro bono Programs

A handful of large law firms located in Luxembourg mention pro bono initiatives on their external websites. For example some firms, both international and domestic, are involved with, and provide pro bono legal counsel for Luxembourgish non-profit organizations, charity groups, or other public interest organizations. Some law firms regularly provide their services either on a purely pro bono basis or at substantially lower rates (there are no mandatory minimum tariffs) in the emerging sector of microfinance, where Luxembourg has developed into a premier actor.

---

<sup>39</sup> New Civil Procedure Code, art. 1251-17; Regulation Act of June 25, 2012, art 4.

<sup>40</sup> Arbitration Regulation of the Grand Duchy of Luxembourg Chamber of Commerce, art. 2.

<sup>41</sup> Id. Art. 19.

<sup>42</sup> See the Ombudsman website available at <http://www.ombudsman.lu/accueil.html> (last visited on September 4, 2015).

<sup>43</sup> See the Ombudsman 2014 Report available at [http://www.ombudsman.lu/doc/doc\\_downloads\\_210.pdf](http://www.ombudsman.lu/doc/doc_downloads_210.pdf) (last visited on September 4, 2015).

## Corporate Pro bono Programs

Patronage activity has experienced increasing success in Luxembourg in several forms: sponsorship, donations and all sorts of financial support that benefit from tax reduction. Many companies get involved in all sort of fields and especially human rights though skill-sponsorship and donations. In particular, an institute, the Inspiring More Sustainability Luxembourg, has been established to foster corporate social responsibility among companies. In this respect, the initiative Part & Act has been launched to provide a professional interface between associations and companies willing to get involved in skills-sponsorship and volunteering partnerships.<sup>44</sup>

## Bar Association Pro bono Programs

The Bar Association of Luxembourg manages the legal aid system as it is the entity that assigns legal aid matters to attorneys and trainees and decides whether or not to grant legal aid. Considering this substantial involvement in the State-run legal aid system, the Bar Association has not developed any specific pro bono program, for which there is little incentive.

## Non-Governmental Organizations (NGO)

Many NGOs are established in Luxembourg and are involved in various fields including asylum, health, poverty, children, etc. For instance, the Association in Support of Migrant Workers (*Association de Soutien aux Travailleurs Immigrés*) provides free consultation to migrant workers in partnership with several other NGOs.<sup>45</sup> In addition, the Red Cross Luxembourg 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>46</sup> In addition, many NGOs get involved in international actions, such as Solidarity Action for the Third World (*Action Solidarité Tiers Monde*), Indian Children's Aid (*Aide à l'Enfance de l'Inde*), Friendship Luxembourg or Men's Earth Luxembourg (*Terre des Hommes Luxembourg*) to name a few.

## University Legal clinics and Law students

A clinical programs culture is not a well-established practice in Europe and Luxembourg. There is only one legal clinic at the University of Luxembourg, the Consumer Law Clinic within the European Private Law LL.M. After having been taught how to deal with practical cases, students meet real clients and help them to deal with their legal issues.<sup>47</sup>

## Historic Development and Current State of Pro bono

### Historic Development of Pro bono

The development of pro bono practice in Luxembourg has been slow and limited thus far when compared to the efficient and well-implemented legal aid system. International law firms are the main participants in pro bono initiatives 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 established in Luxembourg.

---

<sup>44</sup> See the Part & Act website available at <http://www.partnact.lu/part-act/l-initiative> (last visited on September 4, 2015).

<sup>45</sup> See the ASTI website available at <http://www.asti.lu/asile/projets-de-lasti/> (last visited on September 4, 2015).

<sup>46</sup> See the Red Cross Luxembourg website available at <http://www.croix-rouge.lu/missions-des-offices-sociaux/> (last visited on September 4, 2015).

<sup>47</sup> See the University of Luxembourg website available at [http://wwwfr.uni.lu/formations/fdef/programmes\\_ll\\_m/droit\\_priv\\_europeen](http://wwwfr.uni.lu/formations/fdef/programmes_ll_m/droit_priv_europeen) (last visited on September 4, 2015).





## Current State of Pro bono

### Laws and Regulations Impacting Pro bono

One of the main problems facing pro bono in Luxembourg is the lack of communication regarding pro bono initiatives. Among law firms involved in pro bono initiatives, little to no information can be found on their external website. This can be explained by the strict rules regulating advertising for attorneys in Luxembourg. Pursuant to Clause six of the Luxembourg Bar's Internal Regulations, canvassing is forbidden, and legal advertisements are regulated. Specifically, advertisements may not identify the clients represented, or the matters being handled, by the attorney or law firm. All advertisements are susceptible to review by the Bar Association or the Chairman of the Bar, the regulatory authorities of the Luxembourg Bar. As such, it appears difficult for Luxembourg law firms to enhance their professional reputations or create goodwill by conducting pro bono work. Still, the Luxembourg Bar seems to have partially understood this inherent need for recognition. The Bar allows attorneys to disclose information about exceptional matters or clients, in order to answer an information request emanating from a professional magazine or publication, or on their external website. However, the attorney or firm must have obtained prior informed consent from the clients in order to do so.<sup>48</sup>

In addition, there is 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. Therefore, the law provides even fewer incentives to get involved in pro bono programs.

### Socio-Cultural Barriers to Pro bono

There are no specific socio-cultural barriers to pro bono in Luxembourg (i.e. corruption or lack of public trust in the judiciary).

### Pro bono Resources

There are no specific resources dedicated to pro bono in Luxembourg. However, information on legal aid and humanitarian action can be found on the following websites:

- Luxembourg Bar Association (only in French)
- Address: 1-7, rue St. Ulric, B.P. 361, L-2013 Luxembourg  
Phone: +352.72.72.1  
Website: <http://www.barreau.lu/le-barreau/assistance-judiciaire/presentation> (last visited on September 4, 2015)  
Email: info@barreau.lu
- **Legal Information Services** (Service d'accueil et d'information juridique)
- Luxembourg: Cité Judiciaire, Bâtiment BC, L-2080, Luxembourg  
Phone: +352.22.18.46
- Diekirch: Address: Place Joseph Bech, L-9211 Diekirch  
Phone: +352.80.23.15
- Esch-sur-Alzette: Place de la Résistance, L-4041 Esch/Alzette  
Phone: +352.54.15.52
- Ministry of Justice of Luxembourg (only in French)
- Address: 13, rue Erasme, L-2934, Luxembourg  
Phone: +352.247.84537  
Fax: +352.26.68.48.61  
Website: [http://www.mj.public.lu/services\\_citoyens/assistance\\_judiciaire/index.html](http://www.mj.public.lu/services_citoyens/assistance_judiciaire/index.html) (last visited on September 4, 2015)
- The European Commission

<sup>48</sup> See Art. 6.2 of the Internal Regulation of the Bar Association of Luxembourg.



- Address: Maison de l'Europe, L-2920, Luxembourg  
Phone: +352.4301.34925  
Fax: +352.4301.34433  
Website: [http://ec.europa.eu/luxembourg/index\\_fr.htm](http://ec.europa.eu/luxembourg/index_fr.htm) (last visited on September 4, 2015)  
Email: [comm-rep-lux@ec.europa.eu](mailto:comm-rep-lux@ec.europa.eu)
- European Justice
- Website: [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-en.do](https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do) (last visited on September 4, 2015)
- List of Luxembourgish NGOs certified by the Foreign Affairs Ministry
- Website: <http://www.gouvernement.lu/4737059/ong-partenaires> (last visited on September 4, 2015)

## CONCLUSION

Given Luxembourg's exceptional and extensive State legal aid system, Luxembourg does not appear to be a country in urgent need of pro bono legal services. However, there is a niche for sophisticated pro bono work, done by highly specialized and technically skilled commercial, banking and litigation attorneys based in Luxembourg, who can provide innovative and cost-efficient solutions, locally or internationally.

September 2015

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 current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.