

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

### I. Introduction

While Serbia does not have a history of pro bono culture in the traditional sense, Serbs do have a tradition of helping friends, family, and neighbors in need. Combined with a few pioneering law firms and the assistance of NGOs, the prospect for a legal community that accepts pro bono as part of a lawyer’s role could develop. The government is also taking new steps to take some responsibility, sponsoring the adoption of Law on Free Legal Aid, which will become applicable as of 1 October 2019. Adoption and funding of this legislation serves as a major boon to support citizens unable to otherwise afford legal assistance.<sup>2</sup>

### II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The Legal Profession Act 2011 (<b>LPA</b>)<sup>3</sup> governs the provision of legal services in Serbia.</p> <p>The Serbian Bar Association, as an umbrella organization, regulates all Serbian attorneys in the provision of legal services. Every attorney in Serbia must be a member of this association, which is automatically achieved by obtaining membership in one of nine regional Bar Associations in Serbia.<sup>4</sup> In addition, a lawyer in Serbia can practice law as an in-house lawyer, without being an attorney and member of the Serbian Bar Association, but in such case they can provide services only to their employer, and they may not provide services to third parties.</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>Prerequisites for admission to practice as an attorney in Serbia include familiar requirements, where an individual must have:</p> <ul style="list-style-type: none"> <li>• obtained a law degree earned in the Republic of Serbia or a law degree earned in a foreign country and recognized in accordance with the regulations governing the University education sector;</li> <li>• passed the bar exam and attorney-at-law exam in the Republic of Serbia;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Milan Radonic and Nikola Stojiljkovic of the Joint Law Office Marić & Mujezinović in cooperation with Kinstellar

<sup>2</sup> See <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-serbia.pdf> (last visited on May 1, 2019).

<sup>3</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019).

<sup>4</sup> See [https://aks.org.rs/sr\\_lat/](https://aks.org.rs/sr_lat/) (last visited on May 1, 2019).

		<ul style="list-style-type: none"> <li>• citizenship of the Republic of Serbia (an exemption from this requirement could apply, please see below);</li> <li>• general health and full working capacity;</li> <li>• lack of employment;</li> <li>• no criminal record for a felony that would make an applicant unworthy of confidence for the practice of law;</li> <li>• the absence of other registered independent activity, or the status of the statutory representative, the Director or Chairman of the Managing Board in a legal entity, member or the President of the Executive Board of a bank, representative of the state capital, receiver, procurator and person who is by employment contract banned from competing;</li> <li>• worthiness of the practice of law as an attorney;</li> <li>• provided convenient workspace for the legal profession and the fulfillment of technical requirements in accordance with an appropriate act of the Serbian Bar Association;</li> <li>• at least three years have elapsed since the final decision to refuse the application of attorney-at-law to be registered in the directory of attorneys-at-law of any bar association within the Serbian Bar Association, if the applicant has previously submitted a request which was rejected.<sup>5</sup></li> </ul> <p>An attorney in Serbia must uphold the basic duties, being:</p> <ul style="list-style-type: none"> <li>• actually and consistently practicing law;</li> <li>• providing legal aid professionally and conscientiously in accordance with the law, the statute of the bar association and the Code of Professional Ethics of Attorneys (Code);<sup>6</sup></li> </ul>
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<sup>5</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019), art. 6.

<sup>6</sup> See [https://www.paragraf.rs/propisi/kodeks\\_profesionalne\\_etike\\_advokata.html](https://www.paragraf.rs/propisi/kodeks_profesionalne_etike_advokata.html) (last visited on May 1, 2019).

		<ul style="list-style-type: none"> <li>• maintaining client confidentiality; and</li> <li>• protecting the reputation of the legal profession in Serbia.<sup>7</sup></li> </ul> <p>An attorney in Serbia is obliged to continuously acquire and improve the knowledge and skills necessary for professional, independent, autonomous, effective and ethical practice of law, in accordance with a program of professional development adopted by the Serbian Bar Association.<sup>8</sup> There are no formal requirements for attorneys regarding minimum CPD hours which must be obtained.<sup>9</sup></p> <p>The right to practice law in Serbia is acquired by registering in the directory of attorneys and by taking the oath.</p>
<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 limits regarding the availability of free legal aid but these are beyond the scope of this note.</p> <p>There are no specific rules regulating provision of pro bono legal services. However, it should be noted that certain actions construed to be pro bono legal services are deemed to be contrary to rules of the Code.</p> <p>For example, with regards to the mandatory or minimum fees imposed on provision of services in general, it should be noted that there is a Tariff on Fees and Expenses Payable for the Work of Attorneys (<b>Tariff</b>).<sup>10</sup> Therefore, attracting clients by offering free legal representation or representation for fees, which are lower than the ones proscribed by the Tariff is deemed unfair competition, and as such is prohibited by the Code.<sup>11</sup> This applies even</p>

<sup>7</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019), art. 15.

<sup>8</sup> See <https://aks.org.rs/aks/wp-content/uploads/2015/11/Legal-Profession-Act-.pdf> (last visited on May 1, 2019), art. 17.

<sup>9</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>10</sup> See [https://www.paragraf.rs/propisi/tarifa\\_o\\_nagradama\\_i\\_naknadama\\_troskova\\_za\\_rad\\_advokata.html](https://www.paragraf.rs/propisi/tarifa_o_nagradama_i_naknadama_troskova_za_rad_advokata.html) (last visited on May 1, 2019).

<sup>11</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

	where the nature of the legal work is not commercial and is, in fact, pro bono. <sup>12</sup>
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Attorneys in Serbia are not required to work a minimum number of pro bono hours. However, the Serbian Bar Association has suggested 50 hours per annum. <sup>13</sup>
3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Serbia are not required to complete a minimum number of hours of pro bono legal services in order to become an attorney.
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>Areas of law relating to refugees, displaced persons and human trafficking are the main areas of law, which require or present opportunities for the provision of pro bono legal services in Serbia.<sup>14</sup></p> <p>The major unmet legal needs in Serbia continue to be found in protection of rights of various sensitive groups and/or minorities e.g. poverty stricken parts of the population, victims of family violence, patient organizations etc.<sup>15</sup></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>The key providers of pro bono legal services in Serbia are a mix of law firms and NGOs. From an NGO perspective, there are a large number focused on refugees and other displaced persons,<sup>16</sup> as well as victims of human trafficking. Please see list at II.(d).2 below for an extensive list of NGOs.</p> <p>In addition to NGOs, various local law firms provide pro bono legal services, including:</p> <ul style="list-style-type: none"> <li>• Joint Law Office Marić &amp; Mujezinović in cooperation with Kinstellar (who were</li> </ul>

<sup>12</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 3 May 2019.

<sup>13</sup> World Bank Multi-Donor Trust Fund for Justice Sector Support, SERBIAN FREE LEGAL AID FISCAL IMPACT ANALYSIS: VOLUME, COSTS AND ALTERNATIVES, (2013), available at [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/03/25/000333037\\_20140325152745/Rendered/PDF/861870WP0P11020t0Free0Legal0Aid0Law.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/03/25/000333037_20140325152745/Rendered/PDF/861870WP0P11020t0Free0Legal0Aid0Law.pdf) (last visited on May 1, 2019).

<sup>14</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>15</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>16</sup> See <http://www.refugeelegalaidinformation.org/serbia-pro-bono-directory> (last visited on May 1, 2019).

		<p>involved in the “pro bono network for civil society organizations in Serbia”);</p> <ul style="list-style-type: none"> <li>• Karanović &amp; Partners law firm;<sup>17</sup>; and</li> <li>• Harrisons Solicitors.<sup>18</sup></li> </ul> <p>Certain law faculties of various universities also provide clinics which offer pro bono legal services, including the law faculties of the Universities of Nis, Belgrade, Novi Sad and Kragujevac, and the University Union also offer pro bono legal services on their legal clinics.<sup>19</sup></p> <p>Unfortunately, there is a relatively low number of lawyers per head of population in Serbia compared to western jurisdictions, at approximately 8,500 lawyers in Serbia, which is roughly one lawyer for each 800 citizens.<sup>20</sup> Further, as the majority of lawyers in Serbia are sole practitioners and thus do not have the time or resources to provide as much pro bono assistance.<sup>21</sup></p>
(c)	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?	By admission to the Serbian Bar Association, an attorney is authorized to provide all types of legal aid in Serbia, and there are no additional specialist licenses required to provide pro bono legal services. <sup>22</sup>
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign attorneys do not require any special licenses to practice pro bono legal services specifically.

<sup>17</sup> See [https://www.legal500.com/firms/13339-karanovic-partners-oad/press\\_releases/31864](https://www.legal500.com/firms/13339-karanovic-partners-oad/press_releases/31864) (last visited on May 1, 2019).

<sup>18</sup> See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/692747/List\\_of\\_lawyers\\_in\\_Serbia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692747/List_of_lawyers_in_Serbia.pdf) (last visited on May 1, 2019).

<sup>19</sup> See <http://www.prafak.ni.ac.rs/en/law-faculty-nis/organization-structure/teaching-scientific-unit/legal-clinic-pf>, [http://www.ius.bg.ac.rs/Pravna%20klinika/Pravna\\_klinika\\_PF.htm](http://www.ius.bg.ac.rs/Pravna%20klinika/Pravna_klinika_PF.htm), <http://pravnaklinika.pf.uns.ac.rs/>, <http://www.jura.kg.ac.rs/index.php/sr/prklin.htm> and <http://pravnofakultet.rs/besplatna-pravna-pomoc/> (last visited on May 1, 2019).

<sup>20</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>21</sup> PILNET: THE GLOBAL NETWORK FOR PUBLIC INTEREST LAW, Against the Tide: Mira Vucetic Prsic Launches Pro Bono in Serbia, (20 May 2009), <http://www.pilnet.org/project-updates/47-against-the-tide.html> (last visited on May 1, 2019). Correspondence with Nikola Stojiljković Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019 confirms that this view remains relevant.

<sup>22</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

		<p>However, foreign attorneys seeking to practice in Serbia must register, and are restricted in their practices. To register, they must, <i>inter alia</i>, show that they are a member of the bar in their state of origin and meet the other applicable bar requirements. If the lawyer does not take Serbia’s bar exam and attorney-at-law exam, they are placed in so-called Register A, where they can only provide oral and written advice on international law and the laws of their state of origin. If the lawyer did take the bar exam and the attorney-at-law exam in Serbia, they may practice law in Serbia, but for three years must act in conjunction with local counsel and are placed in so-called Register B.<sup>23</sup></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>Attorneys-at-law are required by the LPA to carry mandatory professional indemnity insurance policy as a condition to maintaining the operation of their practices, and any providing of pro bono legal services by an attorney would be covered by their mandatory professional indemnity insurance.</p>
	<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>The Serbian Bar Association bans advertising or self-promotion by Serbian attorneys via its bylaws, as required by Serbian law, though that does not include electronic communication, basic contact information, or printed material provided to clients.<sup>24</sup> Therefore whilst there are no specific restrictions that apply to advertising pro bono services, general restrictions to the practicing of all areas of law apply.</p>
	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>The Serbian Bar Association organizes Continuing Legal Education, but it is not mandatory for attorneys to attend it. Performing pro bono activities does not bring any benefit in relation to attending continuous legal education, nor is a condition for attending such education.<sup>25</sup></p>
<p>(d) <b>Sources of Pro Bono Opportunities and Key Contacts</b></p>		

<sup>23</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>24</sup> Mrakovic & Partners, Advertising Law in Serbia, HG.ORG LEGAL RESOURCES, available at <http://www.hg.org/article.asp?id=31383> (last visited on May 1, 2019).

<sup>25</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<p>1. Describe any governmental sources of pro bono and/or other legal services in Serbia.</p>	<p>To the best of our understanding, there are no governmental sources of pro bono and/or other legal services in our jurisdiction. <sup>26</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Serbia.</p>	<p>The main NGOs providing services or information are:</p> <ul style="list-style-type: none"> <li>• ASTRA<sup>27</sup></li> <li>• Asylum Protection Center/Center for Protection and Asylum<sup>28</sup></li> <li>• Autonomous Women’s Center<sup>29</sup></li> <li>• Belgrade Center for Human Rights<sup>30</sup></li> <li>• Child’s Rights Center<sup>31</sup></li> <li>• Civic Initiatives<sup>32</sup></li> <li>• Group 484<sup>33</sup></li> <li>• Initiative for Development and Cooperation (IDC) Serbia<sup>34</sup></li> <li>• International Aid Network<sup>35</sup></li> <li>• MPDL SE EUROPE<sup>36</sup></li> <li>• Novi Sad Humanitarian Centre<sup>37</sup></li> <li>• Praxis<sup>38</sup></li> <li>• Welcome to Europe (note this is European-wide and not limited to Serbia)<sup>39</sup></li> <li>• Humanitarian Center for Integration and Tolerance<sup>40</sup></li> </ul>

<sup>26</sup> Correspondence with Nikola Stojiljković of Joint Law Office Marić & Mujezinović in cooperation with Kinstellar, 9 April 2019.

<sup>27</sup> See [www.astra.org.rs](http://www.astra.org.rs) (last visited on May 1, 2019).

<sup>28</sup> See <http://www.apc-cza.org/sr-YU/> (last visited on May 1, 2019).

<sup>29</sup> See <http://www.womenngo.org.rs/english/> (last visited on May 1, 2019).

<sup>30</sup> See <http://www.bgcentar.org.rs/bgcentar/eng-lat/> (last visited on May 1, 2019).

<sup>31</sup> See <http://www.cpd.org.rs/en/home.html> (last visited on May 1, 2019).

<sup>32</sup> See [www.gradjanske.org/page/about/en.html](http://www.gradjanske.org/page/about/en.html) (last visited on May 1, 2019).

<sup>33</sup> See [www.grupa484.org.rs](http://www.grupa484.org.rs) (last visited on May 1, 2019).

<sup>34</sup> See [www.idcserbia.org](http://www.idcserbia.org) (last visited on May 1, 2019).

<sup>35</sup> See [www.ian.org.rs](http://www.ian.org.rs) (last visited on May 1, 2019).

<sup>36</sup> See [www.mpdl.org/serbia](http://www.mpdl.org/serbia) (last visited on May 1, 2019).

<sup>37</sup> See [www.nshc.org.rs](http://www.nshc.org.rs) (last visited on May 1, 2019).

<sup>38</sup> See [www.praxis.org.rs](http://www.praxis.org.rs) (last visited on May 1, 2019).

<sup>39</sup> See <https://w2eu.info/index.en.html> (last visited on May 1, 2019).

<sup>40</sup> See [www.hcit.rs](http://www.hcit.rs) (last visited on May 1, 2019).

		<ul style="list-style-type: none"> <li>• Helsinki Committee for Human Rights in Serbia<sup>41</sup></li> </ul>
	<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>To the best of our understanding, in Serbia, there are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

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<sup>41</sup> See <http://www.helsinki.org.rs/index.html> (last visited on May 1, 2019).