

Pro Bono Practices and Opportunities in Spain

I. Introduction

Spanish Law sets forth a right to free legal assistance (*Asistencia Jurídica Gratuita*) in the *Ley 1/1996, de 10 de febrero, de asistencia jurídica gratuita*¹ funded by the government. The beneficiaries of this aid are Spanish Citizens and foreign citizens who reside in Spain, as well as foundations and public interest associations, which have not economical resources.

There is a recent interest by private practitioners and other non-governmental organizations to provide an organized and qualified pro bono practice to compensate. Firms have been implementing areas dedicated to pro bono work and have been forming alliances with other organizations to develop the practice and provide a “self-regulated” environment. The pro bono practice in Spain consist in to provide legal services to clients as charities, NGOs, and marginalized individuals.

In 28 June 2018, twenty-eight legal firms have incorporated the Foundation “*Sumando al Probono Jurídico*” to contribute and increase the probono activity in Spain.²

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	There are the following rules in Spain that specifically regulating the provision of legal services by in-house lawyers: (i) Royal Decree 658/2001, of 22 June, approving the Spanish Lawyers’ Statute ³ (<i>Real Decreto 658/2001, de 22 de junio, que aprueba el Estatuto General de la Abogacía Española</i>); and (ii) the Deontological Code of Lawyers ⁴ (<i>Código Deontológico</i>) regulate the exercise of law in general for both private practice and in-house lawyers.
	2. Describe any licensure requirements governing the provision of legal services.	Private practice and in-house lawyers are required to be admitted to one of the regional Bar Associations either as practising lawyer (<i>abogado ejerciente</i>) or as non-practising lawyer (<i>abogado no ejerciente</i>). In addition, candidates seeking admission to a Spanish Bar Association are required: (i) to complete a specific LLM (<i>Máster de Acceso a la Abogacía</i>), which includes a period of compulsory work experience (i.e., an internship lasting between four (4) and six (6) months); and (ii) to pass the Spanish Bar Exam (Spanish Law 34/2006, of 30 October, regarding the admission to the bar (<i>Ley</i>

¹ See <https://www.boe.es/buscar/pdf/1996/BOE-A-1996-750-consolidado.pdf> (last visited on May 1, 2019).

² See <https://www.abogacia.es/tag/pro-bono/> (last visited on May 1, 2019).

³ See <http://www.abogacia.es/wp-content/uploads/2013/05/Estatuto-General-de-la-Abogacia.pdf> (last visited on May 1, 2019).

⁴ See http://www.abogacia.es/wp-content/uploads/2012/06/codigo_deontologico1.pdf (last visited on May 1, 2019).

		34/2006, de 30 de octubre, sobre acceso a las profesiones de abogado y procurador de los tribunales)).
(b)	Pro Bono Practice and Culture	
	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>There are no professional rules in Spain specifically regulating the provision of pro bono legal services by in-house lawyers and private practice lawyers.. Notwithstanding, the above-mentioned rules established in the Section II(a).1 are applicable.</p> <p>In-house lawyers and private practice lawyers who wish to provide pro bono legal services can either do so individually or through available clearinghouses or local Bar Associations, which are able to match pro bono matters with the relevant volunteer.</p> <p>Bar Associations and clearinghouses, like TrustLaw, have helped to expand the scope of pro bono activity in Spain, and in-house lawyers and private practice lawyers are permitted to join the pro bono programs run by any of the Bar Associations or clearinghouses.</p>
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	<p>Lawyers are not required to work a minimum number of pro bono hours.</p> <p>However, each company or law firm may have its own internal regulations regarding pro bono work with which the relevant in-house lawyer or private practice lawyer will be expected to comply.</p>
	3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	No, the rules of Bar Association (<i>Colegio de Abogados</i>), do not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
	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?	The main areas of concern for pro bono activity in Spain are corporate matters and litigation issues and procedure. Most in-house lawyers and private practice lawyers providing pro bono legal services will not wish to undertake these reserved activities. However, where individual pro bono matters touch on (or are likely to touch on) these areas, in-house lawyers and private practice lawyers are advised to seek specific advice.
	5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public	The main provides of pro bono legal services are NGOs, universities, and private law firms .

	services, schools and universities, private law firms (local or international) or corporate organizations?	
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Each of Spain’s 83 regional Bar Associations has its own pro bono program. These programs encourage and coordinate the provision of pro bono legal services but do not impose specific licensing or regulatory requirements for individuals providing pro bono services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>In order to provide pro bono legal services in Spain, foreign-qualified lawyers (including in-house lawyers) must hold a law degree, be admitted to practice in Spain and be members of a Spanish Bar Association. In addition, to be admitted to a Spanish Bar Association, any foreign-qualified attorney is required to validate his/her foreign law degree in addition to satisfying the other conditions to admission described in section C.1 above.</p> <p>The conditions for foreign-qualified lawyers (including in-house lawyers) to be admitted to practise in Spain vary as follows depending on the nationality of the foreign attorney⁵:</p> <ul style="list-style-type: none"> (i) Foreign-qualified lawyers that are EU/EEA nationals are not required to request the waiver of nationality (<i>dispensa de nacionalidad</i>) in order to be admitted to practice in Spain; and (ii) Foreign-qualified lawyers that are not EU/EEA nationals are required to request a waiver of nationality (<i>dispensa de nacionalidad</i>) in order to be admitted to practice in Spain. <p>Similarly, the procedure for validation of a foreign-qualified lawyers’ law degree also depends on the jurisdiction where the relevant lawyer is qualified:</p> <ul style="list-style-type: none"> (i) Foreign-qualified lawyers that are admitted to practice in a EU jurisdiction are required to submit to the relevant Spanish Bar Association (A) a law degree certificate issued by their EU university, and (B) a

⁵ N.B.: <http://www.abogacia.es/2016/03/30/ejercicio-de-la-abogacia-en-espana-por-graduados-o-abogados-extranjeros/> (last visited on May 1, 2019).

	<p>certificate issued by their foreign EU Bar Association (or equivalent); and</p> <p>(ii) Foreign-qualified lawyers that are admitted to practice in a non-EU jurisdiction are required to validate their foreign law degree with the Spanish Ministry of Culture. This validation process may take up to two (2) years.</p> <p>According to the information provided by the Madrid Bar Association (<i>Colegio de Abogados de Madrid</i>), foreign-qualified lawyers can provide pro bono legal services on matters not involving Spanish law, provided that (i) they do not appear as Spanish-qualified lawyers before any Spanish courts or governmental authorities; and (ii) they do not purport to be Spanish-qualified lawyers.</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>Pursuant to Section 21.1 of the Spanish Lawyers’ Statute, any lawyer being admitted to practice in Spain shall be covered by a professional civil liability insurance policy provided by the relevant regional Bar Association. Such professional civil liability insurance policy covers pro bono legal services provided either through clearinghouses or through the relevant Bar Association.</p> <p>As an example, the professional civil liability insurance policy provided by the Madrid Bar Association (<i>Colegio de Abogados de Madrid</i>) to all its attorneys covers up to an amount of €300,000.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no specific prohibitions on providing free legal services, advertising pro bono <i>successes</i> or soliciting new pro bono clients, provided that the person providing such services is admitted to practise.</p> <p>Bar Associations and clearinghouses, like TrustLaw, have helped to expand the scope of pro bono activity in Spain, and in-house lawyers are permitted to join the pro bono programs run by any of the Bar Associations or clearinghouses.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>In-house lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>

		However, each regional Bar Association has its own education initiatives.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Spain.	Spanish Law sets forth a right to free legal assistance (<i>Asistencia Jurídica Gratuita</i>), funded by the government. This right only applies to: (i) natural persons; (ii) acting in a judicial procedure; (iii) who comply with certain low income requirements. ⁶ Any practicing lawyer (<i>abogado ejerciente</i>) who signs up for this service may exercise it and shall receive a compensation from the government for his services. The Bar Associations manage the provisions of these services, provide training for the lawyers and control that the recipients of these services comply with the income requirements.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Spain.	The most common resource for pro bono legal services are those offered by lawyers in different law firms. Additionally, private practitioners usually come together to set up private associations that offer pro bono legal services. Some of those associations are: Fundación Pro Bono (has been recently incorporated and includes twenty-eight (28) of the most important law firms in Spain, its webpage will be set up soon). <ul style="list-style-type: none"> • Hazlo Posible⁷ • Fundación Fernando Pombo, Project Exequo⁸
	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?	There is not a resource that unifies all the information regarding pro bono opportunities. The most common way lawyers become aware of pro bono opportunities is through its own law firms

⁶ Free legal assistance (*Asistencia Jurídica Gratuita*) is a form of government spending on legal aid. The beneficiaries of this aid are Spanish Citizens and foreign citizens who reside in Spain, as well as foundations and public interest associations. In order to be eligible for this legal aid the natural person has to earn less than 15,061.20 euros per year. This aid may be recognized regardless of the economic requirements taking into account: (i) the circumstances of the family; (ii) the number of children; (iii) disability; (iv) and other circumstances of similar nature. Certain beneficiaries will receive this legal aid regardless of their economic situation, among others: (i) victims of gender violence; (ii) minors, mentally disabled people and victims of abuse; (iii) victims of accident and terrorism; and (iv) some associations of public interest (i.e. consumer rights associations).

⁷ See <https://legal.probonos.net/> (last visited on May 1, 2019)

⁸ See <http://www.fundacionpombo.org/que-hacemos/proyecto-exequo/> (last visited on May 1, 2019)

		or the associations to which the law firm is engaged, such as the ones above-mentioned.
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