

**Pro Bono Practices and Opportunities in Thailand<sup>1</sup>**

**I. Introduction**

Despite the country’s reputation for kindness and voluntarism, the provision of pro bono legal services in Thailand is limited to a small number of lawyers at private law firms participating in a few pro bono opportunities offered or referred to them by non-profit organizations. Foreign lawyers wishing to provide pro bono legal services in Thailand face additional obstacles such as language and cultural barriers as well as barriers to practicing law in the country.

There is still a wide gap between the need for pro bono assistance and responsibility being taken individually and collectively by legal practitioners in meeting those needs. This shortfall can be attributed to the fact that the rendering of pro bono legal services has generally been dependent on the goodwill and social conscience of a few practitioners.

With an increasing number of university students engaging in pro bono activities arranged by university pro bono clubs, there has been a steady progress in pro bono legal services in Thailand. It is expected that universities’ students will play key roles in pro bono legal services in Thailand bridging the language and culture gap between foreign lawyers and local pro bono clients.

**II. Overview of Pro Bono Practices**

(a)	<b>Professional Regulation</b>	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The Constitution is the supreme law of Thailand that establishes the powers, functions, duties and structures of the cabinet, the parliament and the courts. Thailand has amended its constitutions from time to time in order to meet the rapid change of social and political needs. The National Council for Peace and Order (“NCPO”) unveiled a draft constitution on March 29, 2016.<sup>2</sup></p> <p>The proposed constitution was approved by 61.4<sup>3</sup> percent of Thai voters on August 7, 2016 with 59.4 percent of the public participating.<sup>4</sup></p> <p>Recent Constitutional changes do not have any impact on the provision of legal services in Thailand. The Constitution still guarantees the right and liberty of an individual to exercise his or her right to bring a lawsuit or to defend himself or herself in the Thai Courts.<sup>5</sup></p>

<sup>1</sup> This chapter was drafted with the support of Natthanun Suksomboon of Weerawong, Chinnavat & Partners Ltd.

<sup>2</sup> See [https://web.archive.org/web/20160816213546/http://www.un.or.th/wp-content/uploads/2016/06/2016\\_Thailand-Draft-Constitution\\_EnglishTranslation\\_Full\\_Formatted\\_vFina....pdf](https://web.archive.org/web/20160816213546/http://www.un.or.th/wp-content/uploads/2016/06/2016_Thailand-Draft-Constitution_EnglishTranslation_Full_Formatted_vFina....pdf) (last visited on May 1, 2019).

<sup>3</sup> See <https://www.bangkokpost.com/news/politics/1058026/official-charter-referendum-figures-posted> (last visited on May 1, 2019).

<sup>4</sup> See <https://www.bbc.com/news/world-asia-39499485> (last visited on May 1, 2019).

<sup>5</sup> See Constitution Of The Kingdom Of Thailand, B.E. 2560 (Unofficial Translation), Published in the Government Gazette, Vol. 134, Part 40 a, Page 1, dated 6th April B.E. 2560

		<p>The right of an individual to receive legal services is also recognized under Section 83 of the Thai Criminal Procedure Code and Section 61 of Thai Civil Procedure Code, which remains unchanged.<sup>6</sup></p> <p>The legal sector in Thailand is governed by the Thailand Lawyers Act B.E. 2528 (1985) which primarily focuses on the Lawyers’ Council of Thailand, requirements for being admitted as a lawyer, good practices of lawyers and the ethical conduct of lawyers.<sup>7</sup></p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>There is no restriction on any Thai national, with or without a law degree, to offer legal advice. However, only lawyers accredited with the Lawyers’ Council of Thailand are licensed to provide legal advice to a client and represent a client in a court of law in Thailand. These licenses are restricted to Thai nationals only who have received appropriate qualifications and training and they must follow professional ethics and the Lawyers’ Council of Thailand’s code of conduct. To obtain a lawyer’s license, a candidate must:</p> <ul style="list-style-type: none"> <li>• graduate with either a bachelor’s degree or an associate degree in law or an equivalent certificate in law from an institution accredited by the Lawyers Council of Thailand;</li> <li>• complete a training course, run by the Institute of Law Practice Training of the Lawyers Council of Thailand, which is divided into two terms. In the first term, the candidate is required to complete coursework in the theory of case conduct and professional ethics and pass a written examination. In the second term, they must practice working in a qualified law office for six months.</li> </ul>

[http://www.constitutionalcourt.or.th/occ\\_en/download/article\\_20170410173022.pdf](http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf) (last visited on May 1, 2019)

<sup>6</sup> See Criminal Procedure Code, B.E. 2477, at [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=93536&p\\_country=THA&p\\_count=441&p\\_classification=01.04&p\\_classcount=17](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=93536&p_country=THA&p_count=441&p_classification=01.04&p_classcount=17) and Civil Procedure Code, B.E. 2477, at [https://www.imolin.org/doc/amlid/Thailand\\_The%20Civil%20Procedure%20Code.pdf](https://www.imolin.org/doc/amlid/Thailand_The%20Civil%20Procedure%20Code.pdf) (last visited on May 1, 2019).

<sup>7</sup> International Bar Associations, Thailand at [http://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_Thailand.aspx](http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Thailand.aspx) (last visited on May 1, 2019).

		<p>Foreign nationals, regardless of their qualifications and license to practice in other countries are not permitted to provide advice or represent their clients within the Thai legal jurisdiction but can obtain a work permit entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).</p> <p>The Lawyers’ Council of Thailand and the Thai Bar Association are responsible for regulating those lawyers who are their members. The main duties of the Lawyers Council are to register and issue licenses to applicant lawyers. The Lawyers Council also produces rules on legal ethics and oversees the general conduct of attorneys.<sup>8</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>		
	<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>Thailand has no specific rules or regulations that regulate or encourage Thai or foreign lawyers to provide pro bono legal services. Nevertheless, there are several limitations impeding the development of a mature pro bono practice in Thailand.</p> <p>First, apart from a few volunteer organizations, there is a lack of pro bono referral organizations in Thailand. Referrals are mostly done on an ad hoc basis and in an uncoordinated manner, primarily through NGO networks.</p> <p>Second, there are still only a small number of law firms in Thailand that have developed regular pro bono initiatives. While some law firms organize occasional community outreach activities and donate time and money to charitable causes, few encourage their lawyers to provide pro bono legal services on a consistent basis. In addition, there appears to be a lack of incentives for associates to engage in pro bono work, since they are not normally given any billing credit nor are they counted towards annual billable requirements.</p> <p>Third, foreign lawyers in Thailand face a host of obstacles which prevent them from being active participants in the legal community. These include</p>

<sup>8</sup> See Central Intellectual Property and International Trade Court, ET. AL., Judicial System in Thailand: An Outlook for a New Century 48, available at [http://www.aseanlawassociation.org/docs/Judicial\\_System\\_in\\_Thailand.pdf](http://www.aseanlawassociation.org/docs/Judicial_System_in_Thailand.pdf) and International Bar Association, Thailand International Trade in Legal Services, available at [http://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_Thailand.aspx](http://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Thailand.aspx) (last visited on May 1, 2019).

	<p>not only language and cultural barriers, but also legal barriers and restrictions against foreign practitioners, such as the Thailand Lawyers Act 1985, which requires Thai citizenship for an applicant to receive a lawyer’s license.</p> <p>Lastly, given that the professional legal community is concentrated mainly in Bangkok, there is a shortage of legal services catering to those living in poor rural areas, who may be among those most in need of legal assistance.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no mandatory pro bono target in Thailand to maintain a lawyer’s license or the bar membership status unlike in the United States where the American Bar Association (ABA) has provided its Model Rule 6.1: the 50 hours aspirational pro bono target which was adopted by several states such as Colorado, Montana, North Carolina and others.<sup>9</sup></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 currently no requirements for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Thailand.<sup>10</sup></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>The lack of access to justice is still very much evident in Thailand. The majority of people in Thailand often have a very limited access to the legal system because of insufficient resources. While various governmental and non-governmental organizations attempt to address and tackle these issues, a wide range of individuals and organizations cannot afford legal services because of prohibitive financial consequences of using them.</p> <p>The following are the main areas of law which require the provision of pro bono legal services:</p> <ul style="list-style-type: none"> <li>• Human Rights and Justice-related Issues;</li> <li>• Asylum and Refugee Assistance;</li> <li>• Women’s Issues;</li> </ul>

<sup>9</sup> See Building Pro Bono Culture in Thailand’s Legal Business as a Contribution to Sustainable Development, Pavitra Sakulchaimongkol June 4, 2018, Faculty of Law, Thammasat University at <https://www.tci-thaijo.org/index.php/TBLJ/article/view/126891/95826> (last visited on May 1, 2019).

<sup>10</sup> See Central Intellectual Property and International Trade Court, et. al., Judicial System in Thailand: An Outlook for a New Century 48, available at [http://www.aseanlawassociation.org/docs/Judicial\\_System\\_in\\_Thailand.pdf](http://www.aseanlawassociation.org/docs/Judicial_System_in_Thailand.pdf) (last visited on May 1, 2019).

		<ul style="list-style-type: none"> <li>• Children’s Rights Issues;</li> <li>• Labour and Employment issues; and</li> <li>• Consumer Protection.</li> </ul> <p>The poor and vulnerable in the Thai society, including the demographics mentioned above (e.g. asylum seekers, refugees, women and children), have difficulties in accessing the justice system due to a lack of knowledge or information which is one of major obstacles.</p> <p>Like other developing countries, there is still a wide gap between laws and regulations in Thailand’s legal framework and the enforcement of such laws and regulations. These have resulted in major unmet legal needs in the areas of:</p> <ul style="list-style-type: none"> <li>• Human Rights Protection;</li> <li>• Child Rights Protection;</li> <li>• Asylum and Refugee protection;</li> <li>• Consumer Protection;</li> <li>• Medical malpractice liabilities; and</li> <li>• LGBT Rights recognition and protection.</li> </ul>
	<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>Pro bono legal services in Thailand are provided by law firms, NGOs, Thai bar associations and universities’ legal clinics.</p> <p>Several law firms in Thailand have been engaged in various pro bono programs. For instance, some Thai branches of international law firms engage in pro bono projects in Thailand when local pro bono clients are referred from the firm’s headquarters to its local branches. Also, some local Thai firms have pro bono programs and invite their lawyers to participate on a voluntary basis. Many of the law firm pro bono programs in Thailand involve providing legal assistance to charitable organizations, non-profit organizations as well as to individuals, with a focus on human rights issues. Examples include: Tilleke &amp; Gibbins - Pro Bono;<sup>11</sup> Siam Premier International Law Office Limited - Pro Bono Services;<sup>12</sup> Lanna Lawyers– Pro Bono</p>

<sup>11</sup> <https://www.tilleke.com/firm/community/probono> (last visited on May 1, 2019).

<sup>12</sup> Available at <http://siampremier.com/about-the-firm/pro-bono/> (last visited on May 1, 2019).

	<p>Services;<sup>13</sup> Anglo Thai Legal Thailand;<sup>14</sup> JNP Legal Co Ltd;<sup>15</sup> Natipatana Law Office;<sup>16</sup></p> <p>Despite the generally low level of pro bono opportunities in Thailand, there are some pro bono legal services offered by non-profit organizations. For example, the Thai Volunteer Service Foundation maintains a website providing a list of volunteer opportunities for lawyers. Many of the local non-profit websites are only available in the Thai language.<sup>17</sup></p> <p>A few NGOs are also developing pro bono aid clinics. For instance, Bridges Across Borders Southeast Asia Community Legal Education Initiative (“<b>BABSEA CLE</b>”)<sup>18</sup> has been working in collaboration with universities, law students, law faculties, lawyers and other members of the legal community, and NGO partners to develop clinical programs throughout Southeast Asia. The BABSEA CLE Foundation in Thailand is an independently registered local non-profit, and works to develop clinical legal education programs and other community initiatives through partnerships with various universities in Thailand. Projects undertaken by Thailand’s BABSEA CLE Foundation include the Legal Clinicians in Residence project, the Legal Ethics, Pro Bono, Access to Justice and Professional Responsibility Curriculum Development project, and the Community Teaching project.</p> <p>In addition, refugee rights advocacy groups in Thailand have begun to develop pro bono programs to help asylum seekers obtain legal assistance, as Thailand has a particularly large refugee population. According to the UN Refugee Agency in Thailand, as of November 30, 2018 an estimated 97,439 refugees reside in nine camps located across Thailand.<sup>19</sup></p> <p>The Rights in Exile Program provides refugee legal aid information and a directory for pro bono opportunities available in various NGOs such as Asylum Access Thailand (AAT), Caritas Thailand</p>
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<sup>13</sup> Available at <https://www.lannalawyers.com/pro-bono-services/> (last visited on May 1, 2019).

<sup>14</sup> Available at [www.anglothailegal.com](http://www.anglothailegal.com) (last visited on May 1, 2019).

<sup>15</sup> Available at <http://www.jnplegalthailand.com> (last visited on May 1, 2019).

<sup>16</sup> Available at <http://www.natipatana.com> (last visited on May 1, 2019).

<sup>17</sup> (<http://thaivolunteer.org>) (last visited on May 1, 2019).

<sup>18</sup> Available at <https://www.babseacle.org/> (last visited on May 1, 2019).

<sup>19</sup> Available at UNHCR (Thailand) <https://www.unhcr.or.th/en> (last visited on May 1, 2019).

		<p>and the Center for Asylum Protection (CAP) and etc.<sup>20</sup></p> <p>As Thai bar associations are active in providing pro bono legal services, those seeking legal assistance may visit or contact local offices of bar associations for preliminary queries and consultations. Various forms of pro bono legal assistance, including representation in litigation, is provided free of charge (but excluding any court fees or government services fee). Applicants wishing to obtain pro bono legal services must establish that they have low income and that they cannot afford a lawyer by their own means, and that they have suffered an alleged injustice. Furthermore, the applicant must not have any concurrent representation provided by another attorney at the time the pro bono legal services are requested, and the case being dealt with must not be barred by prescription.<sup>21</sup></p> <p>Pro bono legal assistance is also provided in certain universities, such as the Faculty of Law Center at Thammasat University, the Legal Consultation Center at Chiang Mai University, Law Student Volunteers Training Center at Khon Kaen University, and the Legal Aid for People Project at Thaksin University. Most pro bono legal services provided by universities focus on counselling services and do not include the representation of clients in litigation. At present, many universities in Thailand further strive to promote pro bono practices and community awareness through courses targeted at strengthening the students' sense of ethics in the legal profession. In some of these courses, students are given opportunities to visit local communities in Thammasat University Pro Bono Society.<sup>22</sup></p>
(c)	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Thailand has no specific regulations that regulate Thai or foreign lawyers providing pro bono legal services. Also, there is no restriction on offering such legal advice. However, only lawyers with licenses obtained from the Lawyers' Council of</p>

<sup>20</sup> <http://www.refugeelegalaidinformation.org/thailand-pro-bono-directory> (last visited on May 1, 2019).

<sup>21</sup> The Thai Bar Under The Royal Patronage, <http://www.thethaibar.or.th/thaibarweb/index.php?id=254&L=1> (last visited on May 1, 2019) (only available in the Thai language).

<sup>22</sup> at <http://interllb.law.tu.ac.th/pro-bono> (last visited on May 1, 2019).

		<p>Thailand are permitted to provide legal advice and represent another party in a Thai Court.</p> <p>A volunteer providing pro bono legal services is not required to have obtained any license or permission unless such services include representation in a Thai Court.</p>
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers who wish to provide pro bono legal services in Thailand are not required to have obtained any license or permission, however, they cannot represent another party in in a Thai Court.
	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?	There is no requirement to have professional indemnity legal insurance cover for any pro bono legal services provided in Thailand.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no regulations or rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in Thailand.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	There is no “Continuing Legal Education” or equivalent credit given to lawyers for pro bono hours worked in Thailand.
<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 Thailand.	The Lawyers Council of Thailand <sup>23</sup> and the Thai Bar Association <sup>24</sup> provide pro bono legal services including legal counseling, recommendation services, assistance with transactions and contract drafting and representation of clients in litigation proceedings.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Thailand.	<p>The following NGOs and advocacy groups in Thailand have developed pro bono programs and resources.</p> <ul style="list-style-type: none"> <li>• Thai Volunteer Service Foundation,<sup>25</sup></li> </ul>

<sup>23</sup> Available at <http://www.lawyerscouncil.or.th/> (last visited on May 1, 2019).

<sup>24</sup> Available at [www.thethaibar.org](http://www.thethaibar.org) (last visited on May 1, 2019).

<sup>25</sup> Available at <http://thaivolunteer.org/eng/> (last visited on May 1, 2019).



	<ul style="list-style-type: none"> <li>• Human Rights Lawyers Association;<sup>26</sup></li> <li>• BABSEA CLE;<sup>27</sup></li> <li>• Asian Forum for Human Rights and Development;<sup>28</sup></li> <li>• New Tactics;<sup>29</sup></li> <li>• HDF Mercy Centre;<sup>30</sup></li> <li>• Internet Law Reform Dialogue;<sup>31</sup></li> <li>• Asia Pacific Refugee Rights Network;<sup>32</sup></li> <li>• Thai Committee for Refugee Foundation;<sup>33</sup></li> <li>• International Rescue Committee;<sup>34</sup></li> <li>• Asylum Access;<sup>35</sup></li> <li>• Human Security Alliance;<sup>36</sup></li> <li>• Jesuit Refugee Service;<sup>37</sup></li> <li>• Thai Committee for Refugees Foundation;<sup>38</sup></li> <li>• Women Lawyers Association;<sup>39</sup></li> <li>• Foundation for Women;<sup>40</sup></li> <li>• iLaw.<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>There are pro bono directories in Thailand where a local or foreign lawyer can register or browse to find pro bono opportunities:</p> <ul style="list-style-type: none"> <li>• The Thai Volunteer Service Foundation;<sup>42</sup></li> </ul>

<sup>26</sup> Available at <http://humanrightsinasean.info/content/human-rights-lawyers-association.html> (last visited on May 1, 2019).

<sup>27</sup> Available at <http://www.babseacle.org> (last visited on May 1, 2019).

<sup>28</sup> Available at <http://www.forum-asia.org> (last visited on May 1, 2019).

<sup>29</sup> Available at <http://www.newtactics.org> (last visited on May 1, 2019).

<sup>30</sup> Available at <http://www.mercycentre.org> (last visited on May 1, 2019).

<sup>31</sup> Available at <http://www.ilaw.or.th> (last visited on May 1, 2019).

<sup>32</sup> Available at <http://www.aprrn.info> (last visited on May 1, 2019).

<sup>33</sup> Available at <http://www.thaiforrefugees.org> (last visited on May 1, 2019).

<sup>34</sup> Available at [www.theirc.org/where/thailand](http://www.theirc.org/where/thailand) (last visited on May 1, 2019).

<sup>35</sup> Available at [www.asylumaccess.org](http://www.asylumaccess.org) (last visited on May 1, 2019).

<sup>36</sup> Available at [www.hsa-int.net](http://www.hsa-int.net) (last visited on May 1, 2019).

<sup>37</sup> Available at [www.jrsap.org](http://www.jrsap.org) (last visited on May 1, 2019).

<sup>38</sup> Available at [www.thaiforrefugees.org](http://www.thaiforrefugees.org) (last visited on May 1, 2019).

<sup>39</sup> Available at <https://asiafoundation.org/projects/women-lawyers-association-of-thailand/> (last visited on May 1, 2019).

<sup>40</sup> Available at <https://www.gaatw.org/about-us/history/127-membership/asia/464-ffw> (last visited on May 1, 2019).

<sup>41</sup> Available at <https://ilaw.or.th> (last visited on May 1, 2019).

<sup>42</sup> Available at <http://thaivolunteer.org> (last visited on May 1, 2019).

		<ul style="list-style-type: none"><li>• Rights in Exile Program, Thailand Pro Bono Directory;<sup>43</sup></li><li>• Foundation for Consumers, voluntary lawyers.<sup>44</sup></li></ul>
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<sup>43</sup> Available at <http://www.refugeelaidinformation.org/thailand-pro-bono-directory> (last visited on May 1, 2019).

<sup>44</sup> Available at <https://www.consumerthai.org/news-consumerthai/ffc-news/4147-ffc-voluntary-lawyer-application-announcement-1.html> (last visited on May 1, 2019).