

Pro Bono Practices and Opportunities in Turkey¹

I. Introduction

Pro bono legal services in Turkey might be considered a new concept especially in comparison with sophisticated and institutionalized pro bono programs in the United States and Continental Europe. Therefore, legal regulations or organizations in Turkey with regards to the provision of pro bono legal services are not well-established or sufficient to meet current needs. In particular, provisions in the Lawyer’s Act (detailed below) and the priorities of Turkish law firms still need to develop to make the provision of pro bono legal services in Turkey more common.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	In Turkish law, legal services provided by lawyers and the features and purpose of legal services rendered by lawyers are regulated by the Lawyers Act (Law No:1136) (<i>published in Official Gazette dated April 07,1969 numbered 1136</i>). ²
	2. Describe any licensure requirements governing the provision of legal services.	Pursuant to Article 9 of the Lawyers Act, a person who is accepted to be a lawyer shall be given a license which enables them to act as a lawyer. Acceptance as a lawyer is effective from the moment that the license is given. The acceptance conditions to be a lawyer are set forth in Article 3 of the Lawyers Act as follows: (i) to be a Turkish Citizen; (ii) to graduate from a Law Faculty in Turkey or graduate from foreign law faculty and successfully pass exams with regards to classes which have not taken according to education programs of Turkish law faculties; (iii) to complete a legal internship and obtain a document confirming completion of that internship; (iv) to have place of residence in the same region as the bar association to which the lawyer is to be registered; and (v) not to be in a condition which prevents that individual from being a lawyer according to the Lawyers Act. Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act. For more information on licensure requirements, please refer to the website of the Union Of Turkish Bar Association which is entitled to provide licenses to lawyers in Turkey. ³

¹ This chapter was drafted with the support of Bilinç Emiroğlu and Erdem Atilla of Pekin & Pekin.

² There is no official English translation of the Lawyers Act however, the Turkish version can be found at <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.1136.pdf> (last visited on May 1, 2019).

³ See <https://www.barobirlik.org.tr/en> (last visited on May 1, 2019).

(b)	Pro Bono Practice and Culture	
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules in Turkey that specifically regulate the provision of pro bono legal services by lawyers.</p> <p>However, as a general rule, Article 164/4 of the Lawyers Act provides that: (i) it is not possible to agree on a fee for legal services that is below the Minimum Attorney Fee Tariff; and (ii) if free legal services are provided for disputes, such services shall be notified to the Management Board of the Bar Association.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Turkey are not required by any rules to work a minimum number of pro bono hours.</p>
	<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p> <p>However, according to Article 4 of Union Of Turkish Bar Association Legal Aid Regulation (published in Official Gazette dated March 30, 2004 numbered 25418), Bar Associations may assign aspiring lawyers with temporary duties for educational purposes in Legal Aid Bureaus which provide state funded assistance to people who cannot afford attorney fee and other court expenses provided that they must prove their entitlement for legal aid.</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>As explained under II.(b).1 and 2 above, there are rules that specifically regulate any area of law for pro bono legal services in Turkey. Further to our research, there is no published official report or statistics with respect to pro bono legal services and/or unmet legal needs.</p> <p>That being said, women’s rights, children’s rights and disability rights are areas which present more opportunities for pro bono legal services since such areas widely affect people with low income in Turkey. In addition, refugees’ rights are another example of unmet legal needs in Turkey due to the number of people that have fled to Turkey in recent</p>

	<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>years in order to escape from Syrian Civil War.</p> <p>Although there are no main providers of pro bono legal services in Turkey which are regulated by law or established by government, there are several non-governmental organizations, universities and law firms establishing pro bono departments.</p> <p>The Istanbul Bilgi University Human Rights Center is one of the well-known institutions in Turkey providing pro bono legal services.⁴ In particular, The Istanbul Bilgi University Human Rights Center provides legal counselling for clients, drafts contracts and other legal documents for clients. It also conducts research in specific legal fields, as requested by its clients.</p>
<p>(c) Obstacles to Provision of Pro Bono Legal Services</p>		
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There is no separate license requirement for lawyers in Turkey for providing pro bono legal services. That said, pursuant to Article 3/a of the Lawyers Act, lawyers are required to obtain a license to act as a lawyer and be registered with a Bar Association in Turkey.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in Turkey. Since non-Turkish foreign-qualified lawyers are not permitted to be registered with a Bar Association, foreign-qualified lawyers may only provide pro bono legal services through their employer or in conjunction with a registered Turkish lawyer or foreign Attorney Partnership.</p> <p>Pursuant to Article 44/B of the Lawyers Act regulating Attorney Partnerships, foreign Attorney Partnerships (i.e. a partnership established by more than one attorney of non-Turkish citizenship or an assemblage of attorneys of Turkish and non-Turkish citizenship, within the framework of the legislation on incentives to foreign capital and on a reciprocal basis, in order to render consultancy services exclusively in the fields of foreign laws and international law) that meet the detailed criteria set out therein are permitted to provide legal advice</p>

⁴ See <https://insanhaklarimerkezi.bilgi.edu.tr/en/projects/24-ucretsiz-hukuki-destek-ag-pro-bono/> (last visited on May 1, 2019).

		<p>services (including pro bono legal services) in Turkey provided that such legal services only involve foreign laws and international law-related matters. This limitation applies both to Turkish lawyers and non-Turkish lawyers that work with the relevant foreign Attorney Partnership, including providing pro bono legal services.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.</p>
	<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers in Turkey do not require professional indemnity legal insurance cover for pro bono legal services.</p>
	<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Article 55 of the Lawyers Act prohibits lawyers from making any attempt or act that may be considered an “advertisement” in order to obtain “job opportunity”. Since soliciting activities might be deemed as “seeking/obtaining job opportunity”, both advertisement of pro bono legal services and soliciting pro bono clients may be within the prohibition set forth in the Article 55 of the Lawyers Act.</p> <p>Please see the answer given to question II.(a).1 to find the website link including the Lawyers Act.</p>
	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Turkey do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	<p>1. Describe any governmental sources of pro bono and/or other legal services in Turkey.</p>	<p>There are no governmental sources of pro bono and/or other pro bono legal services in Turkey.</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Turkey.</p>	<p>There is currently very limited non-governmental sources of pro bono and/or other pro bono resources in Turkey. However, The Istanbul Bilgi University Human Rights Center is one of the most successful</p>

		<p>non-governmental sources rendering pro bono legal services in Turkey.⁵</p> <p>Other non-governmental sources of pro bono and/or other pro bono resources in Turkey include:</p> <p><i>Mor Çatı Women’s Shelter Foundation</i> which provides pro bono legal services in respect of violence against women and provides psychological and legal services via volunteer experts and lawyers.⁶</p> <p><i>Youth Re-autonomy Foundation of Turkey</i> which provides pro bono legal services on re-integration of the children push to the crime into society.⁷</p> <p><i>Foundation for Children with Leukemia</i> which tries to create solutions for children with Leukemia and associated health problems.⁸</p>
	<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of legal pro bono opportunities.</p> <p>However, The Istanbul Bilgi University Human Rights Center is the most well-known organization in Turkey and may be able to provide further guidance on the types of pro bono opportunities that exist in Turkey from time to time.⁹</p>

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⁵ See <https://insanhaklarimerkezi.bilgi.edu.tr/en/projects/24-ucretsiz-hukuki-destek-ag-pro-bono/> (last visited on May 1, 2019).

⁶ See <https://www.morcati.org.tr/en/> (last visited on May 1, 2019).

⁷ See <http://www.tcyov.org/hakkimizda/> (last visited on May 1, 2019).

⁸ See <https://www.losev.org.tr/v2/en/default.asp> (last visited on May 1, 2019).

⁹ See <https://probono.bilgi.edu.tr/en/> (last visited on May 1, 2019).