

# A Survey of *Pro Bono* Practices and Opportunities in 71 Jurisdictions

# Prepared by Latham & Watkins LLP for the Pro Bono Institute

August 2012

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.

## **Contents**

Foreword	1
Disclaimer	2
Thanks	3
Pro Bono Practices and Opportunities in Angola	1
Pro Bono Practices and Opportunities in Argentina	4
Pro Bono Practices and Opportunities in Australia	8
Pro Bono Practices and Opportunities in Austria	16
Pro Bono Practices and Opportunities in Belgium	19
Pro Bono Practices and Opportunities in Brazil	23
Pro Bono Practices and Opportunities in Bulgaria	27
Pro Bono Practices and Opportunities in Canada	31
Pro Bono Practices and Opportunities in Chile	37
Pro Bono Practices and Opportunities in China	42
Pro Bono Practices and Opportunities in Colombia	47
Pro Bono Practices and Opportunities in the Czech Republic	51
Pro Bono Practices and Opportunities in Denmark	57
Pro Bono Practices and Opportunities in Egypt	62
Pro Bono Practices and Opportunities in England & Wales	65
Pro Bono Practices and Opportunities in Finland	72
Pro Bono Practices and Opportunities in France	76
Pro Bono Practices and Opportunities in Germany	82
Pro Bono Practices and Opportunities in Ghana	87
Pro Bono Practices and Opportunities in Greece	92
Pro Bono Practices and Opportunities in Hong Kong	97
Pro Bono Practices and Opportunities in Hungary	103
Pro Bono Practices and Opportunities in India	107
Pro Bono Practices and Opportunities in Indonesia	115
Pro Bono Practices and Opportunities in The Republic Of Ireland	122

Pro Bono Practices and Opportunities in Northern Ireland	127
Pro Bono Practices and Opportunities in Israel	132
Pro Bono Practices and Opportunities in Italy	139
Pro Bono Practices and Opportunities in Japan	144
Pro Bono Practices and Opportunities in Jordan	149
Pro Bono Practices and Opportunities in Kenya	155
Pro Bono Practices and Opportunities in Latvia	159
Pro Bono Practices and Opportunities in Liechtenstein	162
Pro Bono Practices and Opportunities in Lithuania	164
Pro Bono Practices and Opportunities in Luxembourg	168
Pro Bono Practices and Opportunities in Malta	173
Pro Bono Practices and Opportunities in Mexico	178
Pro Bono Practices and Opportunities in Montenegro	183
Pro Bono Practices and Opportunities in Morocco	188
Pro Bono Practices and Opportunities in the Netherlands	193
Pro Bono Practices and Opportunities in New Zealand	197
Pro Bono Practices and Opportunities in Nigeria	202
Pro Bono Practices and Opportunities in Norway	210
Pro Bono Practices and Opportunities in Pakistan	217
Pro Bono Practices and Opportunities in Paraguay	223
Pro Bono Practices and Opportunities in Peru	226
Pro Bono Practices and Opportunities in the Philippines	229
Pro Bono Practices and Opportunities in Poland	236
Pro Bono Practices and Opportunities in Portugal	241
Pro Bono Practices and Opportunities in Romania	247
Pro Bono Practices and Opportunities in the Russian Federation	258
Pro Bono Practices and Opportunities in Saudi Arabia	264
Pro Bono Practices and Opportunities in Scotland	267
Pro Rono Practices and Opportunities in Serbia	272

Pro Bono Practices and Opportunities in Singapore	281
Pro Bono Practices and Opportunities in Slovakia	287
Pro Bono Practices and Opportunities in Slovenia	291
Pro Bono Practices and Opportunities in South Africa	296
Pro Bono Practices and Opportunities in Spain	300
Pro Bono Practices and Opportunities in Sweden	304
Pro Bono Practices and Opportunities in Switzerland	309
Pro Bono Practices and Opportunities in Taiwan, R.O.C.	315
Pro Bono Practices and Opportunities in Thailand	320
Pro Bono Practices and Opportunities in Turkey	325
Pro Bono Practices and Opportunities in Uganda	331
Pro Bono Practices and Opportunities in Ukraine	337
Pro Bono Practices and Opportunities in the United Arab Emirates	342
Pro Bono Practices and Opportunities in The United States of America	346
Pro Bono Practices and Opportunities in Uruguay	354
Pro Bono Practices and Opportunities in Venezuela	358
Pro Bono Practices and Opportunities in International Law	360
Legal Professional Privilege in the European Union	366



#### **FOREWORD**

This Survey of *Pro Bono* Practices and Opportunities in 71 Jurisdictions goes back to an initiative of the Pro Bono Institute and Latham & Watkins to make information about global *pro bono* legal services accessible. The first edition of the survey published in 2005 covered 11 jurisdictions, mostly in Europe. The 2012 edition covers over 70 jurisdictions in Europe, Asia and the Pacific region, the Americas, Africa and the Middle East. As the interest in global *pro bono* has grown, and this survey with it, the conversation about global and international *pro bono* has shifted. Whereas the focus just a few years ago was on issues of permissibility and compatibility with the local legal system, the focus today is decidedly practical: *pro bono* has gained in acceptance and the question is how, not whether, *pro bono* representations can be undertaken. The developments have been profound and exciting.

The survey is part of an ongoing effort, shared by many law firms, organizations and corporate legal departments, to promote and stimulate the growth of *pro bono* representation globally and in international settings. Its purpose is to serve as an introductory resource for law firms, private practitioners, in-house lawyers and NGOs seeking to engage or learn more about the culture and provision of *pro bono* in their own or other countries. The chapters describe, for each jurisdiction, what access-to-justice or publicly funded legal aid programs exist, what unmet needs for legal representation remain, what perceptions or culture shape the discussion of *pro bono*, and what professional-conduct laws and rules provide the framework for *pro bono* representation.

In 2012, lawyers from Latham & Watkins' 30 offices around the globe have updated all prior chapters and added chapters covering nearly 30 new jurisdictions. We consider the survey to be a work in progress and welcome your feedback and comments to help us improve future versions (please direct your requests to: Gianni.DeStefano@lw.com). While we have worked, to the extent possible, with local counsel and NGOs to provide information that is both current and accurate, we note that the situation in many of the jurisdictions is fluid, and that errors and omissions are unavoidable. The survey is therefore a work in progress in this sense as well and we invite your comments.

We owe a debt of gratitude to Esther Lardent and Tammy Taylor of the Pro Bono Institute, with whom we have collaborated on this project. The survey is the effort of a large team, involving not only many lawyers at Latham & Watkins, but also local law firms and practitioners, in-house lawyers and NGOs around the globe. We are grateful for their contributions and their time.

August 2012

Gianni De Stefano and Wendy Atrokhov



#### DISCLAIMER

The information contained in this survey is provided for general informational purposes only and does not constitute legal advice. These materials are intended, but not promised or guaranteed, to be current, correct, complete, or up-to-date. Transmission of the information is not intended to create, and the receipt does not constitute, an attorney-client relationship between sender and receiver. No user of this information should act or refrain from acting on the basis of information contained herein without seeking legal advice from counsel in the relevant jurisdiction.

This survey contains many hyperlinks to resources on the Internet. These Internet sites are not under the control of Latham & Watkins and the Pro Bono Institute and Latham & Watkins and the Pro Bono Institute are not responsible for the contents of any Internet site or any link contained on such site. These links are provided as a convenience to help you identify and locate Internet resources that may be of interest, and the inclusion of any hyperlink does not imply recommendation, approval or endorsement by Latham & Watkins or the Pro Bono Institute of the site.



#### **THANKS**

## The Pro Bono Institute and Latham & Watkins would like to thank the following contributors to this survey:

NGOs: Canadian Bar Association (Canada) – Free Legal Advice Centres (UK) – MANS (Montenegro) – Mizan Law Group for Human Rights (Jordan) – the Peace Institute (Slovenia) – PILnet (China) – ProVene foundation (Uruguay) – Public Interest Alliance Centre (Ireland) – Public Interest Law Clearing House of Victoria (Australia) – Red Pro Bono (Mexico)

Local counsels: AF Mpanga Advocates (Uganda) – ALMT Legal (India) – Altenburger (Switzerland) – Amna Akbar (Pakistan) – Vincent Berger (International) – Bech-Bruun (Denmark) – M. & M. Bomchil (Argentina) – Cariola Diez Perez-Cotapo (Chile) – Delphi (Sweden) – Dittmar & Indrenius (Finland) – Echecopar (Peru) – Ferrere (Paraguay) – Gómez Pinzón Zuleta Abogados (Colombia) – Maria Khan (Pakistan) – Kinstellar (Czech Republic, Slovakia, Serbia) – Luthra & Luthra Law Offices (India) – Mannheimer Swartling (Sweden) – Marxer & Partner Rechtsanwälte (Liechtenstein) – McCarthy Tétrault LLP (Canada) – MMAKS Advocates (Uganda) – Morais Leitão, Galvão Teles, Soares da Silva (Portugal) – Picón Seguros y Servicios Financieros (Uruguay) – Naureen Shah (Pakistan) – Shalakany Law Office (Egypt) – Sharkawy & Sarhan (Egypt) – Sorainen (Latvia) – Stibbe (Belgium, Luxembourg, the Netherlands) – Szecskay Attorneys at Law (Hungary) – Tilleke & Gibbins (Thailand) – Zammit & Associates (Malta)

**Inhouse counsels**: Hewlett-Packard Company – Merck & Co., Inc. – Microsoft Corporation – Reed Elsevier – Synergenta AG

The staff and attorneys from the 30 offices of Latham & Watkins LLP: Rose Adams - Christian Adams -Aziz Ahmad – Salman Al-Sudairi – Héctor Armengod – Wendy Atrokhov – Marina Babanskaya – Sarah Barr – Saliha Bardasi - Emanuela Basso Petrino - Rebecca Brandt - Jeffrey Boerneke - Vitaly Borishan - Isabel Borrero – Euler Bropleh – Whitney Bruder – Jennifer Casler-Goncalves – Drew Capurro – Claire-Marie Carrega - Gianni De Stefano - Manuel Deo - Antonio Distefano - Ignacio Dominguez - Ekin Akar - Tim Fourteau -Yuan Gao - Davide Gianni - Sarah Greenfield - Alice Guerin - Marc Hansen - Robert Hardy - Carol Hennessey - Kate Hillier - Karen Hodys - James Holloway - Victoria Honey Kachel - Dagmara Jastrzebska -Andrew Jefferson - Shannon Jensen - Angeles Jimenez Garcia-Carriazo - Jimena Jorro - Dhiraj Joseph -Tomohiko Kamimura – Susan Kennedy – Marianna Kinsella – Jörn Kowalewski – Tobias Kruis – Eleanor Sin Chee Lam - Shannon Lankenau - Elizabeth Lawnicki - Alexander Lazar - Jae Lemin - Candy Mak - Erin Matas - Gregor MacDonald - Clemence Mace de Gastines - Melissa Magner - Javier Marti-Fluxa - Deeptha Mathavan - Andrew McCormick - Malorie Medellin - Antonio Morales - Rita Motta - Maree Myerscough -Juan de Navasques - Kevin Nieland - Bairta Ochirova - Ignacio Pallares - Alexandra Panaite - Raluca Papadima – James Parkin – Elitza Petrova – Claudia Piu – Brian Pong – Olga Ponomarenko – Natalie Prescott – Leen Qablawi - Abid Qureshi - Roberto Reyes Gaskin - Federica Richiardone - Howard Rosenblatt - Andrew Samuel - Styliani Sarma - Suzana Sava-Montanari - Kai Schneider - Marlena Schultz - Andreas Scordamaglia-Tousis - Michael Seringhaus - Hendrik Smit - Stephanie Song - Ibrahim Soumrany - Aaron Summer – Wally Suphap – Taiga Takahashi – Marta Talarek – Michael Tardif – Alana Tart – Sylvia Taylor – Blake Tierney - Ioanna Varvoulia - Lilia Vazova - Chris Wood - Suhad Yazbak - Alex Ye - Eric Yiu

Last, but not least, each individual, both in law firms and legal departments, active in *pro bono* representations to address the unmet legal needs of those with limited means.





#### **PRO BONO PRACTICES AND OPPORTUNITIES IN SINGAPORE**

This chapter discusses the judicial system and the laws and regulations governing the provision of free legal services in the Republic of Singapore ("Singapore"), as well as pro bono opportunities available to international law firms in Singapore.

#### THE SINGAPOREAN LEGAL PROFESSION AND JUDICIAL SYSTEM

## The Legal Profession In Singapore And The Regulation Of Pro Bono Legal Services

There are currently approximately 3,800 Singapore law qualified lawyers with a practicing certificate in Singapore. This figure does not include local lawyers without a current practicing certificate or foreign qualified lawyers (whether working in private practice, in-house or nonlegal roles) for which data is not available. According to statistics provided by The Law Society of Singapore, as of August 31, 2011, there were over 800 law practices in Singapore, more than 700 of which comprised between one to five lawyers.<sup>3</sup> As of August 31, 2011, there were 17 law practices in Singapore that comprised more than 31 lawyers.

Singapore has two law schools that offer a law degree that is recognized under the Legal Profession Act for legal practice in Singapore. 5 Prior to the establishment of law schools in Singapore, lawyers in Singapore were typically educated in the United Kingdom. <sup>6</sup> As a result, there are 19 institutions within the United Kingdom that confer degrees on their graduates that are officially recognized under the Legal Profession Act, thus enabling their graduates to meet the educational requirement to sit for the Singapore Bar.<sup>7</sup>

Lawyers in Singapore are regulated under the Legal Profession Act.<sup>8</sup> Among other things, this Act constitutes the Law Society of Singapore (the "Law Society") and amends and consolidates the law relating to the legal profession. There is no mandatory obligation under Singapore legal professional rules or legislation to provide pro bono services in Singapore. In addition, there are no specific professional conduct laws and rules applicable to pro bono representation. The general Legal Profession (Professional Conduct) Rules under the Legal Profession Act, Chapter 161 of Singapore, remain applicable to lawyers undertaking pro bono representation.

#### B. The Singaporean Judicial System

The Singapore judicial system is comprised of two tiers: the Supreme Court and the Subordinate Courts. The Supreme Court is constituted by the Court of Appeal and the High Court. 11 The Court of Appeal is the highest appellate court in Singapore. The High Court exercises original and appellate jurisdiction in civil and criminal cases, hearing both cases in the first instance, as well as cases on appeal from the Subordinate Courts. The Subordinate Courts consist of the District Courts and

For a discussion of opportunities available in public international law more generally, see, e.g., Richard J. Ferris, Jr., et.al., Directory of Pro Bono Opportunities in International Law (2004),

http://www.law.georgetown.edu/graduate/documents/InternationalDCProBono.pdf.

See Profile of Practitioners of The Law Society of Singapore Annual Report 2011, p. 37, available at http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf versionv3.pdf

<sup>3</sup> See THE LAW SOCIETY OF SINGAPORE, General Statistics, available at http://www.lawsociety.org.sg/about/genStatistic.aspx.

<sup>4</sup> Id

<sup>5</sup> See MINISTRY OF LAW - RELEVANT LEGISLATION, Legal Profession Act, Legal Profession (Qualified Persons) Rules, available at http://app2.mlaw.gov.sg/UsefulInfo/PracticeoflawinSingapore/RelevantLegislation/tabid/279/Default.aspx.

See Tan Cheng Han, Legal Education in ASEAN, available at http://aseanlawassociation.org/9GAdocs/w2 Singapore.pdf.

See MINISTRY OF LAW – RELEVANT LEGISLATION, supra n.5.

See the Legal Professional Act, available at http://www.agc.gov.sg/lps/docs/Legal Profession Act.pdf.

The Law Society of Singapore was established in 1967 and is a not-for-profit corporate established under the Legal Profession Act. The Pro Bono Services Office is the administrative arm of the Law Society of Singapore's charity, the Law Society of Singapore, Pro Bono, Learning and Support Services. See Law Society of Singapore Annual Report 2011, available at http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf versionv3.pdf.

See the Legal Profession (Professional Conduct) Rules under the Legal Profession Act, ch. 161 of Singapore, available at http://www.lawsociety.org.sg/public/you\_and\_your\_lawyer/pdf/Professional\_Conduct\_Rules%20(08072010).pdf, which state that the rules are generally applicable to "every advocate and solicitor who has in force a practicing certificate," and would therefore be applicable in the context of a *pro bono* representation.

See Supreme Court of Singapore, available at <a href="http://app.supremecourt.gov.sg/default.aspx?pgID=43">http://app.supremecourt.gov.sg/default.aspx?pgID=43</a>.



Magistrates' Courts as well as specialized courts such as the Juvenile Court, the Family Court, the Traffic Court, the Night Courts, <sup>12</sup> the Coroner's Courts <sup>13</sup> and the Small Claims Tribunal.

In 2009, the Supreme Court heard a total of 14,817<sup>14</sup> civil and criminal matters, whereas the Subordinate Courts heard a total of 371,997<sup>15</sup> civil and criminal matters. As these statistics reveal, the bulk of civil and criminal cases originate in the Subordinate Courts. While the High Court has original jurisdiction in all cases, it generally only deals with civil matters where the value of the subject matter of the claim exceeds S\$250,000 (the general pecuniary jurisdictional limit for Subordinate Courts) and criminal matters where the punishment involves the death penalty or more than 10 years of imprisonment. 16 Consequently, the greatest need for *pro bono* assistance arises at the level of the Subordinate Courts.

#### II. LEGAL AID, PRO BONO OPPORTUNITIES AND OTHER CONSIDERATIONS

## The Right To Counsel In Singapore

The Constitution of Singapore provides Singapore citizens and non-Singapore citizens the right "to consult and be defended by" counsel of their choice upon their arrest. 17 While such right to counsel is entrenched in the Singapore Constitution, the application of this constitutional right has been limited by legislation and judicial decision. For instance, the Criminal Procedure Code provides that the protection applies only when an accused person has been brought before a court (not prior to the accused person's appearance at court). In addition, the High Court has held that there is no right to be informed of the right to legal counsel. Without any requirement on the arresting authority to inform an accused person of their right to legal counsel, a person in Singapore may be questioned, interrogated and held in (pre-trial) custody prior to having knowledge of the right to legal counsel in Singapore.

## Legal Aid In Singapore And *Pro Bono* Opportunities

Various legal aid schemes are available in Singapore. The criminal legal aid schemes are comprised primarily of The Supreme Court Legal Assistance Scheme for Capital Offences (the "LASCO"), a scheme administered by the Supreme Court, and the Criminal Legal Aid Scheme (the "CLAS"), a scheme administered by the Pro Bono Services Office of the Law Society. The LASCO seeks to provide legal representation to defendants facing capital charges in the High Court. Any defendant who is charged with a capital offense is eligible for legal assistance under the scheme. There is no means or merit test to satisfy. Approximately 90% of all capital cases before the High Court are defended by LASCO counsel and the remaining cases are defended either by paid counsel or by counsel from other *pro bono* schemes (e.g.,the CLAS). Any lawyer seeking to participate in the LASCO must be on the

See THE SUBORDINATE COURTS OF SINGAPORE, available at http://app.subcourts.gov.sg/criminal/page.aspx?pageid=3980. The Night Courts function for the convenience of the working public who would otherwise have to take time off from work in order to attend court. The operating hours are from 6:00 p.m. onwards on Mondays to Fridays. There are two Night Courts, each hearing a specific profile of cases. One deals with summonses and notices issued by the various government departments, while the other deals primarily with road traffic offenses brought to court by the traffic police and regulatory offenses brought to court by the Land Transport Authority.

See THE SUBORDINATE COURTS OF SINGAPORE, supra n.12. The Coroner's Court deals with cases that are classified by the police as Coroner's cases. The Coroner's Court will hold an inquiry when there is reason to suspect that a person has died in a sudden or unnatural manner, by violence, when the cause of death is unknown and in situations where the law requires an

See 2009 Annual Report of the Supreme Court of Singapore, available at http://app.supremecourt.gov.sg/data/doc/ManagePage/44/AnnualRpt2009/workloadStatistics.html.

<sup>15</sup> 

<sup>16</sup> See Supreme Court of Singapore, supra n.11.

See SINGAPORE CONST. art. 9(3),1963. The text of the Constitution of Singapore is available at the Attorney-General's Chambers - Singapore, homepage, http://statutes.agc.gov.sg.

See § Section 236. Right of Accused Person to be Defended. Criminal Procedure Code 2010 (No. 15 of 2010): "Every accused person before any court may of right be defended by an advocate." The full text of the Criminal Procedure Code is available at the Attorney-General's Chambers – Singapore, homepage, http://statutes.agc.gov.sg.

See Michael Hor, Singapore's Innovations to Due Process, citing Rajeevan Edakalavan v. PP, [1998], available at http://www.isrcl.org/Papers/Hor.pdf.

SEE LEGAL ASSISTANCE SCHEME FOR CAPITAL OFFENCES, available at <a href="http://app.supremecourt.gov.sg/default.aspx?pgID=84">http://app.supremecourt.gov.sg/default.aspx?pgID=84</a>.

SEE FACTSHEET ON THE LEGAL ASSISTANCE SCHEME FOR CAPITAL OFFENCES, available at http://app.supremecourt.gov.sg/data/doc/ManagePage/84/LASCO%20Media%20Release 20%20May%202011.pdf.



Supreme Court's Register of Counsel and qualified to practice in Singapore. In addition, to apply to the Supreme Court's Register of Counsel, a lawyer must be in good standing and reputation and have a certain level of experience in criminal trials.<sup>22</sup>

The CLAS seeks to provide free legal counsel to impecunious persons in Singapore who are claiming innocence to noncapital criminal charges.<sup>23</sup> The CLAS does not limit its representation on the basis of citizenship or residency, but does require that potential clients satisfy a means test.<sup>24</sup> The CLAS is funded through a combination of public fundraising events, government funding and donations from individual lawyers. If an application for CLAS legal aid is granted, the applicant will be assigned a Singapore law qualified volunteer lawyer (usually a criminal lawyer in private practice who is volunteering their services)<sup>25</sup> to handle their case. A recipient of legal aid under the CLAS will not be charged for legal advice or representation in court, but the volunteer lawyer may request reimbursement for out-of-pocket expenses.<sup>26</sup> Although actual representation of the accused in court is limited to volunteers who are admitted to practice law in Singapore, there are volunteer opportunities with the CLAS for non-Singaporean qualified lawyers. For example, non-Singaporean qualified lawyers may conduct screening interviews of the applicants and recommend whether applicants should be granted or denied criminal legal assistance on the basis of the various eligibility criteria.

The government-funded Legal Aid Bureau (the "LAB") is the agency of the Ministry of Law responsible for administering legal aid for civil matters in Singapore.<sup>27</sup> The subject matter of cases within the LAB's mandate include divorce, adoptions, claims for maintenance, custody of children, separation, wrongful dismissals, tenancy disputes, monetary claims, motor and industrial accident claims and estate matters. The legal assistance provided by the LAB extends to legal advice, legal documentation drafting and representation in court proceedings. To be eligible for legal aid, the applicant must (i) be a Singapore citizen or permanent resident in Singapore, (ii) satisfy a means test.<sup>28</sup> and (iii) satisfy a merits test.<sup>29</sup> Approved cases are handled by LAB in-house lawyers,<sup>30</sup> as well as volunteer private lawyers. The legal aid provided by the LAB is not free, and a recipient of legal aid may be required to pay a contribution towards the costs of work done on their case.<sup>31</sup> This required contribution will be determined by factoring the financial means of the recipient, the nature of the case, the amount of work done and the amount of money recovered for the recipient. Most volunteer opportunities with the LAB are open only to Singapore-qualified attorneys. However, non-Singapore

See The Law Society of Singapore, 22-23 Pro Bono Guide, available at <a href="http://www.lawsociety.org.sg/probono/pdf/probonoguide.pdf">http://www.lawsociety.org.sg/probono/pdf/probonoguide.pdf</a>.

23 See CRIMINAL LEGAL AID SCHEME, homepage, available at http://www.lawsociety.org.sg/public/you and the law/criminal legal aid scheme.aspx.

Generally, the means test requires that the applicant have an income not greater than S\$1,300 per month for single applicants and S\$1,700 per month for married applicants, with additional allowances for dependents. Note that the mean monthly earnings of an average Singaporean was S\$4,334 per month for 2011, according to the Ministry of Manpower of Singapore. See MINISTRY OF MANPOWER homepage on income statistics, available at

http://www.mom.gov.sg/statistics-publications/national-labour-market-information/statistics/Pages/earnings-wages.aspx.

As of July 2011, CLAS has 306 registered volunteer lawyers. See The Law Society of Singapore Annual Report 2011, available at http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf versionv3.pdf

Between Sep. 2010 and Jul. 2011, 902 applications for legal aid were received by the CLAS and legal aid was granted to 223 applicants. See The Law Society of Singapore Annual Report 2011, available at http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf versionv3.pdf.

The LAB was established in 1958 under the Legal Aid and Advice Act (Cap 160). The text of the Legal Aid and Advice is available at the Attorney-General's Chambers – Singapore, *homepage*, <a href="http://statutes.agc.gov.sg">http://statutes.agc.gov.sg</a>. The LAB is governed by the Legal Aid and Advice Regulations (rev. ed. 1996).

The Means Test is determined by § 8(2)(b) of the Legal Aid and Advice Act. An applicant must have a disposable income not in excess of S\$10,000 (with some allowable deductions) and disposable capital not in excess of S\$10,000). See LEGAL AID BUREAU website, available at <a href="http://app2.lab.gov.sg/ApplyingforLegalAid/WhatistheMeansTest/tabid/346/Default.aspx">http://app2.lab.gov.sg/ApplyingforLegalAid/WhatistheMeansTest/tabid/346/Default.aspx</a>.

The Merits Test is determined pursuant to § 8(2)(a) of the Legal Aid and Advice Act. An applicant must have reasonable grounds for taking, defending, continuing or being a party to the proceedings for which they are seeking legal aid. See LEGAL AID BUREAU website, available at <a href="http://app2.lab.gov.sg/ApplyingforLegalAid/WhatistheMeritsTest/tabid/347/Default.aspx">http://app2.lab.gov.sg/ApplyingforLegalAid/WhatistheMeritsTest/tabid/347/Default.aspx</a>. The Legal Aid Bureau reserves the right to extend legal aid, at the Director of Legal Aid's absolute discretion, to an applicant who fails the Means Test but is facing "hardship" and passes the Merits Test. See The Legal Aid and Advice Act Second Schedule ¶¶ 5 and 7.

There are currently approximately 12 staff lawyers.

See The Legal Aid and Advice Act § 9(1). Usually, the required contribution does not exceed \$750. See THE LEGAL AID BUREAU website, available at <a href="http://app2.lab.gov.sg/LegalAidScheme/Islegalaidfree/tabid/352/Default.aspx">http://app2.lab.gov.sg/LegalAidScheme/Islegalaidfree/tabid/352/Default.aspx</a>.



qualified lawyers may volunteer with the LAB by assisting with certain out-of-court tasks, such as interviewing applicants, drafting legal opinions and court documents and conducing legal research.<sup>32</sup>

In addition to the LASCO, the CLAS and the LAB, the Law Society, as well as a variety of nongovernmental organizations ("NGOs"), administers a host of legal aid programs in Singapore. The Law Society runs community legal clinics (the "Legal Clinics") at two locations, four nights per week (other than on public holidays and the eve of public holidays). The Legal Clinics provide free legal advice to Singaporean citizens and permanent residents on individual nonbusiness matters. Volunteering at the Legal Clinics is limited to Singapore qualified lawyers. Pursuant to the Project Law Help scheme, the Law Society coordinates the provision of free nonlitigation commercial legal advice to qualifying NGOs. To qualify for Project Law Help, an NGO must be present in Singapore, seek to address a community need and have limited financial resources. The Law Society pairs qualifying organizations with participating law firms. To participate in the Project Law Help scheme, law firms must have a Singapore law corporate practice.

A variety of NGOs also administer legal aid programs in Singapore. The Association of Criminal Lawyers of Singapore has a *pro bono* scheme that offers representation to defendants in certain cases before the Community Court. To volunteer in this scheme, an attorney must be qualified to practice Singapore law. Many NGOs, such as the Association of Women for Action and Research, the Catholic Lawyers Guild, Jamiyah (Muslim Missionary Society of Singapore), Lawyers' Christian Fellowship, the Singapore Association of Women Lawyers, the Singapore Council of Women's Organisations, the Special Needs Trust Company and the Humanitarian Organization for Migration Economics, run legal clinics on a regular basis or legal helpdesks. To participate in these legal clinics, a lawyer must be a member of the organization hosting the clinic, which may limit the pool of volunteers on religious or gender grounds. For example, the Catholic Lawyers Guild is open only to lawyers of the Catholic faith and the Singapore Association of Women Lawyers is open only to female lawyers and law students. In addition, as many of the clinics seek to address local law issues, most require volunteer lawyers to be qualified to practice in Singapore.

The Kind Exchange is a platform that matches professionals (including, but not limited to, legal professionals) with community organizations seeking assistance with project-based tasks. Participating groups post tasks they need on The Kind Exchange and interested volunteers may respond to the posting and execute the posted task for free. There are often *pro bono* opportunities for attorneys on The Kind Exchange. The Joint International *Pro Bono* Committee (the "JIPBC") seeks to provide international and local law firms with *pro bono* projects that facilitate the economic or social development of emerging markets. JIPBC is an initiative between a group of international and local law firms and the Law Society. For The Kind Exchange and JIPBC, lawyers do not need to be Singapore qualified to volunteer. However, given that the tasks are nonlitigation based tasks, participating attorneys ideally should have familiarity with transactional or corporate legal work.

## C. Pro Bono Culture And Trends

The Singapore legal community has an important tradition of rendering *pro bono* work. While there have been no proposed increases or decreases in legal aid funding by the Singapore government, efforts are being made to increase participation in *pro bono* legal services by the legal community in Singapore. In 2006, the Law Society recommended that every Singapore qualified lawyer commit at least 25 hours of *pro bono* work per year. Certain Singapore law firms have entered into agreements

See THE LAW SOCIETY OF SINGAPORE, Pro Bono Guide, 11-18, 36-37, available at <a href="http://www.lawsociety.org.sg/probono/pdf/probonoguide.pdf">http://www.lawsociety.org.sg/probono/pdf/probonoguide.pdf</a>.

<sup>&</sup>lt;sup>33</sup> *Id.* at 29.

<sup>&</sup>lt;sup>34</sup> *Id*.

<sup>&</sup>lt;sup>35</sup> *Id*.

<sup>&</sup>lt;sup>36</sup> *Id.* at 40.

<sup>37</sup> *Id.* at 10, 42.

<sup>&</sup>lt;sup>38</sup> *Id.* at 26, 39.

<sup>&</sup>lt;sup>39</sup> *Id.* at 25, 38.

<sup>40</sup> *Id*.at 30-35.

<sup>41</sup> See The Kind Exchange, homepage, available at http://www.thekindexchange.com/.

See THE LAW SOCIETY OF SINGAPORE, supra n.32 at 27, 29.



with the *Pro Bono* Services Office of the Law Society to commit to such a target.<sup>43</sup> A Law Society generated survey indicates that the total number of *pro bono* hours declared by Singapore qualified lawyers increased by 25% from 2010 to 2009.<sup>44</sup> The *Pro Bono* Services Office is also actively encouraging participation by non-Singapore qualified lawyers by meeting with international firms and reaching out to in-house counsel, retired lawyers and legally qualified persons not working in the legal industry to promote the *pro bono* volunteer opportunities available in Singapore.

The drive to expand awareness of *pro bono* services has not been confined to practitioners. In January 2012, the Chief Justice of Singapore, Chan Sek Keong, announced that Singapore law schools will pilot mandatory *pro bono* programmes <sup>45</sup> for undergraduate law students in collaboration with Singapore's two law schools and the Singapore Institute of Legal Education, the body which oversees professional legal training before and after qualification. While the detailed requirements for such programmes are still being developed (both as to the scope and hours requirements), trial programmes have already commenced. With these recent developments initiated by the Singapore legal community, recognition and infrastructural support for *pro bono* services has accelerated and appears poised for further growth in the near future.

#### D. Barriers To *Pro Bono* Work And Other Considerations

While there is a great need for legal aid in Singapore, admission to practice law in Singapore is often a requirement to volunteer in the various initiatives providing legal aid to individuals in Singapore. As described in paragraph II.B. above, the vast majority of the legal aid schemes administered by the government of Singapore, the Law Society and NGOs in Singapore require volunteers to be qualified to practice in Singapore.

In addition, many volunteer lawyers have indicated that a language barrier often impedes their provision of legal aid. While English is the most widely spoken language in Singapore, many Singaporeans do not speak English well. Besides English, the languages commonly spoken in Singapore include Mandarin, Hokkien, Malay, and Tamil.

Lawyers in Singapore are not required to charge VAT on services that they provide for free and local regulations do not require lawyers to charge minimum tariffs.

### E. Pro Bono Resources

As described above, there are many organizations and agencies in Singapore actively working to provide or coordinate the provision of *pro bono* legal services. The web addresses for several of such agencies or organizations in Singapore are listed below:

- The LAB: http://app2.lab.gov.sg/
- The LASCO: <a href="http://app.supremecourt.gov.sg/default.aspx?pgID=84">http://app.supremecourt.gov.sg/default.aspx?pgID=84</a>
- The Law Society: <a href="http://www.lawsociety.org.sg/">http://www.lawsociety.org.sg/</a>
- The Association of Women for Action and Research: http://www.aware.org.sg/
- The Singapore Council of Women's Organisations: http://www.scwo.org.sg/
- The Special Needs Trust Company: <a href="http://www.sntc.org.sg/">http://www.sntc.org.sg/</a>
- List of free legal clinics in Singapore: <a href="http://legalclinics.sg/index.php?showall=1">http://legalclinics.sg/index.php?showall=1</a>

\_

Law firm to support pro bono work for underprivileged, Straits Times, Mar. 21, 2012.

The total number of declared *pro bono* hours was 45,094 hours compared to 35,634 in 2009. *See* THE LAW SOCIETY OF SINGAPORE ANNUAL REPORT 2011 101, *available at* <a href="http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf">http://probono.lawsociety.org.sg/Documents/Annual-Report-2011-(V6111027)pdf</a> versionv3.pdf.

Bruce Lasky and Sarah Shi, *Another step forward in developing pro bono culture in Singapore, available at* <a href="http://www.smu.edu.sg/news\_room/smu\_highlights/2012/20120412.asp">http://www.smu.edu.sg/news\_room/smu\_highlights/2012/20120412.asp</a>.

See SMU School of Law's Pro Bono & Community, homepage, available at <a href="http://www.law.smu.edu.sg/blaw/cs\_pro\_bono.asp">http://www.law.smu.edu.sg/blaw/cs\_pro\_bono.asp</a>.

See THE LAW SOCIETY OF SINGAPORE, supra n.32 at 23, 37.



### III. CONCLUSION

Singapore has a relatively narrow legislative and judicial framework for legal aid. Nonetheless, the local legal community is increasingly emphasizing the importance of *pro bono* work and the *pro bono* opportunities available to lawyers in Singapore have been growing steadily. As a result of the efforts of the Law Society and local NGOs, many of the gaps left by the government-funded legal aid schemes are being filled. Consequently, any lawyer interested in participating in the *pro bono* community in Singapore should contact the *Pro Bono* Services Office of the Law Society as an initial step.

September 2012

Pro bono Practices and Opportunities in Singapore

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.