

Pro Bono Practices and Opportunities in Azerbaijan¹

I. Introduction

Azerbaijan has a population of approximately 9,990,180 individuals whose legal needs are served by lawyers and advocates. Lawyers and advocates can both provide legal services in Azerbaijan but only advocates can represent clients in court proceedings. There are approximately 1,500² members of the Bar Association of Azerbaijan (the “**Bar**”) (referred to as “advocates”). The number of advocates practicing in the capital, City of Baku, is 1,110 with the remaining 390 practicing in Azerbaijan’s other regions; approximately 250 advocates practice as independent lawyers with the remaining majority associated with advocate bureaus (i.e. law firms). There are 27 law firms in Baku and a further 15 in the regions. Advocates are obliged to provide legal aid (legal services provided at a low rate and reimbursed by the state) to assist those who are unable to afford a lawyer subject to relevant requirements³. However, lawyers (including advocates) in Azerbaijan are not obliged to provide, or report on, pro bono legal services and, as of today, no pro bono programs have been set up by Azerbaijani law firms or corporate legal departments. Pro bono legal services are therefore rarely provided by lawyers in Azerbaijan. In addition, the remoteness of many towns from Baku raises challenges regarding quality control in the absence of regional or local pro bono centers.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	There are no specific rules or requirements for the provision of legal services (including pro bono legal services) in Azerbaijan. However, whether providing paid legal services or pro bono legal services, advocates are required to improve their qualifications and undergo applicable training and educational programs such as advocacy skills.
	2. Describe any licensure requirements governing the provision of legal services.	Azerbaijani law does not require lawyers to obtain a license to practice law. If, however, legal services relate to the representation of a client in court, such as the Supreme Court of Azerbaijan,) then a lawyer must pass an exam to become a member of the Bar (i.e. an advocate). ⁴ Such requirement was introduced by the Law on Amendment to the Code of Civil Procedures No 853-VQD dated 31 October 2017 related to the representation of legal entities and individuals in the courts of Azerbaijan. This amendment also provides that legal entities can be represented in courts by advocates or their employees, whereas

¹ This chapter was drafted with the support of Natavan Baghirova of BM Morrison Partners.

² See <http://barassociation.az/en/azecollegium> (last visited on May 1, 2019).

³ Article 20 of Law No 783-IQ, dated 28 December 1999, “On Advocates and Activities of Advocates” (“Law on Advocacy”) (<http://www.e-qanun.az/framework/257>) (last visited on May 1, 2019).

⁴ See <http://barassociation.az/en/recruitment> (last visited on May 1, 2019).

		individuals can be represented by advocates or their close relatives. ⁵
(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.	<ul style="list-style-type: none"> Please see item II.(a).1 above.
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	In the absence of any such rules, lawyers in Azerbaijan are not required to work a minimum of pro bono hours.
	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 Azerbaijan are not required to complete a minimum number of hours of pro bono legal services in order to become lawyers or advocates.
	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>In accordance with Article 67 of the Civil Procedure Code, any person who is unable, due to their financial position, to hire a lawyer at their own expense are entitled to legal assistance free of charge (whether by the provision of pro bono legal services or the grant of legal aid).</p> <p>Pro bono services can be offered in every area of law including criminal, administrative and civil. However, pro bono legal services are usually provided to select low-income segments of the population.</p> <p>In accordance with Article 193.2 of the Criminal Procedure Code, any person who is unable, due to their financial position, to hire a lawyer at their own expense is granted legal aid by the state so in practice pro bono legal services are not usually offered in connection with criminal law matters but are still technically available.</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?	<ul style="list-style-type: none"> The main providers of pro bono legal services in Azerbaijan are NGOs and universities, such as the Baku State University faculty of law.

⁵ See <http://e-qanun.az/framework/36866> (last visited on May 1, 2019).

		Otherwise, pro bono legal services are provided by independent lawyers on a voluntary basis.
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	As noted above, Azerbaijani law does not require lawyers to obtain a license to practice law (and therefore to provide pro bono legal services). If, however, legal services relate to the representation of a client in court proceedings, then a lawyer must be a member of Bar and pass an exam for that purpose.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Pursuant to the Law on Advocacy, the provision of legal services (including pro bono legal services) by foreign-qualified lawyers in Azerbaijan is limited exclusively to advice and opinions on the application of the laws of the state in which such lawyers are qualified to practice, or rules relating to international law. Foreign-qualified lawyers are allowed to participate in civil cases, criminal cases, administrative and economic disputes and administrative violations where permitted by an international treaty ratified by Azerbaijan. ⁶
	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 professional indemnity legal insurance relevant to the provision of pro bono legal services in Azerbaijan. However, under Article 16.2 of the Law on Advocacy, Azerbaijani law requires that each lawyer creates a safety bank account and credit 2% of their monthly income into such account. The funds from such account are used to satisfy the claims of clients relating to damages suffered in connection with the provision of legal services (including pro bono legal services).
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Azerbaijan that prohibit advertising of pro bono successes or soliciting new pro bono clients.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	There are no specific rules or requirements for the provision of pro bono legal services as part of a lawyer’s continuing professional development in Azerbaijan. Accordingly, there is no “Continuing Legal Education” or equivalent credit for pro bono hours worked, however advocates are required to improve their qualifications and undergo applicable

⁶ Article 26 of the Law on Advocacy, available at <http://www.e-qanun.az/framework/257> (last visited on May 1, 2019).

		training and educational programs, such as the training program for Bar members on advocacy skills.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Azerbaijan.	As mentioned at item II.(b).4 above, the state provides legal aid to low-income citizens (subject to eligibility and the provision of adequate evidential documentation) but, as of today, there are no state-funded pro bono legal services.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Azerbaijan.	<p>One of the main non-governmental sources of pro bono legal services and/or pro bono resources in Azerbaijan are NGOs and the registration of NGOs is performed by the Ministry of Justice. However, the role of such NGOs is to make proposals to improve the legal framework in Azerbaijan but they do not render qualified pro bono legal services. Examples of such NGOs include the Eurasian Lawyers Association, the Azerbaijan Lawyers Confederation, the Azerbaijani Center for Human Rights and the Committee for Democracy and Human Rights.</p> <p>In addition, as mentioned at item II.(b).4 above, we understand that graduates of the faculty of law of the Baku State University may provide pro bono legal services to certain low-income segments of the population.</p> <p>As of today, no pro bono programs have been set up by Azerbaijani law firms or corporate legal departments.</p> <p>Each of the above must not include representation before a court unless the provider of the pro bono legal services is an advocate.</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?	A local or foreign lawyer may register with the Bar in order to be made aware of pro bono opportunities.

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