

## Pro Bono Practices and Opportunities in Bahrain<sup>1</sup>

### I. Introduction

There are several local firms in Bahrain, such as Zu’bi & Partners, that offer pro bono legal services to those who are unable to pay for lawyers, legal advice and representation before the Bahraini courts. The provision of pro bono legal services has improved markedly in the past seven years. Pro bono legal services in Bahrain continue to be of growing importance and are currently focused on increasing the provision of legal support and representation for those most in need. For example, given the complex interaction between the courts, local authorities and ministries, pro bono legal service providers in Bahrain have, in recent years, focused on providing clarification and guidance on legal procedures and processes. Legal representation in respect of pro bono matters in Bahrain have tended to focus on cases heard before criminal courts but there are also efforts to provide legal services in respect of matters in the civil and family courts as well. There is also increasing interest in providing pro bono legal services to support to non-profit organizations and social institutions in Bahrain for which further details are provided below.

### II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The Legal Practice Act of 1980 (the “<b>Legal Practice Act</b>”) regulates the provision of legal services.</p> <p>According to the Legal Practice Act, only Bahraini advocates have the right to appear before courts and tribunals, in front of police, administrative and judicial committees. Non-lawyers are prohibited from giving legal advice or performing any legal act.</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>Bahraini lawyers practice under a single title of “Advocate”.</p> <p>According to the Legal Practice Act, a person practicing law before the Bahraini courts must have his / her name registered in the table of advocates. Such registration requires a person to:</p> <ul style="list-style-type: none"> <li>• be of Bahraini nationality;</li> <li>• have full civil capacity;</li> <li>• hold the degree of Bachelor in Law from a recognized university – the degree must have included the study of Islamic Law and if not, the applicant must pass an exam prepared by the Ministry of Justice and Islamic Affairs or must have obtained an equivalent certificate in</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Noor Al Taraif of Zu’bi & Partners.

		<p>Islamic Law from one of the recognized Islamic law universities; and</p> <ul style="list-style-type: none"> <li>• be of good character and conduct and have no outstanding criminal or disciplinary ruling against him / her.</li> </ul> <p>Advocates must renew their registration annually.</p>
<b>(b)</b>	<b>Pro Bono Practice and Culture</b>	
	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.	Pursuant to the Bahraini Civil Procedures Act, if someone is charged and cannot afford a lawyer, the courts shall provide them with a lawyer to represent them. However such work is of the nature of legal aid, i.e. the lawyers are required to take on the cases assigned to them by the courts unless there is a conflict. Lawyers do not get paid for such work, however the courts sometimes give these lawyers a small fee for their work, usually around 100 BHD (c. USD 270).
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Bahrain are not required to work a minimum number 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 Bahrain are 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 opportunities in pro bono legal services in Bahrain are mainly in criminal law. Often those charged with crimes cannot afford legal services independently.
	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?	Pro bono legal services in Bahrain are provided by private law firms.
<b>(c)</b>	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?	Yes, lawyers in Bahrain require a license to provide any legal services, including pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers cannot provide pro bono legal services in Bahrain, only Bahraini nationals may practice law in Bahrain.

	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?	Lawyers in Bahrain do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules 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?	Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d)	<b>Sources of Pro Bono Opportunities and Key Contacts</b>	
	1. Describe any governmental sources of pro bono and/or other legal services in Bahrain.	In Bahrain the main governmental sources of pro bono and/or other legal services are public attorneys, the Bahrain bar society, and the legal courts of Bahrain.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Bahrain.	The main non-governmental sources of pro bono and/or other pro bono resources in Bahrain are private law firms.
	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 are currently no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities in Bahrain.

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