

Pro Bono Practices and Opportunities in Finland¹

I. Introduction

There is no mandatory pro bono requirement for lawyers in Finland. Due to the fulsome, well developed and broad system of public welfare services in Finland, including state funded legal services, Ombudsman offices and other agencies, the need for pro bono legal services is limited. Hence, pro bono work is not widespread or a significant part of the legal culture in Finland. Nevertheless, the Finnish Bar Association (“FBA”) encourages lawyers to become involved in pro bono activities, and several law firms have different pro bono partners and programs. According to a 2012 survey conducted by the FBA (*Asianajajatutkimus 2012*), 75% of the 651 advocates that responded to the survey discharged their duties either free of charge or gave a considerable discount for their services from time to time.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<ul style="list-style-type: none"> • In Finland, advocates, public legal aid attorneys or licensed counsel may all serve as attorneys or counsel. Furthermore, lawyers can be divided into two categories: members of the FBA (advocates or <i>asianajaja</i>, and some public legal aid attorneys) and non-members of the Bar (jurists and some public legal aid attorneys). • The FBA is regulated by the Advocates Act of 1958 (the “Advocates Act”), and only its members are entitled to use the professional title “advocate.” • Under Section 5 of the Advocates Act, an advocate shall fulfill the tasks entrusted to him honestly and conscientiously and observe the Rules of Proper Professional Conduct for Advocates (<i>Hyvää asianajajatapaa koskevat ohjeet/Vägledande regler om god advokatsed</i>) (the “Rules”). The Rules set out the guidelines for practicing advocates. The requirements of proper professional conduct are defined in the Advocates Act, various statutes and, above all, by governing and executive bodies of the FBA.² • The Act on Licensed Attorneys (<i>Laki luvan saaneista oikeudenkäyntiavustajista 715/2011</i>) governs the matters relating to licensing of the attorneys or counsel.

¹ This chapter was drafted with the support of Nita Rautakoski and Juha-Pekka Mutanen, of Dittmar & Indrenius.

² Rules of Proper Professional Conduct for Advocates (*Hyvää asianajajatapaa koskevat ohjeet/Vägledande regler om god advokatsed*), Introduction.

		<ul style="list-style-type: none"> • The Courts Act (673/2016)³ governs the appointment of judges.
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<ul style="list-style-type: none"> • Lawyers in Finland can be divided into: (i) in-house lawyers and other persons who have received legal education; (ii) lawyers who are members of the FBA (attorneys-at-law or <i>asianajaja</i> in Finnish and some public legal aid attorneys); (iii) public legal aid attorneys who are not members of the FBA; and (iv) lawyers who are not members of the FBA and do not have the title of attorney-at-law, but have obtained a license to appear in court and represent clients from the Licensed Attorneys Board, pursuant to the Licensed Legal Counsel Act.⁴ • The FBA is regulated by the Advocates Act, and only its members are entitled to use the professional title “advocate” (or <i>asianajaja</i>). Other titleholders like ‘jurists’ and ‘public legal aid attorneys (or <i>varatuomari</i>)’ are not members of the FBA. • The Act on Licensed Attorneys makes it mandatory for an advocate to obtain a proper license to be able to represent a party to a court proceeding in a general court. In addition to the academic legal training mentioned above, advocates must also pass an examination in professional ethics and an Advocates Examination offered by the Bar.⁵ • An advocate shall fulfill the tasks entrusted to him honestly and conscientiously and observe the Rules. • While jurists are fully capable of representing clients not subject to the requirement of obtaining a license, since the beginning of 2014, they would need a license in order to act as an attorney in the general courts.⁶ Licenses

³ See <https://www.finlex.fi/fi/laki/kaannokset/2016/en20160673.pdf> (last visited on May 1, 2019).

⁴ See <http://www.finlex.fi/en/laki/kaannokset/2011/en20110715.pdf> (last visited on May 1, 2019).

⁵ To obtain such license, an individual must (1) hold a Finnish master’s degree in law, other than a master of international and comparative law degree, or completed a law degree outside of Finland that is approved by the Finnish National board of Education; (2) obtain a sufficient amount of experience to act as a trial counsel; (3) be considered as honest and not ill-suitable; and (4) not be bankrupt or have one’s individual legal capacity restricted. However, Chapter 15 Section 2 of the Finnish Act on Procedure (Oikeudenkäymiskaari 1.1.1734/4) provides for a few exceptions to the license requirement.

⁶ See <https://oikeus.fi/en/index/laatikot/Legalassistance.html> (last visited on May 1, 2019).

		<p>to act as an attorney are granted by the Licensed Attorneys Board, subject to the Act on Licensed Attorneys.</p> <ul style="list-style-type: none"> Public legal aid attorneys complete a judicial traineeship at a District Court and obtain a judicial qualification to practice law. They are appointed by the leading public legal aid attorney, who is appointed by the Minister of Justice.
(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 that specifically regulate the provision of pro bono legal services in Finland. However, despite pro bono legal services not being regulated in the legislation regarding advocates or in the Rules, according to the general approach of advocates, pro bono assignments shall be treated like any other assignment.</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 Finland are not required 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 in Finland are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</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>In Finland, pro bono legal services may be provided in all types of legal matters, such as family and employment law related issues, contract law, assistance to suspected offenders and to victims of crime, and various appeals (e.g., relating to welfare and social security payments). Legal aid covers above-mentioned matters for persons entitled to legal aid. The services covered by legal aid in any given case depend on the nature and importance of the matter.⁷</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>The Main providers of pro bono legal services in Finland are private attorneys, law firms, FBA (through their sponsored programs), governmental or other public services and NGOs.</p>

⁷ See <http://www.probonoinst.org/wpps/wp-content/uploads/finland.pdf> (last visited on May 1, 2019).

(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Finland do not require any license(s) to provide pro bono legal services, unless the services in question require representation in judicial proceedings.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers in Finland do not require any additional license(s) to provide pro bono legal services, unless the services in question require representation in judicial proceedings. ⁸
	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?	<ul style="list-style-type: none"> • Lawyers in Finland do not require professional indemnity legal insurance cover to provide pro bono legal services, unless the services in question require representation in judicial proceedings. • Members of the FBA are required to have professional indemnity legal insurance for at least 200,000 euros.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Finland that prohibit advertising of pro bono successes or soliciting new pro bono clients. ⁹
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	<ul style="list-style-type: none"> • Lawyers in Finland do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked¹⁰ • According to the Rules, every member of the Bar must spend at least 18 hours per year in developing their professional skills.¹¹
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Finland.	Legal aid is regulated by the Legal Aid Act, 2002/257 (<i>Oikeusapulaki/Rättshjälpslagen</i>), the Act on State Legal Aid and Representation of Interests Districts (477/2016) (<i>Laki valtion oikeusapu- ja edunvalvontapiireistä / Lag on statens rättshjälps- och intressebevakningsdistrikt</i>) and various

⁸ See <http://www.trust.org/contentAsset/raw-data/b33f2686-45d9-4e64-9858-a69848ef80eb/file> (last visited on May 1, 2019).

⁹ See <https://bit.ly/2UaTZAL> (Section 10); <http://www.trust.org/contentAsset/raw-data/b33f2686-45d9-4e64-9858-a69848ef80eb/file> (last visited on May 1, 2019).

¹⁰ See <https://bit.ly/2ImG2NE>; <http://www.trust.org/contentAsset/raw-data/b33f2686-45d9-4e64-9858-a69848ef80eb/file> (last visited on May 1, 2019).

¹¹ See https://www.asianajaliitto.fi/en/finnish_bar_association/continuing_education (last visited on May 1, 2019).

	<p>government decrees that have been issued based on these acts.¹² The Public Legal Aid Offices, which are under the authority of the Ministry of Justice, provide advocacy services for persons entitled to legal aid.¹³ The legal aid's national chat service provides general advice on legal matters online.¹⁴</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Finland.</p>	<ul style="list-style-type: none"> • A number of law firms provide pro bono legal services to their pro bono partners and/or on a case-by-case basis. • The FBA runs a program, <i>Asianajajapäivystys/Advokatjouren</i>, in which advocates provide oral advice free of charge in relation to various legal questions. • The FBA has also set up a project to educate young people about the Finnish legal system. Under the <i>Oikeuskasvatusprojekti/Projekt om juridiskt lärande</i>, lawyers go to secondary schools and high schools to speak about the legal system in Finland, the foundations of civil and criminal law, as well as rights and responsibilities of young people in society. • Law students' associations in both Helsinki and Turku have established Committees for Legal Aid. Members of the Committees, who are law students, offer legal advice free of charge for students in their respective universities.
<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>	<ul style="list-style-type: none"> • Directory of public legal aid offices¹⁵ • Finnish Refugee Advice Centre (<i>Pakolaisneuvonta/Flyktrådgivningen</i>),

¹² For example Government Decree on Legal Aid 388/2002 (*Valtioneuvoston asetus oikeusavusta /Statsrådets förordning om rättshjälp*); Government Decree on Legal Aid Fee Criteria 290/2008 (*Valtioneuvoston asetus oikeusavun palkkioperusteista/Statsrådets förordning om grunderna för arvoden vid allmän rättshjälp*), Decree 425/2002 of the Ministry of Justice on the location of legal aid offices and their branches and sub-branches (*Oikeusministeriön asetus valtion oikeusaputoimistojen sekä niiden sivutoimistojen ja sivuvastaanottojen sijainnista/Justitieministeriets förordning om förläggningkommunerna för de statliga rättshjälpsbyråerna samt deras filialbyråer och filialmottagningar*) and Decree 608/2016 of the Ministry of Justice on legal aid and representation of interests districts and the location of legal aid offices and representation of interests offices and municipalities whose services of representation of interests the legal aid and representation of interests district is responsible for (*Oikeusministeriön asetus oikeusapu- ja edunvalvontapiireistä, oikeusaputoimistojen ja edunvalvontatoimistojen toimipaikoista sekä kunnista, joiden palveluista oikeusapu- ja edunvalvontapiiri vastaa/Justitieministeriets förordning om rättshjälps- och intressebevakningsdistrikten om rättshjälpsbyråernas och intressebevakningsbyråernas och intressebevakningsbyråernas verksamhetställen samt om de kommuner för vilkas intressebevakningstjänster rättshjälps- och intressebevakningsdistriktet ansvarar*).

¹³ See <https://oikeus.fi/oikeusapu/en/index/oikeusavustaja/publiclegalaidoffices.html> (last visited on May 1, 2019).

¹⁴ See <https://oikeus.fi/oikeusapu/en/index.html> (last visited on May 1, 2019).

¹⁵ See <https://oikeus.fi/oikeusapu/en/index/yhteystiedot.html> (last visited on May 1, 2019).

		<p>advising asylum seekers, refugees and other foreigners with regard to their legal rights¹⁶</p> <ul style="list-style-type: none"> • Finnish League for Human Rights (<i>Ihmisoikeusliitto/Förbundet för mänsklig rättigheter</i>), providing wide ranging advice in relation to human rights in general¹⁷ • Feminist Association Union (<i>Naisliitto Unioni/Kvinnosöksförbundet Unionen</i>), advising on issues related to women’s rights¹⁸
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¹⁶ See <http://www.pakolaisneuvonta.fi/> (last visited on May 1, 2019).

¹⁷ See <http://www.ihmisoikeusliitto.fi/> (last visited on May 1, 2019).

¹⁸ See <http://www.naisunioni.fi/> (last visited on May 1, 2019).