

Pro Bono Practices and Opportunities in Hungary¹

I. Introduction

Hungary’s pro bono tradition dates back to the beginning of the 20th century, when the Budapest Bar Association stated that the provision of free legal services in Hungary was part of a “noble heritage that had become part of legal practice”.² During the period of communism however, the ability to provide pro bono legal services in Hungary became increasingly difficult due to the burdensome approvals required, and such services largely ceased to exist.³

Since the end of the 1980s and start of the 1990s, Hungary has had a slow but positive uptake in the availability and provision of pro bono legal services by attorneys around the country. The increasing presence of international law firms and lawyers in Hungary has brought with it a more proactive approach towards the provision of pro bono legal services and has assisted in “laying the groundwork for a renewed [pro-bono] mindset”.⁴ Organizations such as PILnet and its Hungarian pro bono clearinghouse have also played an important role increasing collaboration amongst law firms, NGOs and charities.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The provision of legal services in Hungary is regulated by Act LXXVIII of 2017 on Legal Practice (“Attorneys Act”), however separate acts are applicable to the different branches of the legal profession, such as the Act on the Legal Status of Judges.⁵ The Attorneys Act does not fix legal fees, which must be negotiated between the lawyer and client.</p> <p>Attorneys at Law (<i>ügyvéd</i>) are independent professionals who can provide legal representation in all cases before all authorities. Certain activities can only be performed by attorneys, including representation and defense in criminal cases, legal consulting, preparing and editing legal documents, and handling money and valuables as deposits in relation to these cases.⁶</p>

¹ This chapter was drafted with the support of Lilla Kiss, Adrienn Tar and Judit Budaiof Szeckskay Attorneys at Law.

² See *The Then, the Now, and the Future of Pro Bono in Hungary*, PILnet, available at: <https://www.pilnet.org/media-coverage/194-the-then-the-now-and-the-future-of-pro-bono-in-hungary.html> (last visited on May 1, 2019).

³ Id.

⁴ Id.

⁵ See Act LXXVIII of 2017 on Legal Practice, Act CLXI of 2011 on the judicial system, Act CLXII of 2011 on the legal status of the judges, Act CLXIII of 2011 on public prosecutors, Act XLI of 1991 on public notaries.

⁶ See https://e-justice.europa.eu/content_legal_professions-29-hu-en.do?member=1 (last visited on May 1, 2019) and The Law Society, “*How to practise in Hungary*”, available at <http://communities.lawsociety.org.uk/international/regions/europe-and-cis/hungary/how-to-practise-in-hungary/5047713.fullarticle> (last visited on May 1, 2019).

		<p>The national Hungarian Bar Association Magyar Ügyvédi Kamara (“MUK”) is a self-governing public body which governs the legal profession in Hungary. MUK consists of 20 regional bar associations, which each have representative and administrative arms and an independent budget.</p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>Attorneys must be members of a Hungarian bar association to provide legal services.</p> <p>To be admitted to the Hungarian Bar, an applicant must meet the following criteria: (i) citizenship in a member state of the European Economic Area, (ii) no criminal record and no grounds for exclusion of practicing the legal profession, (iii) university degree,⁷ (iv) passing the Hungarian professional (bar) examination in law, (v) engaged in legal practice for at least one year during the ten year period before filing the application; (vi) having liability insurance; (vii) having the conditions necessary for electronic case administration; (viii) having an agreement with an attorney or law firm for his substitution; and (ix) suitable office space.⁸</p> <p><i>European Community Lawyers</i></p> <p>Attorneys from other EU member states may practise and give legal advice as “European Community Lawyers” under their respective professional designation given by their home countries.⁹</p> <p>After three years’ permanent practice in Hungary, European Community Lawyers may choose to become admitted as a Hungarian lawyer by demonstrating their experience with the Hungarian rules of law and legal terminology at a hearing organized by the Bar Association. Upon admission, European Community Lawyers become Hungarian <i>ügyvéd</i> and may provide legal services in Hungary, with the same rights and obligations as Hungarian lawyers.¹⁰</p> <p><i>Foreign legal counsels (Outside EU)</i></p> <p>The operation in Hungary of foreign legal counsel from outside the territory of the EU falls under</p>

⁷ The university degree does not have to be from a university in Hungary; however, recognition of the foreign university certificates and degrees is required for legal practice and the professional examination in law. There are no other pro bono specific rules and requirements in order to obtain the degree.

⁸ Section 58 of the Attorneys Act.

⁹ Chapter XIV of the Attorneys Act.

¹⁰ See The Law Society, “*How to practise in Hungary*”.

		<p>different rules of law with a more limited scope of activities. Foreign legal counsel may only provide legal advice concerning the law of their home country and international law (but not Hungarian or Community law) on the basis of a cooperation agreement entered into with a Hungarian attorney or law firm.¹¹</p>
<p>(b) Pro Bono Practice and Culture</p>		
	<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>1) <i>Hungarian Constitution</i></p> <p>The Hungarian Constitution provides an individual with the right to legal representation during judicial or criminal proceedings, which must be provided by the state under certain circumstances.¹²</p> <p>2) <i>Legal Aid Act (governing provision of free legal services)</i></p> <p>Pursuant to Hungary’s Act on Legal Aid, free legal aid services may be provided by non-governmental organizations (“NGOs”), foundations, minority local governments, universities offering legal education, or lawyers (including European Community lawyers permanently working in Hungary).¹³</p> <p>In out-of-court proceedings, all registered legal service providers may provide legal aid, providing it falls within the scope of their practice.¹⁴</p> <p>However, in court proceedings, only attorneys, law firms and certain other entities (e.g. NGOs and foundations that have been entered in the register) may provide free legal services, if equipped with the necessary technical means for electronic communication with the courts.</p> <p>Pursuant to the Legal Aid Act¹⁵, there are several provisions that attorneys must abide by to provide free legal services:</p> <ul style="list-style-type: none"> • the attorney’s activity of providing legal services must not be suspended;

¹¹ Section 82 of the Attorneys Act. See also Organisation for Security and Co-operation in Europe (OSCE) publication, Legal Profession in Hungary, p.5, available at: <https://www.osce.org/odihr/36305?download=true> (last visited on May 1, 2019).

¹² Committee Takes Up Hungary’s Fourth Periodic Report: Experts Praise Reforms, Express Concern Over Minorities, Human Rights, U.N. Press Release Doc. HR/CT/618, available at: <https://www.un.org/press/en/2002/hrct618.doc.htm> (last visited on May 1, 2019).

¹³ Art 66 of the Act LXXX of 2003 on Legal Aid.

¹⁴ Id. § 68.

¹⁵ Chapter VIII.

	<ul style="list-style-type: none"> no disciplinary procedure must have been initiated against the attorney for the suspension of his or her activities for the provision of legal services; and the attorney must not be under the effect of a disciplinary sanction. <p>3) <i>'Stop Soros' Legislation</i></p> <p>In June 2018, Hungary's parliament passed a series of laws that affect individuals or groups that provide assistance to illegal immigrants claiming asylum. In addition, the laws have created an obligation for all NGOs receiving at least HUF 7.2 million annually (USD 25,863) from a foreign source to register as an 'organisation receiving foreign funding' and publicise this status on their website and publications. An organisation who fails to comply with such legislation may be subject to fines or forced to dissolve.</p> <p>It is likely that such legislation will negatively impact the majority of Hungarian NGOs, many of whom operate with assistance from international organisations.</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 Hungary 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 Hungary 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>Traditionally, there has been demand for pro bono legal services in a variety of areas in Hungary, with strong demand for legal services relating to fundamental human rights, property, data protection and prisoner rights. However, recent changes to labor law in Hungary which allows employers to request their employees to work up to 400 extra hours of overtime per year is likely to lead to an increase in demand for pro bono legal services in labor law.</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public</p>	<p>In Hungary, providers of pro bono legal services include private law firms and lawyers (particularly well known international law firms who have begun</p>

	services, schools and universities, private law firms (local or international) or corporate organizations?	to establish Hungarian offices) ¹⁶ , NGOs and charities ¹⁷ . In 2006, several private law firms drafted and signed the Public Interest Law Initiative’s Pro Bono Declaration in which they affirmed their commitment to advancing the public good by working for more clients on a pro bono basis. ¹⁸
(c)	Obstacles to Provision of Pro Bono Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Hungary do not require a license to provide pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional licenses to provide pro bono legal services, however see (a)(2) above. Foreign lawyers from outside the European Union may only provide legal advice concerning the law of their home country and international law based on a cooperation agreement between a Hungarian attorney or law firm. This restriction also applies to pro bono legal services.
	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?	All attorneys are obliged to take out liability insurance and the MUK must, upon request, admit as an attorney anyone who, among others, is a member of the Hungarian Attorneys Insurance and Assistance Association (MÜBSE) or has other liability insurance that is accepted by the bar association. ¹⁹ Such insurance would cover pro bono services.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	General rules passed by MUK apply in the case of advertising pro bono successes, for instance, the advertisement must not contain any comparison

¹⁶ Firms include, among others, Allen &

Overy Iroda, Köver Clifford Chance and Siegler Law Office/Weil, Gotshal & Manges:

http://www.probonocentrum.cz/files/file/podklady%20pro%20kulat%C3%BD%20st%C5%AFI/Promoting%20Pro%20Bono%20in%20Hungary%20and%20World%20wide_PILI.pdf (last visited on May 1, 2019).

¹⁷ Organisations include the Hungarian Helsinki Committee (<https://www.helsinki.hu/en/>) (last visited on May 1, 2019), PILnet (<https://www.pilnet.org/public-interest-law-programs.html>) and the Street Lawyer Association (<http://utcajogasz.hu/en/>) (last visited on May 1, 2019). See point 2 for more information.

¹⁸ Public Interest Law Initiative, “Hungarian Lawyers’ Role in Advancing the Public Good (Pro Bono Publico),” (2006), available at: https://www.probonobook.org/?media_dl=350 (last visited on May 1, 2019) (p.73). See more at

http://www.probonocentrum.cz/files/file/podklady%20pro%20kulat%C3%BD%20st%C5%AFI/Promoting%20Pro%20Bono%20in%20Hungary%20and%20World%20wide_PILI.pdf (last visited on May 1, 2019).

¹⁹ Section 14-15 of the Attorneys Act.

		with other attorney’s successes or any reference to the successful cases. ²⁰
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Hungary do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Hungary.	Although there are several state-funded avenues for legal aid available in Hungary, the government does not provide pro bono services.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Hungary.	<ul style="list-style-type: none"> • HCLU Hungarian Civil Liberties Union (TASZ): HCLU is a non-profit human rights watchdog NGO that provides free legal services through its telephone hotline service, online counseling and in-person legal aid service.²¹ • The Cordelia Foundation for the Rehabilitation of Torture Victims: The foundation assists torture survivors and traumatized asylum seekers, refugees and their family members arriving in Hungary. The foundation assists clients with legal proceedings, namely assistance with documenting the evidence of torture.²² • Magyar Helsinki Bizottság (Hungarian Helsinki Committee): Ensures access to free legal counselling and representation in all places where persons are in need of international protection and are accommodated or detained in Hungary (reception centers, community shelters, asylum policing jails).²³ • Háttér Társaság (Háttér Society): Provides free legal counselling and representation for LGBTIQI victims of discrimination, harassment and violence or legal matters concerning sexual orientation or gender identity.²⁴ • PILnet (The Global Network for Public Interest Law): Through its pro bono clearinghouse, PILnet connects NGOs with law

²⁰ Section 9 of the Rules No 6/2018 of the Hungarian Bar Association.

²¹ See <https://hclu.hu/en/about-us-page> (last visited on May 1, 2019).

²² See <http://www.cordelia.hu/index.php/en/> (last visited on May 1, 2019).

²³ See <https://www.helsinki.hu/en/> (last visited on May 1, 2019).

²⁴ See <http://en.hatter.hu/> (last visited on May 1, 2019).

		<p>firms and attorneys to provide pro bono services.²⁵</p> <ul style="list-style-type: none"> • Street Lawyer Association (Utcajogász): The Street Lawyers Association has been fighting for the right to housing, for the enforcement of social and housing rights, and for improving the situation of homeless people and people living in housing poverty since 2010.²⁶ • Patent Association: The Association provides free legal advice service including crucial legal and psychological information to women living in abusive relationships in order to be aware of their human rights and the relevant laws.²⁷
	<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>PILnet: PILnet promotes pro bono practice by involving the legal community in pro bono matters and helped introduce the concept of pro bono practice in Central Europe through its Hungarian Pro bono Clearinghouse, and later through a network of additional PILnet and partner clearinghouses.²⁸</p>

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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.

²⁵ See <https://www.pilnet.org/public-interest-law-programs.html> (last visited on May 1, 2019).

²⁶ See <http://utcajogasz.hu/en/> (last visited on May 1, 2019).

²⁷ See <http://www.patent.org.hu/en/how-we-can-help> (last visited on May 1, 2019).

²⁸ See <https://www.pilnet.org/> (last visited on May 1, 2019).