

Pro Bono Practices and Opportunities in Montenegro¹

I. Introduction

Given the relative youth of the country, the development of Montenegro’s pro bono culture is still in an early, formative stage. The early focus has been on the provision of state funded legal aid rather than pro bono work. Further, the Advocacy Fees Act restricts members of the Bar Association from charging clients less than 50% of the normal tariff for legal work. Based on the latest published statistics, from 2017, the number of lawyers in Montenegro is 854.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The Advocacy Act (Official Gazette of the Republic of Montenegro No. 79/06 and 22/2017) (the “Advocacy Act”) ² outlines the responsibilities of lawyers practicing in Montenegro, as well as requirements for qualification to practice (we note that all statutes are in Montenegrin only). The same areas are also regulated by the Statute of the Bar Association of Montenegro (Official Gazette of the Republic of Montenegro No. 34 (June 2005), 50/07, 60/13, 70/15 and 79/15). Lawyers must also abide by a code of ethics (Advocacy Professional Code of Ethics (Jan 1999)). ³ The Advocacy Fees Act (Official Gazette of the Republic of Montenegro, 12/05, 45/08, 11/15 and 079/17) ⁴ details restrictions and requirements for lawyer compensation, although it only applies to work performed for a Montenegrin citizen in Montenegro.
	2. Describe any licensure requirements governing the provision of legal services.	By Article 2 of the Advocacy Act, attorneys can register with the Bar Association of Montenegro, which gives authorization to practice before the courts and otherwise provide legal services. Article 3 provides the following requirements for registration: <ul style="list-style-type: none"> • Montenegrin citizenship; • completion of a four-year course at the Faculty of Law (level VIII); • completion of the Bar exam and the Legal profession exam; and • good standing.

¹ This chapter was drafted with the support of Milica Popović of CMS RRH.

² See <http://www.advokatskakomora.me/Statut%20-word.docx> (last visited on October 2, 2019).

³ See <http://www.advokatskakomora.me/kodeks1.html> (last visited on October 2, 2019).

⁴ See http://www.advokatskakomora.me/advokatska_tarifa.html (last visited on October 2, 2019).

		<p>There are exceptions for EU and Serbian citizens, who do not have to be registered with the Bar Association to practice law in Montenegro. Under Article 5D of the Advocacy Act, lawyers who are EU citizens are allowed to practice in Montenegro without the obligation to be registered with the Bar Association of Montenegro providing that they submit: (i) a written notice about their intent to practice in Montenegro; (ii) proof of registration with their national Bar Association, and (iii) a certificate of professional liability insurance in their home country. Serbian lawyers can practice under the authority of the Agreement between Montenegro and the Republic of Serbia on Legal Assistance in Civil and Criminal Matters, signed in 2016.⁵</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>The provision of pro bono legal services is not explicitly regulated in Montenegro. Article 1 (5) of the Advocacy Fees Act stipulates that it is open to a lawyer and their client to agree on fees and payment of expenses.</p> <p>A significant indirect restriction on pro bono work is created, however, by Article 4 of the Advocacy Fees Act, which restricts lawyers practicing in Montenegro from charging clients less than 50% of the specified tariff for legal work.</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 Montenegro 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 are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Montenegro.</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>The main areas of law which require or present opportunities for the provision of pro bono legal services relate to human rights and assisting migrants and asylum seekers, including those based in permanent camps.</p>
	<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public</p>	<p>The main providers of pro bono legal services in Montenegro are international and domestic NGOs.</p>

⁵ The agreement is available (in Montenegrin): http://www.pravda.gov.me/rubrike/medjunarodni_ugovori/drzave/srbija (last visited on October 2, 2019).

	services, schools and universities, private law firms (local or international) or corporate organizations?	Examples of these providers and their contact details are set out in section (d) 2, below, and include the Red Cross, Human Rights Action, and the Youth Initiative for Human Rights.
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Montenegro do not require any special license to provide pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers in Montenegro do not require an additional license for providing pro bono 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?	Lawyers in Montenegro are obliged to ensure professional insurance with a competent and relevant insurer. There are no further limitations or requirements unless set out in the individual insurance policy.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Under the Advocacy Act and Advocacy Professional Code of Ethics, lawyers in Montenegro should not offer or recommend publicly their services or their office. There are no additional rules on advertising pro bono success or soliciting new pro bono clients in Montenegro.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Montenegro do not receive “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 Montenegro.	There are no governmental sources of pro bono and/or other legal services in Montenegro.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Montenegro.	1. Red Cross Montenegro ⁶ Montenegro Red Cross consists of Red Cross organizations at the municipality level. There are 23 organizations that each function as a legal entity: 19 local RC branches, the City Red Cross organization of Podgorica, Red Cross of the Old Royal Capital and two city Red Cross organizations. The Red Cross provides assistance particularly to Roma refugees from Kosovo. The Red Cross is the

⁶ See <http://www.ckcg.me/en/> (last visited on October 2, 2019), Address: Jovana Tomasevica 6, 81000 Podgorica

		<p>implementing partner of UNHCR and runs the Konik camp for them. As well as physical infrastructure there is an emphasis on education of women, preventing early marriage and the provision of legal aid, for example to acquire identity documents, which are a prerequisite for access to many other rights.</p> <ol style="list-style-type: none"> 2. Pravni Centar Legal Center⁷ – An NGO, founded in 2007, based in Podgorica. It provides free legal assistance, counseling and representation services before courts and other administrative bodies for displaced persons, asylum seekers, persons at risk of statelessness in Montenegro and victims of domestic violence. It has run a number of projects in association with UN organizations and US and EU governmental bodies. It has four offices in Montenegro: Podgorica; Bar; Berane, and Camp Konik. 3. Civil Alliance⁸ 4. Human Rights Action⁹ 5. Youth Initiative for Human Rights¹⁰ 6. MANS is a non-governmental organization devoted to fight against corruption and organized crime¹¹
	<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>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p> <p>The nearest such service offers a platform where lawyers can give preliminary answers to a legal problem and there is then an opportunity to hire them for further work, subject to the minimum pay requirements under the Advocacy Fees Act, set out above.¹²</p>

October 2019

Pro Bono Practices and Opportunities in Montenegro

⁷ See <http://pravnicentar.co.me/en/about-us/> (last visited on October 2, 2019), Address: Jovana Tomaševića 31/6, Podgorica; Tel: +382 20 230 913; Email: pravnicentar@t-com.me

⁸ See <http://gamn.org/?lang=en> (last visited on October 2, 2019), address: Studentska street, no. 21/a 81000 Podgorica, Montenegro

⁹ See <http://www.hraction.org/?lang=en> (last visited on October 2, 2019).

¹⁰ See <http://www.yihr.me> (last visited on October 2, 2019).

¹¹ See <http://www.mans.co.me/en/> (last visited on October 2, 2019).

¹² See <https://www.zastupaj.me/> (last visited on October 2, 2019).

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.