

**Pro Bono Practices and Opportunities in Norway<sup>1</sup>**

**I. Introduction**

Norway has been an advocate for the provision of free legal services for centuries. The Royal Decree of 9 September, 1638 first promulgated the provision of legal aid to all those who could not afford it,<sup>2</sup> and since then, Norway has established a comprehensive, state-subsidized legal aid system that is one of the best funded per capita in Europe.<sup>3</sup> Due in large part to Norway’s entrenched state support for legal aid, pro bono work is not widespread or a significant part of the legal culture in Norway. However, the Norwegian Bar Association (*Advokatforeningen*) (“**NBA**”) has historically provided pro bono legal services and approximately one third of practicing lawyers in Norway have accepted pro bono clients.<sup>4</sup>

**II. Overview of Pro Bono Practices**

| (a) | <b>Professional Regulation</b>   |  |
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|     | <p>1. Describe the laws/rules that regulate the provision of legal services?</p> | <p>All lawyers in Norway are subject to The Norwegian Code of Conduct for Lawyers (the “<b>Code</b>”)<sup>5</sup> and Regulations for Advocates.<sup>6</sup></p> <p>The NBA is the representative organization for lawyers in Norway and is responsible for safeguarding the legal profession in Norway. Membership is voluntary, however more than 90% of lawyers in Norway are members.<sup>7</sup></p> <p>Alleged violations of the Code by lawyers are heard by the NBA’s Disciplinary Council (<i>Advokatforeningens disiplinærutvalg</i>).</p> |

<sup>1</sup> This chapter was drafted with the support of Christel Søreide of Advokatfirmaet Wiersholm AS.

<sup>2</sup> Stockholm Institute for Scandinavian Law (2010), ‘The Norwegian Bar Association’, available at: <http://www.scandinavianlaw.se/pdf/46-17.pdf> (last visited on May 1, 2019).

<sup>3</sup> European Commission for the Efficiency of Justice (2014), ‘Report on European judicial systems’; Ronning (2018), ‘Legal Aid in Norway’, available at: [https://www.researchgate.net/publication/322009715\\_Legal\\_Aid\\_in\\_Norway#pf18](https://www.researchgate.net/publication/322009715_Legal_Aid_in_Norway#pf18) (last visited on May 1, 2019), and Ronning (2017), ‘Outsourcing Legal Aid in the Nordic Welfare States’, available at: [https://link.springer.com/chapter/10.1007%2F978-3-319-46684-2\\_2](https://link.springer.com/chapter/10.1007%2F978-3-319-46684-2_2) (last visited on May 1, 2019).

<sup>4</sup> John T. Johnsen (2011) ‘A New Scheme for Short Legal Advice in Norway’ at 11.

<sup>5</sup> The Code is available at: [https://www.cbce.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/DEON\\_National\\_CoC/EN\\_Norway\\_Rules\\_of\\_conduct\\_for\\_advocates.pdf](https://www.cbce.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Norway_Rules_of_conduct_for_advocates.pdf) (last visited on May 1, 2019).

<sup>6</sup> Regulations for Advocates is available at: [https://www.cbce.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Norway\\_Regulations-for-advocates.pdf](https://www.cbce.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Norway_Regulations-for-advocates.pdf) (last visited on May 1, 2019).

<sup>7</sup> For more information, please see here: <https://www.advokatforeningen.no/om/om-medlemskapet/english/the-norwegian-bar-association/#Requirements> (last visited on May 1, 2019).

2. Describe any licensure requirements governing the provision of legal services.

**Norwegian lawyers**

The admission process for Norwegian lawyers is governed by the Courts of Law Act, Chapter 11.<sup>8</sup> Applicants must satisfy the following conditions:

- hold a Norwegian University degree in law (5 years);
- obtain a police certificate certifying that they have a reputable past;
- participate in a recognized legal course covering relevant issues to a lawyer (litigation, client relationship, ethics, negotiation, client accounts, book-keeping, etc.); and
- practice as an associate lawyer, assistant judge, university teacher in jurisprudence or hold a position in the prosecution for two years. Assistant lawyers work under the license and indemnity insurance of their employer.

**Foreign lawyers practicing in Norway**

Lawyers who wish to work in Norway under a foreign license to provide legal services will be subject to different regulations depending on whether such applicant intends to practice law in Norway on a permanent basis or a temporary basis. Further, different rules apply to applicants who are lawyers in an EEA or non-EEA state.

*A) Permanent establishment in Norway for lawyers from EEA states*

Lawyers from EEA states can practice foreign law, international law and Norwegian law upon sending notification to the Supervisory Council and providing proof of registration as a lawyer in the applicant’s home country. Applicants must provide security, pay contributions to the Supervisory Council and the Disciplinary Committee and present a declaration of acceptance of assignment from an auditor. For more information, please see

<sup>8</sup> The Courts of Law Act “Lov om domstolene” of August 13th 1915, available at: <https://www.domstol.no/globalassets/upload/da/internett/domstol.no/domstoladministrasjonen/internasjonalt/courts-of-justice-act-english-translation-uten-paragrafinnledning.pdf> (last visited on May 1, 2019).

the Regulations for Advocates section 10-1 to 10-5.<sup>9</sup>

*B) Permanent establishment in Norway for lawyers from outside EEA*

Foreign lawyers practicing outside the EEA are only entitled to practice foreign law and international law in Norway (upon Supervisory Council approval). The Supervisory Council may also add restrictions or other conditions to the practice of such applicant (see Regulation for Advocates sections 10-6 and 10-9).<sup>10</sup>

*C) Temporary practice as a ‘guest lawyer’*

Foreign lawyers practicing inside or outside the EEA may provide legal advice in Norway without having to apply to the Supervisory Council. Lawyers must use the professional title from their home country and may need to produce certain documentation relating to their legal certifications to the Norwegian authorities or courts. Legal services may be provided in respect of Norwegian, foreign and international law.

The Code applies to guest lawyers and such persons will be required to continue compliance with their home country’s legal practice rules. Please see Regulations for Advocates sections 10-10 and 10-15.<sup>11</sup>

**Working under a Norwegian legal license**

Lawyers who wish to practice Norwegian law on a continuous basis may do so upon obtaining a Norwegian license to practice law. Once such license is obtained, the applicant may be considered to be an ‘advokat’ on a par with lawyers educated in Norway.<sup>12</sup>

To obtain a license to practice, an application must be made to the Supervisory Council and the following conditions should be satisfied:

- *Lawyers from EEA states:* Applicants must pass an examination at the University of Oslo demonstrating their knowledge of

<sup>9</sup> Available here:

[https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Norway\\_Regulations-for-advocates.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Norway_Regulations-for-advocates.pdf) (last visited on May 1, 2019).

<sup>10</sup> See above.

<sup>11</sup> See above.

<sup>12</sup> Available here: <https://www.advokatforeningen.no/om/om-medlemskapet/english/working-as-a-lawyer-in-norway/> (last visited on May 1, 2019).

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|     |   | <p>Norwegian law.</p> <ul style="list-style-type: none"> <li>• <i>Lawyers from outside EEA states:</i><br/>Applicants will be assessed for competence and suitability by the Supervisory Council and may be subject to certain restrictions or conditions. See Regulations for Advocates sections 9-7.<sup>13</sup></li> </ul> <p><b>Special permission exceptions</b></p> <p>The Supervisory Council may grant special permission to persons to provide legal assistance in certain circumstances, including:</p> <ul style="list-style-type: none"> <li>• applicants who have a relevant law degree but are not licensed as a lawyer;</li> <li>• applicants who are certified as public accountants;</li> <li>• legal aid organizations; and</li> <li>• certain foreign legal practitioners.</li> </ul> <p>Such special permission to practice law may be subject to certain terms set by the Ministry of Justice in Regulation of Attorney Practice (<i>Advokatforskriften</i>).</p> |
| (b) | <b>Pro Bono Practice and Culture</b>  |   |
|     | <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 specific rules that regulate the provision of pro bono legal services in Norway, however the provision of such services is covered by the same rules that regulate the provision of all legal services in Norway.</p> <p>Any legal practitioner will be able to offer pro bono legal services as long as they have the necessary legal status to do so. However, it is advisable to seek the assistance of the NBA before providing pro bono legal services.</p> <p>In comparison, free legal aid is thoroughly regulated through the Free Legal Aid Act.<sup>14</sup> The Act defines which groups of people have the right to free, State-subsidized legal aid, which is helpful for pro bono organizations to determine who their services are best suited to (i.e. those that fall outside of the State-subsidized legal aid net). As pro bono</p>  |

<sup>13</sup> Available here: [https://www.cbce.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Norway\\_Regulations-for-advocates.pdf](https://www.cbce.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Norway_Regulations-for-advocates.pdf) (last visited on May 1, 2019).

<sup>14</sup> The Free Legal Aid Act “Lov om fri rettshjelp” of 13<sup>th</sup> June 1980.

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|            |   | work is initiated on a voluntary basis and is unrestricted as to the types of cases it can consider, pro bono advice is able to be offered to a wider pool of persons compared to the State supported legal aid schemes in Norway.  |
|            | 2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?  | There are no requirements for lawyers in Norway 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?  | There is no requirement for aspiring lawyers to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers in Norway. Pro bono legal services in Norway are provided on an entirely voluntary basis.   |
|            | 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 areas of law which present opportunities for the provision of pro bono legal services in Norway include immigration law, welfare law and issues concerning children's rights.  |
|            | 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?   | The main providers of pro bono legal services in Norway include associations and organizations such as "Juss-Buss" <sup>15</sup> , "JURK" <sup>16</sup> (free legal aid for women) and Gatejuristen <sup>17</sup> . These organizations provide free legal services on a daily basis in Norway. |
| <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?   | There are no requirements for lawyers to have a license to provide pro bono legal services in Norway.   |
|            | 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 in Norway. Please refer to II.(a).2 for details concerning the licensure requirements for foreign lawyers in Norway.  |
|            | 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 | All practicing lawyers in Norway must have insurance to cover liability that they may incur during practice. Members of the NBA may either obtain insurance through the NBA or take out individual insurance through an insurance   |

<sup>15</sup> Available here: <https://foreninger.uio.no/jussbuss/english/> (last visited on May 1, 2019).

<sup>16</sup> Available here: <https://foreninger.uio.no/jurk/english/> (last visited on May 1, 2019).

<sup>17</sup> Available here: <https://gatejuristen.no/kontaktinformasjon/gatejuristen-tromso-2/> (last visited on May 1, 2019).

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|            | same pro bono project?   | company.   |
|            | 4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients? | There are no rules that prohibit the advertising of pro bono successes or soliciting new pro bono clients in Norway.   |
|            | 5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?     | There are no “Continuing Legal Education” or equivalent credit programs for pro bono hours worked in Norway.<br><br>Nevertheless, the provision of pro bono legal services is seen as a form of social responsibility in Norway. Pro bono work is appreciated by the Norwegian community and strengthens the reputation of the pro bono service provider.  |
| <b>(d)</b> | <b>Sources of Pro Bono Opportunities and Key Contacts</b>  |  |
|            | 1. Describe any governmental sources of pro bono and/or other legal services in Norway.                    | The NBA provides organized free legal aid service in various locations across Norway, where local lawyers offer a free first consultation. <sup>18</sup>   |
|            | 2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Norway.       | <ul style="list-style-type: none"> <li>• Rights in Exile Program<sup>19</sup></li> <li>• Norwegian People’s Aid.<sup>20</sup></li> <li>• Online attorney-matching program<sup>21</sup></li> <li>• Student-run clinic Juss-Buss.<sup>22</sup></li> <li>• Jussformidlingen<sup>23</sup></li> <li>• Jushjelpa i Midt-Norge<sup>24</sup></li> <li>• Legal Aid for Women (JURK)<sup>25</sup></li> <li>• Street Lawyer (<i>Gatejuristen</i>)<sup>26</sup></li> </ul> |

<sup>18</sup> See <http://www.advokatforeningen.no/om/om-medlemskapet/english/the-norwegian-bar-association/> (last visited on May 1, 2019).

<sup>19</sup> See <http://www.refugeelegalaidinformation.org/norway-pro-bono-directory> (last visited on May 1, 2019).

<sup>20</sup> Norwegian People’s Aid (“NPA”) specializes in first aid and rescue services, as well as asylum and integration cases. The NPA works both domestically and internationally. See <http://www.npaid.org/> (last visited on May 1, 2019).

<sup>21</sup> See <http://www.refugeelegalaidinformation.org/norway-pro-bono-directory> and <http://www.advokatenhjelperdeg.no/> (last visited on May 1, 2019).

<sup>22</sup> Juss-Buss specializes in cases involving the Immigration Act, Norwegian prisoners’ rights, family law and debt cases, and labour, pensions and social welfare work. Jussformidlingen handles similar cases.

<sup>23</sup> See <http://foreninger.uio.no/jussbuss/english/about/> (last visited on May 1, 2019).

<sup>24</sup> See <http://jussformidlingen.no> (last visited on May 1, 2019).

<sup>25</sup> See <http://www.jushjelpa.no> (last visited on May 1, 2019).

<sup>26</sup> See <https://www.jus.uio.no/english/services/public/> and <https://gatejuristen.no/> (last visited on May 1, 2019).

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|  |  | <ul style="list-style-type: none"> <li>• Childs' Lawyer (<i>Barnas jurist</i>)<sup>27</sup></li> </ul>  |
|  | <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>Interested lawyers may apply for membership with the NBA to learn more about the pro bono opportunities available to them.</p> <p>The service “<i>advokatenhjelperdeg</i>” can also assist lawyers to connect with pro bono opportunities.</p> |

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<sup>27</sup> See <http://barnasjurist.no> (last visited on May 1, 2019).