

Pro Bono Practices and Opportunities in Romania¹

I. Introduction

Whilst historically few lawyers in Romania engaged in pro bono work, pro bono legal services are of increasing importance for the legal profession in Romania. There has been a growing commitment by the legal community to providing and promoting wider availability of pro bono legal services, and various organizations and institutions in Romania (including law firms and bar associations, as well as NGOs) continue to work to foster and develop pro bono legal activity. Lawyers and law firms in Romania are also becoming increasingly aware of the value that many existing and prospective clients place on pro bono activities.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The regulation of the legal profession in Romania is decentralized. ² A practicing lawyer must be a member of one of the 41 regional bar associations in Romania. ³ The regional bar associations hold most of the regulatory power. ⁴ At national level, the National Association of Bars in Romania (<i>Uniunea Nationala A Barourilor Din Romania</i> or <i>UNBR</i>), which consists of representatives from each regional bar association, has advisory jurisdiction over issues related to the regulation and discipline of Romanian lawyers. ⁵ The laws and rules that regulate the provision of legal services across all the regional bar associations include Law no. 51 from June 7, 1995 for the organization and practice of the lawyer's profession ⁶ and the Statute of the lawyer's profession. ⁷
	2. Describe any licensure requirements governing the provision of legal services.	Qualifying as a lawyer (<i>avocat</i>) in Romania consists of the following four stages:

¹ This chapter was drafted with the support of Andreea Toma and Cristian Bumbac of Leroy si Asociatii.

² THE LAW SOCIETY OF ENGLAND AND WALES, How to practise in Romania (Sep. 2014), available at <http://communities.lawsociety.org.uk/international/regions/europe-and-cis/romania/how-to-practise-in-romania/5043182.article> (last visited on October 2, 2019).

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Available in English at <http://www.unbr.ro/law-no-51-from-june-7-1995-for-the-organisation-and-practice-of-the-lawyers-profession/> (last visited on October 2, 2019).

⁷ Available (in Romanian) at http://www.unbr.ro/wp-content/uploads/2013/10/Statutul_Profesiei_de_Avocat_041013.pdf (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • completing a qualifying law degree; • passing a bar exam in order to apply for admission to one of the 41 regional bar associations in Romania as a trainee lawyer;⁸ • completing a two-year professional training period under the supervision of a permanent lawyer who has been practicing for at least six years;⁹ and • either passing the bar exam for permanent lawyers or the graduation exam of the National Institute for the Training and Improvement of Lawyers (<i>Institutul National pentru Pregatirea si Perfectionarea Avocatilor</i>).¹⁰ <p>Trainee lawyers may only argue first-instance cases. Only fully-qualified lawyers may argue cases before most Romanian courts (subject to certain exceptions), and work on their own.¹¹</p>
(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>Romanian legislation contains no specific rules governing the provision of pro bono legal services by Romanian lawyers. However, there are applicable provisions in Romanian law that set forth the right to benefit from legal aid¹² and how legal aid is financed and organized.¹³</p>

⁸ Law no. 51 from June 7, 1995 for the organisation and practice of the lawyer’s profession, available in English at <http://www.unbr.ro/law-no-51-from-june-7-1995-for-the-organisation-and-practice-of-the-lawyers-profession/> (last visited on October 2, 2019). See also the Statute of the lawyer’s profession, available (in Romanian) at http://www.unbr.ro/wp-content/uploads/2013/10/Statutul_Profesiei_de_Avocat_041013.pdf (last visited on October 2, 2019).

⁹ Ibid.

¹⁰ UNIUNEA NATIONALA A BAROURILOR DIN ROMANIA, Decision No. 04/2011 of the National Association of the Romanian Bars, available at http://www.unbr.ro/fisiere/file/consilii_si_cp/CONS-CP-07-09-IUL-2011/HOTARAREA_04-2011_2011_CONSILIUL_UNBR_APROBARE_REGULAMENT_EXAMENE_150711RevDOClean-OK-WEBSITE.pdf (last visited on October 2, 2019).

¹¹ DREPT ONLINE, Legal Profession Career, available at http://www.dreptonline.ro/cariere/cariera_avocat.php (last visited on October 2, 2019).

¹² Emergency Ordinance No. 51/2008 on Judicial Public Help with Respect to Civil Matters, published in Monitorul Oficial no. 327/25.04.2008, as subsequently amended. Available (in Romanian) at: <http://legislatie.just.ro/Public/DetaliiDocument/91863> (last visited on October 2, 2019).

¹³ Law no. 51 from June 7, 1995 for the organisation and practice of the lawyer’s profession, available in English at <http://www.unbr.ro/law-no-51-from-june-7-1995-for-the-organisation-and-practice-of-the-lawyers-profession/> (last visited on October 2, 2019); the Statute of the lawyer’s profession, available (in Romanian) at http://www.unbr.ro/wp-content/uploads/2013/10/Statutul_Profesiei_de_Avocat_041013.pdf (last visited on October 2, 2019) and Framework Regulations regarding the organization of the Legal Aid Bureaus (Servicii de

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Neither the law for the organization and practice of the legal profession¹⁴, nor the law regarding scholars and students' internships¹⁵ requires practicing lawyers, or law students to do pro bono work in Romania.</p> <p>However, at the end of 2018 UNBR adopted a professional policy declaration relating to pro bono legal services.¹⁶ The declaration calls upon sole practitioners, law firms and the regional bar associations to provide pro bono legal services of the same quality as those provided to paying clients, with pro bono work counting towards the formal training requirements for both trainee lawyers and qualified lawyers. The declaration also encourages the promotion and development of pro bono programs, policies and events, as well as the publication by law firms of the time and resources dedicated to pro bono work. The declaration followed the launch of the Just Access program (see below). UNBR is also running a parallel consultation to establish and promote a pro bono culture, to highlight the importance of pro bono legal services and to establish best practices for engaging in pro bono work.¹⁷ UNBR's Permanent Commission is tasked with monitoring progress towards the goals set out in the declaration.¹⁸</p> <p>Furthermore, multinational companies have continued to demand social responsibility policies from outside counsel in recent years. This increasing trend has contributed to the recognition of pro bono legal services as a key component of social responsibility for law firms.</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 Romania are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>

Asistenta Judiciara) of the Romanian Bars, adopted by Decision No. 180 of 17 Dec. 2016 of the UNBR Council, as further amended (hereafter, "Legal Aid Framework Regulations"), accessible (in Romanian) at: <http://www.unbr.ro/hotararea-nr-180-din-17-decembrie-2016-a-consiliului-unbr-privind-aprobarea-regulamentului-cadru-pentru-organizarea-functionarea-si-atributiile-serviciilor-de-asistenta-judiciara-ale-barou/> (last visited on October 2, 2019).

¹⁴ Law no. 51/1995 for the organisation and practice of the lawyer's profession.

¹⁵ Law no. 258/2007 regarding scholars and students' internship.

¹⁶ See <http://www.unbr.ro/hotararea-consiliului-unbr-nr-414-08-12-2018-referitor-la-declaratia-de-politica-profesionala-privind-avocatura-pro-bono/?highlight=%22pro%20bono%22> (last visited on October 2, 2019).

¹⁷ Ibid.

¹⁸ Ibid.

	Please see above.
<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>An area where pro bono legal services seem to abound is the NGO sector. For example, in 2012 the Foundation for the Development of Civil Society (<i>Fundatia pentru Dezvoltarea Societatii Civile</i>) launched a project called “Pro Bono legal services for NGOs” which allowed lawyers to commit available time and resources to provide pro bono legal services to different NGOs.¹⁹</p> <p>As NGOs have dominantly concentrated their efforts on the promotion and protection of human rights in Romania, pro bono projects are usually focused on mitigating human rights violations. In addition, an increasing number of Romanian and international law firms have decided in recent years to engage in pro bono activities, mainly by supporting NGOs which promote social development. For example, Leroy si Asociatii (“Leroy”), one of the country’s leading law firms²⁰, supports several non-profit organizations and foundations by providing pro bono legal services. These include: NESsT Romania, a non-profit organization which develops sustainable social enterprises aimed to address critical social problems in emerging market economies; Lycée Français Anna de Noailles (the French School of Bucharest), a foundation supported by Leroy on an ongoing basis with pro bono legal advice on various matters, including financing, real estate and employment matters; and Eidos Foundation, a non-profit organization committed to supporting new cultural practices, assisted by Leroy on various projects, such as on legal issues pertaining to the organization of the Unfinished Festival (a multi-disciplinary event that brings together change-makers to share work and ideas) or on the negotiation of the contractual documentation related to a photographic project documenting the contemporary portrait of Romania on the occasion of The Great Union anniversary.</p> <p>More recently, UNBR has been actively encouraging the provision of pro bono legal services and promoting recognition of their importance as a hallmark of the legal profession.</p>

¹⁹ See <http://www.fdsc.ro/servicii-juridice-pro-bono-pentru-onguri> (last visited on October 2, 2019).

²⁰ See <https://chambers.com/profile/organisation/7281?publicationTypeId=7> (last visited on October 2, 2019).

		<p>UNBR’s professional policy declaration relating to pro bono legal services (see above) followed shortly after the launch of the Just Access program. The program is aimed at improving access to justice (particularly for vulnerable individuals or groups) by raising awareness, improving the services provided by central and regional authorities, as well as promoting the training and development of lawyers and social care specialists, and an interdisciplinary approach in dealing with cases.²¹</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>In recent years, pro bono programs in Romania have intensified as a result of the commitment of corporate law firms in Bucharest, as well as in Romania’s major cities to align the practice of local firms with the pro bono culture of their international partners. Indeed, it has become customary for large Romanian law firms to dedicate part of their resources to pro bono activities.²² In addition, as mentioned above, organizations such as the Foundation for the Development of Civil Society aim to connect NGOs with providers of pro bono legal services by developing a program enabling NGOs to request pro bono legal services from participating law firms.²³</p> <p>There are several international and local NGOs that provide Romanians with free legal assistance. These NGOs tackle a wide variety of issues, such as government corruption and microfinance, discrimination based on sexual orientation and/or HIV positive status, the rights of the Roma minority, prison conditions and mental health treatment.</p> <p>For example: (i) the NGO "Accept" created the Anti-Discrimination Coalition which aims to improve access to justice and efficiency of remedies available to persons exposed to discrimination;²⁴ (ii) the Advocacy and Legal Assistance Centre (an institutional project of the Transparency International network in South-Eastern Europe set up in Romania in 2003) is dedicated to the</p>

²¹ See <http://www.unbr.ro/lansarea-programului-de-educatie-si-asistenta-juridica-pentru-imbunatatirea-accesului-cetatenilor-la-justitie-just-access/?highlight=%22pro%20bono%22> (last visited on October 2, 2019).

²² See <http://www.avocatura.com/stire/8563/se-implica-marile-case-de-avocatura-in-programe-de-responsabilitate-sociala-nu-p.html> (last visited on October 2, 2019).

²³ See footnote 19 above.

²⁴ See <http://www.antidiscriminare.ro/first-english-page> (last visited on October 2, 2019).

		<p>assistance and guidance of victims and witnesses of abuse or corruption in the public system.²⁵ (iii) the Association for the Defense of Human Rights in Romania-Helsinki Committee (APADOR CH) is involved in public efforts to improve prison conditions;²⁶ (iv) the Romanian Association Against AIDS (ARAS) is leading an awareness-raising and prevention campaign and is also providing advocacy help for AIDS-affected vulnerable groups;²⁷ (v) the Roma Center for Social Intervention and Studies (Romani CRISS) advocates Roma rights by providing legal assistance in cases of abuse;²⁸ and (vi) the ESTUAR Foundation aims to provide basic protection for adults with mental health problems.²⁹</p> <p>The concept of a university legal clinic is fairly new in the Romanian legal community. However, while few university legal clinics seem to be established currently³⁰, several initiatives may prompt the creation of opportunities for law students to become involved in pro bono activities: for example, ACTEDO and Jussbuss organised an interactive workshop for law students at Babes-Bolyai University in Cluj-Napoca regarding the provision of pro bono legal services to vulnerable groups³¹ and UNBR’s professional policy declaration relating to pro bono legal services (see above) encourages aspiring lawyers to engage in pro bono work.³²</p>
<p>(c) Obstacles to Provision of Pro Bono Legal Services</p>		
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Romania do not require a specific license to provide pro bono legal services. There are no rules or regulations directly governing pro bono</p>

²⁵ See https://www.transparency.org.ro/arhiva/centru/alac/index_en.html (last visited on October 2, 2019).

²⁶ See <http://www.apador.org/en/studiu-fti-privind-arestul-preventiv-si-alternativele-sale/> (last visited on October 2, 2019).

²⁷ See <https://www.aidsactioneurope.org/en/organisation/aras-romanian-association-against-aids> (last visited on October 2, 2019).

²⁸ See <http://www.romanicriss.org/en/> (last visited on October 2, 2019).

²⁹ See <http://www.estuar.org/> (last visited on October 2, 2019).

³⁰ For example, the webpage of the Association of Law Students at Alexandru Ioan Cuza University in Iasi mentions the “Free Legal Advice Centre – Law Faculty Legal Clinic”: <http://www.uaic.ro/studenti/asociatii-si-ligi-studentesti/asociatia-studentilor-la-drept-asd/> (last visited on October 2, 2019).

³¹ See <http://actedo.org/atelier-interactiv-pentru-studenti-la-drept-asistenta-juridica-pentru-grupurile-vulnerabile-un-model-norvegian/> (last visited on October 2, 2019).

³² See <http://www.unbr.ro/hotararea-consiliului-unbr-nr-414-08-12-2018-referitor-la-declaratia-de-politica-profesionala-privind-avocatura-pro-bono/?highlight=%22pro%20bono%22> (last visited on October 2, 2019).

		practice in Romania.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional license(s) to provide pro bono legal services. There are no rules or regulations directly governing pro bono practice in Romania.
	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?	Romanian lawyers who undertake pro bono activities are required to conclude a legal assistance and representation contract with the beneficiary of the service. Provided that the contract is duly signed, the attorney is insured against any alleged professional misconduct towards the pro bono client, with the exception of willful misconduct or gross negligence in handling the respective case. Standard professional insurance covers any and all legal representation granted by the insurance beneficiary that is formalized through a legal assistance and representation contract. ³³
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules or regulations directly governing pro bono practice in Romania. However, the prohibition of advertising for the purpose of attracting clients and the limitations applicable to professional publicity would presumably apply also to pro bono successes. Such practices are still regarded as contrary to the restrictive advertising rules applicable to lawyers and to the fair competition between lawyers.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Romania do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.– There are no rules or regulations directly governing pro bono practice in Romania.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Romania.	Romania maintains a legal aid system (as opposed to governmental sources of pro bono per se). Romania’s Constitution provides for the right to representation by a lawyer (selected by the person or appointed by the state) during any judicial proceeding. ³⁴ Legal representation is mandatory in

³³ For a general description of the standard professional insurance, see for instance:

<http://www.euroins.ro/asigurarea-pentru-avocati,244.html> (last visited on October 2, 2019).

³⁴ THE CONSTITUTION OF ROMANIA, article 24, available at <http://www.cdep.ro/pls/dic/site.page?id=339> (last visited on October 2, 2019).

		<p>certain cases and in such cases a lawyer will be appointed by the state if an individual has not hired counsel.³⁵ In other cases, indigent persons may request and be granted state-sponsored legal aid (either in the form of legal representation or legal advice).³⁶ Lawyers interested in providing legal aid must make a request to be included in the Legal Aid Registry (<i>Registrul de Asistentă Judiciară</i>) maintained by each local bar.³⁷ If the number of attorneys listed on the Legal Aid Registry is insufficient, the local bar may designate other lawyers to provide legal aid.³⁸ Each local bar also has a Legal Aid Bureau (<i>Serviciu de Asistentă Judiciară</i>, or “SAJ”) responsible for, among other things, designating the lawyers who provide legal aid.³⁹</p> <p>Any lawyer registered with the SAJ infrastructure is subject to mandatory assignment to legal aid matters. Registration on the Legal Aid Registry constitutes consent to provide legal aid services. Failure to provide legal aid whilst registered on the Legal Aid Registry is subject to disciplinary sanctions.⁴⁰</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Romania.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Romania are:</p> <ul style="list-style-type: none"> • UNBR and the 41 regional bar associations.⁴¹ • Centre for Legal Resources Foundation (<i>Fundația Centrul pentru Resurse Juridice</i>).⁴² • ACTEDO⁴³ • Civil Society Development Foundation (<i>Fundația pentru Dezvoltarea Societății Civile</i>).⁴⁴

³⁵ Cozmin Obancia, Marinela Cioroaba and Andrei Savescu, Access to Justice in Central and Eastern Europe Country Reports: Romania 423 (2003), available at http://pilnet.org/component/docman/doc_download/48-access-to-justice-in-central-and-eastern-europe-country.html (last visited on October 2, 2019).

³⁶ Ibid.

³⁷ Legal Aid Framework Regulations”, article 2.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Legal Aid Framework Regulations, articles 1, 10, 11, 71 and 72.

⁴¹ See <http://www.unbr.ro/> (last visited on October 2, 2019).

⁴² See <http://www.crj.ro/en/> (last visited on October 2, 2019).

⁴³ See <http://actedo.org/infographic-pro-bono-network-human-rights-2016/> (last visited on October 2, 2019).

⁴⁴ See <http://www.fdsc.ro/servicii-juridice-pro-bono-pentru-onguri> (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • Centre for Legal Resources Applied in National, EU and International Law (<i>Centrul de Resurse Juridice Aplicare in Drept Intern, Comunitar si International</i>).⁴⁵
	<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>Lawyers (whether local or foreign) may wish to contact, or subscribe for newsletters from, any of the organizations listed above.</p>

October 2019
Pro Bono Practices and Opportunities in Romania

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.

⁴⁵ See <http://www.stiintejuridice.ro/Stiinte-Juridice/consultanta-asistenta-si-reprezentare-pro-bono.html> (last visited on October 2, 2019).