

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

**I. Introduction**

In Slovakia, a culture of pro bono continues to grow through facilitators which operate as pro bono clearinghouses. The Pro Bono Advocacy program, for example, provides many opportunities for lawyers interested in providing pro bono services to the non-profit sector. While the Centre for Legal Aid (the “Centre”) is a state-sponsored organization providing comprehensive legal aid to those in need through volunteer attorneys. Lawyers interested in providing pro bono services can either register with either the Pro Bono Advocacy program, the Centre or contact one of the local NGOs listed below. In addition, many law firms provide pro bono services through their own initiative without appointment by a court, and some firms have long-standing partners (e.g., local non-profit organizations) to whom they provide pro bono services.

**II. Overview of Pro Bono Practices**

(a)	<b>Professional Regulation</b>	
	1. Describe the laws/rules that regulate the provision of legal services?	Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) dated 4 December 2003 (as amended, the “Act”) governs the provision of legal services in Slovakia. <sup>2</sup> Lawyers’ fees are governed by an implementing decree of the Ministry of Justice (No. 655/2004) and are generally determined by agreement between a lawyer and their client. <sup>3</sup>
	2. Describe any licensure requirements governing the provision of legal services.	In order to practice as a lawyer in Slovakia, a person must satisfy all the legal requirements stipulated in the Act and have been duly admitted to the Slovak Bar Association. <sup>4</sup> Generally, for registration as a lawyer with the Slovak Bar, a person must: <ul style="list-style-type: none"> <li>• hold a university degree in law;</li> <li>• have acquired at least three years’ experience as an articulated clerk;</li> <li>• have passed a bar examination; and</li> <li>• be of good character (must have clean criminal record).<sup>5</sup></li> </ul>

<sup>1</sup> This chapter was drafted with the support of Adam Hodoň of Kinstellar

<sup>2</sup> Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) dated 4 December 2003 available at [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/National\\_Laws\\_on\\_the\\_Bars/EN\\_Slovak-Rep\\_Parliamentary-Act-No-5862003.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Slovak-Rep_Parliamentary-Act-No-5862003.pdf) (last visited October 2, 2019).

<sup>3</sup> European E-Justice, Going to court – Costs of proceedings – Slovakia available at [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-sk-en.do?member=1](https://e-justice.europa.eu/content_costs_of_proceedings-37-sk-en.do?member=1). (last visited October 2, 2019).

<sup>4</sup> See Section 3 of the Act at 1 above.

<sup>5</sup> See Section 3 of the Act at 1 above.

(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>The Act and Law No. 327/2005 Coll. on the Provision of Legal Aid for People in Material Need (the “Legal Aid Act”) provide that lawyers may provide legal services for a reduced fee or free of charge, and further stipulate that lawyers must not request or receive any fee from a client whose legal services have been paid by the state under Section 25 of the Act.<sup>6</sup></p> <p>The basis for provision of state-funded legal aid arises out of the Constitution, under which everyone has the right to legal advice and representation in proceedings before courts and state agencies (subject to certain legal conditions).<sup>7</sup> The system for granting legal aid for indigent natural persons in civil, commercial, administrative and asylum matters is comprehensively regulated by the Legal Aid Act.<sup>8</sup></p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There are no requirements for lawyers in Slovakia 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>The Act does not require that any minimum number of hours of pro bono legal services be provided in order to become a licensed lawyer in Slovakia.</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 Centre provides legal services, inter alia, for disputes related to:</p> <ul style="list-style-type: none"> <li>• civil, family, labor and commercial law, protection in enforcement proceedings (executions), judicial proceedings in administrative matters and in all these cases in proceedings before the Constitutional Court; and</li> <li>• asylum cases, proceedings on administrative expulsion, proceedings on the apprehensions of a non-EU foreign national or an applicant for asylum, and in these cases also in proceedings before the Constitutional Court.<sup>9</sup></li> </ul>

<sup>6</sup> See Section 24 of the Act at 1 above, ex-offo representation.

<sup>7</sup> Constitution of the Slovak Republic available at <https://www.prezident.sk/upload-files/46422.pdf> (Article 47(2)) (last visited October 2, 2019).

<sup>8</sup> Constitutional Court of the Slovak Republic – The Centre for Legal Aid available at <https://www.ustavnysud.sk/en/centrum-pravnej-pomoci> (last visited October 2, 2019).

<sup>9</sup> See the Centre for Legal Aid at 7 above (last visited October 2, 2019).

	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?	Based on information available, through its work with private law firms and individual lawyers, the Centre is one of the main facilitators of pro bono legal services in Slovakia. However, an increasingly important role is played by NGOs.
<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?	The law does not require Slovak lawyers to have a license to provide pro bono legal services, but they must be licensed to provide legal services in general in accordance with the Act as set forth in section (a)(1) above.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	While there are no specific references to pro bono legal services, the Act regulates the practice of foreign lawyers in Slovakia, including registration requirements and limitations as to who foreign lawyers may represent and when they may appear in proceedings before a court or other public authority. <sup>10</sup>
	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?	Though there is no specific reference to pro bono legal services, lawyers in Slovakia are required to maintain a professional indemnity policy covering any loss or damage arising out of the provision of legal services. <sup>11</sup> Lawyers may opt to be insured through the Collective Professional Indemnity Policy maintained by the Slovak Bar Association. <sup>12</sup>
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Advertising with respect to pro bono matters is not prohibited, but Slovak lawyers are required to adhere to the regulations set forth in the Act and as maintained by the Slovak Bar Association. <sup>13</sup>
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Slovakia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
<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 Slovakia.	The Centre was created pursuant to the Legal Aid Act as a state budgetary organization under the

<sup>10</sup> See Part Three of the Act at 1 above.

<sup>11</sup> See Section 27(1) of the Act at 1 above.

<sup>12</sup> See Section 29 of the Act at 1 above.

<sup>13</sup> See Section 27(2) of the Act at 1 above.

		<p>Ministry of Justice of the Slovak Republic. The Centre provides quality and complex legal aid through lawyers of the Centre, volunteer advocates registered within the Slovak Bar Association or mediators to persons who, due to lack of means, are unable to pay for specified legal services. On a limited basis, the Centre will reimburse volunteer lawyers.<sup>14</sup></p> <p>Since 1 January 2012, the Constitutional Court of Slovakia has referred complainants to the Centre if they apply for legal representation and fulfil the prerequisites to be exempted from court fees. The Constitutional Court provides complainants with information about this option, and private individuals can apply for legal assistance or preliminary consultation even before filing a complaint at the Constitutional Court.</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Slovakia.</p>	<p>In May 2011, the Pro Bono Advocacy program was launched by Pontis Foundation and Slovak law firms to connect non-profit organizations with Slovak lawyers who are able provide pro bono advice and services.<sup>15</sup> The program is sponsored by The Global Network for Public Interest Law, a global pro bono clearinghouse, and has been endorsed by the Slovak Bar Association and the Minister of Justice of the Slovak Republic.<sup>16</sup></p> <p>Along with the Pro Bono Advocacy program, the following non-governmental organizations are involved in pro bono legal services on a private basis:</p> <ul style="list-style-type: none"> <li>• Via Iuris;<sup>17</sup></li> <li>• Nadácia Charty 77;<sup>18</sup></li> <li>• Centrum Nádej;<sup>19</sup></li> <li>• Liga za ľudské práva (Human Rights League);<sup>20</sup> and</li> </ul>

<sup>14</sup> Pro Bono in Slovakia by Viliam Myšička and Marko Ernek available at <http://news.trust.org/item/20160717100005-g6c7q> (last visited October 2, 2019).

<sup>15</sup> Pro Bono Advocacy programme launched in Slovakia available at <https://www.kinstellar.com/news-and-deals/news/detail/37/pro-bono-advocacy-programme-launched-in-slovakia> (last visited October 2, 2019).

<sup>16</sup> Pro Bono Advocacy programme launched in Slovakia at 14 above.

<sup>17</sup> See <https://viaiuris.sk/en/> (last visited October 2, 2019).

<sup>18</sup> See <http://www.charta77.sk/> (last visited October 2, 2019).

<sup>19</sup> See <http://www.centrumnadej.sk/> (last visited October 2, 2019).

<sup>20</sup> See [www.hrl.sk](http://www.hrl.sk) (last visited October 2, 2019).

		<ul style="list-style-type: none"> <li>• Slovak Humanitarian Council.<sup>21</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>Slovak attorneys interested in pro bono opportunities should register with the Centre<sup>22</sup> or the Pro Bono Advocacy program.<sup>23</sup></p>

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<sup>21</sup> See [www.shr.sk](http://www.shr.sk) or [www.nasiutecenci.sk](http://www.nasiutecenci.sk) (last visited October 2, 2019).

<sup>22</sup> See <http://www.centrumpravnejpomoci.sk/> (last visited October 2, 2019).

<sup>23</sup> See <http://www.nadaciapontis.sk/> (last visited October 2, 2019).