

Pro Bono Practices and Opportunities in Slovenia¹

I. Introduction

The provision of pro bono legal services is an increasingly important part of the practice of law in Slovenia, and a number of lawyers accept pro bono cases. Traditionally, the Slovenian Bar Association has organized a pro bono day every year on 19 December. Lawyers, however, are under no obligations to take or report any pro bono legal work. Nonetheless, while pro bono legal services in Slovenia have been increasing for several years, due to the creation of the Free Legal Aid, many lawyers engaged in pro bono legal services in Slovenia express frustration with administering pro bono legal services due to difficulties in communicating with clients, particularly because many pro bono clients lack access to telephones and internet and are poorly educated.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The legal profession in Slovenia is governed by Article 137 of the Constitution², the Bar Act³, and the Code of Conduct for Lawyers⁴, the Lawyers' Tariff⁵ and by internal acts of the Slovenian Bar Association.</p> <p>All practicing attorneys in Slovenia are required to join the Slovene Bar Association, which consists of 11 regional assemblies where membership is based on territorial and functional principles, largely coinciding with the territories of the district courts.</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>As per the Bar Act, in order to become a lawyer in Slovenia, an individual must obtain a law degree from one of the three law faculties in Slovenia or abroad (in line with the laws that regulate recognition of diplomas). To become an attorney-at-law, it takes another year of work as an "attorney-at-law candidate" in a legal office, prosecutor's office, state attorney's office, court or notary, after passing the bar exam.</p> <p>Foreign attorneys who wish to represent parties in courts in Slovenia may do that under the principle of reciprocity. Foreign attorneys that wish to practice in Slovenia must have obtained the right to</p>

¹ This chapter was drafted with the support of Dr. Neža Kogovšek Šalamon of the Mirovni Institut.

² Slovenian constitution: <https://www.us-rs.si/en/about-the-court/legal-basis/constitution/> (last visited on October 2, 2019).

³ Bar Act: <http://www.odv-zb.si/en/regulations/bar-act> (last visited on October 2, 2019).

⁴ Slovenian Code of Conduct for Lawyers: https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Slovenia_code-of-professional-conduct-of-the-Bar-Association-of-Slovenia.pdf (last visited on October 2, 2019).

⁵ Lawyers Tariff Act: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO265> (last visited on October 2, 2019).

		<p>practice law in the country of their citizenship, actively speak Slovene and pass an exam on the legal order of the Republic of Slovenia.</p> <p>Attorneys from other EU member states may practice in Slovenia under the name “attorneys” after three years of continuous practice in Slovenia under the title obtained in their own country.</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>Under the Lawyers’ Tariff of 2014, lawyers in Slovenia are required to charge a minimum tariff for legal work but may provide free legal services to socially disadvantaged and impoverished individuals. Nonetheless, lawyers are required to charge VAT on pro bono service if they issue an invoice to the client (even if the invoice is later written off or not paid by the client), although lawyers who provide free services to defendants in criminal cases may not have to charge VAT on their services⁶. For the avoidance of doubt, lawyers who provide free pro bono services and do not issue an invoice to their pro bono clients are not required to charge VAT.</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 Slovenia 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>There are no requirements for aspiring lawyers to complete a minimum number of hours of pro bono legal services in Slovenia 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>Areas where pro bono work would be welcome in Slovenia are: immigration law; legal advice to and representation of civil society organizations, including NGOs that work on climate change, hate speech cases, and generally provision of legal advice to socially deprived groups.</p> <p>Lawyers in Slovenia rarely take on some of the most challenging cases pro bono (such as providing services to individuals in rural areas) due to the difficulties in communicating with clients, who lack access to internet, are poorly educated or unaware of their rights and legal options.</p>

⁶ Slovenian Bar Association, Interpreting Lawyers’ Fees, <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5198> (last visited on 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?	Pro bono legal services are most likely to be administered by “candidate” lawyers, and many lawyers at private law firms will agree to take on pro bono legal services several times per year.
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	There is a requirement in Slovenia that legal services be provided by lawyers who have undergone training and passed Slovenia’s law exam. This requirement will apply equally to the provision of pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	While foreign lawyers can provide pro bono legal services this can be quite difficult due to the requirement that legal services be provided by attorneys who speak Slovenian and have passed an exam on the legal order in the Republic of Slovenia. ⁷
	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?	In Slovenia, there are no specific rules on liability of lawyers. The Bar Act, however, provides that the Bar Association of Slovenia shall insure a lawyer against liability for damages that the client might incur with reference to the legal practice. The premium for such insurance is paid out of the lawyer's insurance fee payable to the Bar Association.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Slovenia that prohibit advertising of pro bono successes or soliciting new pro bono clients. However, there is a general prohibition on advertising of attorneys successes, turnover, cases won and other similar aspects of attorneys’ work. ⁸
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Slovenia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d)	Sources of Pro Bono Opportunities and Key Contacts	

⁷ The full translation of the conditions for foreign attorneys to practice law in Slovenia is available at <http://www.odv-zb.si/en/regulations/bar-act> (last visited on October 2, 2019), see particularly Articles 34.a and onwards.

⁸ See Article 21 of the Bar Act, available at: <http://www.odv-zb.si/en/regulations/bar-act> (last visited on October 2, 2019)..

<p>1. Describe any governmental sources of pro bono and/or other legal services in Slovenia.</p>	<p>Slovenia’s Constitution, the Civil Procedure Act⁹ and the Free Legal Aid Act¹⁰ provide significant services for individuals in need of legal aid. However, these services are insufficient to help all individuals requiring legal services and, in fact, there are indications that many of the most vulnerable individuals in Slovenia are not aware of these free services.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Slovenia.</p>	<p>There are very few NGOs in Slovenia that provide pro bono legal services, for example: (i) Institute for Free Legal Aid (Zavod Za Brezplačno Pravno Pomoč) – a non-profit institute offering legal aid and legal advice;¹¹ and (ii) Humanitarian Association Law for All (Pravo ze Vse).¹²</p>
<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 in Slovenia with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

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⁹ Civil Procedure Act: www.uil-sipo.si/fileadmin/upload.../Civil_Procedure_Act_Slovenia_ZPP-2004.doc (last visited on October 2, 2019).

¹⁰ Free Legal Aid Act: <http://www.pisrs.si/Pis.web/npbDocPdf?idPredpisa=ZAKO6913&idPredpisaChng=ZAKO1265&type=doc&lang=EN> (last visited on October 2, 2019).

¹¹ See <http://www.brezplacnopravnepomoc.si> (last visited on October 2, 2019).

¹² See <http://www.pravozavse.si/> (last visited on October 2, 2019).