

Pro Bono Practices and Opportunities in South Korea

I. Introduction

Pro bono activities by Korean attorneys in South Korea have evolved significantly in recent decades. While in the past, they generally took the form of providing free legal advice and assistance in litigation to needy individuals, large law firms such as Kim & Chang have signaled a change toward a more holistic approach to pro bono work, with a focus on the wider community and society. In 2013, Kim & Chang launched its Committee for Social Contribution (“CSC”). The CSC has signed a partnership agreement with 25 NGOs to provide legal assistance relating to the rights of minorities including people with disabilities, children and North Korean defectors. In 2016, the country’s 11 major domestic law firms, including Kim & Chang, launched the Law Firm Public Interest Network, signing an agreement to jointly explore and promote public interest activities. The network hosts seminars and networking events to promote greater cooperation in pro bono projects and other public interest activities.¹

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>Attorney-at-Law Act Article 4 (Qualifications for Attorneys-at-Law) provides that a person falling under either of the two categories below qualifies as an attorney-at-law: 1) a person who has completed the required curriculum of the Judicial Research and Training Institute after passing the Korean Bar Examination; or 2) a person who is qualified as a judge or a public prosecutor.</p> <p>Article 6 (Foreign Attorneys-at-Law with Meritorious Services to State) provides that the Minister of Justice may authorize the qualification as an attorney-at-law to a person who, as a foreign attorney-at-law, has rendered meritorious services for Korea or who has other fitting reasons to be granted the qualification of an attorney-at-law. Such a foreign attorney-at-law may establish a legal practice in Korea with the permission of the Minister of Justice only if the legal qualification of Korean nationals who are qualified as attorneys-at-law is recognized and their establishment of legal practices is permitted in the foreign attorney’s home country. He or she may not, however, provide legal services in matters other than those which concern foreigners or foreign laws.</p>
	2. Describe any licensure requirements governing the provision of legal services.	A Korean lawyer wishing to practice law in South Korea after receiving his or her license ² must register

¹ See <http://whoswholegal.com/news/probono/article/33841/ww1-pro-bono-law-firm-year-kim-chang> (last visited on October 2, 2019).

² The traditional Korean judicial examination system was replaced in 2017 with one resembling the American system, consisting of law school graduation and passage of a bar examination.

		<p>with the Korean Bar Association (“KBA”).³ Membership of the KBA is compulsory for all practicing lawyers.</p> <p>A foreign lawyer wishing to practice law in South Korea must register as a Foreign Legal Consultant (“FLC”).</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>Details of the instruments listed here are provided in other responses to this survey:</p> <ul style="list-style-type: none"> • Attorney-at-Law Act Article 27 (Duty to Perform Designated Services, such as Public Interest Activities);⁴ • Association Rules of the KBA Article 9-2 [Participation in Public Interest Activities, Etc.];⁵ and • The Seoul Bar Association (“SBA”) 공익활동지침 (Guidelines for Public Interest Activities).
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is a mandatory 30-hour per year pro bono requirement under Attorney-at-Law Act Article 27, the Association Rules of the KBA Article 9-2, and related regulations.</p> <p>In case of special circumstances, local bar associations have the authority to decrease the requirement to 20 hours. The SBA has exercised its authority to do so every year, decreasing the pro bono requirement for its members to 20 hours.</p>

³ Association Rules of the Korean Bar Association Article 36.

⁴ Attorney-at-Law Act Article 27 (Duty to Perform Designated Services, such as Public Interest Activities):

(1) Each attorney-at-law shall engage in public interest activities for not less than a specified number of hours per year.

(2) Each attorney-at-law shall handle affairs designated by public agencies, the Korean Bar Association, or the local bar association with which he/she is affiliated under Acts and subordinate statutes.

(3) Necessary matters concerning the scope of public interest activities and the method of performing such activities shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

⁵ Association Rules of the Korean Bar Association Article 9-2 [Participation in Public Interest Activities, Etc.]

(1) Each individual member shall engage in public interest activities for not less than a specified number of hours per year.

(2) Each individual member shall handle affairs designated under the Acts and subordinate statutes by public agencies the Korean Bar Association, or a local bar association with which he/she is affiliated.

(3) Matters concerning scope, performing method, etc. of public interest activities shall be determined by the regulations.

[This Article Newly Inserted, Jul. 19, 2000]

	<p>This requirement may also be satisfied by making a specified payment to the pro bono fund instead of working the specified number of hours. Those who have been practicing for less than two years and those who are older than 60 years of age are also exempt from the requirement.</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 Korea are not required to complete a minimum number of hours of pro bono legal services 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>There are various areas of law which require or present opportunities for the provision of pro bono legal services in Korea. Women’s rights issues and labor rights issues are among the most active. Various organizations currently receive government-funded subsidies for their pro bono activities.</p> <p>NGOs served on a pro bono basis by large firms such as Kim & Chang include the International Vaccine Institute, the Korea Differently Abled Federation (“KODAF”) and the Korea Hana Foundation (“KHF”), a non-profit public organization established by Ministry of Unification in 2010 to provide protection and settlement support for North Korean refugees. Firms also have advocated for legislative changes benefitting disabled persons, including through a campaign led by Special Olympics Korea to revise legal terminologies such as “deaf” and “mentally retarded” that are deemed discriminatory toward people with disabilities.</p> <p>KODAF, a network established by individuals with disabilities and aimed at promoting the rights of people with disabilities, concluded a MOU with the CSC in 2013.</p> <p>Kim & Chang also has provided pro bono representation in arbitral disputes, including in the Court of Arbitration for Sport (CAS) where they represented a team of Korean badminton players.</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>Main providers of pro bono legal services in Korea include the Ministry of Justice⁶, the SBA, large domestic private law firms, and the Korea Legal Aid Corporation (“KLAC”).</p> <p>KLAC is among the most active, benefiting from a provision under the Korean law permitting male</p>

⁶ See http://www.moj.go.kr/HP/ENG/bureaus/bureaus_02.jsp (last visited on October 2, 2019).

		<p>attorneys to provide pro bono legal services at KLAC for three years in lieu of military service.</p> <p>KLAC provides free legal advice on a broad range of matters including civil, family, criminal and administrative legal issues. Face-to-face advice is provided at local legal aid offices. Online advice is provided on the KLAC website and by e-mail. A nationwide hotline is accessible by telephone and video phone. KLAC provides assistance with preparing forms and documents such as complaints, briefs, and provisional seizure for monetary issues of less than 10 million won, and in which the case is relatively simple or self-evident. KLAC also represents clients on a pro bono basis in certain criminal cases, including representation of sexually abused children and victim of sexual violence.</p>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	No additional license is required for the provision of pro bono legal services beyond that required for the practice of law in Korea.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	No additional license is required for the provision of pro bono legal services beyond that required for the practice of law by a foreign lawyer in Korea; however, only licensed Korean lawyers may represent clients in litigation. 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?	Law firms often maintain malpractice insurance; however, insurance is not mandatory for the practice of law in general in Korea. In addition, no professional indemnity insurance is required for the provision of pro bono legal services in Korea.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	No special or additional rules pertain to pro bono matters; however, rules regarding solicitation and advertisement are set forth generally in laws and regulations such as the Attorney-at-Law Act Article 23, the Association Rules of the Korean Bar Association, ⁸ and KBA ‘변호사업무광고규정’

⁷ Civil Procedure Act Article 87

⁸ Article 44 [Remuneration and Advertisement of Attorneys-at-Law, Law firms, Limited Liability Law Firms, Law Firm Partnerships, Etc.] [...]

(5) Any member and foreign legal consultant shall, when he/she advertises, promotes, or installs office sign, comply as determined by the rules or the regulations of the Korean Bar Association or the local bar association with which he/she is affiliated.

		<p>(Attorney-at-law advertisement regulation), which regulate, among others, the method and content of advertisement by attorneys-at-law.</p> <p>The Foreign Legal Consultant Act, Advertisement Regulations for Foreign Legal Consultant, and Code of Ethics for Foreign Legal Consultant govern foreign law firms and foreign lawyers practicing law in Korea. A Foreign Legal Consultant may advertise by providing information and materials (including information regarding the partners of Foreign Legal Consultant Office) and services provided in order to help potential clients in selecting a Foreign Legal Consultant and to attract clients through fair competition⁹, subject to certain prohibitions including but not limited to restrictions on contents¹⁰ and methods¹¹ of advertisement.</p> <p>A foreign legal consultant may not make an exaggerated publicity or advertisement of her career, specialty or performance, and in publicizing or advertising her services, must comply with the Regulations on Advertisement of Services provided by Foreign Legal Consultant established by the KBA.¹² A foreign legal consultant may not contact potential clients or make a clerical employee or a third party to induce the engagement of herself by potential clients, for the purpose of soliciting cases.¹³</p>
	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in Korea do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>		
	<p>1. Describe any governmental sources of pro bono and/or other legal services in Argentina.</p>	<p>The main governmental sources of pro bono and/or other legal services in Korea are:</p> <ul style="list-style-type: none"> • Korea Legal Aid Corporation; • Ministry of Justice;¹⁴ • Seoul Bar Association; and • KBA.

⁹ Advertisement Regulations for Foreign Legal Consultant Article 3 (Basic Principle of Advertisement)

¹⁰ Article 4 (Restrictions on Contents of Advertisement)

¹¹ Article 5 (Restrictions on Methods of Advertisement)

¹² Code of Ethics for Foreign Legal Consultant Article 6 (Prohibition of Exaggerated Advertisement)

¹³ Code of Ethics for Foreign Legal Consultant Article 9 (Prohibition of Solicitation of Case)

¹⁴ See http://www.moj.go.kr/moj_eng/index.do (last visited on October 2, 2019).

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Argentina.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Korea are:</p> <ul style="list-style-type: none"> • MINBYUN – Lawyers for a Democratic Society; and • Large local private law firms (Kim & Chang; Yoon & Yang; Bae, Kim & Lee, etc.).
<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>Organizations that inform lawyers of pro bono opportunities include the KBA and the SBA.</p> <p>The Seoul Bar Association Probono Support Center provides a bulletin board for lawyers to volunteer for pro bono activities.</p>

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