

Pro Bono Practices and Opportunities in Vietnam¹

I. Introduction

Over 30 years since the launch of the “Doi Moi” (Open door) policy in 1986, Vietnam has implemented certain economic and political reforms that have helped it in its path towards greater international integration, including advancements in the legal services and pro bono legal services. Important legal developments have taken place which will hopefully pave the way for greater development of the practices of both legal services and pro bono legal services.

II. Overview of Pro Bono Practices

(a) Professional Regulation	
1. Describe the laws/rules that regulate the provision of legal services?	<p>Law on Lawyers No. 65/2006/QH11² dated 29 June 2006, as amended by Law No. 20/2012/QH13³ dated 20 November 2012, (“Law on Lawyers”) regulates the provision of legal services of lawyers in Vietnam.</p> <p>Law on Legal Aid No. 11/2017/QH14 dated 20 June 2017 (“Law on Legal Aid”) regulates legal aid.⁴</p> <p>Decision No. 112/QD-BTV dated 18 October 2018 (“Decision 112”) of Vietnam Bar Federation promulgates Regulations on Performance of Lawyers’ Pro Bono Legal Services.</p>
2. Describe any licensure requirements governing the provision of legal services.	<p>Practicing law in Vietnam requires a bachelor’s diploma in law, attendance of lawyers’ training course certified by the Vietnam Judicial Academy, and the completion of a 12-month law practice probation at a law firm or law office.</p> <p>All lawyers must receive a certificate issued by the Ministry of Justice and be admitted to the Bar in the place of their practice.</p>
(b) Pro Bono Practice and Culture	
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>Law on Lawyers sets out the following rules on provision of pro bono legal services:</p> <ul style="list-style-type: none"> • lawyers are obliged to perform pro bono legal services in accordance with the charter of Vietnam Bar Federation;

¹ This chapter was drafted with the support of Trinh Luong Ngoc of Vietnam International Law Firm (VILAF).

² See <https://thuvienphapluat.vn/van-ban/EN/Doanh-nghiep/Law-No-65-2006-QH11-of-June-29-2006-on-lawyers/80636/tieng-anh.aspx> (requires membership to access).

³ See <https://thuvienphapluat.vn/van-ban/EN/Dich-vu-phap-ly/Law-No-20-2012-QH13-amending-and-supplementing-a-number-of-articles-of-the-Law/153144/tieng-anh.aspx> (requires membership to access).

⁴ See <https://thuvienphapluat.vn/van-ban/EN/Dich-vu-phap-ly/Law-11-2017-QH14-on-legal-aid/370443/tieng-anh.aspx> (requires membership to access).

		<ul style="list-style-type: none"> • when providing pro bono legal services, lawyers must devote [their efforts] to perform the legal aid; • law firms and law offices must create conditions for their lawyers to provide pro bono legal services; • the Vietnam Bar Federation must regulate the provision of pro bono legal services by lawyers; and • the State encourages lawyers to participate in provision of pro bono legal services.
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Under Decision 112, lawyers are obliged to perform minimum four hours of pro bono legal services per year.
	3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	No, aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.
	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>Main areas of law which require or present opportunities for the provision of pro bono legal services include:</p> <ul style="list-style-type: none"> • participation in law dissemination; • legal consultancy; • participation in legal proceedings to defend the legitimate rights and interests of people who need legal aid; and • representation in legal matters other than legal proceedings for people who need legal aid.
	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>The main providers are:</p> <ul style="list-style-type: none"> • National Legal Aid Agency of Vietnam; and • Individual law firms and/or their lawyers.
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	No, lawyers do not require a license to provide pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	No, foreign lawyers do not require any additional license(s) to provide pro bono legal services.
	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	Yes, Law on Lawyers requires lawyers to have professional indemnity legal insurance cover for legal services which includes the provision of pro bono legal services. In the case of lawyers working for a law practicing organization (such as a private

	organization working on the same pro bono project?	law firm), such organizations are obliged to buy insurance professional responsibility for lawyers.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Information about a case, matter or client which information the lawyer obtained during the course of practice may not be disclosed, except where the client agrees in writing.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Under the Law on Legal Aid, lawyers may be complimented and/or awarded by the Ministry of Justice for their pro bono legal services.
(d) Sources of Pro Bono Opportunities and Key Contacts		
	1. Describe any governmental sources of pro bono and/or other legal services in Vietnam.	The National Legal Aid Agency (NLLA) of Vietnam under Ministry of Justice. ⁵
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Vietnam.	Bar Associations in Vietnam set up pro bono programs which are usually organized as part of the celebrations connected with Vietnam Lawyer’s day (October 10th each year), a day dedicated to recognizing the achievements of the Vietnamese legal profession. ⁶ Other pro bono programs may involve lawyers introducing and explaining the impact of significant legislation relating to the rights and interests of the Vietnamese citizen.
	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?	Lawyers may contact legal aid authorities, the Vietnam Bar Federation, Bar Associations and several firms for information of pro bono opportunities. Below are links to these organizations: <ul style="list-style-type: none"> • National Legal Aid Agency – Vietnam⁷ • Legal Aid Centers (List of Legal Aid Centers in Vietnam)⁸ • Vietnam Bar Federation⁹ • Bar Associations: <ul style="list-style-type: none"> • Ho Chi Minh City Bar Association¹⁰ • Ha Noi City Bar Association¹¹ • Dragon Law Firm¹²

⁵ See <https://legalaids.gov.vn/> (last visited November 1, 2019).

⁶ Please refer to the pro bono program in 2019 of Ho Chi Minh City Bar Associate: <http://www.hcmcbar.org/NewsDetail.aspx?language=&CatPK=6&NewsPK=929> (last visited November 1, 2019).

⁷ See <https://legalaids.gov.vn/> (last visited November 1, 2019).

⁸ See <https://legalaids.gov.vn/danh-ba-phap-ly> (last visited November 1, 2019).

⁹ See <http://liendoanluatsu.org.vn/web/en> (last visited November 1, 2019).

¹⁰ See <http://www.hcmcbar.org/> (last visited November 1, 2019).

¹¹ See <https://luatsuhanoi.vn/> (last visited November 1, 2019).

¹² See <http://www.vanphongluatsu.com.vn/cong-ty-luat-dragon-tro-giup-phap-ly/> (last visited November 1, 2019).

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¹³ See <http://www.luattrungnguyen.vn/2014/09/cong-ty-luat-tnhh-trung-nguyen-tro-giup.html> (last visited November 1, 2019).