



Eurasia Pro Bono Survey

2019

*In just societies,
law works for all.*

INTRODUCTION

PILnet is dedicated to the cultivation of the Eurasian pro bono legal community in order to strengthen the resilience of civil society and offer better protection to vulnerable communities. To understand the current state of pro bono, PILnet conducted a survey of 278 lawyers in 10 countries between December 2018 and February 2019. In this survey, PILnet discovered that while a majority of Eurasian lawyers take part in pro bono, there is little knowledge amongst them of the pro bono practices of others in the region.

278 lawyers Including Armenia, Azerbaijan, Belarus,
10 countries Georgia, Kazakhstan, Kyrgyzstan, Moldova,
Tajikistan, Ukraine, Uzbekistan.

EXECUTIVE SUMMARY

The results of this survey show that although the Eurasian legal community is dedicated to pro bono, there are still challenges for these practitioners to overcome. On average, over **60% of Eurasian lawyers surveyed have provided pro bono assistance at least once in the previous two years.** However, few lawyers (fewer than 25%) think that their peers practice pro bono.

Most respondents stated that there are no or very few resources available to help lawyers to engage in pro bono. Most pro bono clients find lawyers through word of mouth or on social media; however, a few bar associations and civil society organizations (CSOs) are beginning to assume this role.

Additionally, according to those surveyed, **lawyers in Eurasia were far more likely to have engaged in pro bono after five years of being in their practice than earlier in their careers.** Lawyers practicing in law firms were somewhat more likely to have engaged in pro bono than solo practitioners or members of “lawyers’ collectives.”

Pro bono in this region has been mostly provided to help individuals rather than organizations. More than half of lawyers surveyed, 58%, reported that they provide pro bono assistance for individuals while about 31% helped both individuals and CSOs. Lawyers provided assistance on a myriad issues – the most common being women’s and children’s rights; administrative procedures, social security benefits, and pensions; criminal defense; and civil and family litigation.

Almost all lawyers that participated in this survey think that lawyers in their country should do pro bono from time to time, provided it is voluntary. Most believe that the legal profession is about more than just making money; that the legal profession has a social responsibility; that pro bono is a way to advance the profession, justice, and the rule of law; and that it is a good way for lawyers to gain new experience and expertise.

In a sentiment that may be unique to this region, many of those surveyed **expressed a strong voice against making pro bono mandatory but many believe there is more that can be done to promote pro bono.** The main obstacle for pro bono in almost all countries is a lack of legislation explicitly recognizing pro bono as a legitimate practice. In a culture of restrictive legal interpretation and presumption of fraud, this may lead to a *de facto* ban on providing legal assistance for free outside of the legal aid system, which is often underfunded and ineffective. Two potential responses to these obstacles, according to those surveyed, are various tax incentives that may greatly enhance pro bono engagement and a broader dialogue about pro bono both within the legal profession and with the public.

OBSTACLES TO PRO BONO

Many respondents thought that the local culture, traditions, or mentality (both on the part of lawyers and potential recipients) were the major obstacles to the growth of pro bono. Each country in the region has a unique situation that needs to be addressed:

- In **Moldova** and **Ukraine**, the laws that govern the legal profession and the fiscal legislation do not pose obstacles for lawyers to offer pro bono legal assistance. However, very few lawyers engage in pro bono legal assistance. For some, that is because with low salaries, they simply cannot afford to offer pro bono legal services. In addition, while some lawyers do offer pro bono legal assistance to their relatives and circle of friends, they do not call it pro bono. The culture of pro bono in the post-Soviet space is generally at an incipient stage.

- It is very common for CSOs to offer pro bono legal assistance. For example, four national CSOs based in different regions in **Georgia** offer free legal aid to internally displaced people (IDPs), refugees, and asylum seekers. In **Moldova**, certain CSOs that focus on human rights represent the victims of abuse in front of the European Court of Human Rights of the Council of Europe. These CSOs have staff lawyers whose work is funded by embassies or international foundations. Because this kind of "pro bono" is practiced by CSO lawyers, it is less likely to be considered the responsibility of fee-charging lawyers.

- Courts are unwilling to exempt indigent individuals from court fees or fees for expert assessments, which renders pro bono ineffective in **Ukraine**.

- Tax burdens are an issue preventing lawyers from practicing pro bono in **Georgia**. In addition, **Ukrainian** lawyers are required to pay "social tax" regardless of whether a fee was paid for their services.

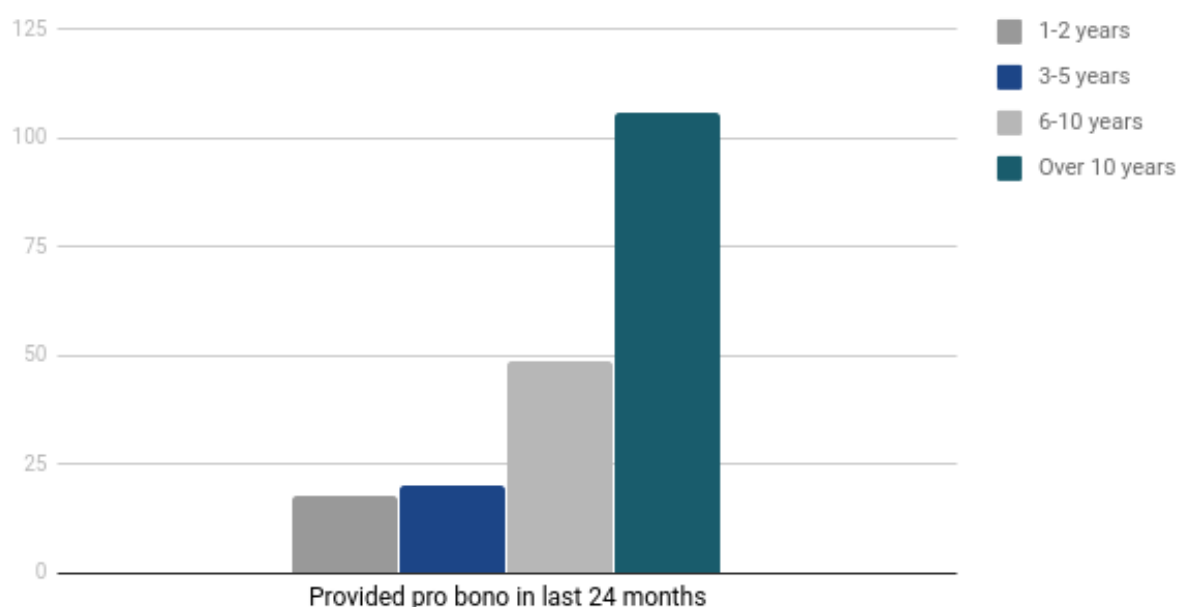


WHO GIVES PRO BONO ASSISTANCE

A majority of those who took part in this survey were active in pro bono, with 62% of respondents saying they had provided pro bono assistance to either individuals or organizations in the last 24 months. When looking at pro bono experience by type of legal practice, a significant percentage in each type of practice responded that they take part in pro bono. Of those surveyed, this includes 67% of in-house professionals, 76% from law firms, 71% from collectives, and 68% of solo practitioners.

In this survey, it was also evident that pro bono engagement grows with professional experience, particularly after the first five years of practice.

Pro Bono Engagement by Number of Respondents, Sorted by Years of Practice



RECIPIENTS OF PRO BONO

When giving pro bono assistance, individual clients were much more common amongst lawyers. A majority, or 89% of those surveyed had experience in providing pro bono assistance to individuals in the past 24 months, as compared to 42% having helped CSOs or other initiatives. Just over half, 58%, only provided pro bono help to individuals.

The top five categories of pro bono assistance provided to individuals in the past 24 months were: women and children's rights, administrative law, criminal/misdemeanor cases, civil litigation, and family law.

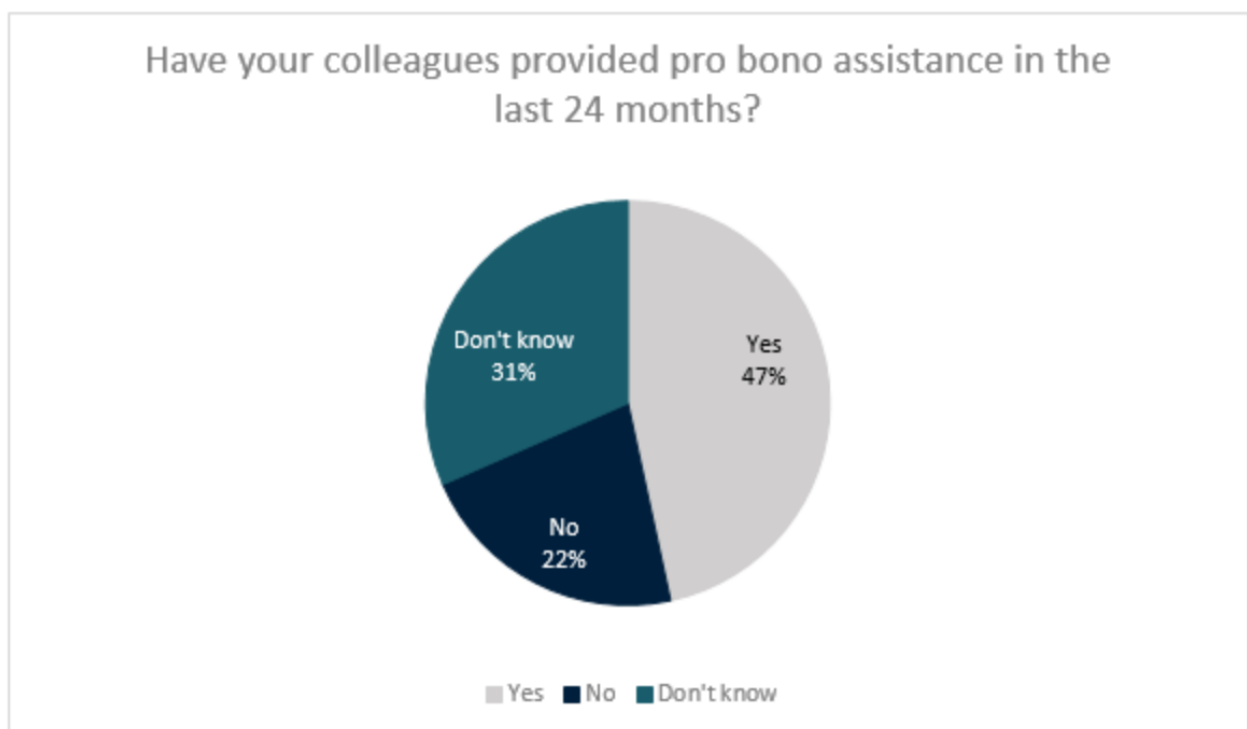
The top types of CSOs that were provided pro bono assistance were organizations working on: LGBTI rights, women/children's rights, culture, corruption, sports, and the environment.

COMMUNICATION AND ATTITUDE OF PRO BONO

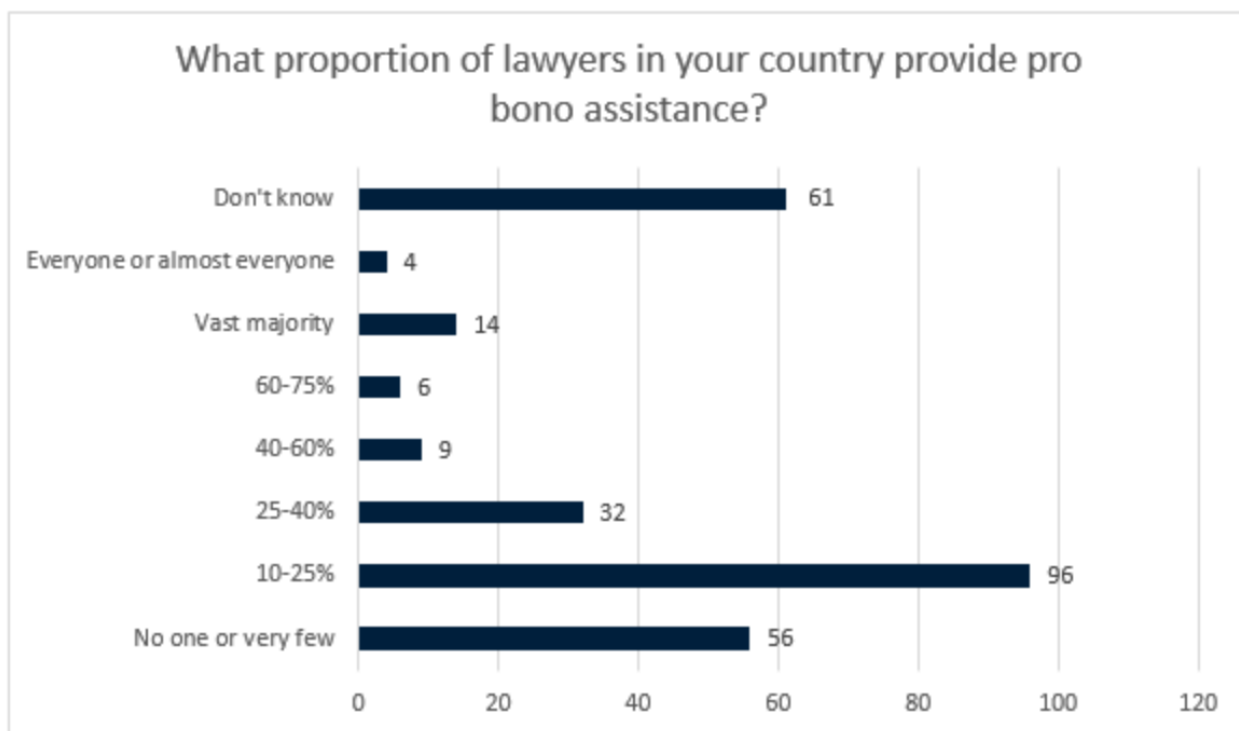
Through this survey, it was evident that there is a need for more communication about pro bono and pro bono opportunities. Respondents were asked where they usually received information about pro bono opportunities. The most common answer among respondents was that there was no such resource. This was followed by: clients seeking legal help on their own, the internet/social media, bar associations, CSOs, government or legal aid systems, clearinghouses, colleagues, yavo.md (free legal advice website in Moldova), the media, and law clinics. The common trend is that there are no or very few resources dedicated to brokering pro bono matters or requests. In addition to the 44 respondents who explicitly said that there were no resources, over 90 did not respond, which could mean they lacked awareness of such resources.

When asked if their law firm/collective supported or encouraged pro bono, 65% of lawyers surveyed said yes, 19% said no, and 16% said they didn't know.

There was little knowledge among respondents of who else in their professional network was practicing pro bono. When questioned if they knew if a colleague who provided pro bono assistance in the past 24 months 47% said yes, about 33% said they did not know, and 22% said no.



When asked what percentage of lawyers in their country they perceived to be practicing pro bono, 96 respondents said 10-25%, 61 said they didn't know, and 56 said none or very few. This was in stark contrast to the 65% of respondents who reported to be practicing pro bono themselves.



A large majority surveyed believe lawyers and/or law firms should do pro bono from time to time, with 87% agreeing with this statement. The top responses of why lawyers and law firms should conduct pro bono were: "the practice of law being not only about business," "it is a social responsibility," "a good way to learn new skills," and "required by ethics."

Many respondents felt that the government and/or the bar association should promote pro bono, keep a record of it, and provide incentives for pro bono (e.g. tax breaks or preferences; exemptions from membership fees; or preferences in continuing legal education). Many stated that pro bono should always be voluntary, although others were in favor of making it an ethical obligation or even introducing mandatory pro bono minimum requirements or at least recommendations. Respondents also stated that it is important to increase citizens' awareness of opportunities to receive pro bono assistance. Lawyers should engage in an ongoing dialogue about pro bono with each other and with the society at large. Experiences from other countries need to be analyzed and utilized (including those in brokering pro bono matters). Legal regulation should be improved; the law on the legal profession should specifically mention pro bono and make pro bono arrangements possible (including a contract for pro bono services).

METHODOLOGY AND SAMPLE BACKGROUND

This survey was conducted in early 2019 through an online questionnaire available in English and Russian. In total, 278 individual lawyers responded.

Two-thirds of respondents were between 30 and 49 years old. Respondents who were 50 years old and over were least represented (13%).

Most of the respondents were in the mid to late stage in their legal careers (almost 75% have at least 6 years of experience, and a half over 10 years). Solo practitioners were the largest group that participated in this survey, making up 31%. Between one-third and one-half of the respondents essentially practice solo.

Law firm lawyers were not represented on a large scale, which most likely reflects the fact that law firms are not very common in most countries in this region, other than Kazakhstan, Ukraine and, to a lesser degree, Georgia.

In-house lawyers were also not very well represented – most likely because they are not well connected with bar associations and mostly focus on work within their company.

Respondents were free to (and many did) indicate all types of practices listed that applied to their work.

There was a good cross-section of legal areas conducted by lawyers in this survey, with civil law being the most represented. This was followed by commercial/business/corporate law, corporate litigation, criminal law, and “other”.

Unfortunately, meaningful participation from some of the target countries was not secured. Due to the limited size of the samples even for the best represented countries, Ukraine, Georgia, Azerbaijan, Kazakhstan, and Moldova, PILnet decided to analyze the results in relation to the region as a whole only (with a couple of exceptions). Breakdown by country is as follows:

Country	Respondents	Total Number of Lawyers	Population
Ukraine	75	45,000	44.8 million
Georgia	73	3,000	3.7 million
Azerbaijan	41	1,000	10 million
Kazakhstan	29	4,500	18 million
Moldova	26	3,000	3.5 million
Armenia, Belarus, Kyrgyzstan, Tajikistan, Uzbekistan	<20 each	Unknown	61 million

CONCLUSION AND NEXT STEPS

More than half of the surveyed lawyers provide legal support on a pro bono basis but very few resources are available to help lawyers to engage in pro bono. Because there are few pro bono clearinghouses or other pro bono support organizations in the region, most lawyers provide pro bono services on a one-off basis, most often to individuals, possibly through personal connections. Furthermore, it was indicated that in almost all countries pro bono is not explicitly recognized by law as a legitimate practice, a tax can be imposed for pro bono work, and it can even be criminalized in some countries for political reasons. These obstacles help to explain why many lawyers do not practice pro bono.

PILnet aims to increase pro bono participation by the legal profession so that all lawyers have the opportunity to work with civil society to protect and advance the public interest. To do this in Eurasia, PILnet is providing platforms to convene discussions on the importance of pro bono and design collaborations between civil society and the legal community. PILnet is organizing webinars on different legal issues, discussions and roundtables to grow pro bono culture in the region and encourage lawyers for pro bono practice.

The recently launched **Eurasia Clearinghouse** is the cornerstone of these efforts. It provides civil society assistance with legal matters by brokering strategic relationships with law firms, individual lawyers, or in-house counsel. The impact of this partnership extends to broaden the legal literacy of civil society, expose private lawyers to the social sector, and build ongoing relationships.

