

# ***Pro Bono Practices and Opportunities in Hungary***

## ***Excerpt from: A Survey of Pro Bono Practices and Opportunities in Selected Jurisdictions***

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## **I.      *The Hungarian Legal Profession***

The Hungarian legal profession has been in a period of transition for the past two decades because of the fall of communism in the late 1980s and Hungary joining the European Union in 2004.<sup>1</sup> In fact, this is the first time in Hungary's history where it has had a society with a democratically enforced rule of law.<sup>2</sup> In order to practice law in Hungary, a person must be a member of a regional bar association, which requires the person to undergo a formal legal education, pass a state-administered standardized test, and serve as a clerk for three years with a licensed attorney.<sup>3</sup>

## **II.     *The Right to Counsel and Legal Aid in Hungary***

The Hungarian Constitution provides the right to representation at any time during a judicial or criminal proceeding.<sup>4</sup> In fact, legal representation is required for certain types of detentions, and if a detained person has not contacted a lawyer within 72 hours of a detention, the Hungarian state has an obligation to provide that person with an attorney.<sup>5</sup>

Hungary offers legal aid in both civil and criminal proceedings, and people can also obtain legal aid for legal advice or the drafting of legal documents.<sup>6</sup> If a person needs legal services during court-administered judicial proceedings, the court will administer such legal services.<sup>7</sup> If a person qualifies for legal aid during such proceedings, such aid will cover the entirety of the person's involvement in the legal process, including any appellate work or assistance in enforcing court decisions.<sup>8</sup>

Hungarian courts look to numerous factors in deciding whether a person can qualify for legal aid, including such person's financial status and the need for trained legal services in the given legal proceeding.<sup>9</sup> A person seeking legal aid must submit: (1) a statement of personal data on the applicant and his or her dependent(s); (2) a statement of the financial situation of the applicant and his or her dependant(s); (3) if the applicant or his or her dependant is employed, a certificate from the employer on his or her income at the date of the application; (4) a certificate regarding taxable income received in the calendar year preceding the application; (5) if the applicant receives a pension, the last postal certificate indicating the amount of the pension; and (6) if the applicant or his or her dependant receives unemployment benefit or other continuous

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<sup>1</sup> Zoltán Tallódi, "Changes Effectuated in the 2004-2005 Hungarian Legislation on Public Law," *European Public Law*, Volume 12, Issue 4, © Kluwer Law International, 2006; Bado Attila and Nagy Zsolt, "Some Aspects of Legal Training in Hungary," *The University of Toledo Law Review* Volume 34 – Number 1 – Fall 2002.

<sup>2</sup> Thomas Land, "Hungary's Guardian of Human Rights," 1999.

<sup>3</sup> The Budapest Bar Association – Attorneys in Hungary Home page, [http://www.bpugyvedikamara.hu/attorneys\\_in\\_hungary/](http://www.bpugyvedikamara.hu/attorneys_in_hungary/)

<sup>4</sup> Press Release, "Human Rights Committee Takes Up Hungary's Fourth Periodic Report: Experts Praise Reforms, Express Concern Over Minorities," *HR/CT/618* (Mar. 22, 2002), available at: [www.un.org/news/Press/docs/2002/hrct618.doc.htm](http://www.un.org/news/Press/docs/2002/hrct618.doc.htm).

<sup>5</sup> *Id.*

<sup>6</sup> European Judicial Network in Civil and Commercial Matters, [http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_hun\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_hun_en.htm)

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

social aid, the certificate stating the period of eligibility and the amount received.<sup>10</sup> In addition, a person seeking legal aid from the Hungarian state must be one of the following: (1) Hungarian national; (2) foreign national registered as a resident in Hungary or involved in asylum proceedings in Hungary; (3) a non-Hungarian national of a country that has an international treaty with Hungary with an agreement on reciprocity; (4) a national of an EU member state; or (5) a national of a non-EU country but still a legal resident within an EU member state.<sup>11</sup>

If a party hopes to receive legal aid for a legal proceeding, such party can obtain the required forms at the court where the matter is occurring. If a party is seeking legal aid for a legal issue that is not part of a legal proceeding, such party can obtain the required forms at the local county office of the Justice Department.<sup>12</sup> A party may also download the forms from the Ministry of Justice website: [www.im.hu](http://www.im.hu).<sup>13</sup> The lawyer or organization providing the legal aid can also provide a party with the needed forms.<sup>14</sup>

In cases where a person receives legal aid during the course of legal proceedings, the court will designate who will represent the party receiving legal aid.<sup>15</sup> If the party seeking legal aid needs legal services outside of court proceedings, other lawyers, notaries, civil organizations with commissioned lawyers, or university law clinics will provide the services requested.<sup>16</sup> Applicants may choose among these different groups from a registry kept by a Central Justice Office.

The Hungarian state compensates lawyers for the legal aid services they provide, but there are reports that the State does not adequately compensate lawyers for such services, which apparently has led to instances of people receiving incompetent legal aid.<sup>17</sup>

### **III. *Opportunities for International Law Firms to Offer Pro Bono Services in Hungary***

Charities and NGOs that provide legal assistance through attorneys, as well as legal clinics, can register as legal aid providers with the Ministry of Justice.<sup>18</sup> Such an entity's registration can note what kinds of legal services it can provide legal aid for, as well as the quantity of legal aid they are able to provide.<sup>19</sup> Based on this registration, the Ministry of Justice will then contract with these entities to provide legal aid when the need arises.<sup>20</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> Legal Aid Act LXXX of 2003.

<sup>12</sup> European Judicial Network in Civil and Commercial Matters, [http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_hun\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_hun_en.htm)

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> See Legal Aid Act LXXX of 2003; see also Press Release, "Human Rights Committee Takes Up Hungary's Fourth Periodic Report: Experts Praise Reforms, Express Concern Over Minorities."

<sup>18</sup> Marta Pardavi, address entitled "Access to Justice: Legal Aid in Civil Cases in Hungary," (June 2004).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

Private law firms and lawyers throughout Hungary are beginning to play an active role in supporting the efforts of NGOs which serve the legal needs of the poor.<sup>21</sup> In fact, many well-known international law firms with headquarters in the U.S. and U.K. have begun to establish Hungarian offices in partnership with Hungarian lawyers, which has given them the opportunity to take on *pro bono* cases within Hungary.<sup>22</sup> Several of these law firms have also drafted and signed a declaration in which they publicly affirm their commitment to advancing the public good by working for more clients who cannot afford to pay.<sup>23</sup>

#### IV. *Conclusion*

Law firms that would like to provide *pro bono* services in Hungary should contact the Public Interest Law Institute (“PILI”), which promotes *pro bono* practice through organizing the involvement of the legal community in *pro bono* matters in Hungary.<sup>24</sup> PILI seeks to bridge the gap between NGOs and law firms, and is currently creating a *pro bono* clearinghouse to match law firms with NGO needs.<sup>25</sup>

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<sup>21</sup> Public Interest Law Institute, <http://www.pili.org/en/content/view/363/62/>

<sup>22</sup> *Id.*

<sup>23</sup> Hungarian Lawyers’ Role in Advancing the Public Good (Pro bono Publico)

<sup>24</sup> Public Interest Law Institute, <http://www.pili.org/en/content/view/363/62/>

<sup>25</sup> *Id.*