

## Providing Pro Bono Legal Assistance in Belgium



by **Thierry Hudsyn**

For the first issue of Dechert's Pro Bono Update, we wanted to provide a brief overview of the pro bono system in Belgium as well as some of the pro bono matters that are handled in the Brussels office.

Unlike most of the countries in which Dechert has offices, Belgium has a system by which all newly admitted lawyers ("avocats stagiaires") must complete a three-year apprenticeship. A unique part of the apprenticeship is that all participants must accept pro bono cases assigned to them. There used to be a minimum number of cases a trainee had to handle during the three years, but this obligation has been abandoned since the minimum number was, in practice, always exceeded. The pro bono cases are assigned during monthly trainee lawyer meetings and are supervised by lawyers appointed by the local Bar. The assignments are usually based on a lawyer's area of practice.

To qualify for pro bono legal services, the clients must prove that they are indigent and could not otherwise afford the services of a lawyer. The clients do not have to pay for the legal services. However, unlike in many systems, the state compensates the lawyers for their services, albeit at very modest rates. Kathleen Dierckx and I are the trainees in the Brussels office, and we are currently fulfilling our mandatory pro bono requirement. We have found that the most common areas in which people are seeking pro bono legal assistance are labor, criminal and political asylum law (e.g., requests by refugees from the Congo, Guinea and Kurdistan). In a typical asylum case, the refugee will try to obtain a clearance decision from the Refugee Commission based on the factual circumstances of his or her case (e.g., the refugee's life is threatened in the home country). Most of the refugees' applications are denied, and they must then lodge an appeal with the Conseil d'Etat. To prevail on appeal, the refugee must prove that the court did not respect its legal powers or duties (e.g., duty of detailed review) and erred in refusing asylum. Although the defense

needs to be based solely on legal arguments, it is usually important to give the court a general picture of the factual circumstances.

Kathleen has handled several asylum cases as well as lease litigation and divorce proceedings. I have handled numerous landlord-tenant cases, as that is an area I am familiar with through other work I do at the firm. The cases can often be quite challenging. On one occasion, in a case involving alleged fraud by a stockbroker, my opposing counsel were two former chancellors of the Brussels Bar.

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