

## Latin Lawyer-Vance Center pro bono survey

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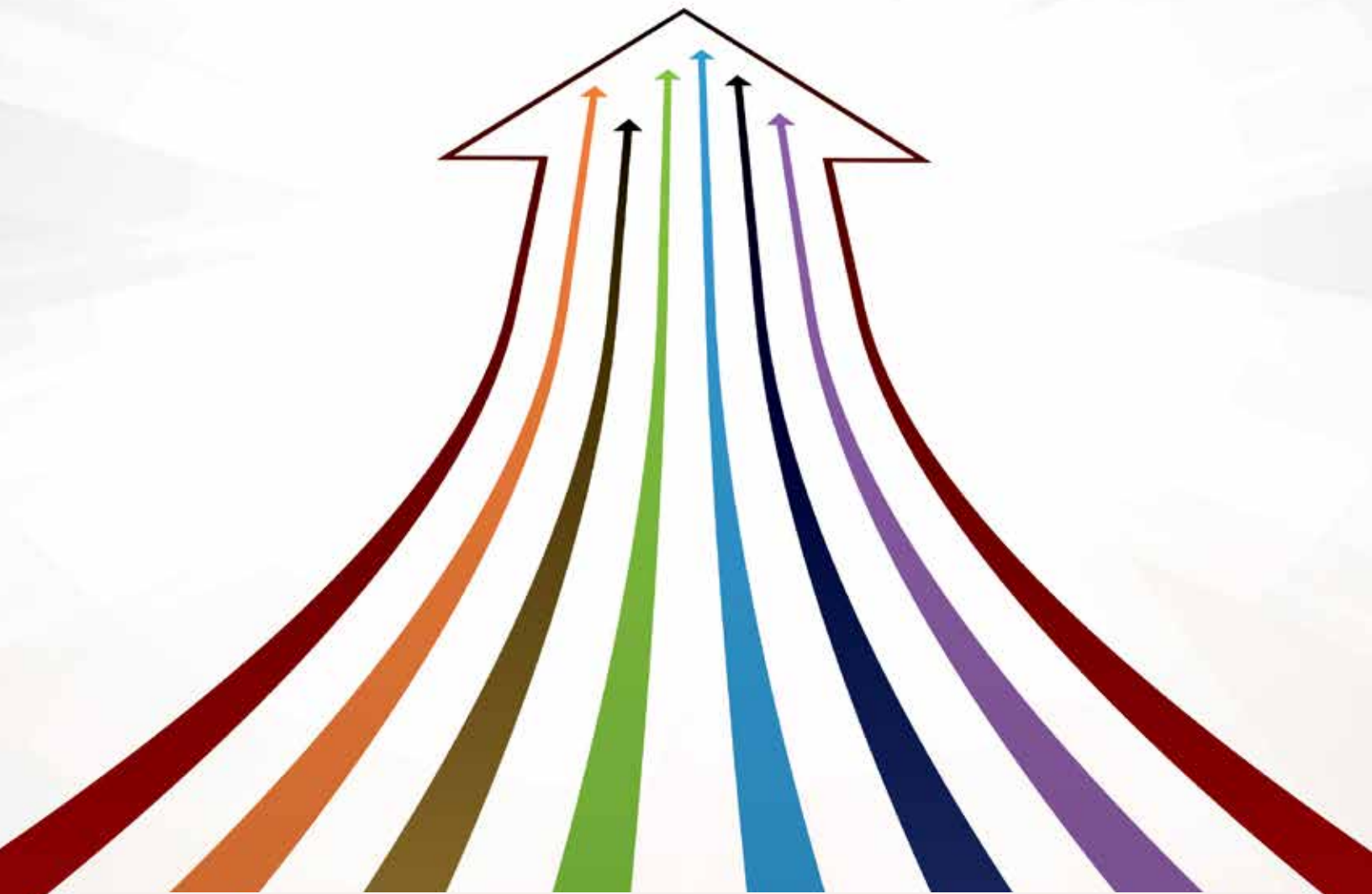
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# Scaling up

Latin Lawyer and the Vance Center's annual pro bono survey



The findings of our fifth joint pro bono survey provide plenty of reasons to feel positive. Pro bono appears to have turned a corner in Latin America thanks to an ever strengthening infrastructure and the greater willingness of more firms to take part. While the survey results might not show a significant uptick year on year, law firms are nevertheless making great strides in the implementation of policies needed to make pro bono more commonplace. Of course, there are challenges to overcome, such as engaging more partners in pro bono cases. However, the latest focus on high-impact cases could help achieve that, alongside producing a dramatic increase in the value of pro bono work. Rosie Cresswell reports



## Pro bono in Latin America has reached an important milestone, thanks to a strengthening infrastructure and more and more firms taking part

**T**his October, the Vance Center hosted a delegation of leading lawyers from Spain, who travelled to New York to learn about the practice of pro bono there, with a view to setting up an initiative in their legal market.

Representatives from Cuatrecasas, Gonçalves Pereira, Garrigues, Gómez-Acebo & Pombo, Pérez-Llorca, the Madrid office of Clifford Chance LLP and the Madrid Bar Association met with the Vance Center, pro bono counsels and coordinators of top New York law firms, the president of the New York City Bar Association and other legal organisations and clearing houses to learn about their pro bono system.

But perhaps the most inspiring conversations were those they had with Paula Samper of Gómez-Pinzón Zuleta Abogados and Pablo Guerrero of Barros & Errázuriz Abogados, who explained how pro bono clearing houses in Colombia and Chile have played a key role in the development and institutionalisation of pro bono work in their respective countries and throughout Latin America. “The sociocultural affinity between Spain and Latin America is inescapable, and the same is true in the pro bono arena. Paula’s and Pablo’s testimony was truly inspiring,” says Leire Larracochea of the Vance Center, who hosted the delegation together with Simpson Thacher & Bartlett LLP partner Todd Crider, who is on the Vance Center executive subcommittee.

That their story could embolden an established, sophisticated legal market in Europe to follow in their footsteps is a well-deserved nod to what the Latin American legal market has achieved thus far.

### Going viral

Thanks to the recent wave of pro bono initiatives being started in the region, Latin America is not far off having a pro bono clearing house in nearly all of its jurisdictions. That’s an enormous achievement, which is testament to the dedication of those who have come together to get these organisations off the ground in, at times, challenging circumstances.

In Central America, there has been significant interest among law firms in creating systems that will allow them to organise their existing pro bono efforts and so help more people. Major firms in Nicaragua are setting up a chamber of law firms, and as a natural consequence of that they want to create a clearing house. A year ago, a group of law firms in Guatemala came together and agreed to begin the process of setting up a clearing house. María Isabel Luján of QIL+4 Abogados reports that the foundation was due to be incorporated by the end of November, with 12 firms as members and financial backers. In Costa Rica, the new pro bono commission of the Colegio de Abogadas y Abogados has already launched an inaugural project for its members, establishing

a foundation dedicated to campaigning against violence by transforming firearms into works of art.

In Panama, a group of firms have formed a working group to draw up a plan for a clearing house, while further afield, firms in Ecuador and Uruguay are beginning to think about setting up their own foundations. Bolivia’s foundation has been gathering strength as it awaits approval from the government for it to set up.

These nascent organisations add to established pro bono foundations elsewhere in the region, which are building on their successes at home to build a regional platform. “This year, the Vance Center, alongside Fundación Pro Bono Chile, Fundación ProBono Colombia, ProVene and the Comisión Pro Bono of Argentina’s Bar Association, have completed the institutionalisation of the international pro bono network that they informally established in 2011. The Pro Bono Network of the Americas groups together the region’s clearing houses with a view to strengthening pro bono in the region, for example by working with people who want to set up clearing houses in their country,” says Larracochea, who manages the Vance Center’s leadership role in the Pro Bono Network of the Americas. The network’s members approved an agreement that establishes guidelines for the network’s operations and governance, underscoring their renewed commitment to collaboration through the network and to the promotion of pro bono work throughout the region.

“It’s gone viral,” says Antonia Stolper of Shearman & Sterling LLP, who is on the Vance Center’s executive subcommittee. “It’s a perfect, virtuous cycle, which I think is a real tribute to all the cross-fertilisation that’s going on.” Lawyers across the region want to be part of the growing pro bono machine, inspired by so many positive stories. People are swapping ideas at conferences and going home to find they have the support from law firms and the public sector to allow them to move forward with projects.

Across Latin America, there is a growing recognition for the need of social intervention as a means to lift up the marginalised. “There is more awareness that economic progress alone won’t move the needle in terms of the wellbeing of a country. Practitioners are looking at pro bono work as the right thing to do and what is good for business,” says Taisa Markus of Paul Hastings LLP, who is on the Vance Center committee.

Lawyers are learning how to work within their local legal systems and there is greater collaboration between stakeholders, when before there had been tension. The private and public sectors are coming together, enabling law firms to find ways to provide pro bono assistance without competing with government-provided services. This can be seen most prominently in Brazil, which relaxed the rules on private practice lawyers providing free legal services to individuals. More recently, the Buenos Aires bar association signed an agreement with the country’s Ministry of Justice

and Human Rights that will enable the Comisión de Trabajo Pro Bono e Interés Público to provide free legal advice to underprivileged people living in Buenos Aires, the first time the Argentine government has backed a pro bono initiative by the bar association. “There seem to be real, promising trends where local governments, bar associations or organisations that control legal services have realised that giving the private sector the opportunity to contribute meaningfully to pro bono is good for everyone. It provides resources in a system that’s resource-scare,” says David Flechner of Allen & Overy LLP, also on the Vance Center committee.

Alongside the Vance Center’s efforts to institutionalise pro bono practice in Latin America, the organisation has continued to expand its pro bono representation of non-governmental organisations in the region. “We have pursued a broad range of client matters, including anti-corruption cases in the Dominican Republic and Panama, social service delivery in Nicaragua and Bolivia, environmental cases in Guatemala and Nicaragua, international legal issues related to the Colombian peace process, and many others,” said Vance Center executive director Alexander Papachristou. “More than 200 lawyers from 89 law firms in Latin America joined us and our US law firm partners in these matters. We definitely walked the pro bono walk in the region.”

### Stage one complete

Those individuals who have been working so hard to make this happen can declare that stage one is complete: a pro bono culture has been established on a regional level. The region’s legal profession has made enormous strides since the early conversations about how to define pro bono, let alone make it a functioning practice. Today, there is little confusion about what pro bono is, and firms and lawyers across the region are increasingly taking part.

The next stage is all about implementation – getting new clearing houses up and running and strengthening law firms’ internal infrastructure. The international pro bono network will also set up working groups and committees to develop and exchange best practices among the members, among other functions.

The Vance Center and Chile’s pro bono foundation, with the support of the pro bono network, made it a strategic priority to build an infrastructure, in the form of clearing houses that will provide law firms with a community interface and take on administrative burdens, training and the sourcing of suitable cases. The existence of the clearing houses is also down to the hard graft of lawyers on the ground, including the law firm partners who have given their firms’ commitment of time and, in most cases, funding. They have spent hours in meetings ensuring their priorities are aligned and overcome administrative hurdles of varying sizes.

Of course, the individual efforts of law firms remain just as valuable, whether or not they are carried out in conjunction with a clearing house, but the belief is that the infrastructure makes it easier for them to do more. Having this regional, permanent infrastructure is an important milestone for Latin America. “It’s encouraging to see all the clearing houses created over the last 16 years,” says Simpson Thacher’s Crider. “With that you create a permanent infrastructure to facilitate pro bono work. It then becomes a question of growing deeper roots and finding ways to deliver appropriate work for law firms to engage with, so lawyers feel their time has been effective. When you achieve that, the roots tend to grow deeper.”

“The question now is about scaling up – doing more work, getting more law firms involved, finding enough projects that are appropriate for law firms,” says Flechner.

Countries with established pro bono systems report positive developments that offer proof of how the momentum is picking up. In Paraguay, CIDSEP reports that various activities have helped build a pro bono culture in Paraguay. “It has increased the number of participating law firms and lawyers and has begun to create the ‘pro bono feeling’ in society,” says Mónica Cáceres, who runs the clearing house. CIDSEP set up a pilot legal clinic in a poor area of Asunción. While it has yet to help a significant number of people, the very fact that they succeeded in setting it up is an important development for civil society.

Gómez-Pinzón Zuleta’s Samper reports a “wonderful year” for pro bono in Colombia. Membership of the pro bono foundation has increased by 50% since a new executive director, Ana María Ricardo, came on board. More firms are building a pro bono infrastructure, more lawyers are taking part. “This is a faithful representation of the culture of pro bono work that is increasingly widespread in our country,” says Laura Bermudez, the foundation’s coordinator.

Appleseed says interest has increased in Mexico, thanks to lectures, conferences and the practices brought by international firms. The country’s bar association’s foundation confirms that pro bono work increased considerably in 2016. Enthusiasm is such that another Mexican clearing house has recently been established: Centro Mexicano Pro Bono.

Earlier this year, the region’s pro bono community gathered together in São Paulo to attend the Instituto Pro Bono’s Latin American Pro Bono Forum, where participants shared their experiences and promised greater cross-border support and collaboration.

They also discussed common challenges, for there is still much work to be done. Marcos Fuchs of the Pro Bono Institute says firms are nervous about taking individual cases involving civil or family matters because they don’t feel comfortable on those areas of law. Clearing houses are conscious of the need to expand their assistance to people who live outside of the main cities, which means building relationships with new law firms. Projects to address this are underway in Colombia, Mexico and Argentina. Resources, as always, are scarce, particularly for clearing houses. Some benefit from regular funding from law firms and other organisations, while others face an uphill battle to finance their activities each year. There is also a long way to go before pro bono is a daily part of lawyers’ lives, particularly among partners, as our survey shows.

But these are all issues that people are aware of and are seeking to overcome. The long-lasting relationships that have been established will continue to provide support and galvanise people into action and ensure the momentum continues.

Latin Lawyer and the Vance Center would like to thank the following for their help in encouraging firms to take part in our survey and for their feedback on their local pro bono communities: the Comisión de Trabajo Pro Bono in Argentina, Brazil’s Instituto Pro Bono, the Fundación Pro Bono in Chile, the Fundación Pro Bono Colombia, the Costa Rican Comisión Pro Bono, the Dominican Republic’s Fundación Pro Bono, Fundación Barra Mexicana and Appleseed in Mexico, CIDSEP in Paraguay, the Alianza Pro Bono in Peru and ProVene in Venezuela.



# A marathon not a sprint

Latin Lawyer and the Vance Center have been producing a survey on pro bono work in Latin America since 2011, through which we endeavour to track law firms' implementation of institutional policies that will create an environment where all lawyers do pro bono work

We ask firms about the measures they have taken to build an internal infrastructure that makes pro bono part of lawyers' routines. The measures we use are based on the guidelines provided to firms that sign up to the Pro Bono Declaration of the Americas, which was created by the Vance Center and lawyers across the region in 2005. By signing this declaration, law firms commit to introducing internal systems that allow their lawyers to do 20 hours of pro bono a year. For example, appointing someone to bring cases to lawyers and liaise with the clearing house, producing a manual and tying pro bono to lawyers' evaluation.

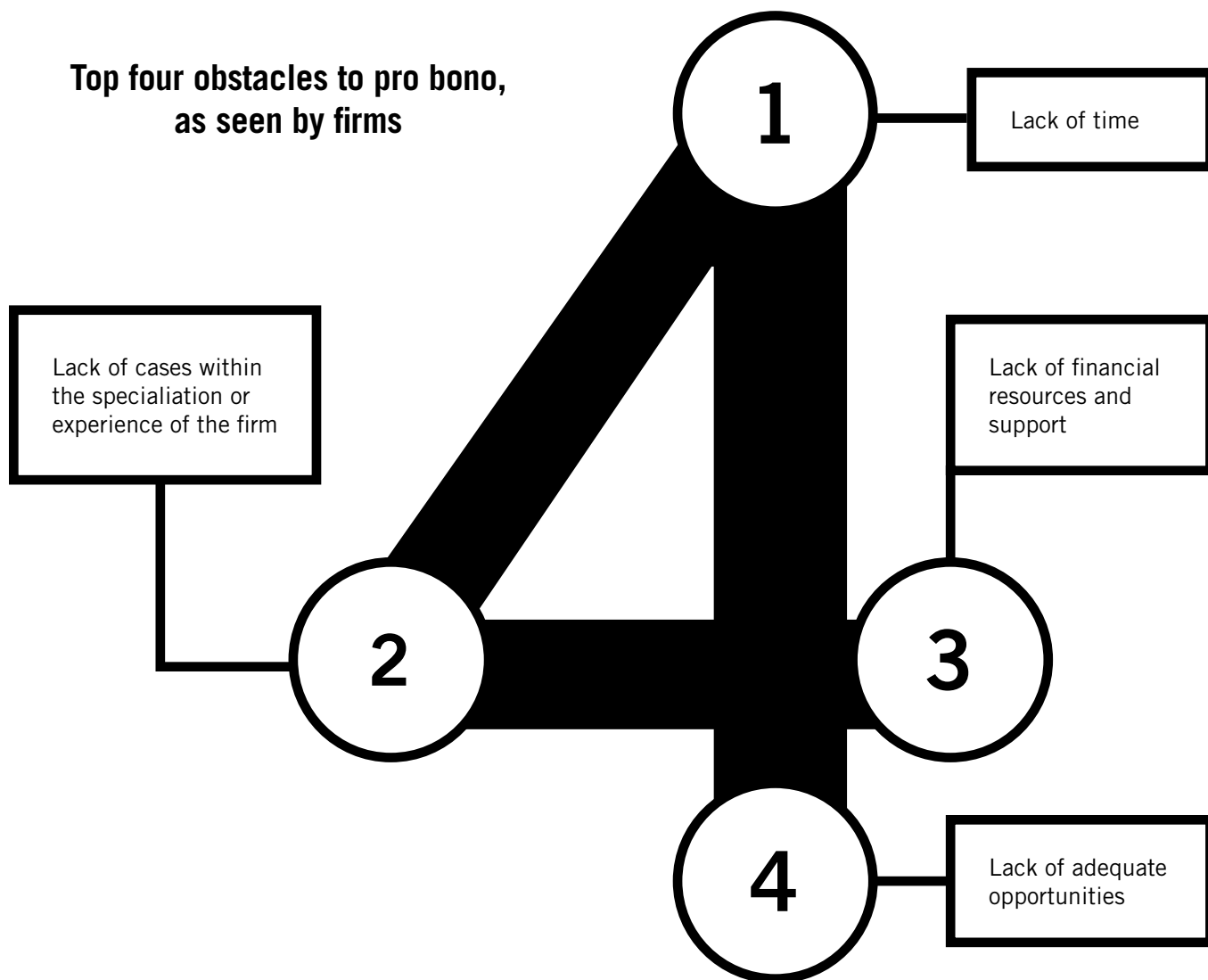
Generally speaking, there has been a slight upward trend of firms implementing such policies since we started gathering data in 2011 and an encouragingly large majority of respondents (between two-thirds and three-quarters) have taken a series of steps to institutionalise the practice. The survey this year, based on data from 2015, shows a recovery after a slight overall dip in the 2014 results. The most positive developments include an increase in the number of firms that treat pro bono as billable hours for associates: 62%, up from 55%. More firms have a manual detailing their pro bono policy, while there has been a notable uptick in firms with a pro

bono committee – now 64%, up from 50%. The number of firms with a pro bono coordinator (79%), that account for pro bono in their evaluation of associates (77%) and provide recognition to partners and associates for their pro bono work (66%) has remained steady and did not pick up after last year's dip.

Determining whether such policies translate into a greater number of lawyers actually doing pro bono work is less straightforward. Certainly, law firms say they are doing slightly more pro bono work year after year (again with the exception of last year) and more firms are doing a higher number of pro bono hours overall, but that's not to say that more lawyers are taking part, particularly at partner level.

Like last year, around one-fifth of respondents say they are meeting the 20-hour target or beating it, and completed more than 1,000 pro bono hours over 2015 as a firm. More firms said they did more pro bono work in 2015 than 2014. At 53%, it was slightly up from 48% in our last survey. But that's not to say more *lawyers* are doing more. Only 17% said half of their associates or more were reaching the PBDA target of 20 hours a year, which is largely the same as last year. At partner level there has been a steady decline.

## Top four obstacles to pro bono, as seen by firms



Three-quarters of firms said less than half partnership recorded at least 20 hours, compared to just 7% that said more than half partnership met the target or surpassed it. We look into partner participation in more detail on page 15.

The apparent slow progress suggested by our annual survey should not be seen as discouraging. “This is very much a marathon not a sprint. One can’t expect there to be a radical change overnight or even from one year to the next. This will need a much longer time horizon in same way as it did in the US,” says Maurice Blanco, partner at Davis Polk & Wardwell LLP and a member of the Vance Center committee.

“Just because there isn’t a major increase in hours worked per lawyer in a particular period, that’s not evidence of a lack of commitment,” agrees Linklaters’ Sabrena Silver, who co-chairs the committee.

There are a number of statistics that shine a light on important progress. Around three-quarters of firms say they measure the amount of pro bono work they do, which allows for more accurate reporting. In our early years of carrying out this survey, there was the impression that some firms did not really know how many hours they were doing and therefore resorted to guesstimates, some of which felt wildly optimistic. The fact that there is more consistency year after year implies firms are recording their hours more accurately, which could appear to curb progress in our

surveys, but more importantly suggests their pro bono practices are more organised.

Pro bono is also rarely mandatory in Latin America as it is in New York firms, where lawyers are often doing 70 to 80 hours of pro bono a year. So it’s not surprising that every lawyer in a firm is not yet doing 20 hours of pro bono a year – to get to that stage requires a major institutional overhaul that is still underway. However, our survey shows that many firms are implementing the policies that will create the right framework for that to eventually be a reality.

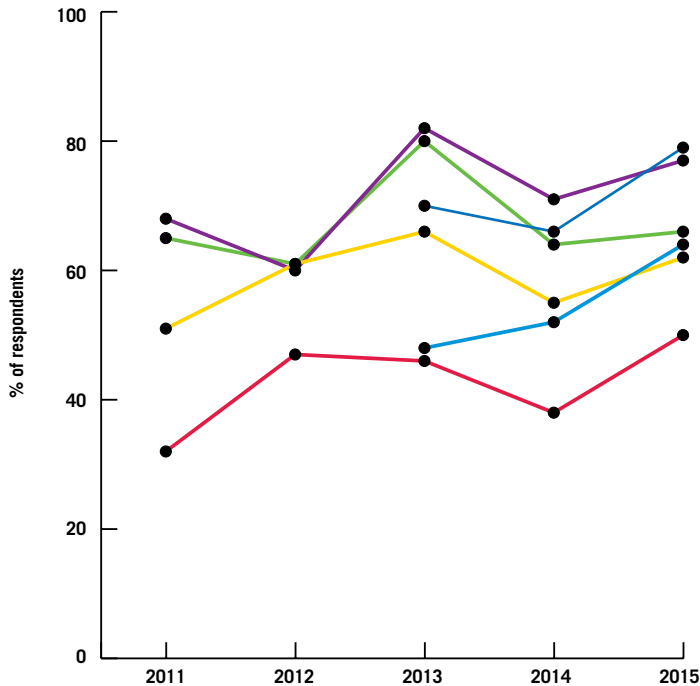
The next step is to work out how to really get those policies working. “One thing we need to do is consider a region-wide effort to boost those numbers,” says Crider. “We have created this infrastructure. Firms are saying they have signed the PBDA and have pro bono rules, committees and a coordinator. We’ve got clearing houses in most jurisdictions. How do we meaningfully increase those numbers?”

Chile’s pro bono foundation launched a new programme in 2015 that seeks to help law firms be more professional in their approach to pro bono and so achieve that. “We have found that the more organised firms are, the more work they do and the better it is,” says Marcela Fajardo, the clearing house’s executive director. The foundation has set out a list of standards to be met by its members and provides support to help firms meet them.



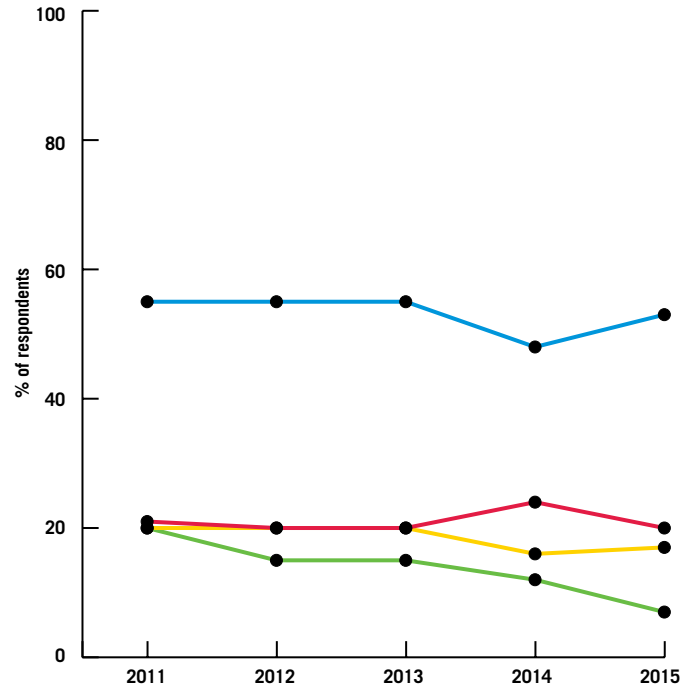
## Institutional progress

- Firms with pro bono committee
- Firms with pro bono coordinator
- Firms with pro bono manual
- Firms that treat pro bono hours as billable hours for associates
- Firms that consider pro bono in associate evaluation
- Firms that recognise pro bono work by partners and associates

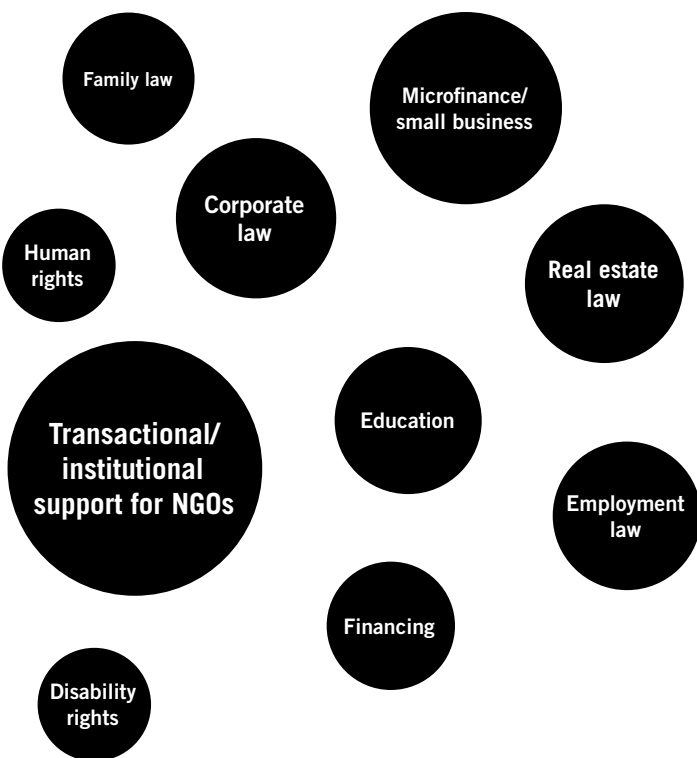


## Pro bono work

- Firms completing 1000 pro bono hours or more in a year
- Firms doing more pro bono than the previous year
- Firms with 50% or more of associates reaching/surpassing 20 hours benchmark
- Firms with 50% or more of partners reaching/surpassing 20 hours benchmark



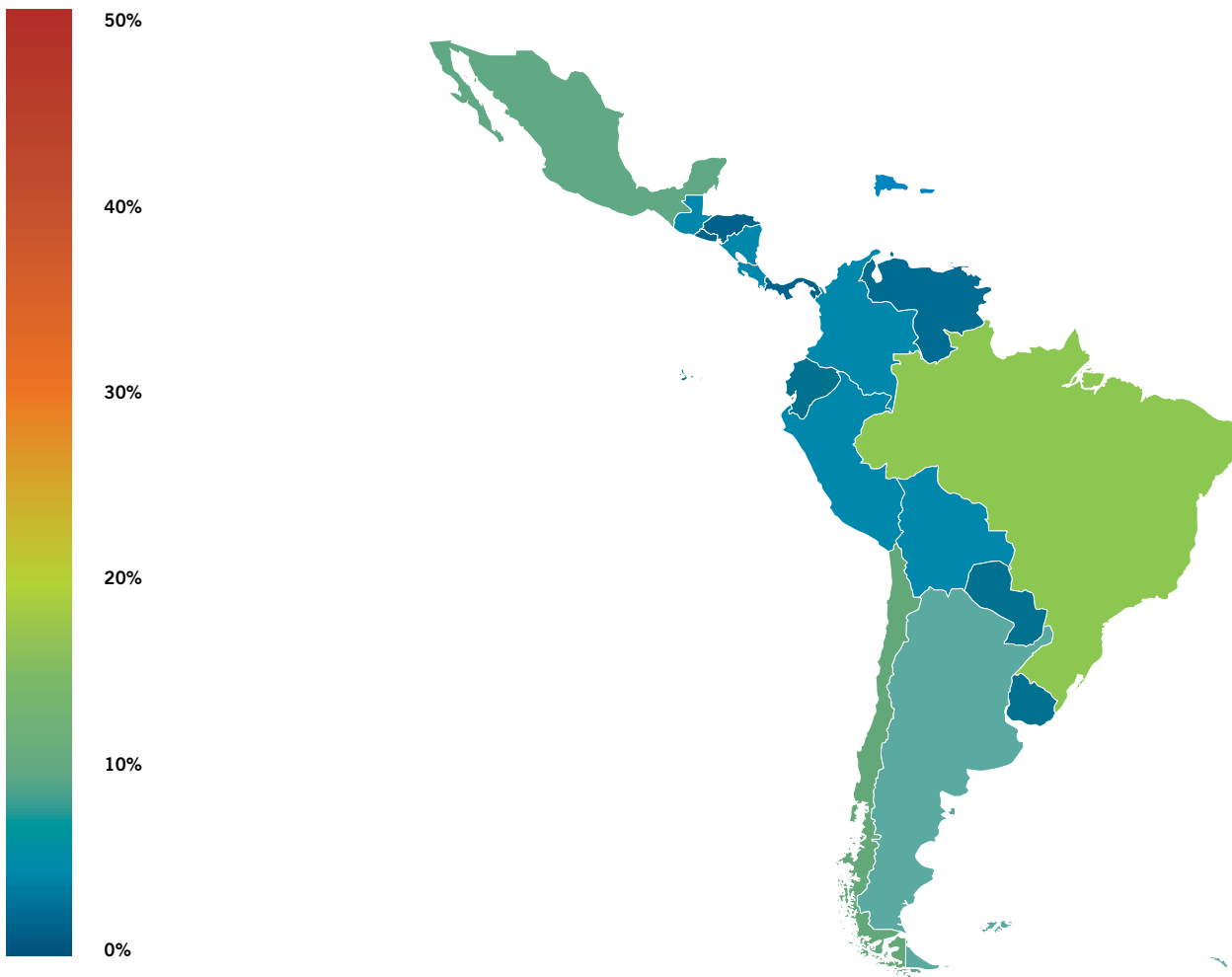
## Top 10 most common pro bono areas



The survey shows positive indications that this is already happening. Firms in countries with the most established pro bono infrastructure report the highest workload on average. Argentina, Chile and Colombia had the biggest number of firms reporting 1,000 hours-plus of pro bono a year. Argentine, Chilean and Mexican firms reported the highest average of pro bono hours completed per lawyer. Argentine, Brazilian and Chilean firms took on the most cases.

This year, significantly more firms in Bolivia, Ecuador, Guatemala and Nicaragua took part in the survey, alongside high participation from Costa Rica, as was the case for the first time last year. There are two observations to take from that. Firstly, the higher uptick reflects the greater interest in pro bono among firms in those countries. Secondly, the comparative youth of these countries' collaborative pro bono systems (as opposed to the existing work firms do individually), means they are less organised as a group, which could mean output is lower or fewer hours are being reported. This would dilute the regional averages in the short-term, but the nascent efforts bode well for the future as, if all goes to plan, their collaborative systems should enable firms in those countries to achieve similar results to those in places with more established infrastructure.

## Geographical spread of respondents



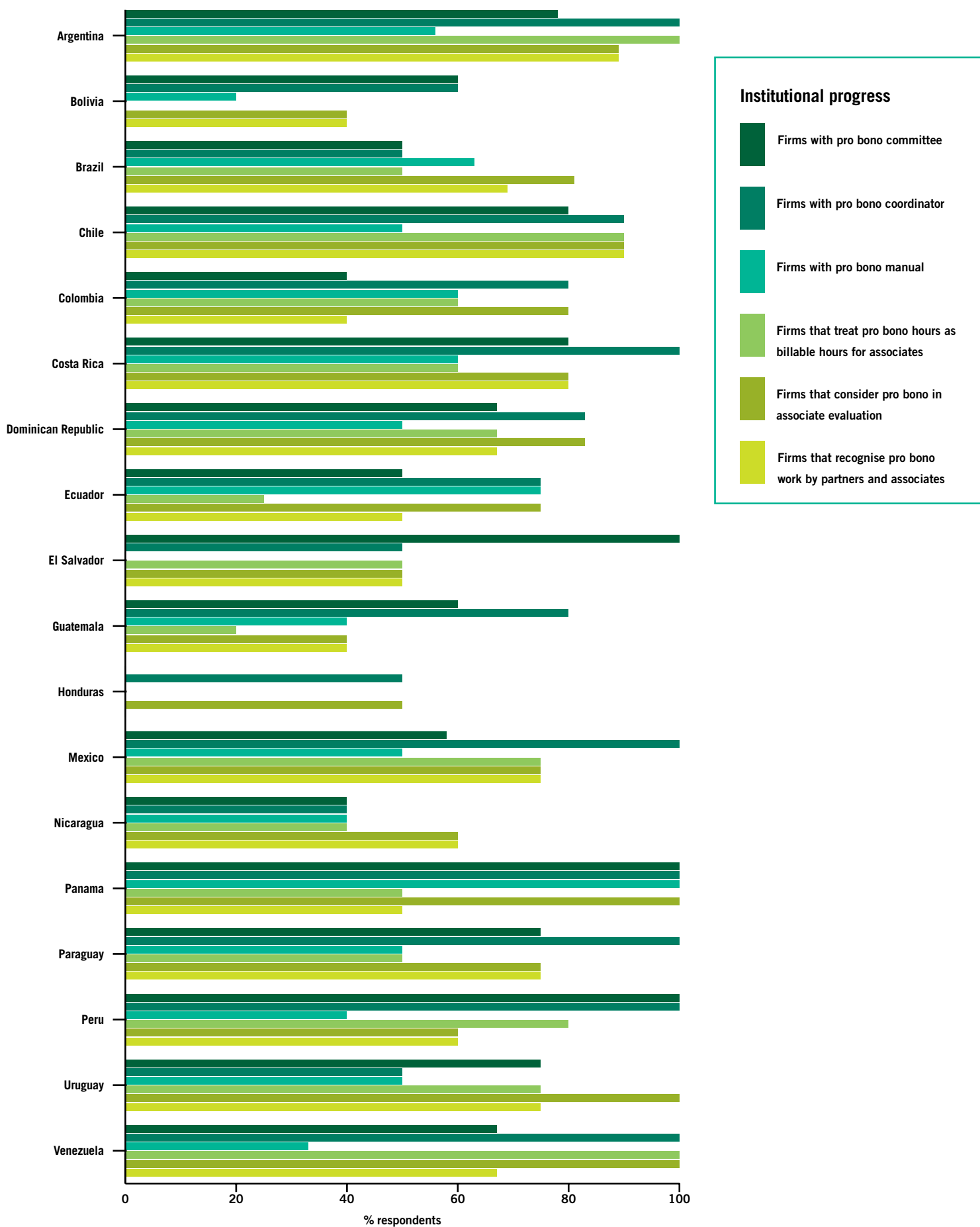
### Methodology:

Some 100 law firms from across Latin America took part in the fifth annual pro bono survey by Latin Lawyer and the Vance Center, which was backed by JP Morgan, BTG Pactual and Credit Suisse. Each year, we invite firms from across the region to take part in an extensive survey that asks questions on the amount of work firms are doing and the policies they are introducing to build a pro bono culture. We also contact clearing houses in the region that belong to the International Pro Bono Network, and ask them about the cases they are doing, as well as the progress and challenges they have seen in the past year.

Latin Lawyer has long highlighted the pro bono work done by Latin American law firms, and its first annual pro bono survey was made in 2007. It also raises money for pro bono activities through its annual charity awards dinner in São Paulo. Part of this focus has been to promote the work of the Vance Center, which has helped bring about significant change in this area, not least through the Pro Bono Declaration for the Americas (PBDA) launched in 2008 and through the development of multi-jurisdictional pro bono projects to encourage collaboration among law firms in the region.

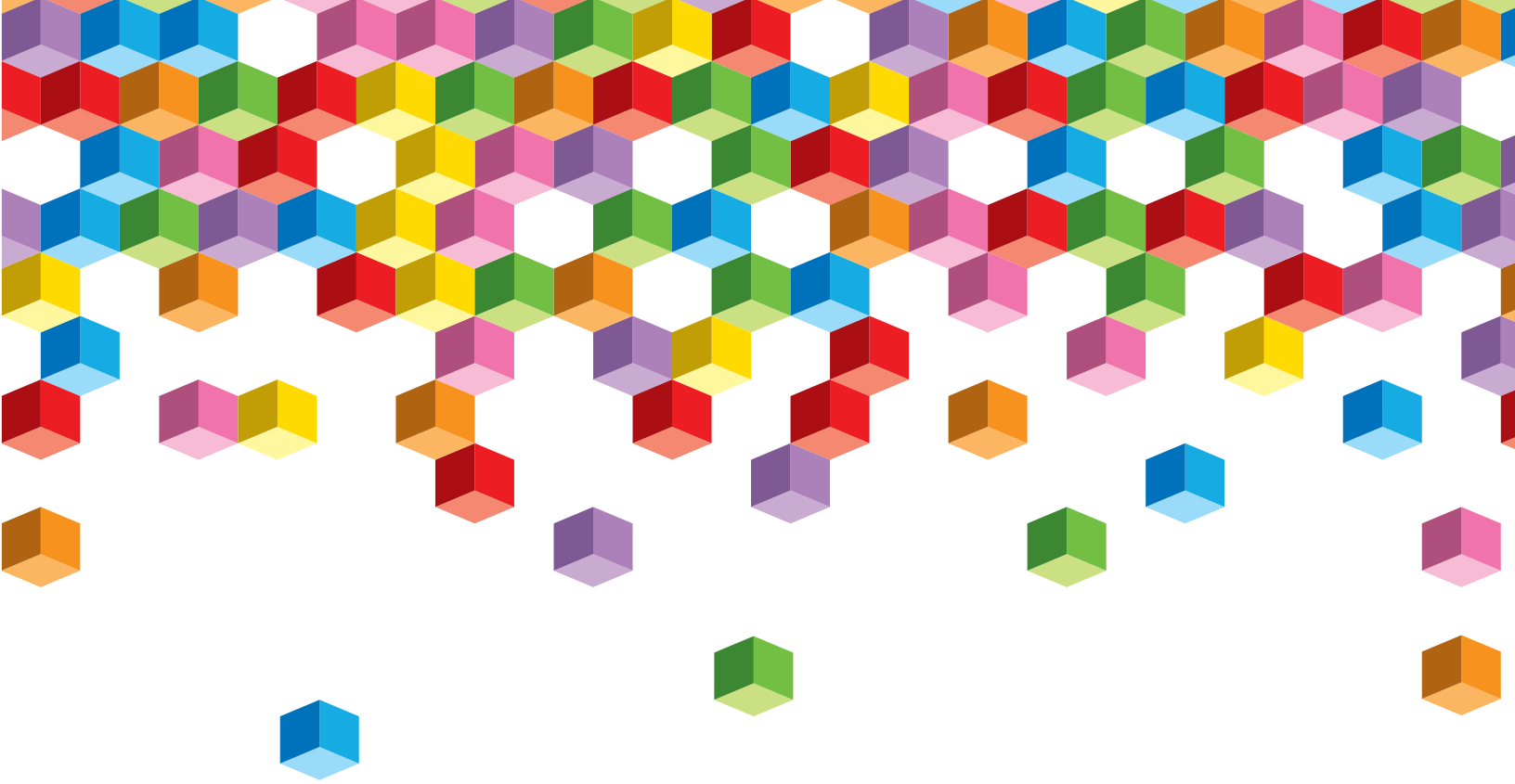


# A breakdown of the latest survey results country by country



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# Absent partners?

The survey results suggest a reduction in partner participation in pro bono work, but is there a bigger story behind the numbers?

Our data suggest there has been a clear, steady decline in partner participation since our survey began. Each year, fewer and fewer firms report that half or more of their partnerships are doing 20 hours plus of pro bono work a year, reaching a new low of 8% of the firms for 2015 (the year on which the survey is based).

The lack of partners doing pro bono has long been cited by clearing houses as a big obstacle to their ambition of creating a widespread pro bono culture in Latin America. The Costa Rican pro bono commission does think that enough partners take part, particularly given the number of firms that have committed to all of their lawyers doing 20 hours of pro bono a year through signing the Pro Bono Declaration of the Americas (PBDA). “Partners’ pro bono work has been a large barrier faced by clearing houses in the region,” says Gerardo Bello of ProVene in Venezuela.

We’ve written at some length in previous years about why it’s so important for them to take part. The hierarchical structure of firms means that leading by example really makes a difference. Partners are more experienced, and so better placed to take on the complex cases. They also have the power and influence to convey the importance of a research project that an associate might treat as a bit of fun, but in reality could shape how a country perceives an issue.

## Making it desirable

There are plenty of reasons put forward for few partners taking on so little pro bono work: they are too busy with clients or

managerial responsibilities, they don’t remember the relevant parts of the law or the pro bono work on offer is too low-level.

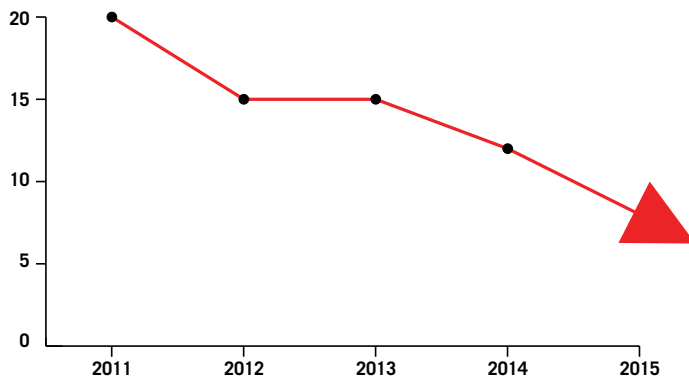
Firms serious about creating a pro bono culture can implement measures that help partners incorporate pro bono into their days. Founders or managing partners leading by example send a strong message, while factoring in pro bono to partner compensation could help to increase their involvement. “Certainly firms could be doing more, at least by considering hours in evaluation. Law firms in London and New York do that,” says Paula Samper of Gómez-Pinzón Zuleta Abogados.

According to our survey, 30% of firms in Latin America consider pro bono in the evaluation of partners. Firms take other steps to “encourage” partners to do more pro bono, but it’s rarely an obligatory part of the job. Often, these measures are firm-wide rather than partner specific – such as internal campaigns, building a firm-wide pro bono culture and providing recognition or even bonuses to lawyers who take on pro bono. These types of efforts can have an important impact at all levels. For example, Eduardo Castro, partner at Machado Meyer Sendacz e Opice Advogados, says an intense internal campaign to promote the firm’s pro bono efforts has increased awareness among the partnership.

Some firms target partners specifically. The founding partner of Paz Horowitz Abogados personally asks partners to take on cases, whereas Bruchou Fernández Madero & Lombardi invites partners to help shape its pro bono strategy, which helps to create buy-in. Ferrere tracks partners’ pro bono hours and recognises their contributions within the firm, while Levy & Salomão Advogados

## A steady decline?

Firms with half the partnership or more doing 20 hours plus pro bono in a year



funds its own initiatives that involve partners, such as the backing of an institute formed by a group of professors to reform the syllabus in law schools. Others firms find it helps to suggest partners support NGOs in which they have a personal interest.

Clearing houses are so keen to see more partners doing pro bono that they have launched their own initiatives. Take Colombia's pro bono foundation, which is aware of just four of its projects directly involving a partner. The clearing house sees that the larger and more complex the case, the more attractive it is to top-level lawyers. As such, it has purposely gone in search of cases whose potential impact requires a high degree of care and specialisation found at partner level. "Post-conflict, there is a very large niche for this type of work. The description of cases being built as part of this strategy specify that partner level participation is required," says coordinator Laura Bermudez. Colombia's foundation is working with the chamber of commerce on the country's peace process and is involved in a social bonds project, an innovative financial mechanism. "I have seen more partner participation in those projects. I think they feel more challenged or excited about them," says Samper.

Appleseed incentivises partners in Mexico by encouraging in-house legal teams to develop pro bono projects with the support of its external lawyers, which has proved very successful. It also offers a development programme for interns where they can fulfil their social service requirements by doing pro bono work under the supervision of law firm partners.

Regional projects can be a great way for partners to get to know counterparts elsewhere in the region or further afield, which has a business advantage. "In an increasingly global world and with all the economic alliances across Latin America, one invaluable benefit of regional projects is getting to know each other better," says Linklaters' Sabrena Silver.

### Getting better?

Of course, the top level numbers rarely tell the whole story. Our survey shows that partners in Mexico, Colombia, Argentina and Brazil contribute a greater number of hours, with the highest number of firms saying partners averaged between 10 and 19 hours a year. Carla Roman, director general of the Mexican bar association's pro bono foundation, says that partners are increasingly aware of the

importance of doing pro bono thanks to a change in mentality; that they recognise that, "The work that lawyers do to a high standard for no financial compensation dignifies our profession."

The survey results will be dependent on each year's sample of responding firms, which can vary substantially. It's also important to note that Latin American law firm partnerships are still quite small, meaning tiny changes can make a big impact. One partner might work on a case for 50 hours one year, but not the next. That will make a significant difference to the numbers.

Anecdotal evidence from those in the know suggest that more and more partners are interested in taking part. Paul Hastings' Taisa Markus has observed a pleasing number of firms where prominent private practice practitioners are taking meaningful roles in pro bono. "I'm always impressed by the number of leading firms which have a senior partner as the face of the firm on pro bono issues. That is very powerful," she says.

It's also important to highlight the different kinds of contribution that partners make to build a pro bono culture. They provide crucial institutional support by supporting policies within their firms and helping to get clearing houses up and running. The latter in particular is a hugely important activity requiring a large commitment of time that is not counted as pro bono hours. The financial contribution to clearing houses comes directly from partners.

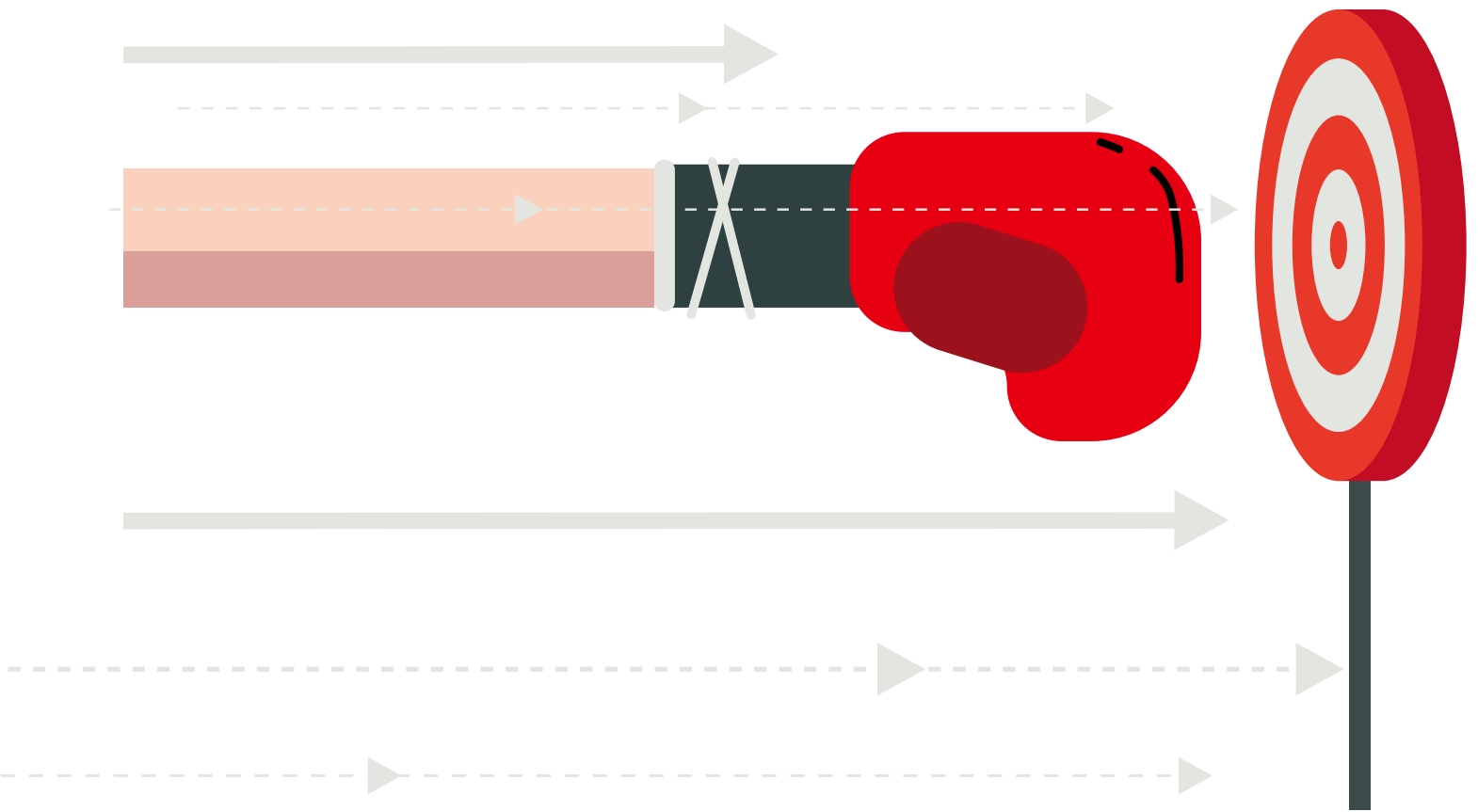
Samper says that there is a lot of partner participation on the Colombian clearing house's board. The same could be said for clearing houses in other markets. The Peruvian Alianza Pro Bono has just elected a new board, which includes a healthy number of prominent partners from leading firms, while important partners are on the board of Chile's foundation. (In Chile, partners have long been involved in pro bono projects with the foundation, in part because the foundation stipulates that a partner must be involved in all cases.) Their presence at the top of such organisations sends an important message to the legal market as a whole.

Shearman & Sterling's Antonia Stolper thinks more partners will start to get involved in projects more once the administrative task of creating the infrastructure is complete. "It will come," she says. "People want to do it, but there are only so many hours in the day."

### Youth hold the key

Samper has been recently impressed by the activity she sees among junior partners, particularly those who have spent time in New York law firms where pro bono is par for the course. As is often the case with social change, the younger generation offers the biggest opportunity. ProVene's Gerado Bello believes investment should be made in the younger generation so that pro bono will be second nature by the time they become partners.

Indeed, more law schools today are attempting to instil the importance of pro bono, much more than they might have done a few decades ago. Desafio Pro Bono, the student contest run by law firms and clearing houses in various countries, illustrates this. In Colombia, the clearing house works with Del Rosario University to involve as many as 200 students in pro bono projects with law firms or the clearing house. A similar arrangement is about to be set up with the University of Los Andes. That spells good news for future partnerships. "Younger lawyers are really digging in and there are signs of cultural change," says Linklaters' Silver.



# Making an impact

Clearing houses across the region are putting high-impact projects at the top of their agenda because they can bring about systemic change. Rosie Cresswell asks how law firms can maximise the results of their pro bono projects

In 1989, Denmark became the first country in the world to grant same-sex partnerships similar rights to marriages, although they could not wed in the Danish church or use the term marriage. It was the Dutch that fully legalised same-sex matrimony in 2001. The US didn't follow suit for another 14 years.

The LGBTI community has been fighting hard for equal rights for centuries, and while there have been many historic milestones along the way, there is still some way to go before the battle is won. Today, just six of the 35 countries in the Americas recognise same-sex marriage: Canada, the US, Argentina, Brazil, Colombia and Uruguay, as well as some Mexican states. Three more acknowledge civil partnerships: Costa Rica, Ecuador and Chile. Conversely, by failing to recognise the rights of same-sex couples, 25 states (more than two-thirds of the Americas) are in breach of the American Convention on Human Rights signed in San José, Costa Rica, at the end of the 1960s. Eleven states go as far as to penalise same-sex relationships.

As the fight goes on, there are victories to report from battlefields across the region. One of the more recent pieces of good news is drawn from the personal crusade of Ángel Alberto Duque, a Colombian who was denied access to the survivor pension of his

partner of the same sex, who died in 2001. After the courts in his own country denied him the protection of his right to equality and no discrimination, he turned to the Inter-American Commission of Human Rights (IACHR). The commission picked up his case in 2011, eventually taking it to the Inter-American Court of Human Rights. While the death of Duque's partner occurred before Colombian law recognised the rights of same-sex couples, in 2016 the court ruled that the Colombian state had violated Duque's right to equality as defined in the San José Pact.

Colombia's pro bono foundation acted as an amicus curiae in Duque's case, alongside some of its member firms, Chile's pro bono foundation and the legal clinic of a university in Bogotá. They recognised that the outcome of a case centring on equal rights could have ramifications for the wider LGBTI community and for other marginalised groups across the Americas. "The court's decision in the case is, without doubt, an important precedent that will lead to more discussion on the right to equality in all corners of the continent," says Laura Bermudez of the Fundación ProBono Colombia.

Duque's legal dispute falls into the category of high-impact cases that are becoming a top priority for Latin America's clearing

houses. Brazil's Instituto Pro Bono is calling on firms to take on high-level cases in the wake of the country's federal bar association ending its ban on the provision of free legal aid by private practitioners. "We want to bring them paradigmatic cases dealing with LGBTI issues, land eviction, homelessness, police detention, consumer claims and family rights disputes," says Marcos Fuchs. He thinks many law firms are still too focused on helping NGOs pass bylaws and statutes, which was allowed before the practice was liberalised. The profession should be taking on riskier, more challenging cases, affirms Fuchs. In Mexico, Appleseed is also prioritising cases that bring about systemic change, particularly for migrants.

High-impact cases can take various forms. As well as strategic litigation, whose outcome can set a precedent for a far larger group of marginalised individuals than those directly involved, a high-impact pro bono project might also see a clearing house work closely with a community or organisation that is already working to defend public interests. For example in Paraguay, Estudio Jurídico Gross Brown is helping an organisation carry out a comprehensive review of the needs of people with disabilities. Such projects can be found across the region for the benefits of all walks of life. In Mexico, lawyers succeeded in obtaining provisions to improve the quality of life of a community affected by a government-led housing project. Clearing houses and their member firms might also carry out studies to come up with solutions to problems for communities that require legislative change. ProVene, a Venezuelan clearing house, is helping to push the Law of Love, which seeks to legalise same-sex partnerships and protect the rights of the LGBTI community and the Dominican pro bono organisation is part of a national initiative pushing to make the Dominican Republic's institutions more democratic. They also provide legal training to inform members of public about their rights; Appleseed has partnered with its US colleagues to produce a manual for organisations helping Mexican children in the US who face deportation.

The pro bono challenge (Desafío Pro Bono), created in Peru and replicated elsewhere, whereby students propose pro bono projects and the winner receives support from law firms to

implement their idea, can also be described as high-impact. They help communities, bring together law firms and students and alert the government of the need for change. For example, Chilean students helped people in Valparaiso get their businesses back up and running after a major fire in 2014, advising them how to find public and private funding and make their operations stable.

### Maximising value by measuring qualitative impact

It's sound business sense to concentrate resources on those projects that impact the greatest number of people, especially for organisations like clearing houses that have limited funds. Strategic litigation that secures a human right for an entire section of society not only positively affects the citizens in question, it eliminates future such cases, allowing a clearing house to focus on new projects.

But how can law firms ensure their pro bono cases are having the maximum impact? In conducting this survey, one long-term goal of Latin Lawyer and the Vance Center has been to track how many hours of pro bono lawyers are doing, with a view to see if the practice is becoming more widespread and embedded in law firm culture. But what about measuring the value of the work being done?

This year, we asked firms if they measure the impact of pro bono work. Some 30% of participating firms profess to do so, but their approaches vary significantly and some have more sophisticated methods than others. Assessing the value of such work requires a qualitative assessment rather than merely tallying up the hours put in. As Tauil & Chequer says, "Due to the nature of pro bono work itself, it is quite difficult to measure the holistic impact of our work with NGOs and charitable causes. We collect quantitative data whenever possible, but we place a heavier emphasis on qualitative feedback from both our clients and the lawyers themselves. With this information, we write up an impact report that gives our firm a better idea of where we are at in the development of our programme." Other firms, such as Sánchez Devanny-Eseverri, SC and Morgan & Morgan, send client satisfaction surveys out to pro bono clients as they would to any other. Basham, Ringe & Correa analyses the type of work that potential pro bono clients do and makes an estimate of how many people will benefit from their work.

Measuring the impact of their pro bono efforts can help firms better organise their contributions. By tracking all of its pro bono matters, Estudio Ehecopar produces an annual evaluation to its executive committee, setting out pro bono hours according to lawyer, practice area and matter, and listing significant cases, achievements and areas for improvement.

Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados has pored over the historic advice it has provided to civil society organisations and identified the most frequent questions regarding shared issues when strengthening organisations institutionally, such as taxation, public regulation and bylaws. The findings enabled the firm to elevate the pro bono assistance it provides to the next level, helping such clients go on to increase their access to resources and finalise partnerships with government bodies, all of which helps them help a larger section of society. "Considering we have assisted those organisations for the past 16 years, we are able to identify the ones that experimented a real development, and whose actions signify a great public impact in the country," says Bianca dos Santos Waks, the pro bono coordinator.

**Strategic litigation that secures a human right for an entire section of society not only positively affects the citizens in question, it eliminates future such cases, allowing a clearing house to focus on new projects**



US firms, which have long had pro bono systems, have learnt to project-manage pro bono work to use hours efficiently, for example, by ensuring the pro bono client provides information in a timely fashion in order for the lawyers to get the job done.

Firms can help NGOs be more efficient. “Pro bono clients may reach for the moon in requesting pro bono legal help,” says Linklaters’ Sabrena Silver. “One of our jobs as counsel is to flesh out the scope of work requested, work with the client to prioritise workstreams and develop a scope of engagement to maximise the impact of the lawyers’ work. Communication and planning can help ensure that the work is manageable for the lawyers and the work product is useful for the clients.”

Batalla Salto Luna measures the qualitative and quantitative impact of its pro bono initiatives in Costa Rica. “We first measure how important this project is based on the on the needs and interests of the specific community. We then create goals, objectives and specific actions and attach SMART indicators to each,” says Mariano Batalla. “After the project is concluded, we validate the quantity and quality of the indicators achieved and measure impact.”

As any firm will recognise from its commercial operations, assessing the value of work allows it to improve its service. Applying this attitude to pro bono can vastly enhance the positive impact for non-commercial clients too.

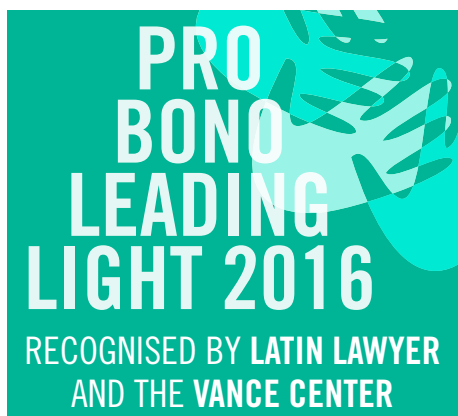
### **A courageous stance**

High-profile, complex projects can also offer firms an opportunity to publicise their corporate social responsibility programme, providing they address the right issues. Firms have been traditionally

hesitant taking on controversial cases. They would take on matters that are clearly acceptable to everyone, such as helping children in some capacity, but draw a line for fear of upsetting clients or the state. The government’s role is very strong in a lot of these countries and firms, with some reason, are often hesitant to be seen as challenging it. That seems to be changing, as the Buenos Aires bar association’s historic agreement with Argentina’s Ministry of Justice and Human Rights to allow the clearing house to provide pro bono to Buenos Aires’ underprivileged communities illustrates. “We are finding law firms and lawyers more willing to engage even in somewhat controversial topics,” says Simpson Thacher’s Todd Crider. “Firms have begun engaging in human rights or issues in some cases contrary to government. That shows an increasing sense of lawyers’ role and frankly an increasing amount of courage of law firms recognising that other lawyers and clients will understand the importance of this type of work.”

For example, a team from Ferrero Abogados in Peru, now part of regional firm Philippi Prietocarrizosa Ferrero DU & Uría and known for its representation of mining and oil companies, is representing indigenous communities with Simpson Thacher in contentious negotiations with the Peruvian government to establish a framework for titling lands for remedying past environmental harms and create a viable basis for oil extraction in the region. “Helping indigenous communities in a country where the extractive industry is so dominant shows a tremendous commitment to access to justice, as well as a willingness to help solve issues of national importance that imperil growth,” says Crider. In Crider’s view, “That’s a courageous example of a pro bono effort to engage with one of the more intractable long term societal issues.”

# Leading lights



Here we celebrate 56 “Leading Lights”: law firms making a noteworthy contribution to strengthening Latin America’s pro bono culture

Several factors played a role in drawing up this list. These include firms’ answers to the survey with regards to institutionalisation of the practice, work done and examples of their recent pro bono cases. We also asked for feedback from clearing houses, the Vance Center and other pro bono professionals where possible and considered the development of firms’ pro bono practices if they participated in earlier surveys, as well as further research. The list includes behemoths of regional legal community bringing significant resources to bear, and small firms from whom personal dedication can make a significant difference.

While this is by no means an exhaustive list (for a start it only mentions firms that participated in our survey), we hope it will give readers an idea of the efforts that firms across Latin America are taking to provide free legal services to those in need.

Of course, it should be noted that simply participating in this survey demonstrates awareness among all participants of the need for pro bono, and each one had interesting developments to report. We hope that all respondents will continue to advance their pro bono practices and come back to us to report their efforts in the years to come.

Alessandri  
Araquereyna  
Arias  
Arias, Fabrega & Fabrega  
Basham, Ringe y Correa  
Batalla Salto Luna  
BLP  
Bofill Mir & Alvarez Jana Abogados  
Brigard & Urrutia Abogados  
Bruchou, Fernández Madero & Lombardi  
Bulló Abogados  
Carey  
Central Law  
Chávez, Ruiz, Zamarripa y Cía SC  
Claro & Cía  
Consortium Legal  
Creel, García-Cuéllar, Aiza y Enriquez SC  
Demarest Advogados  
D'Empaire Reyna Abogados  
Estudio Beccar Varela  
Estudio Ehecopar - A member firm of Baker & McKenzie International  
FerradaNehme  
Ferrere  
García Sayán Abogados  
Gómez-Pinzón Zuleta Abogados  
Grasty Quintana Majlis & Cia  
Guerrero Olivos  
Guevara & Gutiérrez  
Guyer & Regules  
Hogan Lovells BSTL  
Indacochea & Asociados, Abogados  
Jones Day (Mexico)  
KLA - Koury Lopes Advogados  
M & M Bomchil Abogados  
Marval, O'Farrell & Mairal  
Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados  
Medina Garrigó Abogados  
Morales & Besa  
Morgan & Morgan  
Olmedo Abogados  
Paz Horowitz Abogados  
Pérez Alati, Grondona, Benites, Arntsen & Martínez de Hoz (h)  
Pérez Bustamante & Ponce Abogados  
Pinheiro Neto Advogados  
Posadas, Posadas & Vecino  
Rodrigo, Elías & Medrano Abogados  
Russin, Vecchi & Heredia Bonetti  
Sánchez Devanny  
Siqueira Castro Advogados  
Tauil & Chequer Advogados in association with Mayer Brown  
TozziniFreire Advogados  
Urenda Rencoret Orrego y Dörr Abogados  
Von Wobeser y Sierra  
Yataco Arias Abogados

## Participating firms

Latin Lawyer and the Vance Center would like to thank all the firms that took the time to complete the survey. We list the participants below with the exception of those that requested to remain anonymous.

### Argentina

Allende & Brea  
Baker & McKenzie (Argentina)  
Bruchou, Fernández Madero & Lombardi  
Bulló Abogados  
Estudio Beccar Varela  
M & M Bomchil Abogados  
Marval, O'Farrell & Mairal  
Pérez Alati, Grondona, Benites,  
Arntsen & Martínez de Hoz (h)  
Zang, Bergel & Viñes Abogados

### Bolivia

Bufete Aguirre Soc Civ  
Guevara & Gutiérrez - Servicios Legales  
Indacochea & Asociados  
Von Borries Blanco Estudio de  
Abogados

### Brazil

BMA - Barbosa, Müssnich, Aragão  
Demarest Advogados  
Dias Teixeira Sociedade de Advogados  
KLA - Koury Lopes Advogados  
Leite, Tosto e Barros Advogados  
Levy & Salomão Advogados  
Machado, Meyer, Sendacz e Opice  
Advogados  
Mattos Filho, Veiga Filho, Marrey Jr e  
Quiroga Advogados  
Perrotti e Barrueco Advogados  
Associados  
Pinheiro Neto Advogados  
Santiago & Tourinho Advogados  
Siqueira Castro Advogados  
Souza, Cescon, Barriue & Flesch  
Advogados  
Tauil & Chequer Advogados in  
association with Mayer Brown  
TozziniFreire Advogados

### Central America

BLP  
Arias  
Consortium Legal  
Central Law

### Chile

Alessandri  
Bofill Mir & Alvarez Jana Abogados  
Carey  
Claro & Cía  
FerradaNehme  
Grasty Quintana Majlis & Cia  
Guerrero Olivos  
Morales & Besa  
Noguera Larrain & Dulanto  
Urenda, Rencoret, Orrego y Dörr  
Abogados

### Colombia

Brigard & Urrutia Abogados  
Gómez-Pinzón Zuleta Abogados  
Mauricio A Plazas Vega Abogados &  
Cia  
Norton Rose Fulbright  
Posse Herrera Ruiz

### Costa Rica

Batalla Salto Luna  
Sfera Legal

### Dominican Republic

Estrella & Tupete, Attorneys at Law  
Lic Jorge A López Hilario  
Medina Garrigó Abogados  
Russin, Vecchi & Heredia Bonetti  
Vertia, Gestion Legal  
Wandelpool & Wandelpool, Asesores  
Legales

### Ecuador

Paz Horowitz Abogados  
Pérez Bustamante & Ponce Abogados

### Guatemala

QIL+4 Abogados

### Mexico

Basham, Ringe y Correa  
Bufete Ovalle Favela, SC  
Robles Miaja SC  
Calderón y De La Sierra y Cía, SC  
Chévez, Ruiz, Zamarripa y Cía SC

Creel, García-Cuéllar, Aiza y Enriquez  
SC  
Hogan Lovells BSTL  
Jones Day (Mexico)  
Kuri Breña Sánchez Ugarte y Aznar  
Sánchez Devanny  
Torres Morante Abogados  
Von Wobeser y Sierra SC

### Nicaragua

Alvarado y Asociados  
García & Bodán (Nicaragua)  
Lexincorp

### Panama

Arias, Fábrega & Fábrega  
Morgan & Morgan

### Paraguay

Guanes, Heisecke & Piera Abogados  
Olmedo Abogados

### Peru

Estudio De La Flor, García Montufar,  
Arata & Asociados Abogados SCRL  
Estudio Eche copar, a member firm of  
Baker & McKenzie International  
García Sayán Abogados  
Rodrigo, Elías & Medrano Abogados  
Yataco Arias Abogados

### Uruguay

Bergstein Abogados  
Ferrere (Bolivia, Ecuador, Paraguay  
and Uruguay)  
Guyer & Regules  
Posadas, Posadas & Vecino

### Venezuela

Araquereyna  
D'Empaire Reyna Abogados