

# LATIN LAWYER

THE BUSINESS LAW RESOURCE FOR LATIN AMERICA



## THE LATIN LAWYER AND VANCE CENTER PRO BONO SURVEY 2014

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**LATINLAWYER**  
THE BUSINESS LAW RESOURCE FOR LATIN AMERICA

# LATIN LAWYER-VANCE CENTER SURVEY: PRO BONO ENTERS THE MAINSTREAM

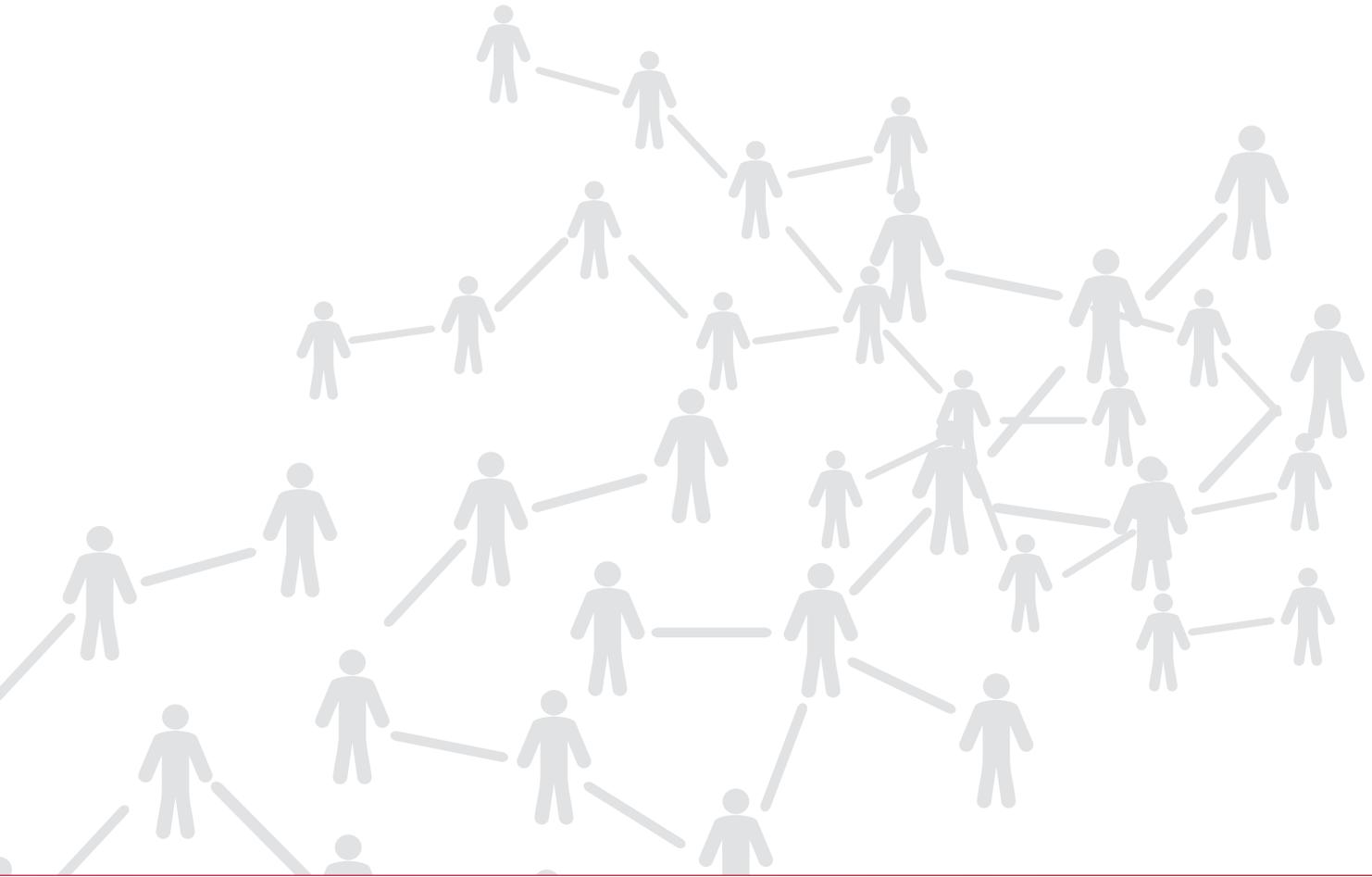
Having been the passion of a dedicated, growing group for some time, the practice of pro bono appears to be entering the mainstream of Latin America's legal profession as stories of success find their way into everyday conversation. "Those of us who are active can't go anywhere where people are not eager, even in the context of a business meeting, to tell us what advancement their firms are making in pro bono," says Antonia Stolper, vice chair of the **Cyrus R Vance Center for International Justice Committee** and partner at Shearman & Sterling LLP. "There is an incredibly high level of consciousness about the issue and the impact law firms can bring to access to justice issues are at front and centre for leading players in these markets. That's a fantastic development and clear sign that the efforts of those trying to scale up and institutionalise pro bono are paying off."

From a renewed sense of vigour among Mexican lawyers to signs of greater engagement of Venezuelan firms and a high-profile conference in the Dominican Republic, there are reports from across Latin America that the profession is wholeheartedly embracing pro bono. "One of the beauties of pro bono is democracy: each firm and practically each lawyer within each firm can potentially vote to engage with issues that matter to the firm or to her. So we are seeing a surge in the diversity of matters undertaken, from classic representation of poor individuals in legal problems, to representation of NGOs, to representation of micro-

entrepreneurs, to high-impact cases challenging government to live up to its own commitments, to reform efforts seeking to enhance justice," says Todd Crider of Simpson Thacher & Bartlett LLP and vice chair of the Vance Center Committee.

That pro bono is at the forefront of lawyers' minds is reflected in the most recent survey conducted by Latin Lawyer and the Vance Center. Now in its third year, the survey seeks to measure the progress of the institutionalisation of pro bono in Latin American law firms. It is open to law firms across Latin America, more and more of which take the time to complete the survey each year. This year we received over 100 responses – 25 per cent more than last year – to what is a comprehensive, time-consuming survey, which is a strong indication of the interest law firms are paying to this practice. (See figure 1 for geography of respondents.)

The 2014 survey has the backing of **BTG Pactual**, **Credit Suisse Securities (USA)** and **JP Morgan Securities** and has been remodelled to allow for a better analysis of the type and volume of work law firms are doing, as well as the systems they have in place to carry out pro bono matters efficiently on a country-by-country basis. The redesign is in large part thanks to the support of clearinghouses across Latin America, which have provided feedback on the survey, assisted in its distribution and encouraged member firms to participate, as well as providing valuable insight into



the pro bono culture in their jurisdiction. *Latin Lawyer* and the Vance Center would like to thank the following for their enormous contributions: the **Comisión de Trabajo Pro Bono** in Argentina, Brazil's **Instituto Pro Bono**, **Fundación Pro Bono** in Chile, **Fundación Pro Bono Colombia**, 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.

*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. In the last two years, the Vance Center has developed more than 60 pro bono projects related to the Americas, and over half of them have required local counsel in 24 countries in the region. For these projects, the Vance Center has recruited over 100 law firms, 80 per cent of which come from Latin America and the Caribbean or Canada. In most of these cases, the projects have been

placed through pro bono clearinghouses active in the region and, in those countries where a clearinghouse has not been established, the Vance Center has invited to participate law firms that have signed the Pro Bono Declaration for the Americas. The PBDA counts over 500 signatories in Latin America, with the number rising each year. (More than 40 signatories have joined since the start of 2012.)

Over the next few pages, we highlight the progress made and the challenges that remain; take a tour of pro bono communities around the region; consider the role of clearinghouses; and, finally, profile this year's "Leading Lights" – those firms whose pro bono efforts stand out and deserve to be celebrated.

The survey has highlighted stories of tremendous achievements, both in terms of how law firms are institutionalising the practice, and in the work they are doing to bring access to justice to Latin America's poor and marginalised communities, but it has also identified challenges that need to be overcome before the region's legal profession can truly say that pro bono services are provided by all of its law firms. The key now is for everyone involved to remain engaged and continue to press ahead with institutionalising the practice. Fortunately, there are countless individuals and organisations across the region and further afield who are committed to making that happen.

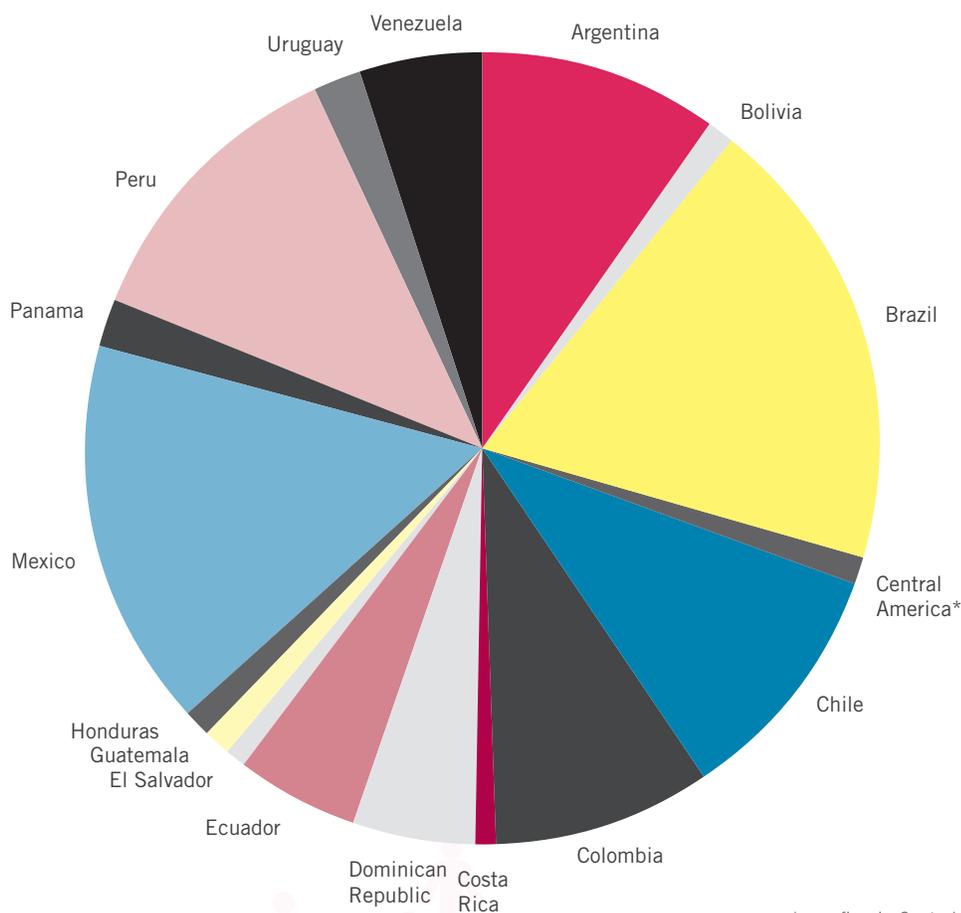
## The results

The survey measured key indicators of institutionalisation and tracks the amount and type of pro bono work being done. Here we draw out some of the main conclusions

A country's pro bono culture will always be unique because it evolves according to that jurisdiction's particular circumstances. The journey towards establishing a pro bono chain is often complex and must take into account societal perceptions; attitudes among communities, the legal profession and the bar association; local regulations and the country's needs. This makes it difficult to draw region-wide conclusions from our survey, which is why we look at countries on an individual basis on page 10 (centring on those where we received a high level of responses), while including a list of key facts for easy comparison between jurisdictions.

Nevertheless, the institutionalisation of the practice among law firms is fundamental to building a pro bono chain in any legal market, whatever its unique characteristics. "This is something that needs to be nurtured and sustained because institutionalisation breeds its own success," says **Antonia Stolper**, partner at Shearman & Sterling and vice chair of the Cyrus R Vance Center for International Justice Committee. "You need law firms to have an institutional commitment so it is understood everyone will do pro bono work – making it a permanent part of the legal culture."

Many Latin American lawyers have long provided free legal work to the poor, but law firms have only started to institutionalise the practice in recent years. The establishment of internal policies and procedures that encourage and facilitate the development of pro bono work help a firm realise its commitment and greatly improve the efficiency of their pro bono practice. To an extent, the professionalisation of pro bono is a natural extension of the broader institutionalisation of a law firm. "As a general proposition, the more sophisticated



\* one firm in Central America provided one response for all countries

the firm, the more likely it is to have an active pro bono practice," says **Todd Crider** of Simpson Thacher & Bartlett LLP and vice chair of the Vance Center Committee. One aim of *Latin Lawyer* and the Vance Center's survey is to track the progress of the institutionalisation process by annually recording the volume of pro bono work firms say they are doing and the systems they have implemented to do it. There are various ways of measuring how far firms have progressed with the institutionalisation of a pro bono practice but a lot of the main indicators are in line with the requirements laid out in the Pro Bono Declaration of the Americas, whose signatory firms commit to certain practices – as well as working towards every one of their lawyers completing around 20 hours of free legal services each year. Reaching that target requires having the correct procedures in place: among the associate ranks in particular,

lawyers will be more likely to take on pro bono work if they receive clear direction and encouragement from the firm, which is why it is important that law firms tie pro bono hours to lawyers' evaluation and compensation. **Martin Zapiola**, the president of Argentina's Comisión de Trabajo Pro Bono, argues that for pro bono work to flourish, it needs to be incentivised. "If pro bono is not taken into account it is seen as a waste of time. Associates end up doing pro bono work after hours, so in essence it is the contribution of the individual, rather than the law firm," he said at a recent conference on the subject in London.

Law firms are motivated to do pro bono work for many reasons – a desire to contribute to society and the professional development of their lawyers are among them. More and more firms are recognising that there is a business case. Increasingly, clients are interested in the pro bono work

law firms do in the same way that they care about matters such as diversity. **Paula Samper**, the president of Colombia's pro bono foundation says her firm, Gómez-Pinzón Zuleta Abogados, has been asked by two international clients this year about their pro bono efforts. By backing this survey, prominent financial institutions BTG Pactual, Credit Suisse Securities (USA) and JP Morgan Securities specifically acknowledge that members of the legal profession have a responsibility to provide pro bono legal services. Meanwhile, 45 per cent of firms say they communicate to clients the pro bono work they do. (Just one-third say clients ask about it.) Pro bono programmes can also assist in the recruitment and retention of young lawyers, who express greater job satisfaction if they are given the chance to do pro bono work because it gives them a greater sense of social purpose. Indeed, one-third of our respondents say they promote the pro bono work they do in order to attract talent.

So how are law firms doing? Consistently over the last three years around 55 per cent of firms say they have done more pro bono compared with the previous year, with around one-third maintaining the same level. Just like in 2012, around one-fifth said they completed more than 1,000 pro bono hours over 2013 as a firm. (The 2014 survey is based on pro bono work in 2013.) While how much work is being done is the all important test, we are not looking for a simple tally of the pro bono hours provided by a firm overall. Having one lawyer completing 1,000 hours a year is not an indication of institutionalisation; it is far better to see the majority of a firm's lawyers contributing regularly to pro bono cases. The PBDA suggests 20 hours per lawyer per year is an attainable target for Latin American firms and this year, just one-quarter of respondents said they were meeting or surpassing that benchmark. An even stronger indicator of institutionalisation is the level of partner take-up, the argument being that a pro bono culture can only become truly ingrained

in a firm if there is clear leadership from the top. Unfortunately in many countries, there is much improvement to be made at the partnership level. Only 15 per cent of the respondents were able to say that half of their partnership or more completed 20 pro bono hours in 2013, while slightly more – 20 per cent – said half of their associate ranks or more were reaching the target. Of course this drop could be down to the fact that we had a higher response rate this year, with some of the new respondents not quite at the same level of output as those that also answered last year.

A promising number of respondents – 82 per cent – say they account for pro bono hours in their evaluation of lawyers, which is up on last year, while roughly two-thirds treat pro bono hours like billable hours in terms of associate compensation and half say pro bono work affects determinations on associate salary, bonuses and advancement (both similar to last year). Meanwhile, almost 80 per cent provide recognition to partners and associates for their pro bono work. However, while the numbers look good on paper these policies might not necessarily have been put into regular practice. Some clearinghouses have said the results are at odds with the reality and believe that there is still some way to go before most law firms have a working system that really recognises pro bono efforts. Often, lawyers who are serious about pro bono find they have to do it in their free time because there is no structure that allows them to fit it in with the hours they can bill. A lawyer doing pro bono over the weekend would indicate that his or her firm has failed to institutionalise the practice effectively.

One reason for firms' inability to make pro bono more widespread is a perceived lack of time: 70 per cent of respondents said time constraints were a major impediment to pro bono. Again, having the right policies in place can help by ensuring that lawyers are clear about when they can do it and not push it to the bottom of their to-do lists. Our survey showed positive signs with respect to the internal policies and structures

that exist in firms, which are largely in line with last year's survey: three-quarters of firms have a pro bono coordinator, while half have a pro bono committee and a manual detailing the firm's pro bono policy. As **Enrique Felices** of Miranda & Amado Abogados says, a good pro bono coordinator is the hidden secret behind any successful pro bono programme. Indeed, coordinators in Peru have played a key role in the success of the clearinghouse, Alianza Pro Bono. "Ideally, it should be an attorney who is not only smart, but also capable of effectively liaising with the broad range of personalities that give shape to law firm life. Brains and hard work are essential, but not sufficient: developing a real pro bono culture requires empathy and instilling among lawyers a sense of common purpose," he says.

To conclude, the survey shows that progress has been made in some areas, particularly with respect to implementing policies internally. However, it's clear that still more lawyers could be doing pro bono work on a regular basis, particularly at partner level.

There are several important factors to note when dissecting the results. First, there is likely a natural bias towards doing pro bono work among firms that take the time to complete a survey on the subject, which means the sample does not necessarily reflect the full reality; second, we must allow for the fact that not all law firms have systems for measuring pro bono accurately, so the hours recorded may not amount to those actually completed; and finally, having a pro bono programme on paper is not the same as having a functioning one – for example while pro bono coordinators appear to be commonplace, some will be more active than others. Because of this, we have also asked clearinghouses for their view of the pro bono culture among the firms they deal with: with a first-hand view of much of the work being done, they are useful sources of information. Their feedback is included in the country profiles that follow, while they discuss the challenges they face on page 18.

## Country by country

A tour of some of the larger legal communities from which we received a healthy number of responses to our survey

### Argentina

<b>Average size of responding firm</b>	85 lawyers (Range: 6 to 320 lawyers)
<b>PBDA signatories</b>	60%
<b>Clearinghouse membership</b>	90%
<b>Firms with PB coordinator</b>	80%
<b>PB affects salary and advancement</b>	50%
<b>PB included in training</b>	50%
<b>PB work measured</b>	70%
<b>Total PB hours completed in 2013</b>	40% of firms completed more than 1,000 hours
<b>Average PB hours/lawyer in 2013</b>	60% of firms averaged 10 to 29 pro bono hours per lawyer in 2013
<b>Comparison of 2013 and 2012</b>	50% of firms did more pro bono in 2013 than 2012

They say that those who have lived through or have been on the verge of difficult times are more likely to help those undergoing a similar experience. In the past 12 years, Argentina's economic cycle of boom and bust has affected the country's entire population in one way or another. Perhaps in light of that, Argentine law firms score comparatively highly when it comes to pro bono work.

Law firms report encouraging levels of actual pro bono work, with 40 per cent of firms saying they completed more than 1,000 hours in 2013 and almost two-thirds averaging 10 to 29 pro bono hours/lawyer. To back this up, the Comisión Pro Bono recorded 20 law firms completing a total of 1,003 hours, with lawyers each completing 15 hours on average. It also reports that its member firms are very good at paying annual fees. There are strong indications of efforts to institutionalise the practice: the majority of firms have a pro bono coordinator and half have a committee to oversee the firm's pro bono strategy. Half have a pro bono policy that has been distributed throughout the firm. Most have a partner overseeing all cases and a formal procedure for approving pro bono, while 80 per cent say they treat pro bono as billable hours for compensation, consider it in lawyer evaluations and provide recognition to lawyers doing pro bono work. While the clearinghouse reports encouraging levels of work, it has questioned whether this proportion of firms in the country actually accounts for pro bono work in evaluations and compensation in practice, and would like to see greater participation among partners. However, it is working with law firms to establish a statement of pro bono good practice that is designed to help law firms implement such policies.

As well as working with NGOs and, in some cases, individuals,

Argentine lawyers have favoured public interest cases, helping to drive through legislative change in the area of mental health for the benefit of drug addicts in rehabilitation, for example. They have also demonstrated the benefits of collaborative pro bono work, drawing up a legal handbook for non-profit organisations, which came about under the eye of the international pro bono network. Alongside corporate matters, firms also cite education as a common source of pro bono work.

As with elsewhere in the region, it has been said that the legal community could do yet more to help society – particularly law firm partners. Our survey showed that at most firms (at least 60 per cent) less than a quarter of the partnership undertook at least 20 hours of pro bono work in 2013, compared to half saying that 25 to 50 per cent of associates reached the PBDA target.

### Brazil

<b>Average size of responding firm</b>	152 lawyers (Range: 2 to 943 lawyers)
<b>PBDA signatories</b>	32%
<b>Clearinghouse membership</b>	72%
<b>Firms with PB coordinator</b>	47%
<b>PB affects salary and advancement</b>	32%
<b>PB included in training</b>	26%
<b>PB work measured</b>	58%
<b>Total PB hours completed in 2013</b>	11% of firms completed more than 1,000 hours
<b>Average PB hours/lawyer in 2013</b>	33% of firms averaged 10 to 29 pro bono hours per lawyer in 2013
<b>Comparison of 2013 and 2012</b>	67% of firms did more pro bono in 2013 than 2012

A watershed moment for pro bono in Brazil took place in 2013, when the country's bar association issued an injunction to lift restrictions prohibiting lawyers from providing free legal services to individuals. Under the current rules, firms in São Paulo can work with NGOs on a pro bono basis, but in most of the country they can't even do that. The restrictions have understandably severely hampered the advancement of pro bono across Brazil, and this is reflected in our survey.

The amount of work being done is significantly lower than in other countries with sophisticated legal markets; only 11 per cent of responding firms completed more than 1,000 pro bono hours in 2013, while many more did less than 250 hours. While two firms

said that three-quarters or more of their partners completed at least 20 pro bono hours a year, the majority – 56 per cent – said less than a quarter of the partnership met that benchmark. A similarly low turnout is reported among associates. There is also less evidence of institutionalising the practice within firms, despite encouragement from the clearinghouse to appoint pro bono coordinators. That's not to say there haven't been any advancements: half say they have a pro bono policy that has been distributed throughout the firm and treat pro bono hours like billable hours in terms of associate compensation.

There is also clear evidence of work being done on behalf of local NGOs, with lawyers providing assistance with their general corporate, labour, tax and litigation matters. Firms also cited education and public interest litigation as another area of focus. For example, one law firm was part of a working group that has successfully fought to see São Paulo commit to increasing the number of nursery school places in the city, where there is currently a large deficit.

The impetus to do pro bono work is visible in Brazil – seen by the firms campaigning for the bar to remove the barriers and indeed the healthy number of respondents to our survey – but until the restrictions are finally lifted it is difficult to gauge just how many firms will follow through and commit. The hope is that expected new rules will allow the practice to take off in a significant way.

## Chile

<b>Average size of responding firm</b>	70 (Range: 25 to 186 lawyers)
<b>PBDA signatories</b>	80%
<b>Clearinghouse membership</b>	100%
<b>Firms with PB coordinator</b>	100%
<b>PB affects salary and advancement</b>	50%
<b>PB included in training</b>	70%
<b>PB work measured</b>	80%
<b>Total PB hours completed in 2013</b>	38% of firms completed more than 1,000 hours
<b>Average PB hours/lawyer in 2013</b>	63% of firms averaged 10 to 29 pro bono hours per lawyer in 2013
<b>Comparison of 2013 and 2012</b>	75% of firms did more pro bono in 2013 than 2012

Chile has long been leader of the pack when it comes to pro bono work and the country's legal community continues to be an inspiration to the rest of the region. Two-thirds of firms said that their lawyers each did between 10 and 29 hours of pro bono in 2013 (the PBDA suggests 20 hours as an achievable target), and the numbers are rising. Firms are capable of achieving high levels because they have successfully enshrined the practice in their institutions. From day one, the importance of the pro bono practice is made clear to lawyers at most firms because it is included in training programmes, and the

vast majority include pro bono efforts in their lawyers' evaluation. (Half say it affects salary and advancement.) Pro bono coordinators and committees are commonplace, ensuring the system is maintained with a formal procedure for approving pro bono work. Firms also keep track of what they are doing with a formal mechanism for measuring pro bono and 40 per cent have a pro bono manual available for staff. One area where even Chilean firms could improve is partner participation: half of firms said the majority of partners do not meet the PBDA requirement of 20 hours a year, although participation at associate level was more encouraging.

Crucially, they work closely with the clearinghouse, which reports a high caseload and saw an increase in members last year. Chilean firms take on a broad spread of pro bono cases, with corporate and education the dominant types of work. It's also notable that they take on a good proportion of cases for individuals as opposed to only institutions.

## Colombia

<b>Average size of responding firm</b>	83 lawyers (Range: 6 to 206 lawyers)
<b>PBDA signatories</b>	89%
<b>Clearinghouse membership</b>	100%
<b>Firms with PB coordinator</b>	100%
<b>PB affects salary and advancement</b>	67%
<b>PB included in training</b>	67%
<b>PB work measured</b>	75%
<b>Total PB hours completed in 2013</b>	38% of firms completed more than 1,000 hours
<b>Average PB hours/lawyer in 2013</b>	50% of firms averaged 10 to 29 pro bono hours per lawyer in 2013
<b>Comparison of 2013 and 2012</b>	87.5% of firms did more pro bono in 2013 than 2012

Within Latin America, our survey suggests that the Colombian legal market scores comparatively well in terms of firms' efforts to engage in pro bono, with firms taking various measures to institutionalise the practice and providing regular funding to the clearinghouse. Firms report doing more work in 2013 than the previous year and they do particularly well on associate participation, with 63 per cent of firms seeing a quarter or more of their associates completing 20 hours of pro bono a year, of which two said as many as 75 to 100 per cent meet the target. In terms of partners showing leadership in the area, they are on a par with firms in other countries listed here – ie, there is room for improvement.

Only half of the Colombian respondents were able to put forward standout cases that they have worked on in 2013. This may be because a lot of the work they do is more day-to-day on behalf of NGOs, but it also suggests that some firms are more active than

others. The clearinghouse's 2013 caseload is also lower than 2012 – when 206 projects were assigned compared with 137 last year. However, that is partly a positive development because firms have been taking on more high-impact cases, which require more hours. According to the foundation, one of their biggest challenges is that people in Colombia do not generally understand what pro bono work is. This has a knock-on effect in law firms, which do not always see the benefits of providing a service that is underappreciated. It is hoped that big Colombian groups such as Bancolombia joining the foundation will help change that. That said, some law firms are doing significant work, often in partnership with Universidad del Rosario's law school, whose students have worked on projects with law firms. Projects include a high-impact public action to see inhabitants of Santa Cruz del Islote, one of the world's most densely populated areas, get better sanitation and other basic rights.

## Mexico

<b>Average size of responding firm</b>	54 lawyers (Range: 4 to 200 lawyers)
<b>PBDA signatories</b>	50%
<b>Clearinghouse membership</b>	69%
<b>Firms with PB coordinator</b>	69%
<b>PB affects salary and advancement</b>	63%
<b>PB included in training</b>	81%
<b>PB work measured</b>	81%
<b>Total PB hours completed in 2013</b>	50% of firms completed more than 1,000 hours
<b>Average PB hours/lawyer in 2013</b>	19% of firms averaged 10 to 29 pro bono hours per lawyer in 2013
<b>Comparison of 2013 and 2012</b>	56% of firms did more pro bono in 2013 than 2012

In Mexico, firms show growing evidence of institutionalising the practice of pro bono. Mexican firms report a broad range of pro bono work – far beyond general corporate matters. Environmental, anti-corruption, education, labour, human rights and immigration matters are all cited as areas they work in.

Half said they completed more than 1,000 pro bono hours in 2013, but only a fifth said their lawyers averaged between 10 and 29 hours each in 2013, which implies that the practice is not evenly distributed within firms. That said, it's notable that a good number reported an above-average level of partner participation.

A high number of respondents have coordinators, include pro bono in training and link it to salaries and career progression. While this is encouraging, it has been noted that in practice the numbers do not appear to be quite so high.

Around 70 per cent belong to one of the country's two main clearinghouses (one being the pro bono arm of the Mexican bar

association), which both report favourably on the change in attitudes among law firms with respect to taking on pro bono work. There has been a recent surge of interest among firms that are keen to improve their approach to the practice. As with elsewhere in the region, there are still calls for Mexican firms to be more socially responsible. However, firms' commitment stands to increase further: a bill has been submitted to make social work, and thus pro bono work, mandatory for certain professions including lawyers.

## Peru

<b>Average size of responding firm</b>	60 lawyers (Range: 12 to 143 lawyers)
<b>PBDA signatories</b>	73%
<b>Clearinghouse membership</b>	100%
<b>Firms with PB coordinator</b>	100%
<b>PB affects salary and advancement</b>	36%
<b>PB included in training</b>	64%
<b>PB work measured</b>	82%
<b>Total PB hours completed in 2013</b>	18% of firms completed more than 1,000 hours
<b>Average PB hours/lawyer in 2013</b>	18% of firms averaged 10 to 29 pro bono hours per lawyer in 2013, 18% completed 30 or more per lawyer
<b>Comparison of 2013 and 2012</b>	81% of firms did more pro bono in 2013 than 2012

Pro bono in Peru has had its ups and downs over the years, but it is presently enjoying a high point with the creation of the Alianza Pro bono earlier this year. Crucially, the clearinghouse has the financial support of 17 law firms (previous attempts to keep a clearinghouse going had failed because of a lack of funding from firms) which are all committed to creating a pro bono institution.

Member firms are taking very encouraging steps to implement a lasting pro bono framework; associates have been appointed as pro bono coordinators, while most attest to keeping track of the work they do and including pro bono in their training package and just under half have a pro bono manual. Respondents to our survey put forward a genuinely interesting range of pro bono projects they have taken on, be it defending individuals in discrimination cases, helping NGOs develop innovative enterprises to lift people out of poverty and working with children living in the rainforest.

Establishing strong foundations is particularly vital in Peru, where there is a weak institutional framework and lack of public trust as well as a lack of commitment to pro bono work among some parts of the legal profession. The key for the Peruvian legal community now is to harness the momentum they are experiencing to create a sustainable pro bono infrastructure in the country.

While there were insufficient responses from countries elsewhere in the region for us to carry out an analysis, there are still important stories to share.

In Venezuela, pro bono work has faced considerable challenges; not least the difficult political situation and the social divide between lawyers and the communities most in need, however, its future looks promising. The survey suggests that there are still inconsistencies with respect to the level of institutionalisation of pro bono practices: only one firm provided data on pro bono hours, while there appears to be a low take up of internal procedures. While lots of lawyers in the country do pro bono work it tends not to be in a coordinated fashion. But, there are very positive reports that the country's law firms are keen to engage more with the clearinghouse, ProVene. ProVene has been holding one-to-one meetings with law firms about how they can work together and institutionalise the practice, and says the response has been overwhelmingly positive. Now, it is working with as many as eight law firms and has also set up a casa pro bono, where a full-time lawyer provides free legal advice and it is expected that lawyers from law firms will also work there on a part-time basis. Firms are also working with counterparts in Colombia to help illegal Colombian immigrants in the country.

We received a very limited response to our survey from firms in Central America, but there are reports of proactivity: presidents of the five countries' bar associations recently got together to discuss how to scale up pro bono together and signed the PBDA, as well as committing to a regional approach for Central America and the Dominican Republic. Separately, the Dominican Republic's pro bono community has begun to engage with its counterparts across the region, inviting them to a two-day conference designed to raise awareness in the country which led to two local firms signing the PBDA. Take-up to the survey from Dominican firms was higher, and revealed that while some firms are hugely committed to pro bono, the practice could be more widespread and the number of hours being completed is low compared to other countries in Latin America. The practice does not appear to be hugely institutionalised in firms yet, although all say they acknowledge pro bono when evaluating lawyers. Work is mostly sourced from the clearinghouse or non-profit organisations.

Among the handful of Ecuadorean firms that responded to our survey, the majority have a pro bono coordinator and pro bono is considered in associate evaluation. The amount of work being done varies significantly and only one firm was able to provide a recent example of a standout pro bono project. In the absence of a clearinghouse, work is sourced from universities, social organisations or from the partners and associates. In Paraguay, there is still progress to be made with respect to understanding the concept of pro bono. The good news is that there are signs that there is a growing awareness of the role lawyers can play in bringing access to justice to the poor, thanks in part to the clearinghouse, which has helped kick-start a discussion about pro bono among lawyers and law students. The very low level of responses from Bolivia, Panama and Uruguay made it very difficult to draw any conclusions there, although the Vance Center reports that a number of Bolivian and Uruguayan firms and one from Panama have signed the PBDA since 2012.

## Powerful reach

Our survey unveiled a remarkable range of projects undertaken by Latin American law firms on a pro bono basis; from bringing about legislative reform to helping children with serious diseases, lawyers are bringing access to justice to a tremendous number of poor and marginalised people in the region. Here, we celebrate their stories and consider the different types of pro bono projects available and the impact they have on society

How to define pro bono? When drawing up the Pro Bono Declaration of the Americas, its creators debated at length about the official definition of pro bono they should use. Ultimately, the drafting committee – composed of lawyers from across the Americas – concluded that pro bono legal services should primarily benefit poor or underprivileged individuals or communities and the organisations helping them, and should be free on the basis that those being helped do not have the means to pay for legal advice.

There is a healthy debate about where pro bono legal services should be best directed. Some clearinghouses would argue that working with big international NGOs with deep pockets or assisting a client's non-profit foundation does not compare with providing support to a local NGO or individuals who are denied access to justice because they lack the funds to pay for legal assistance. Many on the front line in this field would say that they do not consider giving free legal advice to an art gallery or budding entrepreneurs, or friends and family, as true pro bono work. It is universally agreed that pro bono work does not include non-legal work such as painting of schools or financial donations, which many members of the public can do.

Across the region there are millions of people who suffer violations of their rights, but are powerless to do anything about it simply because they do not have the money to pay for a lawyer. The legal profession – among the educated elite in Latin America – is uniquely placed to bring effective access to justice to the poor and marginalised. Here, we look at the way law firms across the region are doing just that.

Our survey showed that the vast majority of law firms' pro bono work is on behalf of non-profit organisations (as opposed to individuals). There are numerous very good examples of law firms assisting mostly local NGOs doing valuable work for those in need in their communities. Given the profiles of the participating law firms, it is not surprising that the bulk of work tends to be corporate in nature. Most often, law firms help NGOs with their corporate structure and ensure they are getting the tax exemptions they are entitled to, as well as assisting in more day-to-day corporate matters. In Latin America, it is very common to see law firms acting for charities and other institutions working with people living in slum communities – for example helping the NGO draw up contracts with families for the construction or renting of houses. There are various innovative initiatives helping to lift people out of poverty.

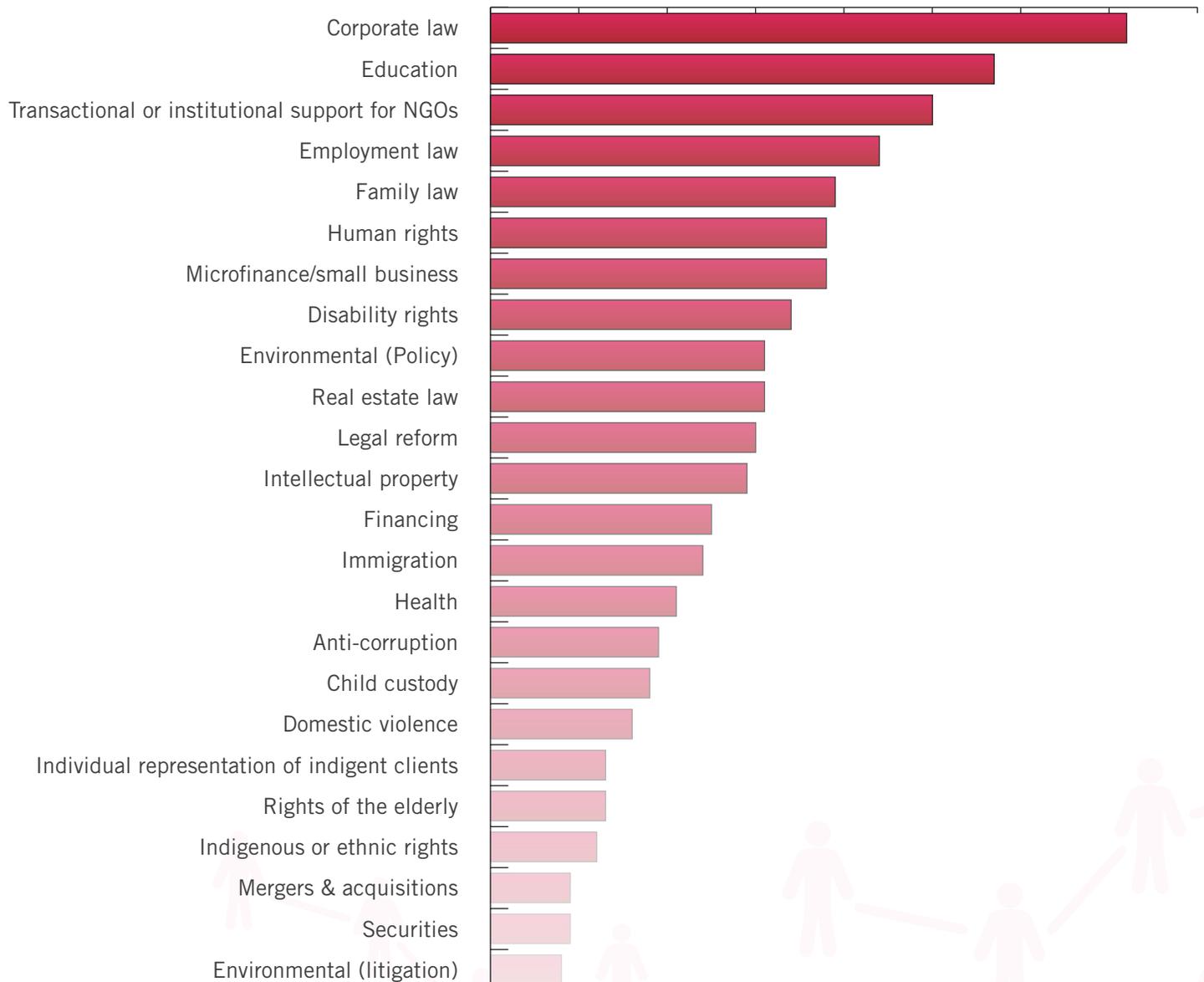
### *PBDA definition of pro bono*

*Pro bono legal services are those provided without a fee, or expectation of a fee, principally to benefit poor or underprivileged persons or communities or the organisations that assist them. They may include representation of persons, communities or organisations in matters of public interest who otherwise could not obtain effective representation. In addition, pro bono legal services can also benefit civic, cultural and educational institutions serving the public interest who otherwise could not obtain effective representation.*

Estudio Olaechea works with Ciudad Saludable in Peru, a non-profit association whose goal is to transform waste collection into a business operation that generates income. Legal work might also be tailored to an organisation's specific needs, such as litigation. Jiménez Cruz Peña is currently litigating on behalf of the Guanin Foundation, which works with underprivileged children from the Dominican Republic and Haiti, to help the foundation keep the land on which it is based, for example. Morgan & Morgan is taking care of the legal work required to set up a food bank in Panama.

Lots of firms cited work for charities that help people with physical disabilities, diseases or drug addiction. Siqueira Castro Advogados provides corporate, labour and tax legal advice to Specialisterne, a company that employs mostly autistic people, while Von Wobeser y Sierra SC acts for CONFE, a civil association that works with Down's syndrome children and adults, finding them work in a bread-making facility. In Chile, Morales y Besa acts for an NGO whose aim is to rehabilitate people with drug addiction, giving corporate and real estate advice, and Dominican firm Russin Vecchi & Heredia Bonetti provides legal assistance to Heart Care Dominicana which provides medical solutions to poor Dominicans suffering cardiovascular diseases. Some firms have helped found charities that they go on to provide legal support to – such as the role of Pérez Bustamante & Ponce's Fundación Fabián Ponce in setting up the Ecuadorean arm of Operation Smile, which provides free reconstructive surgery to people with cleft lip and palate and malformations of the hands and feet. In Uruguay, Nicolas Herrera of Guyer & Regules set up

## Pro bono practice areas



the first free, secular, privately managed high school for students in critical socio-economic contexts, which is now a pro bono client of the firm.

### The case for individuals

Just one-quarter of firms say they help individuals on a pro bono basis. This comparatively low proportion might be because corporate firms do not feel they are sufficiently specialised to give advice in the relevant area of law (some 75 per cent of respondents said they do not take on work outside of their usual practice areas); because it seems inefficient to focus all their resources on one person when they can assist an

entire group by acting for an NGO; or simply because they do not have the channels of communication in place to reach individuals.

It's true that more often than not, the needs of individuals who cannot afford to pay for legal services do not fall under the umbrella of the services provided by a corporate law firm, but that shouldn't be a deterrent. As one respondent points out, any lawyer should have a sound grasp of the basics if they have had a solid legal education, and there are various methods of acquiring the necessary knowledge through studying, training or asking relevant institutions (clearinghouses and NGOs included)

or specialist law firms – by simply learning the subject matter as a lawyer would in any other matter. Individuals' legal needs can range from the seemingly mundane or straightforward, such as documenting housing issues in slums or court representation of victims of tort, to the more emotionally demanding, for example acting for a sexually assaulted adolescent or a seriously ill patient who has been denied crucial medical treatment. Cases can require representation in court, or simply be a matter of sifting through the legalities and making an administrative claim. In many cases the legal work is not complex – an individual might need someone who understands the basic legal principles and knows what legal jargon to use to make the other side sit up and take notice. Sometimes, simply having the logo of a leading law firm at the top of a strongly worded letter will make all the difference.

“For a person who is systematically denied their rights, a pro bono lawyer is like an angel who comes down to perform a miracle. In a country like Colombia, in my opinion, this work is the most needed and that which embodies the main purpose of pro bono: access to justice,” says Juliana Amaya, director of the Fundación Pro Bono in Colombia. The impact straightforward legal work can have on the lives of the person and their family cannot be exaggerated – for example, helping a child born with quadriplegia as a result of medical malpractice get the correct assistance. Such cases are typically very emotive. Take the associate at Brigard & Urrutia who helped a 14-year-old boy requiring monthly supervision to avoid a relapse having undergone treatment for leukaemia. The boy's family had financial difficulties, which meant his mother left the city in search of a better job, leaving the boy to live with his grandmother. She also transferred the boy from his health-care provider to his father's, but when the grandmother called to book an appointment she was told that the boy's inscription was not active because he was still registered with his previous health-care provider. After two months of back and forth and no resolution, the boy was getting sick. The grandmother was in need of professional assistance, but lacked the necessary resources so she approached the Fundación Pro Bono, which enlisted Brigard & Urrutia. The firm presented a right of petition to both health-care providers, pointing out the duty of health-care providers to grant the necessary medical services to anyone that has a critical condition regardless of any administrative obstacle, especially if the patient is part of a constitutionally protected group such as minors. After receiving the petition from one of the best known law firms in Colombia, an appointment was immediately booked and a relapse was prevented.

Helping individuals can also end up having a wider impact on society. In Argentina, Marval, O'Farrell & Mairal helped a family whose daughter had Down's syndrome initiate an injunction to ensure that the child was included on her parents' health insurance plan. The case will now serve as a precedent for future similar claims as Argentina's National Institute against Discrimination, Xenophobia and Racism determined that the health insurer was guilty of a discriminatory act by refusing to include the minor within her family health insurance plan. In Chile, Barros & Errázuriz Abogados helped a medical student with a congenital bone disease who was experiencing discrimination at the medical school and hospital where she practised. After several months, the law firm saw that the university should include in its student handbook a declaration regarding bullying and discrimination. Meanwhile, the programme was adapted to meet the student's physical requirements and the hospital facilities were upgraded to include ramps, special handles and all the necessary elements to enable people with disabilities to carry out their clinical practice.

### High-impact cases

High-impact cases are favoured by both law firms and clearinghouses alike, mainly because they allow for the wider implementation of the legal right that is being fought for. They are also more likely to involve creative or complex legal work, which is attractive to law firms, and are generally more high profile. This last point can be good or bad for law firms, depending on the work; some are nervous about taking some cases that certain clients might not be in favour of. Such cases don't come around every day, but when they do they have the capacity to make a considerable difference. *Latin Lawyer* has previously reported on the ongoing fight to afford basic human rights to the community of Colombia's Santa Cruz del Islote, the most densely populated island in the world. Gómez-Pinzón Zuleta Abogados has launched a public action with the Universidad del Rosario law school to obtain an aqueduct and proper sanitation and therefore improve their living conditions. So far they have obtained precautionary measures that have seen some of their basic needs attended by the local government and has created a collective awareness of the community's situation.

Law firms can also play a critical role in public interest cases and advocacy. For example, the city of São Paulo is in dire need of more nursery school places – around 160,000 children are waiting for places, despite the fact that they have a constitutional right to free day care and preschool. Rubens Naves

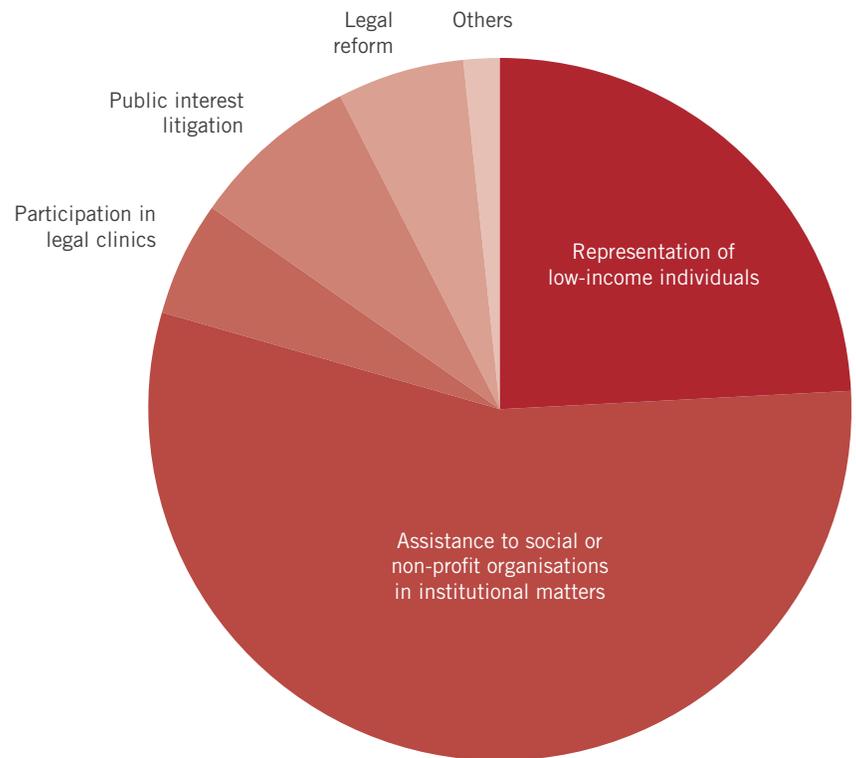
Santos Jr Advogados is part of a working group that also includes NGOs, public defenders and public prosecutors in the state of São Paulo campaigning before the state court of justice for the city to address the problem. This September, the court instructed the law firm to organise a committee charged with overseeing a plan to resolve the problem.

Lawyers can play a significant part in bringing about legal reform for the benefit of the marginalised. In Argentina, firms provided review and comments to a legislative bill on mental health drafted by the National Ministry of Health to make it more suitable to drug addicts in rehabilitation. Pérez Alati, Grondona, Benites, Arntsen & Martínez de Hoz (h) also worked with a student group from Universidad Austral to conduct an investigation on protective legislation for pregnant women to verify if the agencies, programmes and subsidies established by law actually existed and whether or not they were functioning.

Collaboration among firms, both locally and internationally, has a great multiplier effect. The Cyrus R Vance Center for International Justice has developed numerous multi-jurisdictional pro bono projects to encourage collaboration among law firms from different countries in the Americas. For example, the Vance Center is working with the Asociación Interamericana para la Defensa del Ambiente (AIDA), a regional Latin American environmental NGO, as well as a large team of attorneys from 16 countries around the world on a project to improve regulatory protections for key marine reef ecosystems in Latin America and the Caribbean. The project includes the development of a detailed report on regulatory policies and practices that have proved effective in various jurisdictions around the world, which will be an important tool for AIDA to present to decision-makers in its efforts to promote needed reforms.

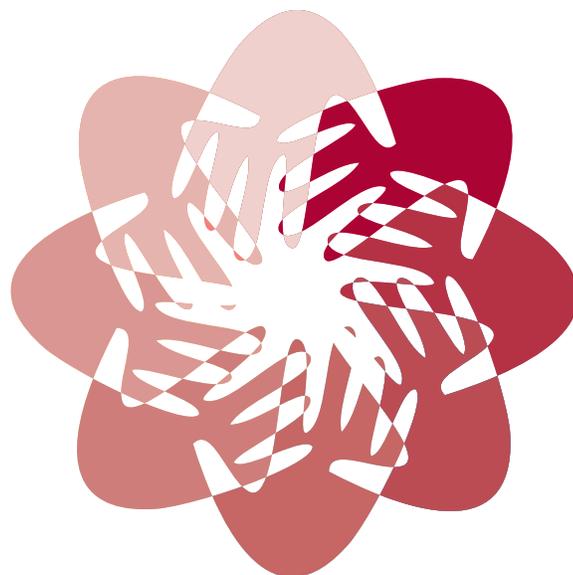
Firms can achieve great things if they work together locally or across borders – which is one of the goals that the international pro bono network (coordinated by the Vance Center and Chile's Fundación Pro Bono) strives to achieve. For example, firms in selected countries in Latin America participated in a research project that the Vance Center conducted together with the Inter-American Commission of Women of the Organization of American States (CIM), and the Equipo Latinoamericano de Justicia y Género, member of the Articulación Regional Feminista, regarding the implementation by their countries of the Convention on the Prevention, Punishment and Eradication of Violence against Women. The network has also brought together law firms to draft a handbook on the creation and operation of non-for-profit organisations in the Americas.

## Pro bono clients and type of work



It is also common to see the local arms of international firms teaming up with their colleagues elsewhere. Ten Baker & McKenzie offices and Hewlett-Packard's in-house team have collaborated on a pro bono project for the Nexus Institute, an independent international human rights research and policy centre that focuses on slavery and human trafficking, for example. The lawyers evaluated the effectiveness of the Palermo Protocol, the main international instrument in fighting human trafficking, and have been looking specifically at the strength of Latin America's human traffic lawyers, in order for Nexus to be able to advise on legal reform. DLA Piper is particularly big on pro bono and works on various projects across Latin American through New Perimeter, its non-profit arm focusing on legal education, women's rights, access to justice, law reform and economic development. This naturally sees the participation of its lawyers in Mexico.

This is just a snapshot of how lawyers across Latin America are making a difference. There are many more stories to tell about how pro bono is increasingly entering the mainstream of the region's legal communities.



## Many hands make light work

Clearinghouses provide the fuel necessary to keep the pro bono engine running. Often with very small teams of staff, they are responsible for huge advancements in pro bono in countries across the region, but they continue to face an uphill struggle as they fight to raise awareness of the importance of the practice

In 2013, Chile's Fundación Pro Bono and its members provided free legal advice to 2,670 people, non-profit and social organisations and micro-entrepreneurs. The Fundación has been in existence for 14 years now and has become an exemplar of how a clearinghouse should function. As well as creating a working pro bono chain at home, it has gone on to cross borders, working with the Cyrus R Vance Center for International Justice to coordinate the International Pro Bono Network, which seeks to encourage lawyers in the Americas to engage in pro bono work and support pro bono organisations.

Other Latin American clearinghouses and their members have also achieved significant advancements towards establishing a pro bono culture in their countries' legal professions. Among the more notable achievements are those by Argentina's Comisión Pro Bono, which has galvanised its members into working collaboratively on high-impact public interest projects, and the Fundación Pro Bono in Colombia, which has also made tremendous inroads towards encouraging law firms to institutionalise the practice of pro bono. "Thanks largely to the leadership of the clearinghouses in the region, pro bono has evolved over the last decade from being a new word and concept in need of definition, to being enshrined as a necessary component of legal practice at all significant firms," says **Todd Crider** of Simpson Thacher & Bartlett LLP and vice chair of the Vance Center Committee.

A number of Latin American countries have clearinghouses, whose main role is to act as a centralised referral organisation serving both the law firms and their pro bono clients. (See page 21 for a profile of 10 of the main ones, across nine countries.)

"The Vance Center is a huge supporter of the clearinghouse model as it allows the firms to act

collectively, which clearly has a positive impact for technical assistance and sourcing matters," says **Antonia Stolper**, vice chair of the Vance Center Committee and partner at Shearman & Sterling. It's widely accepted that a coordinated effort allows for a greater reach, and this is evidenced in these organisations' workloads. Argentina's Comisión Pro Bono worked on 333 cases in 2013, while Colombia's foundation assigned 137 cases to law firms. In Mexico, the bar association's foundation helped 350 individuals and families thanks to the participation of 180 lawyers and the Applesseed Foundation worked on close to 120 projects, while in Brazil the Instituto Pro Bono assisted around 150 NGOs and Venezuela's ProVene helped 440 people obtain free legal advice.

In those countries where such organisations exist, firms responding to our survey said that around 37 per cent of their collective pro bono caseload is sourced from them, closely followed by non-profit organisations, which provide around 27 per cent region-wide. (A closer look shows that clearinghouses in some countries provide a greater proportion of cases – for example in Chile and Colombia.) At this stage, it is important to note that some law firms succeed in doing pro bono work without the aid of a clearinghouse – either by choice or because there isn't one in their country. In this article, we only focus on those countries that have fully operating clearinghouses. We have omitted certain jurisdictions – those in Central America, Bolivia, Ecuador, Panama and Uruguay – because there is no fully functioning clearinghouse organisation. (There is a pro bono commission in Costa Rica, which has been established within the Costa Rican bar association while there is an effort to incorporate a clearinghouse in Bolivia.) But that's certainly not to say that firms in

those countries are not doing pro bono work – BLP in Costa Rica, Ecuador's Pérez Bustamante & Ponce and Panama's Morgan & Morgan even have their own pro bono foundations. Firms that efficiently source work from NGOs, contacts brought by staff, public law clinics and social service organisations might question why they need to align themselves to such an organisation and in our survey a very small number of respondents said they believe the clearinghouses in their country do not provide an effective service.

However, it is probably fair to say that the volume of free legal services provided in countries where there is a coordinated effort is higher than in those where it is more ad hoc. There are typically more firms doing pro bono work, and those firms tend to have a higher output thanks to clearinghouse support. Clearinghouses provide an important service to law firms by making it easier for them to do pro bono work. They carry out the considerable legwork involved in putting together a case – work that requires time and skills and experience that are not naturally found in corporate law firms – thereby allowing lawyers to focus on where they can be of best use. The tricky part of running a pro bono programme is not getting lawyers to take on cases; it's to source them. Their services also include managing the intake of cases, screening them for eligibility, packaging them up, referring them to law firm members, as well as monitoring the case's progression and communicating between the law firm and the client. By acting as a neutral middleman, a clearinghouse also serves to establish trust between law firms and poor or marginalised sections of society. The Vance Center has observed that in several Latin American countries, the legacy of class divisions has created a chasm between NGOs and the legal profession, meaning those in need are unlikely to come knocking on a corporate law firm's door. A clearinghouse can act as the law firms' representative and build those relationships on their behalf, but they do far more than matchmaking. For example, Colombia's clearinghouse (like others) will provide advice to law firms looking to implement systems internally and they all work closely with firms' pro bono coordinators. Some clearinghouses give awards to lawyers, pro bono staff and law firms as a motivational tool.

**Marcela Fajardo** of Chile's Fundación describes a clearinghouse's role as “providing support to law firms and legal departments in the implementation and professionalisation of pro bono programmes”. In this vein the Fundación has created a simple guide to help law firms with their internal processes – including education and the organisation, registration and recognition of pro bono work. More recently it has introduced two new tools – a survey is now carried out by an external company into the quality of services, and, at the request

of the member firms, there is a tool to measure service satisfaction. The foundation is working with each law firm's pro bono committee to establish internal policies to meet these objectives, establishing mechanisms for measuring progress and commitments.

Beyond assisting law firms, pro bono clearinghouses from around the region also cite important legal reforms they and their members have helped bring about and hard-fought lawsuits that have changed the lives of marginalised groups. In Colombia, a law firm helped the Ministry of Education draw up draft rules for a law to reduce violence in schools, while Brazil's Instituto Pro Bono recalls a case in which its lawyers saw to it that the federal judiciary demand that the rights of a group of patients with disabilities were met after they were forced to move hospitals. ProVene has been campaigning for marriage equality in Venezuela and a number of clearinghouses across the region have helped to launch anti-bullying programmes in schools as well as drawing up draft legislation and manuals on the subject.

### Secrets of success

While the work of clearinghouses across Latin America has an important impact on society, some have a higher output than others. It's notable that Chile's foundation and its members' pro bono output is higher than some other Latin American markets, while its counterparts in Colombia and Argentina have also had an impressive impact on law firms' approach to pro bono and the pro bono arm of the Mexican bar association reports that its members are increasingly taking steps to institutionalise the practice in their firms. But what is the secret to a clearinghouse's success? Aside from local restrictions or societal issues, it is largely consistent support from law firms that keeps these organisations alive – both in terms of taking on pro bono and appointing someone to liaise with the clearinghouse, and with financial support.

Clearinghouses cannot exist without finance. Like any other organisation, a clearinghouse has overheads to pay and employs staff who require a salary. Chile's Fundación has a workforce of 11, but most have far fewer on their team (in Argentina there are just two employees) and all have their work cut out for them. As well as not being able to complete their core objectives, without sufficient funding one member of staff's time is invariably directed towards fundraising.

Pro bono foundations are designed specifically to act on law firms' behalf and in most cases, the assumption is that their member firms will provide financial support through an annual membership fee, although this is usually voluntary and often varies according to the size of the firm. This regular, predictable funding is crucial to a clearinghouse's effectiveness and forward

planning, but it can be an uphill struggle for clearinghouses to secure financial commitments from law firms. To illustrate the point, an earlier incarnation of the Alianza Pro Bono in Peru was forced to close because firms were not supporting it financially. The good news is that it was able to relaunch in 2014 because 17 firms committed to funding.

Simply put, a lack of funding limits the amount of people a clearinghouse and its members are able to help. All 35 members of Chile's foundation pay the annual fee, with Chilean law firms responding to our survey saying they paid between US\$2,600 and US\$11,000 in 2013. Firms in other countries also fare well, including the 20 member firms of Argentina's Comisión Pro Bono, while Colombia's clearinghouse reports that most of its members pay fees. Mexico's Fundación de la Barra has a steady source of funding as it receives 10 per cent of the bar membership fees, while Appleseed, which has free membership, relies on donations and funding from one or two law firms. In Brazil, it is patchier – just four out of 45 members make contributions, while clearinghouses in countries such as the Dominican Republic and Paraguay and ProVene in Venezuela do not receive any financial support from law firms. (There exists another clearinghouse in Venezuela – Venezuela sin Límites – but we were unable to obtain information from it for this article.) Some are fortunate in that they receive donations from international foundations or other sources, but these tend to be ad hoc and do not allow for financial planning.

A number of clearinghouses, including those in Argentina, Colombia and Chile would like more resources to expand their programme outside of their countries' main cities. As well as funding another problem is that it's hard to find law firms in those cities that do pro bono work. They are taking steps to rectify this – the Alianza is working out how to reach Peru's provinces, while Colombia's Fundación is keen to encourage more firms to participate in Medellín.

### Breaking down barriers

For clearinghouses to persuade law firms to back them financially, they must first convince them of their worth, and this still proves to be difficult in some countries. Cultural realities dictate that a big part of a clearinghouse's role is still tied up with promoting a pro bono culture and helping to change perceptions. In many parts of Latin America there is still a lack of understanding about what pro bono work actually is. This in turn means that some law firms do not see the benefits of doing pro bono work because it is seen as underappreciated. Some lawyers still assign a lower value to pro bono cases, which they see as a form of unpaid, less interesting work.

Clearinghouses across the region say that they would like to see a greater awareness and more social responsibility among law firms, but the good news is that the situation improves each year, often thanks to their efforts. In Brazil, the Instituto Pro Bono is campaigning tirelessly towards convincing the bar association to allow the country's law firms to provide free legal services to individuals – in 2013 an injunction was obtained to lift restrictions and the hope is that this will be made permanent. "The public hearing that took place last year was a watershed in the battle against the bar association since it led to a preliminary injunction authorising pro bono for individuals. It was very important for bringing access to justice in a democratic way here in Brazil," notes the institute's president, **Marcos Fuchs**. In the meantime the institute's legal task force works with an organisation called Novo Olhar to help the poor in São Paulo with criminal, civil and family issues. The Colombian foundation is bringing on board large national corporates such as Bancolombia in the hope that their participation will convince firms to see the practice in a new light. Chile's Fundación and Appleseed in Mexico are also successfully focusing on engaging in-house legal teams.

Perceptions appear to be a particular challenge in the Dominican Republic, Paraguay and Venezuela, where clearinghouses have struggled to form relationships with law firms, but there are reports that things are getting better. The Dominican Republic's foundation has just wrapped up a high-profile event designed to raise awareness, where two firms and four independent practitioners signed up to the PBDA, while ProVene also organised a conference, "Let's talk pro bono," with a similar aim and has been holding apparently very successful meetings with law firms about how to work more closely with them.

Since 2013, ProVene has also been in talks with several universities in Caracas in order to institutionalise the pro bono work undertaken by law schools or, if not, to encourage both students and teachers to undertake pro bono work, while clearinghouses in Peru and Chile are making inroads into universities and law schools with the "pro bono challenge": a competition where the winning project of proposals submitted by law students will be implemented with the help of the clearinghouse's members. Law school students are a target demographic for clearinghouses; by making an impression on them at the start of their careers, the hope is that they will take what they have learnt to the law firms that go on to employ them.

The message they want to convey is clear: with a central referral system that all law firms make use of, a legal market has the power to bring access to justice to a significantly wider proportion of society's poor and marginalised.

## Clearinghouse quick facts

### Argentina

#### Comisión de Trabajo Pro Bono e Interés Público del Colegio de Abogados de la Ciudad de Buenos Aires

<b>Established</b>	2000
<b>Type of organisation</b>	Commission working under the City of Buenos Aires Bar Association
<b>Number of employees (excluding volunteers)</b>	2
<b>Leadership</b>	Board of directors and president Juan Pablo Vigliero
<b>Membership</b>	20 law firms
<b>Economic support</b>	Annual contribution from law firm members
<b>2013 workload</b>	333 cases, 55 new cases assigned

### Brazil

#### Instituto Pro Bono

<b>Established</b>	2001
<b>Type of organisation</b>	Institute
<b>Number of employees (excluding volunteers)</b>	5
<b>Leadership</b>	Board of directors, executive director Marcos Fuchs
<b>Membership</b>	45 law firms, 3 company legal departments
<b>Economic support</b>	Donations from two foundations (from the US and the UK), funding from 4 law firms and donations from <i>Latin Lawyer's</i> awards ceremony
<b>2013 workload</b>	Around 150 NGOs received legal assistance, while 80 individuals received legal orientation

### Chile

#### Fundación Pro Bono Chile

<b>Established</b>	2000
<b>Type of organisation</b>	Foundation
<b>Number of employees (excluding volunteers)</b>	11
<b>Leadership</b>	A board, an advisory council and an executive director
<b>Membership</b>	35 law firms, 6 company legal departments, 200 voluntary lawyers and 7 public notaries
<b>Economic support</b>	All 35 law firms and legal departments provide funding as part of their membership. Donation from Tinker Foundation in 2013.
<b>Clients</b>	Individuals, non-profit organisations, micro-entrepreneurs, social enterprises.
<b>2013 workload</b>	2,670 people, non-profit and social organisations and micro-entrepreneurs assisted (56% organisations and 44% individuals). Breakdown of work: corporate law advice 47%; legal advice and litigation 30%; training and participation in legislative reform 23%

### Colombia

#### Fundación Pro Bono Colombia

<b>Established</b>	2009
<b>Type of organisation</b>	Foundation
<b>Number of employees (excluding volunteers)</b>	4
<b>Leadership</b>	A members' assembly and a board. The board has 7 members (5 firms and 2 honorary members)

<b>Economic support</b>	Annual funding from member law firms and fundraising. In 2013, 25 of 27 eligible firms and legal departments provided funding. In 2014 by September, 20 of 28 possible firms and legal departments had given financial support
<b>Membership</b>	28 law firms and company legal departments, and independent practitioners
<b>Clients</b>	Individuals, non-profit organisations, vulnerable communities, micro-businesses and entrepreneurs
<b>2013 workload</b>	137 cases assigned to law firms. Breakdown of work: representation of low-income individuals 82%; assistance to social or non-profit organisations in institutional matters 11%; high-impact 5%; legislative studies 1%; free legal education 1%. Some 20% of this work is carried out by members on an ongoing basis for regular pro bono clients

## Dominican Republic

### Fundación Pro Bono República Dominicana

<b>Established</b>	2011
<b>Type of organisation</b>	Foundation
<b>Number of employees (excluding volunteers)</b>	2
<b>Leadership</b>	President Teófilo Rosario
<b>Membership</b>	11 law firms in 2013 alongside independent practitioners. Further members added in 2014
<b>Economic support</b>	Donation from <i>Latin Lawyer's</i> awards ceremony and from some law firms in 2014.

## Mexico

### Fundación Appleseed

<b>Established</b>	2003
<b>Type of organisation</b>	Civil Association (non-profit)
<b>Number of employees (excluding volunteers)</b>	3
<b>Leadership</b>	Board of directors
<b>Membership</b>	No-fee membership. Projects awarded on a case-by-case basis
<b>Economic support</b>	Donations and annual funding from one or two law firms, fundraising
<b>Clients</b>	Not-for-profit organisations or projects that are in the public interest (not individuals)
<b>2013 workload</b>	118 projects including consultations, collaboration, participation and promotion

### Fundación Barra Mexicana

<b>Established</b>	2000
<b>Type of organisation</b>	Civil association, non-profit
<b>Number of employees (excluding volunteers)</b>	3
<b>Leadership</b>	Board including president Daniel del Río
<b>Membership</b>	Members and non-member lawyers of Mexican bar, law firms and independent practitioners
<b>Economic support</b>	10% of membership fees for the Mexican Bar Association are allocated to the foundation, amounting to almost 100% of its funding. Additional donations by Charity Coalition and VLex
<b>2013 workload</b>	350 individuals and families were helped in cases taken on in 2013 with the participation of 180 lawyers. Breakdown of work: representation of low-income individuals 80%; assistance to social or non-profit organisations in institutional matters 15%; other 5%

## Paraguay

### Legal Volunteers – Pro Bono Advocacy programme at the Interdisciplinary Centre for Social Law and Policy Economics at the Catholic University (CIDSEP)

<b>Established</b>	2010
<b>Type of organisation</b>	Centre under the Rector of the Catholic University
<b>Number of employees (excluding volunteers)</b>	8
<b>Leadership</b>	Director
<b>Membership</b>	Not applicable
<b>Economic support</b>	International funding
<b>2013 workload</b>	64 pro bono requests, (19 suspended because of missing documentation). Breakdown of work: representation of low-income individuals 80%; other 20%

## Peru

### Alianza Pro Bono

<b>Established</b>	2014
<b>Type of organisation</b>	Civil association (non-profit)
<b>Number of employees (excluding volunteers)</b>	0 (Ciudadanos al Día provides the administrative platform)
<b>Leadership</b>	7-member board
<b>Membership</b>	17 law firms
<b>Economic support</b>	Annual membership fees from all 17 law firms and 2014 donation from <i>Latin Lawyer</i> awards ceremony
<b>Clients</b>	Individuals, non-profit organisations and social enterprises
<b>2013 workload</b>	Alianza not yet operating, but 27 pro bono projects through CAD. Breakdown of work: representation of low-income individuals 30%; assistance to social or non-profit organisations in institutional matters 55%; other 15%

## Venezuela

### Fundación Pro Bono Venezuela, ProVene

<b>Established</b>	2009
<b>Type of organisation</b>	Foundation
<b>Number of employees (excluding volunteers)</b>	5
<b>Leadership</b>	Board of directors, including CEO
<b>Membership</b>	6 law firms
<b>Economic support</b>	Yes, but none from law firms
<b>Clients</b>	Individuals, non-profit organisations, local councils, schools, community organisations, social enterprises
<b>2013 workload</b>	440 individuals, 3 NGOs assisted. Breakdown of work: representation of low-income individuals 85%; assistance to social or non-profit organisations in institutional matters 10%; public interest litigation 4%; legal reform 1%

## Leading Lights

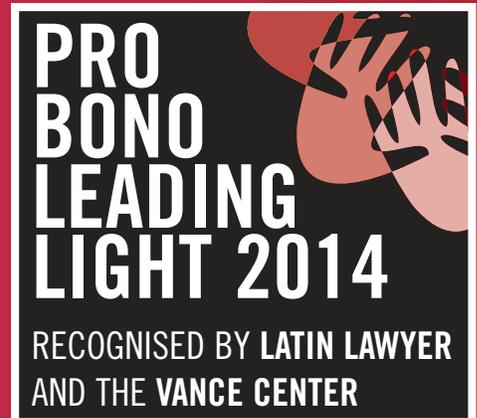
Here we list 55 “Leading Lights” from our survey respondents, celebrating law firms whose efforts towards pro bono during 2013 stood out. The list consists of firms that we feel deserve to be put in the spotlight thanks to their contribution to the development of a pro bono culture in Latin America.

Several factors played a role in drawing up this list. These include firms’ answers to the survey with regards to institutionalisation of the practice and examples of their recent pro bono cases. We also asked for feedback from clearinghouses, the Vance Center and other pro bono professionals where possible and considered the development of firms’ pro bono practices if they participated in last year’s survey, as well as further research.

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 Abogados
- Baker & McKenzie (Mexico)
- Barros & Errázuriz Abogados
- Barros Letelier & González
- Basham, Ringe y Correa
- Batalla Abogados
- BLP
- Bofill Mir & Alvarez Jana Abogados
- Bufete Aguirre Soc Civ
- Bufete Rocha SC
- Carey
- Cavelier
- Central Law Honduras-Medina, Rosenthal & Asociados
- Creel, García-Cuéllar, Aiza y Enriquez SC
- Delmar Ugarte Abogados
- D’Empaire Reyna Abogados
- DLA Piper
- Estudio Beccar Varela
- Estudio Echecopar, a member firm of Baker & McKenzie International
- Estudio Olaechea
- FerradaNehme
- Ferrere (Paraguay)
- García Sayán Abogados
- Gómez-Pinzón Zuleta Abogados
- Grasty Quintana Majlis & Cia
- Guyer & Regules
- Headrick Rizik Alvarez & Fernández
- Hogan Lovells BSTL
- Irurita Abogados
- Jiménez Cruz Peña
- Lazo, De Romaña & Gagliuffi Abogados
- Lloreda Camacho & Co Attorneys
- Machado, Meyer, Sendacz e Opice Advogados



- Marval, O’Farrell & Mairal
- Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados
- Mendoza, Palacios, Acedo, Borjas, Páez Pumar y Cía
- Mijares, Angoitia, Cortés y Fuentes SC
- Miranda & Amado Abogados
- Morales & Besa
- Morgan & Morgan
- Norton Rose Fulbright (Venezuela)
- Pérez Alati, Grondona, Benites, Arntsen & Martínez de Hoz (h)
- Pérez Bustamante & Ponce
- Philippi, Yrarrázaval, Pulido & Brunner
- Pinheiro Neto Advogados
- Prias Cadavid Abogados
- prietocarrizosa
- Romo Pailles, SC
- Russin, Vecchi & Heredia Bonetti
- Sánchez Devanny
- Siqueira Castro Advogados
- Urenda, Rencoret, Orrego y Dorr Abogados
- Vivanco & Vivanco
- Von Wobeser y Sierra SC
- Zapiola Guerrico & Asociados

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

### Argentina

- Allende & Brea Abogados
- Baker & McKenzie (Argentina)
- Bruchou, Fernández Madero & Lombardi
- Estudio Beccar Varela
- Fontán Balestra & Asociados
- Marval, O'Farrell & Mairal
- Pérez Alati, Grondona, Benites, Arntsen & Martínez de Hoz (h)
- Tanoira Cassagne Abogados
- Zang, Bergel & Viñes Abogados
- Zapiola Guerrico & Asociados

### Bolivia

- Bufete Aguirre Soc Civ

### Brazil

- Azevedo Sette Advogados
- Barretto Ferreira e Brancher
- Demarest Advogados
- Indaiá Griebeler Pacheco
- KLA-Koury Lopes Advogados
- Levy & Salomão Advogados
- Lobo & de Rizzo Advogados
- Lowry Abogados
- Machado, Meyer, Sendacz e Opice Advogados
- Mallet Advogados Associados
- Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados
- NeoLaw
- Pinheiro Neto Advogados
- Queiroz & Meirelles Sociedade de Advogados
- Rogério Frota Advogado
- Rubens Naves Santos Jr Advogados
- Siqueira Castro Advogados
- Soares Bumachar Chagas Barros Advogados
- Trench, Rossi e Watanabe Advogados (associated with Baker & McKenzie)

### Chile

- Alessandri Abogados
- Barros & Errázuriz Abogados
- Barros Letelier & González
- Bofill Mir & Alvarez Jana Abogados
- Carey
- FerradaNehme
- Grasty Quintana Majlis & Cia
- Morales & Besa

- Philippi, Yrarrázaval, Pulido & Brunner
- Urenda, Rencoret, Orrego y Dorr Abogados

### Colombia

- Baker & McKenzie (Colombia)
- Brigard & Urrutia Abogados
- Cavelier Abogados
- Gómez-Pinzón Zuleta Abogados
- Lloreda Camacho & Co Attorneys
- Parra Rodríguez Sanín
- Prias Cadavid Abogados
- prietocarrizosa

### Costa Rica

- Batalla Abogados
- BLP

### Dominican Republic

- DMK Abogados, Central Law
- Headrick Rizik Alvarez & Fernández
- Jiménez Cruz Peña
- Pellerano & Herrera
- Russin, Vecchi & Heredia Bonetti

### Ecuador

- Consulegis Abogados
- Paz Horowitz Robalino Garcés
- Pérez Bustamante & Ponce
- Romero Arteta Ponce Abogados
- Vivanco & Vivanco

### El Salvador

- Central Law – Rusconi, Medina & Asociados

### Guatemala

- Central Law Diaz Duran & Asociados

### Honduras

- Central Law Honduras-Medina, Rosenthal & Asociados

### Mexico

- Baker & McKenzie (Mexico)
- Basham, Ringe y Correa
- Bufete Robles Miaja SC
- Bufete Rocha SC
- Chadbourne & Parke

- Creel, García-Cuéllar, Aiza y Enriquez SC
- Cuesta Campos Abogados
- DLA Piper
- Hogan Lovells BSTL
- Irurita Abogados
- Mijares, Angoitia, Cortés y Fuentes SC
- Romo Pailles, SC
- Sánchez Devanny
- Von Wobeser y Sierra SC
- White & Case SC

### Nicaragua

- Central Law – Molina & Asociados

### Panama

- Alemán, Cordero, Galindo & Lee
- Morgan & Morgan

### Paraguay

- Ferrere (Paraguay)

### Peru

- Delmar Ugarte Abogados
- Estudio Echeconpar, a member firm of Baker & McKenzie International
- Estudio Olaechea
- Fernandez Heraud & Sanchez Abogados
- Ferrero Abogados
- García Sayán Abogados
- Lazo, De Romaña & Gagliuffi Abogados
- Miranda & Amado Abogados
- Osterling Abogados
- Rodrigo, Elías & Medrano Abogados
- Rubio Leguía Normand
- Yataco Arias Abogados

### Uruguay

- Guyer & Regules
- Posadas, Posadas & Vecino

### Venezuela

- Baker & McKenzie (Venezuela)
- Benson, Pérez Matos, Antakly & Watts
- D'Empaire Reyna Abogados
- Mendoza, Palacios, Acedo, Borjas, Páez Pumar y Cía
- Norton Rose Fulbright (Venezuela)



## CYRUS R. VANCE CENTER FOR INTERNATIONAL JUSTICE

*The Vance Center advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession.* A unique collaboration of practicing international lawyers catalyzing public interest innovation, we are organized as a non-profit program of the New York City Bar Association.

### Promoting Pro Bono Practice

The Vance Center builds the capacity of the legal profession to pursue pro bono practice, ethics, and diversity, through our *Program on Strengthening the Legal Profession*. In this context, we have partnered with Latin Lawyer for the third time this year to survey pro bono practice, including its level of institutionalization, by law firms in Latin America. Our partner clearinghouses in the Americas have provided invaluable feedback and support for this year's survey, and we wish to extend our thanks to them for their generous contributions:

- Alianza Pro Bono Perú
- Applesseed (Mexico)
- Centro Interdisciplinario de Derecho Social y Economía Política (CIDSEP UC) (Paraguay)
- Comisión de Trabajo Pro Bono e Interés Público del Colegio de Abogados de la Ciudad de Buenos Aires (Argentina)
- Fundación Barra Mexicana
- Fundación Pro Bono Chile
- Fundación Pro Bono Colombia
- Fundación Pro Bono de Venezuela
- Instituto Pro Bono Brasil
- Pro Bono República Dominicana

### Supporting Civil Society

The Vance Center also provides legal representation to civil society organizations, as well as international human rights bodies, around the world, with frequent collaboration by leading law firms on a pro bono basis. In the last two years, we have undertaken more than 60 pro bono projects, and worked with 76 law firms in 25 countries, in Latin America and the Caribbean.

*Argentina: (6)*

*Paraguay: (1)*

*Jamaica: (1)*

*Bolivia: (4)*

*Uruguay: (2)*

*Panama: (3)*

*Cayman Islands: (1)*

*Bahamas: (1)*

*Peru: (6)*

*Costa Rica: (2)*

*Brazil: (5)*

*Venezuela: (2)*

*Ecuador: (3)*

*Chile: (6)*

*Barbados ( 1)*

*Guyana: (1)*

*Dominican Rep.: (6)*

*Colombia: (7)*

*Honduras: (1)*

*El Salvador: (3)*

*Guatemala: (2)*

*Nicaragua: (3)*

*Haiti: (2)*

*Mexico: (7)*

*Trinidad & Tobago: (1)*

Please see [www.vancecenter.org](http://www.vancecenter.org) for more information.



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*Venezuela: (2)*

*Ecuador: (3)*

*Chile: (6)*

*Barbados ( 1)*

*Guyana: (1)*

*Dominican Rep.: (6)*

*Colombia: (7)*

*Honduras: (1)*

*El Salvador: (3)*

*Guatemala: (2)*

*Nicaragua: (3)*

*Haiti: (2)*

*Mexico: (7)*

*Trinidad & Tobago: (1)*

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