

## Pro bono 2011

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The survey

Monday, 19th September 2011 by Rosie Cresswell

**Every year since 2007, Latin Lawyer has dedicated a cover story to pro bono in recognition of the law firms that are stepping up to provide free legal services to those in need and to highlight the challenges that prevent pro bono from developing in Latin America as fast as one would like.**

**The first part of our 2011 pro bono feature includes a series of three articles. First we look at the progress that has been made and acknowledge the achievements of those firms going the extra mile. This year's survey shows that progress continues, with a large group of firms taking positive steps towards institutionalising pro bono.**

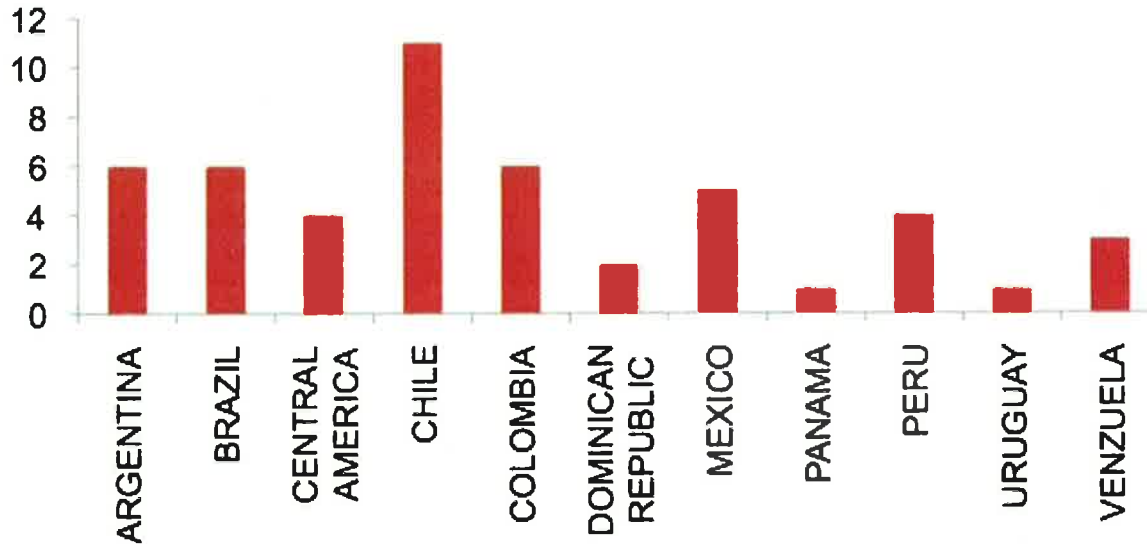


If our respondents are an accurate representation of Latin America's wider legal community, 2012 promises to be a good year for pro bono in the region. Some 49 firms from around the region participated in this year's pro bono survey. The country with the highest number of respondents was Chile (20.8 per cent), whose clearinghouse and member firms are considered as a leading example in terms of institutionalisation and finances. For a look at how many firms responded per jurisdiction, see graph 1. Out of 45 firms, encouragingly, 80 per cent report an increase in the amount of pro bono work they have done in the last year. 9 per cent say there has been no change, while 11 per cent say they do less pro bono work than last year. Firms appear committed to

increasing their pro bono initiatives – increasing the hours provided and the number of lawyers handling the work.

One particularly encouraging list of targets for next year from [Morales & Besa](#) came after an internal survey at the firm. It reads as follows: 'increasing the participation of partners and senior associates of the firm in pro bono work; improving our follow-up system for pro bono cases to ensure our standard of excellence; promoting within the firm the spirit of getting pro bono cases, not only through pro bono clearinghouses'. [Guerrero, Olivos, Novoa y Errázuriz](#) listed similarly coherent objectives that include more internal incentives. [Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados](#) will be developing a new pro bono policy and an assessment of its programme to maximise its impact inside and outside the firm. [Bruchou, Fernández Madero & Lombardi](#) will incorporate a new pro bono co-coordinator before 2011 is out, while [Macleod Dixon SC](#) is setting up a pro bono workshop for associates in Venezuela. Firms talk of increasing the alliances they have with NGOs and continuing to support clearinghouses, while [Arosemena Noriega & Contreras](#) will continue to develop its own Anorco Foundation, which provides social programmes in Panama.

Law firms demonstrate clarity as to how they can help most effectively: 'It is easy to find pro bono cases in a country with 30 per cent poverty; the challenge is to select the ones that will contribute exponentially and positively on education, communities, poverty reduction, health, etc,' says [Estudio Olaechea](#) in Peru. 'We seek to empower these organisations so that they can help and improve the conditions of the most needy.' [Aninat Schwencke & Cia](#) considers one of the great challenges in Chile to be the fight against discrimination, both social and cultural. The firm is dedicating its efforts to providing legal assistance to minorities suffering discrimination. [Gómez-Pinzón Zuleta Abogados SA](#) is taking it a step further by creating educational spaces for NGOs in Colombia to allow them to continue their activities in line with the law. As Venezuela's [Mendoza, Palacios, Acedo, Borjas, Páez Pumar & Cia](#) notes, receiving pro bono work is key to growing as a recognised and socially responsible firm.

**Graph 1: number of respondents per country****Further findings**

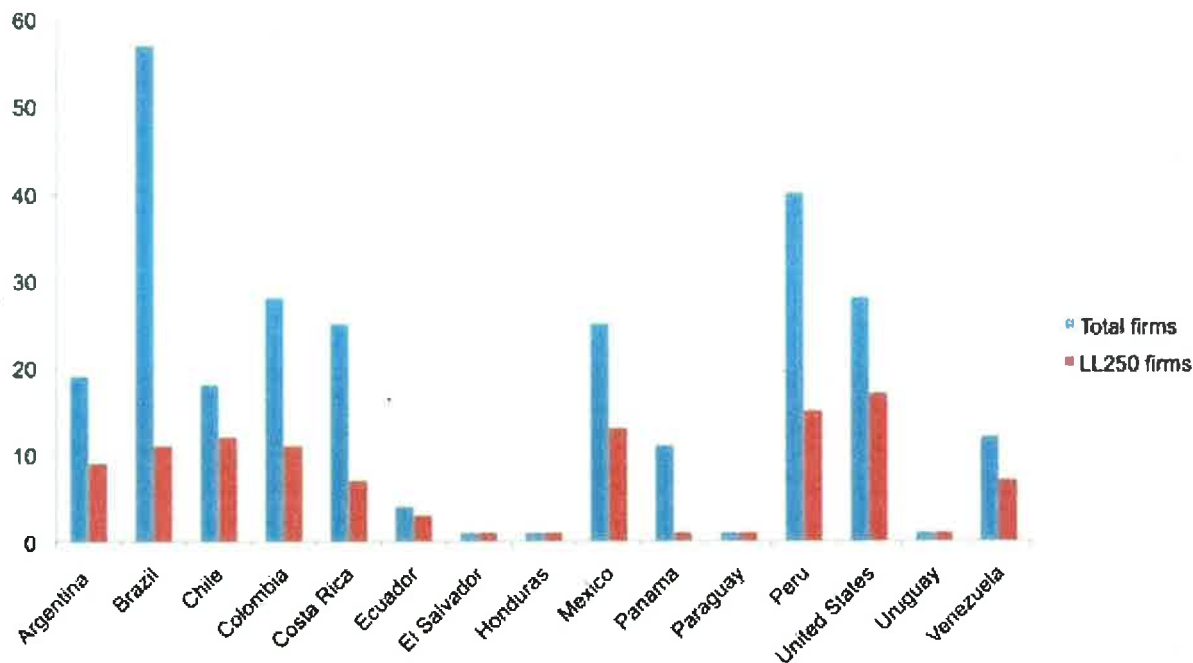
As firms formalise their pro bono work, they are finding it necessary to appoint a coordinator to organise lawyers into providing free legal services effectively. Encouragingly, all of the firms that participated from Argentina, Central America, Chile, Mexico and Peru said they had a coordinator. Most of the firms from Colombia (83.3 per cent) and Brazil (66.7 per cent) do too. A further step is to create a pro bono committee, which 62 per cent of respondents say they have done.

In our survey, we asked firms if they belonged to a pro bono clearinghouse. This question doesn't apply to all firms as not every country has a clearinghouse, but those that do are Argentina, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Mexico, Paraguay, Peru and Venezuela. Chile leads the pack once again, with 70 per cent of the firms replying positively. Coming a close second are Colombia and Argentina, where 66.7 per cent of firms said they were members. It's important to note here that the relationships between clearinghouses and corporate legal markets vary greatly between countries. Furthermore, some firms choose to provide pro bono services without belonging to such an organisation and do so very capably. Interestingly, our survey also revealed that clearinghouse members clearly don't source all their projects from such organisations. Of the 16 firms that gave a percentage of how many pro bono cases came from clearinghouses, the average was 46.4 per cent, while the range was from 5 per cent to 100 per cent. Proponents of clearinghouses would point out that some firms don't always understand exactly what pro bono is, and that a clearinghouse helps with that clarification. Clearinghouse directors also say there are differences over how firms and clearinghouses define pro bono work – for example giving advice to well-funded NGOs (often attached to paying clients).

One way to measure the advancement of pro bono in the region is by looking at the number of firms that have signed up to the Pro Bono Declaration of the Americas (PBDA), a US-led initiative driven by the Cyrus R Vance Center for International Justice. Signatories are required to eventually commit an average of 20 hours per lawyer per year and are given a PBDA handbook that includes tools for establishing a pro bono programme such as the creation of a pro bono committee and a coordinator. More than half of all the firms that participated (58.3 per cent) are signatories. All of the Colombian firms that participated in the survey signed the declaration. Six Chilean respondents have, 83.3 per cent of respondents had signed it in Argentina, while only one Brazilian firm said it was a signatory. Statistics from the Vance Centre reveal that 271 firms are signatories – see graph 2 for their distribution. Signing the declaration is just the first step of course – after that the firm must implement those

commitments. (Signing the PBDA is also not the only way firms demonstrate their commitment to pro bono – there are plenty of non-signatories whose efforts should be admired – but it is a useful measure nonetheless.)

**Graph 2: PBDA signatories by country**



Elise Colomer, senior programme director at the Vance Center, welcomes the progress being made across the region and says the contribution of the legal profession to strengthening access to justice is tangible, with the possibilities for addressing the justice gap between haves and have-nots growing. 'What is fascinating and encouraging about the pro bono initiative is that each country is developing new models, methodologies and best practices. At the same time, we are seeing increased collaboration across borders, creating even more impact,' she says.

Antonia Stolper, partner at Shearman & Sterling LLP and chair of the Vance Center's committee for international justice initiatives, remarked on the cross-border nature of the work after a conference held in Santiago this April by the Vance Center and Chile's Fundación Pro Bono. 'For the next phase, we are thinking hard about substantive projects that incorporate large groups of lawyers; things that people can bring together and work on collaboratively across the pro bono chain and across borders,' Stolper told Latin Lawyer. 'Now we have this huge network geared up and ready to go, it's about helping people to develop projects.'

Colomer notes that there is still work to do. 'Firms need to improve the ways in which they communicate progress. Most importantly, if referral programmes are to reach their full potential and leverage the capacity of the profession to create meaningful change on a large scale, more financing is required,' she says.

### **Holding them back**

We asked firms what barriers remain in their jurisdiction. There were similar responses across the region – a lack of awareness and sensibility towards helping the community, institutional barriers in the judicial system and funding. One particularly frank answer read: 'a lack of commitment, coordination and communication' A more brief response was: 'The Latin culture.'

In some cases the public is simply unaware firms are offering this service. As a respondent in Colombia notes, 'People don't know about pro bono work in law firms. Generally, they attend legal clinics at universities or public legal clinics, but they are not aware that in many law firms they can obtain full legal advice.'

In Chile, one respondent acknowledged the successful promotion of pro bono work but said that more time was still needed for it to be completely institutionalised within law firms and recognised among individuals who require the service. Others were more positive and said they did not see barriers, noting the progress that has been made: 'Argentina has changed 180 degrees in the last five years and now most universities, municipalities and companies promote pro bono work of some kind.'

Within law firms, by far the most frequent complaint is a lack of time and time management, closely followed by a lack of commitment among lawyers to do pro bono. On the flip side, more than one firm said they had trouble finding pro bono cases, while firms also noted that corporate lawyers lack the capacity to help with certain cases such as those requiring government assistance – helping displaced populations for example. Another said the lack of family law and criminal law practices made it difficult to take up some cases.

Despite these hurdles, many firms still manage to provide a commendable number of regular pro bono services and the following three pages are dedicated to recognising their achievements.

### **Quick Facts**

80 per cent of firms monitor their pro bono hours

64 per cent of firms tag pro bono work to career advancement

86 per cent of firms have a pro bono coordinator

45 per cent of firms' coordinators are male and 55 per cent are female

62.5 per cent of firms have a pro bono committee

### **Going the extra mile**

The 49 firms that took part in the survey are listed on this page. All demonstrated evidence of providing pro bono legal advice and should be congratulated for their hard work.

Within that group exist law firms that have gone that extra mile to really make pro bono an essential part of their philosophy and institution. Based on responses to this survey, Latin Lawyer's research over the years and subsequent conversations with those close to the practice, we have selected from that list a group of firms that we believe should be in the spotlight thanks to their considerable efforts. We recognise those firms and their admirable pro bono models in the left-hand table, shaded in red.

Factors taken into consideration when drawing up that list included how institutionalised the service is. For example, does the firm monitor pro bono hours? Does it have a pro bono coordinator? If so, are they lawyers or non-lawyers? Does the firm have a pro bono committee and if so, how often does it meet? We placed importance on whether the firm is a member of a clearinghouse and whether the firm supports it financially, and we were also interested in whether the firm has a pro bono budget and if it is a signatory of the PBDA and, importantly, meeting the PBDA's commitments. There were other standout initiatives that emerged, such as law firms that have set up their own foundation to help their country's poor.

While this is by no means an exhaustive list, 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.

### **In the spotlight**

Alessandri & Compañía (Chile)

Baker & McKenzie (Colombia)

Barrera, Siqueiros y Torres Landa SC (Mexico)

Barros & Errázuriz Abogados (Chile)

BLP Abogados (Costa Rica)

Bruchou, Fernández Madero & Lombardi (Argentina)

Cárdenas & Cárdenas Abogados (Colombia)

Carey & Allende (Chile)

Carey y Cía (Chile)

Cariola, Diez, Pérez-Cotapos & Cía Ltda (Chile)

Curtis, Mallet-Prevost, Colt & Mosle SC (Mexico)

Estudio Olaechea (Peru)

Gómez-Pinzón Zuleta Abogados SA (Colombia)

Grasty Quintana Majlis & Cía (Chile)

Guerrero, Olivos, Novoa y Errázuriz (Chile)

Lloreda Camacho & Co Abogados (Colombia)

Macleod Dixon SC (Venezuela)

Marval O'Farrell & Mairal (Argentina)

Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados (Brazil)

Morales & Besa (Chile)

Thompson & Knight (Mexico)

**Other respondents to our 2011 pro bono survey**

Alfaro Abogados (Argentina)

Aninat Schwencke & Cia. (Chile)

Arias & Muñoz (Central America)

Arosemena Noriega & Contreras (Panama)

AVAH Legal, SC (Mexico)

Baker & McKenzie (Colombia)

Basham Ringe y Correa SC (Mexico)

Central Law Honduras: Medina, Rosenthal & Fernández (Honduras)

Consortium Centro America Abogados (Central America)

Cuesta Campos Abogados (Mexico)

Demarest e Almeida Advogados (Brazil)

D'Empaire Reyna Abogados (Venezuela)

Estudio Beccar Varela (Argentina)

Estudio O'Farrell (Argentina)

Felsberg, Pedretti e Mannrich Advogados e Consultores Legais (Brazil)

Guyer & Regules (Uruguay)

Headrick Rizik Alvarez & Fernández (Dominican Republic)

Levy & Salomão Advogados (Brazil)

Mendoza, Palacios, Acedo, Borjas, Paez Pumar & Cía. (Venezuela)

Noquera, Larrain & Dulanto (Chile)

Posse, Herrera & Ruiz Abogados (Colombia)

Rebaza, Alcázar & De Las Casas Abogados Financieros (Peru)

Rubio Leguía Normand (Peru)

Russin Vecchi & Heredia Bonetti (Dominican Republic)

Silva & Cía (Chile)

Siqueira Castro - Advogados (Brazil)

Trench, Rossi e Watanabe Advogados (Brazil)

Zang, Bergel & Viñes Abogados (Argentina)

### **Methodology**

All firms practising local law in a Latin American jurisdiction were invited to take part in the survey via the Latin Lawyer briefing and we contacted all Latin Lawyer 250 firms directly. This year, 49 firms responded, which we thank for taking the time and for their transparency. It's important to note the analysis over these pages relates only to information provided by those firms. We acknowledge there are many Latin American firms that are very active in pro bono but declined to take part in the survey. Latin Lawyer and the Vance Centre have both long found Latin American firms reluctant to part with such information, in part because they do not wish to be perceived as using their pro bono efforts as a marketing tool.

Conducting this survey presented a number of challenges. One area we encountered particular difficulty with was trying to ascertain the average number of hours partners and associates complete each year. PBDA signatories commit themselves to ensuring each lawyer at the firm completes 20 hours of free legal services a year. This amount is based on what the Vance Centre considers to be realistically obtainable in Latin America. (By contrast the requirement in New York is 40 hours per lawyer a year.) Our findings showed firstly that while 80 per cent of respondents say they do monitor their pro bono hours, some are still unable to provide figures. We decided not to analyse the figures we received because of the enormous variation in the number of hours firms say each lawyer does, which varies from 2.6 hours to 350 hours per year. As a result, the commendable efforts of firms known to be working hard to meet PBDA requirements appear weak next to some figures provided, the more extreme of which seemed improbable to pro bono organisations whose opinion we sought. We do not suggest firms have purposely provided inaccurate information; it is likely that they calculated the sum in a different way or do not monitor their hours in a way that allows them to calculate an average.

### Law firm pro bono highlights of the year

In **ARGENTINA**, Marval, O'Farrell & Mairal drafted a bill for the rights of children with disabilities, while Alfaro Abogados developed a monitoring system for the use of donations to schools in low income areas. Estudio Beccar Varela is working with two other firms to seek a tax exemption NGO. (The existing law regulates the employment and tax aspects of NGOs as commercial companies, causing many to go bankrupt.) Bruchou, Fernández Madero & Lombardi analysed the legal framework of necessary authorisations and approval of rehab centres, Estudio O'Farrell has participated in the incorporation of an arts foundation, Fundación Donde Quiero Estar, and Zang, Bergel & Viñes Abogados incorporated Just One Planet as an NGO.

**BRAZIL's** Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados has helped the Institute for the Right of Defence to bring before the court a civil class action against the state to request the right of use of private rooms by defence lawyers and their clients in prisons, rather than them communicate via telephone under surveillance. Siqueira Castro - Advogados obtained a successful court decision granting tax exemptions to Ação Cristã Vicente Moretti, which had a considerable impact on the organisation's budget. Levy & Salomão Advogados has provided the Lemann foundation, an educational NGO, with a legal opinion on how to set up as a non-profit entity in Brazil and benefit from tax exemptions, while Trench, Rossi e Watanabe Advogados's pro bono work took the firm as far as Nepal, providing commentary on Nepali law relating to the empowerment of women in the workplace. Felsberg, Pedretti e Mannrich Advogados e Consultores Legais assists Expedição Vaga Lume in a programme for the creation of libraries for children in rural areas of the Brazilian legal Amazon.

**CHILE's** law firms continue to assist those whose lives were damaged by the 2010 earthquake: Barros & Errázuriz Abogados helped the Sociedad Protectora de la Infancia negotiate insurance compensations for damages of up to US\$735,000, and Carey y Cía has helped those affected with real estate boundary matters and labour agreements. Guerrero, Olivos, Novoa y Errázuriz has assisted families that lost their homes but were not eligible for subsidies because they were not the legal owners of the sites where their houses were built, while Cariola, Diez, Pérez-Cotapos & Cía Ltda assists Escuelas para Chile, a project created to support the educational infrastructure for children damaged by the earthquake. Noguera, Larraín & Dulanto helped set up Chile's first and only food bank, Corporacion Red de Alimentos, and Carey & Allende participated in a transparency project related to requests for government information from the public. Morales & Besa is working with the British embassy to assist earthquake victims on Robinson Crusoe island, while Grasty Quintana Majlis & Cía has helped the Nature Conservancy with a conservation easement bill and advises the World Wildlife Fund. Silva & Cía assisted with trademark registrations on behalf of social enterprise Un Techo para Chile, which Aninat Schweneke also assists, while Alessandri y Compañía provided the legal structure related to copyright for Reading Across Borders.

Cárdenas & Cárdenas Abogados is handling two cases related to people displaced by violence in **COLOMBIA** and received a special mention from the Colombian pro bono foundation for its pro bono activity. Gómez-Pinzón Zuleta Abogados SA helped an NGO resolve a dispute worth US\$2,000 with a company it hired to organise events. Prieto & Carrizosa assists Alianza Educativa, which runs several schools in poor neighbourhoods to a high standard, Posse, Herrera & Ruiz Abogados advises Best Buddies, a global volunteer movement, and Lloreda Camacho & Co Abogados provided support in drafting regulation for children with cancer. Baker & McKenzie worked with the El Limoncito project, which ensures the healthy environment for indigenous communities.

In **COSTA RICA**, BLP Abogados helped the bar create the country's first pro bono commission, while in the **DOMINICAN REPUBLIC**, Headrick Rizik Alvarez & Fernández helped the American Chamber of Commerce update the investors' guide to the country and Russin Vecchi & Heredia Bonetti is closely linked to EDUCA, which creates awareness about the importance of basic education. The **EL SALVADOR** office of Arias & Muñoz performed civil marriages in the town of Tacuba, helping couples legalise their unions to ensure their rights and Consortium Centro América Abogados helped Guatefuturo contribute to the development of a new generation of leaders in **GUATEMALA**.

In **MEXICO** the bar association gave its 2011 pro bono award to Thompson & Knight and partner Jorge De Presno for their pro bono labour and employment cases throughout the year. Barrera, Siqueiros y Torres Landa SC helped 10 NGOs obtain or renew the tax authorisation needed for being an authorised receiver of donations

before Mexican authorities, and Basham Ringe y Correa SC's corporate and labour lawyers helped Patrocinia un Libro with a literacy project. Curtis, Mallet-Prevost, Colt & Mosle SC continued to provide legal support to the Union of Businessman for Technology in Education (UNETE), a Mexican education initiative it started advising at its incorporation in 1999, while AVAH Legal signed an agreement for pro bono services with UNICEF in Mexico and Cuesta Campos Abogados is advising on the corporate restructure of Colmenares, the holding of several educational institutions.

Arosemena Noriega & Contreras's managing partner dedicated 240 hours to a clinic that offers medical assistance to the needy and poor in **PANAMA**, while in **PERU**, Rebaza, Alcázar & De Las Casas Abogados Financieros counts the Grameen foundation as a client and Estudio Olaechea has worked on a dispute on behalf of SAIFE, which helps the Yamayakat community in the impoverished Upper Marañon region, over poor quality products supplied by a company.

Guyer & Regules successfully negotiated with **URUGUAY**'s Ministry of Economy and parliament to introduce to the national budget tax deductions on donations to school and high-school education in low-income neighbourhoods. In **VENEZUELA**, Mendoza, Palacios, Acedo, Borjas, Páez Pumar & Cía continued with its assistance of workers who were dismissed from Venezuelan state-owned oil company PDVSA for political reasons in 2003 and Macleod Dixon SC worked on a case regarding termination of a house's leasing contract.

#### Comments

There are currently no comments.

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