

Report for IBA website on Session Speakers

IBA Pro Bono & Access to Justice Committee  
Pro Bono Declaration Session:  
*The Pro Bono Declaration for the Americas: an initiative to commend and support  
throughout the American Continents*  
IBA Buenos Aires Annual Meeting  
October 15, 2008

The Pro Bono & Access to Justice Committee of the International Bar Association organized two Sessions for the IBA's Buenos Aires Annual Meeting.

The first session focused on the Pro Bono Declaration of the Americas. The speakers, moderators and audience members discussed status and implementation issues around the Declaration in select countries and the larger goal of expanding pro bono and access to justice in the Americas.

The Report that follows aims to provide a short summary of the session, arranged principally by jurisdiction.

Speakers:

<b>Speaker</b>	<b>Marcos Roberto Fuchs</b>
<b>Law Firm</b>	Pro Bono Institute
<b>Location</b>	São Paulo, Brazil
<b>Speaker</b>	<b>Antonia Stolper</b>
<b>Law Firm</b>	Shearman & Sterling
<b>Location</b>	New York, USA
<b>Speaker</b>	<b>Guillermo Morales Errazuriz</b>
<b>Law Firm</b>	Morales & Besa
<b>Location</b>	Santiago, Chile
<b>Speaker</b>	<b>Antonio Corrêa Meyer</b>
<b>Law Firm</b>	Machado Meyer Sendacz e Opice Advogados
<b>Location</b>	São Paulo, Brazil
<b>Speaker</b>	<b>Robin Westbrook</b>
<b>Law Firm</b>	American University Washington College of Law
<b>Location</b>	Washington, USA
<b>Speaker</b>	<b>Gustavo Torassa</b>
<b>Law Firm</b>	Bullo Tassi Estebenet Lipera Torassa Abogados
<b>Location</b>	Buenos Aires, Argentina
<b>Speaker</b>	<b>Joaquín García-Romanillos Valverde</b>
<b>Law Firm</b>	Gómez-Acebo & Pombo Abogados

<b>Location</b>	Madrid, Spain
<b>Speaker</b>	<b>Ines Sanguinetti</b>
<b>Law Firm</b>	Crear Vale la Pena Foundation
<b>Location</b>	Buenos Aires, Argentina

Session Report:

### **Argentina**

Status: Argentina became aware of the Declaration in February 2008. It has generally been very welcome. Currently, 15 law firms and 6 law schools are signatories. The private bar association of Buenos Aires has also signed on to the Declaration.

Issues: The Declaration needs to be disseminated to law firms outside of Buenos Aires and the bar associations of each major city need to sign on. The Buenos Aires bar has a pro bono and access to justice committee that discusses pro bono cases and shares best practices but there is a need for further guidelines and clarification on pro bono activity. Moreover, there is a need to spread pro bono culture, particularly at the law school level. In addition, it is not easy to detect clients and NGOs who need pro bono services.

Gustavo Torassa described projects and issues with pro bono at his law firm. During the Argentine financial crisis, the firm reached out to a poor neighborhood surrounding Buenos Aires to help residents obtain pensions and subsidies from the government. The firm began to view the project as social work and not pro bono so switched gears. Working with other law firms, the firm set up a project to represent abused foster children in court. As a general matter, firms in Argentina are more focused on individual, rather than NGO pro bono work.

### **Brazil**

Status: Currently, Sao Paulo is the only state in Brazil that allows pro bono and the state has signed the Declaration.

Issues: The Declaration is important but there are serious problems related to access to justice in Brazil due to a severe shortage of lawyers. In addition, the quality of university legal education is very poor (e.g. there is no clinical requirement/86% failed the last Bar exam). Very few firms in Brazil do pro bono work (one study estimated only 30% have implemented some pro bono) and the many solo practitioners in Brazil that depend on work from the state believe that if a pro bono regime is established, this will decrease their fee-based work. In fact, one law firm in Sao Paulo has obtained a ruling that places restrictions on performing pro bono work in the state. Brazil is in a tug of war between those that support further restrictions on pro bono and those that support enhancement of pro bono efforts. The Declaration may bring more people to the “enhancement” side of the debate, but probably won’t change the underlying mindset against pro bono. On the positive side, Antonio Corrêa Meyer noted that the Declaration helped his firm clarify the

definition of pro bono and instill enthusiasm in younger lawyers. Pro bono is viewed as a social duty and not as a marketing tool.

**Pro Bono Institute:** The Institute has been instrumental in expanding access to justice in Sao Paulo by acting as a clearinghouse for pro bono matters. It has recruited 23 law firms and 300 lawyers to assist NGOs with civil, criminal, and labor issues. The Institute uses a balance sheet to qualify NGOs for pro bono services. In house lawyers from G.E. have agreed to provide pro bono services.

## **Chile**

**Status:** Guillermo Morales Errazuriz described his law firm's experience, where a formal process was used in signing on to the Declaration.

**Issues:** The 20 hour commitment was a difficult commitment to make for large law firms in Chile. Many people in large law firms do pro bono work but do not account for their time. The Declaration helped Mr. Errazuriz's firm change firm practices and implement formal structures to capture pro bono work and understand its economic impact. Chilean law firms also committed to funding a clearinghouse to disseminate pro bono cases. The issue of using pro bono as a marketing tool was not controversial in Chile.

## **Spain**

**Status:** Pro bono is not performed for individuals because all residents have a constitutional right to free access to justice. Joaquín García-Romanillos Valverde's firm decided to focus its efforts on one NGO in Madrid that helps immigrants integrate into Spain. Cases are referred to the firm mainly in the areas of labor, family, and housing law. Fifty seven lawyers at the firm participate in the project and the time attorneys spend on the matters counts towards billable hours.

## **United States – Law Schools**

**Status:** The Declaration commits to further pro bono through legal education. The primary vehicle for this at U.S. law schools is through clinics, where students obtain practical exposure to the law by representing clients in different subject matter areas for academic credit. No U.S. law school has signed the Declaration. Robin Westbrook stated that American University Washington College of Law is considering signing on to the Declaration, since its ability to disseminate the Declaration to its international students would be very valuable.

**Issues:** American University challenges its students to perform 75 hours of pro bono before graduation. Certain US law schools have made pro bono participation mandatory and a pre-condition to receiving a degree.

## **Other Regional Issues**

Part of the case for pro bono being made through the Declaration is the business case. And most firms give some credit to associates for pro bono work. The clearinghouse model is highly dependent on funding and commitment from domestic law firms. Regional law schools could benefit from the U.S. clinical legal education model.