



## TrustLaw Index of Pro Bono - Regional Analysis

### Americas

*The analysis in this section relates to the Americas excluding the United States.*

The pro bono movement in the Americas has gained significant momentum over the past several years, with growing interest and more systematic participation by law firms across the region. Organisations such as the Vance Center and local clearinghouses have worked hard to promote the practice of pro bono across the region, sharing knowledge and information to help raise standards and engagement. Since its launch almost a decade ago, the Pro Bono Declaration for the Americas has gathered over 500 signatories, of which more than 400 are Latin American firms and individual lawyers, with the number rising every year.

Despite the significant increase in awareness and promotion of pro bono in the Americas, however, the consistent implementation of the practice remains a challenge. While many lawyers in the region have long provided free legal assistance to the poor, law firms have only started to institutionalise the practice in recent years. The infrastructure needed for pro bono to take root is still in development in most countries of the region, and law firms continue to face constraints on the resources they can dedicate to pro bono.

Challenges notwithstanding, the future looks bright. Index data shows that law firms in the Americas continue to make efforts to evolve their pro bono practices, for example by launching formal pro bono programs, appointing pro bono coordinators and committees, and considering pro bono work as part of performance evaluations and compensation decisions.

Thirty-five law firms with 47 offices across 17 countries in the Americas, excluding the United States, submitted pro bono data for the 2016 Index. This represents a dramatic increase from last year, when 28 firms submitted data from 34 offices in 10 countries across the region. This increase perhaps reflects a growing interest in pro bono among lawyers in Latin America and suggests a promising future for the practice within regional legal markets. North American firms were also represented in the Index, as four international firms with offices in Canada and two domestic Canadian firms submitted data on their pro bono practices.

Our findings show that over the last 12 months, fee earners in the Americas performed an average of 11.7 hours of pro bono work each, continuing a steady trend in the regional rate of pro bono participation seen since the first Index in 2014. In addition, 21.2 percent of fee earners donated 10 or more hours of their time to pro bono legal initiatives. Pro bono engagement by partners also remains strong; 28.1 percent of partners contributed some of their time to pro bono projects over the last year. Among those who did so, partners averaged 7.9 hours of pro bono work over the year.

According to the latest findings of the biennial Pro Bono Survey carried out by the Vance Center and Latin Lawyer, clearinghouses continue to play a significant role in spreading the practice of pro bono in countries across the region.<sup>1</sup> In addition to providing opportunities for pro bono work to local lawyers, who may otherwise find it difficult to identify projects to support, pro bono foundations and non-profit clearinghouses are helping to make pro bono an integral part of the regional legal culture.

The tradition of pro bono is also showing strength in Canada, though the issues faced by lawyers in Canada often diverge significantly from those of greatest concern in Latin America. A surge in the number of hybrid social enterprises in Canada has fuelled increased interest in the challenge of balancing profit and purpose within social enterprises' operations. In addition, non-profit organisations and social enterprises alike are beginning to prioritise global intellectual property protection and related strategies as they consider further expanding their operations in an increasingly globalised economy.

Conversely, issues frequently addressed on a pro bono basis by lawyers in Latin America include access to housing and land rights, women's rights and human trafficking. As a trend toward increased urbanisation spreads across Latin America, disadvantaged communities are finding their legal rights to the lands they have long inhabited – and the natural resources upon which they often depend – challenged by politically influential developers and other powerful interests. An issue demanding attention across both continents is human trafficking and supply-chain transparency.

## AMERICAS

FIRM NAME	COUNTRY	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
<b>Basham Ringe &amp; Correa S.C.</b>	Mexico	7.20	26.11
<b>Batalla Salto Luna Abogados</b>	Costa Rica	94.63	92.50
<b>Benites, Forno &amp; Ugaz Abogados</b>	Peru	13.58	28.89
<b>Blake, Cassels &amp; Graydon LLP</b>	Canada	13.00	25.95
<b>Bullo Tassi Estebenet Lipera Torassa Abogados</b>	Argentina	18.18	90.91

<sup>1</sup> <http://www.vancecenter.org/vancecenter/images/stories/pdfs/2015latin%20lawyer%20vance%20center%20pro%20bono%20survey.pdf>

## AMERICAS

Carey	Chile	8.18	18.18
Cariola Diez Perez-Cotapos & Cia. Ltda.	Chile	9.66	15.56
Central Law	Costa Rica	0.52	6.90
Central Law	Dominican Republic	0.25	12.50
Central Law	El Salvador	1.82	36.36
Central Law	Guatemala	0.47	11.76
Central Law	Honduras	2.00	20.00
Central Law	Nicaragua	0.73	18.18
Central Law	Panama	0.40	20.00
Cleary Gottlieb Steen & Hamilton LLP	Argentina	6.83	33.33
Cleary Gottlieb Steen & Hamilton LLP	Brazil	14.90	20.00
Creel, Garcia-Cuellar, Aiza y Enriquez, S.C.	Mexico	17.79	48.00
Demarest Advogados	Brazil	2.06	11.05
DLA Piper	Mexico	17.69	31.25
ESTUDIO BECCAR VARELA	Argentina	16.25	37.01
Galindo, Arias & López	Panama	0.37	0.00
Garcia Sayan Abogados	Peru	11.30	39.13
Guevara & Gutierrez SC - Servicios Legales	Bolivia	13.33	46.67
Hogan Lovells	Brazil	0.42	0.00
Hogan Lovells	Mexico	22.96	46.07
Hogan Lovells	Venezuela	0.42	0.00
Holland & Knight LLP	Colombia	8.81	22.58
Holland & Knight LLP	Mexico	20.10	40.00
KLA - Koury Lopes Advogados	Brazil	2.69	7.56
Linklaters LLP	Brazil	46.60	33.33
Machado, Meyer Sendacz e Opice	Brazil	1.03	3.72
Marval, O'Farrell and Mairal	Argentina	21.06	35.48
Mattos Filho, Veiga Filho, Marrey Jr. e Quiroga Advogados	Brazil	6.69	10.37
McCarthy Tetrault LLP	Canada	12.91	27.64
Mijares, Angoitia, Cortés y Fuentes, S.C.	Mexico	9.03	16.67
Perez Alati, Grondona, Benites, Arntsen & Martinez de Hoz (h)	Argentina	11.67	18.33
Perez Bustamante y Ponce	Ecuador	73.67	8.33
Posse Herrera Ruiz	Colombia	14.06	31.67
s.e.e.d.	Costa Rica	416.67	100.00
Shearman & Sterling LLP	Brazil	32.87	71.43
Shearman & Sterling LLP	Canada	22.93	42.86
Siqueira Castro Advogados	Brazil	21.18	22.08
Skadden, Arps, Slate, Meagher and Flom LLP	Brazil	1.37	0.00
Skadden, Arps, Slate, Meagher and Flom LLP	Canada	13.99	36.36
Tozzini, Freire, Teixeira e Silva Advogados	Brazil	0.54	2.06
Tufino y Villegas	Bolivia	86.63	100.00
Von Wobeser y Sierra	Mexico	37.78	43.40
White and Case	Brazil	20.00	44.44
White and Case	Mexico	27.42	54.43
Zapiola Guerrico & Asociados	Argentina	57.78	33.33

## Argentina

The regional trend toward greater engagement in pro bono legal work is evident in Argentina’s legal sector. Six law firms with offices in Argentina participated in the 2016 Index, a level of participation consistent with previous years. Fee earners averaged 17.5 hours of pro bono work over the last year, a 15 percent decrease from the 20.8 hours reported in the previous year. 40.0 percent of fee earners contributed ten or more hours of their time to pro bono work, a small decrease from the 41.2 percent who did so over the previous year.

Partners in Argentina performed an annual average of 13.5 hours, a small increase from 12.2 last year. The percentage of partners who spent any time on pro bono work decreased marginally by approximately one percentage point, to 40.0 percent. A similar drop in levels of Argentinean lawyers’ pro bono participation was reflected in the 2015 findings of a biennial pro bono survey published by The Latin Lawyer and the Vance Center analysing pro bono work done by lawyers in Latin America.<sup>2</sup> Despite some short-term setbacks, pro bono engagement among Argentinean lawyers continues to be strong.

It is believed by some that the 2015 presidential election illustrated the substantial progress that is being made toward institutionalising the country’s democratic processes and strengthening the rule of law in Argentina. Lawyers have also been using the past year’s momentous political developments to better educate children about their constitutional rights, election procedures and voting in workshops organised by the Comisión de Trabajo Pro Bono e Interés Público.<sup>3</sup>

## ARGENTINA

FIRM NAME	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
<b>Bullo Tassi Estebenet Lipera Torassa Abogados</b>	18.18	90.91
<b>Cleary Gottlieb Steen &amp; Hamilton LLP</b>	6.83	33.38
<b>Estudio Beccar Varela</b>	16.25	37.01
<b>Marval, O’Farrell and Mairal</b>	21.06	35.48
<b>Perez Alati, Grondona, Benites, Arntsen &amp; Martinez de Hoz (h)</b>	11.67	18.33
<b>Zapiola Guerrico &amp; Asociados</b>	57.78	33.33

<sup>2</sup> <http://www.vancecenter.org/vancecenter/images/stories/pdfs/2015latin%20lawyer%20vance%20center%20pro%20bono%20survey.pdf>

<sup>3</sup> *ibid.*

## Brazil

The data from the 2016 Index indicates that lawyers in Brazil performed an average of 8.9 hours of pro bono work over the last year, slightly higher than the 7.9 hours reported in 2015. However, the percentage of fee earners providing at least 10 hours of pro bono decreased slightly from 13.1 percent in 2015 to 12.0 percent in 2016.

Participation rates for partners in Brazil decreased slightly. Partners in Brazil reported doing an average of 4.6 hours of pro bono in 2016, only slightly lower than the 5.1 partner pro bono hours reported for the 2015 Index. The percentage of partners spending any time on pro bono matters also dropped slightly, from 25.0 percent in the 2015 Index to 22.2 percent this year.

Though levels of participation in recent years have generally held constant, the dramatic increase in the number of Brazil-based law firms participating in the TrustLaw Index since data was first collected in 2014 suggests that pro bono participation may continue to increase in the future as it becomes increasingly common in countries throughout the region. In November 2015, the Brazilian Bar Association lifted all nationwide regulations prohibiting private lawyers from providing free legal assistance.<sup>1</sup> Given that pro bono work has only been permitted in Brazil for a few years, the enthusiasm with which local lawyers have embraced the practice is encouraging.

In a move illustrating the Brazilian legal sector's rapidly growing dedication to the practice of pro bono, the Brazilian Bar Association has declared an official 'Pro Bono Week', which is to be held annually in the second week of December.<sup>5</sup> Though legal pro bono has been slow to take off in Brazil relative to other countries in the region, these changes in the legal sector are promising.

As the country prepares to host the 2016 Summer Olympics in August, political upheaval continues to plague Brazil. President Dilma Rousseff was impeached in May 2016 following charges of corruption and graft. In recent years, numerous politicians have been the subjects of federal court cases investigating corruption among officials across multiple levels of government. The investigations are shaking the public's trust in politicians, but studies suggest they are strengthening public perception of the country's legal system and judicial processes. The many successful prosecutions handed down by federal courts against powerful political actors in recent years have renewed the public's faith in the country's legal institutions and evidence of the continuing institutionalization of the rule of law in Brazil.

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<sup>4</sup> <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/A-Survey-of-Pro-Bono-Practices-and-Opportunities.pdf>

<sup>5</sup> *Ibid.*

## BRAZIL

FIRM NAME	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
Cleary Gottlieb Steen & Hamilton LLP	14.90	20.00
Demarest Advogados	2.06	11.05
Hogan Lovells	0.42	0.00
KLA - Koury Lopes Advogados	2.69	7.56
Linklaters LLP	46.60	33.33
Machado, Meyer Sendacz e Opice	1.08	3.72
Mattos Filho, Veiga Filho, Marrey Jr. e Quiroga Advogados	6.69	10.37
Shearman & Sterling LLP	32.87	71.48
Siqueira Castro Advogados	21.18	22.08
Skadden, Arps, Slate, Meagher and Flom LLP	1.37	0.00
Tozzini, Freire, Teixeira e Silva Advogados	0.54	2.06
White and Case	20.00	44.44

## Canada

Pro bono in Canada is poised for significant growth, as new players are bringing renewed interest and coordination across the industry and country. Canada has a rich history of ensuring access to legal support for those in need, but has relied on a mélange of regulations, standards, and practices across firms and provinces that has inhibited unified efforts to develop pro bono across the board. As a result, many firms and law societies have traditionally lacked set policies which encourage pro bono work. However, several trends in the legal sector are leading to increasing support for lawyers working on a pro bono basis.

The rise of new players across the pro bono community in Canada have led to more law firms and in-house legal teams encouraging their lawyers to undertake pro bono, even in absence of large-scale changes to legislation or bar requirements. Several major acquisitions or expansions from international firms into the Canadian market over the last few years have brought greater standards and competition among pro bono practices in Canada. Additionally, numerous legal associations and pro bono intermediaries—including the Canadian Bar Association and Pro Bono Canada—have grown their profiles and increased coordinated efforts to promote pro bono across all of Canada’s provinces. These organisations have also been instrumental in developing corporate pro bono opportunities, often through innovative clinic formats for charities and increasingly, social enterprises. These trends have led to more firms enacting policies that enable lawyers to pursue increasing amounts of pro bono work, with even more growth to be expected in coming years.

In recent years, social entrepreneurship has received growing attention from both the legal and corporate sectors in Canada. While the start-up culture has for decades been a strong component of the Canadian market, the potential of social business to reap positive benefits across multiple sectors – social and financial among them – is drawing the attention of law firms that also see the possibility of attracting future paying clients in assisting the development of early-stage social enterprises. Among legal professionals, many are realising the importance of pro bono legal services for social enterprises in fostering innovation and growth in the sector.

In response to this trend, many are calling for IP legal professionals to consider making greater pro bono contributions in their area of expertise. Though not traditionally viewed as a sector characterised by significant need or demand for pro bono assistance, IP legal services appear to be in greater demand as a result of the growth in social entrepreneurship in Canada is perhaps contributing to the development of a new market for such pro bono IP services.<sup>6</sup>

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<sup>6</sup> <http://www.theglobeandmail.com/report-on-business/rob-commentary/to-support-canadian-startups-offer-pro-bono-legal-clinics/article24984676/>

Four law firms with offices in Canada participated in the 2016 Index. Of these, two were international law firms and two were domestic Canadian firms. Fee earners reported spending an average of 13.0 hours on pro bono work over the last 12 months, a decrease of 1.8 hours from the 2015 Index. The percentage of fee earners who spent at least 10 hours on pro bono work also dropped this year by more than 25 percent, from 36.3 percent to 26.9 percent. Data reflecting pro bono engagement by partners in Canada matched closely the findings from the 2015 Index; partners averaged 4.1 hours of pro bono legal work over the year, and 25.8 percent of partners based in Canada gave pro bono advice.

## CANADA

FIRM NAME	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
Blake, Cassels & Graydon LLP	13.00	25.95
McCarthy Tetrault LLP	12.91	27.64
Shearman & Sterling LLP	22.93	42.86
Skadden, Arps, Slate, Meagher and Flom LLP	13.99	36.36



## Mexico

The Index again saw an annual increase in participation this year among law offices in Mexico, with 8 firms providing details of their pro bono contributions this year. Lawyers provided an average of 13.0 hours of pro bono each, a slight increase over the average of 12.4 hours reported the previous year. Nearly a third of fee earners (32.1 percent) did ten or more hours of pro bono, a marginal decrease from the 33.2 percent reported last year.

Levels of partner engagement saw a measurable increase this year compared to the previous year. The average hours of pro bono work per partner rose dramatically to 29.4 hours compared to last year's 11.4 hours, and the percentage of partners contributing any time to pro bono increased by nearly 40 percent, from 35.2 percent last year to 49.1 percent reported for the 2016 Index.

An eight-year overhaul of the country's criminal justice system was scheduled to arrive at full implementation across all 31 federal jurisdictions in Mexico by 18 June 2016. Under the previous system, criminal cases brought before a court depended largely on the submission of written evidence and private court proceedings closed to the public. The new system more closely resembles that of the United States and relies on oral court proceedings that are open to the public. It is hoped that the new system will provide more efficient and timely access to justice in criminal cases, the backlog of which has been steadily accumulating for years under the old system.

Despite optimism about the potential impact of the planned reforms on fairness and equity within Mexico's legal system, the changes are taking longer to fully implement across the country than projected in the initial timeframe of eight years. Among the obstacles to reform is a lack of effective coordination among state and federal institutions, as well as the challenge of adapting legal practitioners who have been trained in the old system – based on written evidence – to the new system, which depends on the presentation of oral arguments.<sup>7</sup> We wait to see what impact this will ultimately have on access to justice for marginalised individuals, and what the knock-on impact would be on the need for pro bono support to be provided to those who might otherwise be unable to benefit from those changes.

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<sup>7</sup> <http://uk.businessinsider.com/mexico-needs-11-more-years-to-reform-justice-system-2016-5?r=US&IR=T>

## MEXICO

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Von Wobeser y Sierra	37.78	43.40
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