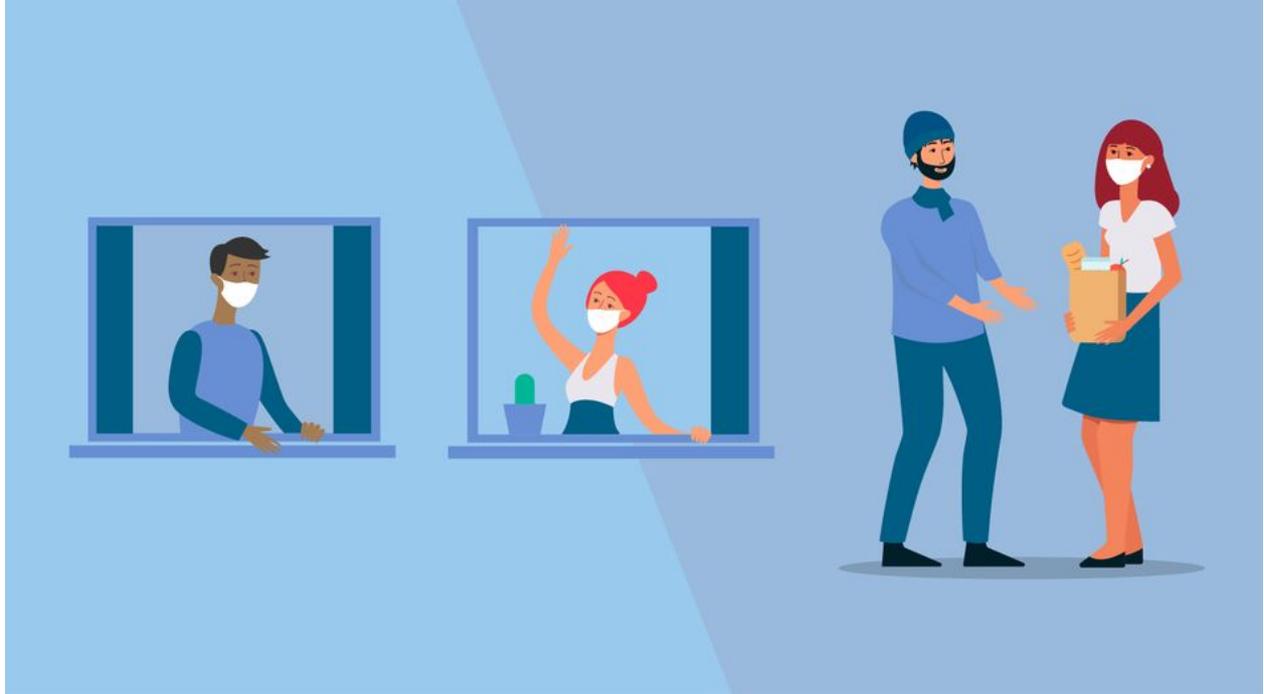


Pro bono: On the frontline

Emily Darby

21 January 2022



Quédate en casa (“Stay at home”) was the universal slogan echoed by Latin American governments when the covid-19 pandemic erupted in 2020. However, as one United Nations report puts it, the phrase *Quédate en casa ... si puedes pagarlo* (“Stay at home, if you can afford it”) was more befitting a region where millions had no choice but to leave their house or risk freefalling into extreme poverty.

The covid-19 pandemic exposed the manifold micro injustices that exist in Latin America.

Densely-populated communities packed together in multi-generational households during the peaks of the crisis meant that infection and mortality rates catapulted to some of the highest globally. For some, staying at home was anything but a safe haven. Gender-based violence was an issue that predated the pandemic in Latin America, but incidents multiplied amid lockdowns that forced thousands of women into dangerous domestic situations.

“The pandemic laid bare a very interesting microcosm of the social issues that plague [Latin American] societies,” summarises Jorge Escobedo, the Vance Center’s pro bono director.

Those social disparities invoked a powerful reaction from Latin American law firms, with pro bono departments resembling response units for the urgent needs of local communities. As a result, firms dedicated more hours than ever to pro bono legal assistance in 2020.

All together now

When reflecting on how firms responded to the covid-19 crisis, Valentina Villa, counsel and pro bono adviser at Mexican firm Creel, García-Cuéllar, Aiza y Enriquez SC says, “We were working the systems 24 hours around the clock.” Recalling how law firms came together in the crisis to supply vital aid she adds, “It was a chain reaction.”

Working from home, lawyers found themselves with more time to spend on cases that were meaningful to them. The Vance Center and Latin Lawyer’s pro bono survey detailed that Latin American firms dedicated more hours than ever to pro bono work last year, which is evidence of the fact that firms responded in force. Our data

shows that, with the help of pro bono institutions such as clearinghouses, law firms are now successfully making pro bono work part and parcel of their legal services. Read more about that, and our other findings, [here](#).

"2020 was a record in the pro bono world," agrees Ismael Reyes Retana, partner and head of the pro bono practice at White & Case (Mexico). He recounts that the firm completed over double the Pro Bono Declaration for the Americas (PBDA) recommendation of 20 hours per lawyer. This may indicate the incredible individual efforts of legal staff but, Reyes underlines, it is also symptomatic of how law firms took collective action in 2020.

This sense of collaboration reverberated in Mexico, where the legal community came together to produce a detailed guide on covid-19 regulation, called *Guía Jurídica COVID-19*. It provides easy-to-follow guidance on how to navigate key concerns that arose amid the pandemic, including chapters on domestic abuse, health guidelines and employment law. The project drew on counsel from over 30 law firms and included participation from Mexico's three clearinghouses: Appleseed, Centro Mexicano Pro Bono and Fundación Barra Mexicana.

The most striking aspect of this collaborative project was that firms breathed new life into a pro bono scheme that was initially created in response to a different national emergency entirely.

Estándares Pro Bono México was first formed in 2017 after the devastating Puebla earthquake left thousands in need of urgent legal aid. Mexican firms and clearinghouses launched the venture to improve pro bono services throughout the country and has since fostered a culture of pro bono practice in Mexico, explains Lila Gasca, pro bono director at Hogan Lovells (Mexico). "Back then, not many firms were doing pro bono so we started *Estándares* to help firms define what pro bono work is and how we can use it to help people nationwide," she adds.

Mexican firms [earned](#) Latin Lawyer's Pro Bono Project of the Year Award in 2018 for their efforts in responding to the earthquake.

When the covid-19 crisis hit Mexico, the Estándares network lit up with law firms eager to respond with the same solidarity as in 2017.

"This was the second chance we had to all make one effort together and why I think a lot of law firms put up their hand and said they wanted to provide support," says Natalia Alvarado, pro bono co-ordinator at Mexican clearinghouse Appleseed.

Groups of firms were assigned a legal chapter to write between them. Clearinghouses and local bar associations pitched in too, organising communication. Law offices provided clear advice on some of the most striking issues amid the pandemic, including chapters on domestic violence, employment and health concerns, among others.

Crises such as the pandemic emphasise the importance of pro bono work and the difference that the legal community can make if it comes together. *Guía Jurídica* is just one of multiple examples of how firms exercised collaboration in 2020.

Community service

Like many parts of the world, when the covid-19 pandemic hit Latin America there was no rulebook on how to respond. Instead, pro bono practices forged their own way. From delivering food to vulnerable people to launching helplines, many firms' pro bono projects rallied around communities.

In Chile, it isn't uncommon to see *ollas comunes* ("soup kitchens") appear when there's a national emergency. Local neighbourhoods come together and set up community kitchens to distribute food. Similar scenes were observed during the social unrest of October 2019, and also under the Pinochet dictatorship. With widespread food shortages and economic upheaval, the phenomena unsurprisingly resurged during the covid-19 pandemic.

When a client pitched the idea of founding an organisation to support *ollas comunes* in Chile, local firm Prieto stepped up to the plate. It assisted on the *Todos a la mesa* ("Everyone around the table") project, which helps provide financial aid to community kitchens. The initiative is an example of the exceptional circumstance whereby a pro bono project materialises through a client's suggestion, explains partner Benjamín Grebe. "At the beginning of the pandemic, there was no state help," he says. When aid did arrive, there were substantial delays, so grassroots projects like *Todos a la mesa* were vital to local areas at the very start. Prieto provided tax and administrative law advice to help *Todos a la mesa* set up its project.

In the first weeks of the pandemic, chaos ruled over calm. Thus, some of the first assistance that communities received was pro bono legal aid. Government responses came eventually but none envisioned the scale of support that would be needed.

“If lawyers couldn’t keep up with the quickly changing circumstances, how were the general public expected to?” poses Fernanda Mierez, partner at Argentine firm Beccar Varela. The firm assisted in a 24-hour covid-19 hotline to help keep the public informed of quickly-changing regulation. “We reached more than 800 people and collaborated with lawyers from all over the country,” she says. Over a year later, more than 300 people are still connected on a WhatsApp chat, which anyone can use to enquire about a legal problem and receive instant responses from lawyers.

In another community drive, Brazilian firm Pinheiro Neto Advogados helped on the “Together for São Paulo” initiative, whereby local investors, companies and organisations joined forces with São Paulo’s state government to fund the provision of vital resources for vulnerable citizens during the coronavirus crisis. The local firm provided legal assistance to the state, in the aim of preventing the situation from escalating into a humanitarian crisis. Pinheiro Neto indicates that since the onset of the pandemic, its portfolio of pro bono work grew by 75% while its pro bono client base increased by 92%.

Seeing the pandemic’s impact on communities brought out the softer side of lawyers, reflects José Alfaro of EY Law (Costa Rica). When a client proposed a project to distribute food vouchers, there was no hesitation from the firm’s lawyers willing to help, stepping up with risk management and tax advice. “Everyone was just looking for ways to help,” he says. The firm assisted on the *Reactivemos la esperanza* (“Let’s reactivate hope”) initiative. Based in the touristic hotspot of Guanacaste, where hundreds of local hospitality workers were left jobless amid the pandemic, the project supplied food vouchers to recently unemployed tourism workers and helped fund local businesses. “We saw a lot of value in that,” adds Alfaro, describing how even the most senior partners were inspired to get involved in the cause.

The silent pandemic

Providing legal guidance on covid regulation is one way in which firms stepped up in the crisis. Another is the significant portion of law offices that turned to helping victims of gender-based violence, a serious social problem that was markedly exacerbated by the pandemic.

Incidences of gender violence are estimated to have risen from 30% to 50% in countries such as Argentina, Colombia and Mexico since the pandemic began, say statistics from one UN report. Though, the real figures are likely to be much higher than that. The escalation in gender-based violent crime since 2020 has been referred to as a “silent pandemic” due to the number of cases that went, and continue to go, unreported.

When thousands were forced to lock down in unsafe households, non-profit organisations gave women the tools they needed to find their voice.

One such lifeline was Violetta, an online chatbot to which women can report incidents of abuse. The Mexico-based digital tool uses AI technology that can detect whether a user is in trouble and connect them to urgent help immediately.

“It is truly an incredible initiative launched by women, for women,” says Creel García-Cuéllar lawyer Villa, who helped on the project. The prevalence of multigenerational households in Latin America means that lockdowns forced women under the same roof as their abuser for extended periods. Often, violence is normalised when victims do not always recognise signs of abuse. The chatbot acts as a life raft for women suffering in silence, explains Villa. “It provides the tools not only to identify abuse but to send a signal for help,” she says. Since its launch, Violetta has grown its userbase from 10,000 to 100,000 and gained international attention.

Hogan Lovells (Mexico) also dedicated pro bono hours to anti-abuse causes in 2020. The firm worked with local clearinghouses Fundación Barra Mexicana and Centro Mexicano Pro bono to create a network against gender violence. It invites non-profit organisations and companies that work with women’s rights issues to collaborate with lawyers and learn about legal strategies they can use to help victims combat abuse.

The network teamed up with local NGO Tojil, which is using research to identify gaps in the Mexican legal system and locate the areas of the law where women’s rights aren’t clearly represented – if at all. “One of the biggest challenges is that advisers don’t have the right tools to help women,” says Gasca. The project aims to help more female domestic abuse victims come forward by increasing overall knowledge of women’s basic legal rights. “When women suffer abuse, they often don’t know what legal stance they have to make a complaint,” she says.

Women’s legal rights are widely underrepresented elsewhere in several parts of the region. To close that gap, Baker McKenzie’s Caracas office has been co-ordinating with its regional outposts to advise the Global Women’s Rights Initiative, an NGO that aims to reform laws that currently enable gender-based violence in Latin America.

“There’s a lack of legislation, so investigations often consist of reviewing core laws, such as the constitution, and how they could better protect women,” says Oscar Morean of Baker McKenzie (Venezuela).

Baker McKenzie’s offices in Lima and Mexico City also chipped in. “The purpose of this work is to consolidate cross-border knowledge and compare all the different answers and regulations,” explains Ricardo Canepa, senior associate at Peru’s Estudio Echeopar member firm of Baker McKenzie International.

The silent pandemic was not exclusive to women, however. Transgender people also experienced multiple micro injustices that are made less visible by insufficient regulation. Transgender rights are not recognised by Peruvian law, which triggered an increase in transphobic attacks amid the pandemic. Things went from bad to worse when the government controversially assigned separate days for when men and women could leave quarantine, leaving transgender people vulnerable to threats when asked to identify their gender by authorities.

Peru’s Benites, Vargas & Ugaz Abogados helped fight this injustice. The firm advised on a new law recognising transgender rights, which it aims to get through congress in 2022. The project is a matter of urgency, explains Benites Vargas lawyer Liliana Calderón, as transgender people lack access to justice in Peru so long as they are not acknowledged under the law. “This is very important as other parts of the region, such as Argentina or Bolivia, have a lot of recognition legally for transgender rights and we do not,” states Calderón.

In Brazil, Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados also acted to improve education on transgender rights by producing a guide to LGBTQ+ rights, which includes guidance on how to prevent violence provoked by one’s gender or sexual identity. For the initiative, the firm collaborated with Casa 1, a civil organisation that provides a wide range of support to members of the LGBTQ+ community.

The price of giving

Despite its name, pro bono is not entirely without cost; clearinghouses rely on law firms and other organisations to provide regular donations to allow the institutions to keep organising the work. Our survey shows that a smaller proportion of firms made financial contributions to clearinghouses in 2020 than in the year prior. The global financial situation in 2020 was a likely drain on some of those funding streams.

Additional economic strain amid the pandemic meant that even large corporate law firms had to make cutbacks. Pro bono work is not known for generating revenue, so when many law firms cut back on additional expenses it’s likely that financial contribution to clearinghouses was one of them.

Our data shows that under half of firms made contributions to clearinghouses in 2020, a step down from 60% of firms that did this the previous year.

“The pandemic created a huge challenge for fundraising,” explains Maru Cortazar, executive director of Appleseed. In-person events were halted amid the crisis, whilst several donors re-directed their investments to health-related causes.

Percentage of firms that made financial contributions to clearinghouses

“Not all firms treat pro bono as a core expense,” explains Todd Crider, partner at US law firm Simpson Thacher & Bartlett LLP and Vance Center committee member. He adds that when firms unsurprisingly pulled back on expenses last year, pro bono services likely took a hit. However, this trend is probably limited to 2020.

“I suspect the decrease is circumstantial; a lot of firms pulled back on a lot of expenses during the pandemic [...] but lawyers want to do pro bono, and this is smart money; these contributions cumulatively make a positive difference,” Crider says. There is much hope to be gleamed from the fact that most firms did maintain their funding streams to clearinghouses.

Another hopeful prospect for funding lies in the participation of companies in pro bono work. “We have seen corporations step up and start funding the clearinghouses; that is a recent development in the region,” mentions Vance Center committee member Antonia Stolper. She explains that the recent increased engagement from businesses with pro bono work is encouraging; it could help inject significant amount of cash into clearinghouses and pro bono institutions.

“It is vital to financially support clearinghouses,” agrees Escobedo. “It’s not a contribution, it’s an investment in the pro bono ecosystem of your country and in return, you receive quality legal work,” he explains.

Of the firms we surveyed last year, 66% said they would provide financing to clearinghouses in 2020. The most recent data shows that the overwhelming majority of law firms kept that intention. That forges hope for the year to come that firm will continue to value clearinghouses.

Clearinghouse funding for the year 2020



There are a lot of signs that law firms will continue to support pro bono work in 2021 and beyond, says Sullivan & Cromwell LLP partner and Vance Center member Werner Ahlers. He underlines that amid unprecedented circumstances, funding remained strong overall and firms recognised the importance of clearinghouses – particularly in times of crises.

Maintaining composure

The effects of the pandemic were largely inescapable for most businesses and organisations in 2020 – law firms and clearinghouses included. The region’s pro bono networks may have felt the squeeze financially during the height of the pandemic, but it did not stop lawyers from rallying around important causes, bringing forth accessible justice to vulnerable members of society.

They say when the going gets tough, the tough get going. That same prophecy could be used to describe the response of pro bono practices amid the covid-19 crisis. Lawyers rallied around important causes and brought forth accessible justice for vulnerable members of society.

If Latin American firms’ response in 2020 is anything to go by, then the future looks promising for pro bono.

What is yet to be decided is how the legal community will respond to new social challenges, which could range from climate change to employment and migration issues. What is almost certain is that firms will likely show up with the same commitment and resourcefulness through their pro bono advice.

“Based on the trends from last year, my expectation is that the flow of pro bono work will continue and if anything, increase,” says Ahlers. The commitment of law firms and organisations remains strong – the progression hasn’t necessarily been linear but in many ways that has been a good thing as we have seen several countries come in and increase their commitment to pro bono remarkably,” he concludes.

Emily Darby

Author | Senior Reporter

Emily.Darby@latinlawyer.com

Latin Lawyer