

## Pro Bono Practices and Opportunities in Colombia<sup>1</sup>

### I. Introduction

The pro bono movement in Colombia has gained significant momentum over the last few years. Though, historically, the Colombian legal establishment has not shown significant commitment to providing pro bono legal services, this is now changing considerably. This change in attitude has developed mainly as a result of both the concerted efforts of a younger generation of attorneys as well as Colombia’s Fundación Pro Bono, which has acted as a clearing house for pro bono work throughout Colombia. Today, many leading law firms in Colombia engage in systematic pro bono activities. This commitment has encouraged a nascent culture of pro bono work that is expected only to increase in the coming years. This section provides a brief overview of the Colombian legal system, reviews different avenues of free legal aid available to indigent persons and introduces a number of organizations currently providing pro bono legal services in Colombia.

### II. Overview of Pro Bono Practices

(a)	<b>Professional Regulation</b>	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>In Colombia, the provision of legal services is permanently regulated by “Consejo Superior de la Judicatura” a specialized entity that provides the license for lawyers and verifies the fulfillment of the practice of law in Colombia.</p> <p>Lawyers are regulated under “Ley 1123 de 2007”, which is a statute that regulates the disciplinary norms for the exercise of law by attorneys in Colombia.<sup>2</sup></p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>To practice law in Colombia, an attorney must hold a law degree from a licensed Colombian university and be registered in the <i>Consejo Superior de la Judicatura</i>. Additionally, with a new law “Ley 1905 de 2018,” to practice law, the person that graduates from law school must certify that they have passed the State Exam that will be made by the <i>Consejo Superior de la Judicatura</i>. Please refer to C(2) for information on the licensure requirements for foreign attorneys to provide legal services in Colombia.</p>
(b)	<b>Pro Bono Practice and Culture</b>	
	1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or	<p>Colombia does not have any specific laws or rules that regulate the provision of pro bono legal services. However, lawyers in Colombia must have</p>

<sup>1</sup> This chapter was drafted with the support of Maria Alejandra Salazar-Tamayo of Gomez-Pinzon Zuleta.

<sup>2</sup> See <https://www.ramajudicial.gov.co/web/consejo-superior-de-la-judicatura> (last visited on May 1, 2019).

<p>all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>a license by <i>Consejo Superior de la Judicatura</i> to provide free legal services.</p> <p>In Civil Proceedings, there is no right to free legal assistance. However, the <i>consultorios jurídicos</i> are entitled to provide free legal aid to those who cannot pay for a lawyer. Those centers are an essential part of Law Schools and are staffed by law students in their final year of study and may assist clients in connection with civil, family, labor or administrative matters. Law schools also have <i>centros de conciliación</i> which engage in binding mediations, providing another route for people to resolve legal issues.</p> <p>In criminal proceedings, all defendants are entitled to the assistance of counsel. Indigent criminal defendants have the constitutional right to be represented by counsel free of charge. Such assistance is provided by the <i>Defensoría del Pueblo</i> (the “<b>Public Defender’s Office</b>”) an entity created by the Constitution and charged with providing free services to indigent criminal defendants. The Public Defender’s Office is also empowered to provide legal assistance to persons who are not indigent but are unable for some other reason to obtain competent legal representation.</p> <p>All licensed and practicing attorneys may be required to provide free assistance to indigent criminal defendants if called upon to do so by the Public Defender’s Office. This occurs where no <i>defensor public</i> (public defender) is available to take the case. These <i>defensores de oficio</i> (public defenders), as they are also known, are obligated to serve as part of their professional obligation to protect the State of Law and human rights. Although <i>defensores de oficio</i> receive payment only in exceptional situations, they are subject to the same obligations as a <i>defensor público</i>. The failure of an attorney to respond to such a summons may result in the institution of disciplinary proceedings against him or her. Disciplinary sanctions include censure, fines, suspension and expulsion from the profession.</p>
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	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Colombia are not required by such rules to work a minimum number of pro bono hours.</p>
	<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There are no specific requirements for aspiring lawyers in Colombia to work a minimum number of hours pro bono to obtain a law degree.</p> <p>However, law students are required to provide free legal services in a <i>consultorio jurídico (legal clinic)</i> during their last year of study. While law students in the <i>consultorios jurídicos</i> are supervised by licensed attorneys, law students are authorized to provide representation only in certain types of civil and criminal cases.</p>
	<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law that require pro bono legal services are Family and Labor matters. It is often found that people do not know their own rights in these areas of law.</p>
	<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Colombia are NGOs, universities through their investigation groups or through <i>consultorio jurídico</i> and law firms.</p> <p>Colombian Firms run their own pro bono programs individually. These are typically established either because the law firm in question is a signatory to the Pro Bono Declaration for the Americas or because the program forms part of that firm's corporate social responsibility policy.</p>
(c)	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Colombia do not require a special license to provide pro bono legal services.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Attorneys holding law degrees from foreign universities may be admitted to practice, if (i) their degree is evaluated and determined by the authorities in Colombia to be the equivalent of a Colombian degree; (ii) they pass the <i>Examen de Estado</i>. While degrees granted in some jurisdictions, such as Spain and other Latin American countries, are regularly deemed to be equivalent, degrees granted in other jurisdictions, such as the United States, are unlikely to be so</p>

		regarded; and, (iii) they pass the State Exam to access law practice.
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers in Colombia do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Colombia that prohibit advertising of pro bono successes or soliciting new pro bono clients.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Colombia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d)	<b>Sources of Pro Bono Opportunities and Key Contacts</b>	
	1. Describe any governmental sources of pro bono and/or other legal services in Colombia.	<p><i>Fundación Pro Bono Colombia</i> (which is supported by the Colombian government and has worked closely with it in Colombia’s peace process) is a pro bono clearinghouse. Officially launched in 2008, its members include over 20 law firms in Colombia. The foundation runs legal seminars for the underprivileged and researches human rights issues. It also offers legal training in human rights issues, family law and administrative law for attorneys from law firms providing pro bono legal services.</p> <p>If a lawyer is interested in providing pro bono legal services in Colombia, the best way to start is to contact <i>Fundación Pro Bono Colombia</i> in order to join that organization as an independent lawyer. Through that organization independent lawyers get access to the clearinghouse’s database of available cases and can take whichever case best fits their skills.</p> <p><i>Fundación Pro Bono</i> also helps people find the right lawyer for their pro bono case according to the lawyer’s specialty and experience.</p> <p>In addition to legal clinics, Colombian law schools are developing <i>grupos de derecho publico</i>, which undertake high-impact human rights litigation, mainly through constitutional actions.</p> <p><i>Servicios Jurídicos No Remunerados</i> is a partnership formed between <i>Universidad de Los Andes</i> and a number of Colombian law firms. It offers free legal services to nonprofit groups dedicated to humanitarian causes, in particular in the areas of health, education,</p>

		<p>environment, disability and children’s law. Over 25 Colombian law firms donate their services to this project, permitting the organization to provide its clients with specialized support in nearly every area of substantive law. Initially, the program offered only services related to legal incorporation and the negotiation of contracts. However, nowadays, attorneys linked to the program also provide representation for public interest controversies.</p> <p><i>Compartamos con Colombia</i> is an alliance of professional services firms formed to support not-for-profit entities. It undertakes initiatives designed to contribute to Colombia’s development. The alliance counts 17 law firms, investment banks and consulting firms among its ranks. <i>Compartamos con Colombia</i> provides subsidized institutional support to (i) nonprofit organizations, (ii) projects that seek to efficiently channel resources or projects that promote social entrepreneurship, and (iii) initiatives furthering self-sustaining social investment. The organization also develops strategies promoting corporate responsibility and family-based philanthropy. To date, <i>Compartamos con Colombia</i> has provided free or low-cost institutional support to over 60 nonprofit organizations operating in the areas of sustainable development, children’s rights, education, health and microfinance, among others.</p> <p>The NGO <i>Comisión Colombiana de Juristas</i> is dedicated to the preservation of human rights in Colombia. Its activities include commenting on proposed legislation, compiling and distributing information and legal analysis to the population at large and providing direct representation in high-impact litigation aimed at preserving and safeguarding human rights. It represents clients in cases both before the Constitutional Court (and other Colombian bodies) and before the Inter-American Commission on Human Rights.</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Colombia.</p>	<p><i>Fundación Pro Bono Colombia</i> is a pro bono clearinghouse. Officially launched in 2008, its members include over 20 law firms. The foundation runs legal seminars for the underprivileged and researches human rights issues. It also offers legal training in human rights issues, family law and administrative law for attorneys from law firms providing pro bono legal services. HR Note: <i>Fundación Pro Bono Colombia</i> appears in the above section which relates to governmental sources of pro bono. This section relates to non-governmental</p>

		<p>sources of pro bono. Is it right that it appears in both places?</p> <p>If a lawyer is interested in providing pro bono legal services in Colombia, the best way to start is to contact <i>Fundación Pro Bono Colombia</i> in order to join that organization as an independent lawyer. Through that organization independent lawyers get access to the clearinghouse’s database of available cases and can take whichever case best fits their skills.</p> <p><i>Fundación Pro Bono Colombia</i> also helps people find the right lawyer for their pro bono case according to the lawyer’s specialty and experience.</p> <p>In addition to legal clinics, Colombian law schools are developing <i>grupos de derecho publico</i>, which undertake high-impact human rights litigation, mainly through constitutional actions.</p>
	<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Fundación Pro Bono Colombia.<sup>3</sup></p>

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<sup>3</sup> See <https://probono.org.co/> (last visited on May 1, 2019).