

**Pro Bono Practices and Opportunities in Costa Rica<sup>1</sup>**

**I. Introduction**

The legal community in Costa Rica is increasingly recognizing the value of a pro bono culture and the significant impact it can have on the society, and as such, pro bono services have increased steadily in the last few years. Although the pro bono movement is not yet fully developed, recent years have seen great strides in the promotion of pro bono activities in Costa Rica. This was aided by the Pro Bono Declaration for the Americas which has helped institutionalize pro bono activities by lawyers in Costa Rica over the last decade. As part of these advances, the Pro Bono Commission of the Bar was founded in 2010 and some of the top Costa Rican law firms have committed themselves to devoting a percentage of their time to providing pro bono services and have established programs for doing so. In spite of these advances, much work remains to be done, including the challenge of developing a greater pro bono culture in private firms.

**II. Overview of Pro Bono Practices**

(a)	<b>Professional Regulation</b>	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The Law No. 13, dated October 28, 1941 (<i>Ley Orgánica del Colegio de Abogados y Abogadas de Costa Rica</i>), requires every practicing lawyer to be registered with the Costa Rica Bar Association (<i>Colegio de Abogados y Abogadas de Costa Rica</i>), which, among other functions, oversees their professional conduct and ethical behavior.<sup>2</sup></p> <p>The legal profession in Costa Rica is also regulated by the Costa Rica Bar Association (the “<b>Bar Association</b>”). Lawyers in Costa Rica must comply with a Code of Conduct (<i>Código de Deberes Jurídicos, Morales y Éticos del Profesional en Derecho</i>)<sup>3</sup>, and the rules of the Bar Association (<i>Reglamento Interior del Colegio de Abogados</i>)<sup>4</sup>. Lawyers in Costa Rica must at all times preserve absolute independence, comply with confidentiality rules, serve the clients’ interests diligently, conscientiously and promptly, and cannot act in situations where a conflict of interest exists.</p>
	2. Describe any licensure requirements governing the provision of legal services.	Lawyers in Costa Rica are required to be registered with the Bar Association in order to become a qualified lawyer and practice law. Candidates must:

<sup>1</sup> This chapter was drafted with the support of Irene Aguilar of BLP Abogados.

<sup>2</sup> See [https://www.abogados.or.cr/uploads/CMS/Articulo/1.1Ley\\_Organica\\_del\\_colegio\\_de\\_Abogados\\_y\\_abogadas\\_d\\_e\\_Costa\\_Rica.pdf](https://www.abogados.or.cr/uploads/CMS/Articulo/1.1Ley_Organica_del_colegio_de_Abogados_y_abogadas_d_e_Costa_Rica.pdf) (last visited on November 1, 2019).

<sup>3</sup> See [https://www.abogados.or.cr/uploads/CMS/Articulo/2.0Codigo\\_de\\_Deberes\\_Juridicos.pdf](https://www.abogados.or.cr/uploads/CMS/Articulo/2.0Codigo_de_Deberes_Juridicos.pdf) (last visited on November 1, 2019).

<sup>4</sup> See <https://www.abogados.or.cr/uploads/CMS/Articulo/19.0Reglamento-interior-del-Colegio-de-Abogados-y-Abogadas-de-Costa-Rica.pdf> (last visited on November 1, 2019).

		<p>(a) obtain a law degree from a university in Costa Rica that offer law studies;</p> <p>(b) take a legal deontology course; and</p> <p>(c) then pass a compulsory bar exam named “Academic Excellence Exam” (<i>Examen de Excelencia Academica</i>)<sup>5</sup> administered by the Bar Association.</p> <p>Foreign lawyers who want to practice law in Costa Rica (including providing pro bono services) are required to apply to the University of Costa Rica to have their law degree assessed as being equivalent to a Costa Rican law degree and to sit for a legal ethics exam. Once in receipt of all required documentation (including proof of residency), the foreign lawyer can apply for registration with the Bar Association.<sup>6</sup></p>
<p><b>(b) Pro Bono Practice and Culture</b></p>		
	<p>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 all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules or requirements for lawyers in Costa Rica regarding pro bono work.</p> <p>The principal barrier to the proliferation of pro bono services in Costa Rica is a lack of explicit legal regulations and public cooperation. Additionally, minimum fees for legal services are regulated by the Government in the Decree on Professional Fees for Legal Services (<i>Arancel de Honorarios por Servicios Profesionales de Abogacia y Notariado</i>)<sup>7</sup> which requires those providing legal services to charge fees for their services with an express prohibition against reducing or eliminating such fees. The Bar Association has begun to enforce these regulations.</p> <p>However, Article 68 of the Bar Association’s Professional Code of Conduct provides for an exception to this minimum fee rule in respect of “social projection” matters allocated to lawyers by the Bar Association, which may include certain pro bono matters. Accordingly, “private” pro bono initiatives are not covered under this exception and (in theory) lawyers in Costa Rica can only provide</p>

<sup>5</sup> See <https://www.abogados.or.cr/uploads/CMS/Articulo/f8958935d0b7847dc0b64de3fad2af37d9fb93b6.pdf> (last visited on November 1, 2019).

<sup>6</sup> See further detail in [https://www.ibanet.org/PPID/Constituent/Bar\\_Issues\\_Commission/ITILS\\_Costa\\_Rica.aspx](https://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Costa_Rica.aspx) (last visited on November 1, 2019).

<sup>7</sup> *Decreto N° 41457*. Available at [http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NRTC&nValor1=1&nValor2=88156&nValor3=117836&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=88156&nValor3=117836&strTipM=TC) (last visited on November 1, 2019).

	<p>pro bono legal services if they have authorization from the Bar Association for the specific pro bono matter in question.</p> <p>This process may be slowing down the creation of new pro bono organizations and opportunities and may also be the reason why the majority of pro bono services currently provided by Costa Rican law firms are corporate services to non-profit entities, rather than to individuals.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers are not required to work a minimum number of pro bono hours in Costa Rica.</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>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</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 areas of law which require or present opportunities for the provision of pro bono legal services vary depending on the expected reach of the programs and the end users. For instance, in terms of individuals, the main areas of law which may present major unmet legal needs are family law, immigration law, human rights law and elder law. Conversely, with respect to foundations, NGOs, nonprofit organizations, etc., the main areas of law which may present higher opportunities are the ones related to the management of such organizations and day-to-day projects (e.g. corporate law, insurance law, labor law, administrative law, civil law, etc.).</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 Pro Bono Commission of the Bar Association (<i>Comisión Pro Bono del Colegio de Abogados</i>)<sup>8</sup> is Costa Rica’s leading center for pro bono work and focuses on finding and distributing pro bono opportunities to private lawyers. Founded in 2010, it does not provide direct services to clients but rather serves as an intermediary or link between law firms or individual lawyers in Costa Rica and non-profit entities, NGOs and individuals who have requested free legal services in matters of public interest, general impact or that cause an important social or</p>

<sup>8</sup> See <https://comisionprobono.wordpress.com/> (last visited on November 1, 2019).

	<p>legal effect. About seven law firms currently participate in this initiative.</p> <p>Even though the Pro Bono Commission is a leading center for pro bono matters, as of today, Costa Rica does not have a pro bono clearing house.<sup>9</sup></p> <p>On the other hand, BLP Abogados (“<b>BLP</b>”) was the first Costa Rican signatory of the Pro Bono Declaration for the Americas and has been recognized by Latin Lawyer as a “Leading Light Central America 2018” for its pro bono work at a regional level. The firm provides most of its pro legal aid through its popular BLP Pro Bono Foundation, which it established in late 2008. The organization, set up by the firm, is one of the biggest providers of free legal aid in the country.<sup>10</sup></p> <p>Among others, BLP helped structuring Costa Rica’s first ever water fund, Agua Tica and founded the Yo Puedo y Vos Foundation, which supports disabled people in Costa Rica. In addition, in 2018 BLP founded Inspiring Girls, an international organization that inspire girls for pursuing their professional interest despite gender cultural construction.</p> <p>BLP brings pro bono work to more than 80 NGOs, which aim to encourage human development in Central America. This year BLP was awarded as the Best National Firm for pro bono in Latin America by the IFLR Women in Business Law Awards.</p> <p>Also, Batalla law firm has been recognized as a “Leading Light” for standing out for the pro bono work done by its lawyers and its efforts to build a lasting pro bono infrastructure, both internally and in the Costa Rican legal market.</p> <p>Founded in 2017, HIAS Costa Rica (“<b>HIAS</b>”) offers, in partnership with the United Nations High Commissioner for Refugees, legal guidance to refugees and asylum seekers on the administrative procedures for the refugee status determination, as well as for access to basic rights such as health, education, and work. HIAS also provides legal orientation to people with a need for immediate attention, such as unaccompanied and separated children, gender-based violence survivors, LGBTQ,</p>
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<sup>9</sup> Further detail in the latest Latin Lawyer and the Vance Center’s Annual Pro Bono Survey 2018. Available at <https://www.vancecenter.org/wp-content/uploads/2019/01/Pro-bono-compressed.pdf> (last visited on November 1, 2019).

<sup>10</sup> See <https://latinlawyer.com/11250/firms/1133296/blp-costa-rica> (last visited November 1, 2019).

		<p>people with disabilities and elderly people. HIAS helps more than 500 people per month.<sup>11</sup></p> <p>Finally, the Bar Association and some universities provide free legal assistance and pro bono clinics for individuals with limited financial resources and with special legal needs. Unfortunately, none of those clinics are able to assist people from rural areas.</p> <p>Specifically, University Legal Clinics (<i>Consultorios Juridicos</i>) are offered in a few law degrees as an optional subject (except in the case of the University of Costa Rica), although they are neither a degree requirement nor a condition to join the Bar Association. However, in order to obtain a university degree in any field, not just related to law, students must complete 150 hours of College Community Service (<i>Trabajo Comunal Universitario</i>).<sup>12</sup></p>
<p><b>(c) Obstacles to Provision of Pro Bono Legal Services</b></p>		
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Costa Rica do not require a specific license or permit 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>There are no rules or requirements placed on foreign lawyers based in Costa Rica to provide pro bono legal services.</p> <p>However, as discussed above foreign lawyers who want to practice law in Costa Rica (including providing pro bono services) are required to have their law degree assessed as being equivalent to a Costa Rican law degree and to sit for the Bar Association’s legal ethics exam, after which can apply for registration with the Bar Association.</p>
	<p>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?</p>	<p>Lawyers in Costa Rica do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.</p>

<sup>11</sup> See <https://www.hias.org/blog/hias-costa-rica-promotes-pro-bono-work> and <https://www.hias.org/where/costa-rica> (last visited November 1, 2019).

<sup>12</sup> See further detail in the applicable regulation “*Reglamento General del Consejo Nacional de Enseñanza Superior Universitaria Privada*”, Article 29, E) vi), available at [http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?nValor1=1&nValor2=46634](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=46634) (last visited November 1, 2019).

	<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>In case the pro bono matter is assigned by the Pro Bono Commission of the Bar Association, any initiative of disclosing the results or its development in the media must be previously authorized by the Pro Bono Commission.<sup>13</sup> In the case of pro bono initiatives directly established and procured by law firms, advertising rules and restrictions applicable to a regular attorney-client relationship shall apply.</p>
	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>As of today, lawyers in Costa Rica are not required to earn any “Continuing Legal Education” or equivalent credit so no such credit is given for pro bono hours worked.</p> <p>However, the Law No. 9266, dated August 12, 2014 (<i>Reforma Ley Orgánica del Colegio de Abogados y Abogadas de Costa Rica</i>), expressly established as a purpose for the Bar Association the promotion of continuing academic excellence of Costa Rican lawyers. As a consequence, the Bar Association will implement a “Continuing Legal Education Program” in the near future, but it is not expected that credit will be given pro bono work.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>		
	<p>1. Describe any governmental sources of pro bono and/or other legal services in Costa Rica.</p>	<p>Currently, there is no governmental source of pro bono or any other similar kind in Costa Rica.</p> <p>Costa Rica has in force the Public Defender (<i>Defensa Publica</i>) which only provides state-subsidized legal aid for criminal and family law matters for Costa Rican citizens who lack sufficient financial resources to hire a private defense lawyer. There is also state-subsidized legal assistance for employees who lack the financial means to retain an attorney to represent them in labor-related claims and lawsuits.</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Costa Rica.</p>	<p>As discussed above, the main non-governmental source of pro bono in Costa Rica is the Pro Bono Commission of the Bar Association.</p> <p>Other pro bono sources are international organizations, such as:</p> <p>(a) TrustLaw, the pro bono program from Thomson Reuters Foundation, which connects law firms and corporate legal teams around the world, including Costa Rica, with high-impact NGOs and</p>

<sup>13</sup> See <https://comisionprobono.wordpress.com/faq%C2%B4s/> (last visited on November 1, 2019).

		<p>social enterprises working to create social and environmental change</p> <p>(b) Inter-American Bar Association (<i>Federacion Interamericana de Abogados</i>): which launched its pro bono program, by which it connects lawyers throughout the American region, including Costa Rica, with people who are willing to exercise their rights of information in cases of public interest related to transparency of governmental entities<sup>14</sup></p> <p>Other international organizations that promote the pro bono culture in Costa Rica include the Cyrus R. Vance Center, the Pro Bono Network of the Americas (<i>Red Pro Bono de las Americas</i>) and the United Nations High Commissioner for Refugees.</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>As discussed above, lawyers may register with the Pro Bono Commission of the Bar Association. The Pro Bono Commission manages a registry of private law firms and individual attorneys willing to provide pro bono legal services and which comply with the requirements and conditions set forth by the Pro Bono Commission in order to be registered. In addition, there is a procedure to solicit the assignment of a case.<sup>15</sup></p> <p>The most active law firms which participate with the Pro Bono Commission are:</p> <ol style="list-style-type: none"> <li>1. BLP;</li> <li>2. Central Law;</li> <li>3. EY;</li> <li>4. Officium Legal;</li> <li>5. Batalla;</li> <li>6. Facio &amp; Cañas; and</li> <li>7. Consortium.</li> </ol> <p>In addition, there are seven individual attorneys which also partake in such commission.</p>

<sup>14</sup> See <http://www.iaba.org/comunicado-y-reglamentacion-pro-bono-fia-de-interes-publico-vinculado-con-el-derecho-a-la-informacion/> (last visited November 1, 2019).

<sup>15</sup> For further detail see the form to request the assignment of a case available at [https://docs.google.com/forms/d/1145iD7OI1PcbGvrRVx6mRdNoeQHftAsljBjOvwQ-icY/viewform?edit\\_requested=true](https://docs.google.com/forms/d/1145iD7OI1PcbGvrRVx6mRdNoeQHftAsljBjOvwQ-icY/viewform?edit_requested=true) (last visited November 1, 2019).

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