

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

**I. Introduction**

Paraguay has a tradition of providing free legal assistance for citizens with limited means, and the Ministry of Public Defense has over 300 paid attorneys who support and provide legal advice to such individuals. In addition to legal aid provided by the public sector there is also an increasing movement among private law firms to provide free legal advice to vulnerable individuals, with pro bono culture expanding across local law firms and universities throughout Paraguay. This survey summarizes the existing legal regime relevant to the provision of pro bono legal services in Paraguay.

**II. Overview of Pro Bono Practices**

(a)	<b>Professional Regulation</b>	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The provision of legal services in Paraguay is governed by Law No. 879/81 “Judicial Organization Code”, as amended (the “<b>Code</b>”). The Code also establishes the requirements under which an individual can be admitted to practice law in Paraguay. The authority in charge of the application of the Code is the Supreme Court of Justice.<sup>2</sup></p> <p>The fees for the provision of legal services are regulated by Law No. 1.376/88, as amended (the “<b>Legal Fees Law</b>”), which is further discussed below.<sup>3</sup></p> <p>Further, the Paraguayan Bar Association (the “<b>Bar</b>”) provides for an ethics code. However, this is only binding for members of the Bar.<sup>4</sup></p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The requirements for practicing law in Paraguay are governed by article 87 et seq. of the Code. The Code sets forth the following requirements in order to practice law in Paraguay:</p> <ul style="list-style-type: none"> <li>• obtaining a law degree issued by a duly acknowledged and authorized Paraguayan university (or having a foreign degree validated by the National Council of Education (“CONES”) and then registered with the Ministry of Education;</li> <li>• being at least 18 years old;</li> <li>• demonstrating a reputation of honor and good behavior;</li> </ul>

<sup>1</sup> This chapter was drafted with the support of Carlos Vasconsellos, Claudia Arietti, Sally Romero and Marcelo Rodríguez of Ferrere Abogados

<sup>2</sup> Please refer to the following link for more information on the Code: [https://www.pj.gov.py/descargar/ID160\\_id482\\_codigo\\_organizacion\\_judicial.pdf](https://www.pj.gov.py/descargar/ID160_id482_codigo_organizacion_judicial.pdf) (last visited on May 1, 2019).

<sup>3</sup> Please refer to the following link for more information on the Legal Fees Law: <http://www.bacn.gov.py/leyes-paraguayas/2444/arancel-de-honorarios-de-abogados-y-procuradores> (last visited on May 1, 2019).

<sup>4</sup> Please refer to the following link for more information on the Bar: <http://www.colegiodeabogados.org.py/normativa.php> (last visited on May 1, 2019).

		<ul style="list-style-type: none"> <li>• taking an oath before the Supreme Court of Justice; and</li> <li>• registering with the Supreme Court's Register of Lawyers.</li> </ul> <p>Note that practitioners are not required to be members of the Bar in order to practice law in Paraguay.<sup>5</sup></p>
<b>(b)</b>	<b>Pro Bono Practice and Culture</b>	
	<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>In Paraguay, there is no obligation for lawyers to provide pro bono legal services. To the contrary, the Legal Fees Law states that agreements/engagement letters with pro bono clients setting fees which are lower than the ones established by the Legal Fees Law are void. The Legal Fees Law states that a judge would determine the threshold of legal fees by considering the amount of the claim, the quality of the legal services, the complexity of the matter and the economic gains by the client. The judge would generally apply a percentage ranging from 5% to 20% over the amount of the claim to establish this threshold. The higher the value of the claim, the lower the percentage. There are also certain processes and actions that have a fixed percentage under the Legal Fees Law.</p> <p>The Legal Fees Law also states that a partial or total waiver of legal fees is void. Pro bono engagement letters can be declared void by a judge if the pro bono lawyer claims the payment of legal fees. Therefore, under the current Paraguayan legal framework, there is a risk for pro bono clients that their pro bono lawyers could claim payment of their legal fees in court pursuant to the Legal Fees Law. However, the most prestigious law firms do not charge a fee to their pro bono clients and do not initiate judicial claims to collect their legal fees.</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 in Paraguay are not required 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>Aspiring lawyers in Paraguay are not required to complete a minimum number of pro bono legal services in order to become licensed lawyers.</p> <p>However, some universities in Paraguay require law students to complete a minimum number of hours of pro bono legal services in order to get their</p>

<sup>5</sup> Please refer to the following link for more information: <https://www.pj.gov.py/contenido/1356-juramento-de-abogados-servicio-gratuito/1356> (last visited on May 1, 2019).

		<p>degree. As an example, law students at the <i>Universidad Católica Nuestra Señora de la Asunción</i> are required to do pro bono work as part of the Legal Clinics Course (<i>Consultorio Jurídico</i>).</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 which require the provision of pro bono legal services are: (i) Family Law; (ii) Criminal Law (including cases of violence against women and children); and (iii) Labor Law.</p> <p>There is a clear consensus amongst Paraguayan lawyers and the Paraguayan government that there is a significant shortfall in the provision of public legal aid services since there are not enough public defenders to meet the demands of individuals with limited economic resources and to ensure access to justice.</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><b>1. CIDSEP</b></p> <p>The <i>Centro Interdisciplinario de Derecho Social y Economía Política</i> of the <i>Universidad Católica</i> (“<b>CIDSEP</b>”) in association with the Bar, is Paraguay’s leading clearinghouse for pro bono work. CIDSEP is currently working with six major law firms and approximately 60 independent lawyers. CIDSEP notifies practitioners when pro bono work becomes available giving due consideration to the area in which the practitioner is involved.</p> <p><b>2. International Red Pro Bono<sup>6</sup></b></p> <p>International Red Pro Bono is a foundation that assists and organizes pro bono legal services for lawyers and law firms. The foundation was created in 2000 and since then it has implemented work programs to provide opportunities for attorneys to get involved in pro bono opportunities. The foundation facilitates pro bono legal services across various areas, including corporate advice, dispute advice, legal reports and judicial representation to improve access to free justice in Paraguay.</p> <p><b>3. Universidad Católica<sup>7</sup></b></p> <p>Law students at the Catholic University of Asunción are required to do pro bono work as part of the Legal Clinics Course (<i>Consultorio Jurídico</i>) (as mentioned above).</p> <p><b>4. Universidad Nacional de Asunción<sup>8</sup></b></p> <p>Recently, the <i>Universidad Nacional de Asunción</i> opened a Legal Clinic Program to provide free legal</p>

<sup>6</sup> See <http://redprobono.org/> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.universidadcatolica.edu.py/> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.una.py/> (last visited on May 1, 2019).

		<p>services to people in with limited economic resources.</p> <p><b>5. Law Firms Pro Bono programs</b></p> <p>A few private law firms in Paraguay have pro bono programs in place. An example is FERRERE, a multi-jurisdictional South American law firm, which encourages pro bono work among its attorneys as an integral part of their professional obligations. FERRERE provides its pro bono clients with the same quality professional service as that provided to all of its clients. FERRERE has a Pro Bono Committee, comprised of associates and coordinating partners, which directs and coordinates pro bono work, as well as determines the resources available for pro bono cases.<sup>9</sup></p>
(c)	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers do not require a license to provide pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers do not require any additional license to provide pro bono legal services in Paraguay. However, to practice law in Paraguay, foreign lawyers must have their foreign law degree recognized and validated by the CONES and then registered with the Ministry of Education. The process for foreign lawyers to be licensed in Paraguay involves submitting all documents in connection with their legal studies abroad duly apostilled. Once the documents have been recognized and validated by the CONES and registered with the Ministry of Education, the foreign lawyer is required to register at the Supreme Court's Register of Lawyers.</p> <p>Once this process is completed, foreign lawyers are allowed to practice law in Paraguay, including pro bono matters. Foreign lawyers cannot practice or advise in any field of law without being duly authorized to do so through the process described above.</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?	Lawyers in Paraguay do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.

<sup>9</sup> See <https://www.ferrere.com/en/csr/> (last visited on May 1, 2019).

	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Paraguay 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 Paraguay 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 Paraguay.	<p><b>Litigation costs</b></p> <p>The Procedural Civil Code enables people without resources to pay for a judicial proceeding to request from a judge the benefit of litigation in forma pauperis. In order for a judge to grant this benefit, the requesting party must demonstrate his or her inability to obtain resources to pay for costs associated to a judicial proceeding.</p> <p>A public defender will represent and defend such client who has obtained a certificate of litigation in forma pauperis. However, the pro bono client may also elect to be represented by a separate lawyer instead. This is not completely pro bono since it allows the lawyer to demand payment of, and claim his legal fees from, the losing counterparty of his client or even from his client when and if his economic situation improves. Apart from the above, the government also provides state-subsidized legal aid, but does not have any separate pro bono initiatives.</p> <p><b>Legal Aid</b></p> <p>The Ministry of Public Defense (<i>Ministerio de la Defensa Pública</i>) is a judicial institution made up of approximately 330 professional lawyers who are paid by the Paraguayan State to defend individuals who (i) have limited economic resources or are absent; (ii) are legally incapacitated; or (iii) are minors in the context of civil, labor, minor-related, administrative or criminal proceedings.</p> <p>Individuals seeking legal assistance from the Ministry of Public Defense must visit the public defender (<i>Defensor</i>) on duty in the relevant jurisdiction and constituency. Each judicial district has public defenders who may act within the limits of such district. The legal assistance provided by the Ministry of Public Defense is free and the defendants are exempt from court fees. Defendants are required to pay only those legal fees, notices and/or edicts specifically designated by law.</p>

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Paraguay.</p>	<p>Please see the answer to question (b)5 above in relation to the main providers of pro bono legal services.</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><b>CIDSEP</b></p> <p>As discussed above, CIDSEP is a clearinghouse for pro bono work. Contact details for CIDSEP are as follows:</p> <p><b>Address:</b> Alberdi 855 casi Piribebuy, Paraguay  <b>Phone:</b> (595 21) 445429  <b>Email:</b> cidsep@uc.edu.py</p> <p><b>International Red Pro Bono<sup>10</sup></b></p> <p>As mentioned above, the foundation has implemented work programs to provide opportunities for attorneys to get involved in pro bono opportunities. The foundation facilitates pro bono services across various areas, including corporate advice, dispute advice, legal reports and judicial representation to improve access to free justice in Paraguay.</p> <p><b>Address:</b> Mariano Sánchez Fontecilla N° 370 Las Condes – Santiago de Chile  <b>Phone:</b> (562 38) 156 60  <b>Email:</b> contacto@redprobono.org</p> <p><b>FERRERE<sup>11</sup></b></p> <p>FERRERE is the only multi-jurisdictional South American law firm. It has 150 attorneys across Uruguay, Paraguay, Ecuador and Bolivia and employs US-style structure, methodologies and policies. The firm seeks to foster and value social commitment among its lawyers and requires, as an essential element of its professional culture, that community interest initiatives receive the same quality of service as its corporate clients.</p> <p>FERRERE has a pro bono committee which is in charge of receiving, processing and approving each pro bono case.</p> <p><b>Address:</b> Torres del Paseo, Torre 1 - Nivel 25   Avda. Santa Teresa No. 2106- - Asunción, Paraguay  <b>Phone:</b> (+595 21) 3183000  <b>Email:</b> probonoparaguay@ferrere.com</p>

<sup>10</sup> See <http://redprobono.org/> (last visited on May 1, 2019).

<sup>11</sup> See <http://www.ferrere.com> (last visited on May 1, 2019).

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