

Pro Bono Practices and Opportunities in the Dominican Republic¹

I. Introduction

The legal community in the Dominican Republic is increasingly recognizing the value of a pro bono legal services culture and the significant positive impact that pro bono legal services can have on democracy and justice. The Pro Bono Declaration for the Americas (the “**PBDA**”) is the founding document that helps to institutionalize pro bono legal services provided by the Dominican Republic lawyers, alongside the Pro Bono Foundation RD (*Fundación Pro Bono RD, Inc*) (the “**Foundation**”), which coordinates and enables the pro bono efforts. Despite these advances, much work remains to be done, including the challenge of developing a pro bono culture in law firms, the financial sustainability of pro bono clearing houses and more clarity on how pro bono work should be rewarded.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The legal profession in Dominican Republic is comprised of lawyers. The provision of legal services by lawyers is regulated by:</p> <ul style="list-style-type: none"> • Law No. 3-19 of January 28, 2019 (<i>Ley 3-19 que crea el Colegio de Abogados de la República Dominicana</i>)² (“Law No. 3-19”), which creates the Dominican Bar Association and its functions, including overseeing the lawyers’ professional conduct, adopting a professional ethics code, creating educative programs for lawyers and defending lawyers’ rights; and • Law No. 821 of November 21, 1927 of the Judicial Organization and its amendments (<i>Ley de Organización Judicial No. 821 y sus Modificaciones</i>)³ (“Law No. 821”), which rules lawyers’ dress code and behavior in the Courts of the Dominican Republic, being ethical, honorable and discreet.
	2. Describe any licensure requirements governing the provision of legal services.	<p>The law governing the licensure requirements and the provision of legal services is established in Law No. 821.</p> <p>Article 73 of Law No. 821 sets out the requirements to practice as a lawyer in the Dominican Republic.⁴ These include:</p>

¹ This chapter was drafted with the support of Georges Santoni Recio of Russin, Vecchi & Heredia Bonetti.

² See <http://colegiodeabogados.org.do/index.php/sobre-nosotros/base-legal/1408-ley-3-19-crea-el-colegio-de-abogados/file> (last visited on October 2, 2019).

³ See http://www.poderjudicial.gob.do/documentos/PDF/leyes/LEY_821_27.pdf (last visited on October 2, 2019).

⁴ See <https://www.monografias.com/trabajos14/organ-judicial/organ-judicial.shtml> (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • be a Dominican national of legal age and in enjoyment of civil rights; • hold a law degree awarded by recognized Dominican universities; • be admitted to the Dominican Republic Bar Association (<i>Colegio de Abogados</i>);⁵ • to have taken oath before the Supreme Court of Justice;⁶ and • be enrolled in the lawyer’s panel of a court of first instance. <p>The Dominican Republic Bar Association is regulated by Law No. 3-19, which establishes the Bar’s functions, which include, amongst other things, overseeing the lawyers’ professional conduct, adopting a professional ethics code and defending lawyers’ rights.</p> <p>A foreign lawyer may become a member of the Dominican Republic Bar Association:</p> <ul style="list-style-type: none"> • by obtaining a law degree in the Dominican Republic; • by obtaining validation of a law degree from overseas universities; or • if there is a reciprocal treaty between the Dominican Republic and the government of the foreign jurisdiction in which the foreign national has a license to practice law.
<p>(b) Pro Bono Practice and Culture</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>Currently there is no law regulating the provision of pro bono legal services in the Dominican Republic.</p> <p>Article 89 of Law No. 3-19 states that lawyers can provide legal services on a gratuitous or onerous basis.⁷</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 the Dominican Republic are not required to complete a minimum number of hours of pro bono legal services.</p>

⁵ See <https://colegiodeabogados.org.do/index.php/sobre-nosotros/quienes-somos> (last visited on October 2, 2019).

⁶ See <http://www.poderjudicial.gob.do/> (last visited on October 2, 2019).

⁷ See <http://colegiodeabogados.org.do/> (last visited on October 2, 2019).

	<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 the Dominican Republic are not required to complete a minimum number of hours of pro bono legal services 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 main areas of law which require or present opportunities for the provision of pro bono legal services in the Dominican Republic are: Human rights, criminal (e.g. domestic violence) and civil (e.g. employment, legal advice to SMEs).</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 the Dominican Republic are NGOs, private law firms, independent practitioners and universities.</p> <p>Pro bono coordinators also play a critical role in the pro bono system in the Dominican Republic and have begun to demonstrate even further value.⁸ Typically they are appointed by law firms to help streamline the process of assigning pro bono work to lawyers and to act as a point of contact with the pro bono clearing house or NGOs they serve.</p>
<p>(c) Obstacles to Provision of Pro Bono Legal Services</p>		
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers do not require a license to provide pro bono legal services in the Dominican Republic.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require a license to provide pro bono legal services in the Dominican Republic as long as they comply with the requirements to practice as lawyers in the Dominican Republic. Please see response in Section II.(a)2 .</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 the Dominican Republic do not require professional indemnity legal insurance cover for the provision of pro bono legal services. However pro bono work undertaken by lawyers at a law firm is generally covered under the professional indemnity insurance of that law firm.</p>
	<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>Currently there is no law in the Dominican Republic that prohibits the advertising of pro bono successes or soliciting of new pro bono clients.</p>

⁸ See <https://latinlawyer.com/benchmarking/pro-bono-2018/1179675/the-scene-is-set> (last visited on October 2, 2019).

	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Currently lawyers in the Dominican Republic do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p> <p>While pro bono practice is not currently widely institutionalized in law firms in the Dominican Republic, some of the law firms in the Dominican Republic acknowledge pro bono when evaluating lawyers.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>		
	<p>1. Describe any governmental sources of pro bono and/or other legal services in the Dominican Republic.</p>	<p>The obligation of providing free legal aid is established in Articles 176 and 177 of the Constitution of the Dominican Republic. Article 177⁹ states that:</p> <p><i>“The State is responsible for organizing programs and services for free legal assistance for people who lack the financial resources to obtain legal representation of their interests, particularly for the protection of the rights of the victim, without prejudice to the powers that correspond to the Public Ministry in the field of criminal proceedings.”</i></p> <p>This is implemented by the Law of Public Defense, passed on August 12, 2004 with the approval of Law No. 277, which created the National Public Defender Service. The Public Defenders provide free advice and guidance before and during judicial proceedings in criminal matters, to those who do not have financial resources or legal representation, being free of the payment of any legal fees and any related taxes.¹⁰</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Dominican Republic.</p>	<p>Along with several partners in Latin America, Cyrus R. Vance Center launched the PBDA. The statement commits signatory law firms and other legal organizations, including those in the Dominican Republic, to undertake a minimum of 20 hours of pro bono work by each lawyer working there.</p> <p>The Foundation is the Dominican Republic’s leading clearing house for pro bono work and focuses on finding and distributing pro bono opportunities to private law firms and independent practitioners. Founded in 2011, the Foundation is managed by a board of directors consists of 16 directors. Currently, approximately 15 law firms and 92 independent practitioners are members of the Foundation. They</p>

⁹ See <http://republica-dominicana.justia.com/nacionales/constitucion-de-la-republica-dominicana/titulo-v/capitulo-vi/> (last visited on October 2, 2019).

¹⁰ See <https://www.defensapublica.gob.do/> (last visited on October 2, 2019).

		<p>undertake to provide free legal services to low-income people, vulnerable groups, micro-entrepreneurs and social enterprises.¹¹ Their pro bono legal services cover a wide range of areas of law, including human rights, criminal (e.g. domestic violence, etc.), civil (e.g. employment, intellectual property rights, legal advice to SMEs, etc.) and public law matters (e.g. state property liability, freedom of information, environmental issues, etc.).¹²</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>Please see above at Section II.(d)Error! Reference source not found.</p>

October 2019

Pro Bono Practices and Opportunities in Dominican Republic

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

¹¹ See <http://probonord.org.do/historia-mision-y-objetivos> (last visited on October 2, 2019).

¹² See <http://probonord.org.do/servicios> (last visited on October 2, 2019).