

Pro Bono Practices and Opportunities in Venezuela¹

I. Introduction

There is a significant need for pro bono legal services in Venezuela due to the large social and economic inequality that exists. Venezuelan lawyers have always done pro bono work for people close to them without such work being formalized, quantified or collected; however, the institutionalization of pro bono work is a relatively recent development.

The main obstacle for the institutionalization of pro bono work is that there are no governmental policies or bar associations in Venezuela that require Venezuelan lawyers to perform professional volunteer work for people with limited resources. Pro bono work has not been a priority for law firms in Venezuela. However, within the last few years law firms have become increasingly conscious of the fact that, with their assistance in pro bono matters, they can help people with limited resources to access justice.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The provision of legal services in Venezuela is mainly regulated by the Lawyers’ Law (<i>Ley de Abogados</i>) and the Lawyers’ Ethics Code (<i>Código de Ética del Abogado</i>). In general, the Lawyers’ Law sets forth the requirements to be able to practice law, the description of what should be considered a law practice; the individuals that are allowed to practice law; the rights and obligations of lawyers; what should be considered an illegal law practice; disciplinary provisions applicable to lawyers. The Lawyers’ Law also establishes the regulations of institutions providing for the social welfare of lawyers. The Lawyers’ Ethics Code mainly pertains to the moral behavior and social conducts a lawyer should abide by when practicing in Venezuela.
	2. Describe any licensure requirements governing the provision of legal services.	In order to practice law in Venezuela a person has to obtain a legal degree from a local university. Individuals holding a law degree issued by a foreign university, would have to validate such degree in accordance with Venezuelan law. Afterwards, registration with one of the various bar associations existing in Venezuela is required, as well as registration with the Lawyer Social Security Institute (<i>Instituto de Previsión Social del Abogado</i>). There are 23 different bar associations, one for each Venezuelan region, and each one is governed by its own regulations. All of these bar associations fall under the guise of the Federal Bar Association (<i>Federación de Colegios de</i>

¹ This chapter was drafted with the support of Arnoldo Troconis of D’Empaire Reyna Abogados.

		<p><i>Abogados</i>). Venezuela does not have multiple license schemes or multiple levels of practitioners.</p> <p>Upon a lawyer’s registration they are granted a registration number that allows them to both litigate and carry out any action as a lawyer in any practice of law around the country.</p>
(b)	Pro Bono Practice and Culture	
	<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 rules or requirements that specifically regulate the provision of pro bono legal services in Venezuela.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>There is no obligation on private attorneys to work a minimum number of pro bono hours in Venezuela. However, Fundación Pro Bono Venezuela (“ProVene”), is making concerted efforts to make law firms in Caracas achieve certain goals of pro bono hours per year, taking as its reference the Americas Declaration of Pro Bono (<i>Declaración Pro Bono de las Américas</i>), that requires law firms subscribed to it to work 20 hours per lawyer each year in connection with pro bono cases.</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>In order to become licensed lawyers, law students (in some universities) in Venezuela must devote a specific number of hours (as determined by each university) to assist in non-profit legal matters. To support students in fulfilling this requirement, Venezuelan Universities have created legal clinics (<i>Clinicas Jurídicas</i>) through which law students provide pro bono legal services.</p> <p>In addition, Venezuelan law students, as well as students aspiring to obtain any other professional degree in Venezuela, are required to perform a minimum of 120 hours of Community Service (<i>Servicio Comunitario</i>) in order to graduate. Community Service consists on volunteering in resource-poor areas surrounding the university. However, such volunteering does not oblige students to carry out professional works, i.e., law students do not necessarily have to perform legal work (although work at <i>Clinicas Jurídicas</i> would qualify towards this requirement).</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>There are great opportunities to do pro bono work in Venezuela due to the high percentage of the population with limited financial resources and that have no opportunities to be assisted or advised by a lawyer.</p> <p>The main areas of law in which there are more opportunities to provide pro bono legal services in Venezuela are, criminal and human rights, which in Venezuela often go hand in hand.</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>Most pro bono legal services are provided by (i) legal clinics (<i>Clínicas Jurídicas</i>) created by universities, (ii) several Venezuelan (and a few international) NGOs, such as <i>Foro Penal</i>, and (iii) Venezuelan foundations, such as ProVene.</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 special license to provide pro bono legal services in Venezuela.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers do not require any additional license(s) to provide pro bono legal services in Venezuela. A foreign lawyer's university degree must be validated in Venezuela and they must be registered with the corresponding regional bar association and the Lawyer Social Security Institute (<i>Instituto de Previsión Social del Abogado</i>). Venezuela does not have multiple license schemes or multiple levels of practitioners.</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 Venezuela are not required to be covered by professional indemnity legal insurance to provide pro bono legal services.</p>
	<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>According to the Lawyers' Ethics Code, article 10, a lawyer cannot advertise for its own praise, nor will it encourage news or comments related to matters in which they have intervened or how they conducted them. Advertising through written or audiovisual means will be limited to the mention of their name, scientific titles, specialty, address of their office and, telephone and post office box. Any</p>

		announcement of quasi-commercial content stating that special results and advantages are promised, constitutes “a serious lack of professional ethics.” We understand that this extends to pro bono legal services as well.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked in Venezuela.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Venezuela.	We believe there are no governmental sources of pro bono legal services in Venezuela. However, in accordance with the Constitution (article 49) and Organic Code of Criminal Procedure (article 127(3)), a person accused of committing a crime in Venezuela is entitled to receive legal aid if required.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Venezuela.	<p>Although the Constitution of Venezuela recognizes and protects the development of humanitarian activities throughout the country, the government approved an amendment to the International Cooperation Law in December 2010 (<i>Ley de Cooperación Internacional</i>) that created new barriers for NGOs.</p> <p>ProVene is making efforts to encourage law firms to achieve certain goals of pro bono hours per year, as well as providing pro bono legal services on its own. Likewise, some law firms in Venezuela already have pro bono programs in which their lawyers are requested or suggested to work on pro bono cases sent by ProVene or by NGOs or other organizations founded by, or with tight relations to, the partners of such law firms. Venezuelan companies as well, carry out different activities during the year that allow their employees, including lawyers in their legal departments, to work as volunteers with different NGOs, following the guidelines of the company’s Corporate Social Responsibility (<i>Responsabilidad Social Empresarial</i>).</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?	ProVene has several social network accounts in which they post pro bono projects and programs,

		also anyone can register on their website to become a volunteer and be informed of any opportunities. ²
--	--	--

May 2019
Pro Bono Practices and Opportunities in Venezuela

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.

² See <http://provene.org/> (last visited on May 1, 2019).