

Pro Bono Practices and Opportunities in Bolivia¹

I. Introduction

Pro bono work is not an established practice in Bolivia. Ultimately, Bolivia still lacks an institutionalized infrastructure for pro bono work, which other Latin American countries, such as Argentina, appear to have put in place.² The pervasive corruption of the Bolivian judiciary, coupled with the limited impact that pro bono service providers have, has meant that those with limited financial resources find it difficult to obtain effective legal assistance.

The Latin Lawyer and the Vance Center’s Annual Pro Bono Survey 2017 (the “**Vance Survey 2017**”) noted some promising developments in Bolivia. Although it noted that Bolivia has an “under developed” pro bono practice, it was also flagged as likely to have a clearing house up and running in the next year, a clear indication of progress.³ Despite this not yet coming to fruition (see below for further details), the Vance Survey 2017 also noted an increase in the level of participation in their survey. For example, there were 130 respondents compared to 110 from the previous year. Specifically, there was an increase in the share of respondents from Bolivia in the Vance Survey 2017.⁴ The Latin Lawyer and the Vance Center’s Annual Pro Bono Survey 2018 (the “**Vance Survey 2018**”) had the same number of respondents (130) as the Vance Survey 2017, which is reflective of the continued, “successful institutionalisation” of pro bono practice in this region.⁵

Although this arguably has not yet translated into substantive pro bono developments in Bolivia, they are promising developments. With continued, external assistance from international pro bono organizations and further activism from private attorneys and law firms, the pro bono infrastructure in Bolivia should take further shape.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p><i>La Ley del Ejercicio de la Abogacía– Ley no. 387 (the “Lawyers Act”) of 2013 regulates the rights and duties of lawyers. It also confirms that the compensation of a lawyer will be announced (via the public media) by the Ministry of Justice every two years.⁶</i></p> <p><i>Reglamento a la Ley del Ejercicio de la Abogacía Decreto Supremo no. 1760 dated October 9, 2013 (the “Lawyers Act Regulations”) regulates the Lawyers Act.</i></p>
	2. Describe any licensure requirements governing the provision of legal services.	It is a requirement for a lawyer in Bolivia to be registered with the Ministry of Justice in order to practice law. Candidates must provide evidence of

¹ This chapter was drafted with the support of Maria del Carmen Ballivian of C.R. & F. Rojas.

² See The Latin Lawyer and the Vance Center Pro Bono Survey 2017, p. 13, https://www.vancecenter.org/wp-content/uploads/Latin_Lawyer_Survey_2017-compressed.pdf (last visited on October 2, 2019)

³ Ibid, p. 2

⁴ Ibid, p. 9

⁵ See The Latin Lawyer and the Vance Center Pro Bono Survey 2018, p. 6 <https://www.probono.org.co/pdf/ProBonodelaAalaZ/Probono-latinlawyer.pdf> (last visited on October 2, 2019)

⁶ See <https://medios.economiayfinanzas.gob.bo/MH/documentos/L387.pdf> (last visited on October 2, 2019)

		<p>their graduation from law school and a certificate of good conduct. This qualification route is applicable to barristers, solicitors and in-house counsel.</p> <p>Foreign lawyers who want to practice law in Bolivia are required to obtain an official approval of their professional degree.</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 specific rules or requirements placed on lawyers in Bolivia when undertaking pro bono work.</p> <p>Article 11 of the Lawyers Act states that attorneys and lawyers in Bolivia may provide free assistance to people of limited economic resources.</p> <p>The Ministry of Justice sends lists of attorneys and lawyers registered in the last year to the Judicial Court in order to appoint lawyers and attorneys ex officio (i.e. public defenders appointed by the Departmental Courts of Justice), to provide judicial assistance, in accordance with Law No. 025 of the Judicial Authority. Lawyers who work as employees in a company, law firms, legal entities or public institutions (i.e. who are subject to binding employment agreements) are compulsorily exempt from this obligation. Attorneys who work independently (for example, on a freelance basis) are not exempt from this obligation.</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 Bolivia.</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 serves 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 main areas of law which require pro bono legal services are those which are tailored to increasing access to justice for under-represented Bolivian citizens on low incomes. The substantive areas of law and the relevant client populations may differ but each programme shares the important goal of placing clients in need with pro bono attorneys who are willing to represent them for no fee or a reduced fee.</p> <p>The major unmet legal needs in Bolivia are related to protecting the civil rights, civil liberties or public rights of the elderly, women and children.</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>Bolivia currently lacks a well-developed system of and coordinated approach to pro bono work. The delivery of pro bono services is very much dependent on the engagement and commitment by individual attorneys.</p>
	<p>Private attorneys in Bolivia usually co-operate with pro bono organizations in order to engage in pro bono work. A few international law firms are seeking to set up their own pro bono practice. For example, Ferrere has been proactively taking pro bono work on board and the Ferrere pro bono committee (made up of associates and coordinating partners) directs and coordinates pro bono work, as well as determining the availability of resources for such cases.⁷ Guevara & Gutiérrez is a signatory of the Pro Bono Declaration of the Americas (the “PBDA”) and was recognized by the Latin Lawyer as a Leading Light due to its commitment to the pro bono practice. Housing charity <i>Un Techo Para Mi País</i>, <i>Fundación Nutrición y Desarrollo</i> (which aims to combat malnutrition in the Andean region) and <i>Aldeas Infantiles SOS</i> (which assists foster children) are some of the organizations the firm has helped.⁸</p>
	<p>C.R. & F. Rojas Abogados has assisted and continues to assist with the following organizations:</p>
	<ul style="list-style-type: none"> • <i>Aldeas Infantiles SOS</i> (a non-profit, non-governmental and independent organization that promotes the rights of children. C.R. & F. Rojas Abogados provides legal services to this organization in employment, tax, migration and incorporation matters); • <i>un Techo para mi País</i> (a housing charity that was founded by C.R. & F. Rojas Abogados and they acted as this organization’s legal representatives until it was incorporated and fully operational); • <i>Comité de Damas Paceñas</i> (a non-profit, independent organization involved with social charity/welfare. C.R. & F. Rojas Abogados assists them in all their organizational matters);

⁷ See <https://www.ferrere.com/en/csr> (last visited on October 2, 2019)

⁸ See <https://latinlawyer.com/11250/firms/1130576/guevara-gutierrez-servicios-legales> (last visited on October 2, 2019)

- Sovereign Order of Malta (a Catholic organization, whose volunteers are involved in health and social welfare. C.R. & F. Rojas Abogados contributes extensively to work involving hospitals and social welfare); and
- Trustlaw - Fundación Thompson Reuters (this foundation is the philanthropic arm of Thompson Reuters, a global news and information provider, registered as an independent charity in both the USA and the UK. C.R. & F. Rojas Abogados is involved in a case study for the Mexican Center for Philanthropy (“CEMEFI”), which has institutional links with the above foundation.).

The Cyrus R. Vance Center for International Justice (the “**Vance Center**”) states that there are a number of Bolivian law firms that have signed up to the PBDA. The Vance Center launched this along with several partners in Latin America. This statement commits signatory law firms and other legal organizations to undertake an average of at least 20 hours of pro bono work for each attorney working there. The Vance Center also created the Pro Bono Network of the Americas (“**PBNA**”) in 2011 as an informal collaborative mechanism between lawyers, non-governmental organizations and pro bono initiatives in order to promote access to justice. Various Bolivian organizations are signatories to the PBNA.⁹ Despite these developments, pro bono programs in private Bolivia law firms still require further development.

There are a limited number of non-governmental organizations involved in pro bono activity in Bolivia (see below for further details).

There are currently no Bolivian Bar Association Pro Bono Programs. The Multinational Public Defender Service is a governmental entity and legal aid institution.

Capacitación y Derechos Ciudadanos (a non-profit human rights organization founded by students of the Universidad Católica Boliviana which provides legal advice for the population with low incomes and limited access to justice), combined with two Bolivian law schools (Universidad Católica

⁹ See <https://www.vancecenter.org/pro-bono-network-of-the-americas/> (last visited on October 2, 2019)

		Boliviana and the Universidad Salesiana de Bolivia) created the first legal clinic in 2012. This project was also supported by the International Senior Lawyers Project, which provided experienced pro bono lawyers during the setting up of the legal clinic. It was noted that ongoing expertise for this clinic would be provided throughout August 2013. ¹⁰
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Bolivia 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?	There are no particular rules or requirements placed on foreign lawyers based in Bolivia to provide pro bono legal services.
	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 Bolivia 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 that prohibit advertising of pro bono successes or soliciting new pro bono clients in Bolivia.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Bolivia do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Bolivia.	Currently, in Bolivia, there is no central pro bono organization or clearing house that serves as a central body to (i) co-ordinate pro-bono activities nationally or (ii) assign pro bono matters to firms who are interested in such work (like the Comisión Pro Bono in Argentina or the ProVene in Venezuela). By way of example, the Refugee Legal Aid

¹⁰ See <https://www.lawschool.cornell.edu/spotlights/First-Bolivian-Legal-Clinic.cfm> (last visited on October 2, 2019)

		<p>Information for Lawyers Representing Refugees Globally Rights in Exile Programme website noted that there are no known non-governmental organizations or law firms that offers refugees legal assistance in Bolivia and that they would welcome suggestions of individuals or organizations.¹¹</p> <p>According to the Vance Survey 2017 (as referenced in the introduction), Bolivia was one of several countries in Latin America which was in the process of setting up a clearing house of for the first time. A clearing house is a form of a matchmaking service for potential pro bono clients and pro bono lawyers. It assists clients in identifying their specific legal needs and connects them (through its network) with pro bono lawyers who have the relevant skill sets. However, the Vance Survey 2017 further reports that the Bolivian clearing house submitted all the paperwork to the government around two years ago (assumed to be around 2015). Since then, the government dissolved the ministry in charge of processing the application and a different ministry is now dealing with the process.¹²</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Bolivia.</p>	<p>There are a limited number of non-governmental organizations involved in pro bono activity in Bolivia. Most pro bono cases involving Bolivian citizens or non-governmental organizations are taken on by international law firms (usually North American firms with a large presence in Latin America, rather than local Bolivian law firms).</p> <p>The Vance Center is a global organization with an active presence in Latin America. Examples of some of their initiatives are as follows:</p> <ul style="list-style-type: none"> • The Vance Center Women in the Profession Program (“WIP”) promotes the advancement of women in the legal profession and aims to use the practice of law to enhance the status of women and ensure that they have equal protection under the law. The WIP program in Bolivia was launched in 2017 and several female lawyers are active participants.¹³ • The WIP International Steering Committee held its annual meeting in 2019, with

¹¹ See <http://www.refugeelegalaidinformation.org/bolivia-pro-bono-directory> (last visited on October 2, 2019)

¹² See The Latin Lawyer and the Vance Center Pro Bono Survey 2017, p. 16, 17, https://www.vancecenter.org/wp-content/uploads/Latin_Lawyer_Survey_2017-compressed.pdf (last visited on October 2, 2019)

¹³ See <https://www.vancecenter.org/our-programs/women-in-the-profession/> (last visited on October 2, 2019)

		<p>participation from 12 national chapters, including Bolivia. Each chapter representative presented on pro bono efforts in her country and the committee discussed pro bono opportunities involving all of the national chapters.¹⁴</p> <ul style="list-style-type: none"> • A previous project on women prisoners' rights involved research on the causes and consequences of women's imprisonment in Bolivia, El Salvador, Guatemala, Ecuador, Chile, Paraguay, and Colombia, which led to recommendations for improvement in light of the Bangkok Rules.¹⁵ <p>The Latin American AGO <i>Red ProBono Internacional</i> serves as a clearing house to coordinate the work of pro bono lawyers and law firms on a regional basis. The focus of this organization is on the development of pro bono service. They therefore provide information and advice to Bolivian law firms about pro bono work.</p> <p>Bolivia has only three non-governmental organizations that are involved in pro bono work. They are present throughout Bolivia and cover different fields:</p> <ul style="list-style-type: none"> • <i>El Centro de Estudios Jurídicos e Investigación Social</i> is an organisation working on human rights problems, which represents pro bono clients before the <i>Comision Interamericana de Derechos Humanos</i> (CIDH) and the Inter American Court of Human Rights. • <i>La Oficina Juridica Para La Mujer</i> which was founded to promote and guarantee the rights of women. • <i>La Capacitación y Derechos Ciudadanos</i> (see above).
<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>There are no public or private organizations in Bolivia with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p> <p>Useful information on pro bono opportunities in Bolivia can be found in the following links (the</p>

¹⁴ See <https://www.vancecenter.org/vance-center-co-sponsors-events-in-santiago/> (last visited on October 2, 2019)

¹⁵ See <https://www.vancecenter.org/colombiaconference/> (last visited on October 2, 2019)

		<p>majority are in the Spanish language):</p> <ul style="list-style-type: none"> • Public Defender Service¹⁶ • The Cyrus R. Vance Center for International Justice¹⁷ • The <i>Centro de Estudios Jurídicos e Investigación Social</i>¹⁸ • <i>Oficina Jurídica Para La Mujer</i>¹⁹ • <i>Red ProBono Internacional</i>²⁰
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¹⁶ See <http://www.defensoria.gob.bo/> (last visited on October 2, 2019)

¹⁷ See <http://www.vancecenter.org/vancecenter/> (last visited on October 2, 2019)

¹⁸ See <http://cejis.org/> (last visited on October 2, 2019)

¹⁹ See <http://www.ojmbolivia.org> (last visited on October 2, 2019)

²⁰ See <http://redprobono.org/es/> (last visited on October 2, 2019)