

Pro Bono Practices and Opportunities in Uruguay¹

I. Introduction

The Uruguayan Constitution guarantees free legal services for persons without resources who qualify for them. Historically, such assistance has been offered by governmental agencies, legal clinics and NGOs in relation to certain specific areas of law. However, lawyers and law firms in Uruguay are increasingly committed to providing pro bono legal services. The conditions of pro bono programs in Uruguay are independently regulated by each organization.

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 Uruguay is regulated by Law 15750, Ley Orgánica De La Judicatura y de Organizacion de Los Tribunales.²</p> <p>Although bar affiliation is not mandatory in Uruguay, the Uruguayan Bar Association has approved a Code of Ethics for the legal profession. Lawyers affiliated to the Uruguayan Bar Association are bound by this Code of Ethics.³</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers in Uruguay must:</p> <ul style="list-style-type: none"> • possess a University degree which qualifies the holder to practice law; • be at least 21 years of age; • be sworn in by the Supreme Court of Justice and be enrolled in the registry.⁴ <p>It is not compulsory for a lawyer in Uruguay to belong to the bar association; a lawyer may practice law without belonging to the Uruguayan Bar Association (Colegio de Abogados del Uruguay).⁵</p>
(b)	Pro Bono Practice and Culture	
	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	There are no laws regulating the performance of pro bono legal services in Uruguay. Several private organizations and firms provide this kind of legal service. In such cases, the conditions of each pro

¹ This chapter was drafted with the support of Isabel Laventure of Ferrere.

² <https://www.impo.com.uy/bases/leyes/15750-1985> (last visited on October 2, 2019).

³ See http://www.colegiodeabogados.org/2011/cms/descargables/s1340385991m90284900_descargable_02_CodigodeETICA.pdf (last visited on October 2, 2019).

⁴ See <https://www.impo.com.uy/bases/leyes/15750-1985> and <https://www.impo.com.uy/bases/leyes/16320-1992/505> (last visited on October 2, 2019).

⁵ See http://www.colegiodeabogados.org/2011/estatutos.php?id_articulo=2 (last visited on October 2, 2019).

<p>all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>bono program are independently regulated by each organization.</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 Uruguay 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 Uruguay are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers. However, most Law Schools in Uruguay run Legal Clinics as a mandatory course for law degree candidates.</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 income thresholds set by law for legal aid entitlement are both strictly enforced (individuals with an income even slightly above such threshold will not receive assistance) and set so low that those who only just exceed the threshold are very likely to be unable to afford legal representation.</p> <p>Therefore, the main areas of law that require the provision of pro bono legal services are Family and Inheritance Law, Housing, and Access to Health Services and high cost medication.</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>Aside from Legal Aid, the main providers of pro bono legal services in Uruguay are the Legal Clinics run by Law Schools. Law firms typically devote resources to pro bono legal services for NGOs.</p> <p>Universities</p> <ul style="list-style-type: none"> • University of the Republic;⁶ • UDE;⁷ • Catholic University of Uruguay; and • University of Montevideo. <p>Law Firms</p> <ul style="list-style-type: none"> • Ferrere;⁸ • Hughes and Hughes;⁹ • Jiménez de Aréchaga, Viana & Brause;¹⁰ and

⁶ See <https://www.fder.edu.uy/consultoriojuridico> (last visited on October 2, 2019).

⁷ See <https://ude.edu.uy/consultorio-juridico-gratuito/> (last visited on October 2, 2019).

⁸ See <https://www.ferrere.com/es/rse/> (last visited on October 2, 2019).

⁹ See http://www.hughes.com.uy/corporate_responsibility (last visited on October 2, 2019).

¹⁰ See <http://jimenez.com.uy/en/who-we-are/> (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • Guyer & Regules'.¹¹ <p>NGOs</p> <ul style="list-style-type: none"> • Instituto de Estudios Legales y Sociales del Uruguay (“IELSUR”);¹² and • Servicio Paz y Justicia Uruguay (“SERPAJ”).¹³
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	No license is required for lawyers to provide pro bono legal services in Uruguay.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	To provide pro bono legal services, foreign lawyers must have their law degree validated in Uruguay, but no additional license is required.
	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?	There is no mandatory requirement for professional indemnity legal insurance cover for any pro bono legal services provided in Uruguay.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no specific rules that prohibit advertising of pro bono successes or soliciting new pro bono clients or apply to pro bono matters. General provisions apply. ¹⁴
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Uruguay 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 Uruguay.	Legal aid services are administered by the Office of the Public Defender of the Capital. Legal assistance for criminal proceedings is provided free of charge, regardless of the financial situation of the individual. Legal aid in civil matters is only available for those with an income level below the thresholds set out in Supreme Court of Justice Decision No. 7,414. Anyone who is single, has no significant assets, and does not have any

¹¹ See https://www.guyer.com.uy/en/category/who_we_are/international_recognition/latin_lawyer/2012-latin-lawyer/ (last visited on October 2, 2019).
¹² See <https://www.escri-net.org/member/instituto-estudios-legales-y-sociales-del-uruguay-ielsur> (last visited on October 2, 2019).
¹³ See <http://www.serpaj.org.uy/serpajph/serpaj/quienessomos.php> (last visited on October 2, 2019).
¹⁴ See <https://www.impo.com.uy/bases/leyes/15750-1985> (last visited on October 2, 2019).

		<p>dependents shall be granted legal aid if their income is no greater than three times the national minimum wage. Any individual who is married or has dependents and does not have any significant assets shall be granted legal aid if their income is not more than five times the national minimum wage.¹⁵</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Uruguay.</p>	<p>Pro-Bono Clearing House</p> <p>A pro-bono clearinghouse has been set up in Uruguay with the support of the Cyrus R. Vance Center for International Justice in New York.¹⁶ This is intended to be a link between those people who cannot access a legal service and the lawyers who can provide pro bono legal services to cover it. The Faculty of Law of the Universidad de Montevideo also participates in this project so that its students can work in pro bono cases together with the lawyers of the Uruguayan legal firms.¹⁷</p> <p>Legal Clinics</p> <p>The University of the Republic provides free legal assistance through its Legal Office which runs a Legal Clinic. This was established in 1950 as a mandatory internship for students of law at the University of the Republic. Since its inception, the Legal Clinic has expanded to other parts of Uruguay, resulting in the formation of neighborhood Legal Clinics. The University of the Republic also has an agreement with the Municipality of Montevideo in which the University of the Republic provides staff and the municipality provides the necessary infrastructure. Similar legal offices have been founded throughout other cities in Uruguay, including Salto, Paysandú, Bella Union and Maldonado.</p> <p>The University of Montevideo and the Catholic University also run legal clinics.</p> <p>Neighborhood Legal Clinics (C.E.D, Faculty of Law, University of the Republic).</p> <p>The C.E.D. is the trade association formed by law and notary students. The primary and essential object of their offices (of which there are many</p>

¹⁵ See <http://seleccion.poderjudicial.gub.uy/seleccion/archivos/acordada7414.pdf> (last visited on October 2, 2019).

¹⁶ See <https://www.vancecenter.org/vance-center-celebrates-launch-of-uruguayan-pro-bono-clearinghouse/> (last visited on October 2, 2019).

¹⁷ See <http://www.um.edu.uy/noticias/64360-pro-bono-servicio-juridico-gratuito-para-el-bien-publico/> (last visited on October 2, 2019).

		<p>across Montevideo) is to provide advice, assistance and free legal representation to people who request them according to certain pre-established criteria.¹⁸</p> <p>Law Firms</p> <p>Several law firms and private practitioners also provide pro bono legal services:</p> <ul style="list-style-type: none"> • Ferrere: The firm is aware of the difficulties to access justice faced by some community members, and it has assumed an ethical commitment to performing pro bono activities to provide such access. Therefore, pro bono work is promoted as an integral part of the professional duties.¹⁹ • Hughes and Hughes: The firm is a founding member of the Pro-Bono Clearing House in Uruguay. The firm also provides pro bono legal services to: (i) Fundación Los Pinos; (ii) Movimiento Scout del Uruguay; (iii) One Laptop per Child; (iv) Cande Down side Up; (v) Cámara de Comercio Uruguay-Australia; (vi) Cámara de Comercio Uruguay-EEUU; (vii) Cámara de Comercio Uruguayo- Británica; (viii) Club Social y Deportivo CYSSA de Juan Lacaze.²⁰ • Jiménez de Aréchaga, Viana & Brause: The firm participates in social projects such as: (i) Teleton Foundation (for children’s rehabilitation and physical therapy processes); (ii) the Ronald McDonald House Association of Uruguay (non-profit organization focused on promoting philanthropic, educational and scientific work in order to help Uruguayan children and their families); (iii) La Magdalena (non-profit organization located in the northern part of Uruguay, dedicated to foster learning and religious education of rural families, and the support of their health and social conditions, to facilitate their permanent residence in the countryside).²¹ • Guyer & Regules’: Lawyers at this firm each provide 12 to 15 hours of pro bono legal services a year. Recipients include: (i) the
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¹⁸ See <https://cedfeuu.edu.uy/> (last visited on October 2, 2019).

¹⁹ See <https://www.ferrere.com/es/rse/> (last visited on October 2, 2019).

²⁰ See http://www.hughes.com.uy/corporate_responsibility (last visited on October 2, 2019).

²¹ See <http://jimenez.com.uy/en/who-we-are/> (last visited on October 2, 2019).

		<p>Jubilar High School, a private school whose goal is to provide education to the most disadvantaged sectors of the population; and (ii) DESEM, the local arm of Junior Achievement Worldwide, which seeks to develop entrepreneurial skills at early ages. Guyer & Regules also successfully negotiated with Uruguay’s Ministry of Economy and parliament to introduce to the national budget tax deductions on donations to school and high-school education in low-income neighbourhoods.²²</p> <p>NGOs</p> <ul style="list-style-type: none"> • The Instituto de Estudios Legales y Sociales del Uruguay (“IELSUR”): The IELSUR is an NGO that was founded in July 1984 by a group of lawyers to provide litigation and other forms of legal support in human rights violations that occurred during the civil-military dictatorship between 1973 and 1985. Today, IELSUR continues to fight human rights violations on a wider scale. IELSUR collaborates with several organizations, including the Committee on the Rights of the Child, ESCR-Net, the International Action Network on Small Arms, and the Latin American Coalition Against Gun Violence.²³ • Servicio Paz y Justicia Uruguay (“SERPAJ”): SERPAJ is an NGO that focuses on advocacy, education and defense of human rights and peace. SERPAJ does not provide direct legal assistance but rather organizes conferences and maintains a reference network of lawyers providing pro bono legal services.²⁴
	<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 is no public or private organization that centralizes pro bono opportunities in Uruguay. A foreign attorney interested in conducting pro-bono work should contact the organizations mentioned in II.(d).2.</p>

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²² See https://www.guyer.com.uy/en/category/who_we_are/international_recognition/latin_lawyer/2012-latin-lawyer/ (last visited on October 2, 2019).

²³ See <https://www.escr-net.org/member/instituto-estudios-legales-y-sociales-del-uruguay-ielsur> (last visited on October 2, 2019).

²⁴ See <http://www.serpaj.org.uy/> (last visited on October 2, 2019).

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