

Pro Bono Practices and Opportunities in Argentina¹

I. Introduction

The Argentine legal system has long provided a mechanism for providing pro bono legal services to the people of Argentina. Support in Argentina for the emerging concept of pro bono legal work among private lawyers and law firms began in the late 1990s and intensified through the following decades. Two aspects contributed to the development of pro bono practices: first, the number of law students in Argentina who provide free services through their university clinics has increased and secondly, the support of the Buenos Aires Bar Association has become more significant. These two unique factors presented leaders of the Argentine pro bono movement with opportunities for improving and developing a complementary system.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The ethical rules that govern the practice of law generally in Argentina are regulated and enforced by bar associations in Argentina, which are organized according to provinces and territories within each province.</p> <p>In case of the City of Buenos Aires which is the main province in Argentina, Law Number 23.187 is applicable.² There are similar rules in the other provinces of Argentina.</p> <p>According to Law Number 23.187, Section 11, in order to practice law in Argentina, lawyers must have a degree from an accredited university (i.e., authorized by the Ministry of Culture and Education) to register before the <i>Colegio de Abogados</i> (Bar Association).³</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>There are no specific licenses required in Argentina to provide legal services (including pro bono legal services). An individual must be able to practice law before they can provide legal services.</p> <p>In order to practice law in Argentina, lawyers must have a degree from an accredited university (i.e., authorized by the Ministry of Culture and Education) to register before the Bar Association. In case of foreigners, their foreign diploma must be recognized at a state or private university. Each such university has its own administrative requirements for the recognition of foreign</p>

¹ This chapter was drafted with the support of Melisa Romero of MMB Abogados.

² See http://www.cpacf.org.ar/inst_ley_23187.php (last visited on May 1, 2019); http://www.cpacf.org.ar/inst_codigo_etica.php (last visited on May 1, 2019).

³ See http://www.cpacf.org.ar/mat.php?sec=mat_requisitos (last visited on May 1, 2019).

		diploma.
(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 all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	<p>Bar associations in Argentina regulate and discipline their members by adopting and enforcing the ethical rules that govern the practice of law in their jurisdiction, these apply to the provision of pro bono legal services. In addition to regulating their attorneys' conduct, bar associations promote and organize the provision of pro bono legal services by their members. Some of their policies provide that attorney members have a duty to provide pro bono legal services (although this duty is not expressed as the requirement to complete a particular number of hours of pro bono work per year).</p> <p>Lawyers and law firms may publicize that they offer pro bono work, but practically speaking, they do not generally offer their services to the public since they receive cases through the Pro bono Commission or other pro bono clearinghouses existing in Bar Associations or Universities. Although there is technically no ethical restriction on pro bono lawyers' ability to collect fees, lawyers must comply with the pro bono policies of whichever clearinghouse or referring agency they work with.</p>	
2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	<p>There are no specific rules regarding a minimum of pro bono hours that lawyers are required to work in Argentina.</p> <p>However, as of 3 April 2009, 22 private Argentine law firms⁴ have signed the Pro Bono Declaration for the Americas, spearheaded by the Cyrus R. Vance Center for International Justice of the New York Bar, as well as the Bar Association of Buenos Aires. The Declaration calls for each signatory to commit to an average of no less than twenty hours of annual pro bono work per practicing attorney.⁵</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>Aspiring lawyers in Argentina are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>	

⁴ See <http://www.probono.org.ar/estudios-registrados.php> (last visited on May 1, 2019).

⁵ See <http://www.probono.org.ar/en/pro-bono-declaration.php> (last visited on May 1, 2019).

	<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 Argentina are those related to microfinance, human rights, access to information and healthcare. However, one key requirement is to continue to promote pro bono legal work within Argentine society so that it becomes even more widespread.</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 are NGOs, clearing houses (<i>Comisión Probono del Colegio de Abogados de la Ciudad de Buenos Aires</i>), universities (<i>Universidad Nacional de Buenos Aires, Universidad Torcuato Di Tella, Universidad Católica Argentina</i>⁶) and private law firms.</p>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in Argentina do not require a specific license to provide pro bono legal services. However, lawyers are required to have a law degree from Argentina and to be registered with a local bar association to be able to practice law (including the provision of pro bono legal services) in Argentina. An individual must be able to practice law before they can provide pro bono legal services.</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 Argentina. However, in order to practice law generally (including the provision of pro bono legal services) in Argentina, a foreign lawyer is required to obtain the recognition of their foreign diploma at a state or private university in Argentina and also of the Argentinian Ministry of Education. Each such university has its own administrative requirements for the recognition of foreign diplomas. Once the relevant foreign lawyer has received such</p>

⁶ See <http://www.probono.org.ar/probono-y-las-universidades.php> (last visited on May 1, 2019).

		recognition, they may register with the Bar Association to practice law in Argentina. ⁷
	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 Argentina do not require professional indemnity legal insurance cover for any legal services (including 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 Argentina.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Argentina 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 Argentina.	There are several governmental sources of pro bono legal services within the scope of the office of the Public Prosecutor in Argentina, which offers legal services related to disability rights, rights of the elderly, health issues, family law, among others. ⁸
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Argentina.	The main non-governmental and other sources of pro bono are: <ul style="list-style-type: none"> 1. Bar Associations;⁹ 2. Universities;¹⁰ and 3. NGOs.¹¹
	3. Is there any public or private organization with which a local or foreign attorney can register in order to be	There are no public or private organizations in Argentina with which a local or foreign attorney

⁷ See http://www.cpacf.org.ar/mat.php?sec=mat_requisitos (last visited on May 1, 2019).

⁸ See <https://www.argentina.gob.ar/justicia/afianzar/caj> (last visited on May 1, 2019).

⁹ See http://www.cpacf.org.ar/serv_com.php?sec=consultorio_juridico_gratuito (last visited on May 1, 2019), and <http://www.probono.org.ar/en/index.php> (last visited on May 1, 2019).

¹⁰ See: http://www.derecho.uba.ar/institucional/depto_pracprofesional_consultorio_y_patrocinio_juridico_gratuito (last visited on May 1, 2019).

¹¹ See <https://adc.org.ar/> (last visited on May 1, 2019).

	made aware of pro bono opportunities?	can register in order to be made aware of pro bono opportunities.
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