

Pro Bono Practices and Opportunities in Chile¹

I. Introduction

Fundación Pro Bono was established in 2000 in acknowledgement that a significant proportion of the Chilean population did not have the monetary resources to obtain legal assistance. It plays a crucial role in the development of pro bono practice in Chile, focusing the legal assistance needs and distributing them among different collaborators (such as law firms, non-governmental organizations (“NGOs”), internal prosecutor’s offices, among others). Likewise, in the development of pro bono practices in Chile, other relevant actors have emerged, such a University Legal Clinics, Legal Assistance Corporations, NGOs and private citizens. Pro bono work in Chile is crucial, especially considering that it aims to help low income society groups and emerging groups that, without pro bono help, would not be able to obtain suitable legal assistance and guidance regarding day by day activities and other needs. The latter, principally through the promotion of voluntary work and the provision of free legal services. Nonetheless, there is a lot of work still to be done in order to create awareness of the importance of the matter.

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 Chile is subject to limited regulatory oversight. Neither membership with a local bar association nor postgraduate education is required in order to practice law. Furthermore, disqualification from the practice of law is very rare, and malpractice insurance is not common among Chilean lawyers.</p> <p>Notwithstanding the foregoing, lawyers affiliated with the Chilean Bar Association must observe the rules and principles established in the Bar’s Professional Ethics Code. Information regarding the Chilean Professional Ethics Code can be found online.²</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>The Supreme Court grants licenses to practice law in Chile, and such a license bestows upon an individual the title of lawyer or “<i>Abogado</i>”.</p> <p>To obtain a license to practice law in Chile it is necessary to have a law degree from a Chilean university and to subsequently successfully complete a postgraduate professional practice period of six months in a Legal Assistance Corporation (“<i>Corporación de Asistencia Judicial</i>” or “<i>CAJ</i>”), which is a branch of government overseen by the Ministry of Justice.</p>
(b)	Pro Bono Practice and Culture	

¹ This chapter was drafted with the support of Francisca Salas of Cariola Díez Pérez-Cotapos.

² See <http://colegioabogados.cl/el-colegio/codigo-de-etica-profesional/> (last visited on May 1, 2019).

<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 in Chile that regulate the provision of pro bono legal services.</p>
<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>It is not mandatory for lawyers to provide pro bono legal services, but it is indeed a common practice. Accordingly, each attorney decides how many hours they will devote to providing pro bono legal services and attorneys are not required to work a minimum number of pro bono hours.</p> <p>Nonetheless, it is recommended by Fundación Pro Bono (through its declaration guide) that lawyers work a minimum of 20 hours for pro bono matters per year. Information regarding the declaration guide and recommendation can be found online.³</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>To become licensed lawyers, aspiring lawyers are required to, amongst other matters, successfully complete a postgraduate professional practice period of six months in a Legal Assistance Corporation (“<i>Corporación de Asistencia Judicial</i>” or “<i>CAJ</i>”). In said instance, they must provide free legal advice to people with financial difficulties.</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>In general terms, areas of law that present opportunities for the provision of pro bono legal services correspond to corporate and civil law, family law and criminal law. Also, some specific matters such as partitions (this is the process for the distribution of the deceased's goods among the heirs in proportion to the quota corresponding to each of them) represent a relevant legal unmet need, especially considering that the government, through its CAJs, does not provide guidance and assistance in connection with these type of matters because they involve arbitral judges (which are expensive).</p> <p>Moreover, even though the Fundación Pro Bono provides assistance in connection with partitions, it does so only when specific criteria are met: the community members must be contactable, the disputed property must have a maximum fiscal appraisal, and the disputed property must be located</p>

³ See <http://www.probono.cl/wp-content/uploads/2013/08/guia-pro-bono-para-estudios-juridicos-de-latinoamerica.pdf> (last visited on May 1, 2019).

	<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>in the city of Santiago.</p> <p>Fundación Pro Bono is Chile’s leading clearinghouse for pro bono work and focuses on finding and distributing pro bono opportunities to private attorneys, with the goal of improving access to free justice in Chile. Fundación Pro Bono does not provide pro bono legal services directly to clients rather, it serves solely as a clearinghouse, referring matters to private law firms and individual attorneys and developing new pro bono programs serving non-profit entities, NGOs and private citizens.</p> <p>The legal departments of some Companies and some Law Firms in Chile also have pro bono Programs, and there are NGOs such as CODEPU (<i>“Corporación de Promoción y Defensa de los Derechos del Pueblo”</i>), which is an NGO focusing its efforts on the defense of human rights, which provide pro bono legal services. In addition, there is a collaborative relationship between the Fundación Pro Bono and the Chilean Bar Association who organizes and promotes pro bono activities in Chile.</p> <p>Finally, University Legal Clinics provide pro bono legal services as a requirement to be an approved university. Aspiring lawyers also provide free legal service through the practice period of six months in a Legal Assistance Corporation.</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>There are no specific regulations which impose practice limitations on the provision of pro bono legal services by lawyers in Chile.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers that have validated their law degree in Chile do not require any additional license to provide pro bono legal services in Chile. Moreover, a validated foreign lawyer may be able to appear in court, provide legal assessment in the country and also to serve in position in connection with being a lawyer is required.</p> <p>Moreover, in connection with the aforementioned validation, Chile is part of some international treaties which are currently in force (with Colombia, Ecuador, Spain, Peru and Uruguay, among others), in order to facilitate the validation procedure for lawyers of involved jurisdictions.</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 (including in-house lawyers) in Chile are not required to maintain professional indemnity legal insurance cover for 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>In relation to advertising pro bono legal services, although the Chilean Professional Ethics Code expressly prohibits the promotion of legal services in certain circumstances (article thirteen of the Chilean Professional Ethics Code), the promotion of, or solicitation for, pro bono legal services is expressly allowed. Information regarding the Chilean Professional Ethics Code, and the referred article, can be found online.⁴</p>
	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Chilean lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</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 Chile.</p>	<p>Legal Aid Corporation (“<i>Corporación de Asistencia Judicial</i>” or “<i>CAJ</i>”), which is a branch of government overseen by the Ministry of Justice in which law students provide free legal services representing the State of Chile for a period of time of approximately six months, in various areas of law.⁵</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Chile.</p>	<p>Please refer to II.(b).5 above for brief details on the main non-governmental sources of pro bono and/or other pro bono resources in Chile.</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>Fundación Pro Bono is a private organization in which any attorney can register for pro bono opportunities.⁶</p>

⁴ See <http://colegioabogados.cl/el-colegio/codigo-de-etica-profesional/> (last visited on May 1, 2019).

⁵ See <http://www.cajmetro.cl/> (last visited on May 1, 2019).

⁶ See <http://probono.cl/> (last visited on May 1, 2019).

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