

# LATHAM & WATKINS LLP

# **Pro Bono Practices and Opportunities in Spain**

## INTRODUCTION

Pro bono is a relatively new concept in Spain. The American term pro bono does not exist as such in the Spanish jurisprudential lexicon as currently defined by the Spanish Constitution of 1978 (the "**Constitution**"). Instead, following the tradition of other European jurisdictions, the Spanish legal system refers to the provision of free legal aid to indigent clients (*Asistencia Jurídica Gratuita*). However, Spain has strengthened its commitment to expanding the role of pro bono. An example of this commitment is Spain's hosting of the 2012 European Pro Bono Forum, which offered an unprecedented focus on pro bono in Spain and the broader Spanish-speaking world.<sup>1</sup> This commitment, combined with the growing number of recent pro bono initiatives, has gradually helped pro bono to become part of the legal landscape in Spain. This report provides an overview of the Spanish legal system, State-sponsored legal aid (*Asistencia Jurídica Gratuita*) available for low income individuals, and the recent growth of the pro bono movement.

## OVERVIEW OF THE LEGAL SYSTEM

## The Justice System

## Constitution and Governing Laws

The Constitution states that Spain is a social and democratic state subject to the rule of law, which advocates liberty, justice, equality and political pluralism as the overriding values of its legal system.<sup>2</sup> In terms of contemporary legal systems, the Spanish system follows what is known as the continental model. The basic features of this model are: (i) a separation between the public and private sectors of the legal system, which is divided into sections covering constitutional, criminal, administrative, tax, civil, commercial, labor and procedural matters; (ii) primacy of statute law and written law, within the system of sources as defined in the Civil Code, namely statute, custom and the general principles of law; and (iii) a hierarchical organization of the judiciary power with a system of judicial appeals.<sup>3</sup>

## The Courts

#### Levels, Relevant Types and Locations

In accordance with the explanatory memorandum to the Organic Law 6/1985, of July 1, 1985, on the Judiciary Power (*Ley Orgánica del Poder Judicial* (the "**LOPJ**"), the State is divided territorially, for judicial purposes, into municipalities, districts (*partidos*), provinces and autonomous communities. Various courts exercise jurisdiction over these territories including Justice of the Peace Courts (*Juzgados de Paz*), Courts of First Instance and Preliminary Investigations (*Juzgados de Primera Instancia e Instrucción*), Administrative Courts (*Juzgados de lo Contencioso-Administrativo*), Labor Tribunals (*Juzgados de lo Social*), Courts responsible for the welfare and supervision of prisoners (*Juzgados de Vigilancia Penitenciaria*), Juvenile Courts (*Juzgados de Menores*), Provincial Courts (Audiencias *Provinciales*) and the autonomous communities' High Courts (*Tribunales Superiores de Justicia*). The National Criminal and Administrative Court (*Audiencia Nacional*), the Supreme Court (*Tribunal Supremo*), the Central Courts of Preliminary Investigations (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de Instrucción*) and the Central Ad

<sup>&</sup>lt;sup>1</sup> Further information available at <u>http://www.pilnet.org/events/168-pilnet-forum-highlights-advent-of-pro-bono-in-spain.html (last visited on September 4, 2015).</u>

<sup>&</sup>lt;sup>2</sup> Spanish Constitution, Article 1.

<sup>&</sup>lt;sup>3</sup> Further information available at <u>https://e-justice.europa.eu/content\_judicial\_systems\_in\_member\_states-16-es-en.do?member=1</u> (last visited on September 4, 2015).



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#### Appointed vs. Elected Judges

The Spanish Judiciary is a professional judiciary whose members are public servants divided into the three categories: Judge (*Juez*), Higher Court Judge (*Magistrado*), and Judge of the Supreme Court (*Magistrado del Tribunal Supremo*).<sup>4</sup> Justice emanates from the people and is administered on behalf of the monarch by the judges constituting the judicial power. Judges are independent of the other powers of the State and are subject only to the Constitution and the law.

Access to careers in the judiciary is based on the principles of merit and ability. Under the LOPJ, in order to become a Judge, law graduates must pass a competitive State exam (*oposiciones a judicatura*) and take a course at the Judicial School (*Escuela Judicial*).<sup>5</sup> Judges of the Supreme Court (*Magistrados del Tribunal Supremo*) are appointed by the General Council of the Judiciary (*Consejo General del Poder Judicial*) from Higher Court Judges (*Magistrados*) with at least 15 years of professional experience, including ten years as a Higher Court Judge (*Magistrados*).<sup>6</sup> One in every five Judges of the Supreme Court is appointed from lawyers of recognized ability, with at least 15 years of experience.<sup>7</sup> Justices of the Peace (*Jueces de Paz*) do not belong to the Judiciary and are local people elected by the town council of the city where they were appointed.

### The Practice of Law

### Education

Until recently, in order to practice in Spain as an '*abogado*' it was necessary to hold a Spanish degree in law or an equivalent foreign degree and to be a member of the Bar Association (*Colegio de Abogados*) for the district in which the sole or main professional domicile is located. However, the enactment of a new law – Law 34/2006 and the Royal Decree 775/2011 – introduced dramatic changes to the legal profession in Spain, aiming to bring legal training in Spain in line with the rest of Europe.<sup>8</sup> The new law requires aspiring lawyers to complete a specific LLM (*Máster de Acceso a la Abogacía*), which encompasses a period of compulsory work experience (an internship lasting four to six months), and to pass a Bar Exam in order to become fully qualified lawyers. The LLM program was first instituted in the 2012/13 academic year with the first Bar Exam taking place on June 28, 2014, with an 80% pass rate.<sup>9</sup> The majority of Spain's premier law schools offer the new master's program and big law firms are broadly in favor of the new path into the profession given its compulsory internship requirement.

#### Licensure

Lawyers provide legal advice and legal representation and also settle disputes through the alternative systems in place. The rules and organization of lawyers are stated in the Lawyers' Statute (*Estatuto General de la Abogacía Española*, Royal Decree 658/2001, June 22, 2001).<sup>10</sup> In addition to lawyers, the Spanish legal system also includes other legal professions, such as Public Prosecutors (*Fiscales*), Judges and High Court Judges (*Jueces* and *Magistrados*), Notaries, Court clerks, land and business Registrars and Legal Representatives (*Procuradores*).

The Establishment Directive 98/5/EC transposed to Spanish domestic law by virtue of Royal decree RD 936/2001, of August 3, 2001, permits EU, EEA and Swiss nationals who are qualified in those countries, under their home title to give advice in international law, the law of their home country as well as Spanish law. EU and EEA nationals who wish to practice the profession of lawyer on a permanent basis in Spain must be registered with a Spanish Bar Association that corresponds to the area in which they establish

- <sup>6</sup> LOPJ, Article 345.
- <sup>7</sup> LOPJ, Article 343.

<sup>&</sup>lt;sup>4</sup> LOPJ, Article 299(1).

<sup>&</sup>lt;sup>5</sup> LOPJ, Article 301.

<sup>&</sup>lt;sup>8</sup> Real Decreto 775/2011, de 3 de junio, por el que se aprueba el Reglamento de la Ley 34/2006, de 30 de octubre, sobre el acceso a las profesiones de Abogado y Procurador de los Tribunales.

<sup>&</sup>lt;sup>9</sup> See <u>http://lawyerpress.com/news/2014\_12/0312\_14\_001.html (</u>last visited on September 4, 2015).

<sup>&</sup>lt;sup>10</sup> Available at <u>http://www.cgae.es/estatuto/220601.htm</u> (last visited on September 4, 2015).



their only or principal professional domicile. After three years of practice in Spain, they are eligible to qualify as a Spanish *abogado*.<sup>11</sup>

Demographics: Number of Lawyers Per Capita; Number of Legal Aid Lawyers Per Capita

According to the General Council of Spanish Advocacy (*Consejo General de la Abogacía Española*, (the "**CGAE**")), as of December 31, 2014 there were 250,865 registered *abogados* in Spain,<sup>12</sup> distributed among 83 Spanish Bars. However, only approximately 150,000 of registered *abogados* are practicing attorneys. Currently, there are around 42,500 lawyers providing legal aid services in Spain.<sup>13</sup>

### Legal Regulation of Lawyers

Lawyers (*Abogados*) are independent members of a liberal profession who provide a service to society. According to Article one of the Lawyer's Statute, abogados are not civil servants and practice on the basis of free and fair competition. The CGAE represents the profession of *abogado* at a national level in Spain. The structure of the Spanish legal profession is decentralized, with 83 local Bar Associations (*Colegios de Abogados*) holding most of the regulatory power. The 83 local Bar Associations are grouped regionally into ten Regional Bar Councils (*Consejos Autonómicos de Colegios de Abogados*) which act as an intermediate body to represent the local Bars in the region.

## LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

## The Right to Legal Assistance

The Spanish system of legal aid (*Asistencia Jurídica Gratuita*) is determined by law, financed by the State, organized and managed by the Spanish Bar and supervised by the CGAE. Additionally, the CGAE and the Bar of each territory or province have gradually developed additional services that are financed by the Bars themselves, in conjunction with specific aid from regional or local administrations. These additional services are known as Specialized Legal Guidance Services (*Servicios de Orientación Jurídica Especializados*).

The Constitutional Right to legal aid (*Asistencia Jurídica Gratuita*) is set out in Article 119 of the Spanish Constitution and is expanded by Law 1/1996, of January 10, 1996, of *Asistencia Jurídica Gratuita*.<sup>14</sup> Broadly speaking, the right to legal aid includes the following benefits: (i) free advice and guidance prior to the start of the legal proceedings; (ii) access to a lawyer by the person under arrest or the prisoner; (iii) free defense and representation by a lawyer during the legal proceedings (the so-called *turno de oficio*); and (iv) other free services such as access to public registries and documents.<sup>15</sup>

Legal aid can be requested by citizens who are involved in or about to initiate any kind of legal proceedings and who lack sufficient financial means to carry out the litigation. Therefore, all citizens, including foreigners, who can demonstrate insufficient means for litigation, even where they do not legally reside in Spain, are entitled to legal aid and representation free of charge in any of the following four areas of law: civil, criminal, administrative or labor proceedings. Specifically, the following are entitled to legal aid: (i) Spanish citizens, nationals of other Member States of the European Union and any foreigners residing in Spain, where they can demonstrate insufficient means for litigation; (ii) managing

<sup>&</sup>lt;sup>11</sup> Further information available at <u>http://www.mjusticia.gob.es/cs/Satellite/Portal/en/servicios-ciudadano/tramites-gestiones-personales/dispensa-legal-nacionalidad (last visited on September 4, 2015).</u>

<sup>&</sup>lt;sup>12</sup> See <u>http://www.abogacia.es/2013/04/16/censo-numerico-de-abogados/</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>13</sup> VIII Informe del Observatorio de Justicia Gratuita. Available at <u>http://www.abogacia.es/repositorio/viii\_observatorio\_justicia\_gratuita/offline/download.pdf (last visited on September 4, 2015).</u>

<sup>&</sup>lt;sup>14</sup> Legal Aid Law 1/1996, of January 10, implements Article 119 of the Spanish Constitution and further develops the system as initially set out in Articles 20(2) and 440(2) of Law 6/1985. Law 1/1996 was developed by Royal Decree 2103/1996, of September 20, as modified by Royal Decree 1455/2005, of December 2.

<sup>&</sup>lt;sup>15</sup> Legal Aid Law 1/1996, Article 6.



bodies and common services of the social security system; and (iii) non-profit organizations and foundations registered in the corresponding administrative register, where they can demonstrate insufficient means for litigation.

## State-Subsidized Legal Aid

## Eligibility Criteria

The essential criterion for receiving legal aid is financial need.<sup>16</sup> Any individual has the right to legal aid in Spain when he or she meets the threshold set out by law. Legal aid will be granted when the individual can show that the income of the family unit does not exceed double the Public Index of Income (IPREM) applicable at the time of application, annually established by the State. In 2010, the threshold was frozen and set at €532.51 per month.<sup>17</sup> Exceptionally, the law also allows for legal aid to be granted to individuals who may not meet the financial threshold, but still may qualify given their low income and economic circumstances (disabilities and/or other family circumstances).<sup>18</sup>

The system of *asistencia jurídica gratuita* is organized and monitored by the Bar of each province. Each Bar has a Committee in charge of managing the legal aid system within its territory (*Comisiones de Asistencia Jurídica Gratuita*).<sup>19</sup> In order to receive aid, a petitioner must complete a request for legal aid before the Bar of the province where they reside or where the legal proceedings are due to take place, and provide proof of income. The *Comisiones de Asistencia Jurídica Gratuita* will assess whether or not the criteria are met and whether they will assign a legal aid lawyer. Legal aid applicants may waive their right to a lawyer during the legal proceedings and appoint a lawyer of their choice without losing the other legal aid benefits. However, this will only be permitted if the lawyer chosen by the applicant does not request payment for the legal services offered.<sup>20</sup>

## Mandatory Assignments to Legal Aid Matters

The attorney undertaking a legal aid matter is appointed by the court which granted the aid at the aided person's request on the basis of lists of attorneys compiled and kept by local Bar Associations. The attorneys are included in these lists on a voluntary basis and, if chosen, are obliged to provide their legal services. Legal aid lawyers receive payment in exchange for the services provided, according to a fees schedule set by the State. This payment, however, is lower than the fees typically received by Spanish lawyers, in particular compared to the fees of large firms.

## Unmet Needs and Access Analysis

In 2013, there were 1,770,000 cases of free legal aid in Spain. There are approximately 42,500 registered lawyers that provide free legal assistance (around 31.5% of practicing lawyers registered). However, while the number of legal aid lawyers increases every year, the expenditure on legal aid steadily diminishes. In 2013 legal aid expenditures totaled around €223.5 million, a 16% decrease from 2009. This reduction comes mainly from cuts in the payments received by legal aid lawyers (*turno de oficio*). According to the results provided for 2013, 57.6% of the cases under the *turno de oficio* concerned

<sup>&</sup>lt;sup>16</sup> Law 1/1996, Article 3.

<sup>&</sup>lt;sup>17</sup> The IPREM has been frozen since 2010. It remains the same for 2015. See at <u>http://www.iprem.com.es/</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>18</sup> Law 1/1996, Article 5.

<sup>&</sup>lt;sup>19</sup> Created by Law 1/1996.

<sup>&</sup>lt;sup>20</sup> Law 1/1996, Articles 27 and 28. However, Observatorio de la Justicia Gratuita, a monitoring center of free legal aid, proposed in June 2007 to allow free legal assistance by the lawyer of the applicant's choice. This proposal has not yet been implemented.



criminal proceedings, 32.6% civil proceedings, 5% administrative proceedings, and 4.8% social and other proceedings<sup>21</sup>

In addition to the right to legal aid developed by Law 1/1996, the CGAE, Bars, and regional and local administrations have created several services that complement legal aid services. These services are funded by the Bars and regional and local administrations. Services created include the *Servicio de Asistencia a las Víctimas del Delito* (assistance to the victims of crime); *Servicio de Asistencia a las Mujeres Maltratadas* (assistance to victims of gender-based violence); *Servicio de Extranjería* (assistance to immigration), *Servicios de Asistencia Jurídica a los mayores* (legal aid to the elderly); and *Servicio de Orientación y Asistencia Jurídica Penitenciaria* (legal guidance and assistance in prison).<sup>22</sup>

A draft bill on legal aid (*Proyecto de Ley de Asistencia Jurídica Gratuita*)<sup>23</sup> was approved by the Spanish Government in February 2014. Once the draft bill is approved by Parliament,<sup>24</sup> it will replace the existing law on legal aid which dates from 1996. The draft bill extends free legal aid to more vulnerable groups including victims of gender violence, terrorism and human trafficking and people with disabilities. Additionally, the financial resources threshold will also be slightly extended.<sup>25</sup>

### Alternative Dispute Resolution

There has been an increase in litigation, which is having an impact on the smooth operation of the justice system. For this reason, alternative ways of resolving conflicts are being sought which are more efficient than those offered by the current model. Arbitration is one such way, together with mediation and conciliation.<sup>26</sup>

Since the enactment of the Spanish Arbitration Law in 1988, and particularly the more modern Spanish Arbitration Law 60/2003, of December 23, 2003, the arbitration culture has been embraced by practitioners and companies. There are two main arbitration institutions in Spain, the Court of Arbitration of the Official Chamber of Commerce and Industry of Madrid (*Corte de Arbitraje de Madrid*, CAM) and the Civil and Commercial Arbitration Court of Madrid (*Corte Civil y Mercantil de Arbitraje*, CIMA), both of which have modern and flexible rules, making them very successful.<sup>27</sup>

Unlike the embedded tradition of common law countries towards mediation, in Spain there is barely any tradition to attempt mediation either prior to judicial or arbitral proceedings. The Spanish Civil and Commercial Mediation Law (*Ley de mediación en asuntos civiles y mercantiles*, CCML) was enacted on July 7, 2012. The CCML is mostly based on the UNCITRAL Mediation Model and was carefully drafted so

Further information available at <u>http://www.uria.com/documentos/publicaciones/3410/colaboraciones/1089/documento/GLI-DR\_1st-Ed\_Spain.pdf?id=3956 (last visited on September 4, 2015).</u>

<sup>&</sup>lt;sup>21</sup> VIII Informe del Observatorio de Justicia Gratuita. Available at <u>http://www.abogacia.es/repositorio/viii\_observatorio\_justicia\_gratuita/offline/download.pdf</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>22</sup> Informe del Observatorio de la Justicia Gratuita (2006), p. 13. Available at <u>http://www.abogacia.es/wp-</u> content/uploads/2012/07/I-Informe-del-Observatorio-de-Justicia-Gratuita.pdf (last visited on September 4, 2015).

Available at <u>http://www.mjusticia.gob.es/cs/Satellite/Portal/1292427033388?blobheader=application%2Fpdf&blobheadernam</u> <u>e1=Content-</u> <u>Disposition&blobheadervalue1=attachment%3B+filename%3DPL\_ASISTENCIA\_JUR%C3%8DDICA\_GRATUIT</u> <u>A - CM\_21-02-14\_%28WEB%29.PDF.PDF</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>24</sup> As of the date of publication, it has not been yet approved.

<sup>&</sup>lt;sup>25</sup> The 1996 income threshold was twice the inter-professional minimum wage at 14,910 euros per year. The threshold will change to 2.5 times the Multiple Effects Income Indicator (known as the Indicador Público de Renta de Efectos Múltiples or IPREM) of 6,390.13 euros per year, equal to 15,975 euros. For a family of four the IPREM will be multiplied by three to give a total threshold of 19,170 euros.

<sup>&</sup>lt;sup>26</sup> Further information available at <u>https://e-justice.europa.eu/content mediation in member states-64-es-en.do?member=1 (last visited on September 4, 2015).</u>



# LATHAM&WATKINSLLP

as to avoid creating a conflict with other mediation laws enacted by other autonomous regions, such as Catalonia.<sup>28</sup> Mediation proceedings that are connected with the court are free of charge. Outside of mediation connected with the court, the parties are free to use a mediator and to pay freely agreed fees. CCML expressly provides that whether or not mediation has ended in an agreement, the cost will be divided equally between the parties unless otherwise agreed.<sup>29</sup>

Conciliation is a voluntary process where the parties seek to reach an amicable dispute settlement with the assistance of the conciliator, who acts as a neutral third party. The main difference between conciliation and mediation proceedings is that the conciliator will provide a non-binding settlement proposal, while a mediator, by contrast, will in most cases refrain from making such a proposal. Conciliation usually takes place in labor and civil proceedings.

## PRO BONO ASSISTANCE

## Pro Bono Opportunities

Spain does not have a well-established pro bono culture. Rather, pro bono is a new concept in Spain and many lawyers and NGOs are not aware of its existence. The main reason for the lack of pro bono work in Spain is that the Spanish legal system already has a very strong legal aid system in place, which has proven to be effective for more than 200 years. The main difference between pro bono work and legal aid in Spain is that the former is mainly targeted charities and NGOs (not at individuals) whereas legal aid is directed mainly at individuals (although as discussed above NGO's and foundations can also apply for and benefit from legal aid and pro bono. Recently, Spain has strengthened its commitment to expanding the pro bono movement. As explained above, an example of this commitment is Spain's hosting of the 2012 European Pro Bono Forum, which offered an unprecedented focus on pro bono in Spain and the broader Spanish-speaking community.<sup>30</sup>

## Private Attorneys

Private attorneys can undertake pro bono matters on their own initiative and there are no mandatory assignments. Besides the pro bono programs within law firms, private attorneys who wish to work on pro bono cases can reach local Bar Associations in order to get involved. Once the attorney has expressed his or her area of interest, the Bar matches a pro bono case with a volunteer attorney. Bar Associations and clearinghouses seem to suggest an expansion of the pro bono movement in Spain.

## Law Firms Pro Bono Programs

There are some opportunities for new forms of pro bono work in the Spanish landscape. Many law firms, including the largest Spanish law firms as well as international law firms with a presence in Spain, have ongoing pro bono projects. Some large law firms have created pro bono committees to offer legal knowhow and resources to the community, as well as being actively involved in pro bono projects also known as Social Responsibility programs (*Responsabilidad Social*).

Garrigues is the Iberian Peninsula's leading law firm and it also has a very active role in pro bono among Spanish law firms. Garrigues' pro bono program sets out the procedures for the acceptance and performance of projects and is designed to offer a framework for the firm's lawyers to be able to provide services free of charge to non-profit entities for charitable, welfare, cultural or educational purposes. The firm has a Pro Bono Committee made up of partners and associates in order to ensure that pro bono

<sup>&</sup>lt;sup>28</sup> Further information available at <u>http://www.globallegalinsights.com/practice-areas/litigation-and-dispute-resolution/global-legal-insights-litigation-and-dispute-resolution-3rd-ed/spain (last visited on September 4, 2015).</u>

<sup>&</sup>lt;sup>29</sup> Further information available at <u>https://e-justice.europa.eu/content\_mediation\_in\_member\_states-64-es-en.do?member=1 (last visited on September 4, 2015).</u>

<sup>&</sup>lt;sup>30</sup> Further information available at <u>http://www.pilnet.org/events/168-pilnet-forum-highlights-advent-of-pro-bono-in-spain.htm (last visited on September 4, 2015).</u>



# LATHAM&WATKINSLLP

work is properly organized. While participation in pro bono activities is entirely voluntary, the firm encourages it and values it highly.<sup>31</sup> Garrigues also set up Garrigues Foundation (*Fundación Garrigues*), which aims to serve the general interests of civil society through three core mainstays consisting of applied legal research, a program of awards and scholarships, and community outreach initiatives.<sup>32</sup>

### Bar Association Pro Bono Programs

The Center for Lawyer's Social Responsibility (*Centro de Responsabilidad Social de la Abogacía*)<sup>33</sup> was founded in 2008 within the Madrid Bar (*Colegio de Abogados de Madrid*). The Center promotes individual and corporate pro bono work, as well as other social programs. It has an annual call for grants, with a budget of 200,000 euros for financing projects. These grants are for supporting initiatives that serve to fulfill the Center's mission. The Center serves as a clearinghouse, working as an intermediary between Bar members and the legal needs of NGOs (never to individuals or in competition or replacement of legal aid services). In addition, many of the regional Bars have created working groups in support of human rights, as well as working groups for social action and cooperation programs.

### Non-Governmental Organizations (NGOs)

The non-profit organization *Fundación Hazloposible* recently launched <u>www.probonos.net</u><sup>34</sup> (last visited on September 4, 2015), the first online clearinghouse in Spain. It serves as a platform to channel legal affairs towards NGOs and its beneficiaries, responding to the real need of coordinating pro bono activities in Spain. Through the platform, any NGO interested in receiving legal assistance can request it via the website, free of charge. To date, a total of 38 NGOs have relied on this platform to solve legal questions.

### University Legal Clinics and Law Students

Even though there is widespread recognition of the importance and benefits of pro bono work in legal education, most Spanish law schools do not offer pro bono activities within their university programs. However, some universities have opted for voluntary programs and seem to administer them with success. This is the case for two very recent initiatives proposed by the Fernando Pombo Foundation (*Fundación Fernando Pombo*). The Fernando Pombo Foundation and the International University of la Rioja, with the aim of promoting social responsibility in the legal profession among young lawyers, have created an online Legal Clinic, and the Fernando Pombo Foundation jointly with the University Carlos III of Madrid have created a University Legal Clinic in order to provide free legal assistance to the association of people affected by Chronic Fatigue Syndrome and Multiple Chemical Sensitivities (SFC-SQM Madrid).<sup>35</sup> Law schools are uniquely well-positioned to introduce aspiring lawyers to the importance of pro bono work, and to foster a sense of commitment to it. Although these are only initial steps made by some universities, they may gradually become part of the legal education system in Spain.

## Historic Development and Current State of Pro Bono

The historic development of pro bono is inevitably linked to the well-established system of legal aid sponsored by the Spanish Government. There is still a widespread belief among the legal profession that in order to do meaningful pro bono work, lawyers who wish to represent indigent clients must offer their services as part of the social legal aid system. This inaccurate belief is a key systemic barrier to pro bono. Indeed, numerous opportunities for expanding the scope of pro bono practice in Spain do exist and the

<sup>&</sup>lt;sup>31</sup> See <u>http://www.garrigues.com/en/ResponsabilidadSocial/Paginas/ProBono.aspx (</u>last visited on September 4, 2015).

<sup>&</sup>lt;sup>32</sup> See <u>http://www.garrigues.com/en/ResponsabilidadSocial/Fundacion/Paginas/Inicio.aspx</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>33</sup> See <u>http://crsa.icam.es/web3/cache/CRSA\_index.html</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>34</sup> See <u>www.probonos.net</u> (last visited on September 4, 2015).

<sup>&</sup>lt;sup>35</sup> See <u>http://www.fundacionpombo.org/en/what-we-do/training-on-social-responsibility-in-the-legal-profession/legal-</u> <u>clinics/ (</u>last visited on September 4, 2015).



# LATHAM&WATKINSLLP

majority of the larger law firms already have pro bono practices that go beyond the institutionalized system of legal aid. Other barriers to pro bono work include onerous litigation, delays, difficulty accessing the pro bono system and insufficiency of resources. Despite these barriers, the current state of pro bono is gradually developing, with many advocacy efforts currently underway from different institutions, local Bar Associations, NGOs, as well as from the private legal sector.

Pro Bono Resources

- The foundation for Spanish lawyers that develops and promotes the protection of human rights in Spain: <a href="https://www.fundacionabogacia.org">www.fundacionabogacia.org</a> (last visited on September 4, 2015)
- The General Council for Spanish Advocacy: <u>http://www.cgae.es</u> (last visited on September 4, 2015)
- Lawyers in Spain: <u>http://www.abogados.es/</u> (last visited on September 4, 2015)
- Free Legal aid website: <u>http://www.justiciagratuita.es/publico (last visited on September 4, 2015)</u>
- The Center for Lawyer's Social Responsibility (Centro de Responsabilidad Social de la Abogacía) within the Madrid Bar (Colegio de Abogados de Madrid): http://crsa.icam.es/web3/cache/CRSA index.html (last visited on September 4, 2015).
- Garrigues Foundation (Fundación Garrigues): <u>http://www.garrigues.com/en/ResponsabilidadSocial/Fundacion/Paginas/Inicio.aspx</u> (last visited on September 4, 2015).
- Fernando Pombo Foundation (Fundación Fernando Pombo): <u>http://www.fundacionpombo.org/en/</u> (last visited on September 4, 2015).

## CONCLUSION

Pro bono as a concept is still young in Spain, but the idea of the legal community's social responsibility has been present for centuries. This long-standing tradition of lawyers helping the less fortunate creates a fertile ground for the rise of pro bono. Despite the fact that the Spanish legal landscape remains rooted to the legal aid system, numerous opportunities for expanding the scope of pro bono practice in Spain exist and some of the largest law firms already have pro bono programs in place. In addition, various pro bono initiatives are proliferating, such as university legal clinics and online clearinghouses, which seem to indicate an expansion of the pro bono movement in Spain.

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Pro Bono Practices and Opportunities in Spain

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