

Pro Bono Practices and Opportunities in El Salvador¹

I. Introduction

The provision of pro bono legal services in El Salvador has been increasing in the recent years with both Non-Governmental Organizations (NGOs), universities and private law firms providing pro bono legal services to individuals and other organizations. Nevertheless, underfunding, lack of information and lack of legislation promoting pro bono practices are the major reasons for the inapplicability, lack of use and under-exploitation of this resource.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The practices and representation of Salvadoran attorneys at court is currently governed by the Organic Law of the Judicial Branch (or in Spanish <i>Ley Orgánica Judicial</i>). Also, there are a number of rules in other laws, specifically in the diverse procedural codes/laws (Civil, Criminal, Administrative, etc.) that regulate the provision of legal services. ²
	2. Describe any licensure requirements governing the provision of legal services.	Legal services can only be provided by attorneys authorized by the Supreme Court of El Salvador. The requirements to obtain a license include having a bachelor's degree in law studies and conclusion of legal practices. The specific requirements are established in article 140 of the Ley Orgánica Judicial. ³
(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.	There are no rules that regulate the provision of pro bono legal services in El Salvador. In addition, there are no special requirements for mandatory or minimum fees to be imposed on the provision of legal services (including pro bono legal services).
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in El Salvador are not required to work a minimum number of pro bono hours.

¹ This chapter was drafted with the support of Armando Arias and Rafael Burgos of Arias Law.

² See

https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072959054_archivo_documento_le_gislativo.pdf (last visited on May 1, 2019).

³ See

https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072959054_archivo_documento_le_gislativo.pdf (last visited on May 1, 2019).

<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>Yes, all law students must provide pro bono legal assistance⁴ as a requirement for being admitted as attorneys by the Salvadoran Supreme Court. There is not a minimum number of hours that aspiring lawyers must complete, but a minimum of cases in which the student must participate. The number of cases that the aspiring lawyer must participate in is six.</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 or legal services are:</p> <ol style="list-style-type: none"> 1. Family law 2. Criminal law 3. Constitutional law <p>The major unmet legal needs are:</p> <ol style="list-style-type: none"> 1. Environmental law 2. Consumer protection law 3. Administrative law
<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>NGO's in their sphere of activities, universities and major law firms. Some of the relevant providers of pro bono legal services are:</p> <ol style="list-style-type: none"> 1. Universidad Dr. José Matías Delgado – Centro de Prácticas Jurídicas (rcorellanao@ujmd.edu.sv). 2. Arias (lilian.arias@ariaslaw.com)⁵ 3. Universidad Francisco Gavidia – Centro de práctica jurídica⁶ 4. Romero Pineda y Asociados⁷ 5. Archbishopric of San Salvador⁸

⁴ The pro bono legal assistance may be also executed working in a Governmental institution, not participating in cases but providing assistance to the internal work of the institution.

⁵ See <http://ariaslaw.com/es/rse/pro-bono> (last visited on May 1, 2019).

⁶ See <https://fcj.ufg.edu.sv/cpj.html#.XD9qM1xKjIU> (last visited on May 1, 2019).

⁷ See <https://www.romeropineda.com/probono/> (last visited on May 1, 2019).

⁸ See <http://www.arzobispadosansalvador.org/sobre-nosotros/curia/vicaria-episcopal-promocion-humana/tutela-legal/> (last visited on May 1, 2019).

		6. Human Rights Institute (Instituto de Derechos Humanos) Universidad José Simeón Cañas ⁹
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	There is no special license required for lawyers in El Salvador providing pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Legal services can only be provided by lawyers authorized by the Supreme Court. A foreign lawyer that wishes to practice law in El Salvador should be authorized by the Supreme Court, for which it will be necessary to authorize his or her college degree before the University of El Salvador. The procedure of authorizing the college degree implies taking subjects related to Salvadoran constitutional law, among others. An indirect alternative for foreign lawyers to provide pro bono services is to work the cases along with an authorized attorney in El Salvador.
	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 special requirement in El Salvador related to professional indemnity legal insurance and the provision of pro bono legal services.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in El Salvador that prohibit advertising of pro bono successes or soliciting new pro bono clients.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	There are no specific credits for pro bono hours worked in El Salvador.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in El Salvador.	There are not governmental specific sources of pro bono legal services in El Salvador. Governmental activities of legal assistance are provided as legal aid through the Office of Public Defense (or in Spanish “Procuraduría General de la República”).

⁹ See <http://www.uca.edu.sv/idhuca/> (last visited on May 1, 2019).

	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in El Salvador.</p>	<p>Most of the major private law firms in El Salvador have constituted their own pro bono programs and many NGOs in the country run different pro bono programs focused on their particular sphere of activity. Please refer to section b(5).</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>Even though there is not a public or private register, pro bono opportunities can be identified by making direct communication with NGO's, universities and legal law firms with pro bono programs.</p>

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