

Pro Bono Practices and Opportunities in Haiti¹

I. Introduction

Pro bono legal services in Haiti are constrained by resources as well as limitations mandating that lawyers who practice in the country must be Haitian citizens. Following the severe earthquake in 2010, several pro bono organizations were established to provide pro bono legal services – many of which focus on assisting Haitians with immigration matters, including applications for Temporary Protected Status (“TPS”) designation in the United States. Critically, pro bono legal services in Haiti also focus on increasing access to justice and furthering human rights.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>The Decree of March 29, 1979 (the “Decree”) regulates the practice of law and provision of legal services in Haiti.² Lawyers must also adhere to the Deontology Code of the Haitian Federation of Bar Associations (the “Deontology Code”).</p> <p>The Law on Legal Assistance of August 7, 2018 provides a legal framework for Legal Aid Offices in the country.³</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>The Decree includes the following requirements for becoming a lawyer in Haiti; the individual must:</p> <ul style="list-style-type: none"> • be at least 18 years old; • complete a law license (equivalent to a Bachelor’s) at the State University of Haiti or any foreign license recognized in Haiti as equivalent; • submit a certificate of good moral conduct (<i>certificat de bonne vie et moeurs</i>); • register with one of the bar associations of Haiti; • complete a two-year internship (<i>le stage</i>); and • pass an admission exam (<i>Certificat d’Aptitude à la Profession d’Avocat</i>).

¹ This chapter was drafted with the support of Alexandre Lespinasse of Cabinet de Lespinasse

² See the Decree of March 29, 1979 available at <http://cabinetjacquesetassocies.com/new/wp-content/uploads/2015/03/decret-du-29-mars-1979-reglementant-la-profession-d-avocat.pdf> (last visited on October 2, 2019).

³ As the focus of this report are “pro bono” services (i.e., the voluntary contribution of private attorneys), this chapter does not include a review of the Law on Legal Assistance as it governs a state-funded “legal aid” system.

		Importantly, Article 5 of the Decree further requires that lawyers must be Haitian citizens in order to practice law in the country.
(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.	Publically available information does not seem to indicate any legal restriction directly governing pro bono work in Haiti.
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	There are no requirements for lawyers in Haiti to work a minimum number of pro bono hours.
	3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	The Decree does not require that any minimum number of hours of pro bono legal services be provided in order to become a licensed lawyer in Haiti.
	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?	Furthering human rights, democracy and justice are the priorities for pro bono work in Haiti. In addition, pro bono legal services are provided in Haiti to advocate for victims of the 2010 earthquake and subsequent natural disasters, including assistance to obtain safe housing, international aid and immigration opportunities, notably through the TPS designation.
	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?	Non-governmental organizations, such as the Bureau des Avocats Internationaux (“BAI”) provide on-the-ground pro bono legal services in Haiti. ⁴ BAI’s Boston-based partner, Institute for Justice and Democracy in Haiti (“IJDH”) advances justice and democracy in Haiti through advocacy, litigation and coalition-building both in Haiti and abroad. ⁵
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	The Decree does not require lawyers in Haiti to have a license to provide pro bono legal services, but they must be licensed in accordance with section (a)(1) above and be Haitian citizens in order to provide such legal services.

⁴ See <http://www.ijdh.org/about/> (last visited on October 2, 2019).

⁵ See <http://www.ijdh.org/about/> (last visited on October 2, 2019).

	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	In accordance with the Decree, foreign lawyers may not practice law, including providing any pro bono legal services, unless they are Haitian citizens.
	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 are not required to have professional indemnity legal insurance to cover the provision of pro bono legal services in Haiti.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	The Decree does not have specific regulations for advertisements related to pro bono legal services. However, the Deontology Code generally prohibits lawyers from advertising their services.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Haitian lawyers 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 Haiti.	In Haiti, governmental legal aid is primarily the responsibility of the Ministry of Justice and the bar association. ⁶ By law, primary legal aid is available to all, however access to legal aid services can be inconsistent and often is unavailable in rural areas. ⁷ There are no pro bono legal services that are provided by the Haitian government.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Haiti.	BAI and IJDH provide pro bono legal services and resources to Haitians and have the most readily accessible and up-to-date information available online. ⁸ Their website includes a calendar of events in Haiti and the United States for those interested in learning more about their work and the pro bono opportunities available in Haiti.
	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?	Attorneys interested in providing pro bono legal services to Haitians can contact the following organizations:

⁶ See https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA_-_Country_Profiles.pdf (last visited on October 2, 2019).

⁷ See https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA_-_Country_Profiles.pdf (last visited on October 2, 2019).

⁸ See <http://www.ijdh.org/about/> (last visited on October 2, 2019).

		<ul style="list-style-type: none"> • BAI and IJDH (current volunteer opportunities focused on translation French and/or Kreyol into English);⁹ • Haitian Lawyers Association (voluntary bar association in Florida which provides pro bono legal services to Haitian immigrants);¹⁰ • Haitian TPS Pro Bono Directory (directory of U.S.-based organizations assisting Haitians with TPS applications);¹¹ • Center for Gender & Refuge Studies (pro bono opportunities to work on asylum matters);¹² and • Lawyers Without Borders Canada (Canadian lawyers can volunteer with the organization to increase access to justice, fight against impunity and increase citizen participation in Haiti).¹³
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⁹ See <http://www.ijdh.org/take-action/volunteer/> (last visited on October 2, 2019).

¹⁰ See <http://haitianlawyersassociation.org/about/> (last visited on October 2, 2019).

¹¹ See <https://www.probono.net/haitianimmigration/directory/> (last visited on October 2, 2019).

¹² See <https://cgrs.uchastings.edu/about/get-involved> (last visited on October 2, 2019).

¹³ See <https://www.asfcanada.ca/engagez-vous/je-veux-mimpliquer/> (last visited on October 2, 2019).