

## Pro Bono Practices and Opportunities in Mexico<sup>1</sup>

### I. Introduction

Access to proper legal representation in Mexico is considered to be a luxury. For the most part, the general population of Mexican society relies on unsophisticated and non-professional lawyers to assist their daily needs. Having identified this issue, the Mexican government had historically concentrated on creating numerous sources of state funded legal aid institutions to assist the population. Areas such as criminal prosecution, human rights, labor disputes, tax counseling, consumer protection, to name a few, have been the major focus, and are dealt with by legal aid institutions, as opposed to by pro bono legal service providers. There is recent interest by private practitioners and other non-governmental organizations to provide an organized and qualified pro bono practice to compensate for the gaps left by the legal aid institutions in Mexico. Law firms have been implementing areas dedicated to pro bono work and have been forming alliances with other organizations to develop the practice and provide a “self-regulated” environment for providing pro bono legal services.

### II. Overview of Pro Bono Practices

(a)	<b>Professional Regulation</b>	
1. Describe the laws/rules that regulate the provision of legal services?	<p>In Mexico, the legislative authority that regulates the practice of any profession, including the provision of legal services, is granted to each of the local legislatures of each of the States in Mexico. In addition to this authority, Federal Congress issued a Law for the Regulation of Constitutional Article 5 Concerning the Exercise of Occupations in Mexico City (<i>Ley Reglamentaria del Artículo 5° Constitucional, relativa al ejercicio de las profesiones en la Ciudad de México</i><sup>2</sup>, the “<b>Professions Law</b>”). This law is applicable at both a local and federal level: local level in Mexico City, for matters exclusively related to local jurisdiction, and at a federal level for matters related to a federal jurisdiction.</p> <p>A number of local governments in Mexico have issued specific legislation for such matters, while other States have decided to refer such matters to the provisions applicable to Mexico City.</p>	
2. Describe any licensure requirements governing the provision of legal services.	<p>According to the Professions Law, admission to the practice of law in Mexico requires: (i) submission of a valid university degree as proof of conclusion of all courses and credits required to graduate from the respective law school; and (ii) registration of a law university degree before the <i>Dirección General de Profesiones</i> in order for a professional license</p>	

<sup>1</sup> This chapter was drafted with the support of Daniel Guaida of Gonzalez-Calvillo.

<sup>2</sup> See [http://www.diputados.gob.mx/LeyesBiblio/pdf/208\\_190118.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/208_190118.pdf) (last visited on May 1, 2019).

		<p>(<i>cédula</i>) to be issued by the Ministry of Education (<i>Secretaría de Educación Pública</i>).</p> <p>Membership to a bar or collegiate body in Mexico is not mandatory.</p>
<b>(b)</b>	<b>Pro Bono Practice and Culture</b>	
	<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 rules in Mexico specifically regulating 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>Lawyers in Mexico are not required to work a minimum number of pro bono hours.</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>Under the Professions Law, education programs for aspiring professionals (including lawyers) need to include temporary work which is “in the best interest of society and the State”. This temporary work, known as social service (<i>servicio social</i>), should last between 6 and 24 months. Fulfillment of the social service by all students is mandatory before obtaining a valid degree.</p> <p>This is a general requirement for all graduate degree occupations and can include, but is not limited to, the rendering of pro bono legal services in Mexico.</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 2014 the National Council for the Evaluation of Social Development Policy (<i>Consejo Nacional de Evaluación de la Política de Desarrollo Social</i> or CONEVAL) presented two studies reflecting the level of poverty in the main cities of Mexico. The studies revealed that 53.3 million Mexican citizens were living in poverty in 2012, of which, 68.6% lived in urban areas. Consequently, the vast majority of Mexico’s population are unable to afford proper legal counsel and defense. The main areas of law which require pro bono legal services in Mexico are, among others, the following:</p> <ul style="list-style-type: none"> <li>• Family law;</li> <li>• Criminal law;</li> <li>• Human Rights Protection;</li> <li>• Labor law; and</li> </ul>

		<ul style="list-style-type: none"> <li>Civil and corporate law for non-profit organizations.</li> </ul>
	<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 in Mexico are NGOs, universities and, most recently, private law firms.</p> <p>Universities typically hold clinics or provide pro bono legal services in which their teachers and students provide assistance to the general public, mostly treating family and civil matters. In addition, NGOs provide assistance of more specialized counsel, in criminal and human rights matters.</p> <p>Recently, there has been an interest from private law firms (such as Gonzalez Calvillo, S.C.) to assist on specific matters on a pro bono basis. This type of work is performed by private firms and is usually related to highly specialized and complex matters that benefit from the infrastructure and accumulated knowledge that these firms can provide.</p>
(c)	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>There are no special requirements for lawyers to hold a particular license to provide pro bono legal services in Mexico, other than the general requirements to practice law.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>The Professions Law provides a procedure for foreign professionals to exercise their trade in Mexico. Ultimate approval to exercise a profession in Mexico with a foreign degree will depend on the international treaties entered into by Mexico, and if no treaty is in place, provision of professional services by foreign individuals will be determined by the application of reciprocity rules with the foreign government.</p> <p>The process to allow foreign professionals to practice in Mexico, requires a registration of their foreign degree with the Mexican authorities. Equivalency with local degrees is reviewed by the authorities for such purposes.</p> <p>After being admitted to practice in Mexico, a foreign lawyer would not require an additional license to provide pro bono legal services.</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</p>	<p>As a general rule, no professional liability insurance is legally required to provide legal services in</p>

	under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Mexico and this would apply equally to 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 pursuant to Mexican laws 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?	Other than mandatory hours credited to students and aspiring professionals to meet the necessary thresholds to comply with the social service ( <i>Servicio Social</i> ), there is no requirement to accrue hours from pro bono work and lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked in Mexico.
(d)	<b>Sources of Pro Bono Opportunities and Key Contacts</b>	
	1. Describe any governmental sources of pro bono and/or other legal services in Mexico.	There are no governmental sources of pro bono legal services in Mexico.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Mexico.	<p>There are several non-governmental organizations that provide pro bono legal services and resources in Mexico such as:</p> <ul style="list-style-type: none"> <li>• Centro Mexicano Pro Bono, A.C. a non-profit association dedicated to bringing lawyers who wish to contribute pro bono work to vulnerable population groups and civil organization who require legal counsel or guidance;<sup>3</sup></li> <li>• Fundación Appleseed Mexico an organization dedicated to rendering legal services to civil associations; this foundation has a Pro Bono Mexico Network conformed by many Mexican lawyers who are willing to devote their time and expertise in pro bono cases; and</li> <li>• Fundación Barra Mexicana a civil association aiming to facilitate, coordinate, and promote pro bono work among lawyers in Mexico.<sup>4</sup></li> </ul>

<sup>3</sup> See : <http://www.probono.mx/> (last visited on May 1, 2019).

<sup>4</sup> See <http://www.fbma.org.mx/principal.html> (last visited on May 1, 2019).

		<p>Additionally, several universities and law firms in Mexico have pro bono clinics and practices dedicated to connecting people who cannot afford and require legal advice or services with specialized professionals who are willing to render services on a pro bono basis.</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>We are not aware of any public or private organizations in Mexico that openly admit attorneys specifically to render pro bono opportunities.</p>

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