

Pro Bono Practices and Opportunities in Panama¹

I. Introduction

The importance of pro bono legal services continues to grow in Panama. The legal community recognizes the value of pro bono work and the significant impact it can have, not only on those represented but on the system as a whole, by promoting democratic values and the fair administration of justice. Several major Panamanian law firms make pro bono work a central tenet of their mission and are signatories to the Vance Center’s Pro Bono Declaration for the Americas, which commits members to undertake an average of at least 20 hours of pro bono per attorney.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>Practicing lawyers, whether or not they are members of the National Bar, are regulated by the Law of Advocacy (<i>Ley de la Abogacía, Ley No. 9 de 18 de Abril de 1984</i>)² and by the Code of Ethics and Professional Responsibility of the National Bar of Panama (<i>Código de Ética del Colegio Nacional de Abogados</i>).³</p> <p>In addition, attorneys who are members of the National Bar are also governed by the regulations promulgated by the National Bar (<i>Estatuto del Colegio Nacional de Abogados</i>).⁴</p> <p>The National Bar was created to oversee lawyers’ professional conduct and to help improve the administration of justice in all its branches. The combination of the Law of Advocacy and the regulations promulgated by the National Bar establish the requirements for the practice of law in Panama, as well as the procedures and sanctions that can be brought against lawyers who fail to abide by the norms contained therein.</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>In the past, in order to practice law in Panama, a lawyer was required to be a member of the National Bar of Panama (<i>Colegio Nacional de Abogados</i>) under Article 1 of Law No. 9 of 1984. This</p>

¹ This chapter was drafted with the support of Mario Fábrega, arbitrator.

² “Ley de la Abogacía, Ley No. 9 (de 18 de Abril de 1984) por la cual se regula el ejercicio de la Abogacía. (Reformada por la Ley 8 de 16 de Abril de 1993).” See <https://panamacna.com/ley-de-la-abogacia/> (last visited on October 2, 2019).

³ See Article 18 of Law No. 9 of 1984. For the Code of Ethics of the National Bar, see “Código de Ética y Responsabilidad Profesional del Abogado”, <https://panamacna.com/codigo-de-etica/> (last visited on October 2, 2019).

⁴ “Estatuto del Colegio Nacional de Abogados de Panamá”, <https://panamacna.com/estatuto/> (last visited on October 2, 2019).

		<p>requirement was declared unconstitutional in a 1994 ruling by the Supreme Court of Justice.⁵ As a result, since 1994, it is no longer a requirement to be a member of the National Bar, and every practicing attorney can choose whether or not to become a member.</p> <p>Since 1994, the only requirement to practice law in Panama is possession of a certificate of accreditation issued by the Supreme Court of Justice.</p> <p>In order to receive this accreditation, an applicant must (i) be a Panamanian national; (ii) obtain a law degree granted by the University of Panama, the University of Santa María la Antigua, or any other institution of higher learning established in Panama in the future whose law degree is officially recognized; or, for degrees awarded by other institutions, (iii) possess a law degree from a University of recognized prestige, which must be validated by the University of Panama, with the only exception to this rule being in the case of applicable international conventions which exempt the applicant from this obligation.⁶</p>
<p>(b) Pro Bono Practice and Culture</p>		
	<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>In general, the National Bar’s Code of Ethics and Professional Responsibility prohibits the levying of charges for legal services that are lower than the minimum established by the Fee Schedule promulgated by the National Bar, when the purpose of such an action is unfair competition.⁷</p> <p>However, under the Minimum Professional Fee Schedule, legal representation for the protection of the poor or for those who qualify for pro bono legal sponsorship are excepted from this rule.⁸</p>

⁵ For the full text of the ruling regarding the constitutionality of this requirement see: http://infojuridica.procuraduria-admon.gob.pa/Infojuridica/fallo_screen?sec_fallo=5716 (last visited on October 2, 2019).

⁶ See Article 3 of Law No. 9 of 1984 and, for other administrative requirements, <https://www.organojudicial.gob.pa/uploads/blogs.dir/1/2019/01/406/requisitos-para-la-idoneidad-de-abogados.pdf> (last visited on October 2, 2019).

⁷ See Articles 15 and 31 of the Code of Ethics and Professional Responsibility, <https://panamacna.com/codigo-de-etica/> (last visited on October 2, 2019).

⁸ See Article 1 of the Minimum Professional Fee Schedule, <https://panamacna.com/tarifa-de-honorarios/> (last visited on October 2, 2019).

	<p>The Office of the Attorney General of Panama (<i>Procuraduría General de la Nación</i>) protects the fundamental right to justice and the guarantee of equal treatment under the law for all, including and especially for those who are members of the most vulnerable parts of Panamanian society.⁹ This policy of access to justice, to knowledge and protection of civil rights, is laid out in a Bill of Rights of Individuals before Justice (<i>Carta de Derechos de las Personas ante la Justicia en el Ministerio Público de la República de Panamá</i>).¹⁰</p> <p>Article 57 of this Bill of Rights states that “All persons entitled to free legal aid have the right to a public defender.”</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 Panama 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>Aspiring lawyers in Panama are not required to complete a minimum number of hours of pro bono legal services in order to become a licensed attorney.</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>Panama has many areas of unmet legal needs as well as other areas of law which present opportunities for pro bono legal service. These include: the representation of indigent clients and members of vulnerable groups, partnerships with NGOs focused on community and development, and projects for the drafting of laws that promote social and cultural progress in the country.</p>
<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>Government: The Legal Orientation Service, or SOL (<i>Servicio de Orientación Legal</i>), of the National Bar has as one of its objectives the “provision of pro bono professional legal services, through the Commission of the Legal Orientation Service, to those who do not have the means to procure these services.”¹¹ Since 1981 the SOL provides access to professional attention, information and legal guidance, free of charge, for those of limited resources whose individual or societal rights are being violated.</p>

⁹ <http://ministeriopublico.gob.pa/secretaria-derechos-humanos/acceso-la-justicia/> (last visited on October 2, 2019).

¹⁰ <http://ministeriopublico.gob.pa/wp-content/multimedia/2016/07/carta-derecho-de-personas-ante-la-justicia.pdf> (last visited on October 2, 2019).

¹¹ <https://panamacna.com/servicio-de-orientacion-legal-sol/> (last visited on October 2, 2019).

		<p>Law Firms: The National Bar of Panama and many major Panamanian law firms are signatories to the Pro Bono Declaration of the Americas, spearheaded by the Vance Center for International Justice in New York. By doing so, they are committing to the principle that it is the duty of the legal profession to provide a fair and equitable legal system and agree to provide a minimum of 20 hours of annual pro bono work per practicing attorney. Among others, Morgan & Morgan, ARIFA, and Galindo, Arias & López, are signatories and have been recognized for their pro bono work. They maintain active practices and partnerships with individual clients, NGOs and other pro bono organizations.¹²</p>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Panamanian attorneys do not require an additional license to provide pro bono legal services, but, as detailed above, would still require a certificate of accreditation issued by the Supreme Court in order to practice law.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Although accredited lawyers in Panama would not require an additional license to provide pro bono legal services, one of the requirements to practice law in Panama is Panamanian citizenship (see section II.(a)(2) above). Since the provision of pro bono legal services would be considered the practice of law, it is likely unlawful for a foreign attorney to provide pro bono legal services in Panama.
	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 regulation or legal requirement that practicing attorneys be covered by professional indemnity legal insurance. In fact, this kind of insurance is likely not even offered in Panama.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules regarding attorney publicity that apply specifically to the advertising of pro bono successes or the solicitation of new pro bono clients. The rules governing attorney publicity

¹² See <https://sites.morimor.com/newmorimor/es/pro-bono/>, <https://www.arifa.com/about-the-firm/probono-and-csr/pro-bono.html>, and <https://gala.com.pa/> (last visited on October 2, 2019), for their respective pro bono websites.

		generally are part of the National Bar’s Code of Ethics and Professional Responsibility. ¹³
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Panama do not receive “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 Panama.	The State provides free legal services through the Public Defender’s Office (<i>Instituto de Defensa Pública</i> , previously known as the <i>Instituto de Defensoría de Oficio</i>). ¹⁴ This organization, in recognition of international conventions of human rights and Panama’s Constitution, guarantees the right to legal representation in judicial processes involving criminal law, criminal law for minors, agrarian law, family law and civil law. See also Section II.(b)(5) above regarding the Legal Orientation Service.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Panama.	See Section II.(b)(5) above.
	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?	As noted above, it is unlikely that a foreign attorney would be able to provide pro bono legal services in Panama. For local attorneys, a few options are contacting one of the firms listed in Section II.(b)(5), the National Bar of Panama or the Public Defender’s Office.

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¹³ See Chapter 6 of the Code of Ethics and Professional Responsibility, <https://panamacna.com/codigo-de-etica/> (last visited on October 2, 2019).

¹⁴ For more information, see <https://www.organojudicial.gob.pa/administrativos/instituto-de-defensorde-oficio> (last visited on October 2, 2019).