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Increasing Access to Justice in Argentina:
Lawyers Join Forces for Pro Bono Movement

By Jessica Rodriguez

The idea of a lawyer working for free or fighting for the everyday man may seem like an oxymoron to many Argentines. But various non-governmental organizations (NGOs), law firms and scholars are joining forces to forge a pro bono movement that will give all Argentines access to justice free of charge.

That movement got a new push two weeks ago in a small videoconference room in Buenos Aires, when 20 Argentine lawyers, academics and NGO representatives met their New York counterparts via a videoconference to discuss micro entrepreneurship. The New York firms and agencies discussed how they helped low income clients build businesses and address housing issues. The ensuing dialogue helped the Argentine participants think about how similar things could be done here.

“The conference was food for thought,” said Martín Zapiola Guerrico, an attorney from Zapiola Guerrico and Associates who is also a member of the pro bono commission of the Buenos Aires City Bar Association (Colegio de Abogados). Zapiola, who has been practicing for more than 20 years, said that with 50 percent of the country’s economy informal, the New York firms’ advice did not directly apply to the country’s current situation.

But the need for a pro bono culture may be even greater here and elsewhere in the region. “The work around pro bono that is developing in Latin America is critical to support democracy in the region,” said Joan Vermeulen, the director of the Cyrus Vance Center for International Justice Initiatives. “Very exciting ideas for engaging the private bar are emerging and I think that those of us in North America will benefit for this mutual exchange of ideas and that our Latin American colleagues will give us new ways of looking at shared problems.”

The Vance Center works in countries that have emerged from a period of authoritarian government to promote social responsibility in the legal profession, access to justice, access to opportunity in the legal profession, and the rule of law. In 2001, the center co-sponsored a major conference in Buenos Aires on pro bono work.

“The idea of a lawyer as a state person, a lawyer as a national statesmen involved with public interest...was appealing,” said Zapiola, who five years ago was the first chair of the Colegio’s pro bono commission. Aside from lawyers and scholars, NGOs are vital players at this stage because they work directly with people in need and often refer potential cases to firms.

“[We’re] trying to make that link, create that chain,” said the executive director and co-founder of Help Argentina, Lloyd Nimetz. Nimetz, who was contacted by the Vance Center about being the link to Argentine law firms, added: “I called everyone. The videoconference was the product of that.”

Help Argentina is a US non-profit organization that promotes social development in Argentina by connecting international donors with the country’s NGOs. Nimetz also stresses the importance of building relationships. “It’s very important to create trust between NGOs and firms,” he said. “[NGOs] see firms as big and elite. They don’t connect. “As an NGO that works with informal community organizations, it’s important for groups like Help Argentina to be the link between lawyers that realize there’s an important need and those who are in need of assistance.”

Horacio Lomoro, the executive director of Fundacion Grameen (Aldeas) Argentina, an organization that gives financial loans without guarantees of their repayment to the poor, is someone whose work and organization can benefit from pro bono work. But he hopes the legal profession will take a more ambitious approach. “We want to get support with changing laws,” Lomoro said. Lomoro also said that organizations like his have a hard time maintaining funds since donors cannot receive tax deductions.

It is not that pro bono work was non-existent in the past. The Colegio has been offering services since 1953. The University of Palermo School of Law runs a legal clinic. Some firms offer representation at reduced rates. But the idea of creating a formal system that makes legal services an option for all people has never existed.

The collapse of the economy created a sense of urgency that Argentines – and lawyers, in particular -- are responsible for changing their institutions for the better. “Eighty percent of government officials here are lawyers,” Zapiola said. “If we are responsible for how bad things are, we are responsible to make them better.” Through working with the Colegio’s pro bono commission Zapiola has seen things get better. In 2001, the commission won a case that requires every senator to declare his assets and renew that declaration annually. “Because of cases of corruption, this is a huge help,” Zapiola said.

But the commission does not take on every case that comes its way. “We choose cases where the outcome can affect a broad number of people,” Zapiola said. Zapiola also said that major legal issues that would benefit from pro bono work include housing and property cases, labor law violations, health insurance and discrimination cases.

For law firms looking for professional benefit, there are many. “It is good training for young lawyers who get immediate contact with clients,” Zapiola said. He also explained that it could help law firms with recruiting talent. “It improves their image to appeal to young lawyers who want a chance to change the world.” But it is the personal impact that makes pro bono a social movement rather than a business trend. “When you do paid work, you get paid and it’s not common to receive gratitude,” Zapiola said. “Pro bono work...you get gratitude. That’s rewarding.”

An organization that is taking a bottom-up approach to changing Argentine legal institutions is The Center for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC). “CIPPEC is a think tank, which is uncommon here in Argentina,” said justice initiative coordinator Eleanor Dailly. “We are the first organization that’s trying to impact public policy without a government link.”

CIPPEC is a four-year-old, private, non-profit organization that works to create transparency in government policies and improve the quality of life for all citizens by analyzing education, public health, social and justice policies. Their research about the country’s legal issues are published and used to aid and pilot different projects. They are currently working on a pro bono handbook that will be a guide to practicing public interest law in Latin America.

CIPPEC also works with other organizations to meet common goals. Defensores del Chaco is CIPPEC’s partner in a pilot program to train organizational leaders in Moreno, a poor villa on the outskirts of the city, about their legal rights and how to access them. “There’s a distrust of public service as being ineffective, that it keeps you from having profitable business,” Dailly said of why a pro bono culture doesn’t currently exist. “It actually improves your image in the community and serves the community, in return creating profit.” But with interest and support of the legal profession it can happen. “The Argentine Bar is more and more convinced it can be handled, it works, it doesn’t hurt,” Dailly said.

Dailly, who was a lawyer in New York before coming to do pro bono work in Buenos Aires, believes there are other reasons why lawyers should invest in public interest law. “Part of practice as an attorney is that you have these skills, you should use them for more than just profit,” Dailly said.

But real obstacles do exist: from frustration with the current system to methods of implementation to building trust. The greatest challenge seems to be a lack of awareness and distrust of a legal system whose corrupt past is not easily forgotten. The first step forward is actually a simple one.

“Create legal awareness,” Dailly said. “Let people know that there is a constitution, they have rights and there are laws. Until people realize they can [access those rights] it will be difficult to have an effective pro bono system.”