



The Ethics of Pro Bono in Peru and the Creation of the Pro Bono Clearinghouse

There is no doubt that despite strong economic growth, Peru's continued prosperity remains precarious. Peru suffers from low rule of law compliance and weak institutions, especially legal institutions. Driven by a lack of respect for the rule of law by both members of the legal profession and ordinary citizens, according to a 2008 study by Latinobarómetro, 94% of Peruvians have "not very much" or "none at all" confidence in Peru's legal system. Worldwide Governance Indicators for 2008, made available by the World Bank, place Peru in the bottom quarter of all countries in regards to respect for the rule of law and in the bottom half for its ability to control corruption. The World Economic Forum's Global Competitiveness Index for 2008-2009, ranks Peruvian confidence in the efficiency of its legal framework as the 19th worst out of 134 countries surveyed, while faith in judicial independence is 20th worst. And, while over 93% of Peruvians trust the word of a firefighter, 81% trust the word of a doctor, and 75% trust the word of a professor or engineer, only 26% of Peruvians trust the word of a lawyer.

The 2008 Latinobarómetro results reported that only 15% of Peruvians felt all citizens had equality before the law. Not surprisingly, those who suffer the most from an inefficient, corrupt, and poorly perceived legal environment are those Peruvians with little access to the legal system, including the poor, disenfranchised and marginalized populations. Even with a plethora of non-governmental organizations, government agencies, and university clinics serving the disenfranchised, huge swaths of the population are left out of the legal system. It has become more and more apparent that only a party with strong legal expertise and large numbers can address this failure. The answer lies in Peruvian law firms and private lawyers.

Recently, there has been a concerted effort to change the legal profession, from the Lima Bar Association's Anticorruption Pronouncement to a market-driven new Proposed Rules of Lawyer Conduct and Professional Responsibility. At the heart of these efforts lies Peru's contribution to a growing Latin American movement to narrow disparities in citizens' access to justice. That change began with the establishment of a pro bono ethic amongst lawyers and the legal profession's definitive pronouncement that they too play vital roles in the culture of democracy.

With the help of the Cyrus R. Vance Center for International Justice, a division of the Association of the Bar of the City of New York, Ciudadanos al Día (CAD) is establishing a new Pro Bono Clearinghouse to address the problem of limited access to justice, weak rule of law, and a poorly viewed legal profession. The Clearinghouse is the culmination of the Pro Bono Declaration for the Americas (Declaration), a document created by a collaboration of Latin American lawyers who declared that part of the professional responsibility of lawyers is to promote access to justice and provide pro bono legal assistance to poor. The product of over 18



months of multi-national meetings among members of the Latin American legal community, signatories to the Declaration agree to provide at least 20 hours per year of free legal services. As of April 2009, over 350 legal professionals, including from law schools, private firms, bar associations, government agencies, and non-governmental organizations have signed the Declaration.

Legal professionals in Peru, including 32 law firms, have answered this call to action. The success of the Declaration has generating a move among legal professionals towards a country-wide, Peru ethic of pro bono. Four important sets of parties have emerged: 1) law firms who have agreed to be suppliers of needed legal services, 2) legal service providers who demand needed legal services on behalf of their clients, 3) national and international support organizations as strategic alliances who provide needed experience in pro bono and the provision of needed legal services, and 4) the media who can inform the citizens of their rights, provide needed publicity for law firm providers, and overall strengthen a culture of democracy in Peru.

With the emergence of these groups who are willing to push for legal system change, a Pro Bono Clearinghouse is being created to establish formal working relationships among these parties. Through the Clearinghouse, these relationships are established by the creation of an anchoring organization, one providing a bridge between the parties which can move easily in both worlds and establish relationships built on the confidence of all groups. In the Peruvian Clearinghouse, this anchor organization is Ciudadanos al Dia (CAD), a non-profit organization well-respected by law firms, legal service providers, support organizations, and the media. Through CAD, the four groups above will come together to promote the Pro Bono ethic, and each group has an incentive to participate. Law firms will receive the help to institutionalize pro bono practice amongst them, providing an efficient and simple method to find pro bono clients. The formal backing of CAD can help firms meet their dual commitment to handle pro bono matters on a regular basis with the same level of care as paying clients while also providing much needed financing to the entire operation. In addition, they can be connected with support organizations, other law firms, and legal service providers who can provide supervision and training over pro bono issues in which many law firms lack expertise. Likewise, legal service providers receive legal manpower so desperately needed. Both parties are helped by support organizations and the media who can provide information and needed publicity for the initiative. CAD, as the anchoring organization, will formalize and monitor the workings of the program, for the benefit of the ultimate beneficiaries: the poor and disenfranchised who are so greatly in need of assistance.

The Pro Bono Clearinghouse represents a turning point for the Peruvian legal profession. Following the establishment of similar programs in Argentina, Colombia, and Chile, Peru has similarly taken up the call for democracy and equal access to justice for all while creating something that is uniquely Peruvian. The Clearinghouse, by uniting various legal actors to promote pro bono and with the work of CAD as an anchoring organization, looks towards a



Peruvian justice system that is not only accessible to all but is a model of efficiency and respect for rights.