

PRO BONO DECLARATION FOR THE AMERICAS

English Draft – April 5, 2006

WHEREAS, access to justice is essential to democratic societies;

WHEREAS, not all members of society have meaningful access to the courts and effective legal representation, and this is especially the case for poor and underprivileged persons and people groups;

WHEREAS, governments have limited resources to devote to the critical legal needs of poor and underprivileged individuals, often leaving these needs unmet;

WHEREAS, the absence of access to justice undermines public confidence in governmental and judicial institutions;

WHEREAS, the legal profession has a privileged role and is uniquely positioned in matters of justice and therefore has the duty, means and opportunity to promote a fair and equitable legal system in collaboration with the State and the judiciary;

WHEREAS, traditions exist across the Americas and new efforts are underway in several countries, including collaborations among bar associations, private and public interest law firms, law schools, foundations and non-governmental organizations, to address these pressing and unmet legal needs;

WHEREAS, a concerted movement across the Americas to promote access to justice through pro bono work would strengthen commitments to democracy and public service in the legal profession;

WHEREAS, the differences among nations' legal systems and traditions can be a source of inspiration for innovative pro bono standards and practices;

WE, the undersigned members of the legal community of the Americas, solemnly declare our commitment to pro bono by stating as follows:

Members of the legal profession have an obligation to provide pro bono legal services. This obligation stems from the profession's role and purpose in society, and from its implicit commitment to a fair and equitable legal system.

Pro bono is derived from the Latin phrase *pro bono publico*, which refers to actions carried out "for the public good".

For purposes of this Declaration, pro bono legal services are those provided without a fee, or expectation of a fee, principally to benefit poor or

underprivileged persons or people groups or the organizations who assist them. They may include representation of persons or people groups who otherwise could not exercise or assert their rights as human beings or obtain access to justice. Further, pro bono legal services can also benefit civic, cultural and educational institutions serving the public interest who otherwise could not obtain representation.

Pro bono legal services should be provided with the same quality of representation as services provided to paying clients.

Effective delivery of pro bono legal services requires cooperation among the different actors in the legal profession – including bar associations, private and public interest law firms, law schools, foundations, and non-governmental organizations.

WE, the undersigned, each in a manner consistent with our respective roles in the legal profession, commit to:

Improve effective legal representation for poor or underprivileged persons.

Enhance meaningful, widespread access to the judicial system for persons and people groups who lack such access.

Provide, on a pro bono basis, more than 25 hours or three days of legal services per lawyer per annum, or in the case of law firms or other institutions an average of more than 25 hours per lawyer per annum.

Strengthen the profession's commitment to the provision and expansion of pro bono legal services by emphasizing its importance and practice in legal education.

Support the establishment and development of non-governmental organizations dedicated to the delivery of legal services in the public interest.

Advocate and promote within the profession for the recognition and promotion of pro bono legal services as part of lawyers' ethical standards and obligations.

This Declaration is not intended to alter or supersede any jurisdiction's existing legislation, resolution or ethical code that is more conducive to the provision of pro bono legal services.