

The Cyrus R. Vance Center for International Justice Initiatives

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*“A Profession Supportive of Democracy”*

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## COUNTRY REPORT

### ARGENTINA

This document is an Executive Summary.  
For the unabridged Spanish version of this document, please [click here](#).

## **Introduction**

Making a report on the status of the legal profession in the Argentine Republic is not a simple task. The different stages and working environments in attorneys' lives are not studied or monitored in a consistent manner by any specific institution. Although there are some reports about the subject, they are sporadic and on particular aspects, but there are no indices or statistical data that measure the variables that affect the practice of law in the country.

Lack of centralized and updated information is one of the major problems when trying to get specific data. The few existing reports, save for honorable exceptions, are focused on the Federal District or on the big cities in certain provinces. However, if we are discussing "access to justice" and "the legal profession as a tool to strengthen the democratic system," by definition it is necessary to pay attention to the whole Argentine territory. This means looking at each of the 23 provinces that make up the Argentine Republic in addition to the Federal District. Nevertheless, the scope of the studies is, in general, limited to urban centers due to the big size of the country, the lack of adequate communication, and the lack of economic and human resources.

The good news is that there are many organizations and individuals that are working to improve the system. In the last few years, the sector of non-governmental organizations devoted to the area of justice has grown enormously, and links have been created between those organizations and national bodies devoted to the reform of the judicial system.

In order for the work of those institutions and individuals to have a real and tangible effect on the lives of the addressees of their programs, adequate levels of communication and cooperation are necessary among the different players in the system—public and private universities, federal and provincial governments, NGOs and governmental agencies or bodies, bar associations and private professional associations, and law firms—and among all of them in general.

For this purpose, it is essential that these institutions share the information they produce and identify those areas and situations in which it would be better to cooperate than compete.

### **1. The attitude of the Argentine people with respect to democracy, government of laws, access to justice, the practice of law and the judicial system.**

81% of a representative sample of the Argentine Republic believes that democracy may have problems but that it is the best governmental system.

In 2004, only 34% of that sample was "very satisfied" or "fairly satisfied" with the way democracy was working in Argentina.

A poll made in the metropolitan area in August 2004 shows that 33% of opinion leaders are "very satisfied" or "satisfied" with the way democracy is working. That

index declines to 28% when the “Public opinion in the metropolitan area” is measured.<sup>1</sup>

In 2002, only 8.7% of the Argentines trusted the Judicial Branch “very much.” 90.3% of the country had “little” or “no” trust in that institution.

In August 2004, only 29% of the opinion leaders said they trusted the justice system. That index declines to 10% when measuring the “public opinion in the metropolitan area.”

When asked whether law abidance is a value in the Argentine society, only 5% of the opinion leaders answered “very much so.” 26% of the “public opinion of the metropolitan area” replied “very much so” to the same question.

In August 2004, 47% of opinion leaders trusted lawyers “very much” or “quite much.” This index reaches 14% when the “public opinion of the metropolitan area” is questioned about it.

In general, lawyers as a social group believe that the legal profession has fallen into disrepute.

## 2. Structure and composition of the legal profession.

There are very few researches on the legal profession in Argentina.

Number of women practicing law: According to the Federal District Bar Association [“*Colegio Público de Abogados de la Capital Federal*”], as of July 1, 2004 there were 25,505 licensed women in good standing in that institution out of a total of 56,100 licensed professionals in good standing (these data refer only to women licensed to practice in the Federal District and do not include bar associations of any province).

Number of law schools: There are presently 41 Universities and 1 University Institute authorized by the Education Ministry to issue official law degrees.

Number of law students: In Argentina, there is currently a significant gap in complete, detailed and updated information about law school students and graduates.

- In 2002, there were a total of 167,193 students in national law schools.
- In 1998, there were a total of 33,208 students in private law schools.
- In 2003, there were a total of 29,170 students in the school of law of the University of Buenos Aires. In 2000, 61,7% of the law students in the school of law of the University of Buenos Aires were women. It should be noted that around 40% of the litigating lawyers in Argentina graduated from that university.

Number of lawyers in Argentina: According to estimates, in July 2000 there were a total of 211,043 lawyers that were licensed to practice law by some bar association in Argentina. However, it is not possible to determine this figure accurately because the same lawyer may be a member of more than one bar association and there is no entity that would compare the databases of the more than 70 bar associations in the country.

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<sup>1</sup> For further information on who makes up the “Opinion leaders” group and the “public opinion in the Metropolitan Area” group, see Document 1(b).

Geographic concentration of lawyers: The greatest concentration of lawyers is in the big cities, especially in the Federal District, followed by certain cities in the Province of Buenos Aires, Santa Fé and Córdoba.

Percentage of lawyers in private practice, the courts, governmental agencies and other sectors: There are no studies or reports that provide this type of information. In general, studies on the justice system in Argentina are focused on the analysis of how the judicial system works, but not on their players (except for studies on judges). With respect to the number of lawyers in the Judicial Branch (on a national and provincial level), the following approximate data are relevant: 4,106 judges, 1,142 prosecutors and 690 public defenders.

### **3. Information on legal needs.**

There is no study in the Argentine Republic that shows the unsatisfied legal needs (“ULS”) on a national or provincial basis.

The Center for the Implementation of Public Policies for Equity and Growth [*“Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento”*] carried out a project to measure the ULS in the district of Moreno (Province of Buenos Aires).

The people who were asked about this agreed that the major hindrance to develop this kind of studies in Argentina is lack of financing.

### **4. Rules relating to access to justice and professional ethics.**

Constitutional rights: The National Constitution provides that every inhabitant has the right to petition the authorities, which includes the right to make claims in court. Moreover, it sets forth that all the inhabitants are equal before the law and grants the right to defense at trial.

Rules of the bar associations: In general, the laws on the practice of law and membership in bar associations as well as the ethics codes adopted by the bar associations set forth that pro bono legal work for people who lack economic resources is a lawyer’s fundamental duty.

Ethics code: Each bar association is entitled to pass its own ethics code. Furthermore, they have disciplinary authority with respect to their members (which is exercised through a disciplinary tribunal).

Regular courses at law schools related to professional ethics, social responsibility, public interest and human rights:

- Law schools curricula include the teaching of professional ethics in one way or another. However, the criteria of each law school are very different. In some law schools, these concepts are taught at the initial stage, in others at the specialization stage as a specific course, in others it is an elective course and others leave ethics education to the bar associations.
- It is concluded from a study done in 1982 that law school students and recent graduates are almost completely unaware of the rules of professional ethics. Unfortunately, there is no indication that this situation has changed as of the present date.

- In the School of Law of the University of Buenos Aires, the teaching of professional ethics is relegated to the Department of Forensics and the later stage of the law school training [“*Ciclo Profesional Orientado*”], where courses and seminars on professional ethics are not constantly available and where they become elective.

**5. Rules relating to legal services for the poor. Indicate whether or not there are funding mechanisms and provide examples of programs (indicate when there is cooperation among different participants in the legal profession).**

Role of the government and of governmental programs:

- *National Public Defender* [“*Defensor General de la Nación*”]: it is within the structure of the Public Ministry, an organ made up of two groups--the Attorney’s General Office (which groups together and coordinates the action of the Prosecutors) and the Defenders Public Ministry [“*Ministerio Público de la Defensa*”] (which groups together and coordinates the action of the public defenders);
- *National Ombudsman*;
- *Ministry of Justice*: it has launched a program denominated “Integral Program for Judicial Reform,” whose purpose is to coordinate the programs for the improvement and modernization of the justice system in Argentina and to improve the Argentines’ low level of trust in the justice system. Some of the Program’s projects are: (i) Registry and Guide of Pro Bono centers; (ii) Access to Justice Manual; (iii) Mobile Center for Legal Guidance to the Community; (iv) Project Courthouses; and (v) Project Justice of the Peace.

Role of the professional associations and their programs: the laws on the practice of law and membership in bar associations as well as the ethics rules provide that Bar Associations must have a center for the rendering of free legal services for those who lack economic resources, and organize their representation and the legal assistance to be given to them.

Role of private bar associations and their programs: the Association of Lawyers of Buenos Aires [“*Asociación de Abogados de Buenos Aires*”] has a center for the rendering of free legal services, where civil and commercial matters are handled daily. In turn, the Bar Association of the City of Buenos Aires [“*Colegio de Abogados de la Ciudad de Buenos Aires*”] created the Pro Bono Professional Work Commission for public interest cases, in December 2000. It also has a record of law firms that provide pro bono professional services in public interest cases, and a commission on the center for free legal services.

Role of the schools of law and their programs:

- There is a great tendency in universities in general to teach some kind of solidarity duties to their students. In general terms, they are not compulsory but an elective program.
- The Ministry of Education tries to support these solidarity initiatives by means of the National Program of Solidarity in Education, with the aim that solidarity practices become part of the curricula. The Ministry’s point of view with respect to this matter is the following: (i) solidarity practices should not

be part of a voluntary system; universities should link them to the academic curricula and to the integral training of the future graduate; (ii) the voluntary system should be channeled through the NGOs and not through universities; and (iii) the Secretariat intends to create incentives for universities to include solidarity practices in their academic curricula as a requirement for graduation.

- Several law schools have centers for the rendering of free legal services, where cases are handled by students and professors.
- Currently, in Argentina there are legal clinics in the schools of law of University Torcuato Di Tella, University of Palermo, University of Buenos Aires, National University of Tucumán, National University of Comahue, National University of Córdoba and National University of La Plata. In general they are not a graduation requirement and they are developed with the cooperation of some NGO that works in the justice area. Several of these universities are part of a “Latin-American University Network of Human Rights and Public Interests Clinics.”

Role of the NGOs, pro-bono institutions, organizations for legal aid and foundations:

There is currently a great number of NGOs devoted to working in the justice area. In general, they are focused on achieving the reform of the judicial system, doing research with respect to the players in the judicial system, and preparing statistics that could be used to make informed decisions and that could be useful to improve public policies in this area. They also seek to support and work for a greater access to justice by those people who do not have economic resources, offer free legal services and defend public interest cases, among other activities that aim at improving the general state of the justice system in the country.