



Changes to Brazilian Ethics Code; Changes to Pro Bono Practice

Compliance and Ethics





Changes to the Brazilian Ethics Code — specifically article 13 — will allow lawyers in Brazil to legally practice pro bono services, if they choose to.

According to the Instituto Pro Bono in São Paulo, these changes were put into effect as of November 2015. In the coming year, a lot of transitions regarding the approach to pro bono work in Brazil will be seen, and it will be a huge shift for lawyers.

The practice of pro bono law is a big deal in the United States, and in many countries globally. Lawyers willingly dedicate time and energy to serve those in need of legal services. It's seen as a good faith attempt to help those who may not have the means to help themselves.

However, before the change to the ethics code, pro bono practice in Brazil was actually discouraged and considered unethical. And with a population of over 43 million in the state of São Paulo alone — 30 percent being classified as very poor — there is a high need for pro bono work in the country, says Marcos Fuchs, executive director at the Instituto Pro Bono.

Because of complex restrictions from the Brazilian bar and political discrepancies throughout the states, Brazilian lawyers who wanted to practice pro bono were unable to fulfill this easily. Courts in Brazil do appoint attorneys to those not able to afford one, since, according to Fuchs, there are not enough public defenders — the state of São Paulo (with over 43 million people) only has about 700 public defenders to help the poor population. In addition, this population potentially could not obtain free legal services outside of a court setting, e.g., for advice on drafting a will; tenancy issues; and

financial settlements not requiring a court case.

“This is a very important tool in improving the access for everyone to justice in Brazil,” Fuchs says. “The change to pro bono services is the most significant article in the ethics code that will impact legal counsel.”

It’s a positive impact for the whole country in regard to pro bono, and Fuchs says the Instituto Pro Bono is working with law firms, private sectors, and corporations to provide advice and mentoring on the best deliverables for free legal services.

“Everything is still brand new in regards to pro bono, so it’s an adjustment and it will take some time to work out how this is going to go forward,” Fuchs says. “It’s our (Instituto Pro Bono) dream to see all companies in Brazil implement a pro bono initiative for in-house counsel. But we will wait and see what happens.”

The Instituto Pro Bono is a nonprofit organization in São Paulo, Brazil, with a mission to increase the access to justice through the incentive of legal pro bono work.

www.probono.org.br

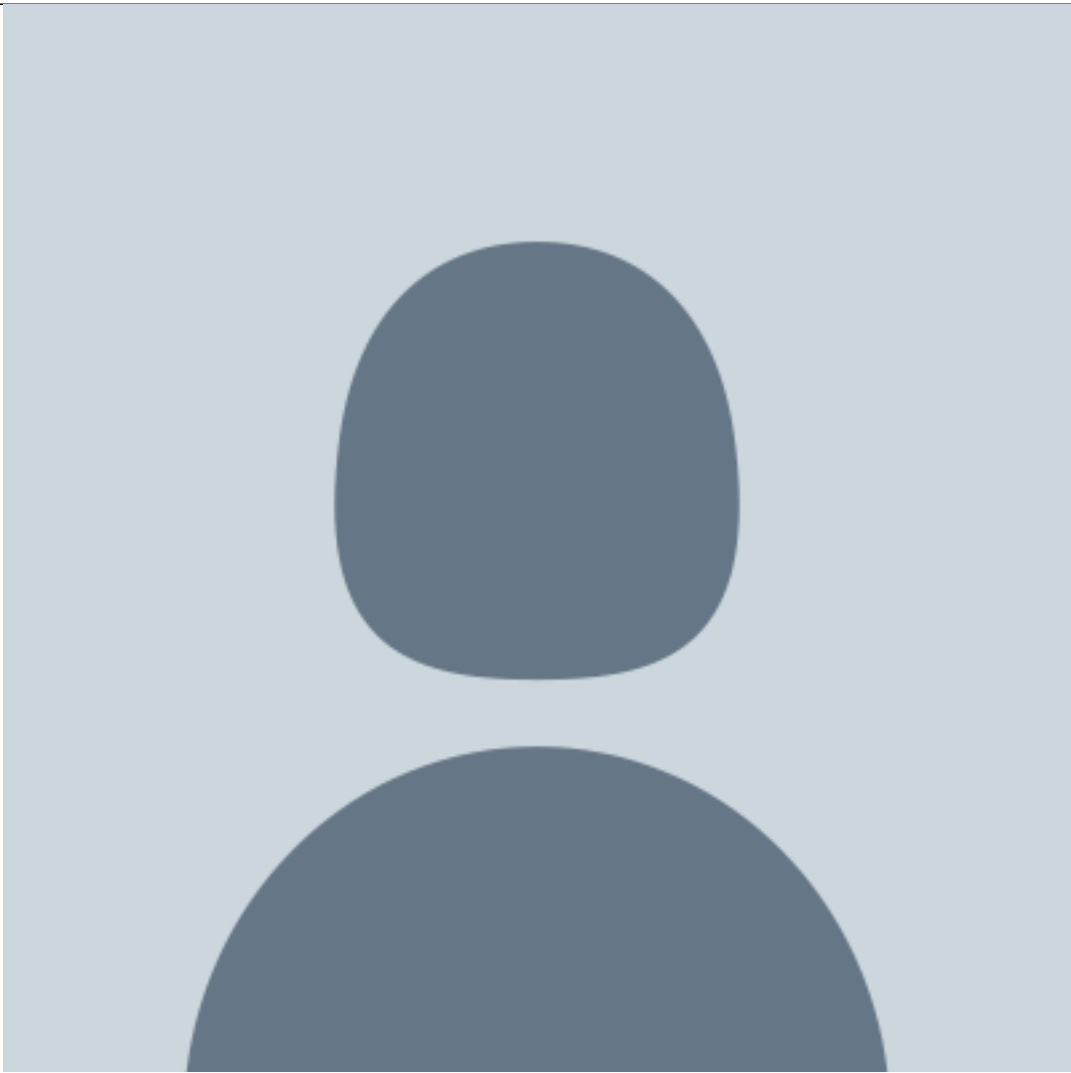
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