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Pro Bono

MEXICAN REVOLUTION

ENERGIZED BY STINTS AT AM LAW 200 FIRMS, LAWYERS IN MEXICO ARE PIONEERING A PRO BONO CULTURE OF THEIR OWN

David Bario

TEN YEARS AGO, when the nonprofit law and policy group Appleseed first considered launching an affiliate in Mexico to promote pro bono legal causes, it asked Mexican lawyers what sorts of political, cultural, and financial barriers it might face. It got an earful. Appleseed board member Robert Herzstein, now of counsel at Washington, D.C.'s Miller & Chevalier, received responses ranging from cautious to outright pessimistic, including a 2000 memo suggesting that lawyers in Mexico viewed hands-on social advocacy as the province of the state and the Roman Catholic Church. 'Appleseed will find a paucity of general counsel, senior partners, and other leaders who will take time and the political/business risk to provide help,' the memo said.

Less than a decade later, México Appleseed is a reality, and a growing network of Mexican lawyers--many sensitized by backgrounds at Am Law 200 firms--have pledged to help develop a culture and framework for pro bono work in Mexico. The affiliate has launched a handful of pro bono projects, including an effort to extend legal rights to millions of Mexican children. A parallel effort to promote pro bono throughout Latin America, backed by The Association of the Bar of the City of New York, is making inroads in Mexico as well.

Mexico has a long legal tradition, but it had no Louis Brandeis serving as an early advocate for pro bono in its courts and no Atticus Finch to inspire public interest lawyers in its literature. Membership in Mexico's main bar has historically included a substantial pro bono obligation, and the bar created a pro bono association in 2000, but bar membership is not mandatory, and compliance with the obligation is not enforced.

Vicente Fox's victory in the 2000 Mexican presidential race ended 71 years of one-party rule by the Institutional Revolutionary Party, or PRI. The new government promised to usher in a less corrupt, more democratic, and more entrepreneurial Mexico. Pro bono advocates hoped that lawyers would be inspired by the election to assert themselves more aggressively in Mexican civil society. (Fox left office in 2006.)

'We saw the transition to Fox as a major opening,' says Herzstein, who spearheaded Appleseed's early efforts in Mexico. As a trade lawyer at Arnold & Porter and Shearman & Sterling in the eighties and early nineties, Herzstein mentored visiting young lawyers from Mexico who returned home to build successful careers. After Fox's election Herzstein tracked them down, and those lawyers--from Chrysler de México S.A. de C.U.; mining company Industries Peñoles, S.A. de C.U; and the law firm Rubio Villegas y Asociados--formed the nexus of the board of directors for México Appleseed.

Herzstein also recruited Alexis Rovzar, a well-connected lawyer and philanthropist who founded White & Case's Mexico City office. Rovzar, who now practices at the firm's New York office, says the concept of pro bono remains alien to many Mexican lawyers. 'They say they have always done pro bono, but really they are doing an occasional favor for the relative of a servant,' Rovzar says. At a 2006 Appleseed conference, a prominent Mex-

ico City litigator told Rovzar that his father had been doing pro bono decades ago, when he traded legal favors with peasants for chickens and vegetables. 'I told him, with all due respect, your father was paid in kind,' says Rovzar.

As chair of the Cyrus R. Vance Center for International Justice of the New York City Bar, Shearman & Sterling partner Antonia Stolper visited Mexico to promote the Pro Bono Declaration for the Americas, which went into effect in 2008 and now has over 400 signatories. (The declaration includes a statement of principles and a commitment to perform more than 20 hours of pro bono annually.) 'Everyone agreed that lawyers should be engaged in promoting social welfare,' says Stolper. 'The questions were focused on the how.'

That's where México Appleseed comes in, says executive director Maru Cortazar. The organization's pro bono network now includes Mexico's largest association for business lawyers, with 600 members, along with 25 Mexican law firms and two law school clinics. The network will form the backbone of an online clearinghouse that Cortazar is launching this summer to match lawyers with pro bono projects around the country.

Projects so far have included a pro bono seminar led by volunteers from DLA Piper for 35 students at Universidad Panamericana's top-ranked law school (DLA has contributed more than 1,000 hours to México Appleseed through its New Perimeter program). Students spent the semester working on pro bono matters with mentors from Mexican and American firms. Pro bono lawyers organized by México Appleseed have also worked with Ashoka, a nonprofit that promotes social entrepreneurs, providing legal advice to Ashoka fellows, such as a community radio operator struggling to stay on the air.

In partnership with Unicef, México Appleseed has organized nearly 30 pro bono lawyers from General Electric Company's Mexican operations and the Rubio Villegas firm to extend the 'right to identity' to all Mexican children. Due to poor record keeping and the country's patchwork of administrative laws and jurisdictions, one in six Mexican children are never registered with civil authorities, limiting the children's access to health care and education and leaving them vulnerable to exploitation. 'We think this project can help define pro bono in Mexico,' says Luis Rubio Baretche, a former intern of Herzstein's at Arnold & Porter who is now a partner at Rubio Villegas.

Lawyers at Rubio Villegas each spent an average of 37 hours on pro bono projects in 2008, but that level of commitment is still rare. Only six or seven firms have truly embraced the concept of pro bono as an ethic, or as a way to distinguish themselves to clients, says Luis Gómez Sánchez, general counsel of Chrysler de México.

Still, says Carlos Ortiz Mena, the president of México Appleseed's board and senior in-house counsel at Grupo Peñoles, many Mexican lawyers are realizing that pro bono can be good business. 'We are sending the message that we are paying attention to pro bono, and the fact that it's coming from major Mexican and international corporations captures law firms' attention,' says Mena.

Pro bono advocates in Mexico acknowledge that the gospel of pro bono has spread only so far, and they say that developing attractive, feasible pro bono projects is a continuing challenge. But they warn against underestimating the progress that has already been made. More than 20 Mexican law firms have already signed the Pro Bono Declaration for the Americas, committing them to average more than 20 hours of pro bono per lawyer by 2010. 'Ten years ago, the notion that lawyers would get together and challenge the status quo would have meant they got audited,' says Rovzar. 'But things are changing. The lawyers are awakening.'

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