

# THE NEW YORK CITY BAR ASSOCIATION CYRUS R. VANCE CENTER FOR INTERNATIONAL JUSTICE

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## ENOTES

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### Cyrus R. Vance Access to Justice Award

On September 27, at a reception held at the Thomson Reuters Building in Times Square, the Vance Center presented the Cyrus R. Vance Access to Justice Award to Fundación Pro Bono Chile (“FPB”) and Michael A. Cooper. This award, inaugurated in 2008, is bestowed on individuals who have made a significant contribution to strengthening access to justice internationally.

The first award was presented to FPB, a non-profit organization whose purpose is to facilitate and organize the pro bono practice of Chilean lawyers and law firms. Founded in 2000, it celebrates its tenth anniversary this year. It serves as one of the Vance Center’s principal partners in the implementation of the Pro Bono Declaration for the Americas. Its members, comprised of 50 law firms and 300 volunteer attorneys, have worked to represent the indigent, advise micro-entrepreneurs, defend disabled persons, protect victims of domestic violence, promote access to public information, help victims of disasters and assist social organizations that promote public interest causes. Over the past decade, Fundación Pro Bono has provided free legal assistance to more than 6,500 individuals and institutions.

Cyrus R. Vance, Jr., Manhattan District Attorney and former Vance Center Committee Member, presented the award, congratulating FPB for having “established a model pro bono program in Chile,” a success that “will breed other successes.” Pablo Guerrero, President of FPB gave an acceptance speech in which he stated, “We still have a lot of work to do in promoting pro bono not only in Chile but throughout the Latin American region.”

The second award was presented to Michael A. Cooper, an attorney who has exemplified the Code of Professional Responsibility’s injunction to incorporate pro bono work into one’s professional life. A litigation partner at Sullivan & Cromwell for thirty five years and now of counsel to the firm, he not only undertook numerous pro bono matters, but also coordinated the firm’s pro bono activities. Long active in public interest organizations, Mr. Cooper has served as President and Chairman

of the Board of the Legal Aid Society; Chairman of the Board of ProBono.net and the New York State Lawyer Assistance Trust; and as Director of Volunteers of Legal Services and New York Lawyers for the Public Interest. During his tenure as President of the New York City Bar Association (1998-2000), Mr. Cooper hosted a symposium in 2000 entitled *Partnerships Across Borders: A Global Forum on Access to Justice* that led to the establishment of the Cyrus R. Vance Center for International Justice in 2003, and more broadly, to the spread of a pro bono legal culture throughout Latin America.

A founding Committee Member of the Vance Center, Mr. Cooper’s efforts laid the foundation for the Vance Center’s core programs and also helped to catalyze the creation of other organizations in the international arena that focus on extending the practice of pro bono work and increasing access to justice throughout the world. Samuel W. Seymour, President of the New York City Bar, presented the award, recognizing Mr. Cooper as a former mentor who “taught not by words but by example.” In his acceptance speech, Mr. Cooper noted that “as we contemplate how we can export the pro bono ethic that we have developed,” we must also be mindful of the large “access to justice gap” that exists in the United States.



*Cyrus R. Vance, Jr., Manhattan District Attorney; Pablo Guerrero, President, Fundación Pro Bono Chile; Michael A. Cooper, Of Counsel to Sullivan & Cromwell; and Samuel W. Seymour, President, New York City Bar Association.*

### Conference on Access to Justice in the Americas

The Vance Center and Fundación Pro Bono Chile are sponsoring a regional conference to be held in Santiago on April 7-8, 2011 to advance the role of the legal profession in strengthening access to justice in Latin America. This conference will bring together lawyers, bar associations, NGOs, and public interest institutions from more than 16 countries to discuss pro bono practice, assess the accomplishments and shortfalls of the PBDA, and identify ways to bridge the justice gap.



## Roundtable on Women in the Profession



The Vance Center is collaborating with the University of Chile Law School to convene a Roundtable on Women in the Profession on April 6, 2011 to address issues of concern to female attorneys including breaking gender barriers and strengthening the role of women in the law. This roundtable, a successor to similar events held in Buenos Aires, Lima and São Paulo, will take place in Santiago at the time of the regional conference. A similar roundtable will be held in Colombia later in 2011.

## South Africa Visiting Lawyers Program

The Vance Center welcomes three new fellows to the City Bar's South African Visiting Lawyer Program which is administered by the Vance Center. Siphile Buthelezi will be splitting his time between Davis, Polk & Wardwell and Morgan Stanley; Rorisang Mongoato will be working at Cleary, Gottlieb, Steen & Hamilton; and Thabang Masingi will be employed at Skadden, Arps, Slate, Meagher & Flom. They are the 35<sup>th</sup>, 36<sup>th</sup> and 37<sup>th</sup> participants in this innovative program, inaugurated in 2002, that has enabled South African lawyers from historically disadvantaged communities to increase their legal skills and expand their networks before returning to their home country. The Vance Center will continue to support the efforts of alumni of the program to address barriers that persist in the South African legal profession and to encourage young South Africans to enter into the legal profession.

## South African Moot Court Competition

The University of Pretoria Centre for Human Rights is inaugurating the first annual South African moot court competition, a project intended to encourage talented secondary school students to consider pursuing a career in law. The competition will offer students a unique opportunity to hone their skills in conducting research, writing and debating as they grapple with constitutional issues facing their nation. Members of the legal community, including several past participants of our South African Visiting Lawyer Program, are collaborating to prepare and advise the young advocates.



## Rainforest Alliance Conference in Colombia

In June of 2010, a workshop regarding government incentives for the promotion of sustainable production practices and conservation was held in Bogotá, Colombia. The conference sought to identify regulatory and market based instruments in Colombia that support sustainability, analyze impediments to their use, review international best practices, highlight opportunities for Colombian implementation of effective instruments, and define a common strategy to support sustainable initiatives in agriculture and forestry in that country. Attendees focused on the following methods of achieving sustainable production practices: tax incentives; payments for environmental services; government procurement and certification.



The conference was held in conjunction with an ongoing hemisphere-wide pro bono legal project created through the collaboration of the Rainforest Alliance and the Vance Center. The project seeks to promote sustainable practices in the agriculture, forestry and tourism sectors by helping small and medium-sized companies access green incentives. Initially, the project surveyed financial incentives utilized by seven Latin American countries, including Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Peru. Subsequently the project team produced a report analyzing these findings which was combined with a study conducted by the Organization of American States to produce a best practices summary.

Going forward, project participants will advocate for legal reforms to streamline laws and regulations to support sustainability throughout the Latin American region. According to Tensie Whelan, President of the Rainforest Alliance, "The partnership between the Vance Center and the Rainforest Alliance has highlighted how much more governments have to do to provide positive incentives for sustainable production. Existing incentives are relatively modest and rarely utilized, despite enthusiastic uptake in a few rare cases when there has been significant commitment to implementation."

## Teleconferences and Videoconferences

The Vance Center continues to utilize teleconferences and videoconferences for the exchange of ideas regarding the practice of pro bono. We hosted a videoconference convening attorneys in Paraguay and New York on June 10, a videoconference linking lawyers in Argentina, Paraguay and New York on June 17, and a teleconference uniting lawyers in Spain, Chile and New York on June 29.



## Ciudadanos del Día, Peru: Public Interest Chats



The Pro Bono Clearinghouse of Ciudadanos del Día (“CAD”), one of the Vance Center’s partners in Peru, has started a program to highlight public interest themes in need of legal assistance in order to bring them to the attention of attorneys willing to provide pro bono services. The program, called Charlas de Interés Público, was inaugurated in August of 2010. The first “chat” on the subject of the legal rights of persons with mental disabilities was organized by CAD in conjunction with the Peruvian Society of Down’s Syndrome and the firm Estudio Benites, Forno, Ugaz & Ludowieg, Andrade Abogados. Participating in the program were representatives of four law firms, three organizations that specialize in the rights of mentally disabled persons, four legal action groups and a representative of the Lima Bar Association. The International Convention on the Rights of Persons with Disabilities of the United Nations, adopted in 2006 and entered into force in 2008, is not adequately recognized in Peru, and persons with Down’s Syndrome are frequently deprived of social, civil and political rights as a result. According to José Ugaz Sánchez-Moreno, “This meeting proved the value of these chats and helped to generate initiatives to improve Peruvian laws in order to respond to the needs of the mentally disabled.” CAD is exploring ways in which pro bono attorneys can help implement the international convention so as to protect the rights of mentally disabled persons in Peru. Over the course of the coming months, CAD will host, in collaboration with members of its pro bono network, chats on the other subjects such as corruption and freedom of expression.

## Taxation of Pro Bono Services

The Vance Center has collaborated with Milbank, Tweed, Hadley & McCoy to prepare a legal memorandum addressing the tax consequences of the provision and receipt of pro bono legal services under United States tax law. The memo was prepared at the request of Ciudadanos al Día (“CAD”), a Peruvian NGO, to enable it to compare U.S. tax law with Peruvian law on the same subject. Current Peruvian tax law states that the taxable value of a service rendered is the market value of such service, regardless of whether any payment is actually received. Thus, when an attorney in Peru provides pro bono service on behalf of an indigent client, the attorney is subject to Peruvian income tax as if the attorney had been paid the market value of such service by the client. According to the Milbank’s memorandum, under U.S. law the provision of pro bono legal services is taxable neither to the provider nor to the recipient. It is hoped that CAD will be able to use this memo to advocate for the reform of Peruvian tax laws to eliminate tax disincentives to the provision of pro bono legal services.

## Peruvian Visiting Lawyers

From June 15 to 25, 2010, the Vance Center hosted two visiting lawyers from the Estudio Echeopar of Lima, Peru. During their time in New York, the two attorneys, Laura Francia Acuna, and Agnes Arbaiza Mejía, were introduced to many key institutions that support pro bono, including many public interest law agencies, the pro bono coordinators of numerous law firms, and faculty from area law schools.

According to Ms. Arbaiza, the two attorneys were grateful for the “amazing two week agenda” that offered them an opportunity to meet with members of the New York legal community who “generously shared with us their experiences on pro bono practice.”



## Canada: Pro Bono Conference



Members of the Vance Center participated at the third Canadian pro bono conference held in Calgary, Alberta from September 15 to 17. Ted Maynard, Vance Center Committee Member and a partner at Paul, Weiss, Rifkind, Wharton & Garrison was a panelist at a workshop providing the US firm perspective on the case for pro bono. Elise Colomer, Director of Latin American Programs at the Vance Center, chaired a workshop on the Pro Bono Declaration for the Americas and its achievements.

## Benjamin Bass, Public Interest Fellow

During 2011, the Vance Center will continue to expand its program output through the addition of staff members provided by law firm secondment programs. We are pleased to welcome our fourth public interest fellow, Benjamin Bass from White & Case, who will focus on access to justice in Latin America.

