

Pro bono: champion diversity to thrive

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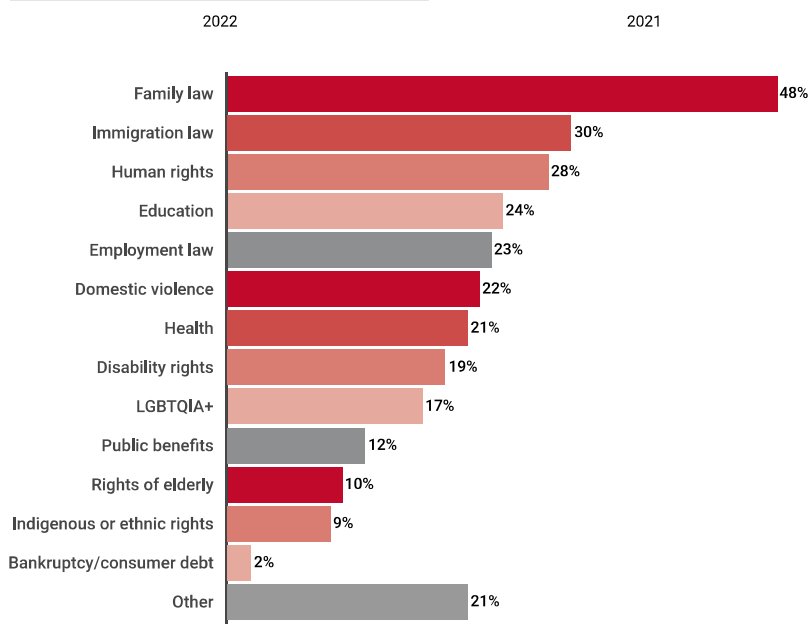


Firms where lawyers are cut from the same socio-economic cloth may struggle to unlock their pro bono potential by failing to understand the specific needs of marginalised groups. To better understand this, Latin Lawyer spoke to firms in Latin America about the successes and lessons learned from pro bono projects with transgender and non-binary people.

Pro bono work is becoming increasingly diverse, but to take a holistic approach to each project and affect real change, firms cannot solely depend on top-notch legal skills and should also strive for diversity within their own ranks.

Our recent pro bono study with the Cyrus R. Vance Center for International Justice shows that firms are increasingly engaging in work that helps trans people and other gender and sexual identities under the LGBTQIA+ umbrella. Between 2021 and 2022, this figure jumped from 6% to 17%.

What did your legal pro bono representation of low-income individuals relate to?



Such cases usually require human rights advice, which accounts for 44% of pro bono matters that firms took on last year.

By practice area, what type of pro bono matters did your firm take on the most in the previous year?

Practice area	2022 (%)
General corporate law	66%
Human rights (disability rights, ethnic rights, LGBTQ+, etc)	44%
Employment law	42%
Tax	40%
Family law	38%
Intellectual property	34%
Immigration law	31%
Dispute resolution	31%
Regulatory/compliance	30%
Data privacy	24%
Other	21%
Real estate law	21%
Microfinance/small business	18%
Environmental law (policy)	16%
Legal reform/strategic litigation (amici curiae, etc)	15%
Anti-corruption	12%
Restructuring/reorganisation	11%
Finance law	6%
Environmental law (litigation)	6%
Insurance law	2%

Diversifying perspectives

Trans people are regularly denied access to their most basic human rights and often struggle to feel part of a wider community, find work, access healthcare or even call the police. These issues are even more pronounced for those from low-income backgrounds. Positive attitudes towards trans and other LGBTQIA+ are in the [minority](#) across the region, while death tolls remain high. Brazil, for example, has long ranked as the most dangerous country for trans and gender non-conforming people to live, with more murders per year than any other country in the world.

“Their social and economic marginalisation translates into legal poverty, but trans people’s rights should be recognised and respected,” says Caterina Miró Quesada, partner and chair of the pro bono committee at Peru’s Hernández & Cía, who adds that active listening and keeping legal jargon to a minimum are essential to achieving rapport with beneficiaries and giving “useful legal advice”.

Legal support is, however, just half the story when it comes to working on pro bono projects that support trans individuals. To be truly successful, lawyers must also be able to engage with beneficiaries in a way that demonstrates a deeper understanding of the issues that trans people face. Firms that have lawyers who have first-hand experience of oppression – whether based on race, gender, sexuality or economic status – will be in a considerably better place to do this.

Maria Paula Bonifácio Custódio, associate and pro bono subcoordinator at TozziniFreire Advogados in Brazil, explains that some potential beneficiaries have lost contact with the firm’s pro bono team due to the volatility of their social and economic situation – being forced out of their homes and onto the streets, for example. She has also encountered another complexity that makes document rectification near impossible for some trans people – criminal records.

“There are fears that when they give their name or address, they will be convicted for something in their past – so many trans people are forced to continue their lives without official recognition of who they are,” she explains.

Without a broad view of the risks that trans people face, pro bono projects may not fully benefit the individual or promote better conditions for people similar to them.

“One person can’t think of all the needs of an unrepresented individual or group, but with diversity we can take a range of perspectives to a project and identify different needs,” says Clara Serva, pro bono coordinator and partner at TozziniFreire. Serva says part of this process requires lawyers to adjust themselves to the needs of the people that they are assisting, down to the way they speak and behave.

“This is particularly important when working with extremely vulnerable people, who often feel that they have no rights and only obligations – understanding and adaptability show them that they are entitled to their rights,” she says.

Hernández & Cía and TozziniFreire have partnered with local non-governmental organisations to assist individuals with the range of challenges they face. This includes help to change name and gender on official documents – an essential step in many trans people’s transitions. Hernández & Cía and fellow Peruvian outfit Benites, Vargas & Ugaz Abogados have also put together training sessions for vulnerable individuals to identify and combat abuse – from microaggressions to physical violence. These sessions teach participants how to handle situations in which they are denied access to women-only public bathrooms, unjustly detained by police or refused a service or recognition before an official body because their physical appearance differs from the image on their identity document.

“Trans women are probably one of the most vulnerable members of the LGBTQ+ community and, unfortunately, they are constantly wrongly targeted by authorities, such as police forces, that have been poorly trained on how to deal with these types of matters,” explains Kris Maquin, one of the associates at Hernández & Cía involved in the project.

The road to equality

Firms already understand that inclusive environments can help them [attract](#) leading talent and [boost](#) their reputation in the market through strong ESG practices. What isn’t often highlighted, however, is how diverse perspectives can also enrich their pro bono work and give them the chance to target widespread change. Firms do this through tight cohesion between their D&I and pro bono committees, as is the case with Brazil’s Cescon, Barriau, Flesch & Barreto Advogados.

“Our work providing legal advice and financial help to trans Brazilians seeking to change their name, for example, is also directed to our internal equity committee, which assess each case with a number of angles in mind, including race, sexuality and gender,” explains partner Tania Liberman.

For Benites Vargas’ managing partner Roberto Pereira, the positive knock-on effect that internal diversity and inclusion initiatives can have on society is undeniable. Implementing a committee to handle these matters has empowered the firm to focus on building a “sustainable” diversity and inclusion programme “both in relation to our organisation and towards society”.

Doing this has ultimately led the firm to form “important alliances with [certain] organisations and take on cases of advice or defence of the rights of trans people,” he adds.

While equality for trans people is still years in the making, firms are in an influential position when it comes to building a more inclusive world. Any work that makes that possibility a reality will go down as one of the many successes of Latin America’s pro bono legacy.

Latin Lawyer explored this year’s pro bono survey and how firms can improve their internal infrastructure and relationships with clearinghouses earlier this week.

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