

# 2015 Legal Summit of the Americas

## *Summit Report*



CYRUS R. VANCE CENTER  
FOR INTERNATIONAL JUSTICE



# Executive Summary

This report reviews and reports on the 2015 Legal Summit of the Americas, a gathering of 86 attorneys, NGO leaders and academics organized by the Vance Center at the New York City Bar Association in December 2015, with the generous support of Tinker Foundation.

The report opens with a brief introduction detailing the premises and objectives of the Summit. Subtitled “The Lawyer and Democracy”, the gathering focused on how members of the legal profession collectively can confront current challenges to the rule of law and open society in the hemisphere. The Vance Center conceived of the Summit to help identify and prioritize strategic initiatives for its and its partners’ ongoing engagement in Latin America, building on the blueprints already laid out during the 2005 summit and the ensuing pro bono initiative.

The report continues with a general description of the four panels in which participants appeared throughout the two-day event. These panels addressed several issues, including current economic and political conditions and pressing human rights issues in Latin America and the ethical obligation of lawyers to support access to justice and the development of pro bono practice, focused on implementing the Pro Bono Declaration of the Americas.

The heart of this report recounts three working group discussions at the Summit, each focusing on a specific theme: supporting civil society; promoting honesty in governance; and enhancing ethics in the legal profession.

- Working group A’s participants first identified the obstacles that impair lawyers’ efforts to support civil society, and then explored and posited cross-border and national collaboration strategies to overcome these obstacles.
- Work group B’s members expressed their concern for the culture of impunity and acceptance with respect to corruption that prevails in many countries. This apathy was perceived as largely the result of a mistaken perception of corruption as a “crime without a victim” and a general lack of awareness when it comes to the extent and the effects of corruption in governmental processes. Participants agreed that lawyers should engage in local and international coordinated efforts to support civil society not simply by rendering legal advice, but additionally by serving as an interest group with great potential for fighting corruption.
- Working group C addressed the enhancement of ethics in the legal profession. Group members agreed on the importance of developing common and mutual commitments for ethical objectives and professional standards of conduct. Concern was expressed as to the viability of creating a hemisphere-wide code of ethics. Others advocated for a statement of broadly accepted principles of good ethical conduct in the legal profession.

The report’s conclusions reflect the re-cap session of the working groups, which brought the Summit to an end. Overall, Summit participants expressed a consensus that further collaboration

within the legal profession is necessary in order to fight corruption and support the mission of civil society organizations. Many of these issues and objectives are regional in scale, as the new legal marketplace also is increasingly regional, or even global. This makes broad cooperation crucial. Lawyers; law firms; bar associations; clearinghouses; universities and other legal organizations throughout the Americas should find ways to address common concerns and objectives, building networks and frameworks for local and multi-jurisdictional coordination and collaboration. Organizing a forum for the exchange of knowledge and experience might be a good starting point.

The report includes several appendices, including the welcoming remarks by New York City Bar Association President Debra Raskin, the keynote speech given by the Organization of American States Secretary General Luis Almagro, a list of Summit sponsors, and the list of Summit participants.

## Introduction

Eighty-six leading representatives from legal and non-governmental organizations in 19 countries throughout the hemisphere came together last December to participate in the “2015 Legal Summit of the Americas: The Lawyer and Democracy”. The Summit organizers had an important goal in mind: identifying the specific objectives that could be more effectively pursued through ongoing collaboration. Their interest in this goal stemmed from their recognition of the lawyer’s fundamental obligation to serve the public interest and the legal profession’s central role in maintaining the rule of law and open society.

Summit participants hailed from 37 law firms, 21 NGOs, six universities and five bar associations. Many brought with them extensive experience with pro bono work, while others served as leaders of respected bar associations and universities. All of these members shared a commitment to develop strategic initiatives that could further the role of lawyers in advancing democratic governance and promoting open society.

Throughout the two-day event, participants rotated among three working groups led by a member of the Vance Center Committee and a Latin American participant.<sup>1</sup> Discussion topics in these groups were interwoven with each other: supporting civil society; promoting honesty in governance; and enhancing ethics in the legal profession. In addition to deliberating actively in these groups, Summit participants appeared in panel discussions that addressed issues including economic and political conditions in Latin America and the many human rights issues in the region. There was much important conversation and debate on other issues, specifically the fundamental ethical obligation of lawyers to support access to justice, as well as a review of pro bono development in the region since the drafting of the Pro Bono Declaration of the Americas.

The Vance Center has pursued such peer-to-peer collaboration within the legal profession of the United States and Latin America throughout its 15-year history. It has been the organization’s fundamental purpose and approach. The founders conceived the Vance Center as an organization that would honor Cyrus Vance’s character and practice. As his family expressed at the time of its founding: “Like our father, the Vance Center is able to talk with all members of the legal profession, be they academics, public interest lawyers, private practitioners or leaders of

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<sup>1</sup> Sabrena Silver, partner at Sabrena Silver, partner at Linklaters, and Carlos del Rio, partner at Creel, Garcia–Cuellar, Alza y Enriquez; Werner Ahlers, Vance, partner at Sullivan & Cromwell, and Carmen Rosa Villa Quintana, regional representative for Central America of the Office of the High Commissioner for Human Rights; and Hunter Carter, partner at Arent Fox, and Ruby Asturias, partner at Pacheco Coto Central America.

bar associations. Like our father, the Vance Center's goal is personal: to enable lawyers to make a difference in people's lives"<sup>2</sup>.

To this aim, the Vance Center has regularly engaged lawyers throughout the region in joint representation of civil society organizations and common promotion and strengthening of pro bono practice in nearly all Latin American countries. In its early years, the Vance Center played a central role in the convening of a series of conferences that led to the conception and development of a culture of pro bono engagement across the American hemisphere. The 2005 summit launched the Pro Bono Declaration for the Americas which grew organically in response to the participants' commitment to develop a declaration of principles and an action plan to support expansion of pro bono services throughout the Americas. Drafted over a 3-year period by a group of distinguished attorneys in Latin America and the United States over a three-year period, the Declaration has become a cornerstone document for lawyers and law firms in Latin America, with now more than 530 signatory law firms and other legal organizations from 21 countries in the Western Hemisphere.

The culmination of the institutionalization of pro bono work throughout the Americas was the official launch of the Pro Bono Network of the Americas (the "Network") in 2011. Under the leadership of the Vance Center and Fundacion Pro Bono Chile, the Network promotes and strengthens pro bono legal work through the exchange of ideas and best practices among its members. Today, thirteen clearinghouses constitute the Network, and clearinghouses in a further five countries in South and Central America are being established. A Network working group for the past year has discussed and begun drafting documents to set forth its mission, objectives, basic procedures, and programs and to set up a structure for it to continue to operate.

Alongside the Network, the Vance Center continues to carry out its mission through two main approaches. First, it provides legal representation to social justice NGOs across the Americas, through its partnerships with leading law firms, clearinghouses and other entities worldwide. In this representation, the Vance Center advises clients with missions and programs in three areas: Human Rights and Access to Justice, Environment, and Good Governance. Second, it builds the capacity of the legal profession to pursue pro bono practice, ethics, and diversity through its Program on Strengthening the Legal Profession, an initiative that engages pro bono clearinghouses, law firms, bar associations, and law schools. This includes the Women in the Profession Program and the African Legal Fellows Program.

The organization's efforts and close cooperation with Latin American partner organizations have succeeded in improving access to justice in the region. The Vance Center's achievements in promoting pro bono practice in Latin America include, for example, the engagement in 2015 of almost 100 lawyers from 42 law firms in 18 countries across the region in multi-jurisdictional

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<sup>2</sup> Amy S. Vance and Cyrus R. Vance Jr., *The Legacy of Our Father*, published at <http://www.vancecenter.org/vancecenter/images/stories/vancecenter/legacy.pdf>.

projects on behalf of civil society. The Vance Center views these accomplishments as contributing to paving the way for further action. Doing more will only strengthen the growing atmosphere of pro bono commitment. The active work of Latin American lawyers on behalf of Latin American civil society organizations has not only aided those organizations, it has also opened the minds and hearts of lawyers to the needs of their own societies: disadvantaged and underserved people who require access to justice; civil society, a concept in dire need of protection; and government institutions that need strengthening against corruption and politicization.

The opportunity for lawyers throughout the hemisphere to collaborate even more actively to strengthen democratic governance comes at what seems a crucial moment. A number of Latin American countries enjoyed a sustained development for a decade or more. This has led to economic growth, but a culture of corruption was left unaddressed, and populist governments deferred needed reforms while benefitting from favorable economics. The current global economic deceleration may have originated in China, but its effect on Latin America is profound, palpable, and transformative.

We face a moment of truth when it comes to the law: corruption investigations in Brazil, Chile, Guatemala, Honduras, and Panama; electoral transitions in Argentina, Guatemala, Venezuela, and now Bolivia; a likely peace settlement in Colombia, notable for its carefully negotiated political amnesty provisions and planned truth commission. These developments demonstrate the growing importance of legal institutions and the enduring legacy and modern-day role that lawyers play, whether in government, civil society, academia, or private practice. The emerging political reality contrasts with Latin America's past experiences, with coups and populist defiance. Across the region, popular demand for the rule of law and honest government faces a defining period of struggle with established power elites who continue to benefit from cronyism and impunity. The institutions that are actively fighting corruption remain the exceptions across the region, but add urgency to efforts to strengthen or reform legal institutions.

It is a period of opportunity and peril, in the absence of effective response. Even prudently managed countries such as Chile and Colombia face new economic constraints. Governmental stalemates afflict Brazil and Venezuela, which is becoming a failed state; rampant insecurity plagues much of Central America and Mexico; and populist authoritarianism persists in Ecuador, Nicaragua, and Venezuela. Systemic corruption, which goes hand in hand with many of the aforementioned ills, remains largely unaddressed in the Dominican Republic, Honduras, and Mexico, among others. Additionally, Indigenous and Afro-descendent people, as well as women and children, lack adequate protection of fundamental human rights throughout the region, especially in much of Central America. Poor people across the region continue to suffer from economic marginalization, grossly inadequate educational opportunity and lack of formal property rights.

The Vance Center, along with its long-time partners in its work in the Americas, approached the 2015 Summit with a sense of achievement in promoting pro bono practice and human rights, but also of continued, urgent need and renewed purpose. The focus was fixed on creating further opportunities to engage lawyers in supporting democratic governance and open society. The goal was consensus on future strategic direction through a discussion of several integrally-related themes:

- What is the role of the legal profession in society?
- What responsibilities do members of the profession have toward society, and for the conduct of the profession?
- What are the biggest obstacles to the functioning of civil society in our countries and what could lawyers do to overcome these obstacles?
- As lawyers, what is our responsibility and obligation towards supporting civil society, fighting corruption and promoting honesty in governance?
- What are the different roles we can play?
- How can we enhance our profession?
- Should we develop models for standardizing legal ethics and exercising self-regulation?

The Summit, which would have not been possible without key funding from the Tinker Foundation and other sponsors, formulated and began to offer answers to these questions. This report seeks to stimulate the Vance Center and its partners' to continue their engagement in Latin America, in pursuit of more effective democratic governance and open society in the Western Hemisphere.

# Presentation and Panel Discussion: Growth expectations, political and economic risks, and other pressing issues in Latin America

**Speakers:** Martin Abregu; Daniel Alpert; Honorable Julissa Reynoso; Christopher Sabatini

**Moderator:** Ruti Smithline

The rise of Latin American economies has allowed citizens in the region to become more prosperous. More people have indeed joined the middle class. This emerging middle class, however, has been narrowly defined to include those earning more than \$10 a day. This definition implies that all members of the middle class have access to healthcare and other social services, when in fact there is a rising and unmet demand for public services. In fact, it is highly likely that many people from this group will regress to poverty in Brazil, Argentina, Mexico, and even Colombia. Another important social implication to emphasize is the exclusion of indigenous people and Afro-descendants from the benefits of this economic growth.

Inequality stands out as the main threat and obstacle for social justice in the region. This does not include only income or wealth inequality, and any analysis must provide a broader political and social scope, since inequality is systemic, embedded in society, and far more complex than at any time in the recent past. The key issue is that inequality compounds itself, since all types of inequality feed into each other, thus making it resistant to change. It is not a problem that will disappear unless we decide to address it.

One of the key challenges for Latin America is the relationship between an expansion of democracy and a decrease in inequality. It would seem that in spite of a system of democratic governance that spreads and adapts, the governed are not treated equally. Since inequality is usually seen as either a social issue (racial and sexual discrimination, gender bias, etc) or an economic problem, many countries have failed to address it on a political scale. We must pay more attention to how many of our citizens are granted access to government, how the government is being held accountable, and to who gets to participate in the political process. A truly representative government is essential in order to address the problems that people identify as priorities. As such, it should allocate resources accordingly and not be concerned with serving the elite. Inequality is enabled and worsened by an inadequate governmental structure.

The Obama Administration has been focusing its efforts in the region to address inequality under three core practices. To begin with, it has focused on engagement through partnership with the region in order to promote economic growth through prosperity and inclusion. The

administration has thus taken several steps to fortify economic arrangements in the region: from finalizing the trade agreements with Colombia and Panama, to engaging with countries in the Pacific to ensure they are acting in cooperation. The administration also has been interested in the promotion of open markets similar to those established in Mercosur countries. The emphasis has been on agriculture and the commodities goods sector (i.e. Brazilian, Uruguayan and Chilean products). In terms of equity and inclusion, the U.S. Department of State has an initiative focused on promoting ethnic and racial inclusion, and has made significant investments in the region through private channels, as well as cooperation with USAID and the Millennium Challenge Corporation. In this context, inclusion and economic justice have been a critical piece of U.S. government efforts through the building of institutions with the aid of local governments and civil society.

Secondly, the Obama Administration has focused on justice, citizen security, and safety. The rising crime rates and the escalating violence in Latin America have been great concerns. Southern Cone countries are experiencing more organized crime than before. The Obama Administration has pooled resources into security efforts, using tactics that promote greater agency collaboration and monetary support. For example, it has invested billions of dollars in Colombia with positive outcomes, although one can have doubts on the investment return, as Colombia is still a significant source of cocaine exports, and drug violence has apparently shifted to Peru, Central America, and Mexico. Undeterred, the United States continues to cooperate with Central American governments. Its embassies there house many law enforcement agents.

As a last, but equally important measure, the Administration has been engaged in promoting democracy and human rights with our partners in the region. U.S. foreign policy does not operate in a vacuum and must complement the economic and judicial reforms in these countries. In this area, we see an increased emphasis on democratic institutions. Even in the most advanced countries, however, access to equal rights under the law is not always present. Therefore, the Administration has expanded the conversation also in order to be mindful and inclusive of the rights of minorities, LGBT populations, and women.

In general, the United States has become more direct and frank regarding how it talks about issues, and less politically correct regarding inequality, poverty, discrimination, and corruption. Additionally, the normalization of talks with the Cuban government already has had a strong influence in the region. The President's policies with respect to travel and investment in Cuba have made the U.S. blockade of Cuba less relevant, opening up opportunities to move forward. There are still many tensions between the two nations, increased by the memory of the human rights record and sanctions regime, but notable advances towards transparency have occurred.

# **Presentation and Panel discussion: Reviewing pro bono development since the Pro Bono Declaration of the Americas and Reporting on the institutionalization of the Pro Bono Network of the Americas**

**Speakers:** Professor Daniel Bonilla; Ciro Colombara; Enrique Felices; Martin Zapiola

**Moderator:** Marcia Maack

The Latin American pro bono movement started in 2001 in Argentina. Following on a 2000 conference at the New York City Bar Association, the Buenos Aires Bar Association invited Joan Vermeulen, subsequently among the founders and the first executive director of the Vance Center, to speak in Buenos Aires about pro bono practice. Conscious of the need to institutionalize pro bono work, the Buenos Aires Bar Association, in conjunction with private law firms, seized the moment and in early 2001 created a committee within the association to act as a clearinghouse. Subsequently, the Buenos Aires Bar Association asked the Vance Center to join in organizing a conference in Buenos Aires. This meeting focused on the benefits of doing organized pro bono work. What most captured the attention of the lawyers present was a simple but interesting fact: the most successful law firms (in terms of billable hours) were also frequently leaders in pro bono hours, organizations, and commitment.

With new connections came a new vision: a bridge to close the wide gap between pro bono demand and available resources. In this spirit, two other conferences took place in Santiago de Chile (2002) and Sao Paulo (2003). These conferences played a pioneering role in the institutionalization of pro bono work in Latin America. The institutionalization approach in Chile, however, was different than in Argentina. In the former case, private law firms took the lead in setting up a clearinghouse funded and directed by them. Both, however, were great advances for the organizations and those involved with them.

In 2005, the Vance Center organized the Strategy Summit for the Americas held at the New York City Bar Association, bringing together lawyers from across the region interested in pro bono work. The gathering gave the participants the opportunity to inspire and be inspired by each other and understand the need to work together. The Pro Bono Declaration of the Americas, which was implemented over several years, arose from the 2005 Summit and provided an unambiguous and unanimous definition of pro bono work. It has become the cornerstone in the

institutionalization of pro bono practice in the region, and has served as a magnet for attracting law firms and universities to join the pro bono movement.

Originally, the cultural differences in pro bono work between the United States and Latin America were extensive. As cultural acceptance in the Latin American countries matured and grew stronger, however, lawyers across the region began to open up communications with each other, started sharing best practices, and initiated an exchange of tool and resources to improve the ethics of the profession as a whole. It was empowering to share experiences between different (and similar) legal cultures.

The culmination of the development of pro bono work throughout the Americas was the establishment of the Pro Bono Network of the Americas. The Network is a regional movement that promotes, organizes, and strengthens pro bono work through the exchange of ideas and best practices, all with one end in mind: addressing human rights and the legal needs of NGOs that work towards protecting these rights.

The Pro Bono Network has enabled pro bono work to become more efficient and visible, significantly increasing its impact. It also has provided the movement with diversity and pluralism, while facilitating and presenting a united voice before important events and actors. Most importantly, the Pro Bono Network has created a common space in which law firms, lawyers, clearinghouses, and NGOs do not compete. Instead, they work together, moving forward toward a common goal, acknowledging the fact that the countries represented have similar needs, and at the same time respecting their respective legal cultures. Today, the Pro Bono Network works through sharing experiences, reporting on particular subjects, and encouraging regular communication and publication. The greatest hurdles it faces are the need for institutionalization, the search for and encouragement of new pro bono clearinghouses that may join, and the work necessary for strategic litigation in the Inter-American Human Rights System.

In 2013, the first observable result emerged: Alianza Pro Bono Peru. Although today the Alianza is regarded as a strong organization, it faced several obstacles following its inception. Now composed of 17 law firms and boasting a pool of 600 lawyers who have surpassed the 20 hours per lawyer each year, it started in 2009-2012 as an ambitious but significantly smaller pro bono system, seeking to include a variety of civil society organizations. This attempted plurality prevented it from achieving all its objectives, so it had to be restructured. Additional obstacles included finding ways to keep member firms engaged and motivated, encouraging law firms to take ownership of the clearinghouse, and making pro bono work an expectation in the eyes of clients.

In order to overcome these challenges, Alianza has focused primarily on law students, trying to familiarize them with the concept and importance of pro bono practice, both in terms of

themselves and in terms of their community, and encouraging them to demand that the law firms that they eventually join do pro bono work. The Alianza also has prioritized motivating member firms by asking them what type of pro bono work they are interested in doing.

Most recently, in order to examine the conceptual architecture of transnational pro bono networks, and to interpret, analyze and understand pro bono work, Professor Daniel Bonilla from the Universidad de Los Andes in Bogota has conducted a comparative study of pro bono work in Argentina, Chile, and Colombia. The research focuses on the key concepts of subject (servants of law connected by a moral obligation to do pro bono work in an imaginary space and time), time (a linear concept of time in a moment of emergence of pro bono that is connected to social and economic inequality), and space (sphere of morality in which private citizens created spaces to help other private citizens).

According to the results, the pro bono movement in Latin America started through the transplantation of legal knowledge from U.S. law firms to Latin American ones. Similar parameters have guided the building up of clearinghouses, the handling of pro bono cases, and the promotion of pro bono work. It is important to note, however, that although the concept and the structures are very similar, Latin America and the United States are two worlds apart in terms of pro bono practice.

In the countries under study, several challenges have been identified. Firstly, law firms have not taken key positions to finalize the process for a real pro bono culture. They make a distinction and build a rigid separation between pro bono hours and billable hours. To add to this detrimental characteristic, firms do not allocate enough economic or human resources to achieve the objective of pro bono. Lastly, clients do not demand that their lawyers do pro bono work. Consequently, the number of pro bono hours within law firms is subpar, and the concept of public interest litigation is still not clear. It is the responsibility of both law firms and academia to address these challenges collectively and develop a true and responsible pro bono culture throughout Latin America.

# Presentation and Panel discussion: Current human rights issues in Latin America

**Speakers:** Elizabeth Abi-Mershed, Ligia Bolivar, Francisco Quintana, Daniel Wilkinson

**Moderator:** Marie-Claude Jean Baptiste

Historically, Latin America as a region has experienced various forms of inequality, authoritarianism, and organized crime. It has been identified as the most inequitable region of the world, with 10% of the population accumulating more than 70% of the wealth. This situation has further developed into social and political polarization, weak rule of law, and general lack of interest in human rights.

Authoritarianism affects human rights by restricting freedoms, limiting criticism of government, and impeding political opposition from seeking to balance out injustice with justice. The lack of effective judicial independence prevents adequate protection against the abuse of power. In fact, Latin America has a regional impunity rate of more than 95%.

Significant regional efforts have been made to establish democracy as the common form of government for all countries of the Americas, such as the adoption by the Inter-American Democratic Charter by the Organization of American States in 2011. Yet, in terms of attaining accountability for violations of human rights throughout the region and understanding governments as guarantors of the welfare of societies, there is still a long way to go.

Organized crime is another transverse issue across Latin America. It impacts human rights in several ways. People tend to be aware of its direct consequences, whereas indirect consequences often remain unnoticed, although much worse in their effect. Organized crime indirectly hinders the effectiveness of media and NGOs. These entities are impeded from doing their jobs and denouncing human rights abuses. Additionally, it denies victims any sort of protection. It takes away their last line of defense.

A paradigmatic example of a country where organized crime precludes the international community from fully knowing what occurs within its borders is Venezuela, currently identified as one of the most authoritarian countries in Latin America. Venezuela is not a socialist state or a leftist government. Rather, it is a *military* government. Every action in the country has a military reaction, including militarizing the police and the justice institutions. Even in the face of economic emergency, the response has been to militarize and to repress human rights advocates, students, NGOs, and anyone else who dares to criticize the government. The continuous actions

taken by the government to limit international monitoring and cooperation have not only left the country isolated, but have resulted in the International Coordinating Committee of National Human Rights Institutions degrading the Venezuelan Ombudsman to a class B NHRI associate member, not fully compliant with the Paris Principles.

Nevertheless, there is some progress to be found in Latin America, specifically in terms of human rights. Committed individuals and organizations, including NGOs and activists, have been effective in the movement towards a culture of greater accountability and commitment to the reform. Their work has facilitated, for example, the prosecution and sanction of several figures that society felt should be held accountable: Augusto Pinochet in Chile, the military juntas in Argentina and Uruguay, President Alberto Fujimori in Peru and, most recently, President Otto Perez Molina in Guatemala.

Through the efforts of civil society and other relevant actors and institutions, such as the Inter-American Human Rights System, the most egregious violations of human rights in Latin America are being openly denounced, investigated, and sanctioned with an ever-growing set of national and international tools. Even though the systems are imperfect and face considerable economic and political obstacles, the integration and strengthening of regional systems have enabled the promotion of human rights with applicable content and sanctions.

The Inter-American Commission, for example, while facing economic challenges arising from the lack of commitment of governments, has been consistently seeking to improve the initial review and the speedier resolution of urgent cases that may require immediate protection. The creation of nine thematic rapporteurships since 1990 has also significantly sharpened the focus on certain groups and communities that have been historically at risk of human rights violations due to their circumstances. Among these are indigenous people, women, migrants, human rights defenders, and LGBTI community members.

Despite this progress, we must not forget how long the road still stretches ahead and how fraught with obstacles it will be. The human rights in the region can still improve significantly. As the aforementioned challenges recur, Latin American countries will continue to strive towards better, more transparent, and accountable democracies. Present and future human rights challenges in the region include social conflict derived from strategic infrastructure projects, insecurity, impunity, poverty, food and water accessibility, social security, and even climate change.

Lawyers have the unique opportunity to contribute to these causes through support of country monitoring, pro bono representation of cases, legal education, the conscious analysis of new national legislation, and even the drafting of amicus curiae briefs. Pro bono work should not be understood exclusively as the representation of victims, but rather as the broad range of alternatives by which a lawyer can help to create positive impact and movement towards respect, and adequate execution, of human rights.

# Presentation and Panel discussion: The nature of the ethical obligation of lawyers to support access to justice and democracy and how to institutionalize that support

**Speakers:** Arturo Alessandri; Horacio Bernardes Neto; Oscar Cruz Barney; Evan Davis; Flavia de Souza Oliveira

**Moderator:** Todd Crider

Pro bono assistance has served as an ethical tenet of the profession of law since beginnings. Lawyers, by virtue of their profession, should strive to provide the most efficient access to justice, especially to vulnerable members of the population.

One of the bases for this moral duty is the high cost of legal services, which creates obstacles for people with low incomes to affording legal representation. Additionally, the exclusive privilege that lawyers have to exercise the profession imposes obligations for ensuring that legal representation is available to all.

The lawyer's obligation to ensure access to justice, however, does not end with the facilitating and providing of services for specific cases. There also exists an obligation, broader and grander in scope, to seek reform of laws that are not just, to change the parts of the system that cause or perpetuate symptoms like poverty and inequality. Lawyers cannot be obligated under, and should not help enforce, unjust laws. All aspects of the legal profession should be inspired by the following cornerstone values: the concepts of "pro bono publico" ("for the public good"), of provision of aid to persons of limited means, and of access to justice.

In spite of the widespread view that access to justice is a fundamental right that should be provided by the State, funding restraints often jeopardize this right. Most States provide some funding for criminal cases, but with the notable exception of Brazil civil cases often do not receive the same support. Thus, until and unless the government sets aside and provides more resources to facilitate access to justice, members of the legal profession should strive to fill the gap through pro bono work.

Clearinghouses throughout Latin America have been instrumental in institutionalizing pro bono practice throughout the region. Their role in facilitating the pro bono work of member lawyers to help narrow the access-to-justice-gap in civil cases has been fundamental to the mission of the Vance Center and its partner clearinghouses. There has been notable success in achieving a

common understanding of pro bono service as an obligation deriving from professional responsibility, rather than a voluntary exercise of charity, but progress is still to be made. To achieve this progress, ethical values should be placed at the forefront of legal education, a pillar of professional formation. Bar associations should support law schools to help students familiarize themselves with ethical issues by undertaking initiatives like the organization of ethical moot courts based on real cases.

In fact, in countries where bar associations exist, they often are essential to monitoring the ethical obligation of lawyers to support access to justice. Mandating membership in a bar association could be an effective means of ensuring that uniform ethical standards be applied and enforced in a serious and independent manner. Where bar associations do not exist, or becoming a member of them is not required, enforcing uniform ethical standards (such as the obligation to provide pro bono services) becomes a much more significant challenge.

Many countries have a code of ethics for the practice of law that mandates that lawyers provide pro bono services. However, these services have proven to be insufficient to cover the needs of access to justice for the disadvantaged. The profession must pursue other strategies, even while increasing pro bono commitment.

# **Working Group A: Strengthen Civil Society: The role of the lawyer in working for legal reform in support of civil society and directly with civil society organizations in support of their missions**

**Moderators:** Sabrena Silver; Carlos del Rio

Working Group A focused on the role of legal professionals to support civil society. Together, working group members identified the greatest obstacles to the functioning of civil society and developed a plan for lawyers to achieve concrete steps to overcome those obstacles.

Yet, what is “civil society”? That is how the Working Group’s moderators opened up the discussions. Broadly speaking, when we talk about “civil society”, we are referring to all groups of people, other than governments and businesses, working together to achieve a purpose. Civil society includes not-for-profit organizations, and a broad range of informal and formal organizations, both large and small, including families, churches, hospitals, clubs, trade unions, interest groups, arts, cultural and religious organizations, civic and developmental associations, issue-oriented movements, the media, and research and educational institutions. The hallmark of these groups is voluntary association, autonomous from the state and independent of profit-motive.

In defining civil society and the role it plays, Working Group members found many hurdles that preclude civil society organizations from realising their full potential. To begin with, local laws and practices can make it difficult to get through organizational formalities, which in some places can take up to three years. This delay results from inadequate legal frameworks and inadequate use or implementation of the existing legal frameworks. Even where there is adequate legal infrastructure for the protection of freedom of assembly, freedom of the press, and freedom of speech, such legal protections may not be enforced.

Once formed, civil society organizations struggle to obtain adequate funding because there is a lack of a culture of financial charitable contributions. Additionally, tax codes often do not adequately incentivize charitable giving. Furthermore, government and business actors often attack civil society actors or initiatives that threaten their own interests, sometimes involving corruption and often implying an inappropriate use of civil and criminal statutes.

In addition to these obstacles that directly affect civil society organizations, several hurdles prevent lawyers from adequately supporting civil society, as Working Group participants highlighted. Firstly, lawyers may mistrust civil society organizations due to the potential for

corruption. Lawyers may also fear criticism or reprisal from government, paying clients, or others. Moreover, the lack of a culture of giving time and economic resources to support civil society organizations in most Latin American countries makes lawyers feel that their responsibilities are satisfied by giving free legal advice to a friend or employee, without focusing on civil society's most needy or deserving beneficiaries. Lawyers may work on individual pro bono cases helping an individual pro bono client, but may not see that there is a systemic issue causing multiple individual cases, which might be more efficiently solved at a systemic level.

In this array of obstacles detrimental to civil society organizations, lawyers can play an important role in supporting civil society. Even if lawyers often are seen as professionals operating a business and not members of civil society, each lawyer is a member of civil society on several levels, including as an individual, as a member of a firm, and as a member of a national or international bar. Once lawyers recognize themselves as members of civil society on any of these levels, they recognize an ethical obligation and professional duty and commitment to undertake pro bono work different from other business organizations. These obligations make lawyers well placed to act on behalf of civil society both in their individual capacity and on behalf of their firms and of their bar associations.

According to the Working Group's participants, today's lawyers can support civil society through at least three channels: providing individual representation and thus access to justice; conducting impactful strategic litigation and public policy work to hold the government accountable, reform laws, and facilitate the work of civil society; and providing legal advice to individual civil society organizations in respect of corporate, regulatory, and other matters.

However, lawyers and other legal professionals and organisations could and should do more to improve all aspects of their support of civil society. Various initiatives could help lawyers have more impact, such as the development and promotion of actions that make lawyers feel part of civil society and help them recognize the important role they play. Lawyers also should increase the impact of pro bono work in civil society (including human rights and access to justice) by identifying different ways to encourage senior lawyers (including partners) to do that work and thus avoid the "*juniorization*" of pro bono practice that has been the norm.

Bar associations, clearinghouses, and universities could also help lawyers strengthen civil society through various initiatives. To this aim, it is crucial to strengthen bar associations and clearinghouses and build their reputations and community trust and credibility. Participants emphasized the need to have these external organizations provide protection and anonymity for individual lawyers and firms supporting civil society in ways that could be challenging to government and businesses. They should also inform lawyers of the greatest needs and identify where individual injustices represent a pattern and require collective action.

Bar associations, clearinghouses and universities also could play a major role in terms of training. They could provide infrastructure and the involvement of practicing lawyers to support the training, support a culture of donating time and money, specifically provide training on the creation and operation of civil society organizations; and identify opportunities for consolidation and cooperation of civil society organizations, where appropriate.

In order to support the mission of civil society organization, better communication and cooperation among law firms and collaboration between bar associations, clearinghouses, and universities among the various countries also are needed. This would allow countries to support each other and have influence where local lawyers and civil society organizations are not able to speak or act because of safety concerns.

Similarly, key stakeholders should work on a framework of best practices (a principles-based framework and not a specific model code) to address, among other obstacles, over-regulation of civil society, lack of funding, limited resources and criminalization or intimidation of lawyers. As observed throughout the three sessions of this Working Group, citizens should be able to form a civil society organization in a reasonable period of time; government should properly incentivize charitable contributions to civil society organizations; and criminal libel statutes and other criminal and civil statutes should not penalize activists or lawyers (rather, these should have appropriate exceptions to protect civil society conduct). It is also important to consider ways to improve transparency of civil society organizations, such as a verification system to confirm sources and uses of funding, while considering the need of donors who contribute funds to be protected from retribution from governmental and business actors.

# Working Group B: Promoting Honesty In Governance: Developing the legal profession's role in combating corruption and ensuring access to justice

**Moderators:** Werner Ahlers; Carmen Rosa Villa

During the “Promoting Honesty in Governance” Working Group, participants discussed a series of questions regarding how society can best confront one of the most high-profile and important issues affecting the region today: What are the key challenges individuals and institutions face in attempting to address corruption? How do lawyers play a unique role in perpetuating practices of corruption and what influential role can they play in effectively combating it? What types of initiatives present the most hope for making inroads against engrained attitudes as well as institutions that sustain and foster corruption?

Many participants began by acknowledging the seemingly increased urgency with which the problem of corruption is gripping legal practitioners and broader communities throughout the region. Recent headlines have served as continual reminders of the challenges communities, organizations, prosecutors, and policy-makers face when confronting this issue. While corruption allegations involving international business organizations tend to capture most of the global headlines, petty, political and grand corruption across the sectors of the executive, judiciary, and legislative branches of the government, as well as in the military and other security forces, continue to be less publicized but equally pressing concerns in Latin America.

Without exception, all participants recognized corruption in institutions of government as a widespread problem in their countries, citing pervasive and profound effects. Many stressed that the prevailing problem of corruption in the judiciary is one of the most pressing issues in the administration of justice, fueled in part by outdated procedural rules that make it less costly to engage in unethical acts. Furthermore, the groups discussed how international organizations and local institutions increasingly have identified corruption as disproportionately limiting the human rights of populations in positions of vulnerability. These populations have been the focus of the Vance Center’s efforts to provide access to justice throughout the region. This dimension of corruption, in particular, makes it an issue that must be tackled, if any serious efforts are to succeed to bolster the rule of law as a means of expanding access to justice across all sectors of society.

In considering the causes of or the obstacles to eroding corruption, participants most often cited a popular culture of social acceptance, “naturalization,” a certain atmosphere of desensitization,

and ultimate resignation, concluding with the permeating of its status in the global mindset as a “necessary evil.” This was often seen as both being fed by and itself perpetuating a culture of legal impunity for corrupt actors where offenses go either unreported or under-prosecuted. While the laws prohibiting a broad array of corrupt acts exist almost universally across jurisdictions, this lack of diligence in prosecution, perpetuated by a mix of resignation, cynicism, lack of awareness, and fear or reprisals, repeatedly arose in discussions as perhaps the principal obstacles to making progress on this crucial issue.

The Working Group explored the circumstances responsible for the emergence and continuation of this culture of impunity and acceptance. On the one hand, participants cited the general population’s failure to recognize the smaller daily acts that both constitute corruption and perpetuate the conditions that permit greater acts of corruption. This lack of “big picture” awareness also extends in many places to the insidious effects of corruption, particularly for those populations in society that are in positions of vulnerability. They lack the power or influence to benefit from corrupt practices and have no real or viable recourse or remedy against corrupt acts.

The group shared a strong sense that this lack of awareness regarding the extent and effects of corruption gained sustenance from a lack of transparency in governmental process, in areas as fundamental to the structure of institutions of governance as the lack of access to precedents of judicial decision-making in many jurisdictions. Much of the discussion in the group focused on potential efforts to increase transparency in an attempt to make corruption more visible and in order to be able to hold political actors accountable. But even this evoked skepticism, since even where corrupt practices were generally recognized, participants expressed concern that the low regard with which people view political institutions that their low credibility in being able to serve as a positive source in society might present an insurmountable obstacle to developing the political will necessary for increasing the diligence in reporting and prosecuting corruption.

So what role can lawyers play amidst all of these challenges posed by corruption? While participants seemed to acknowledge that lawyers too often are involved in the most significant acts of corruption, as well as more ordinary ones, it is also lawyers who have unique appreciation of and interest in institutions that uphold the rule of law. These interests of the profession, coupled with lawyers’ intimate awareness of corruption’s pervasiveness, its pernicious effects, and the challenges it poses for advancing broad-based access to justice, all necessarily place lawyers in a central role in bringing awareness to and combating the societal problems of corruption.

But there are factors preventing lawyers from contributing positively in the fight against corruption, ranging from uncertain ethical standards of conduct (including with respect to professional obligations to keep client confidences), to lack of adequate training regarding how

to resist pressures to perpetuate corruption or how to exercise mechanisms of enforcement, to personal risks of retaliation for those who advise against undertaking corrupt acts or those who gather evidence, report, or make claims about such acts.

In these discussions, the group was careful to emphasize that the legal profession could not and should not by any means be expected to shoulder the entire burden of serving as a bulwark against corruption by itself. The profession has to operate in and is symptomatic of broader societal forces, even if it can be expected to have a special understanding of the issues raised by corruption. But participants did not necessarily despair of lawyers being able to play a positive role; rather, they were merely skeptical that change could be enacted from inside the profession out into broader society.

The group posited, however, that lawyers could support initiatives that would strengthen broadly-held conceptions of citizenship among the public, using education that sought to break a culture of acceptance and that increased awareness of the value of personal responsibility in resisting corruption. In addition, lawyers should be well placed to design and press for the implementation of mechanisms that increase transparency of interactions between the private and public sectors in both the legal profession and broader institutions of governance. Another step that participants also considered worthwhile was the promoting of legal reforms with the potential of strengthening institutions of oversight that allowed the broader population to be better informed. These initiatives had in common a clear view that the legal profession was not only required to support civil society by playing the role of legal advisor in efforts to combat corruption, but that the profession was itself a unique interest group, and one that had to play its own principal role as an actor in civil society with outsized potential for making positive progress against the particular challenges of corruption.

The group knew the conversation could not deal with only the symptoms, and focused next on exploring ways in which lawyers could reform the legal profession from *within* in a manner that would have positive effects on these issues. Many saw early legal education as a worthy target of reform to improve the centrality of ethical standards in sustaining the strength and independence of the profession, as well as the unique role it plays in ensuring impartial access to justice. As with a previously described working group in the Summit, some participants saw much potential in expanding efforts to improve clear ethical standards in the legal profession, mainly through bar associations and private legal organizations. Some also lauded efforts in ongoing legal education initiatives throughout the region, through pro bono training and capacity building, that improved lawyers' familiarity with practices and resources available to help them address issues of corruption, whether for clients or when directly confronted with corruption as professionals.

Finally, in all of these discussions, some hope arose that the various local efforts of brave and committed lawyers throughout the region could be magnified and multiplied through coordinated

transnational initiatives. Some observed that international ethical standards, laws of extraterritorial application, changing compliance practices of international actors, and even the possibility of transnational tribunals could have a positive effect in shifting incentives and transforming practices in national contexts where corruption has been deeply engrained and remains resistant to purely local efforts. Conversely, where local efforts have met uncommon and hard-fought success, an open exchange among countries in the region about these experiences might lead to further innovation and the spread of successful strategies on a transnational scale. This promise of international cooperation and coordination, in particular, left participants energized and hopeful for the opportunities that could be opened up by international dialogue, exchange of strategies, and support of local capacity-building among communities of lawyers committed to combating corruption.

# Working Group C: Enhance the Profession: Models for standardizing legal ethics and exercising self-regulation

**Moderators:** Hunter Carter; Ruby Asturias

Participants in the 2015 Legal Summit of the Americas expressed consensus in a particularly important belief: the law's aim is to defend the rights of people and business organizations, to promote justice, order, and the rule of law. With this agreement came the natural extension: lawyers must play an essential role in ensuring that the law serves these purposes.

That the legal profession plays an important role in society and lawyers have a state-granted exclusive right and power to exercise their profession in the service of justice hardly need acknowledging. Members of the profession have responsibilities toward society in terms of the conduct and the image of the profession overall, as well as regarding individual legal professionals, especially to ensure the absence of corruption in the judicial and political system, the independence of lawyers, and the fulfillment of their commitments and obligations to their clients.

Aimed at finding ways to enhance the conduct of the legal profession, Working Group C examined different models for standardizing legal ethics and exercising self-regulation. Participants in this Working Group believed that the legal profession in the Americas can and should improve by developing common and mutual commitments for ethical objectives and professional standards of conduct, in order to help ensure access to justice, build civil society, and ensure honest government. The enhancement of the legal profession requires building and reinforcing positive expectations about the ethical objectives and minimum standards of conduct of legal professionals working on legal matters across national borders in the Americas.

Self-regulation of the profession and the individuals that practice in it is essential to the strengthening of law as an instrument of international justice. Sanctions for ethical violations are important, but it remains equally essential to foment an environment that promotes and rewards ethical behavior on the one hand, and exposes and denounces unethical conduct on the other hand. Some of the effective means of self-regulation include education, interpretation, promotion, discipline, and incentives.

Working Group C's participants also agreed that transnational and international measures must be undertaken to introduce, promote, and reinforce this environment and these standards of professional conduct. The legal community in the entire region of Latin America can and should work together to identify broad consensus in support of ethical improvement and professional

self-regulation (alone or in conjunction with state regulation). Ethics should be an essential element to every gathering of lawyers in the region, in order to raise the level of importance of and sense of commitment to ethical behavior. To this end, such gatherings should seek to develop activities where practitioners of all kinds highlight and share challenges and successes in strengthening the legal profession's ethical conduct and achievements in promoting justice and fighting corruption.

Some Working Group participants also expressed interest in focusing on combating specific and prioritized ethical problems. Most participants, for example, were concerned about corruption in the judicial system. Other participants emphasized the importance of robust systems for receiving and judiciously but efficiently addressing complaints about lawyer misconduct. A related example is working to award, publicize, and positively reinforce models of good ethical behavior. Many participants agreed it is essential to ensure that lawyer groups such as bar associations act as more than mere trade associations serving private or limited interests. They must also serve as institutions that work to improve the public good. Certification of lawyers' ethical knowledge would be yet another example.

Looking forward, participants favored instituting a process to develop consensus around, and to promulgate a statement that, reflects broadly-accepted principles for strengthening ethical conduct in the legal profession in the region. The principles articulate a set of accepted common standards governing legal professionals working in the Americas. Participants also voiced concern for the promotion of independence and civic-mindedness in the profession, particularly in human rights cases, in defending lawyers from improper pressures such as retribution through misuse of attorney discipline systems when said legal professionals are acting ethically and courageously.

The Working Group observed that this process and these principles should not be limited to lawyers engaged in transnational or international practice. Rather, to achieve true and effective social justice, the efforts to strengthen the profession through enhanced ethics must include lawyers working within a single country on human rights and social justice issues. The consensus was that the international justice community should strive to support lawyers and their civil society partners in each jurisdiction so that we may bring about greater adherence to ethical principles. That includes meaningful discipline, especially with respect to corruption in the judiciary in which lawyers participate. Lawyers could exhort lawyers and law firms with whom they do business to declare their adherence to the principles.

The principles could include a set of "basic" aspirational standards for the social role of lawyers and law firms, including but not limited to: undertaking pro bono cases; participating in legal organizations; publishing academic writings; training lawyers; being inclusive of persons with scarce resources; preventing and reducing the effects of discrimination in the selection and promotion of legal professionals so as to promote inclusion, diversity, and social justice; and

working to prevent governments acting under cover of law to corrupt justice and interfere with the due exercise of legal representation.

In an attempt to address some of the issues pertaining to the ethical obligations of lawyers in Latin America, the Working Group considered the Latin American Code of Legal Ethics, developed by the Latin American Council of the New York State Bar Association, as well as the draft declaration prepared by its moderators, which included a set of principles regarding the enhancement of the profession through a code of ethics. The Latin American Code of Legal Ethics is based on evaluation of the ethics systems and codes in eighteen countries in the Americas, identifying their common commitments and objectives as well as visualizing ways to strengthen ethics systems overall. The Working Group recognized the need: to create awareness of the importance of ethics in the Latin American international community, even where local law does not regulate it effectively; to give certainty on what international firms can expect when they hire a Latin American lawyer or law firm; to educate the Latin American community; and in general, to improve the quality of legal services throughout the region.

Some participants also noted that the significant variation in the countries in the region, in terms of their approaches to ethical systems, would make it difficult for a uniform code to succeed. For instance, some countries have mandatory bar membership (*colegiacion obligatoria*) while others do not. In this sense, participants voiced concern that, for any uniform code to have legitimacy and to be effective, it must be first developed with broader democratic participation; it will not be effective if it is perceived to be imposed by some elite group. Some concerns also emerged about the pitfalls inherent in comparing countries, perhaps unfavorably, on the basis of their systems or enforcement. Nonetheless, as noted above, some members expressed interest in the development of a statement of a core set of accepted ethical standards to be reinforced across the region. Members of the Working Group also voiced support for working from and promoting the ethical guidelines developed by the International Bar Association.

Even if the creation of a uniform regional code of ethics elicited concern, participants in the Working Group viewed the development of a consensus statement reflecting broadly-accepted ethical principles, with the focus not on the wording but on the promotion of an ethical culture among legal professionals, as less problematic and a meaningful step forward.

# Reflections from Participants

The Vance Center asked participants in the Summit to share their reflections, including any challenges that they identified in one or more of the Working Groups in which they participated. These reflections indicated that participants felt that they benefitted significantly from the opportunity to meet and discuss the issues addressed in the Summit. They expressed a desire and commitment to continue to organize forums to debate and work together to address common concerns. Many participants felt that the Summit had changed their view of the profession as a whole. This is what some of our guests shared with us:

## **1. Nicolas Etcheverry Estrazulas, Dean Facultad de Derecho Universidad Montevideo**

Some of the most important topics that were discussed at the working groups were the following:

Working Group A: The Summit was invaluable as a vehicle for the exchange of experiences and knowledge, in order to learn and better understand the pro bono culture. It served to achieve a greater internationalization and superior institutionalization of pro bono work. The Summit allowed us to start thinking of strategies to this aim and reminded us to be aware of important concepts such as “civil service” or “responsible citizenship”, something we often forget.

Working Group B: Summit participants mentioned specific cases of governmental, legal and corporate corruption that occurred in countries like Venezuela, Argentina, Mexico and Guatemala. All the cases lead us to one conclusion: ethical and civic education will be increasingly critical to report and mitigate corruption cases, whether on a national or international basis, and in the most varied ways and levels.

Working Group C: The ethical challenges are growing and are more complex. I believe that the slogan “make noise” is increasingly relevant. Consequently, the role of independent media and of social networks will become increasingly crucial. Therefore, universities in general and law schools in particular should assume greater responsibilities. Making emphasis on the ethical responsibilities that concern all law students, regardless of whether or not they are part of associations of professionals, is also of utmost importance.

## **2. Teofilo Rosario Martinez, President Fundacion Pro Bono Republica Dominicana**

The topics covered at the 2015 Legal Summit of the Americas have influenced Fundacion Pro Bono (an organization of the civil society) deeply. Two topics have had a special impact on our work: the discussions related to providing access to justice and strengthening the ethical responsibility of the legal profession, and the proposal to establish an international code that would regulate ethical conduct of all professionals.

Instead of evolving like many other countries, the Dominican Republic's justice system has taken steps backwards. This is an obstacle to the desired existence of a social and democratic state governed by the rule of law, a state that enables the existence of strong judicial system, guarantor of the legitimate action of the other branches of the government.

As discussed at the Summit, universities, law firms, lawyers and social organizations should provide, in unison, a greater support system for civic actions to awaken public awareness, to strengthen vulnerable groups giving voice to their demands, and to modify cultural perceptions in this regard. The clearinghouses must help develop clinics on public interest law within the law schools, through the establishment of strategic alliances between them, law firms, the judiciary, and civil society.

### **3. Claudia Escobar, Judge; Scholar at Risk at Harvard University**

The methodology of the Summit's discussions was most appropriate and enriching, because it allowed the various participants to share their views at the various working groups.

What has been most useful for my professional career was the working group on promoting honesty in governance, because there were many interesting ideas on how to improve the justice systems of various countries and how to ensure the ethical behavior of judicial civil servants.

### **4. Maria Lucia Torres Villarreal, Principal Professor; Coordinator of Pro Bono Affairs of Universidad del Rosario Law School**

The role of the university is key in the process of promoting and strengthening pro bono work. As a professor, I am convinced that we must teach and train students on the importance of human rights and access to justice, and on how their professional careers can help these ideas become realities and make them a part of the social change that the world needs. Therefore, as a university, we must commit to educating socially responsible lawyers who identify as part of society and act for the public good.

I was intrigued to hear about the draft of a declaration of ethical conduct in the region. This issue should be explored more because its objective is laudable, but its complexity requires further analysis to reach and persuade its recipients effectively (law firms and lawyers).

**5. Ligia Bolívar O., Director Centro De Derechos Humanos Universidad Católica  
Andrés Bello**

I believe it is important in the future to open a space for reflection on the role that universities play in stimulating pro bono work. Pro bono work in Venezuela is done by only a few law firms. We lack a more institutional vision at the universities to encourage new lawyers to get involved in pro bono work, starting from the last years of the degree in law.

**6. Guadalupe Martínez Casas, Executive Director Central Law**

Most importantly, what stood out at the Summit was that I could share and exchange ideas on equal terms regardless of a participant's age and position.

# Conclusions

The “2015 Legal Summit of the Americas, the Lawyer and Democracy” brought together lawyers and other professionals from across the Western Hemisphere to discuss how the legal profession can strengthen governance and open society in Latin America by collective engagement. We had committed ourselves to identify and prioritize challenges and initiatives for further pro bono action. Discussions at the Summit identified significant features of the legal profession and its role in Latin America today:

- Corruption is a common problem for practicing lawyers; they confront it on behalf of their corporate clients, as well as personally;
- Lawyers face intimidation and retribution based on their legitimate practice of law, particularly in human rights cases;
- Despite inveterate corruption in many countries, lawyers have confidence in governmental and legal institutions, particularly in the legal profession as a bulwark against abuses;
- However, the legal profession is organized quite disparately from one country to the next; in some, like Colombia, there is no bar association or its equivalent; in others, such as Guatemala, the bar associations themselves are complicit in many political and social problems;
- Despite these differences, there are close ties between U.S. and Latin American practitioners: lawyers from Latin America often have studied in the United States and worked for a time here; U.S. companies doing business in Latin America bring lawyers from the United States together with Latin American counterparts; increasingly, lawyers from one country in the region work in other countries and in Central America in particular;
- Lawyers consider civil society organizations to be important defenders of the rule of law and fundamental rights, even while they admit to limited understanding of how they operate;
- There is hardly any culture of charitable contributions in Latin America; civil society organizations have inadequate legal frameworks and infrastructures to operate;
- The legal profession’s ethical challenges are becoming increasingly complex and relevant; thus, promoting dialogue on legal ethics in Latin America is becoming increasingly crucial;
- Law schools have not sufficiently focused on the education of the moral aspect of the legal profession;
- Pro bono practice is important and gratifying, but insufficient in fulfilling the ambition of many lawyers to contribute to improvements in their countries.

All these features of the legal profession may seem disparate and difficult to change or to improve. However, pro bono practice in the Americas in 2005 also varied widely among

different countries and appeared to lack a common motivation. Nevertheless, the 2005 Summit successfully launched a process that led to the Pro Bono Declaration of the Americas, and ten years later we can note with pride that the PBDA has attracted more than 530 signatories, representing more than 10,000 legal practitioners committed to pro bono work.

In 2005, there were only three pro bono clearinghouses in Latin America, and ten years later, the total stands at thirteen, with several more under active development. These institutions in turn have formed the Pro Bono Networks of the Americas, which they are institutionalizing into a hemisphere-wide operation. Above all, since its creation, the Vance Center and its partners have managed to provide pro bono legal representation to thousands of individuals and social justice NGOs that otherwise would never have had access to adequate legal advice and assistance.

All these achievements have one common thread: collaboration among key actors in the legal profession enables results that would not be possible if these actors performed individually. Based on extensive experience working with the legal profession in Latin America and specifically the discussions and conclusions of the Summit, the Vance Center has once again concluded that hemispheric collaboration within the legal profession promises ever greater opportunity to secure fundamental rights and secure democratic governance and the rule of law.

The Vance Center for the past five years has developed and engaged a global pro bono network of hundreds of law firms to collaborate on its projects and has promoted pro bono practice through conferences, trainings, and exchanges of best practices. Success has had its roots in the shared efforts of a strong network of lawyers and law firms that have incorporated the system of pro bono work as a permanent, systematic professional practice.

However, this successful network has somehow remained within the confines of pro bono practice. As the Summit revealed, the current challenges to social justice cannot be solved solely through pro bono work; they require new strategies and collaboration that go beyond the lawyer's commitment to pro bono practice into the realm of the lawyer's civic commitment to good governance and justice.

As voiced by participants in our Summit, securing the independence of the profession, combating corruption, and supporting civil society, are common concerns that can be addressed only by working together. Partnerships including law firms, lawyers' organizations, NGOs, academicians, and bar associations from the United States and Latin America will facilitate development of long-term regional strategies for strengthening the legal profession's independence and activism on behalf of democratic governance and open society.

Establishing a network of members of the legal profession in furtherance of the Summit's objectives would also provide support among NGOs in related areas and to individual NGOs in conditions of great need. Effectively fighting corruption and strengthening civil society require a

vehicle that brings the private bar into civil society itself and maintains independence from politicized entities. In this manner, lawyers can take responsibility for NGOs, which also can stand for the interests they represent.

Developing activities that regularly bring together practitioners of all kinds to highlight and share challenges and successes is also crucial. Furthermore, these partnership-based initiatives can operate nationally based on successful precedents, because experience demonstrates that solutions that work in one place can also work in another.

Through such regional and national approaches, the Vance Center, alongside its partners throughout Latin America and United States, will maximize its efforts to achieve these and other objectives:

- Developing the independence and capacity of the legal profession, country by country, as a vital civil society organization, recognizing its unique role in protecting legal institutions, the rule of law, and civil society generally;
- Focusing the legal profession throughout the hemisphere on corruption as a singular challenge to democratic governance and establishing mechanisms to support governmental and civil society efforts to combat corruption;
- Identifying and pursuing opportunities for strengthening the rule of law and governmental institutions through law reform, joint advocacy, and public communications;
- Collaborating in defense of civil society organizations facing government repression or other threats, through the establishment of a crisis response, with lawyers throughout the region joining in litigation, advocacy, and public communications;
- Assisting vulnerable populations and challenging those who threaten their rights;
- Helping enhance the legal profession by developing a statement of fundamental principles of good legal practice and rendering support to universities and others in charge of the development of an ethically active and responsible legal profession; and
- Pursuing promotion and institutionalization of pro bono practice in the Americas.

At a luncheon on the second day of the Summit, Manhattan District Attorney and former Vance Center Committee member Cyrus R. Vance Jr. expressed how “delighted my father would be to discover all the great work that the Vance Center is doing to enable lawyers to contribute to social justice”. We will continue to fulfill Secretary Vance’s vision and achievement by pursuing democratic governance, open society, and the rule of law in Latin America through peer-to-peer collaboration of members of the legal profession.

# Summit Photos





# Appendix A

## AGENDA

### 2015 LEGAL SUMMIT OF THE AMERICAS

#### The Lawyer and Democracy

#### Thursday, December 3

- 10:30am      Registration
- 11:00am      Welcome and Opening Remarks: New York City Bar Association President Debra Raskin; Summit Co-Chairs Antonia Stolper and Pablo Guerrero
- 11:30am      Presentation and Panel Discussion: Growth expectations, political and economic risks, and other pressing issues in Latin America
- Speakers: Martin Abregu; Daniel Alpert; Honorable Julissa Reynoso; Christopher Sabatini
- Moderator: Ruti Smithline
- Plenary Q & A Session
- 1:00pm      Lunch
- 2:00pm      Presentation and Panel Discussion: Review of pro bono development since the Pro Bono Declaration of the Americas and report on the institutionalization of the Pro Bono Network of the Americas
- Speakers: Professor Daniel Bonilla; Ciro Colombara; Enrique Felices; Martin Zapiola
- Moderator: Marcia Maack
- Plenary Q & A Session
- 3:30pm      Coffee Break
- 4:00pm      Working Group Session 1:

Group A: Strengthen Civil Society: The role of the lawyer in working for legal reform in support of civil society and directly with civil society organizations in support of their mission

Moderators: Sabrena Silver; Carlos del Rio

Group B: Promoting Honesty in Governance: Developing the legal profession's role in combating corruption and ensuring access to justice

Moderators: Werner Ahlers; Carmen Rosa Villa

Group C: Enhance the Profession: Models for standardizing legal ethics and exercising self-regulation

Moderators: Hunter Carter; Ruby Asturias

6:00pm Reception at Covington & Burling (sponsored by Covington and Arent Fox)

### **Friday, December 4**

(Light breakfast available)

8:30am Presentation and Panel Discussion: Current human rights issues in Latin America

Speakers: Elizabeth Abi-Mershed; Ligia Bolivar; Francisco Quintana; Daniel Wilkinson

Moderator: Marie-Claude Jean-Baptiste

9:30am Break

9:45am Presentation and Panel Discussion: The nature of the ethical obligation of lawyers to support access to justice and democracy and how to institutionalize that support.

Speakers: Arturo Alessandri; Horacio Bernardes Neto; Oscar Cruz Barney; Evan Davis; Flavia de Souza Oliveira

Moderator: Todd Crider

11:00am Working Group Session 2:

Group A: Strengthen Civil Society: The role of the lawyer in working for legal reform in support of civil society and directly with civil society organizations in support of their mission

Moderators: Sabrena Silver; Carlos del Rio

Group B: Promoting Honesty in Governance: Developing the legal profession's role in combating corruption and ensuring access to justice

Moderators: Werner Ahlers; Carmen Rosa Villa

Group C: Enhance the Profession: Models for standardizing legal ethics and exercising self-regulation

Moderators: Hunter Carter; Ruby Asturias

12:30pm Lunch

Keynote speaker: **Luis Almagro Lemes** - Secretary General of the Organization of American States

2:00pm Working Group Session 3:

Group A: Strengthen Civil Society: The role of the lawyer in working for legal reform in support of civil society and directly with civil society organizations in support of their mission

Moderators: Sabrena Silver; Carlos del Rio

Group B: Promoting Honesty in Governance: Developing the legal profession's role in combating corruption and ensuring access to justice

Moderators: Werner Ahlers; Carmen Rosa Villa

Group C: Enhance the Profession: Models for standardizing legal ethics and exercising self-regulation

Moderators: Hunter Carter; Ruby Asturias

3:30pm Coffee Break

4:00pm Re-Cap Working Sessions and Set Plans for Ongoing Engagement: Identify and prioritize challenges and initiatives for further pro bono action, Summit Co-Chairs Todd Crider and Paula Samper, and Working Group Moderators

6:00pm Reception at NYC Bar Association

# Appendix B

**Talking Points for the Secretary General of the OAS, Luis Almagro  
Legal Summit of the Americas  
New York, December 4**

*Since my administration took office at the end of May, we have set ourselves the task of ensuring “more rights for more people” in the Americas. That includes the right of access to justice, and the right to live free of all kinds of corruption – two areas in which the OAS is concentrating its efforts.*

**Dear Friends,**

- **The OAS is a natural and unique forum for the development of international law and legal cooperation in the Americas.** This has been recently reiterated by member states in the new Strategic Vision of the OAS, where they emphasize that our work in the development of international law and legal cooperation is of a cross-cutting nature within the Organization.
- **There have been more than two-hundred treaties** adopted within the Inter-American System on a variety of topics related to public and private law. More than half are related to international legal cooperation. As a whole, they constitute the greatest contribution of the OAS in this particular field.
- During the last two decades, our organization has taken a qualitative leap forward in this area. Where previously we largely supported the negotiation of treaties and served as their depository, **today we are engaged in many new areas including:**
  1. the evaluation of the implementation of treaties by the States
  2. the formulation of individual or collective recommendations calling for improvements where needed
  3. follow-up on compliance with those recommendations, and
  4. The definition, drafting and negotiation of new treaties and other legal instruments. These include model laws, as well as other tools for strengthening hemispheric legal cooperation and the Rule of Law in the Region, such as specialized forums for strengthening the collaboration between the national authorities in specific legal areas, networks, legislative guidelines, virtual legal libraries and activities focused on legal training.
- In particular I would like to highlight our work in two areas:
  1. In terms of justice and international legal cooperation in the framework of the Meetings of the Ministers of Justice and Attorneys General of the Americas, known by its acronym in Spanish, **“REMJA”**,
  2. In terms of fighting corruption in the framework of the Convention that the OAS adopted, and the mechanism for follow-up on its implementation, known by the acronym **“MESICIC”**.
- The **process of the regular meetings of Ministers of Justice**, within the framework of the OAS, has become the foremost hemispheric forum in the area of justice and international legal cooperation. Virtually every day between one meeting and the next, legal cooperation and training activities are taking place, networks are in operation and are being used, and authorities are contacting each another to comply with mandates and to report on progress made.
- **The tenth such meeting took place in Bogotá, Colombia**, a month ago, and focused on the modernization of justice and legal cooperation in the region. The very positive results of the meeting have confirmed how valuable it is to the States of the Hemisphere. Results include, among others :

- **The creation of the Justice Studies Center of the Americas**, which has played a fundamental role in supporting justice reform and training in the Region.
- **The permanent development of Inter-American legal instruments** such as the recently approved treaty to facilitate the use of new information technologies in mutual legal assistance between our countries, and those that are being drafted on joint investigation teams and extradition, as well as the model law on mutual legal assistance being developed.
- **The creation of working groups to facilitate the exchange of information** and reciprocal cooperation in areas such as legal cooperation in criminal matters electronic related crime.
- **The establishment** of networks for information exchange such as the Network for cooperation on criminal matters which allows countries to exchange information and evidence in real-time and in a secure, expedited, efficient, and effective manner.
- **The development** of legal training programs such as the twenty-five regional training workshops for prosecutors and judges on crimes related to computers and other electronic equipment, that have been carried out over the past years with the technical and financial support of the United States Department of Justice.
- In terms of **fighting corruption** the OAS works within the framework of the Inter-American Convention against Corruption - the first international instrument to address this issue. The Convention was adopted at the OAS in 1996 and since ratified by 33 Member States. This makes it the most ratified Inter-American treaty after the OAS Charter.
- The Convention has two main purposes:
  - **To promote** and strengthen the development by States of the mechanisms needed combat corruption, and
  - **To promote**, facilitate, and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions for combating corruption.

In terms of scope, the Convention contains provisions of a preventive nature, which require States to consider strengthening a wide range of measures, including those on conflicts of interest, reporting of acts of corruption, government hiring and procurement, asset disclosure systems, whistleblower protection, and banking secrecy, among many others. The Convention also calls upon States Parties to criminalize active and passive bribery, transnational bribery, illicit enrichment, and other acts of corruption. It also includes provisions addressing international cooperation, including extradition and asset recovery.

- The Follow-Up Mechanism to the Convention– the “**MESICIC**” – was also a pioneering mechanism in this field when it was created in 2001. Thirty-one of the thirty-four OAS Member States currently participate in the MESICIC, which support members in their implementation of the Convention, through a process of reciprocal evaluation and based on conditions of equality among States. It is characterized by **impartiality** and **objectivity** in its operations and in the conclusions it reaches, and by the absence of sanctions. The MESICIC formulates specific recommendations to countries to help them improve their legal and institutional instruments for tackling corruption, filling gaps, and remedying any shortcomings detected in that process.
- Starting in 2012, the MESICIC took a qualitative step forward by incorporating **on-site visits** as a part of the evaluation process. These visits allow an “on-the-ground” appreciation of the actions taken by States to implement the Convention provisions and the recommendations of the MESICIC. Between 2012 and 2015, on-site visits were made to nearly all OAS Member States, and meetings were held with 856 officials representing 180 government agencies, in order to examine the sufficiency of the existing provisions and measures to combat corruption, and to assess their efforts to implement previously formulated recommendations.

- The MESICIC recognizes the importance of including civil society in efforts to combat corruption - its basic texts establish broad opportunities for the participation of civil society, both through the submission of documents and participation in MESICIC meetings. During on-site visits, members of the Commissions meet with civil society organizations, private sector representatives, professional associations, academics, and researchers. During the 30 on-site visits that took place from 2012 to 2015, meetings were held with 189 such organizations or persons, in order to gain additional insight and perspective on States' implementation of the Convention.

**Other MESICIC developments include:**

- The development and execution of 17 **national plans of action** to help countries implement recommendations to strengthen legal and regulatory frameworks.
- The adoption of four **Hemispheric Reports**, which summarize the main recommendations made to each of the countries individually, and the corresponding actions taken by the countries. The reports reflect the state of implementation of the Convention across the Americas;
- The preparation of legal and technical cooperation tools to help countries fight corruption, such as: legal databases; legislative guides; model legislation; a regularly distributed anticorruption newsletter; and the Anticorruption Portal of the Americas, which provides access to the existing reports, documents and cooperation tools.
- The exchange of information and best practices for preventing and combating corruption as well as the consideration of topics of collective interest to the States Parties, such as the responsibility of the private sector in efforts to fight corruption.
- As an illustration of the value that States Parties place the recommendations of the MESICIC, many of the laws and/or measures that the countries have implemented to strengthen their legal and institutional frameworks for combating corruption have expressly cited the Convention and the recommendations as part of the rationale for their provisions. This fact has provided them with a solid foundation and has facilitated their enactment.
- This includes legislation passed in all OAS regions. Some examples include in **Canada** – the Corruption of Foreign Government Officials Act; in **Mexico** – the Federal Anticorruption in Federal Procurement Law; in **Guyana** – the Access to Information Act; in **El Salvador** – the Law on Government Ethics and in **Colombia** – the Law containing the Anticorruption Statute, as well as many more examples.
- Other areas in which we have developed standards and mechanisms to strengthen the rules and institutions consistent with the democratic rule of law include the **Model Inter-American Law on Secured Transactions** that has allowed very small businesses in Central America to have access to credit; the **Model Law on Access to Public Information**, which has served as a guide in numerous OAS Member States, and the **Model Inter-American Registry Regulation**.
- As access to credit at lower costs becomes available to a wider range of economic actors, this can have significant impact for small businesses, and serve to stimulate economic growth and development at large. In this context, the OAS is establishing the foundation for legislative harmonization and economic integration.
- All of this is accompanied by programs for dissemination and training for the different actors involved, particularly judges, lawyers and civil society organizations. For example, since 2011, the OAS has adopted annual resolutions “on the role of official public defenders”, which recognize their work in protecting the fundamental rights of individuals, especially cost-free legal counsel services in all areas of law.
- Of course, the work of the OAS in the framework of the Inter-American Human Rights System is very important and well known, as is the work of the Inter-American Court of Human Rights and the

Commission. They have served as an indispensable instrument for defending the rights of our citizens. My only regret is that countries that have so much to contribute to the Inter-American Human Rights System are not a part of that system. **For instance, the United States has signed the Inter-American Convention on Human Rights, but it has yet to ratify the treaty.**

- Both the Inter-American Court on Human Rights and the Commission have established the obligation to provide, under certain circumstances, free legal services to persons without resources, in order to avoid the violation of their right to due process and to effective legal protection.
- Since 1991, the OAS has been the only regional organization that has standards in place to sanction a State in which there has been an interruption of the constitutional order. The **Inter-American Democratic Charter** of 2001 is the most comprehensive legal instrument to address this topic.
- Within the Organization, steps have also been taken to ensure the guarantees for staff, the General Secretariat, and member states, in their functional relationships.
- The OAS has its own **Administrative Tribunal**. Like other international organizations, the OAS enjoys a number of privileges and immunities in its member states, which are granted to the Organization through treaties and national legislation. These include immunity from any form of judicial process within the territory of member states.
  - Because local courts do not have jurisdiction over disputes involving the OAS, the General Assembly established the Administrative Tribunal on April 22, 1971 to guaranteeing the observance of internal General Secretariat provisions relating to the rights and obligations of staff members and safeguarding the prerogative of immunity of jurisdiction that the OAS enjoys.
  - The Administrative Tribunal is competent to hear any case in which a General Secretariat staff member alleges violation of internal regulations applicable to their employment.
  - The composition of the Administrative Tribunal reflects the two major legal traditions of the Hemisphere: **common-law** and **civil-law**. This is achieved by the Tribunal's composition, which includes renowned jurists in both legal traditions.
  - The judges of the Tribunal come from OAS member states, and are elected by the General Assembly for six-year terms. These judges serve on a strictly personal capacity.
  - The Administrative Tribunal has played a dual role in the stability of the Organization: **(1)** in providing justice in resolving labor disputes within the General Secretariat, and **(2)** in establishing precedents that have served to correct, establish, or repeal internal regulations.
    - We are continually reviewing internal rules. For example, the Organization has a Code of Ethics, which attempts to consolidate different policies into one systematic and comprehensive document, and which was drafted taking into consideration the best practices across public international organizations.

#### **Dear friends**

More recently, policies have been adopted on Workplace Harassment, ensuring LGBT rights and Whistleblower Protection. In addition, the Office of the Ombudsperson was recently established.

**We are talking but we fundamentally are walking the talk,**

Thank you so very much.

# Appendix C

## *Welcome and Opening Remarks: New York City Bar Association President Debra Raskin*

Bienvenidos y bienvenidas a Nueva York y a la Barra Neoyorquina! Welcome everyone to the New York City Bar Association.

This is an auspicious place and time for this impressive, important gathering.

Lawyers concerned with corruption in the city's government and courts founded the New York City Bar Association nearly 150 years ago, and ever since lawyers volunteering their time and talent to public service have continued to make the Association a leader in civil rights, human rights, and environmental rights. We are a clarion call to lawyers throughout the city, state, nation, and world to pursue the public interest, to strive for social justice, to hold ourselves and our profession to the highest standards of ethical practice, including active pro bono engagement on behalf of civil society and individuals lacking adequate access to justice.

The Cyrus R. Vance Center for International Justice, the convener of this summit, exemplifies such commitment and values. For more than a dozen years, Vance Center Committee members in the midst of their careers in international law firms and corporations, as well as public service, have contributed precious hours, days and weeks to promoting pro bono practice and law firm diversity initially in Latin America and now all over the world. Please join me in saluting the Committee members, including our summit co-chairs Antonia Stolper and Todd Crider. Let me also please acknowledge Evan Davis, an emeritus member of the Vance Center Committee who as president of the New York City Bar Association presided over the birth of the Vance Center.

The Vance Center has pursued its mission through the persistent practice of partnership with lawyers, bar associations, and other organizations wherever it is working. The presence here of more than 90 leading lawyers and NGO leaders from 20 countries in Latin America and beyond testifies to this partnership. Many of you have worked with the Vance Center in its pro bono and diversity initiatives, and I'm confident in saying that if you haven't that all of you will soon. On behalf of the New York City Bar Association, I salute you for your participation in this summit and your ongoing commitment to the issues that you will address here.

The Lawyer and Democracy [the summit title]. This could not be a more timely topic. Here in the United States, throughout Latin America, and in Europe, the legal systems that we lawyers rely on for our professional practice are challenged: by corruption in government and corporations, by anti-immigrant

rhetoric from populist politicians, by official repression of civil society and people's basic freedoms of speech, association, and reproductive choice.

Here in New York, a jury just convicted the long-time leader of our state assembly of official corruption and another jury is hearing the case against the recent leader of our state senate. The ongoing presidential campaign spews what can only be called hate speech against Syrian refugees, Mexican immigrants, providers of women's healthcare, and others. Our cities struggle with balancing public safety and community inclusion and too often fail. Gun violence wreaks havoc nationwide.

In Latin America, about which I am no expert, similar threats appear to challenge the rule of law and democratic governance. The ever-worsening Petrobras scandal and a burgeoning one in Chile. The suspicious death of a prosecutor in Argentina. The indictment of Guatemala's president and vice president. Legislation in Ecuador and Venezuela restricting civil society organizations. A proposed canal in Nicaragua that would devastate indigenous peoples and the environment, legislated to handicap citizens from challenging it. Expulsions of Dominicans of Haitian origin and of Colombians long resident in Venezuela.

Whether we like it or not, we lawyers are in the middle of all this mess. Some of us make or enforce the rules as legislators, judges or prosecutors. Some of us try to improve the rules as human rights or law reform advocates. All of us live by the rules, earning our daily bread by advising companies, individuals, and government agencies what the laws allow and what they prohibit.

Our living by law compels us to care actively about rule of law. Our profession bears the obligation to make laws work as intended, to be followed and enforced, to protect citizens and rights from threats and violations by the government itself and organizations and individuals. We most of all must ensure that we ourselves play by the rules and set standards of professional conduct that support the rule of law.

As president of the New York City Bar Association from 1974 to 1976, Cyrus R. Vance launched and joined in a remarkable number of initiatives engaging lawyers in the public interest. The Lawyers Committee for Civil Rights. Volunteers of Legal Services. The New York Commission on Government Integrity. And, as Secretary of State, he introduced international human rights as a key component of U.S. foreign policy. We all can be thankful, however, that one of his initiatives did not take root: the obligation that all lawyers spend Saturdays doing pro bono work.

As some of you know, the aptly-named Vance Center convened its first summit in 2005 when one of my two female predecessors as president of the Association, Betsy Plevan, presided and spoke. That summit launched an initiative that led to the creation of the Pro Bono Declaration of the Americas. This voluntary commitment to have all lawyers perform at least 20 hours of pro bono service annually has attracted more than 500 signatories throughout the Americas, an astounding achievement. It also stimulated the establishment of more than a dozen pro bono clearinghouses throughout Latin America, the partners of the

Vance Center in the Pro Bono Network of the Americas. Two leaders of the Network are our other summit co-chairs, Paula Samper and Pablo Guerrero, whom I also salute.

Over the next two days, you will hear of these achievements, for which many of you are responsible. However, you also will consider today's challenges and look for tomorrow's initiatives to confront them. This Association and the Vance Center, as its international pro bono arm, are all about taking action, finding solutions and making them work. I know that you all have come here with that same spirit. So, without further delay, I invite you to get to work and thank you for your efforts.

# Appendix D



<i>Summit Participants</i>			
<i>No.</i>	<i>Names</i>	<i>Positions</i>	<i>Countries</i>
1	Adriana Ospina	Director of Pro Bono Partnerships Cyrus R. Vance Center for International Justice	United States of America
2	Alexander Papachristou	Executive Director Cyrus R. Vance Center for International Justice	United States of America
3	Álvaro Rodrigo Castellanos	Partner Consortium Legal	Guatemala
4	Amy Williams	Author at Latin America Goes Global	United States of America
5	Ana Luiza Martins	Partner Tauil & Chequer Advogados in association with Mayer Brown	Brazil
6	Antonia Stolper	Partner Shearman & Sterling	United States of America
7	Antonio Maldonado	International Consultant	Peru
8	Arturo Alessandri	President of the Chilean Bar Association; Partner Alessandri	Chile
9	Bret Parker	Executive Director New York City Bar Association	United States of America
10	Brian Winter	Vice President, Policy, AS/COA and Editor-in-Chief, Americas Quarterly	United States of America
11	Carlos del Río	Partner Creel, García-Cuéllar, Aiza y Enríquez, S.C.	Mexico
12	Carlos Ernesto González	Partner Morgan & Morgan	Panama
13	Carrie H. Cohen	Assistant U.S. Attorney for the Southern District of New York	United States of America
14	Carmen Rosa Villa Quintana	United Nations Attorney	Peru
15	Cesar Francia	Associate Arent Fox	United States of America
16	Christopher Sabatini	Founder and Editor Latin America Goes Global; Professor at Columbia University	United States of America
17	Ciro Colombara	Partner Rivadeneira Colombara Zegers; Director Fundación Pro Bono Chile	Chile

18	Claudia Escobar	Judge; Scholar at Risk at Harvard University	Guatemala
19	Clea Bowdery	Staff Attorney Environment Program Cyrus R. Vance Center for International Justice	United States of America
20	Cristina Rodríguez	Associate Consortium Legal	Guatemala
21	Daniel Alpert	Managing Partner, Westwood Capital LLC and Fellow in Economics, The Century Foundation	United States of America
22	Daniel Bonilla	Associate Professor; Director of Public Interest Law Group at Universidad de los Andes	Colombia
23	Daniel del Río	Partner Basham, Ringe y Correa S.C.; President Fundación de la Barra Mexicana de Abogados	Mexico
24	Daniel Wilkinson	Managing Director Americas Division Human Rights Watch	United States of America
25	David Gutiérrez	Founding Partner BLP Abogados, Central America; Senior Vice-Chair, Latin American Regional Forum, International Bar Association	Costa Rica
26	Debra Raskin	President New York City Bar Association	United States of America
27	Edwin S. Maynard	Partner Paul, Weiss, Rifkind, Wharton & Garrison	United States of America
28	Elizabeth Abi-Mershed	Assistant Executive Secretary Inter-American Commission on Human Rights	United States of America
29	Ellen P. Chapnick	Dean for Social Justice Initiatives and a Lecturer-in-Law at Columbia Law School	United States of America
30	Enrique Felices	Partner Miranda & Amado Abogados; President Board of Directors Alianza Pro Bono Perú	Peru
31	Esther Cecilia Blondet	Partner Norton Rose Fulbright S.C.	Venezuela
32	Evan A. Davis	Senior Counsel Cleary Gottlieb Steen & Hamilton	United States of America
33	Federico Efron	Center for Legal and Social Studies	Argentina
34	Francisco Quintana	Program Director for the Andean, North America and Caribbean Region at Center for Justice and International Law (CEJIL)	United States of America
35	Flávia Regina de Souza	Partner Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados	Brazil
36	Fulvio Italiani	Partner D'Empaire Reyna Abogados	Venezuela

37	Gerardo Bello Aurrecoechea	President Fundación Pro Bono Venezuela, ProVene	Venezuela
38	Guadalupe Martínez Casas	Executive Director Central Law	Central America
39	Horacio Bernardes Neto	Partner at Motta, Fernandes Rocha - Advogados; Secretary General of the IBA	Brazil
40	Hunter T. Carter	Partner Arent Fox	United States of America
41	Indira Yiceth Murillo P	Human Rights Fellow, Cyrus R. Vance Center for International Justice	Colombia
42	José Augusto Toledo	Partner Arias & Muñoz	Guatemala
43	Juan Pablo Olmedo	President Fundación Pro Acceso	Chile
44	Juan Pablo Vigliero	Partner Estudio Casal, Romero Victorica & Vigliero; President Comisión de Trabajo Pro Bono e Interés Público del Colegio de Abogados de la Ciudad de Buenos Aires	Argentina
45	Julio J. Copo Terrés	Board - Mexican Bar Foundation	Mexico
46	Julissa Reynoso	Partner Chadbourne & Parke	United States of America
47	Karina Benzaquen	Communications and Development Assistant Cyrus R. Vance Center for International Justice	United States of America
48	Laura Bermúdez	Fundación ProBono Colombia	Colombia
49	Leire Larracochea San Sebastián	Fulbright Fellow in Pro Bono Practice Cyrus R. Vance Center for International Justice	Spain
50	Ligia Bolívar	Director Centro de Derechos Humanos Universidad Católica Andrés Bello	Venezuela
51	Luis Almagro	Secretary General of the Organization of American States	Uruguay
52	Marc Rossell	Partner Chadbourne & Parke	United States of America
53	Marcela Fajardo	Executive Director Fundación Pro Bono Chile	Chile
54	Marcelo A. Mottes	Partner Milbank, Tweed, Hadley & McCloy	United States of America
55	Marcia Tavares Maack	Assistant Director of Pro Bono Activities for Mayer Brown	United States of America
56	Marcos Fuchs	Co-founder and Executive Director Instituto Pro Bono Brasil	Brazil
57	María Isabel Luján	Partner QIL + 4 Abogados	Guatemala

58	María Lucía Torres Villarreal	Principal Professor, Coordinator of ProBono Affairs of Universidad del Rosario Law School	Colombia
59	Marie-Claude Jean-Baptiste	Director Human Rights and Access to Justice Program Cyrus R. Vance Center for International Justice	United States of America
60	Marielle Garrigó	Partner Medina Garrigó Abogados	Dominican Republic
61	Martín Abregu	Vice President of Ford Foundation's Democracy Rights and Justice program	United States of America
62	Martín Zapiola Guerrico	Partner Zapiola Guerrico & Asociados; Coordinator of Institutional Relations Comisión de Trabajo Pro Bono e Interés Público del Colegio de Abogados de la Ciudad de Buenos Aires	Argentina
63	Maru Cortázar	Executive Director Fundación Appleseed México A.C.	Mexico
64	Maurice Blanco	Partner Davis Polk & Wardwell	United States of America
65	Mónica Cáceres	Program Coordinator Centro Interdisciplinario de Derecho Social y Economía Política Universidad Católica Nuestra Señora de la Asunción	Paraguay
66	Nestor Loizaga	Partner Estudio Ferrere	Paraguay
67	Nicolás Etcheverry Estrázulas	Dean Facultad de Derecho Universidad Montevideo	Uruguay
68	Óscar Cruz Barney	Partner Cruz Abogados, S.C. & former President Ilustre y Nacional Colegio de Abogados de México	Mexico
69	Pablo Guerrero	Partner Barros & Errázuriz Abogados; President Fundación Pro Bono Chile	Chile
70	Paula Samper	Partner Gómez-Pinzón Zuleta Abogados; President Fundación ProBono Colombia	Colombia
71	Paola Bruzzone	Partner Lewin & Cia	Chile
72	Patricia Menéndez-Cambó	Vice President and Secretary Greenberg Traurig	United States of America
73	Ramón Ricardo Arias	Partner Galindo Arias & López	Panama
74	Renate Rennie	Chairman and President Tinker Foundation	United States of America
75	Richard L. Levine	Partner Weil, Gotshal & Manges	United States of America

76	Robert F. Cusumano	Partner Crowell & Moring	United States of America
77	Roberth Puertas Ruiz	Manager Fundación Fabián Ponce O.	Ecuador
78	Roberto Horacio Crouzel	Partner Estudio Beccar Varela	Argentina
79	Ruby Asturias	Partner Pacheco Coto Central America; Chair Latin American Council New York State Bar Association	Costa Rica
80	Ruti Smithline	Partner Morrison & Foerster	United States of America
81	Sabrina Silver	Partner Linklaters	United States of America
82	Sandra González	Partner Ferrere	Uruguay
83	Taisa Markus	Partner Paul Hastings	United States of America
84	Teófilo Rosario Martínez	President Fundación Pro Bono República Dominicana	Dominican Republic
85	Timothy Wilkins	Partner Freshfields Bruckhaus Deringer	United States of America
86	Todd Crider	Partner Simpson Thacher & Bartlett	United States of America
87	Virginia Cueva	Visiting Lawyer Sullivan & Cromwell	Argentina
88	Werner F. Ahlers	Partner Sullivan & Cromwell	United States of America
89	Zoya Galarza	Senior Associate Guevara y Gutiérrez S.C.	Bolivia



# Appendix E

## Biographies

### Chairs, Speakers and Moderators

#### *Welcome and Opening Remarks:*



**Debra Raskin**, President New York City Bar Association; Committee Member Cyrus R. Vance Center for International Justice

Debra L. Raskin worked at the Legal Assistance Foundation of Chicago from 1977 to 1981, serving in 1981 as Supervisor of Employment Litigation for that organization. She served as law clerk to the Honorable Lee P. Gagliardi of the United States District Court, Southern District of New York from 1982 to 1984. From 1984 to 1986, she served as an Assistant Attorney General of the State of New York in the Civil Rights Bureau.

Ms. Raskin joined Vladeck, Raskin & Clark, P.C. in 1986 and became a partner in October 1988. She has been Chair of the Labor and Employment Law Committee of the New York City Bar Association and Chair of its Executive Committee. Ms. Raskin is a Fellow of the American College of Trial Lawyers, has taught at Columbia and Fordham Law Schools, and has lectured and written on employment law matters for the New York State Bar Association and the American Law Institute/American Bar Association, among other groups.

Education: B.A., Radcliffe College, 1973; J.D., Yale Law School, 1977

#### *Summit Co-Chairs:*



**Antonia Stolper**, Partner Shearman & Sterling LLP, Vice-Chair Cyrus R. Vance Center for International Justice

Antonia Stolper is the Latin America Regional Managing Partner and a member of Shearman & Sterling's Capital Markets-Americas practice group. Ms. Stolper's practice focuses primarily on corporate finance transactions in emerging markets. She has extensive registered public offering experience for foreign private issuers. Her practice focuses on debt and equity securities offerings for Latin American corporate and sovereign issuers, representing both underwriters and issuers, and on restructuring transactions in Latin America, representing issuers, dealer managers and creditors. In addition, she advises a number of Latin American issuers on their ongoing SEC reporting requirements and corporate governance matters. Ms. Stolper has also advised the Climate Bonds Initiative pro bono on establishing standards for financing the transition to a low carbon economy. Ms. Stolper is also Vice-Chair of the Cyrus R. Vance Center of the New York City Bar Association, promoting pro bono work by private lawyers in Latin America and working with lawyers throughout the region on promoting the status of women in the legal profession. Ms. Stolper is currently ranked Band 1 in Latin America-wide Capital Markets *Chambers Latin America* and Band 1 in Latin American Investment in *Chambers Global*. She was named one of the National Law Journal's Outstanding Women Lawyers in 2015 and selected by Latinvex in 2015 as among Latin America's top 50 female lawyers.



**Pablo Guerrero V, Partner Barros & Errázuriz**

Pablo Guerrero is a co-managing partner and also heads the Mergers and Acquisitions and Financing practice of Barros & Errázuriz Abogados in Santiago, Chile. His experience covers an array of areas, including capital markets, securities, foreign investment, and international business transactions generally. He graduated from Catholic University of Chile School of Law, and obtained his Master of Comparative Jurisprudence degree from New York University School of Law, New York, in 1995. He worked in the United States with LeBoeuf, Lamb, Greene & MacRae LLP, New York, as a summer associate in 1995, and with Wilmer, Cutler & Pickering, Washington, D.C., as a foreign associate, from 1995 to 1996. Mr. Guerrero was Professor of Economic Law at Finis Terrae University School of Law, from 1996 to 1999 and currently is Professor of Commercial Law at the Chilean Catholic University School of Law. He is one of the founders and current President of Fundación Pro Bono - Chile. He is member of the Chilean Bar Association.



**Paula Samper, Partner Gómez-Pinzón Zuleta Abogados; President Fundación Pro Bono Colombia**

Born in Bogotá, 1967. Member of the Real Estate Practice Group and Director of the Pro Bono practice of the firm. Paula was a member of the Drafting Committee of the Pro Bono Declaration for the Americas, an initiative promoted by the Cyrus Vance Center (N.Y.) that has been signed by more than 500 law firms all over the region. She has 20 years of professional experience in corporate law and real estate.

Ms. Samper is a lawyer from the Universidad de los Andes and has a degree in financial law from Rosario University in Bogotá.

She is a founding member of Fundación Pro Bono Colombia, and a member of its Board of Directors since 2008; Fundación Pro Bono is a clearing house with a membership of 25 Colombian law firms doing pro bono work. Ms. Samper has been recognized as a leader in the advancement of pro bono in Colombia, including receiving an award from Chambers and Partners for her outstanding contribution to the legal profession in 2011, and the Latin Lawyer Pro Bono Lawyer of the Year in 2013.

Additionally, Ms. Samper has participated in a local initiative for advancement of women in the legal profession, with the assistance from the Women in the Profession Committee of the Cyrus Vance Center (NY) with conferences and seminars across the South American region.

Ms. Samper is an active participant in the Board of Directors of several non-profit institutions which include, amongst others, Compartamos con Colombia, América Solidaria, Instituto Roosevelt and Women's Link Worldwide.



**Todd Crider, Partner Simpson Thacher & Bartlett; Vice-Chair Cyrus R. Vance Center for International Justice; Member of the Institutionalization Committee Pro Bono Network of the Americas**

Todd Crider divides his time between New York and Sao Paul, Brazil, where he is Co-Head of Simpson Thacher's office. He advises clients in international corporate finance transactions, mergers and acquisitions and project finance. In corporate finance, Todd has led transactions in Latin America and Europe, including advising on equity and debt offerings by issuers from Brazil, Chile, Argentina, Mexico, and Colombia, as well as Spain and Portugal. He has handled matters for clients including BAML, BTG Pactual, Citigroup, Credit Suisse, Goldman Sachs, JPMorgan and Morgan Stanley. In M&A, Todd has represented KKR, Apax, Patria and Silver Lake Partners in private equity matters, as well as the principals in strategic transactions. In project finance, he has represented sponsors and lenders in hydroelectric projects, airport expansions, and toll-road projects and gas-fired generation facilities. A frequent speaker on capital markets, private equity and emerging markets, Todd is also a leader in pro bono activities. He is Vice Chair of both the Cyrus R. Vance Center of International Justice (where he was founding chair) and the Rainforest Foundation US. Named by Latin Business chronicle as one of its Top 50 Legal Stars, Todd is fluent in Spanish, Portuguese and French.

## ***Keynote speaker:***



**Luis Almagro Lemes** was elected Secretary General of the Organization of American States on March 18, 2015, with the unanimous support of 33 of 34 member states, and one abstention. Upon taking leadership of the OAS, he announced that one of the central themes of his mandate will be “more rights for more people,” and that he would work to bring the Organization closer to the new realities in the Hemisphere and contribute to ensuring more democracy, security and prosperity for all.

A career diplomat, Almagro was Foreign Minister of Uruguay from 2010 to March 1, 2015, and has extensive regional and international experience. In addition, he was elected Senator in the national elections in Uruguay in October 2014.

His time at the head of Uruguayan diplomacy was characterized by activism in defense of human and civil rights at the regional and global level, the insertion of Uruguay into non-traditional markets, the diversification of these markets, and the strengthening of the image of Uruguay as a democratic, fair, tolerant, and diverse society, with ever increasing rights for more Uruguayans.

As Foreign Minister for President José Mujica, he defined several emblematic initiatives that put the small South American country on the global map, from receiving former prisoners from Guantanamo, to welcoming dozens of Syrian families who had been victims of the country’s conflict, to building support in the United Nations so that, beginning in 2016, Uruguay will become part of the Security Council. Moreover, Uruguay has maintained its presence in Haiti to ensure the continuity of the process of reconstruction in the country following the devastating earthquake of 2010. Knowledgeable about the new regional alignments, Almagro was an active participant in the consolidation of UNASUR and CELAC and as member of the special UNASUR delegation to Venezuela in 2014 he was recognized as an advocate of dialogue between the government and the opposition to stop the violence at that moment.

As a consensus builder in the region and at the same time a driver of new initiatives, during his term at the head of the country’s diplomacy, he achieved the long-desired entry of citrus products into the United States, a key market for the sector, while moving forward with bilateral cooperation programs in areas of scientific-technical innovation. For its part, Uruguay developed specific programs of cooperation for development with Bolivia, Paraguay, and several African nations in the context of the vision of international solidarity that characterized the term of the former Foreign Minister.

The candidate for Secretary General of the OAS was also Ambassador to China for five years, after occupying senior diplomatic posts in the Foreign Ministry of his country, and in the Embassies of Uruguay in Germany and Iran. In 2014 Foreign Policy magazine named him a Leading Global Thinker, one of ten decision-makers in the region granted this international distinction.

Almagro, a lawyer by profession, is married and has seven children. In addition to Spanish, he speaks English and French.

## *Speakers:*



### **Martín Abregú, Vice President of Ford Foundation's Democracy Rights and Justice Program**

Martín Abregú is vice president for Democracy, Rights, and Justice. He leads the foundation's global grant making on human and civil rights; effective and transparent governance; democratic participation; strengthening civil society; and gender, sexuality, and reproductive justice. He also oversees the foundation's regional programming in Brazil, Mexico and Central America, and the Andean Region. Martín joined Ford in 2000, serving as program officer for human rights in the Santiago office. In 2007, he was appointed the foundation's representative for the Andean Region and Southern Cone, guiding grant strategy and programs across the region. In 2010, he was named director of Human Rights and Governance. Working with program officers in New York and in nine regional offices around the world, Martín's team focused on advancing economic and social rights, promoting transparent, effective, and accountable government, reforming global financial governance, and strengthening human rights worldwide. Martín was named vice president in 2013.

Before joining the foundation, Martín served for six years as executive director of the Center for Legal and Social Studies (CELS), a leading human rights organization based in Argentina, where he led an organizational renewal and guided the institution to address new kinds of human rights challenges. Simultaneously, he served as the Argentina representative for the Center for Justice and International Law (CEJIL), an inter-American human rights body that works across the hemisphere.

Martín has served as an associate professor of human rights at the University of Buenos Aires School of Law, where he earlier earned his law degree with a specialization in international law. He holds a master of laws degree in international legal studies from American University in Washington, DC. He has been an Ashoka Fellow since 1995.



### **Daniel Alpert, Partner Westwood Capital**

Dan Alpert is a founding Managing Partner of Westwood Capital, LLC and its affiliates. He has more than 30 years of international merchant banking and investment banking experience, including a wide variety of work-out and bankruptcy related restructuring experience. Throughout his career, Dan has been the senior banker responsible for client relationships and execution of debt and equity offerings that were the first of their kind at the time. He was the investment banker who led the first ever rated commercial mortgage backed security issue backed by a pool of mortgage loans acquired from a distressed lender, the first rated commercial mortgage backed security issue backed by a pool of mortgage loans secured by properties owned by a single borrower, the only REIT IPO involving the simultaneous public offering of common stock and the acquisition of a portfolio of properties out of a Chapter 11 proceeding, and the first securitization of gaming revenues. He has additional expertise in evaluating and maximizing the recoveries from failed financing vehicles affiliated with a common borrower/issuer. All of these activities involve a common element – thinking “outside the box” to provide novel and workable solutions to unique financial challenges.

Dan's experience in providing financial advisory services and structured finance execution has extended Westwood's reach beyond the U.S. domestic corporate finance market to East Asia, the Middle East and Eastern Europe. In addition to his structured finance expertise, Dan has extensive experience advising on mergers, acquisitions and private equity financings.

Over the past 15 years, Dan has provided and/or arranged for financing for, and advised both debtors and creditors of, a number of distressed companies – both inside and outside of bankruptcy. He has provided expert testimony in the U.S. Bankruptcy Court in cases involving debtors involved in structured finance transactions.

Dan has written extensive research and opinion on the housing and credit bubbles and the resulting economic crisis, and is widely quoted in print outlets including The Wall Street Journal, The New York Times, the Reuters, AP and Bloomberg wires, Forbes, Fortune and many other periodicals. He is a frequent guest commentator on all of the principal business news networks – Bloomberg, CNBC and Fox Business News – and also appears on CNN and the BBC. Dan's concise explanations of complicated financial matters – together with his willingness to express his opinions and forecasts – has earned him the confidence of those in the media for whom he has been a reliable source of analysis.

Prior to forming Westwood Capital in 1995, Dan was a senior banker with, and partner of, Oppenheimer & Co., Inc. He holds a B.A. in Public Policy from the University of Pennsylvania, and lives and works in Manhattan.



**Julissa Reynoso**, Partner Chadbourne & Parke; Committee Member Cyrus R. Vance Center for International Justice

Julissa Reynoso is the former United States Ambassador to Uruguay. Ms. Reynoso also served as Deputy Assistant Secretary of State for Central American, Caribbean and Cuban Affairs in the US Department of State. Prior to joining the US Department of State, Ms. Reynoso practiced at a major international law firm, where she specialized in antitrust law, international commercial arbitration and international investment arbitration. Ms. Reynoso has extensive policy and legal experience throughout Latin America, engaging both as a lawyer in private practice and as a senior US diplomat on behalf of the US government. Her legal experience includes analyzing and advising on complex cross-border transactions and conducting complex arbitrations under the major international rules, including ICC and UNCITRAL, and bilateral investment treaty disputes under the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA).



**Christopher Sabatini**, Founder and Editor Latin America Goes Global; Professor at Columbia University

Christopher Sabatini is the founder and editor of the news and opinion website [www.LatinAmericaGoesGlobal.org](http://www.LatinAmericaGoesGlobal.org) and an adjunct professor at the School of International and Public Affairs (SIPA) at Columbia University. From 2005 to 2014 he was the senior director of policy at the Americas Society and Council of the Americas (AS/COA) and the founder and editor-in-chief of the hemispheric policy magazine *Americas Quarterly* (AQ). At the AS/COA, Dr. Sabatini chaired the organization's Rule of Law working group, which published a report on rule of law in the hemisphere entitled *Rule of Law, Economic Growth and Prosperity* (also available in Spanish). He also chaired the AS/COA Cuba Working Group. In 2007, Dr. Sabatini launched AQ and maintained a regular blog on policy in the Americas on the magazine's website ([www.americasquarterly.org](http://www.americasquarterly.org)). From 1997 to 2005, Dr. Sabatini was the Director for Latin America and the Caribbean at the National Endowment for Democracy. From 1995 to 1997 he was a Diplomacy Fellow with the American Association for the Advancement of Science, working at the U.S. Agency for International Development's Center for Democracy and Governance. He has served as an advisor to the World Bank and the U.S. Agency for International Development. He has published numerous articles on Latin America, democratization, political parties, and U.S. policy in the region. His work includes an article in the March/April edition of *Foreign Affairs* titled "Rethinking Latin America", and an article on *ForeignPolicy.com* about regional diplomacy titled "The Land of Too Many Summits." Dr. Sabatini regularly provides interviews for *The New York Times*, *The Christian Science Monitor*, *The Lehrer News Hour*, NPR, *The Miami Herald*, CNN, *The Washington Post*, and CNN en Español, and is a regular contributor to CNN-GPS and to NTN24's TV news program *Efecto Naim*. He has a Ph.D. in Government from the University of Virginia.



**Daniel Bonilla Maldonado**, Associate Professor; Director of Public Interest Law Group at Universidad de los Andes

Daniel Bonilla is Associate Professor of Law and Director of the Public Interest Law Group at the Universidad de los Andes in Bogotá. He holds a doctorate and a masters in law from Yale Law School and a law degree from Universidad de los Andes. He has been a visiting professor or lecturer at a number of institutions, including Yale Law School, Fordham Law School, Oñati International Institute for the Sociology of Law, University of Texas School of Law, Georgia State University College of Law, University of Puerto Rico, and Universidad Nacional de Colombia. He is the recipient of a Fulbright Fellowship and several awards for excellence in teaching. Among his most recent publications are *Constitutionalism of the Global South* (ed.) (Cambridge University Press: 2013); *La función social de la propiedad en perspectiva comparada* (ed.) (Eudeba: 2013) and *Legal Clinics in the Global North and South: Between Equality and Subordination*, 16 *Yale Hum. Rts. & Dev. L.J.* 176 (2013).



**Ciro Colombara**, Partner Rivadeneira, Colombara, Zegers; Director Fundación Pro Bono; Member of the Institutionalization Committee Pro Bono Network of the Americas

Ciro Colombara is a Partner at Rivadeneira Colombara Zegers in Chile. He specializes in national and international complex litigation. He is founder and Board's member of Fundación Pro Bono in Chile and member of Institutionalization Committee of Pro Bono Network of the Americas.



**Enrique Felices**, Partner Miranda & Amado Abogados; President Board of Directors Alianza Pro Bono Perú

Masters of Law, Yale Law School and Lawyer from Pontificia Universidad Católica del Perú. Partner since the year 2000 with a wide experience in Competition Law, multilateral finance, project and infrastructure development finance. Counseled the major provider of Mobile services in a series of competition conflicts against their main competitor in the Peruvian market, an important electricity company in matters such as competent of the acquisition of a 530MW combined cycle generation project, an international provider of medicinal gases in an investigation for alleged restrictive practice, an international fast-food franchise in a antimonopoly claim against their main competitor in the international market, and various companies of electricity generation in processes or revision previous to the merger of the competition. Currently represents the promoter of a 1000 MW hydroelectric project. Other clients include Gas Natural (Spain), Duke Energy Egenor International and the International Finance Corporation.



**Martín Zapiola Guerrico**, Partner Zapiola Guerrico & Asociados; Coordinator of Institutional Relations Comisión de Trabajo Pro Bono e Interés Público del Colegio de Abogados de la Ciudad de Buenos Aires; Member of the Institutionalization Committee Pro Bono Network of the Americas

Martin is a Senior Partner at, Zapiola Guerrico & Asociados. Practicing lawyer specialized in Insurance Law, Civil Liability and Complex Negotiation and Litigation. Founding President of Comisión de Trabajo Pro Bono e Interés Público, Colegio de Abogados de la Ciudad de Buenos Aires and, currently, is the Coordinator of Institutional Relations.



**Elizabeth Abi-Mershed**, Assistant Executive Secretary Inter-American Commission of Human Rights

Elizabeth Abi-Mershed is the Assistant Executive Secretary of the IACHR. A United States citizen, she is the Commission's Legal Director, in charge of coordinating and supervising the preparation of all reports on cases and thematic and country reports. She also coordinates the work of the Office of the Rapporteur on the Rights of Women, as well as the specialized group that litigates cases before the Inter-American Court of Human Rights. She has worked at the IACHR since 1992 and has held the post of Assistant Executive Secretary since 2007. Elizabeth Abi-Mershed studied law at American University's Washington College of Law and did her postgraduate studies in international and comparative law at Georgetown University.



**Ligia Bolivar**, Human Rights Center, Andres Bello Catholic University Director

Ms. Bolivar is a professor of Human Rights at Venezuela's Andres Bello Catholic University, where she currently serves as Director of the Human Rights Center. She is also the founder of the Venezuelan Program on Education and Action on Human Rights (PROVEA). Previously, she served as President of the Center for Justice and International Law (CEJIL), a member of the International Executive Committee of Amnesty International, a member of the International Council on Human Rights Studies, and a trustee of the Voluntary Fund of the United Nations Technical Cooperation. She also serves as a Visiting Professor of Human Rights in universities across Latin America and Europe.



**Daniel Wilkinson**, Managing Director, Americas Division Human Rights Watch

Daniel Wilkinson, managing director of the Americas division at Human Rights Watch, is a general expert on Latin America. He has conducted fieldwork and advocacy throughout the region, and authored reports on human rights issues in Brazil, Colombia, Cuba, Mexico, the United States, and Venezuela. Wilkinson's writings on US policy toward Latin America have been widely published. His book, "Silence on the Mountain: Stories of Terror, Betrayal, and Forgetting in Guatemala," won the PEN/Albrand Award for nonfiction. Wilkinson is a graduate of Harvard College and Yale Law School. He speaks Spanish.



**Francisco Quintana**, Program Director for the Andean, North America and Caribbean Region Center for Justice and International Law (CEJIL)

Mr. Quintana received his law degree from Universidad Nacional Autónoma de Mexico in Mexico City and his LLM from the London School of Economics and Political Science. Between 2001 and 2003 Mr. Quintana served as the staff attorney at CEJIL's office in Costa Rica, litigating cases related to Honduras and Panama and providing training to NGOs in the Central American region. Between 2004 and 2006, he also served as senior staff attorney at the Inter-American Court of Human Rights in San Jose.



**Arturo Alessandri C**, President of the Chilean Bar Association; Partner Alessandri

Arturo Alessandri C., managing partner of *Alessandri*, has focused his practice on foreign investments, mergers and acquisitions, as well as on project financing, concessions and arbitration. He is also advisor to a wide portfolio of foreign companies in different industries as a foreign corporation agent as well to local and international business entrepreneurs. He is the chairman and director of different corporations and non-profit organizations.

Following family tradition, Arturo Alessandri has also performed civil service, firstly as a Counsel to the National Planning Office (ODEPLAN) of the Presidency of the Republic, from 1979 to 1983. Later, between 1992 and 1996, was elected Town Councilor to the Municipality of Santiago.

He has been a professor at the Universidad de Chile International Studies Institute and School of Business Administration.

He is currently President of the Chilean Bar Association (2015-2017) and was Vice-President between 2011-2014. He is the head of its International Relations Committee. He has participated as a speaker and panelist in numerous conferences held by the national and international Bar associations he is a member of.

Since 1989, Arturo Alessandri has been an active member of the International bar Association (IBA), and has been a permanent delegate of the Chilean Bar Association before its General Board since 2001.

He is a member of the Mediation and Arbitration Center of the Santiago Chamber of Commerce.



**Dr. Horacio Bernardes Neto, Partner - Motta, Fernandes Rocha Advogados**

**Professional Memberships:**

Secretary-General – International Bar Association -  
Council Member, OAB/SP - São Paulo Bar Association -  
Member, Management Board, IBA – International Bar Association -  
Member, International Relations Commission, Federal Council, OAB - Brazilian Bar Association -  
Member, Legal Council (CONJUR), FIESP – Federação das Indústrias do Estado de São Paulo -  
Council Member, ACSP - Associação Comercial do Estado de São Paulo  
Council Member, ESA – Escola Superior de Advocacia  
Council Member, Pinacoteca do Estado de São Paulo  
Former President (2003-2006) and Executive Officer, CESA - Centre of Studies of the Brazilian Law Firms  
Member DAV – German Bar Association -  
Former President (1994-1995) and Honorary President, AIJA – Association Internationale des Jeunes Avocats  
Member, IASP – São Paulo Lawyers Institute  
Member, AASP – São Paulo Lawyers Association  
Member, DBJV – Brazil-Germany Jurists Association  
Member, SEJUBRA – Brazil-Germany Legal Studies Society  
LANGUAGES: Portuguese, English, German, French, Spanish, Italian



**Óscar Cruz Barney, Partner Cruz Abogados, S.C. & former President Ilustre y Nacional Colegio de Abogados de México**

Attorney at Law at the Iberoamericana University. Doctor in Law at the Panamericana University, both in Mexico City. Attorney in Law by the Ministry of Culture of Spain. Diploma of U.S. Law from the University of California. International Trade Advisor. International Trade Law Professor and researcher at the Juridical Research Institute of Mexico's National University (UNAM). Author of a number of books and articles on international trade, advocacy and law history.  
He has been awarded by the Ministry of Justice and by the National Counsel of Spanish Advocacy in Spain. He has been distinguished by the Bar Associations of Madrid, Seville, Oviedo, Valencia, Zaragoza and Veracruz.  
Former President of the Illustrious & National Bar Association of Mexican Lawyers, Founded in 1760. Member of the Madrid Bar Association in Spain.  
Member of the Mexican Academy of Jurisprudence and Legislation and of the International Custom Law Academy.  
Member of the Royal Academy of Jurisprudence and Legislation of Madrid and of the Academy of Jurisprudence of Colombia.  
Senator of the Iberoamerican Union of Lawyers Associations. Former Regional Secretary of the Union Internationale Des Avocats.  
Partner at Cruz Abogados, S.C. law firm in Mexico City.



**Evan A. Davis**, Senior Counsel Cleary Gottlieb Steen & Hamilton; Emeritus Committee Member Cyrus R. Vance Center for International Justice

Evan A. Davis is senior counsel at Cleary Gottlieb Steen & Hamilton LLP, based in the New York office. His practice focuses on litigation and other forms of international and domestic dispute resolution. He has handled complex securities, merger and acquisition, contract disputes, art and museum restitution law, and insurance coverage litigations. He has extensive arbitration and mediation experience in complex domestic and international commercial cases as a party-appointed arbitrator, an arbitration tribunal chair, a mediator and an advocate in arbitration and mediation.

Mr. Davis is a recognized authority on New York law and has argued frequently in the New York Court of Appeals, the State's highest court. He has also provided expert opinions on matters of professional ethics. He served as President of the Association of the Bar of the City of New York from May 2000 through May 2002, and as Vice Chair of the Trustees of Columbia University, where he also chaired the Finance Committee. Mr. Davis began work at the Firm in 1975 and became a partner in 1978. In September 1985, he left the Firm to serve as Counsel to New York State Governor Mario M. Cuomo, rejoining the Firm in February 1991. Mr. Davis became senior counsel at the Firm in July 2012.

Mr. Davis clerked for Justice Potter Stewart of the Supreme Court of the United States and Judge Harold Leventhal of the Court of Appeals for the District of Columbia Circuit.

Mr. Davis received a J.D. degree, *magna cum laude*, from Columbia Law School, where he was Editor-in-Chief of the Columbia Law Review, and an undergraduate degree, *cum laude*, from Harvard College. He is a member of the Bar of New York.

Mr. Davis is a member of the American Law Institute, and the board of Governors of the Franklin and Eleanor Roosevelt Institute in Hyde Park, New York. He is a Director of the Center for Family Representation and Episcopal Charities, a Trustee of The Spence School where he heads the Admissions Committee and is a member of the Advisory Council of New York Common Cause and the Advisory Board of Disability Rights Advocates. He is a Warden of Trinity Church Wall Street. He formerly chaired the American Bar Association's Standing Committee on Public Education and its Commission on Youth Education for Citizenship.



**Flavia Regina de Souza Oliveira**, Partner Mattos Filho

Flavia has worked extensively in matters related to exempt organizations and corporate social responsibility. Flavia pioneered pro bono work at Mattos Filho and has headed the non-profit and tax exempt practice in the Firm since 2000. She regularly lectures on the legal aspects of NGOs and social business at the extension program at Fundação Getúlio Vargas. She is the Latin American Liaison Officer of the Pro Bono Committee of the International Bar Association.

Degree: School of Law at the University of São Paulo, 1994; Specialist in Tax Law at the Catholic University of São Paulo, 1999; Postgraduate in The Nonprofit Sector Administration of Getúlio Vargas Foundation, 2000; Postgraduate in Corporate Social Responsibility of Getúlio Vargas Foundation, 2004. Master's Degree in Public Administration of Getúlio Vargas Foundation, 2012.

## **Moderators:**



**Ruti Smithline**, Partner Morrison Foerster, Committee Member Cyrus R. Vance Center for International Justice

Ruti Smithline is a partner in the Securities Litigation, Enforcement, and White-Collar Criminal Defense Group. Her practice focuses on complex litigation, with an emphasis on white-collar criminal defense, SEC enforcement, securities litigation, and corporate internal investigations.

Ms. Smithline is a member of the firm's FCPA + Anti-Corruption Task Force. She regularly advises clients on cross-border investigations, global compliance programs and anti-corruption due diligence for acquisitions, joint ventures, and private equity transactions. Ms. Smithline has represented individual and corporate defendants in cross-border criminal investigations, SEC enforcement matters, and other regulatory proceedings, including matters related to trade sanctions and anti-money laundering. She has experience conducting corporate internal investigations both domestically and internationally, often advising clients on remedial measures responsive to the issues investigated.

Ms. Smithline was born and raised in Colombia and is fluent in Spanish. She has conducted investigations, seminars and anti-corruption training in Spanish throughout Central and South America.

Ms. Smithline was selected by Global Investigations Review as one of 40 of the world's leading investigations lawyers under the age of 40. She was also selected to the 2014 and 2015 New York Metro Rising Stars list by Super Lawyers based on peer recognition and professional achievement.

Ms. Smithline received her J.D. from The George Washington University School of Law, where she graduated with honors and as a member of the Order of the Coif. She received her B.A. degree, cum laude, from Cornell University. She is admitted to practice law in New York and New Jersey.



**Marcia Tavares Maack**, Assistant Director of Pro Bono Activities for Mayer Brown; Committee Member Cyrus R. Vance Center for International Justice

Marcia Tavares Maack is the Assistant Director of Pro Bono Activities for Mayer Brown LLP. In conjunction with Marc Kadish, the firm's Director of Pro Bono Activities and Litigation Training, and Julie Dickins, the Pro Bono Partner in charge of Europe, Marcia is responsible for coordinating the firm's pro bono program.

Marcia acts as a liaison to the legal services and nonprofit community, develops and selects pro bono opportunities, and ensures a broad range of participation in the firm's pro bono activities. She also assists and supervises the firm's attorneys with their pro bono cases.

Marcia's pro bono work is concentrated in the areas of international human rights, asylum, and refugee matters. In addition to numerous other projects, she developed and implemented the firm's partnership with The List Project to Resettle Iraqi Allies, an organization that helps Iraqi refugees whose lives are at risk because of their affiliation with the US Government's military and reconstruction effort in Iraq. Mayer Brown was honored with a 2008 National Law Journal Pro Bono Award for its work with The List Project.

Marcia is a member of the board of directors of the Cyrus R. Vance Center for International Justice and sits on the Pro Bono and Legal Services Committee of the Association of the Bar of the City of New York. She also is a member of the Association of Pro Bono Counsel. She has been a speaker at public interest and pro bono conferences in Brazil, Chile, Columbia, Costa Rica and Peru, in addition to the Pro Bono Institute annual conference and the ABA Equal Justice Conference. She is fluent in Portuguese and conversant in Spanish.

Before becoming the firm's Assistant Director of Pro Bono Activities, Marcia was a lawyer in Mayer Brown's Litigation & Dispute Resolution practice.



**Marie-Claude Jean-Baptiste**, Human Rights and Access to Justice Program Director Cyrus R. Vance Center for International Justice

Marie-Claude Jean-Baptiste joined the Vance Center in October 2012. She leads the Human Rights and Access to Justice Program at the Vance Center. In this role, Ms. Jean-Baptiste, with support from pro-bono counsels at law firms in the United States and abroad, advises clients on projects related to violence against women, housing rights, transitional justice, prevention of mass atrocities, accountability for grave human rights violations, rights of LGBTI persons, disability rights, and racial discrimination, among others. She engages alongside pro bono counsel in legal research and analysis to support international litigation and advocacy, legal reform, and capacity building in these areas. Ms. Jean-Baptiste works with local and international NGOs and international organizations such as the United Nations and the Inter-American Commission on Human Rights.

Prior to joining the Vance Center, Ms. Jean-Baptiste worked for four years with the International Senior Lawyers Project (ISLP) in New York where, as the Human Rights Program Officer, she developed and managed ISLP's program in Latin America and the Caribbean. At ISLP, Ms. Jean-Baptiste worked with governments, international organizations, and NGOs worldwide providing legal support on human rights and Equitable Economic Development projects. These projects included, among others, capacity building of local lawyers and government officials, international human rights litigation, human rights monitoring, and legislative reform and advocacy.

Ms. Jean-Baptiste earned a law degree from the George Washington University and degrees in International Studies and Political Science from the City College of New York. While in Law School, Ms. Jean-Baptiste worked with the Inter-American Court of Human Rights in Costa Rica and CEJIL.

Born and raised in Haiti, Ms. Jean-Baptiste is fluent in Haitian Creole, French, Spanish, and Portuguese.



**Sabrena Silver**, Partner Linklaters; Committee Member Cyrus R. Vance Center for International Justice

Sabrena has 20 years of experience in U.S. domestic and cross-border financing transactions. She advises financial institutions and companies on diverse financing matters, including syndicated and bilateral loans, letter of credit facilities, hedge fund financings, private banking transactions, debt restructurings, loan participations, receivables purchases and non-performing loan transactions. She has broad global international experience. In particular, Sabrena has worked extensively in Latin America, having worked for more than eight years on matters in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru, Venezuela and other Latin American jurisdictions.

Sabrena regularly publishes articles on a variety of legal topics and was recognized as a leading individual in Banking and Finance in the 2016 edition of *Chambers Latin America* and a "Rising Star" in Banking and Finance in the 2016 edition of *IFLR1000*. In 2013 she was included among *Latin Lawyer's* 15 Inspiring Women in international law firms in the Latin American legal profession and was named by *Latinvex* in 2015 as one of Latin America's Top Female Lawyers.

Sabrena also leads the New York community investment program, including the New York pro bono program, and is a member of the Committee of the Vance Center. Among other pro bono projects, Sabrena advises B Lab and Sistema B in the promotion of the use of private companies as catalysts of social change in the United States, Europe and Latin America.



**Carlos del Rio**, Partner Creel, García - Cuéllar, Aíza y Enríquez, S.C

Carlos del Rio S. is a partner with Creel, García-Cuéllar, Aíza y Enríquez, S.C. in Mexico City, where he specializes in a wide range of merger and acquisition-related matters, including cross-border transactions, real estate investments, mergers, spin-offs, divestitures, private equity transactions and joint ventures. Mr. del Rio has actively represented various foreign companies and investors in the sale or acquisition of their interests and business assets in Mexico, and he also regularly handles corporate governance, financings and other related work. In addition, Mr. del Rio offers advice in all aspects of corporate and business law relating to the incorporation, operation and maintenance of Mexican businesses of domestic and foreign clients operating in various sectors and industries within Mexico including by advising, tailoring and negotiating a wide array of civil and commercial contracts. Mr. del Rio obtained his law degree (JD) from Universidad Anahuac in 1998 and obtained his LL.M degree from Northwestern University School of Law together with a Certificate in Business Administration from J.L. Kellogg Graduate School of Management in 2001.

Mr. del Rio worked as a Foreign Associate in the Latin American Practice Group of Simpson Thacher & Bartlett in New York City from 2001 to 2002, as well as in the Mergers & Acquisitions practice group of Cuatrecasas in Madrid from 2003 to 2005. He re-joined Creel, García-Cuéllar, Aíza y Enríquez, S.C. in 2005.

Mr. del Rio regularly advises large multinational businesses in their investments in Mexico. He is the Mexican legal counsel of large international companies, including but not limited to Grupo Inveravante, INVISTA, B.V., Berry Plastics Corporation, Agrinos AS and Norsafe.



**Werner F. Ahlers**, Partner Sullivan & Cromwell; Committee Member Cyrus R. Vance Center for International Justice

Werner Federico Ahlers is a partner in the Firm's Mergers & Acquisitions, Project Development and Finance and Corporate and Finance Groups, where his experience includes a wide range of cross-border mergers and acquisitions, corporate, project and asset-backed financings and capital market transactions. Mr. Ahlers' practice is primarily focused on M&A, joint venture, project development and finance and private equity transactions in the natural resource, infrastructure and other sectors in Latin America.

Mr. Ahlers is chair of the Inter-American Affairs Committee of the New York City Bar Association and a term member of the Council on Foreign Relations. He is a native speaker of Spanish and is proficient in Portuguese.

Mr. Ahlers is regularly recognized in a number of areas, including mergers and acquisitions and project finance, by a variety of publications covering the legal landscape, including: *Chambers Global*, *Chambers Latin America*, *The Legal 500 Latin America*, *The Legal 500 United States*, *Law360-Recognized as a Rising Star for mergers & Acquisitions (2015)*, *M&A Advisor- Recognized in "40 Under 40" ranking of 40 top professionals who have reached a significant level of success in their careers under the age of 40 (2015)*.



**Carmen Rosa Villa Quintana, Attorney for the United Nations**

Ms. Villa is a Peruvian attorney and has held various positions in the judiciary and as Prosecutor of the Public Ministry of Peru. Ms. Villa earned a Legal Fellow in International Human Rights Law Group (now Global Rights) in Washington in 1994 and worked in the lawsuit of cases before the Inter-American Human Rights Commission. Since 1995, Ms. Villa has worked with the United Nations in various capacities, including in Guatemala, Colombia, Chile and Panama. In Guatemala she was in charge of the Project to Strengthening the Public Ministry and Head of National Institutions in the Strengthening Section of the Civil Power in the Mission for Verification of Guatemala MINUGUA. In Colombia she coordinated the Technical Cooperation Section of the United Nations High Commissioner for Human Rights and was later promoted to Joint Director and Acting Director of the OHCHR Office in Colombia. She was responsible for the projects for the elaboration of the National Action Plan in Human Rights and follow-up of the implementation of recommendations of the High Commissioner to Colombia; the execution of projects for strengthening of the Public Prosecutors Office; the Judiciary Superior Council, the National Penitentiary Institute, the Ombudsman's Office and the Attorney General's Office of the Nation. She was awarded the Human Rights Order in the degree of Commander of the Ombudsman's Office of Colombia. Dr. Villa is currently Regional Representative for Central America of the Office of the High Commissioner for Human Rights, based in Panama.



**Hunter T. Carter, Partner Arent Fox, Committee Member Cyrus R. Vance Center for International Justice**

Hunter Thompson Carter is a veteran commercial attorney in New York and Washington, DC. He is a member of the bars of New York, Washington, DC and Virginia, as well as the US Supreme Court and numerous federal appellate and trial courts. He received his law and undergraduate degrees from the University of Virginia, and also studied at the University of Miami Law School and in the ancient university town of Angers, France. He was elected to the editorial boards of the University of Miami Law Review and the Virginia Journal of International Law. He is fluent in Spanish and French.

Hunter is a vigorous advocate who has spearheaded complex and difficult cases involving aircraft leasing, commercial, corporate and D&O, e-discovery, intellectual property, internal investigation, media and entertainment, pharmaceutical distribution, and real estate. He is a trial attorney who is prepared to get right into court and try cases to conclusion if need be, having led litigation in federal and state trial courts, and to take appeals where necessary, but who is also at home in arbitration, mediation, and negotiation, domestically and internationally. He has represented clients in lobbying and defending investigations before the US Congress, and litigation and investigations by the Department of Justice and Federal Trade Commission (FTC). He is a diligent problem-solver and business counselor.

Hunter is particularly active in international work in Latin America. He was chair of the New York City Bar Association Committee on Inter-American Affairs, a member of the New York City Bar Council on International Affairs. Hunter writes a blog called *Colombia Law & Business Post*. He is a co-leader of the firm's Colombia Working Group. He is also an active leader of the profession in the field of attorney responsibility and legal ethics. He is a member of the New York State Bar Ethics Committee, has chaired the ethics committee of the New York Intellectual Property Law Association, and is the New York ethics partner for the firm's New York office.



**Ruby Asturias, Partner Pacheco Coto Central America; Chair Latin American Council New York State Bar Association**

With more than 17 years experience, Ms. Asturias' expertise is in the areas of Corporate and Commercial, Labor and Fiscal Law, with emphasis on mergers & acquisitions, foreign investment, franchising licensing and Joint Ventures. Prior to joining Pacheco Coto, Ms. Asturias was co-founder, partner and president of the Board of Directors of Aczalaw Abogados Centroamericanos Asociados, a firm with presence throughout Central America.

Ms. Asturias has for several years been Chair of the Guatemalan Chapter of the New York State Bar Association and since 2012, is Chair of the Leadership Committee of NYSBA's Latin American Council, of which she is co-founder. In 2012, Latin Lawyer and the Vance Center granted her the "Leading Light" award. Chambers Latin America and Chambers Global guides have listed her as "leading Lawyer" during 5 consecutive years (2010-2015), and in 2013, the IFLR 1000 Legal Media Group granted her the "Americas Women in Business Law" award.

# Appendix F

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