

Note from the



November 22, 2023 | 13:00 – 15:00 CET | White & Case, Milan | In presence & streaming

1. Agenda:

INTRODUCTORY GREETINGS
Pro Bono Italia - <i>Giovanni Carotenuto</i>
White & Case – <i>Andrea Novarese</i>
INTRODUCING NEW NONPROFITS TO OUR NETWORK
PRESENTATION OF ANNUAL REPORTS
INTERACTIVE SESSION
UPDATE ON ROUND TABLE: "LEGAL PRO BONO FROM THE PERSPECTIVE OF IN-HOUSE LAWYERS"
CONCLUSIONS

2. Introductory greetings

Hosted 3 years ago by White & Case – a stocktaking moment of where we are – The NGOs MSF and STC will tell us about the state of the art and how lawyers are essential in the current circumstances: a smorgasbord of what is on the table today and in the future that helps us define the agenda for 2024. This will be followed by the presentation of the guidelines worked by the permanent table made up of lawyers and in-house lawyers. We will close with Massimo Audisio for a celebratory moment.

3. Presentation of NGOs

Legal Action Worldwide - Antonia Mulvey (Founder & Executive Director)

LAW was founded in July 2013 following three roundtables with UN agencies, leading non-governmental human rights and legal organizations, law firms and academics, and consultations with more than 100 experts from around the world. This was supported by an in-depth mapping and *scoping* exercise to examine the legal work carried out by organisations on the ground in fragile and conflict-affected areas. LAW operates on the ground, putting survivors and national lawyers in the driver's seat and, at the same time, connecting them with highly innovative lawyers in non-conflict areas.

Avant-garde Lawyers - Andra Matei (Founding Director)

Artists should enjoy greater levels of protection for their involvement in matters of general interest and for their contribution to public debate, which is essential in a free and open society. AGL has the expertise to resolve complex legal issues and navigate international legal instruments to effectively protect the rights of creators active in a variety of artistic domains. In order to offer artists the legal support they need and deserve, AGL's partners include large law firms and networks of lawyers and experts. AGL is not a legal clearinghouse, but simply by matching artists and lawyers, the AGL team analyzes a case, identifies the right support, and oversees its implementation from the beginning to the end of the legal process. AGL's mission is threefold: a) to ensure greater legal protection for artists, b) to promote greater understanding of the right to freedom of artistic expression, and c) to build a community of cultural rights defenders who work together to defend artists' rights.

4. PRESENTATION OF PBI & CSVNET CLEARINGHOUSE ANNUAL REPORTS

2023 has been a year of transformation, not only for the association, which since October is registered at RUNTS as a Third Sector Entity, but also on the CH and platform side - with an overall improvement in efficiency levels and the desire to elevate its management and professionalism.

This improvement can be seen in the matching rate – i.e. the requests assigned and concluded out of the total number of accepted, which reached 92%.

Another point of pride is that among the 43 applications accepted to date, there have been 32 on behalf of individuals in need – an aspect that makes us particularly proud, and therefore makes the Clearinghouse and the platform unique in both the European and global panorama, as these legal pro bono realities generally do not provide for the handling of requests from individuals.

This gives us the impetus to continue on this trajectory. In fact, we are already working on some improvements that in 2024 will include the replacement of the existing form with an automated solution that will further improve the efficiency of the data collection process and the accuracy of information, to reduce publication times.

CSVnet: They have been working with PBI since 2016. Growing numbers – 28 requests assigned. Topics: law of associations and the Third Sector (adjustments to the reform) – the core of the requests that are received, but also litigation (civil, administrative, labor and succession).

5. CASE STUDIES & OPEN DISCUSSION

MSF explained to us the unregulated nature of humanitarian activities, and the need to establish legitimate parameters emerged. The debate touched on the status of NGOs in international law, the presumption of legality according to the 2014 Venice Commission, and the state's obligation to encourage clear, accessible and proportionate activities. The problem of the uneven application of Law 231 in Italy was highlighted, creating potential discriminatory profiles. Although 231 does not apply to entities such as political parties, the importance of scrutinizing the activities of NGOs was reiterated, considering the lack of jurisprudence and the limited applicability of existing guidelines.

STC highlighted its commitment in Italy and shared details on a recent project related to the theme of digital in all its aspects, a publication entitled "Atlas of Childhood at Risk". The statistics speak for themselves: 30% of 6-10-year-olds use smartphones on a daily basis and 40% of 11-13-year-olds have a social media profile. STC stressed the importance of using digital technology while preserving children's rights and called for a focus on emerging issues. Their legal program was then presented, focused on the promotion of children's rights and access to "*child friendly*" justice.

CILD told its story through their project that deals with providing legal assistance to Afghan citizens, looking for solutions for legal access routes. The lawyers of the law firms involved actively participate in all phases of the cases, including direct meetings with the people involved and the drafting of legal documents, offering comprehensive support. The project has achieved outstanding results such as the possibility of issuing an online power of attorney for a person in Afghanistan, in accordance with the formalities of the Civil Code, thus demonstrating a positive impact in the protection of the rights of the persons involved.

And finally, CIR: an organization that has been active for 32 years and is committed to facilitating access to protection for those fleeing war and persecution. CIR provides legal, material and psychological assistance, also focusing on the identification and protection of unaccompanied minors. The collaboration between CIR and KIND-ITALIA focuses on the protection of these minors, involving several law firms for research activities and practices such as visa conversion. The project, based on Pro Bono training for lawyers, tutoring of CIR-KIND staff and constant dialogue between lawyers and the association, was implemented with the support of Pro Bono Italia. Through this collaboration, KIND has helped 1700 children since January 2022, underlining its commitment to addressing vulnerabilities related to the status of people on the run.

6. PRESENTATION OF THE GUIDELINES OF THE PRO BONO ITALIA ETS PERMANENT TABLE "LAWYERS-IN-HOUSE LAWYERS"

AI GI: the Board of Directors was delighted to join to PBI. This achieves the goal of freeing up and making resources available.

This collaboration achieves another goal: AI GI has been active for almost 50 years and there is a strong willingness to provide advice/support to contribute to the growth of the sector.

But how do lawyers do pro bono work? Can they do that? Obstacles but also opportunities. The exclusivity constraint is a fundamental point to consider, but this can be mitigated through an endorsement by the employer himself. Another grey area is professional insurance.

Point of relapse: there is no prohibition, there are regulatory constraints. The jurist will certainly be able to carry out mentoring, coaching, research, thus providing a valuable contribution that complements the legal skills of the lawyer who remains responsible for the case.

7. Conclusions

The president greets and thanks. Celebratory moment in the presence of the Councillor of the Council of Lawyers of Milan, Avv. Massimo Audisio. The Order has never formally dealt with pro bono, but the time has come. Opposed to the instrumentalization of the concept – and today it is proof of this.