

Chambers D&I Report: Latin America 2021

Stepping Forward from Crisis





Introduction

2021 marks the seventh annual Chambers D&I LATAM Awards, a key event in our year that brings together the best and the brightest of those working for positive change in this crucial legal market.

Each year we receive hundreds of nominations from dozens of firms across the continent, and this year for the first time we are distilling the key learnings from these submissions into a best practice guide. With profiles and case studies from inspirational individuals, leading firms and high profile in-house teams across LATAM, the following report aims to provide readers with inspirational ideas as well as practical tips.

The first of these annual reports is structured around the three themes that wove through the hundreds of pages our team combed through this year, each of which could have filled an entire report on their own merit. At a time when the global climate crisis is front of mind for us all, we look at the increasing prevalence of Environmental and Sustainability initiatives amongst firms

and in-house teams. The Chambers team were also struck by the sheer commitment of our nominees towards the rights and protections of LGBT+ individuals, and we delve into the internal and external facing elements of the legal profession's work in this area. Lastly we examine the impressive breadth and advancement of the LATAM Pro Bono market, with case studies and profiles from some of the most interesting, unusual and impressive of this year's shortlist.

We hope that this briefing will help support you in your D&I, Pro Bono and ESG endeavours, and look forward to continually collaborating with the legal profession through our research and events.



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Chambers Diversity & Inclusion Latin America Awards 2021

Statistics



103

applications



298

client references
provided



68

individuals nominated
(private practice)



56

individuals nominated
(in-house)



64

firms or programs
nominated



24

in-house departments
nominated



If you would like to find out more about the nominations process for our 2022 Awards please get in touch with the D&I Team



Profile



RAUL ESCALANTE



Raul Escalante, Vice President of Legal & Corporate Affairs at Grupo Modelo, Mexico

Q | How did you first get involved in sustainability/environmental initiatives?

A | As a citizen, but above all as a human being and father of three children, I'm profoundly aware of the impact that the sum of ideas and virtuous partnerships between people and institutions has for the benefit of our planet.

Since my arrival at Grupo Modelo, I had the privilege of being part of the team that founded Voluntarios Modelo, a corporate program that began in 2014 with the objective of connecting causes with people's willingness to help. Today, I can proudly say that we are the largest corporate volunteer program in Latin America. Throughout these years, we have continuously undertaken a great number of actions related to sustainability, such as reforestations, beach cleaning and ground water reserve preservation actions, as well as rehabilitation of public spaces such as parks and schools. An important part of my involvement with these activities responds to a personal conviction which has greatly coincided with our culture at Grupo Modelo, where we permanently support communities, especially those

in which we operate. Today, I carefully monitor these causes, while understanding the context we are living in and harnessing our people's great resilience. Although we had already started our evolution to Volunteering 2.0 (digital), the emergence of COVID-19 accelerated the digitalisation of our support initiatives and today we are expanding them digitally as well. Causes don't stop, neither do we.

Q | Grupo Modelo's sustainability initiatives focus on quantifiable and measurable actions, such as nature-based solutions for such regions, financial inclusion of farmers, creation of collective water management agreements etc. How did you decide on these programs/initiatives?

A | Grupo Modelo is almost reaching 100 years of history, but we wish to be here for the next 100 or 200 years. Thus, we assume our responsibility with sustainability and responsible water use integrally, and the programs and initiatives we have designed respond to our global objectives towards 2025: 100% of our barley farmers will be trained and financially empowered; 100% of our products will be sold in returnable containers or made mostly of recycled material; 100% of our purchased electricity will come from renewable sources; we will reduce our carbon emissions across our value chain by 25%; and 100% of our communities that live in high-risk basins will see a verifiable improvement in the quality and quantity of water, which is the main ingredient of our products.

I would like to highlight 3 important aspects we consider when making decisions regarding our sustainability initiatives:

1. They must respond to concrete benefits for communities.
2. One of our objectives is to have an impact on the sustainability of basins and the community that benefits from them. Each basin has different problems, and thus we want to understand the whole context and work as a team to create ambitious plans that contribute to an integral solution.
3. Our actions should translate into practical, provable, and measurable improvements.

Q | What advice would you give to an individual who wants to encourage their firm towards a greener business model?

A | Be conscientious, coherent and consistent. At Grupo Modelo, the company I've been part of for 8 years, we've said it again and again: sustainability is not part of the business, it is our business. This is not a simple quote. The first example is as simple as it is compelling: without water there is no beer.

If we wish to be here for the next 100 or 200 years, we need to take care of our natural resources in an integral manner and with a medium and long-term vision. This requires commitment, empathy, strategy and quantifiable objectives, as

well as proximity with the company's allies and the thousands of members of our value chain. The sustainability department must be essentially transversal with the company's projects and business plans, and a budget is needed to adapt to ecofriendly processes and practices that anticipate new legislations.

To conclude: nothing mobilises us more than our own children. They will live for the future and our mission is to do everything in our power, and much more, to harvest, encourage, and promote this mentality of great care of our natural resources. This is the only way we will have more reasons to cheer and celebrate in the future.



Case Study

Kraft Heinz

KRAFT HEINZ, CARICAM AND SOUTH AMERICA

How did you first get involved in sustainability/environmental initiatives?

Kraft Heinz is giving full priority to ESG matters and 2021 has been a very strong year for the company in all related topics. This is a big component of our “we do the right thing” company value, and ESG is a big part of this. As a consequence, ESG has been included as a key area within the legal team. Our legal team is working towards the unification of standards and compliance with targets that the company is setting in terms of governance and sustainability. As an example of the company’s commitment towards this topic, as of last year the legal department is now called “Legal, ESG and Government Affairs” since it’s a crucial part of our role nowadays.

How did you go about designing Kraft Heinz’s ESG strategy for Latin America? What were your priorities?

We have focused our efforts mainly on healthy living & community support, environmental stewardship and responsible sourcing. The design of the ESG strategy for the region was the result of the joint efforts of different areas and components. Areas involved, include Research & Development, Environmental Health & Safety, operations and others such as legal, people & performance, sales and finance, as part of a cross-functional strategy. The strategy was created based on addressing these areas of focus and we have a clear path towards 2025 and several targets to accomplish until then.

For the social pillar, in the Central America, Caribbean and South America Region, we are very satisfied with the projects that we have launched this year as part of the 2021 strategy. To begin with we partnered with the Inspiring Girls Organization in order to motivate young girls into becoming whatever they want to, despite of any gender difference or their social and economic situation or background. We worked with them and several volunteers in the company to deliver self esteem and leadership workshops to different public schools in the areas. In Costa Rica specifically, we wanted to support the local community where we have our manufacturing site, therefore we chose public schools in the area and in addition gave a workshop to the girls from our own employees. In Chile, we managed to physically visit the schools and be closer to the little girls, in aims to inspire them with our very own female employees stories. We have managed to reach out to many girls and schools, making them dream through role models in the STEM areas in order to break stereotypes. By the end of the year we expect to reach over 200 girls and approximately 10 school between both countries and we are looking toward taking the project to other countries in Latin America as well.

We also worked with other organizations in the donation of food products since one of our priorities is focusing in the combat of hunger. This was also part of an educational workshop for more than 200 children in areas in need. Additionally in the environmental part, our em-

ployees have visited several works in Costa Rican beaches in order to plant trees and help towards reforestation in environmentally vulnerable sites. In parallel we have been working on implementing a waste program in our factory in Costa Rica to treat the residues and reduce the tons of waste going into landfills and using these wasted for feeding animals or creating bags out of them.

The company is trying to create an impact in different areas and regions, focusing primarily in Chile and Costa Rica where our main offices are located at.

How did Kraft Heinz get involved with DHS on Blue Flag projects? How has the partnership been going so far?

We locally see the Blue Flag projects as a symbol of sustainability, therefore it was a great starting point aiming for a more sustainable operation of our manufacturing site. We are starting this year with the project so still in a learning and preparation phase, but this is definitely a partnership we are looking forward to continuing to enhance.

What advice would you give to an individual who wants to encourage their firm towards a greener business model?

This is, without a doubt, a new way of doing business. Our business culture has changed, and our commitment to the communities and the planet itself is a fundamental part of our business. This is definitely a “must” nowadays, and no longer a “nice to have”. This is what everybody is paying

attention to and we should aim towards making a difference. We have seen an immense growth in the region and there is more to come, so something that everyone should be paying attention to. In addition, having a greener business model gives so much more purpose and meaning to any business and everyday work, and it is positive in so many ways.

“We have focused our efforts mainly on healthy living & community support, environmental stewardship and responsible sourcing. The design of the ESG strategy for the region was the result of the joint efforts of different areas and components. We created a cross-functional strategy by involving departments including Research & Development, Environmental Health & Safety, operations and others such as legal, people & performance, sales and finance.”



Case Study



BLP, COSTA RICA

When was BLP's environmental and sustainability initiative founded?

In 2008 the BLP Foundation was created to promote and coordinate the carrying out of the Pro Bono work of all employees. We were the first firm in the region to sign the Vance Center Declaration of the Americas, committing ourselves that all the lawyers at the firm will donate at least 20 hours of legal services annually.

In 2017, BLP established a sustainability strategy that articulates all its efforts aimed at contributing to the human and social development of the communities in which our business operates, taking as a guide the 2030 Agenda for the 17 Sustainable Development Goals approved by the United Nations.

How did you take it from an idea/concept to a fully fledged program?

We start from the fact that our line of business has an impact on access to justice, on the prevention of corruption, and the strengthening of various public institutions. We are convinced that as lawyers we can be agents of change promoting social responsibility in companies, institutions, academies, etc.

We have prioritized the development of actions to promote and support initiatives that affect the quality of life and the enjoyment of the rights of social sectors that may be in a vulnerable situation.

We have focused our environmental efforts on education programs, which include awareness campaigns, participation in compensation initiatives and external talks to share the culture of recycling; so that our actions are not limited solely to the work of the Firm but have an extensive effect on the personal lives of our collaborators, their homes, and communities.

Additionally, our company is part of the Environmental Alliance of the Municipality of Santa Ana, with which we have carried out voluntary service activities such as cleaning of rivers and beaches, painting schools, work in the collection centre of the Municipality, tree planting campaigns in La Libertad Park, etc. We also participated in the tree planting project of La Sabana Metropolitan Park with Scotiabank, as well as volunteers with the PANI and awareness talks about the Ecological Blue Flag Program.

For the last 10 years we have been awarded the Ecological Blue Flag, Climate Change Category, carrying out different actions that have generated positive environmental effects such as renovations based on the use of natural light, changes and preventive maintenance to all vehicles that are part of the firm's fleet, and an increase in the variety of environmentally friendly cleaning products to mitigate and adapt to climate change.

Additionally, BLP as a member of the Environmental Alliance of Public and Private Companies of the Municipality of Santa Ana has collaborated

with more than 15 companies in the implementation of the Ecological Blue Flag Program, accompanying them in the process through meetings and a cycle of monthly talks in topics such as rational use of water, wastewater treatment, energy saving in homes and companies, comprehensive waste management, sustainable purchases, and preventive maintenance of air conditioners.

Water purifiers directly connected to drinking water pipes and low-consumption sanitary ware were installed in the office. To protect water resources, environmentally friendly or biodegradable products for cleaning, such as the ECO-CLEAN brand, are purchased.

As the first firm in Costa Rica to be given a Carbon Neutral seal by the government, how did you go about achieving this? What were the challenges you faced along the way, and how did you overcome them?

For its environmental management BLP has been certified as Carbon Neutral by the Institute of Technical Standards of Costa Rica (INTECO) for the eighth consecutive year. Recognition was also received from the Climate Change Directorate (DCC) of the Ministry of Environment and Energy (MINAE) for complying with the Country 2.0 Carbon Neutrality Program in the Carbon Neutral category.

BLP is a pioneer in various actions to mitigate ecological damage. As a sign of this effort aimed

at contributing to the environment, the Costa Rican government granted BLP recognition in PRECOP. The firm has signed along with a group of companies a commitment to work to mitigate climate change.

The Business Commitment to Increase Climate Ambition was also assumed jointly with the Ministry of Environment and Energy and the Business Alliance for Development, with which the commitment was acquired to contribute with leaders and policymakers to strengthen and improve ambition of the Costa Rican contribution to this global goal.

The processes to obtain the Blue Flag and to be certified as Carbon Neutral requires intensive work all through the year, which is very challenging. For that purpose, we have created a committee of lawyers and other members of our administrative staff that designs and executes the policies and actions designed to comply with these programs. The Committee is headed by Vivian Liberman our partner in charge of our Sustainability strategy and all our initiatives in this area.

What achievements are you most proud of within the initiative?

As stated we have many achievements in the environmental and sustainability field, but the one we are most proud of is the enthusiasm from all of BLP's staff to participate in all of these initiatives.



Case Study

Galicia

GALICIA ABOGADOS, MEXICO

When was Galicia's environmental and sustainability model founded?

Since Galicia's foundation in 1994, the firm prioritised building a responsible business with a unique culture dedicated to building its foundations with sustainability, integrity, diversity & inclusion and a pro bono focus, through various initiatives.

Even though actions have been part of Galicia's culture since its foundation, Manuel Galicia and Ana López-Pariente presented to the Board of Partners an initiative to integrate all these actions into one institutional program. Galicia's Environmental & Sustainability Program (ESP or Model) was developed and approved in 2019 and founded in January 2020.

This meant that all sustainable-related aspects of our operations were already woven into our company's culture. These allowed us to integrate one institutional program that we believe to be a one-of-a-kind within the Latin American legal market.

How did you design the model?

The four axes that are part of our entire day-to-day operations are related to our Talent, Integrity, Community & Environment strategy of the firm. Individually, each axis supports the others through transversal actions to ensure a seamless growth between them.

The need to create an ever-evolving model and identifying a global platform that will allow our program to grow and adapt, generating massive impact throughout time, led us to incorporate ESG standards, and became signatories of the UN Global Compact (considered the world's largest corporate sustainability initiative), aligning our ESP to the UN 2030 SDGs.

There are so many areas within sustainability that organisations can look to tackle. How did you decide to focus on sustainable home offices, waste management, biodiversity and pollution prevention?

The focus we chose to take is rooted in our ESP, using our firm-wide environmental efforts to minimise the harmful effects of our services and operations on the environment. We are signatories and have alliances with a number of reputable environmental & sustainability organisations that guide us in our decision-making.

The preventive work done provided Galicia's Task Force (GTF) with the necessary tools to face, with immediate actions, the challenges that the global pandemic presented.

Because of this, we have successfully managed to adapt all actions taken during this period to each axis of our Environmental & Sustainability Program. Our focus on a sustainable home office

culture came naturally, as 70% of our collaborators are still working from home. We focused not only on the sustainability ramifications of this, but also on the cultural and wellness impact so provided a bespoke program for all colleagues across:

- Adopt the 5 R's (Reduce, Repair, Reuse, Recover and Recycle)
- Instil energy and water saving awareness
- Wellness-focus HO working habits
- No use of plastic
- Free on-line cultural activities (i.e. free access to The Met Opera NYC, Royal Opera House London, etc.)
- Pollution prevention and waste management with the 5 R's
- Daily healthy habits in food and exercise, and
- Training on sustainability through the Museo Itinerante de los ODSs (www.museoods.com).

At Galicia, we are convinced that as a leading firm in the Mexican and LatAm markets we lead the way in many aspects. This is why we are committed to fulfilling each action of our ESP. This has allowed Galicia to be in a privileged position to lead the green finance market, assist listed clients on ESG matters, and maintain our leadership as an institution that attracts talent with common objectives.

What achievements are you most proud of within the initiative?

The greatest achievement has been our ability as a firm to remain focused on our Environmental and Sustainability Program, while undergoing major challenges generated by the pandemic. That really speaks of the commitment to our ESP as an integral part of our culture.

Being shortlisted as Environmental and Sustainability Firm of the Year by a publication as renowned as Chambers and Partners is also an achievement by which we are very honoured. This nomination obligates us to uphold the highest standards in all aspects of our ESP and motivates us to work every day to achieve our goals.

We know that long-lasting changes take time. Actions to achieve these changes have to be undertaken by a well-founded sustainability.

Editorial

LGBT+ RIGHTS AND THE LEGAL PROFESSION IN LATIN AMERICA



Ellie Gerszt, Diversity & Inclusion Manager at Chambers & Partners

For years, Latin America was held up as an example of true progress when it came to LGBT+ rights. Nations legalised same sex marriage (most recently in Ecuador from 2019 and Costa Rica from 2020), introduced protections and constitutional statutes protecting LGBT+ citizens from discrimination based on sexual orientation and began to expand legal gender recognition. This progress culminated in a January 2018 ruling by the Inter-American Court of Human Rights, stating that the twenty five parties to the American Convention on Human Rights are obligated to ensure same sex marriage rights.

To many this ruling represented the pinnacle of a domino effect that had been building since 2008, when the 34 member countries of the Organization of American States unanimously adopted a resolution condemning human rights violations based on sexual orientation and gender identity. The long fight of LGBT+ advocates and their allies was paying dividends, and many countries across the region made strides in the recognition and protection of this discriminated against group. But unfortunately, as so often is the case, progress has stalled with some feeling that momentum has been lost.

Increased backlash from religious or conservative factions combined with the challenges brought on by the Covid-19 pandemic have resulted in little progress being made over the last eighteen months, with some arguing that the tide might have turned on the region's progress in this area. Within this challenging climate the place of the legal community has never been more crucial, so what has the response of the profession been? We know that law firms can be bastions of progressive thought but can also fall prey to more conservative cultures and values. But within this difficult environment the legal community has both stepped forward and stepped up, with this year's Chambers Latin America D&I Awards submissions demonstrating a clear dedication by firms, individuals and in-house teams to the protection, advancement and celebration of LGBT+ rights and identities.

Variants of the term LGBT+ came up almost 500 times over the hundreds of pages of submissions we received, and the work being done in this area was impressively varied and advanced in its scope. Not only are firms looking to their own culture and structures to ensure that they are fully supportive for LGBT+ colleagues but a number of firms and individuals are increasingly utilising their unique position of legal expertise to further this cause.

A number of our shortlist and nominees are working on writs, cases and targeted legislation aimed

at advancing the cause of LGBT+ rights. These range from Diego Corral's work to close conversion therapy centres in Costa Rica to Gabriel Duran's collaboration at BLP with a trans associate on a piece to change the country's approach to assigned vs chosen sex. Our nominees have also co-founded charities, such as Fundacion Pakta, and sit on local committees, such as Filipe Castello Scabora from Passos e Sticca Advogados Associates, who sits on the Sexual Diversity board of the Town Council.

Leading on this fight in the public sphere is only possible once firms have created an internal culture that is truly inclusive of LGBT+ colleagues. The submissions contained details of more LGBT+ ERGs and affinity groups than we could count, with many firms taking their Pride celebrations virtual but evidencing no less commitment than the previous years of parades and events. We also saw examples of exemplary individual and corporate allyship, through Gabriel Duran's creation of an LGBT+ Allyship oath for colleagues or Payet Rey's work on carefully auditing their policies to ensure equity (for example through partners of LGBT+ employees gaining access to health insurance and other benefits as well as establishing parental leave for adoptions). The legal community can be an unparalleled ally to the LGBT+ community, with a unique and powerful skillset to effect positive change. We are delighted to see that top tier firms from across Latin America are stepping up to champi-

on this cause, be it in society at large, their own boardroom or the home office of their teams. This year's submissions throw down a clear gauntlet to those not yet involved: we are on the right side of history. Let's all take this step forward together.

“Not only are firms looking to their own culture and structures to ensure that they are fully supportive for LGBT+ colleagues but a number of firms and individuals are increasingly utilising their unique position of legal expertise to further this cause...”



Profile

ECIJA | Legal

DANIEL VALVERDE

Daniel Valverde, Partner and Chief Diversity Officer at ECIJA Costa Rica

Q | How did you first get involved in LGBT+ activism?

A | During mid-2015, I went to an internship in the Inter-American Commission of Human Rights in Washington D.C. Upon my return, I talked to a partner of the firm that I previously worked at about my sexual orientation, and he reassured me my sexual orientation will have no impact in my career.

Accepting myself even further, I finally started dating, and I fell in love with a man not long after (who, spoiler alert, is still my current partner, we now live together and have a beautiful family including two beautiful kids and three cats).

The partner that I talked to invited me to participate in the LGBT+ Affinity Group that existed in the global alliance the firm was part of. I did so and the global on-site meeting we had changed my life. 2017 was a year of change: I continued my relationship, I was finishing my Master's, and I was able to participate in the Inter-American Court on Human Rights' oral hearings regarding the protection of LGBT+ rights in the Americas, which ruled in favour of them.

On February 2018, I was hired by ECIJA. After that, our Constitutional Chamber, deciding on an older case, issued a ruling stating that the prohibition of same-sex couples to marry was unconstitutional, and I was very grateful to have participated in that process, and contributed my grain of sand in favour of LGBT+ rights.

Q | What was your experience of launching ECIJA's LGBT+ Affinity Network like? What were some of the challenges you faced, and how did you overcome them?

A | The experience was positive. ECIJA has a monthly to bi-monthly global meeting for all marketing and HR teams worldwide, called "Sharing Days". In one of those meetings, on May 2021, I suggested the idea of creating a global network of "Affinity Groups", including an LGBTI+ Affinity Group, so that we could integrate more our global offices, coalescing around shared interests.

The idea was so highly received by the global team, that in one month, the idea was sponsored, promoted and launched worldwide. On the LGBTI+ team, I was chosen to lead that Affinity Group. We quickly garnered 14 participants from all over the world, and started working on updating our LGBTI+ Report for it to be published on Pride Month. We managed to update the report, which included LGBTI+ rights' current status in 16 countries of Europe, Asia and Latin America. We published the Report on June 2021 in conjunction with a podcast with several of our members,

discussing the challenges we currently face as LGBT+ members, particularly in the corporate legal environment.

I am eternally grateful for the support of ECIJA in the implementation of this idea. From inside our firm, we faced no challenges. We now feel more united as ever, regardless of our background, country we live in or language we speak.

Q | What is your proudest achievement in this area?

A | My proudest achievement in ECIJA has been seeing LGBTI+ and allies employees at ECIJA participate in our Affinity Group forum, and getting to know their stories, their struggles or their colleagues' struggles, and how they overcame them.

Also, being named Chief Diversity Officer of our offices in Costa Rica in May 2020. I am grateful to ECIJA Costa Rica's partners that trusted me with that endeavour, particularly our Managing Partner Mauricio Paris, which allowed me to promote and implement the idea of Affinity Groups worldwide.

Q | What advice would you give to others who want to make their company more LGBT+ friendly?

A | No organisation is without flaws. Companies should encourage and promote LGBT+ employees internally, since they are the ones most qualified

to detect relevant areas of improvement within the company.

Having any type of space in which LGBT+ employees can discuss matters of their interest or concern is an excellent first step. At ECIJA it has moved us forward, and what has been generated from the LGBT+ Affinity Group (ECIJA Pride) demonstrates how positive such practices can be in a corporate environment.

We encourage all companies to try to implement these groups within your respective companies. I can assure you the impact will be worth it.

"No organisation is without flaws. Companies should encourage and promote LGBT+ employees internally, since they are the ones most qualified to detect relevant areas of improvement within the company..."

Case Study



PAYET, REY, CAUVI, PEREZ ABOGADOS, PERU

You have received multiple certifications and awards for being an LGBT+ friendly workplace. How did your program in this area begin? How has it grown since then?

The work of our Diversity Committee on LGBT+ matters demonstrates a commitment by our Firm to respect and guarantee the fundamental rights of our employees and to support the LGBT+ community in our country.

Our LGBT+ program began during a time where a conservative society, often reluctant about LGBT+ rights, existed (in particular, at law firms level). As far as we knew, at that point, there was no other firm in Peru that took these matters seriously.

We knew that it would be a challenge to achieve our objectives. However, we received great support from not only the members of our firm (partners, associates and our employees), but also from our clients and other organisations and companies, who are influenced by our work.

We have grown exponentially and advanced in guaranteeing LGBT+ rights and benefits for our employees. Through constant and coordinated work with other institutions, we established policies and measures to recognise the rights of our LGBT+ employees, such as providing their partners with access to the company health insurance and other employee benefits, parental leave for adoptions, and establishing guidelines for the use of the social name for trans employees, among others.

We are aware that there is still much to do to achieve equality. However, we are taking the steps to continue providing important initiatives and benefits to our employees, as well as, externally, influencing other law firms and companies to continue fighting for the rights of the LGBT+ community.

How did your partnership from Féminas del Perú Collective come about? Tell us some more about your work with them.

The Colectivo Féminas del Perú asked us to conduct a workshop for trans women to explain the procedures they could follow in the event they experience any act of discrimination. This was in light of the countless cases of violence originating from one of the measures enacted by the Peruvian Government during the pandemic, specifically the “gender curfew”. According to this measure women could leave the household and circulate on Tuesdays, Thursdays and Saturdays, while men could do so on Mondays, Wednesdays and Fridays.

This measure was unsuccessful and was eliminated as a result of several factors, among which, unfortunately, were the acts of violence and abuse against trans women by police officers. When they were stopped on the street and had to show their identification, they were impeded from circulating because the police officers questioned their gender.

Considering this context, we felt it was important to create awareness of the rights of trans people and to explain how to defend them. We provided

information to the main stakeholders and trans population of their rights in case they faced possible violence or aggression, and the available legal remedies in those situations (filing a complaint with either the National Police of Peru or the Public Prosecutor’s Office and the steps to follow to process the complaint).

During the workshop we prepared a presentation on the current status of the procedures to change the sex and name on Peruvian ID Cards -before the Civil Registration Entity (RENIEC)- and the scope of the legislative initiatives related to gender identity, of which our Firm has issued reports and recommendations for other pro bono clients. We provided details on the scope and implications of the normative proposals to change the sex, image, and name of an individual through a simple administrative procedure before RENIEC.

We considered the work we performed in preparing a detailed guide on the judicial process for transgender persons to change their name important to help the trans community. Lastly, in the workshop we provided legal advice from a consumer law perspective, since -sadly -it is not uncommon in Peru for businesses such as shops, bars, and restaurants to discriminate against the trans population. And so, we advised them on the ways to report incidents to the competent authorities.

What is the firm’s proudest achievement in this area?

Our proudest achievement in this area has been building a safer and comfortable place for our LGBT+ employees where they do not have to hide their sexual orientation or gender. Our employees have appreciated our efforts in the execution of LGBT+ policies and the prevention of harassment in the workplace. Furthermore, we have created awareness of the bias, discrimination and violence towards the LGBT+ community in Peru, which has strengthened the support from the allies within our Firm.

Also, our efforts have been highly recognised by external organisations, such as Presente, a Peruvian NGO that awards certifications for companies that fulfil the criteria to be recognised as best places to work for LGBT+ talent. Our Firm is the only law firm recognised, and this year we are among the Top 9 best companies in Peru for the LGBT+ community. We also have been recognised by other national and international organisations for our efforts in diversity and inclusion matters.

We are also proud that as a result of our efforts in LGBT+ inclusion, students, lawyers, clients and allies not only recognise our firm as welcoming and supportive of the LGBT+ community, but also a firm where they feel comfortable working. This recognition has allowed our Firm to attract and retain the best talent, furthering diversity and encouraging inclusion.

Editorial

PRO BONO IN LATIN AMERICA: BEYOND THE PUBLIC GOOD



Luke Vincett, Diversity & Inclusion Manager at Chambers & Partners

Access to justice is a fundamental pillar of a free and democratic society but, all too often, an individuals' financial situation denies this basic human right. In Latin America, approximately one third of its 662 million population live in poverty, as defined by the UN, with a further 22 million joining them since the Covid-19 pandemic began.¹ This stark reality, coupled with the inconsistency of public sector legal services across the region, means many people simply do not have access to justice.

This gap in legal services is increasingly having to be filled by the pro bono work of the private legal sector. While pro bono work is not mandatory in much of Latin America, as it is in the US, firms and individual champions have been mobilised to serve the public good. In recent years, the number of submissions for our 'Pro Bono Program of the Year' category has increased significantly. We also see a higher proportion of lawyers clocking more hours each year. Similarly, in-house legal teams are increasingly branching out from

traditional CSR efforts to contribute to pro bono work, as illustrated by the NielsenIQ case study included in this report.

It is clear that there has been a shift in the region. At Mexican firm Malpica, Iturbe, Buj y Paredes, SC, pro bono cases are treated in the same way as fee-paying work, with pro bono work clocked as billable hours. Indeed, 20% of their workforce worked on their case in collaboration with Aprender Primero AC to promote the human right of all children in juvenile detention centres to a quality education. Similarly, Diego Corral of Robalino was delighted to find that, upon joining the firm, he was able to transfer a number of pro bono clients he already served. These instances demonstrate a maturing approach to pro bono, in which law firms fully realise the potential positive impact that their position of authority warrants.

Further, firms are not only more dedicated to pro bono, but increasingly directing their efforts at the most marginalised people in society, aligning their pro bono efforts with their commitment to diversity, inclusion and equity. In the case of Perez Alati, Grondona, Benites & Arntsen in Argentina, this meant working with the Argentine Association of Autistic Parents and the International Rotary Club to launch *Red Autismo*,

a humanitarian service project connecting the Spanish-speaking autistic community. Beyond advising on administrative legal matters, they won a judicial decision to ensure autistic people in Buenos Aires received the Covid-19 vaccine.

The ability to rapidly respond to emerging challenges through pro bono work was also demonstrated by Greenberg Traurig. Having learned a lot from responding to an earthquake in 2018, they were able to ensure their Covid-19 response was targeted towards those most in need, including women and refugees. By setting themselves the objective of using the law for social change, and through a fully consolidated and innovative pro bono program, 2020 was the firm's most year for pro bono ever.

When we first launched the Chambers Diversity and Inclusion Latin America Awards in 2015, we were delighted to receive a very positive response and a high-level of engagement. The conversation on diversity in the legal profession was still building momentum in North America and the UK, yet to reach the level of influence we see today, and we had a limited idea of what to expect from the Latin America region.

Since then, the market has gone from strength to strength. While the growing D&I sector in North America provided a useful template for success strategies, each region has its own unique challenges and solutions. It was and remains important for Latin America to make progress on their own terms. In this report we clearly see the culmination of these efforts. From innovative ESG programs, absolute dedication to pro bono work and a willingness to go beyond the traditional and visible strands of diversity, we clearly see a leading market doing more for the public good.

“firms are not only more dedicated to pro bono, but increasingly directing their efforts at the most marginalised people in society, aligning their pro bono efforts with their commitment to diversity, inclusion and equity.”

1. <https://www.bloomberg.com/news/features/2021-05-05/covid-s-shockwaves-took-poverty-in-latin-america-to-a-new-nadir>



Profile

DENISE GUILLEN



Denise Guillen, Vice President, Legal for Latin America at NielsenIQ and Director at Bufete Jurídico Social

Q | How did you get involved as the director of the newly created Mexican Pro Bono Clearing House?

A | I was approached by Arturo Pueblita and Isabel Davara, President and Vicepresident respectively of Ilustre y Nacional Colegio de Abogados (INCAM), as both of them knew that I lead a key pro bono project at GE. Through this project we ensured more than 10 years ago that every new-born in the territory of the Mexican Republic is registered free of charge and in a timely manner. Both the President and the Vicepresident knew of my participation as part of the Board of Directors of Centro Mexicano Pro Bono (CMPB) and therefore my involvement in pro bono activities. Also they were aware that as part of NielsenIQ I have been involved in pro bono activities for the company, therefore my profile as pro bono leader was well known by them. For this reason they thought that I was a good candidate to lead Bufete Jurídico Pro Bono.

In addition to this, approximately 20 years ago, I approached the then President of INCAM with the idea of building a pro bono commission.

Unfortunately at that time it was not part of the priorities of INCAM, however one of the key initiatives of the new President and Vicepresident is to provide pro bono services to the community.

Q | What are your strategic priorities for the organisation's first year?

1. Build a culture of pro bono legal work within the membership of INCAM by giving pro bono training and lectures, promoting videos in our social media and a number of other activities.
2. Build a core leadership team to design the strategy of Bufete Jurídico Pro Bono, inviting top expert lawyers to co lead.
3. Recruit pro bono lawyers that can handle the cases.
4. Recruit students from top universities to perform their social service (which is obligatory by law) by providing legal work in Bufete Jurídico Pro Bono, which also builds a pro bono culture amongst students of law.
5. Design a work flow for pro bono cases so that a process is set up and there is a clear action plan to render pro bono legal services. Draft and implement templates of responses to beneficiaries to obtain more information, to accept a case or reject a case.
6. Approve the internal operation rules so that there are clear roles and responsibilities as well as a clear organisational structure.
7. Build a website so that our activities can be promoted, beneficiaries can contact us to ask for pro bono assistance and we can be visible.

8. Build relationships with other clearing houses to obtain best practices, therefore we have signed "Estándares Pro Bono" committing ourselves to pro bono activities.
9. Start to provide pro bono assistance to individuals and associations.
10. Form partnerships with organisations so that they can contact us as part of the pool of lawyers available to provide pro bono legal work.

Q | What advice would you give to an individual wanting to promote pro bono work in their organisation?

A | The best promotion of pro bono legal work is "lead by example". If the General Counsel of a company or a Partner of a law firm performs pro bono work they will be a role model in their organisations and it is very probable that others will continue to follow their lead and example. One cannot ask another to perform pro bono activities if there is not full commitment from each of us to perform pro bono activities.

A good way to demonstrate the value and impact of pro bono work is by participating in the pro bono month activities which are coordinated by the Pro Bono Standards. During this month there are sessions with expert leaders, cases are discussed and therefore full visibility of the impact in the society is demonstrated, so I strongly suggest participation in the activities of pro bono month in October. It is important that in-house attorneys actively involve outside counsel in pro bono activities,

demonstrating pro bono activities should be part of the outside counsel "qualifications" to be considered as preferred provider, certifications should be asked on cases handled or number of hours invested by each paralegal, attorney and partner of the firm should be reported. Of course another qualification should be "diversity" in the talent, this is that there is a percentage of representation of female partners as well as other minorities as part of the partners of the firm.

Finally, as part of the yearly performance process review, companies and law firms should include as part of the performance obligations that a certain number of cases or hours are met. We should be measured not only for the day to day legal work that generates income but also for the impact that we have in society.

"The best promotion of pro bono legal work is "lead by example"..."

Case Study



MALPICA, ITURBE, BUJ Y PAREDES, SC, MEXICO

How did your representation for working with Aprender Primero AC come about?

Aprender Primero AC reached out to MIBP in March 2017, looking for a legal team that had the expertise, commitment, and bandwidth to file a writ of amparo (juicio de amparo) against federal and local educational and penitentiary authorities for the lack of a prison education system for imprisoned adolescents in one of Mexico City's biggest Juvenile Facilities called 'San Fernando' (Comunidad de Tratamiento Especializado de Adolescentes de San Fernando).

We decided to take the case immediately. The team acknowledged that it was a very ambitious project because a ruling in favour of Aprender Primero will be a groundbreaking precedent for Mexico's juvenile justice and education systems. After all, it will set forth the minimum education rights that the State must guarantee for incarcerated adolescents in Juvenile Facilities.

What are the main projects you have worked on together?

So far, this is the only project in which MIBP has acted as counsel for Aprender Primero. Nonetheless, our Firm and Aprender Primero aim to replicate the same strategy used in this pilot program in other Juvenile Facilities throughout the Mexican territory to compel competent authorities to implement the same education system for imprisoned juveniles.

With 20% of your workforce involved in the case, how did the firm balance this commitment with regular fee-paying work?

Since our Firm agreed to participate as counsel in the case, we were clear that it shall be treated the same way as any other non-pro bono case of the Firm.

Hence, the team was staffed based on their administrative and constitutional expertise and bandwidth at the time. Likewise, pro bono hours were considered billable hours for all internal purposes.

As the proceeding evolved, the team expanded accordingly to fulfil its specific needs based on the two criteria mentioned above. This strategy allowed the Firm to allocate our lawyers as the team saw fit and efficiently distribute all the work derived from this complex litigation.

Overall, we believe that treating pro bono cases as any regular fee-paying work reinforces the team's commitment to such matters. Moreover, considering pro bono hours as billable hours allowed our lawyers to invest as much time as needed in the case without worrying about sacrificing billable hours and, ultimately, trying to avoid participating in such cases.

What impact has there been from the project, both within MIBP and externally?

Regarding San Fernando's community, the project's impact was immediate once the authorities complied with the injunction ordered by the District Court.

For the first time, both educational and penitentiary authorities were compelled, among others: (i) to assign to the community trained and qualified teaching personnel from Mexico's National Educational System (i.e., authorised to practise by the Ministry of Education); (ii) to teach San Fernando's incarcerated teenagers according to their specific school grade, the same school hours per day that they would receive if they were not imprisoned; and (iii) to provide these minors with a complete package of educational textbooks and materials distributed or authorised in primary, secondary, and higher education schools in Mexico City for the current school year.

Within MIBP, San Fernando's case is the Firm's first strategic litigation regarding the justice system. It has been a complex case due to the difficulty of the Mexican educational and prison systems, the numerous authorities involved, and the government resistance. However, we are very proud of its outcome and aware of the groundbreaking precedent that this case will be to imprisoned teenagers all over the country.

“ we were clear that it shall be treated the same way as any other non-pro bono case of the Firm. Hence, the team was staffed based on their administrative and constitutional expertise and bandwidth at the time. Likewise, pro bono hours were considered billable hours for all internal purposes....”



Profile

DIEGO CORRAL



Diego Corral,
Associate at
Robalino Law,
Ecuador

Q | How does your background in working with refugees and within the human rights space affect your approach to pro bono?

A | When I graduated from University and got my lawyer degree, my objective was being a corporate attorney or handling large litigious cases. I was on a job search and a contest for a refugee eligibility officer at the Ministry of Foreign Affairs opened up. It was something I had never had experience with, but I applied and won.

For around five years I had the good fortune of working with refugees and seeing how the adequate application of human rights law was able to change lives. The appreciation shown by the people who saw their rights protected made me fall in love with this branch of law. In the following years I was able to dedicate myself completely to what I would call the social branches of law, getting my master's degree in International Law and Human Rights, working at UNHCR and being hired by the Interamerican Court of Human Rights, and I was treated to constant growing experiences.

From all of those amazing workplaces, I reached the conclusion that groups of dedicated lawyers can make changes in society and better the

world. This realisation, combined with my entrance into a big law firm, shaped my approach to pro bono, making it a priority in my life and believing that a strong pro bono program can use strategic litigation to change policy and protect the most vulnerable.

Q | Tell us more about Fundacion PAKTA. How are you involved? What does the foundation do?

A | Fundacion PAKTA is the fulfilment of a dream. After returning from my work at the Interamerican Court of Human Rights, I got contacted by five wonderful lawyers that wanted to get organised and offer some form of assistance to the LGBTIQ+ community. We decided to create an organisation and all six of us became founding members of this collective.

The main function of PAKTA is to offer pro bono legal assistance to members of the LGBTIQ+ community who have suffered some form of discrimination. This work has been combined with strategic litigation and we have been able to change legislation and policy with regards to gender identity, equal marriage, trans children, violence against members of the community and conversion clinics.

Q | When joining a private practice firm, how did you ensure you would be able to continue your commitment to pro bono activity?

A | As you must be aware, it is quite difficult to get large corporate law firms to back pro bono work. Before being hired by ROBALINO I in-

formed the law firm that I had a few clients with social interest cases, and that I was giving them legal assistance with no charge, and asked if it was possible to transfer those clients to the firm.

ROBALINO was absolutely supportive and able to see the promise of pro bono. All of my clients (LGBTIQ+ community, indigenous community, person with disability, elderly, etc.) were registered in the law firm's time registry. During the time I have worked for ROBALINO, we have handled different projects in diverse areas, identifying important social needs and managing to make real changes. The pro bono work has been additional to work for paying clients, but ROBALINO has always had a commitment to create a pro bono area and to increase the participation of lawyers and consultants in pro bono work, looking forward to open a foundation dedicated to legal assistance for the most vulnerable and implementation of social projects.

Q | Your pro bono case load from 2021 is impressively varied, looking at protection of the elderly, indigenous communities, victims of police violence and migrants' rights. Which achievement from 2021 are you most proud of?

A | 2021 has been a particularly challenging year, with unpredictable obstacles and a crisis which has affected the support given to cases which do not produce monetary gain and the lack of resources to move forward judicial mechanisms. Nonetheless, ROBALINO has been able to maintain the loyalty of most pro bono clients and this has resulted in small and large victories.

I view each and every one of the pro bono cases I have worked on as an achievement. Not all of them have been won before the courts and not all of them have had the results wanted, but all of them have taught me something and given me growth. Two experiences to highlight would be:

1. Working on the creation of a Guide for Venezuelan Migrants, which has been published and distributed by the Thomson Reuters Foundation and the Un Mundo Sin Mordaza NGO. This feels like coming full circle, having begun with refugee rights and now using this knowledge to guide migrants towards a better knowledge of their rights and procedures.
2. Initiation of a protection action against a conversion clinic and litigating before courts for a resolution. At the moment the case has been decided against by the Court of Appeal. This has been a learning experience and allows for the case to be elevated to the Constitutional Court, which will be able to analyse the facts and interpret if "curing homosexuality" has to be a banned practice. In this case what makes me proud is the bravery of the client and the strength to keep going, for her suffering to become a beacon of hope.

Additionally, I feel absolutely grateful to be recognised by Chambers and I am reassured that pro bono work is the right path.



Case Study

PAGBAM

Pérez Alati, Grondona,
Benites & Arntsen

PEREZ ALATI, GRONDONA, BENITES & ARNTSEN, ARGENTINA

How did the firm first get involved with projects focused on Autistic Spectrum Condition? What prompted this particular area of interest?

Nicolás Emanuel del Hoyo is connected with a well-known parents' association in Argentina, called APAdA (Argentine Association of Autistic Parents).

This association was one of the first in Argentina and they are pioneers in the presentation of politics and projects related to autism and disability in general. The organisation also helps people with autism to get their first job.

We consider that the prevalence of children with autism has been increasing in the population over the years and throughout the world (on average 1 in 60 children is born with autism in the world), so we believe that it is a priority that the firm provides support to projects that have to do with autism, the creation of public policies to improve the quality of life of people with autism and their families, and above all to provide legal advice to those families that require it and the institutions dedicated to these matters, which have increased over the years.

Access to treatment and benefit coverage is essential for families of people with autism.

With legislation related to autism and disability requiring a deep understanding of the area, how did the firm go about training your employees appropriately?

We have been doing it over the years. Historically, the firm advised some organisations related to disability in general, advising on general issues and also in the promotion of legal actions, for example the installation of ramps for people who use wheelchairs in schools.

Then Nicolás brought us information about autism and disability in general. The firm then advised APAdA on various issues, for example in labour, contractual and general matters.

Likewise, and through the City Bar Association, Nicolás has given talks and courses on the right to health, in which he has included topics related to autism. These talks were disseminated to the members of the Study.

Nicolás also, through the Pro Bono Commission in the firm, publishes articles and notes of interest related to autism.

Tell us about the 'Red Autismo' project. How did your involvement come about? How is the firm supporting?

Red Autismo is a humanitarian service project that was born after the Rotary Club International World Convention held in June 2019 in Hamburg, Germany. It is a project basically developed by the Rotary Club of Monserrat (Argentina), the Rotary Club of Burgos (Spain), and APAdA. Red Autismo aims to be the first global network that connects members of the Spanish-speaking autism spectrum community (12 million people).

The network will:

- Enable members to relate to each other, and share experiences and needs.
- Facilitate access to information.
- Provide support through the exchange of opinions, experiences, and treatments.
- Facilitate the dissemination of small organisations linked to autism.
- Enable families to not feel alone, and facilitate their accompanying each other in the search for a better quality of life for people with autism.

The firm has collaborated on aspects related to privacy and the protection of personal data to carry out the project, preparing documents such as the Terms and Conditions and the Privacy Policy, and advised on general content issues.

What aspect of the firm's pro bono program are you most proud of?

Considering the particular situation in which the world finds itself as a result of the COVID-19 pandemic, we are very proud to have achieved the first judicial decision by which justice ordered the City Government of Buenos Aires to give the vaccine against COVID-19 to people with autism.

A family of a woman with autism asked the Government of the City of Buenos Aires to be informed when and how she would be vaccinated, but they did not receive any response, so we filed a judicial request, and not only the woman but all the inhabitants of the residence for people with autism where she currently lives were able to be vaccinated.

This ruling was published in various specialised magazines and, as a result, we have obtained a large number of consultations and given conferences at the Bar Association and universities.

After this important judicial decision, the firm advised on other similar issues.

Case Study



GT GreenbergTraurig

GREENBERG TRAUIG MEXICO, MEXICO

When did it become clear that the firm would need to develop a bespoke program in response to the COVID-19 pandemic? How did you go about doing so?

The COVID-19 pandemic challenged everything we knew. It carries a sanitary crisis, social isolation and constant stress and fear. But since the very beginning at Greenberg Traurig Mexico we knew that our pro bono services were needed.

When the pandemic started no one knew exactly what to do to address the situation. Everyone tried to adapt their jobs and needs to a new reality which mainly imposed a restriction on mobility and a new understanding about public health. Our office, for example, transformed its operations almost from one day to the next to be fully digital. Our main priority was to keep providing quality services to our clients -including the ones from our pro bono practice. Particularly regarding our pro bono services, we started to design a way to address the eventualities derived from the pandemic not only in the short run but also in the long term. As you may know, Greenberg Traurig Mexico's pro bono program is unlike any other in Mexico, and a leading one throughout Latin America. For this reason, we decided to use our legal talent and firepower to help our community empower itself to overcome the catastrophe. In this regard, it is important to note that this strategy was not developed from scratch. In 2017, when a major earthquake hit Mexico City, we learnt how to legally respond to major or unplanned catastrophes.

With such a broad range of humanitarian, medical and social issues resulting from the pandemic, how did Greenberg Traurig decide which areas to focus its pro bono attention on?

We decided to adapt our pro bono program to overcome the social consequences of COVID-19 along with the new reality in our work systems and the safety of our personnel and beneficiaries. Our vision is ambitious but proportional to the situation we are living: we want to address the short term challenges but also the long lasting effects of the pandemic over our communities. In order to do so we set as our main aim expanding our impact, which was achieved to a great extent thanks to the electronic means. By increasing our number of beneficiaries, we intended to achieve two goals. First, we addressed a broad diversity of social segments that historically have been neglected but that during the pandemic were especially impacted, such as refugees and women. Second, we made a special effort to reach out to parts of the country in which we had never worked before.

With this in mind, our initiatives focused on building capacities and strengthening social initiatives. Accordingly, our main projects over the pandemic address topics related to rights information, the formal incorporation of non-governmental organisations and legal education for laymen.

During this initiative you worked with segments of the population not previously engaged through your pro bono program. How did the firm and your attorneys find this? What lessons were there from this?

The COVID-19 pandemic disproportionately affected vulnerable groups all over the world and in Mexico it was evident that the health crisis would only increase our social gap. For this reason GT Mexico decided that our pro bono actions related to COVID-19 would not only cover our typical beneficiaries (such as refugees) but also broader segments of the population with whom we don't usually work. An example of that was how our legal guide was focused on micro entrepreneurs, household rights and even telecommunications. As we learnt over the earthquake of 2017, legal knowledge is the best tool to protect rights.

Our attorneys' commitment with this strategy is extremely clear: our initiatives during the pandemic spanned different practice areas and different career progression stages. The participation index for the last few months is above 77%.

What achievement in pro bono are you most proud of from the last year?

The most important achievement for our law firm is to verify that our pro bono program is fully consolidated, innovative, and has the ability to respond to natural or public health emergencies. Especially considering that as opposed to the U.S. or other jurisdictions, pro bono work is not mandatory for Mexican attorneys. It is hence a service still unstructured and uncommon for the legal profession.

We are very proud of 2020 being the most active year for our pro bono program, despite all the challenges that the pandemic imposed on the legal profession and for society around the world. Our commitment did not cease, and we achieved over 3,700 pro bono hours from January to December.

All of this would not mean anything if people's lives could not be improved using the law. Our pro bono work is not about hours and monetary value. It is about more people effectively exercising their rights. It is about raising awareness and commitment from our attorneys about our country's reality and needs. Ultimately, it is about using the law for social change.



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