

5B-295  
5130295-②

AGENCY FOR INTERNATIONAL DEVELOPMENT  <b>PROJECT PAPER FACESHEET</b>		1. TRANSACTION CODE <b>PD-AAD-830-B1</b> <input type="checkbox"/> A ADD <input type="checkbox"/> C CHANGE <input type="checkbox"/> D DELETE		2. DOCUMENT CODE 3 <span style="float: right;">8p</span>
3. COUNTRY/ENTITY <p style="text-align: center;">CHILE</p>		4. DOCUMENT REVISION NUMBER <input type="checkbox"/>		
5. PROJECT NUMBER (7 digits) <input type="text" value="513-0295"/>		6. BUREAU/OFFICE A. SYMBOL <input type="text" value="JA"/> B. CODE <input type="text" value="05"/>		7. PROJECT TITLE (Maximum 40 characters) <input type="text" value="Legal Assistance for the Poor"/>
8. ESTIMATED FY OF PROJECT COMPLETION FY <input type="text" value="77"/>		9. ESTIMATED DATE OF OBLIGATION A. INITIAL FY <input type="text" value="77"/> B. QUARTER <input type="text" value="1"/> C. FINAL FY <input type="text" value="77"/> (Enter 1, 2, 3, or 4)		

10. ESTIMATED COSTS (\$000 OR EQUIVALENT \$1 - )						
A. FUNDING SOURCE	FIRST FY			LIFE OF PROJECT		
	B. FX	C. L/C	D. TOTAL	E. FX	F. L/C	G. TOTAL
AID APPROPRIATED TOTAL						
(GRANT)	( 5 )	( 20 )	( 25 )	( 5 )	( 20 )	( 25 )
(LOAN)	( )	( )	( )	( )	( )	( )
OTHER U.S.	1.					
	2.					
HOST COUNTRY						
OTHER DONOR(S)		32	32		32	32
<b>TOTALS</b>	<b>5</b>	<b>52</b>	<b>57</b>	<b>5</b>	<b>52</b>	<b>57</b>

11. PROPOSED BUDGET APPROPRIATED FUNDS (\$000)									
A. APPROPRIATION	B. PRIMARY PURPOSE CODE	PRIMARY TECH. CODE		E. 1ST FY <u>77</u>		H. 2ND FY _____		K. 3RD FY _____	
		C. GRANT	D. LOAN	F. GRANT	G. LOAN	I. GRANT	J. LOAN	L. GRANT	M. LOAN
1) ST	701	750		25					
2)									
3)									
4)									
<b>TOTALS</b>				<b>25</b>					

A. APPROPRIATION	N. 4TH FY _____		Q. 5TH FY _____		LIFE OF PROJECT		12. IN-DEPTH EVALUATION SCHEDULED  <input type="text" value="MM"/> <input type="text" value="YY"/>
	O. GRANT	P. LOAN	R. GRANT	S. LOAN	T. GRANT	U. LOAN	
1) ST					25		
2)							
3)							
4)							
<b>TOTALS</b>					<b>25</b>		

13. DATA CHANGE INDICATOR. WERE CHANGES MADE IN THE PID FACESHEET DATA, BLOCKS 12, 13, 14, OR 15 OR IN PEP FACESHEET DATA, BLOCK 12? IF YES, ATTACH CHANGED PID FACESHEET.

NA  1 - NO  
2 - YES

14. ORIGINATING OFFICE CLEARANCE				15. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION			
SIGNATURE <i>J. Roush</i>				<input type="text" value="MM"/> <input type="text" value="DD"/> <input type="text" value="YY"/> <input type="text" value="11"/> <input type="text" value="12"/> <input type="text" value="76"/>			
TITLE James L. Roush Director, USAID/Chile							

LEGAL ASSISTANCE FOR THE POOR

513-0295

This Project Paper is presented in accordance with the special accelerated track for small projects of less than \$200,000 contemplated in Chapter 7 of Handbook 3 (page 7-2). We have attempted to follow the spirit of the guidance in presenting only the essential elements necessary for a conscientious review in accordance with fulfilling the Agency's legal and procedural requirements.

Recommendation

- |  |                  |
|--|------------------|
| - Grant                                    | <u>\$ 25,000</u> |
| Total new AID obligations                  | \$ 25,000        |
| - Authorization for unilateral obligation. |                  |

Description of the Project

The purpose of this project is to provide the poor with information on their legal rights and how to obtain them. Resources provided under this project will be used to support activities of attorneys dedicated to assisting the poor and specifically the Department of Legal Assistance (Departamento de Práctica y Asistencia Legal - DEPAL) of the Catholic University of Chile. This project is directly supportive of the Administrator's recommended initiatives contained in AIDIO CIRC A-687 of 9 December 1975.

Assistance will be provided to DEPAL's community extension activities to:

- 1) conduct a seminar for lawyers outside of the assistance to the poor area in order to appraise them of the way in which they can take swift and effective action with a minimum expenditure of time to help low income clients before referring them to the free litigation services of the Chilean Bar Association (Colegio de Abogados);
- 2) prepare a collection of simple legal articles on topics of general interest to the poor to be published in a local newspaper in a detachable booklet form; and
- 3) help to develop a "case book" to serve as a reference work and teaching tool for people dealing with recurring legal problems of the poor.

Consideration is being given to carrying out these activities in the context of a "Legal Assistance to the Poor Month". April 1977 is the most propitious opportunity to hold the seminar and publish a compendium of articles giving an overview of rights of the poor in selected legal fields, e.g. labor, landlord-tenant, and criminal law. This will be the sixth anniversary of DEPAL's weekly legal page in "La Tercera de la Hora", and the 43rd anniversary of the enactment of the final text of the Rules of the Organic Law of the Colegio de Abogados.

At the end of this project approximately 70,000 newspaper supplements will have been distributed to the poor both through the newspaper and separately. These will give them an overview of their rights and ways in which they can exercise these rights in selected fields such as labor, landlord-tenant, and criminal matters. Additional sensitivity will have been created within the legal community and general public concerning the legal rights of the poor and ways of attaining these rights. The local legal community will have an opportunity to learn of recent developments in the U.S. in processing indigent cases on the federal and state levels. Also, the first steps will have been taken to provide law students and the legal community with the basic information to increase efficiency in assisting low income clients.

Given the need for low income groups to receive very low cost or free competent legal advice for their recurring problems the Mission strongly believes that this activity is appropriate and should move forward speedily. Although the requirements are great and substantial long term involvement might be justified, we concur in the Administrator's advice that: "The problems requiring our attention are not best treated by large doses of money, but a combination of relatively small amounts of money and a number of highly motivated and competent people". In this spirit the Mission recommends that AID undertake a short term and tightly focussed project to demonstrate U.S. support for the efforts of DEPAL, and the Chilean Bar Association, aimed at providing legal advice and services to low income groups.

#### Project Background

Spanish law recognized the need for legal assistance for the poor long before Chilean independence. These precepts have been followed throughout Chilean history. Since 1875 judges have had the power to grant indigents and persons detained in criminal actions the "privilege of poverty" in order to litigate without payment of taxes and other court costs. The Code of Civil Procedure promulgated on August 28, 1902 continues to regulate this judicial ordered "privilege of poverty". The final text of the Rules of the Organic Law of the Colegio (April 25, 1934) contains the latest codification of the benefits granted by "privilege of poverty". Law 5520 of December 1934 gave this privilege to all clients of the Colegio's Judicial Assistance Service and reaffirmed the Colegio's obligation to create and maintain free services for the poor and supervise those lawyers designated by law to assist persons enjoying the privilege of poverty. The Colegio's budget supports the Judicial Assistance Service. The greatest part of its funding comes from the national budget.

Catholic University's Legal Assistance Center was established in late 1970 under an agreement between the University and the International Legal Center. No attempt is made to provide for the vast legal needs of the nation's marginal classes nor does it aspire to be the Law School's version of the Colegio's Judicial Assistance Service. DEPAL simply attempts to show what can be done to raise the consciousness of Chile's marginal classes and

young lawyers to the fact that quality legal assistance does not depend on a client's financial resources. Since April 1971 DEPAL has been publishing a weekly article in "La Tercera de la Hora", a newspaper widely read by poor people, covering common legal problems of general interest.

The Colegio's Judicial Assistance Service is oriented to advocate proceedings for the poor in actual court cases. DEPAL's concerns differ in that they train and motivate upper year law students concerning the legal needs of the poor. In the process they attempt to address and provide advice on the wide range of day to day needs of the poor (e.g. landlord tenant disputes, social security claims, settlement of a deceased relative's affairs, etc.). DEPAL through legal assistance offices located in "callampas" (marginal urban areas), helps provide the basic orientation needed by poor clients before court proceedings are necessary and, when necessary, refers indigent clients to the Colegio's Judicial Assistance Service for actual litigation.

Given the long established and recognized principle of legal assistance for the poor and the political nature of the proposed activity, the Mission does not currently perceive any reason not to move with this project.

Given the modest amount of AID assistance proposed and the corresponding implementation flexibility which is appropriate, the Mission believes unilateral obligation of funds for a grant directly to DEPAL is advisable and warranted.

#### Detailed Description/Financial Plan

The Mission proposes to carry out this activity in the following manner. A Grant Agreement will be signed between the Colegio de Abogados, Departamento de Práctica y Asistencia Legal of Catholic University and the Mission. This agreement will provide other cost financing as follows:

<u>Activity</u>	<u>Estimated Contribution</u>	
	<u>A.I.D.</u>	<u>Chilean *</u>
I. Seminar		
A. Rental of meeting place, supplies, etc.	3,000	3,300
B. Invitational travel for two or three representatives from DEPAL and the Colegio de Abogados to visit and gain first hand knowledge of the operation of two legal assistance systems in the U.S. (e.g. New York and California)	5,000	1,200

\* See Annex for detail on how estimates were derived.

<u>Activity</u>	<u>Estimated Contribution</u>	
	<u>A.B.D.</u>	<u>Chilean</u> *
C. Guest Lecturers	-	2,250
	<u>8,000</u>	<u>6,750</u>
II Compendium of legal rights in selected fields such as labor, landlord-tenant, and criminal law.		
A. Updating and editing articles published over the last 6 years.	-	600
B. Development of new materials	-	900
C. Publication of three weekly newspaper supplements for distribution in the newspaper and separately.	<u>15,000</u>	<u>16,200</u>
	15,000	17,700
III. Development of "case book".		
A. Legal text, articles, etc. and preparation of draft.	2,000	1,800
B. Printing of "case book".	<u>-</u>	<u>5,600</u>
	2,000	7,400
TOTAL \$56,850	\$ 25,000	\$ 31,850

DEPAL will provide the bulk of the personnel needed to carry out the work mentioned above. Included will be the donation of paper from "La Tercera de la Hora" to print the compendium in three successive Sunday issues, and the assignment of any royalties for monetary rights by the authors responsible for the original articles. The combined value of this contribution and salaries of people on invitational travel is expected to reach over \$31,000.

\* See Annex for detail on how estimates were derived.

We would hope that all the preparation could be completed in order to hold the seminar during April 1977 - the forty-third anniversary of the final text of the Rules of Organic Law of the Colegio and sixth anniversary of DEPAL's weekly legal assistance articles. This would require a tight timetable approximately as follows:

- Submission of Project Paper November 15, 1976.
- Review of Project Paper November 26, 1976.
- Allotment of the funding (\$25,000 currently contained in the FY 1977 Congressional Presentation, page 59) December 1, 1976.
- Signature of Grant Agreement obligating \$25,000 December 10, 1976.
- Initiate research needed to compile, update and edit articles on selected legal fields of interest to the poor for three weekly newspaper supplements, and the "case book" December 13, 1976.
- Invitational travel January 15 to February 15, 1977.
- Completion of newspaper supplements March 18, 1977.
- Initiation of first three weekly articles of the anthology April 4, 1977.
- Seminar April 22-24, 1977.
- Complete research on "case book" May 13, 1977.
- Final bills presented and paid, liquidation of advances, etc. June 1, 1977.
- Evaluation of the impact of the project in creating a greater awareness of the legal rights of low income individuals and groups and establishing a base upon which greater accessibility is encouraged July 1977.

ANNEX

Estimate of Chilean contribution

I	A	1) Discount hotel facilities for 50 attendees (50 X 2 nights X \$ 10)	1,000		
		2) Registration fees (50 X \$ 10)	500		
		3) Donated time for organization (1 attorney X \$600 X 1 month + 2 staff assistants X \$400 X 1.5 month)	1,800	3,300	
	B	Salaries (2 attorneys X \$600 X 1 month)		1,200	
	C	Donated time (15 speakers X \$600 X .25 month)		<u>2,250</u>	6,750
II	A	Salaries (2 attorneys X \$600 X .25 month + 2 secretaries X \$300 X .5 month)		600	
	B	Salaries (4 attorneys X \$600 X .25 month + 2 secretaries X 300 X .5 month)		900	
	C	1) Paper	15,000		
		2) Proofing, etc. (2 attorneys X \$600 X 1 month)	1,200	<u>16,200</u>	17,700

III A Salaries (3 attorneys X \$600

X 1 month) , 1,800

B 1) Proofing (2 attorneys X \$600 X

.5 month) 600

2) Printing ( 1,000 copies X 55) 5,000 5,600 7,400

\$ 31,850