

## **Joint Protocol for Pro Bono Legal Work**

At all stages throughout their career many lawyers regard Pro Bono Legal Work as an integral part of being a member of the legal profession, in providing access to justice and meeting unmet legal need.

This Protocol has been agreed to set out the core values of such work and to assist both those who undertake it and their clients.

Many lawyers undertake charitable work of many different kinds. However, the purpose of this protocol is to concentrate specifically on the provision by lawyers of their legal knowledge and skills in the form of Pro Bono Legal Work.

### **1 What is Pro Bono Legal Work?**

1.1 When we refer to Pro Bono Legal Work we mean legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public funding is not available.

1.2 Legal work is Pro Bono Legal Work only if it is free to the client, without payment to the lawyer or law firm (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm.

1.3 Pro Bono Legal Work is always only an adjunct to, and not a substitute for, a proper system of publicly funded legal services.

### **2 How should Pro Bono Legal Work be done?**

Pro Bono Legal Work should always be done to a high standard. That means in particular that:

2.1 The availability of appropriate publicly funded legal advice or representation should always be considered before a lawyer undertakes Pro Bono Legal Work.

2.2 When a lawyer is requested to agree to undertake a piece of Pro Bono Legal Work the lawyer should give his/her decision within a reasonable time.

2.3 The terms on which the Pro Bono Legal Work is undertaken including the circumstances in which the relationship may be terminated should be made clear at the outset.

2.4 The Pro Bono Legal Work should only be undertaken by a lawyer who is adequately trained, has appropriate knowledge, skills and experience and, where necessary, is adequately supervised for the work in question.

2.5 The lawyer undertaking a piece of Pro Bono Legal Work (and where appropriate his or her supervisor) should have no less than the minimum level of legal expertise and experience as would be required if the particular work in question was paid work.

2.6 In no case should the client be misled as to the lawyer's skill or ability to undertake the Pro Bono Legal Work.

2.7 Once a lawyer has agreed to undertake a piece of Pro Bono Legal Work the lawyer (and if appropriate his or her firm) must give that work the same priority, attention and care as would apply to paid work.

2.8 Pro Bono Legal Work must not be undertaken without appropriate insurance.

2.9 A lawyer in doubt or difficulty in relation to a piece of Pro Bono Legal Work should seek advice from a Pro Bono organisation or from the Bar Council, the Law Society or the Institute of Legal Executives.

2.10 Lawyers undertaking Pro Bono Legal Work should advise their client of the risk of an adverse costs order if the client is unsuccessful. Equally they should consider whether a “pro bono costs order” under section 194 of the Legal Services Act 2007 in favour of The Access to Justice Foundation is available if the client is successful.

### **3 What about other ways in which lawyers use their legal knowledge or their legal skills?**

3.1 The profession also supports further ways in which lawyers use their legal knowledge or their legal skills, without charge, for public benefit. Examples of using their legal knowledge include providing the community with access to legal information and education through legal literacy projects, citizenship work and other forms of public legal education. Examples of roles in which professional skills might usefully be deployed include acting on the board of trustees for a charity or as a school governor.

3.2 A professional approach is important here as elsewhere. The lawyer’s contribution should be made to a high standard and with proper commitment. Suitable training should be undertaken where appropriate.

#### **Ancillary Provisions**

##### **1 Relationships Between Pro Bono Organisations and Lawyers**

1.1 Where practical, lawyers able to undertake pro bono work are encouraged to do so through a pro bono organisation, through the not-for-profit sector, or through both.

1.2 Pro Bono Legal Work will be more effectively delivered through co-ordinating the relationships between lawyers, pro bono organisations, and not-for-profit agencies such as Law Centres and CABx.

1.3 When a lawyer is asked by a pro bono organisation or not-for-profit agency to undertake a particular piece of Pro Bono Legal Work, the lawyer is expected to have proper regard to any prior confirmation given to the pro bono organisation or not-for-profit agency that the lawyer was prepared to undertake Pro Bono Legal Work.

1.4 Sets of chambers, law firms and legal departments should, wherever possible, seek to encourage and support the undertaking of appropriate Pro Bono Legal Work by their lawyers, including the undertaking of that work "in-house".

##### **2 The Contribution of Persons who are not Fully Qualified, or who are Otherwise Unable, to do Pro Bono Legal Work**

2.1 Non-lawyer staff within a set of chambers or a firm should be enabled to make the same contribution to the undertaking of a piece of Pro Bono Legal Work as they would for a piece of paid work.

2.2 Law students, pupil barristers and trainee solicitors have an important contribution to make to Pro Bono Legal Work. However that contribution must be properly supervised and must be preceded by proper training.

2.3 where suitably qualified and experienced, academic lawyers and employed lawyers are particularly encouraged to consider providing training to others to enable them to undertake pro bono legal work if they are not able themselves to provide legal advice or representation. The provision of pro bono legal training without charge is an important contribution to Pro Bono Legal Work.

##### **3. Participation in Pro Bono Legal Work as a Characteristic of Being a Member of the Legal Profession**

3.1 A commitment to the delivery of Pro Bono Legal Work is encouraged throughout a lawyer's professional life, as a student and in practice, through to and including retirement.