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# There's no I in pro bono

When competition goes out the window: **Rebecca Greenhalgh** on the importance of working together when it comes to pro bono initiatives



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Pro bono support for the everyday operations of charities and not-for-profits has long been a feature of many City law firms. In contrast, finding appropriate pro bono work that supports individuals, as a City firm, is not straightforward. Firms must recognise when a potential matter falls within legal aid and ensure those cases are signposted to specialists in those areas. They must understand the limits of their lawyers' expertise and, if considering any expansion beyond this, ensure they arrange training and supervision by experts in those areas of law. That in turn requires firms to ensure they build and maintain working relationships with those experts—the not-for-profit specialists at law centres, specialist charities and other independent advice organisations—and also that they also keep up to date on wider developments that impact on potential areas of legal need. Firms must ensure that every piece of pro bono work meets the same level of quality and commitment as billable work, which requires the development of stringent internal policies and procedures, and regular engagement, monitoring and reporting across all departments in the firm.

## Time to team up

In short: if a large commercial firm wants to ensure the pro bono work its lawyers do for individuals is appropriate and has a positive impact, the firm soon realises it needs a dedicated pro bono professional: somebody who can invest time in learning about and developing relationships across the advice sector; who can scope out, design and roll out legal pro bono projects with an eye across all professional and regulatory requirements; who can monitor and react rapidly to ensure projects stay on track; and who can retain insight for the firm and help it to build and expand a successful pro bono practice in the long term.

And City firms have not only learnt this lesson, but acted on it: in 2006 many firms had corporate social responsibility roles, but fewer than ten had dedicated pro bono roles; in 2021, there are over 60 dedicated pro bono roles in the UK, ranging from apprentices through to partners.

With only one person in role in many firms at the start, it was inevitable that they would find their fellow pro bono professionals to be their immediate professional peers; the people they could bounce ideas off, learn from and be supported by. Joint projects were an obvious progression from such joint discussions, with four City firms teaming up to support the Asylum Support Appeals Project back in 2009.

As that small community of pro bono professionals grew, each new arrival was welcomed into a cross-firm network that encouraged and expected collaboration on pro bono. If firms wanted

to do pro bono for impact, they quickly recognised the benefit of collaboration: the ability to learn from the success and failure of previous pro bono projects by other firms; the ability to combine resources and increase the chance of projects succeeding; and the reduced demand placed on the not-for-profit community by having one firm liaise with an organisation on behalf of several.

## The pro bono plan of action

When the PILNet Global Pro Bono Forum took place in London in 2014, this collaboration was formalised in the UK Collaborative Plan for Pro Bono initiative ('the Plan'): a network that would connect local and international firms directly to each other, allowing them to share structural know-how and help launch more—and better—in-firm programmes, particularly in respect of individual casework.

Through this network, firms with no pro bono professional could access the experience and capacity of firms with pro bono professionals: one firm's pro bono lead might develop and roll out a project that other firms could join; another firm might arrange an open session to share insight on pro bono issues; firms might join a meeting with LawWorks, Law Centres Network, Advice UK or other specialists to discuss and brainstorm ways to support their work. Starting with 12 firms as members (grown to 70 firms employing over 18,000 lawyers as of October 2021), the Plan initiative got underway and a number of multi-firm projects were developed to address specific domestic legal needs, in consultation with Law Centres Network and other specialists.

### Joining forces on pro bono projects

An early example is **social welfare benefits**: an area no longer in mainstream scope for legal aid until the Upper Tribunal level, but an area where advice organisations continue to try and provide support to people navigating appeals at the First-tier Tribunal. Eight Plan firms committed funds to partner with Z2K and support its Tribunals Project, with many volunteers now having several years of tribunal appeals under their belt and able to take on increasingly complex cases under Z2K supervision. The project has seen Z2K advisers and legal volunteers represent nearly 1,000 disabled people at appeal—winning in over 90% of cases—and Z2K now has capacity to cover around 450 cases per year.

More recent examples include the scandal of the **Windrush Generation** where eight firms are supporting the Joint Council for the Welfare of Immigrants in their work assisting Windrush victims to apply for compensation from the UK government; and a project between 24 firms and **KIND UK** (comprising Central England Law Centre, Coram Children's Legal Centre, Greater Manchester Immigration Aid Unit, JustRight Scotland, and Migrant and Refugee Children's Legal Unit at Islington Law Centre) where volunteers support specialist advice organisations with the preparation of citizenship applications for children.

As familiarity with joint projects has developed, firms have also been able to develop more innovative pro bono schemes. If an application succeeds, **exceptional case funding** (ECF) allows a legal aid adviser to receive additional payment for the work on a case. However, if the application fails, the time spent putting together the application is not compensated. For charities with legal aid contracts, already working more hours than funds will cover, the unpaid time cost of unsuccessful applications is a risk that can restrict their capacity to seek ECF in every case. Discussions with Bail for Immigration Detainees and Refugee Legal Support, two organisations facing this challenge, led to ongoing projects staffed by seven firms, where their lawyers are trained and supervised in gathering evidence and compiling the ECF applications for the organisation. A new ECF project with University House and six firms also launched in September 2021.

Following the **Grenfell Tower fire** in 2017, the pre-existing collaboration between firms enabled North Kensington Law Centre (NKLC) to draw on pro bono help in a different way: seconding Plan firm pro bono manager expertise to help the centre create and operate numerous legal advice schemes in a matter of days when NKLC was inundated with offers of help from across the legal sector. Pro bono managers helped NKLC coordinate support from other law centres, specialist charities such as Shelter, specialist legal aid practitioner members of the Housing Law Practitioners Association and Immigration Law Practitioners Association, and specialist pro bono barristers and solicitors in every area of law.

This capacity to help liaise with specialist not-for-profits and coordinate a multi-firm response that minimised law firm demand on the not-for-profits at a time of high demand from the community has been repeated in a number of other projects since 2017. Since 2019, six firms with offices across Europe have worked with European Lawyers in Lesbos to staff an ongoing rotating full-time secondment (currently remote during the pandemic) through which volunteers support the preparation of asylum seekers for their first instance interviews, family reunification and age assessments. More recently in 2021, as thousands of Afghan people seek asylum from Taliban rule, firms in the UK, Europe and US have drawn on these existing connections to rapidly share updates where pro bono help is requested from firms by specialist organisations across those jurisdictions and to coordinate such help.

The box above shows a small selection from many collaborative pro bono projects that firms have developed over the last 12 years, shared to illustrate the varied ways that firms have worked collectively to support the needs of a specialist advice organisation in assisting impacted communities.

The same approach is seen outside London where firms in Bristol, Birmingham, and Manchester have come together to address access to justice needs in their region as a united community; it is also seen in the in-house community where the In-House Pro Bono Group, formed in 2019 by five people, now has 128 members across 63 in-house teams all working together to understand where they can contribute through pro bono. The Chancery Lane Project was first proposed by an In-House Pro Bono Group member; since then, 1,300 legal professionals from 235 organisations have collaborated to develop and implement new practical contractual clauses that deliver climate solutions across industries and jurisdictions.

This willingness to share insight and project opportunities with other firms—of any size—is somewhat at odds with every other aspect of commercial law firm activity where firms usually attempt to distinguish their offering from their competitors. It reflects the recognition across firms that, if they truly seek to support communities, a combined effort that draws on the strongest or most relevant elements from every participating firm provides the client community with the best possible outcome.

### Strengthening the foundations

Of course, the long-term relevance of such efforts will continue to depend on two crucial elements in the wider legal sector. First,

a fully funded, functioning civil and criminal legal aid system: if civil and criminal legal aid are the foundations, floors, walls and roof of a house, then City law firm pro bono is a lampshade: a minor complement to the room, but not remotely intended for or capable of repairing walls that are close to collapse, a leaking roof, or holes in the floor. Large firm pro bono is only useful if the majority of legal needs are being met by dedicated specialist practitioners who are paid for every hour that a case necessitates, leaving smaller gaps outside legal aid to be addressed through pro bono. Consider the 450 welfare benefits cases each year Z2K is able now to support with the benefit of volunteers and funding from ‘plan’ firms in the context of the number of cases removed from the scope of civil legal aid since 2010 (over 140,000 per year).

And second, a vibrant and sustainable not-for-profit legal advice sector: one that has sufficiently reliable funding to ensure it retains specialists with years of expertise; one that works in and knows the communities it seeks to assist; one that can afford to advise people with multiple complex needs—especially when those needs fall outside legal aid—long before their problems reach court. The not-for-profit legal advice sector is the food in the cupboards, the heating that keeps the house warm, the lightbulbs, the water supply—all of the essentials that any home needs before lampshades make an appearance. Large firm pro bono is most successful when firms can partner with those specialist organisations to access training, supervision and the communities that they hope to assist. Without legal aid and the not-for-profit legal advice sector, there is little prospect of access to justice for millions of people, and that is something pro bono can never replace.

The **UK Collaborative Plan for Pro Bono** is a profession-led initiative for law firms. Each of the participating law firms has a strong institutional commitment to pro bono and access to justice. Participating law firms work collaboratively to develop the systems and infrastructure to allow pro bono services to be effectively delivered to address unmet legal need. Find out more at [www.probonoplan.uk](http://www.probonoplan.uk).



November 2 @ 12.30pm - 1.30pm am

### In House Counsel and Law Firms Doing Pro Bono Together

#### Online event

The In House Pro Bono Group invites you to join us for a webinar with Clifford Chance and Ropes & Gray on how in house lawyers and law firms can partner effectively to do pro bono together [...]

<http://tinyurl.com/PBW2021InHouse>



November 3 @ 6.30pm - 9.30pm

### Pro Bono: What does the future hold?

#### In person event

Join the Middle Temple Young Barristers’ Association (MTYBA), London Young Lawyers Group (LYLG), and the Junior London Solicitors Litigation Association (JLSLA) for a panel discussion, followed by networking and refreshments. Alex Chalk QC, Solicitor General, will kickstart the event with a welcome speech [...]

<https://bit.ly/3Bh5PyL>



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