

# Pro bono by the boutiques

Vaiben Lipman highlights the benefits of pro bono practice for boutique disputes firms

## IN BRIEF

- ▶ Boutique disputes firms are in an ideal position to establish a dedicated pro bono practice.
- ▶ Engaging in pro bono work can be a hugely beneficial experience for junior lawyers.
- ▶ Niche specialisations in pro bono work, such as sports law, help practitioners develop professionally and provide a necessary service to society more broadly.



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Throughout the legal profession there is a clear recognition of the importance of providing pro bono legal services as a key part of one's practice. The nature and scope of this work can vary greatly depending on the nature and structure of the firm itself. The unique features of boutique disputes firms such as LK Law, for example, make them ideally suited to specialised pro bono practice focused on a particular field of law. This practice provides significant benefits and can improve firm culture, enhance employee satisfaction, and create a positive work environment essential to succeeding as a smaller team.

## Pro bono at boutiques

Adopting a dedicated pro bono practice enables firms to broaden their areas of practice and develop new specialisations. Boutique firms can take full advantage of their nimble structure and flexible work approach to tailor their pro bono practice to address key challenges facing society, whether from recent developments such as immigration challenges arising from the conflict in Ukraine, or enduring issues such as tackling domestic violence and housing insecurity or providing immigration services more broadly. This nimble approach has allowed LK Law to tackle some smaller ad hoc pro bono housing and employment matters.

Moreover, firms can develop a niche specialisation that develops into a key part of their targeted focus, a notable strength of boutiques such as LK Law. We have developed a specialised sports law practice, acting pro bono for athletes and support personnel in a range of matters involving alleged anti-doping rule violations, breaches of codes of conduct and other disciplinary matters.

There are many significant benefits for boutiques undertaking pro bono work beyond the altruistic motives for engaging in such matters. It provides junior lawyers with valuable experiences earlier in

their careers and a sense of ownership and responsibility for their matters. The opportunity to speak directly with clients and conduct witness interviews develops confidence in practical tasks essential to the highly responsive approach to clients' needs central to boutique practice. Junior solicitors are also given the opportunity to demonstrate and improve their organisational and leadership skills, entrusting them with the day-to-day management of matters and task delegation. This provides junior members with development opportunities, which in turn fosters greater team cohesion essential to working in the smaller teams allocated to matters in boutiques.

## Building relationships

Pro bono matters give junior solicitors an ideal opportunity to engage directly with leading barristers, many of whom do regular pro bono work. This provides practical experience in the process of instructing counsel and trial preparation. Junior solicitors can thereby develop positive working relationships with barristers that often carry over into other chargeable matters. Given referrals directly from barristers are a key source of work for litigation boutiques, it is not uncommon for such firms to be referred chargeable work on the strength of relationships developed on pro bono matters.

Similarly, engaging in a new area of practice allows lawyers to expand their network, and a boutique firm that frequently acts in matters in a particular area pro bono will be best placed to tout their experience and record, as well as the many other advantages of boutiques, when high profile cases arise in that area or involve clients in a position to fund their own representation.

## Pro bono practice in sports law

In my experience at LK Law, I have observed specific challenges that stem from the nature

of law in sport and in particular professional athletes as clients. Having been dedicated to an intense training programme from an early age, athletes often leave the administrative and logistical side of their career, such as various registrations, whereabouts filings and diet and supplement selection and procurement, to parents or support personnel. Meanwhile, many offences under sports law carry strict liability, meaning a lack of intention (for example, to take a prohibited substance) is no defence. It can be difficult explaining to athletes they must take personal responsibility for decisions they were not involved in. As the actual applicable rules and regulations are often relatively straightforward and the outcome will largely depend on the quality of evidence marshalled, these cases are both particularly challenging for lay-persons such as athletes to handle unrepresented and ideal for junior solicitors to conduct.

An important feature of most pro bono legal practice is that it provides a necessary service to society more broadly, whereby firms direct resources and professional talent to circumstances where they are most needed, and sports law is no exception. While it is essential for the functioning of a fair and honest system of competitive sport that there be rules governing how athletes and others conduct themselves, such a system can only truly be fair where individuals are given a fair opportunity to defend charges brought against them. Given the unfamiliarity of athletes with dispute resolution mechanisms, including rules of procedure and collection of evidence, and the expense of paid legal representation, firms such as LK Law offering pro bono representation perform a crucial role in these matters and in the sports industry more broadly, while providing young lawyers with valuable opportunities to develop professionally.

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Vaiben Lipman, Associate, LK Law ([www.lk.law](http://www.lk.law)).