



The Law Society

## **Practising regulations and practice framework rules**

FAQs for pro bono and in-house lawyers

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supporting  
solicitors

**I am an in-house lawyer and I currently provide pro-bono legal advice to members of the public as part of my company's corporate and social responsibility programme. Can I continue to do this when the new handbook comes into force in October?**

Yes, under the new rules you will still be able to provide legal advice (and other unreserved legal activities) pro bono as part of your company's corporate and social responsibility programme. However, you will not be able to provide reserved legal activities such as conveyancing, litigation and probate activities. This is because section 15 of the Legal Services Act 2007 restricts the ability of bodies, that employ lawyers to provide in-house legal services, to provide reserved work to the public or a section of the public .

**I have heard that, once the new Code comes into force, as an in-house lawyer I can no longer provide reserved legal activities, pro bono, through my employer. What is a reserved legal activity?**

Reserved legal activities are activities that only authorised individuals or bodies may carry out. The Legal Services Act 2007 defines the ranges of activities as:

- the exercise of a right of audience
- the conduct of litigation
- reserved instrument activities eg conveyancing
- probate activities
- notarial activities
- the administration of oaths.

Solicitors and firms regulated by the SRA are normally authorised by the SRA to provide all these services to the public (with the exception of notarial activities). However, in-house lawyers' employers are not normally authorised and, under the new rules, solicitors working for them cannot provide these services to the public through them, even on a pro bono basis.

Most legal services, such as providing legal advice are not reserved activities. In-house lawyers can provide these types of services, pro bono, to the public provided they have the relevant insurance in place.

**I provide pro bono litigation services outside the auspices of my employer. I have the relevant insurance in place. Can I continue to provide this services?**

Yes, if you hold a current practising certificate then you are authorised to provide these services. However, you must ensure that these services are not being provided as part of your employer's business, as your employer is not authorised to provide such services. The SRA have provided guidance about what you should consider when deciding if you are providing services as part of your employer's business. You should note providing such services as part of a corporate responsibility programme is likely to be considered as providing services as part of your employer's business.

**My employer provides a range of legal services pro bono to the community through their business. Can we still provide this service?**

You will still be able to provide unreserved services, such as legal advice, provided you have the relevant insurance. However, you will not be able to provide the following reserved activities:

- the exercise of a right of audience
- the conduct of litigation
- reserved instrument activities eg conveyancing
- probate activities
- notarial activities
- the administration of oaths.

### **As an in-house lawyer, am I able to do pro bono work through my employer's business?**

From 6 October, there will be restrictions on the type of legal services an in-house lawyer will be able to pro bono. You can still conduct work on a pro bono basis, for a clients other than your employer, provided that

- the work is covered by an indemnity reasonably equivalent to that required under the SRA Indemnity Insurance Rules and
- the work involved is not a reserved legal activity.

You cannot undertake any reserved legal activities for clients other than your employer (and certain connected persons), where it is a part of your employer's business, regardless of whether it is with a view to a profit or not. The SRA provide guidance on what might constitute 'part of your employers business'. The SRA view the definition quite widely and it is likely pro bono work carried out as part of a company's corporate and social responsibility programme will be caught by this rule. However, it is important to note that this only applies to reserved work. In-house lawyers will still be able to offer unreserved work, such as legal advice, pro bono provided they have the relevant insurance.

### **What sort of pro bono work am I able to do as an in-house lawyer?**

Under the new rules you will still be able to provide legal advice (and other unreserved legal activities) pro bono as part of your employer's business, provided you have the relevant insurance. However, you will not be able to provide reserved legal activities such as conveyancing, litigation and probate activities.

### **Am I able to do pro bono work for my friends and family or in my own time from 6 October?**

Yes, you can still provide reserved legal activities (and unreserved legal activities) to the public or a section of the public (with or without a view to profit) where it is not part of your employer's business. However, other regulatory requirements may apply, such as the need to become a registered sole practitioner or to obtain a waiver from the SRA from the provision.

In the case of providing free advice to family and friends, rule 10.2 of the Practice Framework Rules 2011 (which comes into force on 6 October) allows you to provide professional services, without remuneration, for friends and relatives without the

need to become a registered sole practitioner. This means you can still provide legal services to friends and family.

**Why does the new handbook restrict pro bono work by in-house lawyers in this way?**

The SRA have put in place these restrictions as a consequence of the section 15 of the Legal Services Act 2007. This section of the act prohibits the provision of reserved activities by in-house lawyers for the benefit of anyone other than their employers and certain connected persons, where such activities are part of their employer's business.

**When does this come into force?**

The handbook, including these rules, will come into force on 6 October.

**What steps are being taken to remove this restriction and when is a resolution expected?**

The Law Society is working with the SRA and those representing lawyers offering pro bono work to try and resolve this issue. However, we believe that it can only be solved by an Order made by the Lord Chancellor. This is unlikely to occur before the new rules come into force.

**Who can I call if I am unsure on what is allowed?**

Law Society Practice Advice Helpline.

SRA Professional Ethics Helpline

**Where can I find support and pro bono opportunities?**

LawWorks (operating name of the Solicitors Pro Bono Group) is the leading national pro bono brokerage and is supported by the Law Society. Membership of LawWorks provides a range of support and opportunities for in-house legal teams including professional indemnity insurance cover, CPD accredited training and a range of high quality, time-specific opportunities enabling lawyers to provide impactful and efficient pro bono advice.