



A PROPER, SUPPORTED ROLE FOR FREE LEGAL ADVICE

Pro bono is free legal work carried out, on a voluntary basis, by lawyers, in the public interest. 65 per cent of solicitors undertook some pro bono work last year. This is unprecedented in almost any other business or profession. This work is diverse and not limited to areas of law which were, or still are, eligible for legal aid. It covers international pro bono work, advice for charities and social enterprises, as well as work for individuals with legal needs.

When considering the role of pro bono work, it is important to remember that this work is generally only possible where a solicitor is part of a thriving legal business. Although retired solicitors and those on career breaks can undertake pro bono work, the number of cases they can handle is very small.

Pro bono work is based on a willingness to undertake work in individually deserving cases. It is a voluntary charitable act of corporate social responsibility.

Pro bono legal services cannot cover the gap left behind by the legal aid cuts. It is wrong to assume that solicitors with a particular expertise will be willing to undertake a certain level of unpaid work, particularly if the funding and profitability of paid-for work is significantly reduced.

The heavy government emphasis in the past 10 years or so on solicitors in the legal aid world acting as hyper-efficient businesses has reduced the capacity for pro bono work. The firms and solicitors most affected by funding cuts, and with the greatest expertise in the relevant areas, now have the least amount of resources to dedicate to unpaid work.

Pro bono work also depends on there being good infrastructure within which it can be delivered. This is often provided through Law Centres and Citizens Advice Bureaux. As a result of the cuts to legal aid and local authority funding, these organisations have had to reduce the amount of work they do providing this infrastructure. In many areas there has been the double impact of reductions in the amount of pro bono work available alongside the legal aid cuts.

Ultimately, pro bono provision cannot exist in a vacuum. It needs to have a space to operate in, and community partners to collaborate with, in order to provide a meaningful service. If advice agencies continue to be cut, then there will inevitably be a decline, not a growth, of pro bono provision.



What can be done?

Many firms and individual solicitors have a long history of supporting Law Centres and if the government matched their support this would make a great contribution.

An area where pro bono might work is a system, using pro bono solicitors, which helps clients decide what type of legal service they require. This could be done via face-to-face one-off appointments, drop-in clinics, telephone advice lines or through a web-interface.

This model would mean people who can't afford, (or think they can't afford) a lawyer could receive initial advice about their legal problem. It would mean they could make an informed decision about whether they can solve their problem without legal support or whether they need expert legal advice.

This might also allow people to determine the likely cost and affordability of further legal advice they might seek.

