

## IN BRIEF

► Pro Bono Connect is a scheme which aims to facilitate solicitors and barristers working together on pro bono cases in the same way as they would for fee-paying clients.

► After a pilot in 2015 Pro Bono Connect was launched in 2016, and its network of participating firms and chambers continues to expand.

Taking on pro bono work in the litigation context can be daunting. For a barrister it means doing all the work a solicitor would do, in addition to advocacy. A solicitor may find themselves drafting pleadings and appearing at hearings, in addition to liaising with the lay client, preparing the case and conducting correspondence.

These difficulties can mean that lawyers may be more reluctant to do pro bono work in the first place—at least where there is the prospect of litigation.

This was the experience of Jamie Goldsmith, barrister at One Essex Court and founder of Pro Bono Connect. Several years ago, he took on a number of pro bono cases through the Bar Pro Bono Unit (now Advocate). Two of those cases started as small commitments but turned into very large ones, with over 100 hours spent on each case. Mr Goldsmith says: 'While the cases were very rewarding, I was performing both the barrister and solicitor role. This was time consuming and involved me carrying out tasks I don't usually perform, like inter-parties correspondence or bundling. As such, the cases took twice as long as my normal work'.

These experiences made him more reluctant to take on pro bono work: 'For a year afterwards, I am ashamed to say that I was wary about taking on pro bono cases, at least for anything other than small matters, given the time commitment required.'

Mr Goldsmith surveyed barrister and solicitor contacts to see whether his experience was common, and to see whether they would have greater interest in doing pro bono work as part of a team. The answer to both questions, from both solicitors and barristers, was a resounding 'yes'.

## Pro Bono Connect: expansion of the scheme

Pro Bono Connect is free to join. There is no obligation to take on any case, simply to consider requests for assistance. Further information about the scheme can be found at [www.probonoconnect.co.uk](http://www.probonoconnect.co.uk), or contact Jamie Goldsmith at One Essex Court: [jamie@probonoconnect.co.uk](mailto:jamie@probonoconnect.co.uk).

# Pro Bono Connect

Barristers & solicitors work together on fee-paid work, so why not provide the same service to pro bono clients, asks **Eleanor Campbell**



In October 2015, Mr Goldsmith and I founded Pro Bono Connect, a network of city law firms and London chambers who are prepared to work together on pro bono matters. The scheme provides a mechanism for solicitors who have taken on a pro bono case to obtain assistance from counsel should they need it, and vice versa. The scheme ran initially as a pilot before launching in November 2016.

At present, the scheme is limited to chancery, commercial, common law, public, HR, insolvency, employment and tax cases. It is hoped to expand this in the near future to cover other areas where there is a pressing need for pro bono assistance, such as asylum, immigration, family, and housing, and to expand geographically (most of the cases are in the South East).

### The scheme thus far

The scheme currently has 27 participating law firms and 33 participating chambers. The number of cases in which barristers and solicitors have been connected through the scheme has increased steadily since its inception. We recently hit 50.

Francesca Norman of K&L Gates sought barrister assistance through Pro Bono Connect in December 2017. 'It was very quick: I sent an email requesting assistance in the morning, and by the afternoon I had been connected with a barrister. The barrister was also really good about getting dates in the diary.'

David Smith, business development

director at Outer Temple Chambers, says that where a barrister takes on a pro bono case through Pro Bono Connect it is 'as if they are taking on a paid case; the barrister receives proper instructions and the solicitor-barrister-clerk relationship is the same as in any other case, which makes a clerk's life a lot easier'. When a request for assistance is made Mr Smith is able to forward it to those barristers who he knows have the necessary experience and availability, as he would for a normal case. 'Invariably the barristers respond quickly and positively', he says.

### Law firm 'a lifeline' for barrister keen to take pro bono case to trial

Ben Zelenka Martin, barrister at One Essex Court, took on a case through Advocate in order to appear at a case management conference at which the client was facing two summary judgment applications. He succeeded in resisting both applications in part, and assisted the client in preparing a notice of appeal on those parts on which he had lost. Mr Martin was then instructed through Advocate again to appear in the appeals. In the meantime, the underlying proceedings continued. He wanted to be instructed in relation to them, but 'it was tricky handling the case by myself at that stage', he says. 'For a barrister, once a case is set down for trial with directions for disclosure and witness statements it gets very difficult to deal with alone.' Ben sought solicitor assistance through Pro Bono Connect and Brown Rudnick came on



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board. Ben says they have been a lifeline. 'It has been less stressful and more fun to have solicitors to work with; they have practical experience of aspects of litigation such as filing and exchanging documents that I don't, and they have been invaluable in writing punchy letters, particularly in the run-up to hearings.' The appeal hearing took place recently; the claimants conceded one of the two applications, and that issue is proceeding to a two-day trial.

Christian Toms, the partner at Brown Rudnick dealing with the case, says that taking on a case in which counsel is already acting is 'fantastic; the barrister has already looked at the case and done some thinking, so we know it is really worthwhile becoming involved... It is much more satisfying to be able to see a case through to the end. Pro Bono Connect enables us to treat pro bono clients like any other'.

### Solicitor & barrister roles on pro bono case the same as in an ordinary case

David Shipton, an associate at Weil, Gotshal & Manges (London) LLP, used Pro Bono Connect to obtain barrister assistance in relation to a dispute between a national charity and its former contractor. The parties had reached a settlement, but when the contractor breached the settlement the charity needed advice and assistance in relation to potential proceedings. Saaman Pourghadiri of Outer Temple Chambers was instructed through Pro Bono Connect. 'The dispute boils down to a dispute on

contractual construction,' Mr Shipton says. 'Counsel's advice on that, and on strategy, are very helpful.'

Mr Pourghadiri says: 'I feel that my time is used really efficiently as I am focused on the sort of work I do on a day to day basis as opposed to the additional sort of work one tends to do when acting pro bono'.

### Quick access to counsel

Christopher Marks, an associate at Weil, sought urgent assistance through the scheme when a pro bono client of the firm was threatened with defamation proceedings. 'We had received a pre-action letter from a law firm instructed by a wealthy client with the means—and reputation—for commencing litigation', he says. 'We wanted to bring counsel on board quickly so that we would be in a position to respond were proceedings served.' Aliyah Akram of 12 King's Bench Walk was instructed through Pro Bono Connect. She was able to read in immediately. 'It is very reassuring to be able to access counsel on a pro bono basis quickly,' Mr Marks says. 'The barristers involved in the scheme are the barristers we would instruct normally, so it replicates fee-paying matters. The scheme makes it easier to take on a case where previously we would have been reluctant to take on a case which might lead to litigation without an obvious path to involving counsel.'

Ms Akram says, 'Through Pro Bono Connect I was able to work on a really interesting case and reach a client who would otherwise have struggled to access legal advice. It's a great scheme which benefits everyone involved.'

Sam Carter, former practice team leader at 12 King's Bench Walk and now senior clerk at Coram Chambers says: 'The idea of bridging new relationships and collaborating with solicitors, while assisting those that benefit from pro-bono services, made signing up to Pro Bono Connect an easy decision for chambers.'

### Instruction process

Niamh Cleary, a barrister at Fountain Court Chambers, was instructed by Cooley LLP on a pro bono case. She describes the process of her instruction under the scheme as 'seamless'. The case was one of some sensitivity arising out of a dispute between former trustees of a charity as to the appropriate destination for the charity's funds on being wound down. Ms Cleary explains that Cooley dealt with all the evidence for trial and a mediation, leaving her in a position to focus on trial preparation including preparation of cross-examination of several vulnerable witnesses. 'My only experience until now is of dealing with the pro bono client on my

## Pro Bono Connect: how the scheme works

- ▶ If a barrister from a participating set takes on a pro bono case and would like solicitor assistance, they can send a request to the administrators of the scheme (a team at One Essex Court Chambers), which is then circulated to participating firms. Firms bid for cases by providing details of the team willing to accept the case, subject to satisfactory completion of conflict checks and internal approval. Once those checks are completed, the solicitor sends the client a client care letter and instructs the barrister as they would in any other case.
- ▶ If a solicitor requires assistance from a barrister on a pro bono matter their request is circulated to participating chambers. Barristers have a deadline within which to respond, after which the solicitor can choose between the various respondees. They then instruct the barrister in the usual way.
- ▶ Pro Bono Connect has worked closely with Advocate from the outset. Any barrister taking on a case through Advocate (whether from a participating chambers or not) may request assistance from a participating firm through the scheme. The scheme is already a valuable resource for Advocate in assisting barristers who wish to continue working on cases which they take on. Measha Bruney, a former Advocate senior caseworker now working with DWF Advocacy says: 'Barristers and solicitors work alongside each other in their private practice, and it would impede access to justice if we were to expect that they work apart in the pro bono sphere. There are generous volunteers across the whole legal industry, and to be able to connect them to each other is a simple yet vital function'.

own... which made pro bono cases much more time consuming. If a pro bono case has solicitors on board it means I can take on more such cases; I would definitely be keen to take on more cases through Pro Bono Connect.'

Chimé Metok Dorjee, the associate at Cooley who instructed Ms Cleary says: 'Being able to have counsel involved in the case was a huge draw when deciding whether to take it on as a firm—it made us 100% more confident knowing that if the case proceeded to trial we had counsel ready to appear'. She also explains that 'it has been very helpful to have Niamh's experience and knowledge to draw on when dealing with the court and litigants in person on the other side'. She says working with the support and experience of a barrister also provides junior associates with more opportunities to run cases. **NLJ**

**Eleanor Campbell**, barrister, One Essex Court ([www.oeclaw.co.uk](http://www.oeclaw.co.uk)).