



## **PART A: SUMMARY GUIDE TO THE SCHEME**

### **(1) Barrister/Solicitor Advocate Requests for Solicitor Assistance**

1. **Step One (“I need help from a solicitor”)**: You have taken on a case through Advocate and you think that the case would benefit from solicitor assistance. You need to obtain the consent of Advocate and the lay client to request solicitor assistance and to disclose details about the case for that purpose. Alternatively, if you are a barrister who is not from a chambers participating in the scheme, you can ask Advocate to seek the consent of the lay client [Protocol/21(2), 22].
2. **Step Two (“I need to file a Request Form”)**: Consent to disclosure has been obtained. Now you must complete a request form containing the details of the case and the assistance required (see sample request form). This is then sent by the Pro Bono Connect point of contact at the participating chambers (usually a clerk) OR (if the barrister is from a non-participating chambers) by Advocate OR by a solicitor advocate (the “Barrister/Solicitor Advocate Contact”) to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk), who will then distribute it to the relevant solicitor points of contact at participating firms (the “Solicitor Contact”) [Protocol/21(3), 22].
3. **Step Three (“I have asked for help, who is going to accept my request?”)**: For urgent cases, work is allocated on a first come, first served basis to participating firms. Otherwise, all firms have 48 hours to bid for the case. If any offer is accepted, the firm has a further 48 hour period to obtain internal approval in principle and clear conflict searches. At the end of that period, the firm accepts or declines the request. If the request is declined, the process is repeated until a firm is able to accept the request. If no firm is found, we send the request to LawWorks to help [Protocol/21(4), 22].
4. **Step Four (“I have found a solicitor! What now?”)**: Once a firm has accepted a request for help, you can inform the lay client and puts him/her in contact with the firm to provide KYC and AML Documentation and agree pro bono terms of engagement [Protocol/21(5), 22].



5. **Step Five (“Who do I take instructions from now?”)**: If you are a barrister, you are now formally instructed by the firm in the normal way, either to carry out the specific task the subject of the request or to conduct the pro bono case generally. If you and the firm agree to a general instruction, Advocate plays no further role in the case (although it will be updated about the outcome at the end). If you only agree to carry out a specific task, the instruction terminates on completion of that task and the papers are returned to Advocate. The same applies to solicitor advocates, save that they will be instructed through their firm<sup>1</sup>[Protocol/21(5), 22].

## (2) Solicitor Requests for Barrister/Solicitor Advocate Assistance

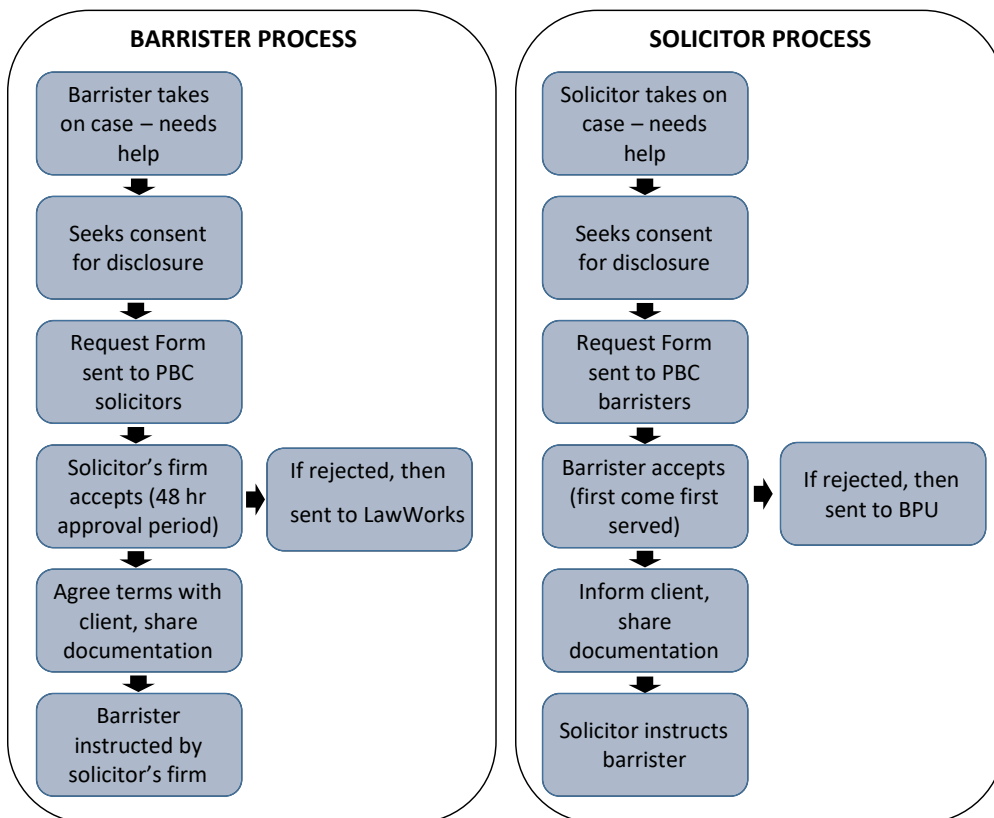
6. **Step One (“I need help from a barrister/solicitor advocate”)**: You are a firm which has taken on a pro bono case in an area of law falling within the scope of the scheme. You identify that the case would benefit from barrister/solicitor advocate assistance. You obtain the consent of the lay client to request barrister/solicitor advocate assistance and to disclose details about the case for that purpose [Protocol/23(2)].
7. **Step Two (“I need to file a Request Form”)**: You must complete a Request Form containing the information set out in the attached sample (p5). This form will be sent by your firm’s Solicitor Contact to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk), who will send it out to the Barrister/Solicitor Advocate Contacts [Protocol/23(3)].
8. **Step Three (“I have asked for help, who is going to accept my request?”)**: Barristers from participating chambers and solicitor advocates have 48 hours (or 24 hours in urgent cases) to submit an offer to carry out the work, through their Barrister/Solicitor Advocate Contact, explaining why they have the necessary availability and expertise to assist. If there is more than one offer, the lay client (in conjunction with the requesting firm) will select which offer to accept. Any offer from a solicitor advocate is conditional on clearing conflicts within 24 hours of acceptance of an offer [Protocol/23(4)-(5)].

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<sup>1</sup> For the avoidance of doubt, only the accepting firm will be “on the record” for the purposes of the litigation.



9. **Step Four (“I have found a barrister/solicitor advocate! What now?”):** Your firm formally instructs the barrister or solicitor advocate in the normal way,<sup>2</sup> to work on the pro bono case generally or to carry out a specific task [Protocol/23(6), 6A].
  
10. **Step Five (“I have not found a barrister/solicitor advocate! Can Advocate help?”):** If no barrister/solicitor advocate agrees to carry out the work, we will send the Request Form directly to Advocate and to request that it advertise the case. If an available barrister is found through Advocate, he/she will then be instructed by you, as per Step Four [Protocol/23(8)].



<sup>2</sup> For the avoidance of doubt, only the requesting firm will be “on the record” for the purposes of the litigation.



## **PART B: PRO BONO CONNECT PROTOCOL**

### **A. Introduction**

11. This Protocol summarises the purposes of the Pro Bono Connect project, together with how it is intended to be operated.
12. Those sets of chambers and law firms which participate in the scheme have agreed to do so in accordance with the mechanics set out in Section E, and to monitor the scheme as set out in Section F, below.

### **B. Purpose of the project**

13. The purpose of the project is to establish a network of barristers and solicitors willing to work together on pro bono cases in civil matters (relating to commercial, chancery, common law, public law, tax, human rights, employment and insolvency cases) for individuals, charities and community groups who cannot afford to pay for legal advice/representation and for whom public or alternative means of funding are not reasonably available. This will enable (a) any barrister from participating chambers or bar association or a solicitor advocate doing a pro bono case to request assistance from a participating solicitor and (b) any solicitor from a participating firm to request assistance on a pro bono case from participating chambers or bar association, via the clerks, or solicitor advocates. There will be no requirement for anyone to accept a request, only to consider doing so. If a request is accepted, the barrister/solicitor advocate and solicitor will work on the pro bono case together.
14. The project aims to:
  - (1) increase the scope, range and volume of pro bono work that can be taken on by barristers and solicitors;



- (2) make pro bono work more manageable and efficient by sharing the workload and taking the benefit of the skills offered by barristers, solicitor advocates and solicitors; and
- (3) strengthen existing barrister/solicitor relationships and foster new ones.

**C. Overview of the project**

15. The scheme is intended to build on existing structures (used for paid litigation and pro bono work) in a simple way.
16. A range of city law firms and commercial/chancery/common law/public law/tax sets agreed to participate in the scheme to be piloted for a year, with a view to the scheme being broadened if it is a success. The scheme has now been launched officially.
17. Solicitors and barristers take on pro bono work from the existing sources. If either considers that they would benefit from the support of the other, they can request assistance.
18. There is no commitment for any participating firm or chambers/bar association to help, only to consider doing so. Equally, there is no obligation on any participating firm or chambers/bar association to put forward any case for assistance; the scheme is intended as a facility to be available to those taking on pro bono work, to the extent they consider it helpful to use it.

**D. Participants in the scheme**

19. Each participating chambers/bar association, solicitor advocate and law firm has nominated one or more representatives to join the working group for the scheme (each, a “Barrister Representative”, “Solicitor Advocate Representative” or a “Solicitor Representative”), and at least one point of contact for Pro Bono Connect work (each a “Barrister/Solicitor Advocate Contact” or a “Solicitor Contact”). The representative(s)



and point(s) of contact may be the same, but for participating chambers the Barrister Contact will usually be a clerk.

**E. Mechanics of the scheme**

20. The pilot of the scheme ran from September 2015 to October 2016 before being officially launched.

21. Pro bono cases taken on by barristers/solicitor advocates are dealt with under the scheme as follows:

(1) A barrister takes on a piece of work from Advocate and is instructed by the lay client through Advocate's Bar Standards Board issued licence but will conduct the case under their own individual insurance provided by the Bar Mutual Indemnity Fund. At all times, barristers must take into account their professional obligations and their competence when deciding what assistance they are able to offer. The barrister accepts the piece of work from Advocate on the basis that he/she will do the work required whether or not solicitor assistance can be obtained. If the barrister considers from the outset that solicitor assistance is an absolute necessity and that the barrister cannot carry out the work without it, they should not accept the case unless and until Advocate (if it considers it appropriate) has sought and obtained solicitor assistance directly pursuant to paragraph 22 below (or through any other channels outside this scheme);

(2) If the barrister considers they would benefit from the support of a solicitor they should inform Advocate and the lay client of the same and obtain both their approval to request solicitor assistance, including permission to disclose the information set out in sub-paragraph (3) to the Solicitor Contacts. The same applies to solicitor advocates, without the need to liaise with Advocate. This may be done at any stage during the life of the pro bono case. The lay client should be informed that there is no guarantee that solicitor assistance will be found through this scheme;



- (3) If and when such approval has been given, the barrister (the “Requesting Barrister/Solicitor Advocate”) will then ask the Barrister/Solicitor Advocate Contact to send a request form by email seeking assistance to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk), who will then distribute the request to all Solicitor Contacts. The request form seeking assistance (the “Barrister/Solicitor Advocate Request”) should contain the following information at minimum:
- a)    Headline;
  - b)    Area of law;
  - c)    Name of lay client, opposing party and any related parties (for conflicts checks);
  - d)    Stage of case;
  - e)    Nature and extent of assistance required;
  - f)    Timeframe over which assistance is required;
  - g)    Seniority required;
  - h)    Location;
  - i)    Any hearing date;
  - j)    Brief summary of the case;
  - k)    Reasons why the case is suitable for pro bono assistance;
- (4) The process for allocating the pro bono work the subject of the Barrister/Solicitor Advocate Request shall be as follows:
- a)    For urgent requests, cases are allocated on a first come, first served basis. If a Solicitor Contact considers that his/her firm may be prepared to accept the Barrister/Solicitor Advocate Request (subject to internal approval, conflict checks, KYC, AML and terms of engagement being agreed with the lay client), he or she should reply to the email from [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk) (copying all other Solicitor Contacts on the group email) to communicate the same (a “Provisional Acceptance of the



Barrister/Solicitor Advocate Request”). This will then be passed on to the requesting Barrister/Solicitor Advocate Contact;

- b) For all other cases, each participating firm shall be entitled to bid for cases. This is done by the Solicitor Contact sending an email within 48 hours of the request to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk) (copying all other Solicitor Contacts on the group email) setting out the name of the solicitor(s) available and their relevant experience who are communicating a Provisional Acceptance of the Barrister/Solicitor Advocate Request. This will be passed to the Barrister/Solicitor Advocate Contact.<sup>3</sup> If there is more than one offer from participating firms, the lay client (in conjunction with the requesting barrister/solicitor advocate) will be entitled to choose which firm they would prefer to take on the case;
- c) Once a Provisional Acceptance of the Barrister/Solicitor Advocate Request has been chosen, the firm (the “First Responding Firm”) will then have 48 hours to seek internal approval, to ascertain whether a solicitor (or solicitors) have the necessary availability and experience to assist, and to run the necessary conflicts checks to enable the firm to accept the request for assistance in principle (subject to KYC, AML and terms of engagement being agreed with the lay client) (an “Acceptance of the Barrister/Solicitor Advocate Request”). As Advocate will already have performed an assessment of the lay client’s means/suitability for pro bono assistance, there ought to be no need for any further means testing/assessment of suitability to be carried out by the First Responding Firm;
- d) If, at the expiry of the (first) 48 hour period, the First Responding Firm is able to communicate an Acceptance of the Barrister/Solicitor Advocate Request, the relevant Solicitor Contact should provide the relevant Barrister/Solicitor Advocate Contact with the contact details for the

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<sup>3</sup> The only is that, if firm A is an underbidder to firm B on a case and they both subsequently bid for another case, Pro Bono Connect will put forward the underbidder for the first case so that the caseload is shared.





solicitor(s) at the Accepting Firm proposed to carry out the pro bono work (the “Nominated Solicitor(s)”) and shall identify the KYC and AML documentation that will be required by the Accepting Firm before it can formally accept the case (the “KYC and AML Documentation”);

- e) If, at the expiry of the (first) 48 hour period, the First Responding Firm is unable to communicate an Acceptance of the Barrister/Solicitor Advocate Request, the relevant Solicitor Contact should notify [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk) accordingly (copying the other Solicitor Contacts on the group email). In such eventuality, Pro Bono Connect will notify the next firm that bid for the case (the “Second Responding Firm”) that they have 48 hours to seek internal approval and to run the necessary conflicts checks to enable the relevant Solicitor Contact to communicate an Acceptance of the Barrister/Solicitor Advocate Request;
  - f) If, at the expiry of the (second) 48 hour period, the Second Responding Firm is unable to communicate an Acceptance of the Barrister/Solicitor Advocate Request, the process in sub-paragraph e) above will be repeated until a responding firm has communicated an Acceptance of the Barrister/Solicitor Advocate Request;
- (5) If and when an Acceptance of the Barrister/Solicitor Advocate Request has been received from a firm (the “Accepting Firm”), the following procedure shall be adopted:
- a) The relevant Requesting Barrister/Solicitor Advocate shall inform the lay client (copying Advocate, in the case of a barrister):
    - i) that the Accepting Firm is willing to assist in relation to the specific piece of work identified, subject to terms of engagement being agreed between the Accepting Firm and the lay client and



the provision of satisfactory KYC and AML Documentation (to be provided as soon as possible);

- ii) of the contact details of the Nominated Solicitor, so that the lay client can provide the relevant KYC and AML Documentation and agree terms of engagement;
  
- b) After satisfactory KYC and AML Documentation has been received from the lay client, the Accepting Firm will send the lay client a letter of engagement (if possible, by email) setting out the scope and duration of work to be undertaken and the circumstances in which the engagement shall be terminated (including as set out in sub-paragraph (d) below). The letter of engagement should also address pro bono costs orders and any third party disbursements (such as court fees, costs of instructing an expert);
  
- c) Once terms of engagement are agreed with the lay client, the Accepting Firm will instruct the Requesting Barrister or the solicitor advocate (through his firm) <sup>4</sup> (with or without a written contract but with no payment). Where the Accepting Firm and the Requesting Barrister/Solicitor Advocate are happy to do so, they may agree to be generally instructed for the duration of the pro bono case. This may be agreed when the Accepting Firm is first instructed by the lay client, or at any time thereafter. If and when such a general instruction is agreed, the Requesting Barrister/Solicitor Advocate should inform Advocate, in which case Advocate shall (subject to the next sentence) cease to have any involvement in the case and will inform the lay client accordingly. At the end of the case, the Requesting Barrister/Solicitor Advocate should inform Advocate of its outcome and complete the usual report form;

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<sup>4</sup> For the avoidance of doubt, only the accepting firm will be “on the record” for the purposes of the litigation.



- d) If the Accepting Firm and the Requesting Barrister/Solicitor Advocate do not agree to such general instruction, the engagement of the Accepting Firm and the instruction of the Requesting Barrister/Solicitor Advocate will terminate on completion of the particular task agreed to be undertaken for the lay client. The Requesting Barrister/Solicitor Advocate will then return to Advocate the papers received from it and complete the usual report form, so that the case can be handed on to someone else should the lay client require and Advocate approve further assistance;
  - e) Once a Barrister/Solicitor Advocate Request has been finally accepted, the Requesting Barrister/Solicitor Advocate shall update the administrator of the scheme ([admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk)).
- (6) If no solicitor assistance can be obtained (or obtained within the relevant time frame), Pro Bono Connect will send the request form to LawWorks, who will advertise the case to its members. In the event that no solicitor assistance can be found, the Requesting Barrister/Solicitor Advocate will nevertheless perform the work agreed with Advocate, and will return the papers to Advocate in the usual way. If the Requesting Barrister/Solicitor Advocate considers that he or she cannot professionally continue with the pro bono case without solicitor assistance, he or she should speak to Advocate about the same.
22. Further, during the scheme, the Solicitor Contacts at the participating firms agree to consider any requests for solicitor assistance (in respect of areas of the law falling within the scheme) from Advocate, including where no barrister/solicitor advocate has yet been found or is needed. In the event that Advocate wishes to make any such request, the procedure set out in paragraphs 11(3)-(5) above should be followed with requests sent to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk).
23. Pro bono cases taken on by solicitors are dealt with under the scheme as follows:



- (1) A participating solicitors' firm may take on a pro bono matter from any number of sources.
- (2) If a solicitor at a participating firm considers that they would benefit from the support of a barrister/solicitor advocate, they should inform the lay client of the same and obtain approval to request barrister/solicitor advocate assistance including permission to disclose the information set out in sub-paragraph (3) to the Barrister/Solicitor Advocate Contacts. This may be done at any stage during the life of the pro bono case. The lay client should be informed that there is no guarantee that barrister/solicitor advocate assistance will be found through this scheme;
- (3) If and when such approval has been given, the solicitor should ask the Solicitor Contact within their firm (the "Requesting Firm") to send a request form by email seeking assistance to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk), who will then distribute the request to all Barrister/Solicitor Advocate Contacts at participating chambers. The request form (the "Solicitor Request") should contain the following information at minimum:
  - a) **Headline;**
  - b) **Area of law;**
  - c) **Name of the lay client, opposing party and any related parties (for conflicts checks);**
  - d) **Stage of case;**
  - e) **Nature and extent of assistance required;**
  - f) **Timeframe in which assistance is required;**
  - g) **Seniority required;**
  - h) **Location;**
  - i) **Any hearing date;**
  - j) **Brief summary of the case;**
  - k) **Reasons why the case is suitable for pro bono assistance.**



- (4) On receipt of the email, the relevant Barrister/Solicitor Advocate Contacts may ascertain whether any barrister or solicitor advocate within their chambers/association/firm has the necessary availability and experience to assist and perform any conflicts checks. If a barrister/solicitor advocate is available to assist with the relevant piece of work, his/her Barrister/Solicitor Advocate Contact will reply to [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk) within 48 hours of the Solicitor Request (or 24 hours if the request is said to be urgent) setting out the name of the barrister/solicitor advocate available and their relevant experience, which will then be passed on to the relevant Solicitor Contact;
- (5) If there is more than one offer from barristers or solicitor advocates to assist with the case, the lay client (in conjunction with the requesting firm) will be entitled to choose which barrister/solicitor advocate they would prefer to take on the case;
- (6) If a barrister accepts a Solicitor Request, the barrister will be instructed by the Requesting Firm in the normal way (with or without a written contract but with no payment). If a solicitor advocate accepts a Solicitor Request, this shall be subject to conflicts checks to be performed within 24 hours. Further, the firm making the request shall be on the firm “on the record” for the lay client;
- (6A) Once a Solicitor Request has been finally accepted, the Requesting Firm shall update the administrator of the scheme ([admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk)) for reporting purposes only;
- (7) So far as the Requesting Firm is concerned, the terms of engagement with the lay client will remain that agreed with the Requesting Firm;
- (8) If no barrister from the participating chambers or solicitor advocate is available to provide assistance, the Requesting Firm may contact Advocate (via [admin@probonoconnect.co.uk](mailto:admin@probonoconnect.co.uk)) to request that it advertise the pro bono case. Such requests should have a subject line with the words "Pro Bono Connect Solicitor



Request for Barrister/Solicitor Advocate Assistance" and attach a request form containing the information set out in sub-paragraph (3) above. It will be deemed to have been reviewed by the firm as suitable for pro bono assistance (including financial means). If an available barrister/solicitor advocate is found through Advocate, the barrister/solicitor advocate will then be instructed by the Requesting Firm as per sub-paragraph (6)above.

24. Whilst on either scenario the relevant barrister/solicitor advocate and solicitor will act without payment, if the case proceeds to a hearing or a trial and their client is successful, they should consider whether to apply for a pro bono costs order under s.194 of the Legal Services Act 2007.

**F. Monitoring the scheme**

25. Throughout the year, each participating chambers and firm should keep a record of:
  - (1) What pro bono cases have been taken on using the Pro Bono Connect facility;
  - (2) The hours spent on such cases;
  - (3) Whether and to what extent the Pro Bono Connect facility has been useful; and
  - (4) Any feedback the point of contact/working group representative receives as to how the scheme might be improved.
26. At the end of the year there will be a meeting of the working group to review what cases have been taken on (excluding confidential details), how the scheme has worked and how it can be improved.