



PRO BONO GUIDE FOR IN HOUSE TEAMS

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PRO BONO GUIDE FOR IN HOUSE TEAMS

Whatever the size or nature of the business, whether in the public or private sector, in-house legal teams in England and Wales have a long history of providing free legal services for not-for-profit charitable organisations and individuals.

Pro bono enables in-house legal teams to give back to their communities, enhance professional and personal development, and can bring long-term benefits for organisations that support their employees to carry out pro bono work.

The Law Society, LawWorks, the In House Pro Bono Group and GC100 are delighted to support the growing interest in pro bono activity by in-house legal teams.

This guide for in-house solicitors is part of an ongoing commitment on the part of all of these organisations to support in-house legal teams to develop their pro bono work and programmes within their organisations.

See Wider sector collaboration in the Building a pro bono infrastructure section below for more details about each of these organisations.



The In House Pro Bono Group would like to express its gratitude to the UK Collaborative Plan for its input in drafting this guide.

GC100 would like to express its gratitude to Tom Dunn, pro bono director at Clifford Chance LLP for his input in drafting this guide.

It is the responsibility of individual lawyers and companies to ensure that they are aware of, understand and comply with all legal, regulatory and other requirements relating to the manner in which they may choose to become involved in any pro bono activity.



4

About this guide



5

Setting a successful foundation for a pro bono programme



8

Overcoming potential barriers



11

Scoping a pro bono programme



20

Building a pro bono infrastructure



26

Delivering pro bono advice

The term **'legal team'** is used throughout this guide as the contributors wish to emphasise that many organisations have successful pro bono programmes that involve every member of their team.

Discussions around regulation are specific to England and Wales qualified solicitors. **In England and Wales, the term 'solicitor' is a protected term that describes a lawyer who has been admitted as a solicitor by the Solicitors Regulation Authority (SRA) and whose name appears on the roll of solicitors.**

The SRA sets the principles and code of conduct for the provision of legal services by solicitors in England and Wales. The regulations regarding pro bono work are under constant review and, as such, this publication is guidance only and is not legal advice.

If you're not an England and Wales qualified solicitor, you may be subject to different regulation, which is outside the scope of these guidelines.

The contributors to this guide aim to update this publication when changes to the regulation of pro bono work are made but all in-house teams should ensure they are compliant with any regulatory requirements when undertaking any form of pro bono work. While care has been taken to ensure this guide is accurate and up to date, **contributors to this guide will not accept any liability in relation to it.**

Build a network of senior support to champion pro bono

Before establishing a pro bono programme, it's sensible to **seek support from key individuals within your organisation** such as the chief executive officer, general counsel, head of legal and/or head of corporate social responsibility (CSR) or if you do not have convenient access to such stakeholders, start with your manager or office lead.

Look for senior **people who are passionate about pro bono** to champion your work and be an advocate for your project.

Support from relevant stakeholders is vital to the success of your legal team's pro bono programme, regardless of the size or make-up of your team or department.

To gain support, consider providing your stakeholders with **examples of the various anticipated benefits of the programme** (such as the benefits to the individual members of your team, your company or organisation as a whole, and the community).

It can also help to **demonstrate the link between pro bono and CSR activities**.

The business case for pro bono

Beyond being “for the public good”, **there are many additional benefits of pro bono**, both for an organisation’s legal team and the organisation itself, as well as for the individual team members taking part. These include, but are not limited to:

Improved recruitment and retention

In an increasingly competitive recruitment market, a pro bono programme can help your legal team stand out from its competitors. New graduates have likely been exposed to pro bono as students, and therefore may have expectations of CSR and pro bono engagement.

Pro bono can also increase job satisfaction and be a source of pride in the workplace. For many lawyers, promoting access to justice through pro bono is an intrinsic part of being a lawyer.

At its best, pro bono can increase job satisfaction, boost morale and help lawyers develop stronger relationships with colleagues, contributing to greater staff loyalty and retention. Furthermore, if your pro bono programme can be linked to a corporate CSR programme, it can help legal teams feel more engaged with the wider organisation.

Skills development

Pro bono work allows employees to develop their legal, interpersonal, managerial and leadership skills, which they can apply to other aspects of their job to deliver an even better service to their organisation.

The personal and professional development benefits for employees can be just as rewarding as assisting those who need help gaining access to justice.

Legal team contribution to broader CSR goals

Ideally, your pro bono programme should strengthen and complement your company or organisation-wide CSR programme. When aligning a pro bono programme with CSR goals, in-house legal teams are able to develop relationships with colleagues across their organisation.

One way to develop the initiative is to get the buy-in of key influencers in the organisation, including the CSR team and the CSR champions, by involving them in the scoping of your pro bono programme.

Reputation and demonstration of values

Organisations can demonstrate a practical commitment to their CSR goals by utilising the professional skills of their in-house legal teams through pro bono work.

Pro bono work can often improve the reputation and profile of an organisation, as it offers a practical demonstration of the values an organisation is seeking to promote.

For more guidance on the business case for pro bono, see:

- the Law Society's Pro Bono Manual
- TrustLaw's Championing Pro Bono guide

While some of these benefits may be hard to quantify, there is a robust business case for pro bono to be carried out by in-house teams, which you can share with your senior support network and budget approvers.

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Many in-house legal teams provide valuable pro bono work to a range of beneficiaries; however, many individuals are concerned about regulatory barriers to in-house teams carrying out pro bono work.

There are some **potential (or perceived) restrictions** on members of in-house legal teams providing pro bono advice as part of their employer's business. These include:

1. Regulations around 'reserved' versus 'non-reserved' legal activities – *are you permitted to undertake the legal activity?*
2. Professional indemnity insurance – *will your company's insurance cover the provision of pro bono services?*
3. Employment contracts – *does your own employment contract restrict you from providing 'outside services'?*
4. The inclusion of non-solicitors in your legal team – *can you scope a pro bono programme that is inclusive for your whole team?*

1. Reserved legal activities

Beyond being “for the public good”, **there are many additional benefits of pro bono**, both for an organisation’s legal team and the organisation itself, as well as for the individual team members taking part. These include, but are not limited to:

Perceived barriers

When considering reserved legal activities in the context of pro bono, it’s important to bear in mind that the vast majority of voluntary work undertaken is non-reserved.

The Legal Services Act 2007 (LSA) contains stringent rules governing the provision of reserved legal activities. Generally, only authorised individuals, such as practising solicitors, as well as authorised organisations are permitted to undertake them. However, practising solicitors, including in-house solicitors, are permitted to undertake reserved activities while volunteering through so-called ‘special bodies,’ subject to compliance with the LSA and SRA Standards and Regulations.

Special bodies, such as not-for-profit law centres and clinics, may undertake reserved legal activities without being authorised by the Solicitors Regulation Authority (SRA).

The LSA places restrictions on the way in which in-house solicitors are permitted to undertake reserved activities. The restrictions depend on the context, for example by restricting the provision of these services:

in the course of in-house employment (i) to their employers; or (ii) in respect of certain types of legal services and where an exemption applies (see sections 13 (alongside schedule 3) and 15(4) of the LSA) to members of the public; or in a pro bono setting, to members of the public, subject to the rules contained in the SRA’s Standards and Regulations, especially regulations 9 and 10 of the Authorisation of Individuals Regulations (AIR).

The SRA Standards and Regulations (regulation 9 and 10 of the Authorisation of Individuals Regulations (AIR) authorise solicitors to carry out reserved legal activities.