

A STATEMENT OF PRINCIPLES FOR INTERNATIONAL PRO BONO LEGAL WORK

At all stages throughout their career many lawyers regard Pro Bono Legal Work as an integral part of being a member of the legal profession. This statement sets out some core principles when such work is directed overseas.

A. What is International Pro Bono Legal Work?

- A1 International Pro Bono Legal Work may variously be undertaken by lawyers, members of the judiciary, legal academics, others involved in the justice system, and law students.
- A2 When we speak of International Pro Bono Legal Work we mean the provision, free of charge for time spent, of legal services, advice, training and support.
- A3 This will frequently be for any of the following purposes:
- a. to improve access to justice in overseas countries;
 - b. to build capacity and capability in the legal systems of overseas countries;
 - c. to help meet unmet legal need in overseas countries.
- A4 International Pro Bono Legal Work does take different and broader forms than traditional nationally delivered Pro Bono Legal Work, consistent with taking an holistic approach. Thus, for example, advocacy training, judicial assistance, and lectures on key areas of law and legal development, are important aspects of International Pro Bono Legal Work.

B. How should International Pro Bono Legal Work be undertaken?

- B1
- a. International Pro Bono Legal Work should always be done to a high standard.
 - b. A response to a request to undertake International Pro Bono Legal Work should be given within a reasonable time.
 - c. The terms on which International Pro Bono Legal Work is undertaken should be made clear at the outset, including:
 - i. a careful description of the work;
 - ii. the time within which the work will be done, or the period over which the work will be done; and
 - iii. the circumstances in which the relationship may be terminated..

- d. International Pro Bono Legal Work should only be undertaken by those who are adequately trained, have appropriate skills and experience, are adequately prepared, and, where necessary, are adequately supervised for the work in question.
 - e. In no case should anyone be misled as to a person's skill or ability to undertake the International Pro Bono Legal Work in question.
 - f. A person in doubt or difficulty in relation to International Pro Bono Legal Work should seek advice from (as appropriate) a pro bono organisation, from senior colleagues, or (as applicable) from the Bar Council, the Law Society or the Institute of Legal Executives.
- B2
- a. Those undertaking International Pro Bono Legal Work should have no less than the minimum level of legal expertise and experience as would be required if the work in question was undertaken on a paid rather than pro bono basis.
 - b. Once a lawyer has agreed to undertake International Pro Bono Legal Work the lawyer (and if appropriate his or her firm) should give that work the same priority, attention and care as would apply if the work in question was undertaken on a paid rather than pro bono basis.
- B3
- Where International Pro Bono Legal Work takes the form of casework, regard should be had to the terms of the Joint Pro Bono Protocol applicable to Pro Bono Legal Work.

C. Particular considerations in International Pro Bono Work

- C1 International Pro Bono Legal Work will often be more effectively delivered through coordinating the relationships between the judiciary, lawyers, pro bono organisations, government, professional bodies, and not-for-profit agencies.
- C2 The coordination referred to at C1 includes coordination with International Pro Bono Legal Work contributed by other countries and by international organisations and agencies.
- C3 The successful targeting and delivery of International Pro Bono Legal Work will usually require study, awareness and understanding of the context and environment that is relevant to:
- a. the need that has been identified by the recipient country; and
 - b. the assistance requested.
- C4 In considering whether and how to undertake, and in undertaking, International Pro Bono Legal Work regard should be had to:

- a. work already undertaken in the area;
 - b. the opportunity to involve others in undertaking the further work required;
 - c. the desirability of developing suitable links with the government and/or other relevant organisations of the relevant overseas countries;
 - d. the sustainability of provision and the need for long term coordinated assistance where appropriate.
- C5 Consideration should always be given to the question whether insurance is appropriate (whether for those undertaking the work or in respect of the work undertaken), and that any arrangements for insurance are adequate.
- C6 Wherever practical and appropriate, information about the International Pro Bono Legal Work undertaken should be recorded and shared with others who may be or become engaged in related work, and with relevant coordinating organisations..
- C7 Given the nature of International Pro Bono Legal Work, those who undertake it should be ready to learn from it, and from the recipient countries.

D. Support and training

- D1 Practical support may take the form of access to training, mentoring, secondments, project management expertise, and information resources.
- D2 The provision of practical support for International Pro Bono Work makes an important contribution. Further, International Pro Bono Legal Work may itself be in the form of practical support.
- D3 Wherever possible, practical support should be shared and coordinated.
- D4 Where suitably qualified and experienced, academic lawyers and employed lawyers are particularly encouraged to consider providing training to enable others to undertake International Pro Bono Legal Work.

E. Non lawyers, and those who are not fully legally qualified

- E1 Police officers, customs officers, legal and judicial staff, law students, pupil barristers, trainee solicitors, trainee legal executives and others, have an important contribution to make to International Pro Bono Legal Work.
- E2 The contribution of law students, pupil barristers, trainee solicitors and trainee legal executives must be properly supervised and must be preceded by proper training.

F. Encouragement and commitment

- F1 Sets of chambers, law firms and legal departments should, wherever possible, seek to encourage and support the undertaking of appropriate International Pro Bono Legal Work by their lawyers and staff, including the undertaking of that work "in-house".
- F2 A commitment to the delivery of (National or International) Pro Bono Legal Work is encouraged throughout a lawyer's professional life, through to and including retirement.

This Statement has been endorsed by the Bar Council, the Institute of Legal Executives, the International Bar Association and the Law Society of England & Wales.

