



The Bar Council

Guidance on Pro Bono Advocacy and Judicial Liaison

1. This document contains guidance for discussion between the Chairs of the Bar Council's Pro Bono and Social Responsibility Committee with lead or resident judges at selected court centres with a view to commencing a pilot on pro bono barrister and judicial liaison. The content of this document builds on discussions with judges at the Central Family Court, with Advocate (the pro bono charity of the Bar), with members of the Bar with significant pro bono practices/engagement and within the Bar Council's Pro Bono and Social Responsibility Committee. If the pilot is implemented and considered successful, the intention is for it (with any useful amendments) to be proposed for general implementation.

2. The aims of guidance on these topics include:

2.1.1 Development of a route for communication between pro bono advocates and the Judiciary.

2.1.2 Adoption of a practical guide for hearings involving pro bono advocates.

2.1.3 Generally, to encourage and support barristers undertaking pro bono work.

3. The key proposal for communication (§2.1.1 above) is for each court centre to appoint a **pro bono liaison judge** with whom local branches of Advocate, and other suitable, approved organisations, could engage on matters affecting pro bono practice in their area. This role or similar has been adopted in some courts before.

4. The pro bono liaison judge could communicate the needs of their particular court when it comes to pro bono representation and offer feedback on any pro bono schemes from the Judiciary's perspective. The representatives of the pro bono Bar (to be identified in conjunction with Advocate) could, in turn, identify any difficulties arising for pro bono advocates.

5. It is acknowledged that advocates appearing pro bono do so entirely voluntarily. The junior end of the Bar undertakes the bulk of Advocate's pro bono caseload. The experiences of junior advocates in hearings where they appear pro bono may affect their choice whether to continue offering their services pro bono. The key features of a practical guide (§2 above) would take into account the above and include the following:
 - 5.1 Where consistent with the overriding objective and otherwise appropriate, hearings will be listed for pro bono advocates' reasonable **convenience**. For this purpose, dates for availability of the relevant pro bono advocate must be provided immediately on request which may include during a hearing in which another hearing is fixed.
 - 5.2 Where consistent with the overriding objective, the Judiciary will have regard to reasonable requests by advocates for **remote attendance** at hearings in which they will appear pro bono.
 - 5.3 Where challenges arise in the context of pro bono representation, these matters are likely to be best dealt with, if merited, via the pro bono liaison judge for the relevant court centre. It is acknowledged that pro bono liaison is an additional and voluntary burden for pro bono liaison judges and not all challenges raised with them may be suitable for further input.

- 5.4 The availability of pro bono costs orders – where costs awarded in favour of pro bono clients are paid to the Access to Justice Foundation – should be promoted among practitioners and the Judiciary.
6. It is intended that the practical guide will be developed and expanded in accordance with learning from initial ‘pilot’ adoption.

Bar Council¹
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¹ Prepared by the Pro Bono and Social Responsibility Committee.