

The vulnerable must be able to access legal help

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Politicians, the media and even the wider public generally fail to notice work that many lawyers do for free, but Pro Bono Week, which started on Monday, is a chance to promote their volunteering efforts.

The pandemic has not only pushed events for the 19th annual week online, but caused a dramatic rise in the number of individuals in need of help — particularly those with employment, housing and family problems, where legal aid is either no longer available or limited.

In a video message to mark the week Lord Sales, one of the justices of the Supreme Court, noted: “Regrettably, the need for pro bono lawyers is increasing. The withdrawal of legal aid in many areas has left more and more people exposed to the legal system on their own and needing help.” About a quarter of the 16,500 barristers in England and Wales do some free work. In 2018 the Bar Council, which represents them, estimated that the amount of work done through Advocate — formerly the Bar Pro Bono Unit — equated to almost 11,000 hours of assistance, with a value of almost £2.3million.

Rebecca Wilkie, Advocate’s chief executive, says that barristers have responded to the increased need during the pandemic. This year 410 barristers have registered already, a 64 per cent increase on last year. The organisation is also placing a record amount of work with its volunteers, she says. Up to the end of September barristers have taken 1,087 cases — 38 per cent more than in all of last year. Advocate’s ability to assist more people has been helped by the transformation of its operations from paper to digital during the coronavirus lockdown and the use of remote hearings, which has made it easier to find barristers to provide representation across the country. But Wilkie says the plight of those in need has become worse since lockdown: “They are in a more desperate and vulnerable place. You can tell by emails and calls.”

Law Works, the pro bono organisation for the solicitors’ branch of the legal profession, also records increased need — but the pandemic has meant that some of its 290 clinics have been unable to operate. David Greene, president of the Law Society of England and Wales, explains: “As the world deals with the Covid-19 pandemic, the vulnerable in society need the support of legal professionals more than ever.” But he adds: “While pro bono work is rightly promoted, it must never be viewed as a substitute for legal aid. It is vital the justice system and legal aid are properly funded and resourced by the government so lawyers aren’t required to provide essential access to justice without proper remuneration.”

Chris Minnoch, director of the Legal Aid Practitioners Group, leads the call for the government to “act quickly and decisively” to reinstate legal aid for issues including housing, debt, benefits and employment disputes, “to avoid the tidal wave of human misery” resulting from unresolved legal problems

Critics claim that large City law firms get involved in pro bono work to promote themselves and that it amounts to little more than virtue signalling. But those firms stress the value of the work they do in collaboration with law centres and charities in Britain, as well as the international work that helps to support the rule of law abroad.

Yasmin Waljee, the international pro bono director at Hogan Lovells, points to that firm’s collaboration with two organisations in London — Southwark Law Centre and Citizens Advice — to create a new law centre in Lewisham.

Helen Rogers, head of pro bono at Allen & Overy, highlights the Greece pro bono collaborative project, which involves five other law firms — Orrick Herrington & Sutcliffe, Dentons, Ashurst, White & Case and Charles Russell Speechlys — to provide volunteer lawyers to assist asylum seekers.

The disparate provision of pro bono work has led some to call for greater co-ordination so that individuals and groups can more easily find lawyers to help them.[...]