THE BAR of NORTHERN IRELAND

GUIDANCE FOR APPLICANTS SEEKING PRO BONO ASSISTANCE

THE UNIT

The Bar of Northern Ireland Pro Bono Unit ("The Unit") has been established by the Bar of Northern Ireland to provide free legal advice and representation in deserving cases for those who cannot afford the legal help they need and who cannot obtain assistance from any other source. Advice and representation is provided by Barristers who have volunteered to join the Bar of Northern Ireland Pro Bono Panel ("the Panel").

HOW THE UNIT CAN HELP

We can help by putting members of the public referred by an advice agency in touch with Barristers on the Panel who can:
(a) Give advice either in the form of a written opinion or verbal advice at consultation; and/or
(b) Represent them in any Court or Tribunal in Northern Ireland, or the European Court of Justice, the European Court of Human Rights or the Supreme Court of the United Kingdom in respect of any cause or matter emanating from Northern Ireland; or
(c) Provide assistance with mediation.

FREE OF CHARGE Applications for advice or representation are considered by our Management Committee whose decisions are entirely a matter for their discretion. The Unit seeks to ensure that any advice or representation provided will be of the same quality as if the case were funded.

WHEN SHOULD AN APPLICATION BE MADE? The Unit requests a minimum of three weeks' notice.

REFERRAL Applications will only be considered where there has been a referral by an advice agency accredited by the Bar of Northern Ireland ("accredited advice agency") or a Solicitor providing services to a client on a Pro Bono basis.

HOW ARE APPLICATIONS CONSIDERED? The questions which will normally decide whether the Unit will accept a case are:

1. Does the case deserve Pro Bono assistance? This will involve some assessment of the legal merits of the Applicant's case. Consideration will also be given to whether the case revolves on its own specific facts, or whether there is a point of wider public interest in respect of which clarification would

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provide assistance to many people. It is often emphasised to unsuccessful applicants that pro bono resources are scarce and must be deployed to maximum effect. Cases involving a point of public interest have tended to receive a more favourable response - as they may ultimately help a greater number of people.

2. Can the Applicant (or his/her family) afford legal assistance? The Unit exists to help those who cannot reasonably afford the legal help which they need and cannot obtain assistance from other sources. That means the applicant:
- Must give a summary of his/her financial resources (stating income, main items of expenditure and any substantial savings/property) and any family members to whom the Applicant might reasonably look for help (e.g. spouse/partner/parent).
- Must explain whether he/she has applied for legal aid and if he/she has been refused he/she must explain why enclosing correspondence.
- Should check before he/she applies whether he/she is entitled to legal assistance from a trade union or under an insurance policy.

3. Are the services of a Barrister needed? A Solicitor or advice agency, rather than a Barrister, may be better able to help in some cases. The principal expertise of a Barrister is in representing clients at hearings in Courts and other tribunals and giving specialist legal advice. Barristers cannot carry out factual inquiries, interview witnesses or deal with correspondence or court procedure on a client's behalf.

4. Will the work involved take more than three days? Members of the Panel will be able to devote a maximum of three days' work to a case though this may be exceeded in exceptional cases. This should be enough for most types of advisory work and for representation for short cases or hearings. The Unit cannot provide a Barrister to advise on an continuing basis over a long period or provide assistance for long cases in Court. In a complex case, assistance is more likely to be given if a Solicitor or advice agency can deal with some aspect of the work.

MAKING AN APPLICATION

We accept applications only through an accredited advice agency or a Solicitor working on a Pro Bono basis. This allows the accredited advice agency or Solicitor to help you by giving initial advice and to help us by collecting information about the Applicant's case.

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The Unit's Application Form must be completed in full. The Applicant should include the following information:

- Hearing dates or other deadlines;
- The nature of the problem and, if possible, the area of law upon which assistance is sought;
- A summary of the facts of the case; and
- Set out the questions upon which advice is sought and/or the nature of the hearing for which representation is requested.

The accredited advice agency/Pro Bono Solicitor should ensure that there is sufficient information with the application for the case to be properly considered. It is not possible for us to consider applications unless copies of all the important documents are enclosed. What documents we need to see will obviously depend on the particular case but the following guidance may be helpful:

- Where there are already Court or Tribunal proceedings, we must see all Court papers, including all Court Orders or Judgments;
- Where the Applicant has already been advised by a Solicitor or Barrister, we must see any letters or opinions giving advice about the case;
- Where there is correspondence about a problem with any other person(s) involved or their Solicitors, we must see copies of all the letters on both sides;
- If you want advice about a contract or any formal document, a full copy should always be attached. If the dispute is with an employer, the contract of employment or if there is none, the letter of appointment or any handbook, company rules, etc. should be provided;
- If the Court is a Criminal Court, copies of the Indictment, the witness statements, any documents lodged with the Court, any advice on appeal and any documents sent to the Applicant by the Court must be produced;
- If the papers are very bulky (over 100 pages) it would be helpful if the advice agency could make a selection of what seems to be the most important but also provide a summary of what other documents exist so that if we need more we can request them;
- Always put documents in date order. If there are a lot of documents please put a list at the front and number the documents sequentially; and
- Always send photocopies and not original documents.

URGENT CASES

Approaching deadlines or hearing dates must be highlighted on the Application Form. The Unit normally needs 21 days' notice of any hearing date and there is no guarantee that the Unit can respond to urgent cases.

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SIGNIFICANT DEVELOPMENTS

Significant developments such as a change of hearing date, settlement, an offer of settlement, or reinstatement of Legal Aid, after an Application has been submitted but before a decision has been notified must be immediately notified to the Unit.

WHAT HAPPENS NEXT?

Applications are considered by the Management Committee. Once a decision has been made the accredited advice agency/Pro Bono Solicitor will be informed in writing, usually within 3 weeks of the date of the Application. Except in urgent cases, the process of an Application cannot be discussed over the telephone with the accredited advice agency/Pro Bono Solicitor.

Where further information is needed before a decision can be made it is the responsibility of the Applicant to provide this when requested. No decision can be taken until the information requested has been provided and considered.

No Barrister is obliged to take on any particular case and it may not always be possible to assist. The services of a particular Barrister cannot be requested.

WHEN AN APPLICATION IS ACCEPTED

The accredited advice agency/Pro Bono Solicitor will be notified in writing advising it:

- That the Application has been accepted;
- Of the identity of the Barrister allocated to deal with the case;
- Of the nature and extent of the work that the Barrister has been requested and has agreed to undertake;
- As to what will happen next, for example that the Barrister will send his/her opinion in due course or that a consultation is required and how that should be arranged;

The accredited advice agency representative/Pro Bono Solicitor must then deal with the Barrister direct and the Management Committee will cease to be actively involved unless there are unexpected difficulties. The Applicant understands that whilst the Barrister is offering services free of charge, this does not include the payment of expenses such as Court Fees, photocopying and other incidental expenses. The applicant is responsible for paying court

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fees, photocopying charges etc. The Applicant must be prepared to provide promptly any further information/documentation which the Barrister requires via the advice agency and to attend any consultations.

Once a case is accepted the Barrister will deal with it like any other professional case and the Barrister is bound to abide by every provision of the Code of Conduct except where there are specific and explicit exceptions for Pro Bono work set out in the Code of Conduct applicable to Barristers in independent practice in Northern Ireland. Occasionally, a Court hearing can be arranged at a time when the Barrister is already committed to another case. Usually there is ample notice of this and a replacement can be arranged through the Unit in good time or the time of the hearing may be rearranged. Very occasionally the problem arises at short notice. In such a case, every effort will be made to find a replacement or to rearrange the hearing date but the Unit cannot give a guarantee that this will be possible. A Barrister may also have to give up a case if ordinary professional rules prohibit him/her from acting.

The Management Committee retain an absolute discretion to refuse any Application for representation or advice and exclude any liability in respect of such a refusal. Best endeavours will be made to ensure that representation and/or advice is provided in those cases accepted by the Unit. Barristers are individuals in private practice and where they agree to accept instructions from the Unit they provide their services voluntarily for no fee. They are not employed by the Unit.

They are responsible for the quality of their advice and/or any representation they undertake. The Unit cannot accept any responsibility whatsoever for the choice of Barrister or any advice or representation provided by them.