
Guidance Note

Pro bono work



20 October 2021 (version 1)

Costs Lawyer Standards Board

CLSB



Providing pro bono services

1. Pro bono work is legal work done by lawyers for free. It can include giving advice at drop-in clinics, helping a charity with a piece of legal work or representing someone in court proceedings.
2. We encourage all Costs Lawyers to allocate a portion of their professional time to providing pro bono services. This is not a regulatory obligation, but a voluntary way of using your unique and privileged position of being a lawyer to give back to the community and improve access to justice. Pro bono work can also increase job satisfaction and help you expand your networks.

Linking up with others

3. While Costs Lawyers can provide pro bono services on their own account, it can often help to link up with other organisations that specialise in providing free advice, as they can identify the relevant needs of prospective pro bono clients and fit a Costs Lawyer's contribution into a package of services.
4. The [National Pro Bono Centre](#) (NPBC) has a list of volunteering opportunities. You can also get in touch with your local [Citizens Advice Bureau](#) or [Law Centre](#).
5. The NPBC also runs a Pro Bono Week each year. You can visit the [Pro Bono Week webpage](#) to find out about ways to get involved.

Standard of pro bono work

6. The fact that a service is provided for free does not, of course, mean that the standard of service should differ from that which you provide to fee-paying clients.
7. The [Costs Lawyer Code of Conduct](#) will continue to apply to any work you carry out. If you are providing the work on your own account, then check to ensure it is covered by your professional indemnity insurance policy and that an appropriate

client care letter is in place. If you are providing the work through another organisation, for example as part of a law clinic, it will usually be reasonable to rely on their insurance arrangements although you should check that it extends to cover Costs Lawyers and advice about costs.

8. The NPBC has developed a [handbook](#) with guidance for lawyers carrying out pro bono work. This includes useful advice about how to run pro bono matters and issues you should consider before you begin.
9. LawWorks, one of the leading free advice charities, has developed a [protocol for carrying out pro bono work](#) which we would encourage you to sign up to.

Pro bono costs orders in proceedings

10. Pro bono costs orders (also called section 194 orders, after section 194 of the Legal Services Act 2007) are the same as ordinary legal costs orders but they apply where a party has received free legal representation by any lawyer in the proceedings.
11. If you are successful on behalf of your client in proceedings where you have acted on a pro bono basis, the court can order the losing party to make a payment that:
 - is based on what a paying client would receive;
 - covers any period when free representation was provided.
12. The costs are paid to the Access to Justice Foundation, a charity that distributes money to agencies and projects which give free legal advice. See the [LawWorks website](#) for further guidance.

Legal aid and other sources of funding

13. As the LawWorks protocol states, the availability of appropriate publicly funded legal advice or representation, and opportunities for alternative funding, should always be considered before a lawyer undertakes pro bono work for an individual.

Whilst legal aid will often not be available for the types of dispute that Costs Lawyers are involved with, alternative sources of funding could include insurance policies.

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