



## Pro Bono Practices and Opportunities in Northern Ireland

### INTRODUCTION

A number of public interest groups offer pro bono legal services in Northern Ireland. The Bar of Northern Ireland operates a dedicated Pro bono Unit offering free advice and representation to clients where public funding (legal aid) is unavailable or where the applicant is unable to afford legal assistance.<sup>1</sup> The Law Centre (NI), a not-for-profit agency, works to advance social welfare rights in Northern Ireland through legal advice, representation, policy, training and publication.<sup>2</sup> And the PILS Project (Public Interest Litigation Support Project), a dedicated strategic litigation project established by the Committee on the Administration of Justice, works to advance human rights and equality in Northern Ireland through the use of and support for public interest litigation.<sup>3</sup>

### OVERVIEW OF THE LEGAL SYSTEM

#### The Justice System

##### Constitution and Governing Laws

Northern Ireland has a long and complex constitutional history dating back to 1921 when the country was created as a separate legal entity under the Government of Ireland Act 1920 (subsequently repealed by the Northern Ireland Act 1998).<sup>4</sup> Until such time as the majority of the people of Northern Ireland vote to change this, Northern Ireland will remain part of the United Kingdom (the “UK”).<sup>5</sup>

Northern Ireland has been governed either (a) locally through devolved government by the Northern Ireland Parliament (1921-1972) or by the Northern Ireland Assembly (1999-current day) or (b) directly by the UK Parliament during times of political unrest or stalemate (1972-1998, 2000, 2001 and 2002-2007). The Northern Ireland Act 1998 (enacted by the UK Parliament) devolved general legislative power<sup>6</sup> to the Northern Ireland Assembly subject to excepted<sup>7</sup> and reserved<sup>8</sup> matters which are either wholly retained by Her Majesty’s Government or at least require the consent of the UK Secretary of State before the Northern Ireland Assembly can legislate on such matters.<sup>9</sup>

Northern Ireland is, like England and Wales, a common law jurisdiction. Applicable legislation includes that of the European Community, Acts of UK Parliament (applicable to Northern Ireland) and Acts of the Northern Ireland Assembly.

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<sup>1</sup> See [www.barofni.com/page/helping-the-community](http://www.barofni.com/page/helping-the-community) (last visited on September 4, 2015).

<sup>2</sup> See [www.lawcentreni.org/about-us/what-we-do.html](http://www.lawcentreni.org/about-us/what-we-do.html) (last visited on September 4, 2015).

<sup>3</sup> See [www.pilsni.org](http://www.pilsni.org) (last visited on September 4, 2015).

<sup>4</sup> Section 2, Northern Ireland Act 1998.

<sup>5</sup> Section 1(1), Northern Ireland Act 1998.

<sup>6</sup> Section 4(1), Northern Ireland Act 1998.

<sup>7</sup> Schedule 2, Northern Ireland Act 1998 lists the various excepted matters which relate to, among other things, the Crown, UK Parliament, the Northern Ireland Constitution Act 1973, international relations, defense and armed forces, nuclear energy, nationality and immigration.

<sup>8</sup> Schedule 3, Northern Ireland Act 1998 lists the various reserved matters which relate to, among other things, firearms and explosives, navigation and civil aviation, import and export controls, financial markets and telecommunications.

<sup>9</sup> Section 8, Northern Ireland Act 1998.



## The Courts<sup>10</sup>

Northern Ireland has its own judicial system which is headed by the Lord Chief Justice of Northern Ireland. The Department of Justice (the “**DOJ**”) is responsible for the administration of the courts through the Northern Ireland Courts and Tribunal Service and also has responsibility for policy and legislation related to criminal law, legal aid, the police, prisons and probation.

The Northern Ireland court structure consists of higher and lower courts. The higher courts include the Court of Appeal and the High Court. The Court of Appeal sits at the Royal Courts of Justice in the City of Belfast and hears appeals on points of law in criminal matters from the Crown Courts and civil matters from the High Court and may, in certain circumstances, also hear appeals on points of law from the County Courts, Magistrates’ Courts and certain appeal tribunals. Some decisions of the Court of Appeal may, subject to certain conditions, be referred to the UK Supreme Court for appeal. The High Court sits at the Royal Courts of Justice in the City of Belfast and comprises the Chancery Division, the Queen’s Bench Division and the Family Division. The High Court hears complex or important civil cases and appeals from the County Courts.

The lower courts include the Crown Courts, the County Courts, the Magistrates Courts, the Coroners Courts and the Enforcement of Judgments Office. The Crown Courts sit in ten major cities and towns across Northern Ireland and hear all serious criminal cases. The County Courts sit in 15 major cities and towns across Northern Ireland and hear a wide range of civil actions including small claims and family cases. The Magistrates’ Courts sit in 16 major cities and towns in Northern Ireland and hear less serious criminal cases, juvenile cases and civil and family cases. The Coroners’ Courts sit in two major cities in Northern Ireland and investigate unexplained deaths. The Enforcement of Judgments Office sits at Lagside House in the City of Belfast.

The Northern Ireland Judicial Appointments Commission (the “**NIJAC**”) was established on June 15, 2005 as an independent public body under the Justice (NI) Acts 2002 and 2004 to select individuals for judicial office based on merit through fair and open competition.<sup>11</sup> The NIJAC selects non-Crown appointments (i.e., temporary High Court Judges, Deputy County Court Judges and Deputy District Judges (Magistrates’ Courts)) and also makes recommendations for crown appointments (i.e., High Court Judge, County Court Judge, District Judge (Magistrates’ Courts)) to the Queen through the Lord Chancellor.<sup>12</sup> Appointments of Justices of Appeal are made by the Queen on recommendation by the UK Prime Minister (who must consult with the Lord Chief Justice of Northern Ireland and the NIJAC).<sup>13</sup>

## The Practice of Law

The legal profession in Northern Ireland comprises both solicitors and barristers.

### Education

The Law Society of Northern Ireland (the “**Law Society**”) regulates the legal education and training necessary to qualify as a solicitor in Northern Ireland. There are several routes into the profession: (i) the law degree route, which requires an acceptable law degree, an offer of a place in the Institute of Professional Legal Studies or the Graduate School of Professional Legal Education and confirmation from a solicitor with whom the applicant proposes to serve his/her apprenticeship; (ii) the non-law degree route, which requires an acceptable degree in a discipline other than law and a satisfactory level of knowledge of fundamental areas of law, an offer of a place in the Institute of Professional Legal Studies and confirmation from a solicitor with whom the applicant proposes to serve his/her apprenticeship; and

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<sup>10</sup> See [www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/the-justice-system/introduction-to-the-justice-system.html](http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/the-justice-system/introduction-to-the-justice-system.html) (last visited on September 4, 2015).

<sup>11</sup> See [www.nijac.gov.uk/index/what-we-do.htm](http://www.nijac.gov.uk/index/what-we-do.htm) (last visited on September 4, 2015).

<sup>12</sup> See [www.nijac.gov.uk/index/crown\\_and\\_non\\_crown\\_appointments\\_table\\_nov11.pdf](http://www.nijac.gov.uk/index/crown_and_non_crown_appointments_table_nov11.pdf) (last visited on September 4, 2015).

<sup>13</sup> Sch. 2, Northern Ireland Act 2009.



(iii) alternative routes typically based on years of practical experience as a bona fide clerk or employee of a solicitor.<sup>14</sup>

The Honorable Society of the Inn of Court of Northern Ireland regulates the legal education and training necessary to qualify as a barrister in Northern Ireland. In general, to be admitted as a barrister, a candidate must (i) complete a qualifying law degree; (ii) complete the Bar Post-Graduate Diploma in Professional Legal Studies at the Institute of Professional Legal Studies at Queen's University, Belfast; (iii) receive a call to the Bar of Northern Ireland; and (iv) complete a 12-month pupillage.<sup>15</sup>

A minimum number of pro bono hours is not mandated for admission as a solicitor or barrister; however, some law degree programs require a minimum number of pro bono hours to be completed as a requirement of the degree program.

## Licensure

### The Role of Solicitors

Solicitors advise clients and represent them before the lower courts and prepare cases for barristers to try in the higher courts.<sup>16</sup> Solicitors also advise clients on a wide range of civil, family and commercial matters.

### The Role of Barristers

Barristers are independent experts, practicing across all areas of law and legal disputes in all courts and tribunals in Northern Ireland, the Republic of Ireland and the United Kingdom. Increasingly, barristers are retained to act in cases outside the conventional courtroom setting such as alternative dispute resolution, arbitrations, tribunals, disciplinary hearings and a broad spectrum of public and private inquiries. A select number of senior barristers become Queen's Counsel which is recognized internationally as a mark of outstanding ability, earning a high reputation for their advocacy and legal skills.

### The Role of Foreign Lawyers

A European registered lawyer may practice under his or her home jurisdiction title in Northern Ireland provided he or she is registered with the Law Society of Northern Ireland or the Bar Council of Northern Ireland (the "**Bar Council**") (as applicable) and complies with the corresponding rules of conduct issued by the applicable regulator.<sup>17</sup> Other foreign registered lawyers may engage in fly-in/fly-out practice provided they do not engage in matters exclusively reserved for solicitors such as real estate. There is no requirement for a foreign registered lawyer to obtain a license to practice as a foreign legal consultant.

### The Role of In-House Counsel

The role of in-house counsel largely depends upon the corporation or organization and whether the in-house counsel is qualified as a barrister or solicitor. The In-House Lawyers Group Northern Ireland was established in 2014 to promote the interests of in-house lawyers in Northern Ireland and to share knowledge through appropriate continuing professional development along with establishing a networking forum for in-house lawyers.<sup>18</sup>

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<sup>14</sup> See [www.lawsoc-ni.org/joining-the-legal-profession/](http://www.lawsoc-ni.org/joining-the-legal-profession/) (last visited on September 4, 2015).

<sup>15</sup> See [www.barofni.com/page/becoming-a-barrister](http://www.barofni.com/page/becoming-a-barrister) (last visited on September 4, 2015).

<sup>16</sup> See [www.lawsoc-ni.org/about-us/](http://www.lawsoc-ni.org/about-us/) (last visited on September 4, 2015).

<sup>17</sup> See [www.lawsoc-ni.org/joining-the-legal-profession/registered-european-lawyer-/](http://www.lawsoc-ni.org/joining-the-legal-profession/registered-european-lawyer-/) (last visited on September 4, 2015).

<sup>18</sup> See [www.lawsoc-ni.org/news-events-and-media/news/item/952/in-house-lawyers-group-northern-ireland/](http://www.lawsoc-ni.org/news-events-and-media/news/item/952/in-house-lawyers-group-northern-ireland/) (last visited on September 4, 2015).



## Demographics

At present, there are over 700 barristers<sup>19</sup> (43 of which are Queen's Counsel)<sup>20</sup> and over 2,300 solicitors<sup>21</sup> in Northern Ireland. Lawyers are not distinguished according to whether they are privately funded or legal aid funded.

## Legal Regulation of Lawyers

Pursuant to the Solicitors (Northern Ireland) Order 1976, the Law Society acts as the regulatory authority governing the education, accounts, discipline and professional conduct of solicitors in order to maintain the independence, ethical standards, professional competence and quality of services offered to the public. It carries out these functions to ensure that solicitors receive the highest level of support and that their clients receive the required standard of work.

The Bar Council deals with the maintenance of the standards, honor and independence of the Bar and, through its Professional Conduct Committee, receives and investigates complaints against members of the Bar in their professional capacity and also investigates and deals with matters arising from their behavior and conduct generally.<sup>22</sup>

## LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

### The Right to Legal Assistance

The Legal Services Agency Northern Ireland (the "LSANI") was created on April 1, 2015 as an executive agency within the DOJ and operates under the direction and control of the Minister of Justice.<sup>23</sup> The LSANI supports the justice system by administering publicly funded legal services. The LSANI is responsible for applying the various statutory tests to determine whether an individual is financially eligible to receive civil legal aid (eligibility for criminal legal aid is determined by the judiciary).<sup>24</sup>

### In Civil Proceedings

Civil legal services are available to any individual who is financially eligible to receive advice and assistance or representation under The Civil Legal Services (General) Regulations (Northern Ireland) 2015 and The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015.<sup>25</sup> Individuals may apply for one of four forms of civil legal services: (i) general advice and assistance,<sup>26</sup> (ii) representation in the lower courts in relation to certain proceedings (including separation, maintenance, debt, children and young persons, health and personal services, child support, mental health review and anti-social behavior),<sup>27</sup> (iii) representation in the higher courts in relation to certain proceedings (including all of the

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<sup>19</sup> See [www.barofni.com/page/the-bar-of-northern-ireland](http://www.barofni.com/page/the-bar-of-northern-ireland) (last visited on September 4, 2015).

<sup>20</sup> See [www.barofni.com/directory/search/search&channel=barristers&barrister\\_queens\\_counsel=Yes/](http://www.barofni.com/directory/search/search&channel=barristers&barrister_queens_counsel=Yes/) (last visited on September 4, 2015).

<sup>21</sup> See [www.lawsoc-ni.org/about-us/](http://www.lawsoc-ni.org/about-us/) (last visited on September 4, 2015).

<sup>22</sup> Section 1.8, The Bar of Northern Ireland Code of Conduct 2015 [http://www.barofni.com/assets/files/PCC\\_Code\\_of\\_Conduct\\_Complete\\_April2015\\_doc.pdf](http://www.barofni.com/assets/files/PCC_Code_of_Conduct_Complete_April2015_doc.pdf) (last visited on September 4, 2015).

<sup>23</sup> Section 2.1, LSANI Framework Document, April 2015.

See <http://www.dojni.gov.uk/index/legalservices/lsani-framework-document-april-2015-final> (last visited on September 4, 2015).

<sup>24</sup> Section 2.4, LSANI Framework Document, April 2015.

<sup>25</sup> Reg. 3, The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

<sup>26</sup> Regs. 31-34, The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

<sup>27</sup> Regs. 35-40, The Civil Legal Services (General) Regulations (Northern Ireland) 2015.



forementioned in respect of the lower courts and proceeds of crime, devolution issues, lands tribunal, asylum and immigration, enforcement of judgments);<sup>28</sup> and (iv) exceptional funding.<sup>29</sup>

Applications for advice and assistance must be made by the individual to the solicitor or barrister from whom the advice and assistance is sought.<sup>30</sup> Applications for representation in both the lower and higher courts and applications for exceptional funding must be made by the individual's solicitor or barrister to the LSANI.<sup>31</sup>

### In Criminal Proceedings

Criminal legal services are available to any individual who is financially eligible to receive advice and assistance or representation under the Access to Justice (Northern Ireland) Order 2003.<sup>32</sup> Individuals may apply for one of two forms of criminal legal services: (i) advice and assistance for individuals who are arrested and held in custody at a police station or other premises or are otherwise involved in investigations which may lead to proceedings,<sup>33</sup> and (ii) representation for individuals who have been granted a right of representation by the Court.<sup>34</sup>

An individual being interviewed by the police in connection with criminal charges is entitled to free legal aid for police station advice. This scheme is not means tested and the individual will not be required to make any contributions. Criminal legal aid is not available to any individual bringing a criminal prosecution against another individual.

## State-Subsidized Legal Aid

### For Civil Proceedings

Eligibility for civil legal aid is determined by the LSANI and dependent on the applicant passing a financial means test. The income and disposable capital thresholds vary depending upon the type of legal services sought, with the lowest thresholds for advice and assistance and the highest thresholds for representation in the higher courts. Financial eligibility limits may be waived in certain cases involving multi-party actions of significant wider public interest, certain inquests, cross-border disputes and domestic violence or forced marriage.<sup>35</sup> Applications may be made by individuals resident outside of Northern Ireland with the prior authority of the Director of the LSANI.<sup>36</sup>

### For Criminal Proceedings

Eligibility for criminal legal aid is determined by the Court and dependent on the defendant applicant passing a financial means test (that the defendant applicant's means are insufficient to pay for the defense) and a merits test (that it is in the interest of justice that the defendant applicant should have free legal aid).

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<sup>28</sup> Regs. 41-47, The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

<sup>29</sup> Regs. 48-53, The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

<sup>30</sup> Reg. 31(1), The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

<sup>31</sup> Reg. 5(3), The Civil Legal Services (General) Regulations (Northern Ireland) 2015.

<sup>32</sup> Regs. 23-29, Access to Justice (Northern Ireland) Order 2003.

<sup>33</sup> Regs. 23, Access to Justice (Northern Ireland) Order 2003.

<sup>34</sup> Regs. 24-29, Access to Justice (Northern Ireland) Order 2003.

<sup>35</sup> Regs. 7-10, The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015.

<sup>36</sup> Reg. 7, The Civil Legal Services (General) Regulations (Northern Ireland) 2015.



## Mandatory assignments to Legal Aid Matters

Private lawyers are not mandatorily assigned to legal aid matters by the Northern Ireland courts or the LSANI. All legal aid, whether civil or criminal, is provided by lawyers who volunteer for such cases. LSANI pays for all legal services provided in the administration of civil and criminal legal aid.

## Unmet Needs and Access Analysis

Northern Ireland has one of the largest budgets for legal aid in the United Kingdom.<sup>37</sup> In the face of increasing costs, payments to lawyers in legal aid cases have been reduced. Barristers in Northern Ireland have recently withdrawn from all new criminal cases requiring legal aid in protest against new rules reducing the level of payments. The Criminal Bar Association has commented that the highest standard of representation to those members of society who face the most serious and complex criminal cases in the Crown Court cannot be achieved under the new rules.<sup>38</sup>

## Alternative Dispute Resolution

### Mediation and Arbitration

There are various forms of alternative dispute resolution (“**ADR**”) such as: (i) direct negotiation, complaints and grievance procedures; (ii) mediation and conciliation; (iii) arbitration; (iv) evaluation, determination and adjudication; and (v) the ombudsman scheme. The Ombudsman, the Law Centre (NI) and Queen’s University Belfast have produced a very helpful guide entitled “Alternatives to Court in Northern Ireland”<sup>39</sup> which details the types of alternative dispute resolution services available for a wide range of disputes. ADR costs are not, except in family cases, normally met by legal aid.

### Ombudsman

Members of the public may, once they have exhausted the internal complaints procedure of the relevant government department/agency or public body, submit a complaint to the Ombudsman for investigation (at no cost to the applicant) if they are unhappy with the service provided by a government department/agency or public body (which includes all local councils, education and library boards and organizations providing health and social care services in Northern Ireland).<sup>40</sup> When the Ombudsman has concluded his investigation he will issue a report detailing his findings of the investigation to the applicant and the organization concerned.

## PRO BONO ASSISTANCE

### Pro bono Opportunities

#### Private Attorneys

Private attorneys are not mandated to undertake or report pro bono matters but are encouraged to do so by both the Bar Council and the Law Society. Pro bono opportunities exist for private lawyers through bar association programs and programs run by non-governmental organizations.

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<sup>37</sup> See <http://www.newsletter.co.uk/news/regional/lawyers-legal-aid-fees-described-as-staggering-1-6692409> (last visited on September 4, 2015).

<sup>38</sup> See <http://www.bbc.com/news/uk-northern-ireland-32894268> (last visited on September 4, 2015).

<sup>39</sup> See <http://www.nidirect.gov.uk/dispute-resolution-alternatives-to-court.pdf?rev=5> (last visited on September 4, 2015).

<sup>40</sup> See <http://www.ni-ombudsman.org.uk/home.aspx> (last visited on September 4, 2015).





## Law Firm Pro bono Programs

A large number of law firms in Northern Ireland are committed to pro bono work and developing and maintaining pro bono programs either independently or in partnership with local charities and bar associations.<sup>41</sup> Many law firms provide pro bono services through the Pro Bono Bar Unit (discussed below).

## Non-Governmental Organizations (NGOs)

There are several NGOs in Northern Ireland that provide pro bono legal services to the public. These include the Citizens Advice Bureau, the Children's Law Centre, the Law Centre (NI) and the PILS Project.

The Citizens Advice Bureau is the largest advice charity in Northern Ireland providing free legal advice and representation as well as negotiation and drafting assistance to individuals on 14 different areas of law, including benefits, debt, consumer, employment and housing.<sup>42</sup> The Citizens Advice Bureau operates across Northern Ireland through 28 main offices, 110 outreach service outlets and telephone and website services and relies on trained advisers (both paid and volunteer) to provide its services. The services of the Citizens Advice Bureau are free and provided to anyone seeking assistance.

The Children's Law Centre is a charity that works to protect the rights of all children living in Northern Ireland by providing free and "child-friendly" legal advice and representation to children and young people across a range of areas including education, medical, social security, employment, care, human rights, equality and discrimination. The advice team assists children, young people, their parents and professionals with legal queries relating to difficulties in school, access to services for disabled children, special educational needs, mental health service provision, family law issues or general legal queries. The Children's Law Centre also provides free legal representation, particularly at the Special Educational Needs and Disability Tribunal and Mental Health Review Tribunals and undertakes strategic litigation following the criteria contained within its casework policy.<sup>43</sup> The Children's Law Centre is reliant on both trained advisers (paid) and volunteers to provide its services.

The Law Centre (NI) is a not-for-profit agency that works to advance social welfare rights and social justice in Northern Ireland. The Law Centre (NI) is a referral organization that delivers legal services to members and free legal support to advice giving organizations (through advice, casework, training, information, communications, publications and policy development).<sup>44</sup> The Law Centre (NI) also oversees the Legal Support Project (funded by Atlantic Philanthropies) which provides assistance by way of advice or representation in social security appeals and industrial tribunals to claimants who do not have access to alternative representation.<sup>45</sup> The Law Centre is reliant on both trained advisers (paid) and volunteers to provide its services.

The PILS Project (Public Interest Litigation Support Project), a dedicated strategic litigation project established by the Committee on the Administration of Justice, works to advance human rights and equality in Northern Ireland through the use of and support for public interest litigation.<sup>46</sup> The PILS Project takes on cases that benefit disadvantaged groups or minorities rather than just one person. The PILS

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<sup>41</sup> Examples are <http://www.pilsni.org/current-solicitors> (last visited on September 4, 2015) and <http://www.lawcentreni.org/news/recent-news/1-news/1050-pro-bono-work-international-perspectives-and-local-solutions.html> (last visited on September 4, 2015).

<sup>42</sup> See <http://www.citizensadvice.co.uk/> (last visited on September 4, 2015).

<sup>43</sup> See <http://www.childrenslawcentre.org.uk/index.php/what-we-do-2/legal-services> (last visited on September 4, 2015).

<sup>44</sup> See <http://www.lawcentreni.org/about-us/what-we-do.html> (last visited on September 4, 2015).

<sup>45</sup> See <http://www.lawcentreni.org/lsp/about-lsp.html> (last visited on September 4, 2015).

<sup>46</sup> See <http://www.pilsni.org/origin-mission-and-aims> (last visited on September 4, 2015).



Project is reliant on its member solicitors to provide pro bono legal services and maintains a register of lawyers interested in undertaking pro bono legal work.<sup>47</sup>

### Bar Association Pro bono Programs

The Northern Ireland Lawyers Pro bono Unit, run jointly by the Bar Council and the Law Society, offers legal advice and representation to individuals who cannot access legal aid or who are unable to afford legal assistance. Lawyers on the Pro bono Unit's register commit to three days or 20 hours of pro bono work per year. Many of the law firms in Northern Ireland perform pro bono through the Pro bono Unit.

### University Legal Clinics and Law Students

Several of the universities in Northern Ireland run legal clinics and advice centers. Queen's University Belfast maintains a Legal Services Unit which provides general advice and guidance to both staff and students on a wide range of legal issues.<sup>48</sup> Additionally The School of Law at the University of Ulster supervises the Ulster Law Clinic which is managed and developed by LLM Clinical Legal Education postgraduate students who provide (as part of their degree program requirements) free legal advice and representation to the public in social security and employment law.<sup>49</sup>

## Historic Development and Current State of Pro bono

### Current State of Pro bono including Barriers and Other Considerations

With Northern Ireland's legal aid system currently undergoing reform, Northern Ireland citizens may need to rely more heavily on pro bono services. Cuts to criminal legal aid have already been implemented in 2015 and further proposed changes would reduce payments to solicitors in civil legal aid cases. It is estimated that the proposed changes will result in approximately £20 million in savings per year.<sup>50</sup> In response to these reforms, solicitors and barristers have begun withdrawing from certain cases, with solicitor firms considering whether they will continue to conduct legal aid work in the future.<sup>51</sup> If fewer lawyers are providing legal aid services with less money budgeted for such services, those in need of legal assistance may increasingly turn to organizations providing pro bono services for needed help.

### Laws and Regulations Impacting Pro bono

#### Availability of Professional Indemnity Legal Insurance Covering Pro bono Activities by Attorneys

All solicitors in private practice are required to maintain professional indemnity insurance at a level and to a specification prescribed by the Law Society of Northern Ireland.<sup>52</sup> Solicitors are required to have professional indemnity insurance to cover work for their employer as well as for pro bono work and work at law centers, charities and other non-commercial advice centers.<sup>53</sup>

### Pro bono Resources

The following is a list of agencies that provide pro bono services and their websites:

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<sup>47</sup> See <http://www.pilsni.org/pro-bono> (last visited on September 4, 2015).

<sup>48</sup> See <https://www.qub.ac.uk/directorates/HumanResources/LegalServicesUnit/> (last visited on September 4, 2015).

<sup>49</sup> See <http://www.ulster.ac.uk/lawclinic/> (last visited on September 4, 2015).

<sup>50</sup> See <http://www.wilson-nesbitt.com/news-updates/Child-Contact/6726/Plan-to-cut-legal-aid-in-NI-civil-cases> (last visited on September 4, 2015).

<sup>51</sup> See <http://www.belfasttelegraph.co.uk/news/northern-ireland/law-society-warning-over-northern-ireland-legal-aid-cuts-30946415.html> (last visited on September 4, 2015).

<sup>52</sup> See <http://www.lawsoc-ni.org/role-of-the-law-society/regulation/professional-indemnity-insurance/> (last visited on September 4, 2015).

<sup>53</sup> See <https://www.abi.org.uk/Insurance-and-savings/Products/Business-insurance/Liability-insurance/Professional-indemnity-insurance/Solicitors-professional-indemnity-insurance> (last visited on September 4, 2015).





- <http://www.citizensadvice.co.uk/>
- <http://www.childrenslawcentre.org.uk/>
- <http://www.lawcentreni.org/>
- <http://www.pilsni.org/>
- <http://www.barofni.com/page/helping-the-community>
- <https://www.gub.ac.uk/directorates/HumanResources/LegalServicesUnit/>
- <http://www.ulster.ac.uk/lawclinic/>

## CONCLUSION

In Northern Ireland there is a tradition of solicitors and barristers providing pro bono legal services to those who cannot afford to pay. This is typically done, however, on an ad hoc basis and not in any structured, recorded way. The Law Society of Northern Ireland, while a staunch supporter of pro bono, is adamant that it is not a substitute for a properly funded legal aid system which must remain the principal means for assisting those with insufficient means to obtain legal services.<sup>54</sup>

September 2015

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This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

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<sup>54</sup> Review of Access to Justice, The Law Society of Northern Ireland, May 2011.