

advocate



Information for junior barristers

Thank you for your interest in volunteering with Advocate! Advocate is the Bar's national charity. We match members of the public who need free legal help with barristers who are willing to donate their time and expertise in deserving cases for those who are unable to obtain legal aid and cannot afford to pay.

You can sign up to help from your **second six all the way to QC** and we ask you to commit **three days a year**.

We have put together this pack for junior barristers to provide you with some more information about how and why you might want to make pro bono a part of building your successful practice.

We have included some of the most frequently asked questions about insurance and a direct access licence as well as some Top Tips for undertaking pro bono work.

You can sign up to join Advocate here: <https://www.tfaforms.com/4821675>

If you have any further questions after reading this pack, please contact our Volunteer Manager, Bryony on bwells@weareadvocate.org.uk

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Why should I make pro bono a part of my practice?

Here are some great reasons to volunteer with Advocate:

- You can **pick cases** that suit your interests and expand your knowledge and skillset, particularly if you want to start work in a new area of practice.
- The cab rank rule does not apply, you are able to **browse cases** that suit your skills, interest, and availability!
- **Pupil barristers** can get on their feet and represent applicants in hearings.
- **Junior barristers** grow their skills and practices by choosing challenging cases.
- When volunteering on Advocate cases you can receive help from a [mentor](#) as part of Advocate's **mentoring scheme**, Collaborate. Mentors are able to provide general advice on procedural issues.
- All cases are sifted for means and merit by our senior **reviewing barristers** who are specialists in their area of law. They have decided that the case is eligible for pro bono assistance, so you can be sure you are working on deserving cases.
- Volunteers only take on the **piece of work** that has been authorised; there is no obligation to continue with a whole case.
- **Expand your network**, meet solicitors, and get great exposure to the judiciary, who are often grateful that someone is helping an unrepresented litigant navigate the court process.
- **Meet other young barristers** through Young Bar Advocate – more information below!

Volunteers operate under [Advocate's direct access licence](#).

How do I take on cases with Advocate?

You can sign up to join Advocate here: <https://www.tfaforms.com/4821675>

1. Once signed up we send you access to the **members' area** of the Advocate website so you can browse our available case list. This list is updated every day.
2. We also send you weekly a **personalised list of cases** tailored to your specialisms, call and circuit.
3. Our senior reviewing barristers have estimated the year of call required to undertake the piece of work and how long it should take.
4. You select the relevant case and send a short form to our Casework Team outlining that you would like to see papers for the case. Cases are allocated on a first come, first served basis so you do not need to pitch for the case.
5. You receive an **electronic bundle** and have 48 hours to decide whether to take on the case. You are not in contact with the applicant at this point.
6. Once you have confirmed your assistance, Advocate drops into the background and you take it forward directly with the applicant. Advocate remains available to help if needed.
7. Volunteers only take on the **piece of work** that has been authorised; there is no obligation to continue with a whole case.
8. You send an impact form back to us when the work is complete.

Find out more [here](#) and [sign up!](#)

Who instructs me and provides a licence?

Advocate is not an instructing body. It has been granted a licence from the Access to the Bar Committee of the Bar Council. This licence **permits applicants for assistance to instruct the barrister identified by Advocate directly**, without the intervention of a solicitor, for the particular piece of work approved by Advocate. This piece of work (advice/drafting/representation) is clearly specified in a letter to you and also to the applicant.

Advocate will only accept cases without a solicitor if it believes that the piece of work required is one that it is professionally appropriate for a barrister to carry out without solicitor support. Sometimes agency support (for example, from an advice bureau) will be sufficient. Sometimes the piece of work can be carried out properly without solicitor

or agency support. The papers sent to you will make it clear whether a solicitor or other agency is involved.

If they are not but you believe they should be, you must please raise this with us before accepting.

Advocate has very limited resources for involving solicitors in cases. It can sometimes help in deserving cases where a solicitor is professionally required through [Pro Bono Connect](#).

How am I insured for work done through Advocate?

The Bar Mutual Insurance Fund has confirmed that work that Advocate has asked you to do is covered by your basic policy. Pupil barristers are covered as normal with their pupil supervisors, so must obtain permission to take on Advocate cases. Employed barristers are covered by Advocate's insurance, thanks to a recent change in policy from the Bar Council.

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Advocate Licence

1. This licence is granted to the Bar Pro Bono Unit ("the Unit").
2. This licence permits the applicant for assistance to instruct the Barrister identified by the Unit directly without the intervention of a solicitor in respect of the particular work approved by the Unit (as specified in the letter from the Unit to the applicant accepting the application for assistance or in any amendment, variation or addition to that letter as made by the Unit ("the acceptance letter")).
3. A copy of this licence and of the acceptance letter(s) from the Unit to the applicant for assistance should be provided by the Bar Pro Bono Unit to the barrister with the case papers.
4. This licence is to commence on the 23rd June 2000.

Collaborate, a case-based mentoring scheme

Advocate has launched a new mentoring scheme, Collaborate!

Junior barristers register their interest in receiving mentoring when they take on a case.

"It can be daunting for junior barristers to take on pro bono cases without having an instructing solicitor to assist or talk to. This is why mentoring is a brilliant idea. It will give more members of the Bar the confidence to take on pro bono cases, which will result in more access to justice to those that need it most."

Gemma Carr, Spire Barristers

How it works:

There are three ways senior barristers can mentor through Advocate:

- Offer support for case related queries. This requires being on the end of the phone once a month. Advocate will link up a panel member and a mentor when the panel member has a specific query about the case they are working on.
- Choosing to work on an Advocate case as pro bono co-counsel alongside a junior or young barrister.
- Mentoring for secondary specialisation. The mentor works within their specialist area, helping a panel member taking on a case in that area for the first time.
- Junior barristers accept a case with Advocate, then inform our Casework Team that they are interest in receiving mentoring.

Further support available:

- The Advocate Reviewer is also available to you throughout the case. They have already looked at the case and assessed it and are happy to answer ongoing queries.
- The Casework Team is available to you, please get in contact with them when you have a query: caseworker@weareadvocate.org.uk

25 for 25: The Pro Bono Challenge

To celebrate our 25th anniversary year, and as we look to develop access to justice for the next 25 years, we invite you to take part in **25 for 25: The Pro Bono Challenge**.

From Volunteers' Week June 2021 to Volunteers' Week June 2022, you are encouraged to complete 25 hours of pro bono for our 25th anniversary.

The time you give pro bono has an extraordinary impact on the lives of those who apply to Advocate for help.

"What a great way to support Advocate: 25 hours of pro bono work for 25 incredible years. Working pro bono is such an impactful way of helping others. You can deploy your expertise and skills to ensure individuals, who would not otherwise be able to afford it, are well advised and represented. And, at the same time, say happy birthday to Advocate!"

Emma Mockford, 2020 Young Pro Bono Barrister of the Year Award Joint Winner

On completion of your 25 pro bono hours, you will receive a logo for your email signature or your individual Chambers profile!

How it works:

You are invited to keep a record of your own hours and to simply fill in [this form](#) on completion of your pro bono efforts, so we can send you a challenge completed logo!

You can count a range of pro bono activities 25 pro bono hours, including but not limited to:

- Taking on cases with Advocate
- Taking on pro bono work through other [schemes](#), such as ELAN, ELIPS, CLIPs or LCCC
- Advising in law clinics
- Volunteering on pro bono cases through law centres or with community groups
- Mentoring on Advocate's Collaborate scheme
- Reviewing cases for Advocate

To register your interest and let us know you are completing the challenge please sign up here: [Take part in 25 for 25: The Pro Bono Challenge](#)

Top tips for pro bono work!

Katherine Elliot from 4-5 Gray's Inn Square offers her top ten tips for taking on pro bono work.

- **Read the papers and make sure the work comes within your competence.** If you're unsure, have a chat with another barrister in your chambers to ask what they think. Remember, there are no solicitors to help you advise the client.
- **Be proactive in contacting the applicant.** Some will get in touch with you directly but others may not and may be more difficult to contact if they rely on phone calls and work during the day. If you are having trouble, ask your clerks for help and, if that doesn't work, get in touch with Advocate.
- **Make it clear from the start how Advocate works and the limits of what you have authorisation to do.** Most applicants will not understand why you cannot do other work for them outside of what Advocate has licensed you to do (e.g. represent them when you have only been given permission to advise) and sometimes can get upset when you say you can't help them any further. A gentle explanation about how barristers are regulated and why we can't act without solicitors apart from as licensed by Advocate generally helps. Make it clear that the applicant must carry out the litigation aspects of the case themselves. Without litigation training, this is not something you can legally do as a barrister.
- **Keep notes of every conversation you have with the applicant.** Barristers are good at court attendance notes but where you don't have a solicitor to help you by keeping notes in conference, make sure you also write down every phone call and in person conference you have and send follow up emails clearly setting out any advice you gave. This helps make things clear for the applicant and makes sure there is a clear paper trail of your advice for future reference.
- **Make sure that the applicant understands that it is their instructions which count.** Sometimes applicants are surrounded with other (generally) well-meaning people who are trying to help them with their legal problems. These are often family members (adult children or partners) and they can sometimes try to dominate the applicant and substitute their own views as to what should be done. Your duty is to the applicant as your client. They are also the person who controls to whom information about their case can be disclosed under the principles of legal privilege. You should make it clear to any third party that, for these reasons, you can only discuss the case with them with the applicant's permission and that you will only take instructions from the applicant.

- **Check your ethics.** In circumstances where you don't have a solicitor to assist you and you may be responsible for advising clients about many aspects of a case that you may not usually deal with (e.g. disclosure and drafting witness statements), ensure you know what your ethical position is so that you can clearly set out what you will and will not do for the applicant. For example, you may find that the applicant has failed to disclose something that comes under the relevant test because they did not want it to be shared with the other side. In that situation, you will have to advise them to disclose the information or document or you will withdraw from the case. If in doubt, call the Bar Ethics hotline or discuss the situation with another barrister in your chambers.
- **Keep your clerks, as well as Advocate, informed about the progress of your case.** Once you take on the case, you have the same responsibility to manage it properly and allocate time for it in your diary as for your paid practice. To keep your clerks happy and to make sure you don't end up double-booked, put the work in your diary and let the clerks know what you have taken on, any hearing dates etc.
- **Don't forget to advise your client about the costs consequences of their decisions and remember that settlement is almost always an option.** Even if you are operating in an area of law where each party bears their own costs, you need to be even more careful with pro bono work to emphasise to the applicant that they may have to invest a significant amount of personal time and money in the legal process and may suffer financial penalties if they lose or fail to comply with court rules. You need to help them make informed choices about this. Sometimes, you can make the most difference by setting out alternatives to bringing a claim, like different options for settlement. You may be the only one not personally or emotionally involved in the issue, so you can really help bring an objective viewpoint to the bargaining table and may help the applicant get a better outcome than going to court.
- **Make your own pro bono work records.** One of the reasons to do pro bono work is that it gives you more experience, perhaps in advocacy if your practice is quite paper based, or in an area of law where you want to expand your practice, so make sure you keep a record of it for CV and applications purposes in the future. You can also win awards based on your pro bono work through Advocate.
- **Enjoy the experience of making a difference to someone's life using your skills.** Another reason to do pro bono work is that you can help someone, who may be from a very disadvantaged background, access the justice system in a way that they could not have done without you. The legal world can be confusing and alienating for a lot of people who have not been trained to navigate it and to help empower them to make decisions is incredibly rewarding.