

# Pro Bono Pledge Ireland

## Guidance Notes

Pro Bono Pledge Ireland is the first collaborative effort in Ireland to articulate the shared professional responsibility of lawyers to promote access to justice and provide pro bono legal assistance to those in need. The Pledge sets out the core values of such work to assist both those who undertake it and their clients.

The Pledge was developed by an independent grouping of law firms, barristers and in-house legal teams with a presence in the Republic of Ireland who have come together to affirm their commitment to delivering pro bono services in Ireland. The Pledge is coordinated by [PILA](#) (the Public Interest Law Alliance, a project of FLAC).

Launched in 2020, the Pledge provides a common definition of pro bono, a commitment to a minimum aspirational target of 20 pro bono hours per lawyer per year and a mechanism to benchmark progress through annual reporting of anonymous pro bono data.

All barristers, law firms and in-house legal teams are welcome to join the Pledge. Further information can be found at [www.probonopledge.ie](http://www.probonopledge.ie) or by contacting Rachel Power at [rachel.power@flac.ie](mailto:rachel.power@flac.ie).

These Guidance Notes provide additional information on annual reporting requirements and answer other frequently asked questions.

## 1. The Aspirational Pro Bono Target

1.1 The Pledge promotes an aspirational target of 20 hours per lawyer per year as an appropriate minimum commitment. The target was arrived at following consultation with law firms, barristers and in-house legal teams. The establishment of a concrete, quantifiable goal will assist the legal profession in communicating support for pro bono and measuring pro bono activity.

1.2 The Pledge recognises that Signatories will achieve the target within different timescales and that some Signatories may set higher pro bono hours targets. The intent is to collaborate to achieve the target, while respecting that substantial difference will exist between Signatories as regards their current levels of pro bono activity.

1.3 For law firms and in-house legal teams, the pro bono target is averaged across the Signatory's offices in the Republic of Ireland. The Pledge, however, acknowledges the importance of strong lawyer participation rates in pro bono, in addition to hour targets. To this end, reporting will include the number of lawyers that undertook pro bono legal work during the reporting period.

1.4 The target will be reviewed in three years to ensure it remains appropriate having regard to evolving pro bono practice in Ireland.

## 2. 'Pro Bono Legal Services' under the Pledge

2.1 The definition of 'pro bono legal services' provides information on how to determine whether the work you or your firm are delivering qualifies as pro bono for the purposes of reporting on the target. Only work that involves the delivery of pro bono legal services as defined for the purposes of the Pledge should be reported. It is for each Signatory to decide what kind of pro bono work they engage in and whether it meets this definition.

2.2 The work is considered pro bono only if it is free to the client, without reasonable expectation of payment to the lawyer, law firm or in-house team regardless of the outcome and provided voluntarily either by the lawyer or his or her firm.

2.3 The definition follows international best practice and ensures that lawyers can use varied legal skills in a broad range of activities in order to meet their pro bono responsibility.

2.4 While many lawyers undertake charitable work of different kinds, this Pledge concentrates specifically on the provision of legal skills by lawyers.

### **3. Who is a Pro Bono Client?**

3.1 Low income, disadvantaged or marginalised individuals or communities who cannot afford to pay for effective legal services or whose legal needs would otherwise be unmet.

3.2 Certain charitable and other non-profit making groups that work with the groups identified above or for the public good.

3.3 Social enterprises whose social mission is the primary aim of the business, rather than ancillary. Eligibility determinations should be made on a case-by-case basis and re-evaluated regularly over time.

3.4 Pro bono legal work may also be provided to individuals and organisations on matters of public interest that may not otherwise be pursued.

3.5 The availability of appropriate publicly funded legal advice or representation should always be considered before a lawyer undertakes pro bono legal work.

3.6 In assessing whether legal work for a charity, other non-profit organisation or social enterprise should be undertaken on a pro bono basis, the key factor is whether the mission and impact of the organisation is likely to benefit low income, disadvantaged or marginalised members of the community, or be in the public good. The scale and size of the organisation and their operating budget and capacity to pay for services are also appropriate considerations.

## 4. Who can deliver ‘Pro Bono Legal Services’?

4.1 Any barrister, or lawyer employed by a law firm or within an in-house team, including trainees, professional support lawyers and Pro Bono Associates.

4.2 Lawyers that have been seconded to a public interest or non-profit organisation in a legal role.

4.3 Paralegals and interns can be included in pro bono data, however they must then be included as part of the full head-count of employed lawyers. Firms may choose to exclude trainees, paralegals and/or interns from both reported hours and head-count.

4.4 Non-legal employees do not qualify.

4.5 The number of lawyers should be calculated for reporting purposes by using the average of the number of full time equivalent lawyers employed on the first day and the last day of the annual year.

$$(\text{lawyers on 1 January} + \text{lawyers on 31 December}) \div 2$$

4.6 The same calculation can be used when reporting on the number of partners per firm.

## 5. What counts as ‘Pro Bono Legal Services’?

5.1 Pro bono legal services are legal services provided without reasonable expectation of a fee when the matter commences. This does not include discounted work or work taken on ‘no foal, no fee’, save where any costs awarded will be reinvested in the pro bono practice or used to support organisations that provide services to low income, disadvantaged or marginalised communities.

5.2 Charging for disbursements, fees, stamp duty, expert reports or other costs does not prevent the work from being pro bono.

5.3 Pro Bono legal work may include, but is not limited to:

- Legal advice, assistance, representation and research, drafting agreements, policy documents or legislative instruments, as well as attending legal clinics or supervising pro bono matters.
- Training sessions, seminars and webinars for pro bono clients on legal topics.
- Attending or delivering training that is essential to the delivery of pro bono practice.
- International pro bono legal services or projects undertaken by lawyers based in Ireland.
- Time recorded for the purpose of delivering pro bono legal services should be treated in the same way as work performed for commercial clients. In this respect, each Signatory’s policy for the treatment of travel time should apply to their pro bono legal work.

5.4 Pro Bono legal work does not include:

- Time spent volunteering in a non-legal capacity such as:
  - Work done by pro bono coordinators in managing a firm’s pro bono programme or other administrative roles related to the pro bono programme.
  - Acting as a pro bono committee member.
  - Time spent acting as a board member of a non-profit.
  - Offering training sessions on legal topics in schools may be considered pro bono if undertaken for public interest reasons

such as improving the employability of disadvantaged groups; mentoring young people or presenting on careers in law would not.

- Sponsorship of cultural or sporting events, business development projects and other marketing opportunities, even if done without payment.

## 6. Standards in Pro Bono

6.1 The Pledge promotes and supports high standards of pro bono work that deliver quality legal services to pro bono clients.

6.2 Lawyers should ensure that they respond to any request for pro bono legal assistance within a reasonable time, consistent with the standards it sets for its fee-paying clients.

6.3 The terms on which the pro bono matter is undertaken, including timeframes and the circumstances in which the relationship may be terminated, should be made clear at the outset. If a deadline cannot be met, lawyers must inform the pro bono client at their earliest opportunity.

6.4 The pro bono legal work should only be undertaken by a lawyer who is adequately trained, has appropriate skills and experience and, where necessary, is adequately supervised for the work in question.

6.5 Once a lawyer has agreed to undertake a pro bono matter, the lawyer (and if appropriate his or her firm) must give that work the same priority, attention and care as would apply to paid work.

6.6 Pro bono legal work must not be undertaken without appropriate insurance.

6.7 Should costs be awarded in a pro bono matter, it is encouraged that such funds be used to support organisations that provide services to low

income, disadvantaged or marginalised communities, or reinvested in the pro bono practice.

6.8 Where practical, lawyers are encouraged to undertake pro bono work in collaboration with a pro bono organisation, independent law centre or other non-governmental organisation.

6.9 The level of pro bono commitment identified in this Pledge is not intended to replace or diminish financial commitments to organisations that provide legal services to people who are of low income, disadvantaged or marginalised. The commitment is one of actual service and personal involvement in pro bono work. Lawyers and law firms are encouraged to continue and expand their financial support of legal services organisations which are in need of both pro bono assistance and monetary contributions.

## 7. Reporting under the Pledge

7.1 In January each year, Signatories will be contacted by PILA to complete an online reporting form detailing their pro bono performance. The reporting questions can be found at pages 9-11.

7.2 Within 3 months, PILA will aim to publish a public infographic demonstrating the collective performance under the Pledge, including the number of signatories, level of participation and the percentage that have met the target within each category. PILA will NOT publish the names of those Signatories that have met or not met the Target. More detailed data will be shared within the group in a de-identified way.

7.3 New Signatories will be provided with a grace period of 12 months before requiring that they complete the annual questionnaire.

7.4 Each Signatory should have systems in place to ensure that accurate records are kept of the pro bono legal work performed.

7.5 Signatories that have not achieved the target during the year are welcome to contact PILA for support in reaching the target in future.

7.6 Signatories that do not submit their annual report within 6 months will be removed from the Pledge.

# Pro Bono Pledge Ireland

## Pro Bono Reporting - Law Firms

1. How many lawyers as defined by the Pledge were employed by your firm in the Republic of Ireland in 2020? Please indicate whether trainees, professional support lawyers, paralegals or interns are included.
2. How many partners were in your firm in 2020?
3. How many hours of pro bono legal work were provided by your firm in 2020?
4. What was the average number of pro bono hours provided per lawyer in 2020?
5. What percentage of lawyers employed by your firm undertook some pro bono legal work in 2020?
6. What percentage of partners undertook some pro bono legal work in 2020?
7. Please provide a brief overview of your current pro bono practice, with three examples of pro bono work undertaken during 2020.

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## Pro Bono Reporting - In-house

1. How many lawyers as defined by the Pledge were employed by your company in the Republic of Ireland in 2020? Please indicate whether interns are included.
2. How many hours of pro bono legal work were provided by your company in 2020?
3. What was the average number of pro bono hours provided per lawyer in 2020?
4. What percentage of lawyers employed by your company undertook some pro bono legal work in 2020?
5. Please provide a brief overview of your current pro bono practice, with three examples of pro bono work undertaken during 2020.

# Pro Bono Pledge Ireland

## Pro Bono Reporting - Barristers

1. How many hours of pro bono legal work were provided by you in 2020?
2. Please provide a brief overview of your current pro bono practice, with three examples of pro bono work undertaken during 2020.