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Students ask should it be compulsory to seek pro bono costs

This week Andrew McIntyre from Glasgow, winner of the Access to Justice Foundation's student competition, saw his article published in the New Law Journal. Andrew, a bar student at City Law School, entered the competition earlier this year in response to a call for articles addressing the question "Should it be compulsory to seek pro bono costs?".

The competition, organised in collaboration with LawWorks and sponsored by LexisNexis, received an outstanding set of entries from law students across the United Kingdom. The challenging question set for this year's competition reflected the concern that most lawyers do not know costs can now be awarded to the Access to Justice Foundation following a successful pro bono case. The Foundation recently published the results of a survey of the profession showing that 72% of respondents did not know they could obtain pro bono costs.

Toby Brown, an officer of the Access to Justice Foundation said "*Whilst we do not believe that it should be compulsory to seek, or indeed to award, pro bono costs, there remains a significant challenge in ensuring awareness of pro bono costs amongst the legal profession. Without this we will be unable to maximize the funds raised to support legal assistance. To use the recent words of the Master of the Rolls, 'it is very important that everyone is aware, whether judge or advocate, that costs can now be awarded when lawyers act pro bono'.*"

Despite the fact that the student competition will have raised awareness amongst some future members of the profession, a large proportion of students will go into practice unaware of knowledge of pro bono costs even though they are described as "an important development" by the Master of the Rolls. In a move unconnected with the competition, earlier in 2011 City Law School in conjunction with the Foundation made pro bono costs an integral part of its Bar Professional Training Course.

Sarwan Singh, the Director of City Law School Pro Bono, said "*It is imperative that our law students are made aware of the costs awards available to practitioners working on pro bono cases. By including pro bono costs the hope is that the future profession will appreciate by making a simple application, charitable funds can be unlocked whilst creating a more 'level playing field' between the parties. We regard not just the inclusion but the emphasis on pro bono costs within the course as essential to the overall legal education of our law students*".

Prior to this article being published, Andrew McIntyre received the Foundation's student prize from the Attorney General, Dominic Grieve QC MP, at the LawWorks & Attorney General Student Awards 2011 on 30th March 2011 at the House of Commons. The prize included £300 of book vouchers kindly donated by LexisNexis. At the event the MD of LexisNexis Christian Fleck announced that their flagship publication, the New Law Journal, would be publishing the winning article. The competition's second prize Commendation went to Sam Kershaw of BPP Law School, Manchester, with short listed mentions to Frederick Lyon and James Potts of City Law School.

Notes to Editors:

1. The Access to Justice Foundation is a national charity that provides grant funding to support pro bono and advice agencies that give free legal help to the public in need. The Foundation was established in 2008 by the Advice Services Alliance, Bar Council, ILEX and Law Society. The Foundation works with a network of seven Legal Support Trusts across England and Wales. For more information visit www.ATJF.org.uk.
2. Section 194 of the Legal Services Act 2007 introduced “pro bono costs” which are like ordinary legal costs, but where a party had free legal representation. If a civil case is won with pro bono help, pro bono costs can be ordered by the court, or included in settlements. The procedure is broadly the same as normal costs. The costs are paid to the prescribed charity, the Access to Justice Foundation. Guidance may be downloaded from www.ATJF.org.uk/costs
3. For information on the competition visit atjf.org.uk/downloads/ATJF_student_competition_170111.pdf
For the LawWorks & Attorney General Student Awards visit lawworks.org.uk/student-awards-2011
For the New Law Journal’s website visit www.newlawjournal.co.uk
4. Enquiries may be directed to enquiries@atjf.org.uk or telephone Toby Brown on 020 7696 9900.