



The Law Society

6 October 2008

Launch of the Access to Justice Foundation: “world first” cross-profession initiative to provide additional resources to support access to justice

The Access to Justice Foundation is to be launched tomorrow at a special reception in London hosted by Coutts.

The creation of the Foundation marks a further stage in the strategic development of measures to improve access to justice. It will make additional funds available to support the provision of pro bono (free of charge) legal services to those who cannot afford to pay and cannot get legal aid.

The Foundation will raise these additional funds through a new scheme provided by section 194 of the Legal Services Act 2007. Section 194 enables the Courts of England & Wales to require a party who loses a legal case against a party with pro bono help to make a payment to the Foundation in an amount equal to an order for costs (a “pro bono costs order”). Up until now under English law the losing party would have had no liability to pay costs, whilst had it won it would have been able to seek costs.

The Foundation will also be available as the natural preferred destination of choice for funds raised through suitable future schemes designed to raise money to improve access to justice.

Alongside the Foundation Regional Legal Support Trusts are being created across England & Wales, modelled on the successful London Legal Support Trust. The Foundation will distribute the funds it receives both to the national or strategic pro bono organisations in the UK, and to the new Regional Legal Support Trusts. The Trusts will help distribute the additional financial resources raised to advice agencies and law centres. In addition, the Trusts will be running events to increase the additional financial resources available. Just as the Foundation will play an important strategic role, so the RLSTs will be an important part of the regional infrastructure for pro bono work.

The scheme as a whole is a cross-profession initiative, in collaboration with the voluntary sector. It has been led by the National Pro Bono Coordinating Committee chaired by the Attorney General, Baroness Scotland. Lord Goldsmith QC, former Attorney General, will chair the Foundation.

The Attorney General, Baroness Scotland QC, said: "This is a historic launch. As guardian of the public interest it is of great importance to me that the Access to Justice Foundation has been created.

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"With its charitable status it owes no obligation or affiliation to any one cause, save the overriding cause of improving access to justice. The key to its work will be to distribute funds strategically to where they are needed. A fundamental part of this is the creation of the Regional Legal Support Trusts, with which the Foundation will work closely, just as it will work closely with the national pro bono organisations that coordinate work delivered in this country and across the developing world."

Michael Napier CBE, QC, the Attorney General's Pro Bono Envoy, said: "This initiative unlocks new money to help pro bono organisations nationally, and the advice sector regionally. The Foundation and the Regional Legal Support Trusts will offer a further strategic dimension to the magnificent contribution of the legal professions in giving free legal help to those who cannot afford to pay. In time, better access to justice – less unmet legal need - will be the result."

"The Foundation will exist as the natural destination for funds that, for the first time, can rightly be recovered from the unsuccessful opponent of a pro bono assisted litigant, and for other charitable donations in the cause of access to justice. But it must always be remembered that, just like pro bono help itself, the Foundation will never be a substitute for legal aid."

The Board of Trustees of the Foundation is drawn from across the profession and not-for-profit advice sector. Steve Johnson, Chairman of the Advice Services Alliance and a Trustee of the Foundation said: "Together, the legal profession and the advice sector make a hugely important voluntary contribution towards enabling the poorest in our communities to get access to justice. There is still a long way to go, but the creation of the Foundation and the related matrix of Regional Legal Support Trusts marks a further important joint step."

Lord Goldsmith QC, said: "I am delighted to witness the start of this new Foundation which will provide new funds for vital pro bono work. Together with the Board of Trustees, I look forward to the work ahead."

Paul Marsh (President of the Law Society), Tim Dutton QC (Chairman of the Bar Council) and Mark Bishop (President of the Institute of Legal Executives) jointly welcomed the initiative. In a joint statement they said "This initiative is another excellent example of the three branches of the legal profession working together in the public interest. The Foundation carries our fullest support."

Sarah Deaves, Chief Executive of Coutts & Co, commented: "Our Professionals client group repeatedly comes across the work of various Pro Bono organisations through their strong relationships within leading law firms and barrister chambers. Many guests at this event are very generous with their time and effort dedicated to Pro Bono work and we are delighted to support the celebrations of the launch of the Access to Justice Foundation."



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Coutts is hosting the launch reception as part of its Corporate Social Responsibility programme.

Notes:

Journalists are invited to attend a media briefing with Lord Goldsmith QC, Chair of the Foundation and Michael Napier CBE, QC, the Attorney General's Pro Bono Envoy at Coutts & Co, 440 Strand, London WC2R 0QS at 6.10 p.m. on Tuesday October 7th.

The Access to Justice Foundation will be launched at a reception hosted by Coutts at 6.30 p.m.

(1) Enquiries about this initiative should be addressed to Michael Napier CBE, QC (the Attorney General's Pro Bono Envoy) on 020 7421 3853 or email at Michael.Napier@irwinmitchell.com; or alternatively to enquiries@accesstojusticefoundation.org.uk

(2) Pro bono assistance provides access to justice for someone who cannot afford to pay for legal assistance and cannot get legal aid.

(3) The Access to Justice Foundation is a registered charity. Its website is at www.accesstojusticefoundation.org.uk. The website will be live from noon on Tuesday.

(4) The Attorney General's National Pro Bono Coordinating Committee is chaired by the Attorney General and comprises representatives of all the main organisations involved in the coordination and delivery of pro bono legal work.

(5) Section 194 of the Legal Services Act 2007 came into force at the beginning of October 2008. Under the section Courts in England & Wales have power to order a losing party to make a payment to the Access to Justice Foundation, under section 194 of the Legal Services Act 2007. This will be where a case has been won with pro bono help, and the losing party would otherwise have escaped liability for costs simply because it had lost to a party that had been helped pro bono. Broadly speaking, seeking a section 194 order is like seeking an order for costs.

(6) The Board of Trustees of The Access to Justice Foundation will have the widest discretion to make decisions, but will publish its distribution principles. The Foundation does not fund legal costs – rather it helps meet some of the costs of the voluntary, not-for-profit and charitable organisations and projects that provide help for free, including by their deployment of members of the legal profession willing to advise and assist pro bono, across the UK and in the developing world.

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(7) Regional Legal Support Trusts now exist or are being formed for London and the South East, for Wales, for the North West and for the Midlands. It is intended to establish further RLSTs for the North East, for the South West and for the East.

(8) Lord Goldsmith QC is now European Chair of Litigation at Debevoise & Plimpton LLP.

For more information please contact:

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