

The Legal Services Board
(consultations@legalservicesboard.org.uk)

29 October 2009

Dear Sir/Madam

We refer to the invitation to make representations by 30 October, contained in your papers "Regulatory Independence; Response to Consultation" and "Internal Governance and Practising Fee Rules; Supplementary Consultation".

The Bar Pro Bono Unit is the primary body responsible for the organisation and coordination of the contribution of pro bono legal services by members of the Bar of England & Wales. It has a panel of more than 2000 members of the Bar who have pre-volunteered, and often involves barristers "off panel". It works closely with LawWorks (The Solicitors Pro Bono Group), with the ILEX Pro Bono Forum and with A4ID (the body primarily responsible for the pro bono deployment of the UK legal profession in developing countries).

There is one point that we wanted to make. It is prompted by our review of your two papers referred to above, and also of your original consultation paper on "Regulatory Independence" and your discussion paper entitled "Wider Access, Better Value, Strong Protection".

The one point is this. As we see things, pro bono work (including public legal education or PLE) is of importance to as many as 7 out of the 8 regulatory objectives set by section 1 of the Access to Justice Act 2007 (ie all but objective (e)). Against that background we respectfully are surprised at the limited reference to the subject in your papers.

Further in the "Wider Access" discussion paper, the limited reference is, to our mind, both surprisingly "laissez-faire" and tentative. Thus at paragraph 7.8 you say:

"We also note the well-established pattern of many large firms and Chambers facilitating solicitors and barristers in doing *pro bono* work. It

will be interesting to note whether new market entrants adopt this practice. It could be beneficial, not only in terms of enhancing access to justice, but also in encouraging an organisational culture which promotes adherence to the professional principles.”

We do not mean the point we make to be taken as a criticism. Instead it is meant as an observation that, as your work proceeds, you may wish to bear in mind.

Moreover we fully appreciate the scale of the task you have. We hope it goes without saying that we would be more than willing to work with you and provide assistance where you might find that helpful, subject always to the limits on our own resources and time as a charity, and one that faces huge demands in the current climate.

Yours faithfully

Robin Knowles CBE, QC
Chairman

Rebecca Wilkie
Director