
GUIDANCE FOR APPLICANTS SEEKING PRO BONO ASSISTANCE

THE UNIT

The Bar of Northern Ireland Pro Bono Unit (“The Unit”) has been established by the Bar of Northern Ireland to provide free legal advice and representation in deserving cases for those who cannot afford the legal help they need and who cannot obtain assistance from any other source. Advice and representation is provided by Barristers who have volunteered to join the Bar of Northern Ireland Pro Bono Panel (“the Panel”).

HOW THE UNIT CAN HELP

We can help by putting members of the public referred by an advice agency in touch with Barristers on the Panel who can:

- (a) Give advice either in the form of a written opinion or verbal advice at consultation; and/or
- (b) Represent them in any Court or Tribunal in Northern Ireland, or the European Court of Justice, the European Court of Human Rights or the Supreme Court of the United Kingdom in respect of any cause or matter emanating from Northern Ireland; or
- (c) Provide assistance with mediation.

FREE OF CHARGE Applications for advice or representation are considered by our Management Committee whose decisions are entirely a matter for their discretion. The Unit seeks to ensure that any advice or representation provided will be of the same quality as if the case were funded.

WHEN SHOULD AN APPLICATION BE MADE? The Unit requests a minimum of three weeks’ notice.

REFERRAL Applications will only be considered where there has been a referral by an advice agency accredited by the Bar of Northern Ireland (“accredited advice agency”) or a Solicitor providing services to a client on a Pro Bono basis.

HOW ARE APPLICATIONS CONSIDERED? The questions which will normally decide whether the Unit will accept a case are:

1. Does the case deserve Pro Bono assistance? This will involve some assessment of the legal merits of the Applicant’s case. **Consideration will also be given to whether the case revolves on its own specific facts, or whether there is a point of wider public interest in respect of which clarification would**

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provide assistance to many people. It is often emphasised to unsuccessful applicants that pro bono resources are scarce and must be deployed to maximum effect. Cases involving a point of public interest have tended to receive a more favourable response - as they may ultimately help a greater number of people.

2. Can the Applicant (or his/her family) afford legal assistance? The Unit exists to help those who cannot reasonably afford the legal help which they need and cannot obtain assistance from other sources. That means the applicant:

- Must give a summary of his/her financial resources (stating income, main items of expenditure and any substantial savings/property) and any family members to whom the Applicant might reasonably look for help (e.g. spouse/partner/parent).
- Must explain whether he/she has applied for legal aid and if he/she has been refused he/she must explain why enclosing correspondence.
- Should check before he/she applies whether he/she is entitled to legal assistance from a trade union or under an insurance policy.

3. Are the services of a Barrister needed? A Solicitor or advice agency, rather than a Barrister, may be better able to help in some cases. The principal expertise of a Barrister is in representing clients at hearings in Courts and other tribunals and giving specialist legal advice. Barristers cannot carry out factual inquiries, interview witnesses or deal with correspondence or court procedure on a client's behalf.

4. Will the work involved take more than three days? Members of the Panel will be able to devote a maximum of three days' work to a case though this may be exceeded in exceptional cases. This should be enough for most types of advisory work and for representation for short cases or hearings. The Unit cannot provide a Barrister to advise on an continuing basis over a long period or provide assistance for long cases in Court. In a complex case, assistance is more likely to be given if a Solicitor or advice agency can deal with some aspect of the work.

MAKING AN APPLICATION

We accept applications only through an accredited advice agency or a Solicitor working on a Pro Bono basis. This allows the accredited advice agency or Solicitor to help you by giving initial advice and to help us by collecting information about the Applicant's case.

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The Unit's Application Form must be completed in full. The Applicant should include the following information:

- Hearing dates or other deadlines;
- The nature of the problem and, if possible, the area of law upon which assistance is sought;
- A summary of the facts of the case; and
- Set out the questions upon which advice is sought and/or the nature of the hearing for which representation is requested.

The accredited advice agency/Pro Bono Solicitor should ensure that there is sufficient information with the application for the case to be properly considered. It is not possible for us to consider applications unless copies of all the important documents are enclosed. What documents we need to see will obviously depend on the particular case but the following guidance may be helpful:

- Where there are already Court or Tribunal proceedings, we must see all Court papers, including all Court Orders or Judgments;
- Where the Applicant has already been advised by a Solicitor or Barrister, we must see any letters or opinions giving advice about the case;
- Where there is correspondence about a problem with any other person(s) involved or their Solicitors, we must see copies of all the letters on both sides;
- If you want advice about a contract or any formal document, a full copy should always be attached. If the dispute is with an employer, the contract of employment or if there is none, the letter of appointment or any handbook, company rules, etc. should be provided;
- If the Court is a Criminal Court, copies of the Indictment, the witness statements, any documents lodged with the Court, any advice on appeal and any documents sent to the Applicant by the Court must be produced;
- If the papers are very bulky (over 100 pages) it would be helpful if the advice agency could make a selection of what seems to be the most important but also provide a summary of what other documents exist so that if we need more we can request them;
- Always put documents in date order. If there are a lot of documents please put a list at the front and number the documents sequentially; and
- Always send photocopies and not original documents.

URGENT CASES

Approaching deadlines or hearing dates must be highlighted on the Application Form. The Unit normally needs 21 days' notice of any hearing date and there is no guarantee that the Unit can respond to urgent cases.

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SIGNIFICANT DEVELOPMENTS

Significant developments such as a change of hearing date, settlement, an offer of settlement, or reinstatement of Legal Aid, after an Application has been submitted but before a decision has been notified must be immediately notified to the Unit.

WHAT HAPPENS NEXT?

Applications are considered by the Management Committee. Once a decision has been made the accredited advice agency/Pro Bono Solicitor will be informed in writing, usually within 3 weeks of the date of the Application. Except in urgent cases, the process of an Application cannot be discussed over the telephone with the accredited advice agency/Pro Bono Solicitor.

Where further information is needed before a decision can be made it is the responsibility of the Applicant to provide this when requested. No decision can be taken until the information requested has been provided and considered.

No Barrister is obliged to take on any particular case and it may not always be possible to assist. The services of a particular Barrister cannot be requested.

WHEN AN APPLICATION IS ACCEPTED

The accredited advice agency/Pro Bono Solicitor will be notified in writing advising it:

- That the Application has been accepted;
- Of the identity of the Barrister allocated to deal with the case;
- Of the nature and extent of the work that the Barrister has been requested and has agreed to undertake;
- As to what will happen next, for example that the Barrister will send his/her opinion in due course or that a consultation is required and how that should be arranged;

The accredited advice agency representative/Pro Bono Solicitor must then deal with the Barrister direct and the Management Committee will cease to be actively involved unless there are unexpected difficulties. The Applicant understands that whilst the Barrister is offering services free of charge, this does not include the payment of expenses such as Court Fees, photocopying and other incidental expenses. **The applicant is responsible for paying court**

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fees, photocopying charges etc. The Applicant must be prepared to provide promptly any further information/documentation which the Barrister requires via the advice agency and to attend any consultations.

Once a case is accepted the Barrister will deal with it like any other professional case and the Barrister is bound to abide by every provision of the Code of Conduct except where there are specific and explicit exceptions for Pro Bono work set out in the Code of Conduct applicable to Barristers in independent practice in Northern Ireland. Occasionally, a Court hearing can be arranged at a time when the Barrister is already committed to another case. Usually there is ample notice of this and a replacement can be arranged through the Unit in good time or the time of the hearing may be rearranged. Very occasionally the problem arises at short notice. In such a case, every effort will be made to find a replacement or to rearrange the hearing date but the Unit cannot give a guarantee that this will be possible. A Barrister may also have to give up a case if ordinary professional rules prohibit him/her from acting.

The Management Committee retain an absolute discretion to refuse any Application for representation or advice and exclude any liability in respect of such a refusal. Best endeavours will be made to ensure that representation and/or advice is provided in those cases accepted by the Unit. Barristers are individuals in private practice and where they agree to accept instructions from the Unit they provide their services voluntarily for no fee. They are not employed by the Unit.

They are responsible for the quality of their advice and/or any representation they undertake. The Unit cannot accept any responsibility whatsoever for the choice of Barrister or any advice or representation provided by them.

PRO BONO APPLICATION FORM FOR ASSISTANCE

All applications for free legal help from the Bar of Northern Ireland should be made on this form. We will review all applications: assistance with some forms of advice and representation in some tribunal cases may be provided by trainee Barristers (pupils), in other cases which we take, we will aim to secure assistance from a practising Barrister. Legal assistance can take the form of advice, a written opinion, help with mediation or representation at a court or tribunal.

- We can only assist those who cannot reasonably afford the legal help which they need, and who cannot obtain that help from other sources, such as legal aid, insurance or their trade union. Please see the note overleaf on the issue of legal aid.
- Applications are assessed on the basis of the non-availability of alternative sources of funding and on the merits of the case.
- Please read the Unit's information leaflet carefully before completing both this form and the financial information form.
- Please complete all sections and sign both forms. Failure to do so may delay consideration of your application.
- Please ensure that a copy of the completed application form and financial information form are retained for your records.
- Please send the following (in hard copy or electronically) to the Unit:
 - (1) this application form;
 - (2) the case summary form;
 - (3) copies of supporting documents (DO NOT send originals as documents cannot be returned)

Our contact details are as follows:

The Bar of Northern Ireland Pro Bono Unit probono@barofni.org
Bar Library,
91 Chichester Street,
Belfast
BT1 3JQ

Legal Aid Notice

You must find out if you are eligible for legal aid before applying to the Unit. A solicitor/advice agency such as a Law centre or Citizens' Advice Bureau will be able to help you with this. The Unit will not be able to process the application until we know why you have not obtained public funding. We cannot assist you if you can obtain legal aid unless you are required to make contributions and cannot afford to pay them. If this is the case, please provide the relevant details on a separate sheet.

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Further information and helpful legal aid calculators can be found at:
www.justice-ni.gov.uk

1.	Have court or tribunal proceedings already started? *Delete as appropriate	*Yes/No
2.	Urgent Cases: Is there a deadline in this case within the next month?	
3.	If there are court or tribunal proceedings pending, where are they and what is the case reference number?	
4.	Name of Referring Agency/Pro Bono Solicitor	
5.	Name of Advisor (and details of availability if part-time)	
6.	Agency/Pro Bono Solicitor Address	
7.	Agency/Pro Bono Solicitor Telephone Number	
8.	Agency/Pro Bono Solicitor Email Address.	
9.	Your Full Name	
10.	Your Date of Birth	
11.	Your full Postal Address	
12.	Your Contact Telephone Number	
13.	Your Email Address	
14.	Have you been assessed to see if you qualify for legal aid or made an application for legal aid (please tick and provide details as appropriate)?	No, I have not been assessed to see if I qualify for legal aid. Please note that these options must be explored before the Pro Bono can assist you.
		No, I have not applied for legal aid.

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		<p>More information on whether you might qualify can be found here.</p> <p>More information on how to apply for legal aid can be found here. A solicitor or advice agency such as a Law centre or Citizens Advice Bureau will also be able to help you with this.</p>
	Yes I have applied for legal aid (please enclose the details).	
	Yes, I have been assessed to see if I qualify for legal aid and think I qualify, but cannot find a solicitor to act (please provide details):	
	Other (please provide details) :	
15.	Have you received any advice/assistance for this case through legal aid? If so, please provide details. If you have received legal aid but are required to make some contributions to your legal costs that you are unable to pay please explain why	
16.	Are you a member of a trade union? If so, have you sought legal assistance from them?	
17.	Have you checked whether you have legal expenses insurance under any insurance policy (e.g. household or motor)?	
18.	Have you requested or received assistance with this case in the past from a solicitor or advice agency? If so, please provide full details and a contact name.	
19.	Is your case already under consideration by a court or tribunal? If so, please provide details of where, and please	

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	provide copies of any court or tribunal papers.	
20.	When is the next deadline in the case?	
21.	What help would you like? *Delete as appropriate	*Written Advice Advice and Representation Assistance with Mediation
22.	What would be your preferred outcome for your case?	
23.	What is your occupation?	
24.	Are you currently employed?	
25.	If you are not employed please provide details of your employment status e.g. 5 unemployed, retired, self employed, student.	
26.	What is your salary?	
27.	What income do you receive each month?	

If you answer yes to any of the following questions, please provide full details and amounts

28.	Do you receive any means tested benefits? If so, please state which one(s).	
29.	Do you have any savings?	
30.	Do you own any property? If so please provide details and approximate value?	
31.	What monthly expenses do you have?	
32.	Do you owe any money?	
33.	Is any money owed to you?	
34.	Do you live with anyone else? If so please provide names, ages, and details of relationship to you.	
35.	What other income is brought into your home on a monthly basis?	

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36.	Are any of the people that you live with financially dependent on you?	
37.	Do you expect to receive any other income within the next six months which you have not already provided details of?	

DATA PROTECTION NOTICE

The Bar of Northern Ireland Pro Bono Unit will process your information (whether provided by you or by a third party) for the purposes of administering your application and your case. Processing may include disclosure of your information to third parties such as other advice agencies, voluntary organisations, the Court, legal expenses insurers, trades unions and legal advisers. By making this application and signing below you confirm that you consent to such processing. Your information will not be sold to any third party nor used for the purpose of direct marketing. By signing below, you certify that the information in this application to the best of your knowledge is true, complete and accurate.

Signature:

Date:

Signed for and on behalf of Advice Agency/Pro Bono Solicitor:

Date:

Have you completed the case summary on the following sheet, signed and dated the statement and attached any relevant supporting evidence?

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CASE SUMMARY

(continue on a separate sheet if necessary) Please give us a summary of your case. This is an important section. Please note the following points:

- You should set out the facts of your case, so that we can understand what it is about.
- The easiest way to do this is often to go through in date order explaining briefly what has happened at each stage
- It is not enough just to say 'see the attached documents'. You should tell us about what happened, any financial loss or injury, or anything you are entitled to that you have not received.
- You should give details of any court or tribunal hearings which have already happened.
- If you want advice or representation in connection with an appeal, you **MUST** include a copy of the judgement appealed from
- If you are seeking advice (including advice with representation) you should set out exactly what help you think you need

Signature:

Date: