

# LASER

Legal  
Assistance  
for Economic  
Reform

Making the most of  
international pro bono  
assistance

A handbook for legal pro bono  
providers and their developing  
country clients

DFID Legal Assistance for Economic Reform Programme

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## How to use this handbook

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This handbook is produced by the Department for International Development's (DFID) Legal Assistance for Economic Reform (LASER) programme.<sup>1</sup> It is designed to be of use to both those engaging legal pro bono providers; referred to in this note as clients, and legal experts providing pro bono; referred to as legal experts. The handbook is divided into two main sections one targeted at clients, and the other at legal experts. However, much of the information in both sections is relevant for clients and legal experts in terms of better understanding each other's roles and responsibilities, developing more effective relationships, and maximising the value of pro bono assistance provided.

For ease of reference the step by step guidance for clients to consider when engaging pro bono providers is coloured in blue and guidance for legal experts is in purple. Both sections offer practical tips for overcoming potential problems, and ensuring a smooth process. A handy summary of the step by step guidance is annexed to the handbook together with a set of practical resources and templates that can be tailored to the needs of both clients and legal experts.

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<sup>1</sup> Through a focus on commercial law and justice issues, LASER's objective is to improve investment climates in developing countries. A key goal of LASER is matching developing country demand for support with the supply of high quality, developmentally appropriate legal assistance, including that provided on a pro bono basis.

## Foreword

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Lawyers the world over are bound together by a common ethic of professional duty to uphold the rule of law and the proper administration of justice. The UK legal profession has continued to be a leading contributor to 'pro bono' services both at home and increasingly abroad, utilising their skills and knowledge to support these principles.

[The Rule of Law Expertise \(ROLE\) UK Programme](#), established in 2015, is a new and unique collaboration of the UK government's Department for International Development (DFID) with the UK legal pro bono sector and judiciary. It provides a consolidated point for overseas governments, civil society organisations and others to access the most relevant expertise from across the UK legal sector including supporting specialist legal and developmental expertise.

In working jointly with both recipients and providers of international pro bono we can assist in articulating in-country needs and appropriate responses to these, identifying relevant expertise and funding costs for deployments. We also share our learning and best practices to further improve the co-ordination and delivery of UK international legal pro bono contributions.

A coordinated approach enables more strategic, sustainable and impactful contributions. This handbook, produced by LASER in collaboration with ROLE UK, supports this model and is an essential guide for all those involved in the planning, delivery or receipt of international pro bono services. It shares practical insights relevant to both clients and providers to ensure closer alignment, contextualisation and understanding. It also outlines basic underlying principles and templates for pro bono project planning, monitoring and evaluation, all useful tools to, ensure that the desired results are achieved, and to inform future programming.

Lucy Hicks  
Head of Unit, ROLE UK.

## Chapter 1: What is pro bono legal assistance

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- 1.1 Pro bono refers to the provision of legal advice and assistance for free. There is no universally agreed definition of legal pro bono and the exact scope of what legal pro bono providers will be willing to offer for free varies from expert to expert and country to country. In general, lawyers from around the world will offer not only legal advice and assistance on a specific matter, but also training and support, on a pro bono basis. This is across all areas of the law, from the commercial (e.g. advice on international trade agreements and cross-border corporate transactions) to more traditional domains, such as human rights and rule of law issues.
- 1.2 Providers of legal pro bono range from academia, NGOs and professional bodies, to multinational corporate law firms and members of the judiciary, and vary significantly both in terms of the scope of services offered, capacity and resources. Generally legal pro bono is more easily offered by larger international law firms; given the scale of their operations and their ability to subsidise its provision.
- 1.3 The jurisdictions where the commitment to pro bono by lawyers is most deeply ingrained are the UK, Australia and the USA. The tradition of providing legal pro bono is less well developed as a culture in civil law jurisdictions, and it can be harder to find lawyers with a civil law background to carry out pro bono work.

### Why do law firms/legal providers undertake pro bono work?

- 1.4 Understanding the factors that motivate law firms and other legal experts to want to do pro bono work is important as it enables the client to package its own needs for support and make them an attractive proposition for the legal pro bono providers it is targeting:
  - Improved recruitment and retention – employees find pro bono work rewarding, leading to higher job satisfaction. Lawyers are more likely to join a firm/legal provider that offers interesting pro bono opportunities, and are more likely to stay with that firm.
  - Improved reputation and profile in the market.
  - Providing opportunities for the firm to engage with existing or potential commercial clients and contacts in a new way and around a different area of work.
  - Forming part of a wider corporate social responsibility strategy.
  - Increasing a law firm or provider's understanding of the local market.
  - Demonstration of a professional legal ethic to use their skills and experiences to support the principles of the rule of law.
- 1.5 When deciding whether or not to undertake specific pro bono work in developing countries, legal experts may consider the following:
  - Political stability and outlook in the partner country.

- The potential to develop ongoing relationships and the extent of the potential market in the partner country.
  - The complexity and duration of the proposed pro bono work in relation to the firm or network's capabilities and resources.
  - Potential conflicts with current or future clients.
- 1.6 Legal pro bono work should be done to the same standard and staffed to the same level as work done for paying clients. In the UK, there is no professional distinction between legal work done for free (pro bono) and legal work done for payment. Lawyers must meet the same standards in terms of client care and quality of work and both are regulated in the same way.
- 1.7 In many jurisdictions, pro bono work is not regulated, but many lawyers will be willing to commit to follow best practice protocols that set standards for pro bono work. These are voluntary in nature but have wide support in the legal profession. The UK Protocol for pro bono work is provided as an example in Annex 2.
- 1.8 Most international law firms providing legal pro bono assistance will treat an agreement for the provision of pro bono services in the same way as they would a commercial arrangement. This is a standard that clients should encourage by drawing up clear contracts or agreements for legal pro bono assistance, which include for example, deadlines, deliverables and ownership of any material prepared.

## Chapter 2: How to engage legal experts

- 2.1 As outlined in Chapter 1, legal pro bono assistance comes in many shapes and forms; it can be used to help develop institutional capacity, offer specialised legal expertise or additional capacity that is not available locally, or offer an independent view to existing problems and solutions. The assistance can be provided via in-country deployments or through desk based and remote support. While each piece of pro bono work or assignment will be unique, there are some common steps and issues that a client can consider when working with legal pro bono experts; referred to as legal experts, which should help avoid problems and maximise the benefits of assistance provided.
- 2.2 This handbook is designed as a step-by-step tool for clients to use when engaging legal experts to supply services. Where applicable suggested minimum time scales are included. Advance planning is always advisable particularly as law firms and other providers of pro bono assistance have their own work commitments, and also often have lengthy internal procedures to go through before they can respond to a request for assistance.
- 2.3 The timelines provided offer ideal scenarios, and are particularly relevant for work that can be built into regular planning processes. It is also worth noting that some clients - for example in Fragile and Conflict Affected States (FCAS) - may have ad-hoc or urgent requirements that cannot be built into regular planning processes.
- 2.4 While the timings provided might not always be relevant for every piece of work, the important thing to emphasise is that the steps outlined below remain the same regardless of timing issues.

- Step 1: Identifying the problem;
- Step 2: Project planning;
- Step 3: Identifying legal experts;
- Step 4: Agreement;
- Step 5: Pre-assignment work;
- Step 6: Pre-assignment logistics;
- Step 7: The core work.

### ➤ **Step 1: Identifying the problem**

- 2.5 The first issue the client needs to consider is the reason assistance is being sought, and the problem it is addressing. Whilst this might sound obvious there are scenarios, such as post conflict or emergency situations, where clients might receive multiple offers of pro bono assistance. However well-intentioned, if the assistance does not address an identified problem and there is not sufficient time or capacity from the client's side to manage it, its value can be undermined, and even counterproductive as important resources are diverted to manage it.

- 2.6 It can be tempting to view pro bono assistance – free by definition – as having no costs attached to it. However, as this guidance demonstrates it is not a cost neutral resource as there are not insignificant human resources costs in managing the pro bono assistance. It may be, particularly in Fragile and Conflict Affected States (FCAS) or organisations/countries with severe resource constraints, that diverting valuable resources to manage a project; which is not a priority, is not an effective use of resources.
- 2.7 In thinking about what kind of pro bono legal assistance may be relevant to them, and the appropriate timing of this assistance, clients should first identify the overall problem that needs to be addressed. The next step is to think about the overall change that needs to take place. This can be thought of as the ‘goal’. Once the goal has been identified, the client needs to work out what kinds of strategies are required in order to move towards this goal. Often, a multi-faceted strategy will be required. For instance, if the overall problem is that the economy is suffering from a lack of foreign investment and the goal is to increase accessibility for international investors, then strategies might be needed to tackle corruption, strengthen the tax regime, increase access to finance, or manage business entry.
- 2.8 In developing these strategies, the client should think about where pro bono legal support will be most relevant and have most impact. The client should take into account that a series of inter-linked pro bono solutions or activities might be more appropriate than one-off activities. Engaging pro bono legal experts in a longer-term programme of change builds strong and lasting relationships and can increase the sustainability and impact of the activity.
- 2.9 The client should then prioritise a first entry point for engagement. Ideally this should be where there appears to be both an opportunity for change, and where stakeholders are involved and committed to the issue.
- 2.10 Legal pro bono assistance generally falls into the following three categories:
- Pro bono assistance needed for a particular task, i.e. to review or support the development of a new legislation.
  - Pro bono assistance needed for training, whereby people are helped to learn specific skills or increase their awareness of issues.
  - Pro bono assistance needed to help an organisation think and talk through what needs to be done around a particular task; for example developing a strategic plan that the organisation will then deliver itself.
- 2.11 Pro bono expertise can also be used to assist in undertaking the steps outlined above, around identifying a problem and developing the relevant strategies to address it. Clients could consider involving legal experts in a needs assessment or scoping visits, where their expertise could assist in identifying the specific nature of the problem and how legal expertise could be useful in addressing it.
- 2.12 The next consideration for clients is how the pro bono assistance will be delivered. Given the minimal costs associated with desk based and remote support compared to in-country



deployments, the client should consider whether the assistance needs to be delivered in-country, or can be provided remotely. Where there is added value in legal experts being deployed, in-country funding can be sought from organisations such as the DFID funded Rule of Law Expertise Programme (ROLE UK).’

## ➤ **Step 2: Project planning**

- 2.13 As with any consultant the starting point for engaging legal experts is planning, and being clear from the beginning of the process what the client wants to achieve.
- 2.14 One of the first steps is to identify any individual(s) within the organisation that will manage the planning and implementation process and act as the project lead. If the work involves a large number of people across different departments or organisations (i.e. a training involving government lawyers in different ministries, or a seminar bringing together members of the judiciary and private practitioners), it may be helpful to set up a small steering committee.
- 2.15 Identifying a project lead can seem burdensome, and an additional strain on resources; particularly if a lack of human resources is itself an issue. However, it can be counter-productive if no individual/s has/have overall responsibility for the coordination of any assistance from the outset.
- 2.16 The client then needs to write an outline or short summary of what assistance is needed and why. This will provide the Terms of Reference (ToR) to send out to legal experts, and will also help build internal agreement about what the assistance needs to achieve. The ToR need only be a short document, but the clearer and more specific the client can be, the better. A template of a ToR is attached in Annex 3.
- 2.17 It is possible that the client has identified a broad or general need of, for example, support for regulation of its energy sector. However, the client is not able to identify all of the steps/assistance needed as they do not have the technical expertise to do so. In that case the client could specify that the first step of assistance is mapping out the steps that need to be taken in order to develop such regulation.

2.18 Issues a client might want to include in a general ToR include:

- Title of the project.
- Background/context of the work.
- Objectives – why the work is necessary and what it is expected to achieve.
- Expected outputs/inputs or products (reports/training/workshop etc.).
- Logistics – who does what?
- Risks to the success of the project.
- Person specification – an outline of the skills and experience required.
- Reporting requirements.

- Overall timeframe and deadlines.

2.19 Issues a client might want to include in a training ToR include:

- Background - information that will help the legal experts understand what is needed and what it is hoped it will achieve.
- Scope of training – content of training, areas of knowledge to be covered.
- Length of training - anticipated length of training in days.
- Trainees– who are being trained (e.g. government lawyers, private practitioners, mixed group), number of trainees expected at each session, level of prior knowledge and experience of trainees.
- Language – in what language should the training be carried out and the training materials produced? Are trainers required to use a translator?
- Dates – approximate dates of the training and start and end times each day.
- Finance – is the legal expert expected to cover travel/accommodation/insurance costs or are these are being met by the client/another source?
- What feedback does the client want from legal experts after the training? This could be a conversation/short interview on the training or asking them to provide a written report.

### ➤ **Step 3: Identifying legal experts**

- 2.20 The ToR should then be sent out to potential legal experts to seek their interest. Legal expertise may be sought from across the profession - lawyers, judges and legal academics can all contribute to this process. In addition to approaching individual law firms that the client knows have an interest or work in their jurisdiction, ToRs can be sent out to pro bono brokerage organisations or bar associations active in legal pro bono assistance (Annex 4) who will be able to advertise opportunities to their memberships and wider networks.
- 2.21 Organisations such as ROLE UK provide a single access point for identification of relevant expertise from all facets of the legal profession – private practice, government lawyers, the judiciary and academia. They can also provide assistance to clients in identifying the scope and nature of legal support available.
- 2.22 It is worth considering whether the work would benefit from a mixed team of local, regional and international pro bono experts. Even in the cases where expertise is being sought because it doesn't exist locally, matching international experts up with local counterparts will invariably help ensure that the local context is better understood. This approach can also strengthen the impact and sustainability of the work, as it can build the relevant expertise of the local expert, who is best placed to continue supporting the client in future.

- 2.23 Once the ToR is completed they can be sent out with a covering letter or email that asks interested experts/organisations to send the client:
- A short statement of experience in the relevant technical area;
  - Information on their experience working in the country or the region;
  - CVs of potential experts;
  - Availability to do the work, and
  - Whether they can pay the experts' expenses.
- 2.24 The client should not assume that just because a law firm has the capacity to provide lawyers to work pro bono on a particular project, which has cost implications in itself, that the firm will also have a budget to cover associated project costs, i.e. travel, accommodation, and training costs. External funding from other sources, including ROLE UK, can be available to support these costs, depending on the nature of the assignment.
- 2.25 The client should be aware that legal experts will expect to ask questions about the ToR and in some cases negotiate what is included in them. Given that the legal experts will have the technical skills the client is looking for, these questions might refine the ToR and any assistance requested. Any client who does not want to negotiate the ToR must be very confident that they have identified the correct problems and measures that need to be taken.
- 2.26 Where there is interest from more than one legal expert the client needs to develop selection criteria for choosing their preferred supplier. Selection criteria could include:
- Technical expertise;
  - Country knowledge and experience;
  - Availability; or
  - Willingness to pay legal expert's expenses.

***A suggested timeframe of 4-6 months before the intervention date is recommended for steps 2 and 3 to ensure sufficient time to identify legal experts, particularly if there are steps such as the development of training material that need to take place before the actual intervention.***

#### ➤ **Step 4: Agreement**

- 2.27 Once the client has selected its preferred legal expert it should confirm that the legal expert agrees to deliver the ToR and obtain written agreement on the timing, delivery and quality of work. Where applicable clients should include financial and logistical issues in any written

agreement, i.e. if the work involves travel, who will cover the experts' travel costs, food and accommodation.

- 2.28 An agreement need not be a formal contract and can be done by email. However the client might want to draw up a more formal agreement. Section 2 of the UK Pro bono protocol for legal work, attached as Annex 2, provides a model for the type of information that a client might want to be included in any formal agreement. A template for a letter of agreement is also included under Annex 3.
- 2.29 Larger law firms will more than likely have general terms of business (agreements) that they tailor to particular pieces of pro bono assistance and include detail such as what marketing uses can be made of any project outcomes.
- 2.30 In an agreement a client might want to consider the rights to use any material/reports produced through the pro bono assistance. If training material is developed, will it belong to the client so that it can be used in future trainings?

2.31 Summary of main points to agree in writing:

- Agreement on the ToR – what the experts are going to do and by what date(s);
- Financial and logistical arrangements;
- Name and details of key contact points on both sides;
- Principles of engagement (e.g. informal contract or pro bono protocol); and
- What support will the client offer the experts, e.g. making accommodation or other transport arrangements, and provide information on visas.

➤ **A client's email to confirm a piece of pro bono work could look like this:**

I am writing with reference to [piece of work]. On behalf of [organisation] we are pleased that you are able to work with us on a pro bono basis on [project name].

We agreed that you will deliver [outputs] over a period of [time] and this will include a short written report on the training.

Our organisation will cover the costs of [ ] and other costs will be met by [ ].

Your contact point for this work will be [name/contact details].

***A suggested time frame for completing an agreement in writing is 3 months in advance of the proposed work.***

➤ **Step 5: Pre assignment work**

- 2.32 The client needs to supply the legal experts with briefing materials such as relevant laws and policy documents, to enable them to both understand the local context and prepare their work. Ideally the client will link the legal expert up with a counterpart local lawyer/counsel who can provide input on both local context/knowledge.
- 2.33 If the work is being carried out remotely organising a start-up meeting (via telecon/Skype) is a useful project starting point.
- 2.34 If the work is being carried out by several different legal experts; for example from an international and local firm, the client should make sure that they are linked up with each other at the beginning of the process. This helps ensure everyone involved is clear about their contributions and in the case of a seminar, for example, there is no overlap between presentations.
- 2.35 A start up meeting can be a useful opportunity to further clarify the output of the work. While pro bono assistance, such as technical drafting or producing a report are more clearly defined in their scope it is still worth detailing as far as possible what is expected, i.e. how many drafts of a report might be required, will stakeholders review initial drafts, the length and format of report required.
- 2.36 At this stage it is important to agree a realistic timetable for each activity. Legal experts will often be undertaking pro bono work in their free time, and in addition to their full time paid work. However, the client needs to ensure that if activities are scheduled around when legal experts are free it is not detrimental to the project itself.

A real life example of poor timetabling and good intentions having unintended consequences is a leading law firm which delivered training for judges in a developing country, only to realise that the arrangement they had made to deliver the training over a two week period meant that the supreme court and commercial court were closed down during that period, resulting in a worsening of the backlog of cases – an issue that the training had been designed to improve.

- 2.37 Other issues to consider at this stage include: evaluation – are there processes in place to evaluate the work both on the client and legal expert's side. Evaluation is critical to ensuring that the activity has had the desired impact or outcome and provides valuable information to inform future activities and how things may be done differently. Training - will the client use its own training feedback forms or do special forms need to be developed, and is this an output that needs to be included in the initial written agreement? A template of a training feedback form is attached in Annex 3.

***A suggested timeframe of 2 months in advance of the assistance is suggested, particularly if the work involved includes developing training course content and materials and/or inviting participants to an event.***

## ➤ Step 6: Pre assignment logistics

2.38 Where the pro bono assistance involves international travel, logistical and administrative arrangements need to be confirmed. In particular:

- Arrangements for travel, accommodation and working space (if the legal expert will be working in-country) need to be organised. The agreement drawn up should confirm who is responsible for both making and paying for the logistical expenses.
- If the legal expert needs to visit particular areas, or hold meetings with different organisations/stakeholders as part of their work, access needs to be ensured. It is likely that the client will be responsible for organising a visit itinerary, or at the very least introducing the legal expert to key stakeholders and making them aware of the work and visit.
- Prepare background travel information on the country for the legal adviser or signpost them to sources of relevant information. If the client is going to make use of pro bono assistance on a regular basis it can save time to develop a standard information sheet for visiting legal experts.

2.39 Where a training/workshop or seminar is taking place the following needs to be considered:

- Make sure legal experts send any training or written material to the client in good time so that it can be reviewed and handouts printed.
- Prepare printed schedule for event/training - including participating organisations' logos.
- If relevant, arrange for opening and closing remarks from appropriate senior representatives of the client organisation.
- Confirm all logistical arrangements – from room set up, to technical requirements, i.e. use of projector.
- Print evaluation forms for participants/trainees and the legal experts to complete on the day of the event/training. See Annex 3 for sample training evaluation forms.

***A suggested timeframe for in-country assignment or pre-training issues is 3-4 weeks in advance of the departure/ training date.***

## ➤ Step 7: The core work

2.40 Whether the pro bono assistance is being provided in-country or via desk based support the following issues need to be considered:

- Induction and briefing – has time been set aside for this?

- Information collection – Has the legal expert got access to the people/organisations and documents they need. The client will often need to facilitate this through an initial introduction. If an itinerary has been prepared for an in-country visit does it provide sufficient flexibility to include other interviews/meetings that might arise as part of the legal expert’s visit?
- Reporting of initial findings – where appropriate consider how the legal expert will report their initial findings, and then present their final recommendations.

2.41 Issues to consider on the day of a training or seminar include:

- Check the room is set up correctly for the training – seating layout, technology, refreshments, materials, pens, etc.
- Make sure legal experts arrive at the venue early so that they have time to meet everyone and prepare for the session - including making sure presentations are loaded on to computer, microphones are working, and materials are distributed.
- Agree how and when any evaluation forms will be handed out and collected.

## ➤ **Step 8: Follow up**

- 2.42 This is often overlooked but is key in terms of gathering feedback and lessons learned. The client will want to gather feedback from stakeholders and the legal expert to inform future work. The legal expert might also need to report back to its organisation for its own internal monitoring purposes. It is equally important for the client to offer feedback on how the assistance has been delivered
- 2.43 Where the output of any assistance is a final report or set of recommendations, sufficient time needs to be built into scheduling to obtain comments and feedback on any draft reports from stakeholders.
- 2.44 If the assistance is in the form of a training/workshop, feedback forms should be circulated and reviewed. The client might want to make a brief summary of the results of the feedback to use in planning future training programmes, and for providing feedback to the trainers.
- 2.45 Finally it is worth remembering that the legal expert has been acting on a pro bono basis, and offering their time for free. Some form of thanks will always be appreciated, and help develop and maintain future relationships with individuals and organisations.
- 2.46 Following the activity, the client should monitor the extent to which the assistance or activities involving the legal expert contributed to the kinds of change that it was intended to bring about. This will help to determine what activities the client needs to focus on next, and identify whether anything can be learnt which will inform any future work with pro bono legal experts.

A good client:

- Is clear why the work is required, what they need from the legal expert, and who needs to be involved.
- Provides information as/when it is needed.
- Offers timely provision of logistical support.
- Is flexible as/when situations change.
- Makes time to discuss and meet the legal expert during the work remotely or face to face.
- Is committed to learning from the assistance.
- Is willing to provide feedback to legal experts.
- Remembers that the assistance provided is on a pro bono basis and is supportive of those providing it.



## Chapter 3: Delivering effective international legal pro bono support

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- 3.1 This guidance is intended to support legal pro bono providers; referred to in this handbook as ‘legal experts’, in the assistance they deliver, and above all ensure a more productive experience for the legal expert and client<sup>2</sup> alike.
- 3.2 Legal experts are by definition technically skilled, and may have significant experience of cross-jurisdictional practice, and delivering pro bono assistance domestically. They may not, however, have had experience of working in a developing country (DC), which can bring with it particular challenges.
- 3.3 Working with clients and/or in a DC may involve working in situations of rapid political and economic change, and sometimes instability. Resources are nearly always a consideration and can be severely constrained. Client organisations, including government departments, can be under resourced, presenting additional challenges to communications.
- 3.4 Other key characteristics of international development work include the need to work with a wide range of stakeholders and organisations that may have different expectations and priorities. Work is often funded or supported externally by more than one donor who themselves have their own timetables and expectations in terms of outcomes.
- 3.5 In addition, pro bono assignments are often short-term in nature. Practically speaking experts will be working with a wide range of cultures and languages, often remotely. These factors place an added emphasis on the importance of communication and the development of good working relationships.
- 3.6 Building longer-term relationships between firms, organisations or other pro bono providers builds greater understanding of needs and ways of working. By maintaining this engagement across a period of time and building further links with other contacts both the client and the provider can benefit from meaningful and sustainable interactions.
- 3.7 By bearing in mind the above and taking into account the following tips and guidance legal experts can help ensure that those who provide their time and skills free of charge deliver the impact they seek, and the value of any assignment is maximised for both client and legal expert alike.
- 3.8 The handbook is presented as a series of steps. Timelines provided for each step are ideal scenarios, and particularly relevant for work that can be built into regular planning processes. The timelines are targeted at clients who will be managing the relationship with the legal expert, however, they are included for legal experts to support them in better understanding the project management process.

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<sup>2</sup> In this guidance client refers to the developing country partner (this could be the developing country government, a local charity, civil society or non-governmental organisation, or a legal entity, etc.)

- 3.9 Desk based and remote pro bono assistance may not always need long lead in times. It should also be recognised that some work - for example in Fragile and Conflict Affected States (FCAS) - may have ad-hoc or urgent requirements that cannot be built into regular planning processes.
- 3.10 While the timings provided might not be relevant for every piece of work the important thing to emphasise is that the steps outlined below remain the same regardless of timing issues.

- Step 1: Identifying the problem;
- Step 2: Project planning;
- Step 3: Identifying legal experts;
- Step 4: Agreement;
- Step 5: Pre assignment work;
- Step 6: Pre assignment logistics;
- Step 7: The core work;
- Step 8: Follow up.

➤ **Step 1: Identifying the problem**

- 3.11 Identifying the problem and subsequent need for assistance should be a process led by those within the DC. In international development work it is widely accepted that sustainable change is most likely when projects are demand led; and the problem identified by those within the developing country, as opposed to through the provision of available external resources/expertise.
- 3.12 There may, however, be cases where legal experts can help identify problems and issues that are not readily obvious to those without the relevant expertise, as the case study below illustrates.

As part of its work on improving the commercial law environment the LASER programme helped the Government of Rwanda identify that it was not gaining full value for money from foreign direct investment, and losing domestic resources through litigation, in part because of poor contract management.

Deploying a mixture of international and local pro bono expertise the LASER programme worked closely with the Ministry of Justice on a number of interlinked activities to improve the drafting and execution of Government contracts. One of the activities delivered was developing and delivering of a series of training workshops for Government legal officers and legal advisors on contract management of construction contracts.

As a result of both the training and other interlinked outputs of the project, monitoring of district office procedures has demonstrated that legal officers are playing an increasingly proactive role in the review and management of contracts.

- 3.13 While legal experts can add value to the problem identification stage of a project, as mentioned demand for assistance should always come from in country and have the involvement and input of local partners. Without this it is far less likely that the benefits of any assistance will be sustained over time or any change maximised. Taking the case study above, it is precisely because of the support provided by the Rwandan local institutions and Government that the training carried out has had the impact it has.

## ➤ **Step 2: Project planning**

- 3.14 Unless a legal expert has been involved in the problem identification process, the first point of contact is likely to be at the planning stage. A legal expert might receive a Terms of Reference (ToR) outlining the proposed project; akin to a client brief.
- 3.15 Ultimately this will help the legal expert decide whether he/she can provide the assistance needed and whether they are the most appropriate source of expertise. If that is not the case, one of the most useful roles a legal expert can play is to signpost the client to other sources of legal expertise.
- 3.16 Legal experts will often find their expertise is useful in refining the ToR and proposed solutions. For example, a DC government is looking to develop its energy sector. The Government had identified the need for external support for this process but not built in to the process the need to develop rules and regulation for the new energy regulator concurrently. This was something picked up by the legal expert approached for this piece of work and then built into the ToR.
- 3.17 As important as identifying what is missing in any ToR, is for the legal expert to be honest about what is not feasible or they do not have the expertise to assist with. For example, a project might be looking for assistance in developing the capacity of courts to manage new small claims processes. It might identify the need for a specialist judge with expertise in that area to deliver judicial training when actually what is needed is a court administrator with experience of setting up similar systems to work with his/her counterparts.

***A suggested timeframe of 4-6 months before the intervention date is recommended for steps 2 and 3 to ensure sufficient time to identify and engage legal experts, particularly if there are steps such as the development of training material that need to take place before the actual intervention.***

➤ **Step 3: Identifying legal experts**

This step is led by the client and will not generally be relevant for the legal experts.

➤ **Step 4: Agreement**

3.18 The legal expert might be the only party that is approached about a particular piece of work or one of several potential providers. In which case they may be required – as for a piece of commercial work – to put together a project bid outlining the skills and expertise they can bring.

3.19 Legal experts will also need to find out the logistical arrangements, such as the flexibility in the timing of the assistance when considering other work commitments, given that schedules and situations may change, even with the best planning.

3.20 Legal experts will want to be honest about what is and isn't feasible in terms of assistance. ToR might be couched in 'development speak' and appear overly ambitious. Clients will often put together ToR using the logical framework approach. This is a management tool mainly used for designing, monitoring and evaluating international development projects. For those unfamiliar with logical framework methodology, a useful analogy might be Strengths, Weaknesses, Threats, and Opportunities (SWOT) analysis used for business planning processes.

3.21 Logical frameworks or log frames make use of the terminology of outcomes and outputs. Outcomes are statements about the difference or changes the project activities will make to the beneficiaries' lives, they are often have a medium-term impact on a project and directly relate to the project goal. For example, does a project seek to improve the human rights for vulnerable groups through provision of legal services? Does the project seek to improve court efficiency through introduction of a case management system?

3.22 Outputs are the tangible and intangible products that result from project activities. Outputs are often immediate returns from a project or the short-term results. This is not to be confused with the activity itself. The output could be the goods or services produced by an organisation, such as pro- bono training materials or the number of cases referred to support services. More information can be found on development principles in [LASER's M&E guidance note](#).

3.23 Most legal experts will be working on a short-term basis on specific outputs (i.e. training judges in case management) that will contribute to longer-term outcomes (i.e. improving the functioning of the court system). The terms are sometimes used rather loosely and project proposals are worded in terms of the goals they hope to achieve in the long-term, often to make

them more attractive propositions for external donors. This can at first glance make projects seem overly ambitious.

3.24 It is important for the legal expert that he/she is clear about what is and isn't realistic in terms of their assistance, and as with commercial work not over promise any potential outcomes.

3.25 Issues that might inform a legal expert's decision to take on a piece of work include:

- Scope of work – is enough information provided to understand what is needed and how it will be achieved.
- Expertise – does the provider have the necessary skills and qualifications? This might or might not include experience of working in the jurisdiction in question.
- Place of work – is the work desk based/remote or involve an in-country visit.
- Length of work – how much work is involved, and over what time scale. The legal expert should factor into this any reporting he/she is required to undertake that might be a condition for external funding for work in question.
- Timing – is the timing fixed or is there flexibility in terms of scheduling a particular activity to meet the legal expert's own availability.
- Language – in what language will the work take place? Will there be a need for translation of legislation/training sessions etc.
- Dates – approximate dates for the work and any fixed start and end times.
- Finance – is the legal expert expected to cover travel/accommodation/travel insurance costs or are these being met by the client/another donor?
- Professional indemnity insurance – the legal expert needs to confirm that they are covered to carry out the work required and that there are not any local regulations that prohibit them from providing legal advice.

3.26 Once a legal expert is satisfied he/she can take on a piece of work they should obtain written agreement on the timing, delivery and quality expected of the work. An email confirming arrangements could be a suitable form of agreement.

3.27 Alternatively the client or legal expert might want a more formal agreement or client engagement letter. Section 2 of the UK Pro bono protocol for legal work attached as Annex 2 provides a model for the type of information that might be included in any more formal agreement, as does Template 3: Sample Terms of Agreement under Annex 3.

3.28 Summary of main points to agree in writing include:

- Agreement on the ToR – what the legal experts are going to do and by what date(s).

- Financial and logistical arrangements.
- Name and details of key contact points on both sides.
- Principles of engagement (e.g. informal contract or pro bono protocol).
- Type of support the client will offer to the legal expert, e.g. accommodation or other transport arrangements, or visa information.
- Agreement for use of any material produced as a result of the assistance. Can the legal expert use the work for marketing purposes?

***A suggested time frame for completing an agreement in writing is 3 months in advance of the proposed work.***

### ➤ **Step 5: Pre assignment work**

- 3.29 In order to plan or undertake the work the legal expert will need a written or verbal briefing, which might include relevant laws and policy documents. It is also very useful to be linked up with a counterpart lawyer/local counsel who can provide local context and knowledge for the work. If the client doesn't suggest this the legal expert should.
- 3.30 It is useful - for both desk-based and in country work - to follow up any written briefing with a start-up meeting/telecon with the project lead and any other relevant stakeholders.
- 3.31 If the work involves a team of legal experts, i.e. several lawyers from different firms – having a start-up telecon can ensure that everyone involved is clear about their contribution, i.e. in the case of a training or seminar there is no overlap between presentations.
- 3.32 The work the legal expert is involved in might be clearly defined in its scope, such as the production of a report. However, it is still good to clarify at this stage the detail, i.e. how many drafts of report might be required, will stakeholders comment on draft reports, and the length or format of report required.
- 3.33 If the assistance is in the form of training consider discussing how it will be delivered; will the sessions be delivered formally or will the participants/trainees participate actively in the training? The use of practical examples, case studies, and interaction between the participants/trainees and the trainers generally helps increase the usefulness of the training.
- 3.34 Other issues that need considering in an initial briefing meeting include:
- Schedule – agreeing a realistic timetable for each activity and stage of work.
  - Evaluation – are processes in place to evaluate the assistance? Are there any formal requirements the legal experts need to be aware of, i.e. producing a visit report? This is often the case if the pro bono assistance is part of a wider activity, which is funded by an external donor. Does the legal expert have requirements they need to fulfil for reporting within their

own organisation, if so they will want to ensure the client provides the information they need to complete this.

***A suggested timeframe of 2 months in advance of the assistance is suggested, particularly if the work involves developing training course content and materials***

### ➤ **Step 6: Pre assignment logistics**

- 3.35 Where the pro bono work involves international travel, logistical and administrative arrangements need to be confirmed.
- 3.36 The legal expert should check arrangements for travel, accommodation and working space have been made, particularly if they will be working in-country. The agreement drawn up with the client should confirm who is responsible for both making and paying for the logistical expenses i.e. buying tickets, accommodation, etc.
- 3.37 If the legal expert is working in country, he/she might need to visit particular areas, or hold meetings with different organisations/stakeholders. The client will normally be responsible for organising a visit itinerary and introducing the legal expert to key stakeholders.
- 3.38 However, it is always worth double-checking in advance with the client that they are preparing a visit itinerary. Be proactive about asking to meet or speak to stakeholders that the legal expert has identified as being useful to their work even if they are not included on any initial programme.
- 3.39 If it is the legal expert's first visit to a jurisdiction ask the client for any background information on the country.
- 3.40 The UK [Foreign Office](#) has a travel advice site that provides useful information on travel related issues and the [British Government](#) provides general socio-economic and political briefings on particular countries that can provide useful background reading.
- 3.41 Where a training/seminar is taking place check the following:
- Does any training or promotional material need to be sent in advance to the client so that it can be reviewed and printed out in preparation.
  - The legal expert might want to ensure that any material or publicity for the event includes their organisation's logo.
  - Ask for a copy of the schedule for the seminar/training. There might be formal introductions/welcoming speeches, and it is useful for the legal expert to understand who will be making these.

- While the legal expert is unlikely to be responsible for any onsite logistical arrangements it is good to clarify in advance the setup of the room, i.e. if a training or seminar, will the room be set up formally or informally, how many and what type of participants expected.

***A suggested timeframe for in-country assignment or pre-training issues is 3-4 weeks in advance of the departure/training date.***

➤ **Step 7: The core work**

- 3.42 If the assistance is being provided remotely or via desk based support it is useful to set up a start-up meeting at the beginning of the core work. Depending on the length and nature of the assistance schedule regular meetings or emails with the client; both to update them on progress, follow up on issues that arise as part of the work and keep them informed about any delays or changes to the original timetable as these arise.
- 3.43 If the pro bono assistance is in country an induction meeting with the client should be organised for the legal expert's arrival. The client will normally set up a programme of meetings and make necessary introductions to stakeholders with whom they will be meeting.
- 3.44 If the legal expert is working in country, at any induction meeting(s) it is useful to find out if time has also been set aside for a debrief session before the legal expert leaves. This can be a good opportunity for the legal expert to report the initial findings of their visit in a relatively informal setting.

➤ **Step 8: Follow up**

- 3.45 Steps for follow up and evaluation should have been discussed and agreed as part of the initial contracting/agreement process. The legal expert might also have requirements that they need signed off, i.e. for their organisation's internal monitoring systems, and will need to ensure that they gather this information from the client.
- 3.46 In addition to any formal evaluation processes it is useful to ask the client informally how the work went, and what is planned next.
- 3.47 Remember that just as working internationally might be a new experience for the legal expert it might also be the first time that the client has managed a pro bono piece of work. The legal expert should feel free to share any of the above guidance/tips gathered over time that contribute to a smooth process.
- 3.48 Legal experts will likely want to review and learn from their pro bono assignments in the same way as they reflect on their non-pro bono work, identifying what worked well and can be built upon in future, and any areas for improvement. In addition to discussions which take place



immediately after the assignment, firms and experts may wish to monitor and evaluate the longer term outcomes of the activities that they were involved in. This can take the form of in-depth impact assessments, or more light-touch exercises.

3.49 Understanding the longer term impact of pro bono work enables experts to maximise the benefits of undertaking it. Being able to demonstrate what the work has achieved enables law firms and experts to highlight its value and harness its benefits for their reputation, job satisfaction and corporate social responsibility strategy. An understanding of impact and a reflection on how the work went also creates opportunities to identify how future pro bono work can be delivered even more successfully.

3.50 A good international pro bono legal expert will:

- Adapt to the specific context of each piece of work;
- Question the ToR or project brief to ensure a shared understanding with the client;
- Be honest about what is and isn't feasible;
- Adapt to dealing with different cultural contexts and relationships;
- Understand different perspectives;
- Be flexible when circumstances change;
- Deliver on time; and
- Be supportive of clients and recognise any challenges they face.

## Annex 1: Step by step summary

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### ➤ Step 1: Identifying the problem

#### Developing country clients

- 1.1 Identify the problem, solutions and issues assistance is addressing.
- 1.2 Prioritise and identify a list of solutions and an entry point for engagement.
- 1.3 Consider how the pro bono assistance will be delivered; bearing in mind the minimal costs associated with desk based/remote support compared to in-country deployments.

#### Legal experts

- 2.1 Identifying the problem and subsequent need for assistance should be a process led by the Developing Country (DC), and have the involvement and input of local partners.
- 2.2 Legal experts can add value to the problem identification stage through their technical expertise and knowledge.

### ➤ Step 2: Planning

#### Developing country clients

- 1.4 Be clear from the beginning of the process what you want to achieve.
- 1.5 Identify a project lead who will manage the project from planning through to evaluation.
- 1.6 Write a short Terms of Reference (ToR) outlining what assistance is needed and why.

#### Legal experts

- 2.3 Request a Terms of Reference (ToR)/project summary and ask questions to inform your decision-making about whether to take on the work.
- 2.4 Where relevant use legal expertise to refine ToR and proposed solutions, and clarify scheduling and financial/logistical arrangements.
- 2.5 Before taking on any work be honest about what is/isn't feasible.

➤ **Step 3: Identification of legal pro bono provider(s)**

**Developing country clients**

- 1.7 Send out ToR to legal experts to seek their interest, with information about how to register their interest.
- 1.8 Consider a mixed team of local, regional and international pro bono experts. Even in cases where expertise is being sought because it doesn't exist locally, matching international experts up with local counterparts will invariably help ensure that the local context is better understood.
- 1.9 Where there is interest from more than one legal expert develop selection criteria for evaluating suppliers.

➤ **Step 4: Agreeing to take on a piece of work**

**Developing country clients**

- 1.10 Having identified legal experts obtain written agreement on the timing, delivery, quality of work, use of materials, and any financial and logistical issues.

**Legal experts**

- 2.6 You may be required – as for a piece of commercial work – to put together a project bid outlining the skills and expertise you can bring to a piece of work.
- 2.7 Once selected as preferred supplier obtain written agreement (client engagement letter) on the timing, delivery, quality of the work, use of materials, and any financial and logistical issues.

➤ **Step 5: Pre assignment work**

**Developing country clients**

- 1.11 Supply legal experts with briefing materials and link up the pro bono legal expert with a counterpart local lawyer/counsel.
- 1.12 Organise an introductory briefing meeting with all stakeholders to discuss outputs, scheduling and evaluation of work.

**Legal experts**

- 2.8 Obtain written or verbal briefing, and if not suggested, ask to be linked up with a counterpart lawyer/local counsel.
- 2.9 If not organised propose briefing meeting with all relevant stakeholders to discuss output, scheduling and evaluation of work.

➤ **Step 6: Pre assignment logistics**

**Developing country clients**

- 1.13 Where travel is involved confirm logistical and administrative arrangements (initial agreement should state who has responsibility for organising and paying for these).
- 1.14 Organise visit itinerary and background travel information for legal expert and introduce to relevant stakeholders.
- 1.15 Where a training/workshop or seminar is taking place confirm all logistical arrangements, event programme, and publication of relevant training/seminar material and evaluation forms.

**Legal experts**

- 2.10 Where travel is involved confirm logistical and administrative arrangements (initial agreement should state who has responsibility for organising and paying for these).
- 2.11 Request visit itinerary from client and check arrangements for working in-country.
- 2.12 Be proactive about finding out about the jurisdiction involved in terms of socio-economic/political and travel related briefing.
- 2.13 Where a training/seminar is taking place check timing for sending any written materials, event programme, participants attending and plans for evaluation.

➤ **Step 7: The core work**

**Developing countries**

- 1.16 Whether assistance is conducted in country or remotely check that time has been set aside for briefing meeting and schedule catch up and debrief meetings.
- 1.17 Training and/or seminar issues to consider on the day include: set up of room, technology, refreshments, materials and evaluation forms.

**Pro bono providers**

- 2.14 Ensure time has been set for briefing meeting, regular meetings as the work progresses, debrief meeting and introductions made to relevant stakeholders.
- 2.15 Keep client informed about any delays or changes to the original timetable as these arise.

➤ **Step 8: Follow up**

**Developing countries**

- 1.18 Ensure that feedback is gathered either formally or informally from the legal expert and other stakeholders, and any monitoring requirements of the legal

**Pro bono providers**

- 2.16 Complete any evaluation processes both for client and legal expert's own internal

expert are met.

1.19 Finalise any reports, summarise findings of evaluation forms and feedback to legal expert on assistance carried out.

organisational requirements

2.17 Request informal feedback from client if not provided.

## **Annex 2: UK protocol for pro bono work**

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The Pro Bono Protocol was developed to promote and support consistently high standards of pro bono work. The protocol in no way replaces but rather seeks to build upon the Professional Codes of Conduct that set out the standards and requirements that all lawyers must achieve and observe. The Protocol was developed under the auspices of the Attorney General's Pro Bono Coordinating Committee and has been endorsed by the Law Society of England and Wales, Bar Council of England and Wales and Chartered Institute of Legal Executives.

At all stages throughout their career many lawyers regard Pro Bono Legal Work as an integral part of being a member of the legal profession, in providing access to justice and meeting unmet legal need. This Protocol has been agreed to set out the core values of such work and to assist both those who undertake it and their clients. Many lawyers undertake charitable work of many different kinds. However, the purpose of this protocol is to concentrate specifically on the provision by lawyers of their legal knowledge and skills in the form of Pro Bono Legal Work.

### **1. What is Pro Bono Legal Work?**

1.1. When we refer to Pro Bono Legal Work we mean legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public and alternative means of funding are not available.

1.2. Legal work is Pro Bono Legal Work only if it is free to the client, without payment to the lawyer or law firm (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm.

1.3. Pro Bono Legal Work is always only an adjunct to, and not a substitute for, a proper system of publicly funded legal services.

### **2. How should Pro Bono Legal Work be done?**

2.1. Pro Bono Legal Work should always be done to a high standard. That means in particular that:

2.2. The availability of appropriate publicly funded legal advice or representation and opportunities for alternative funding should always be considered before a lawyer undertakes Pro Bono Legal Work.

2.3. When a lawyer is requested to agree to undertake a piece of Pro Bono Legal Work the lawyer should give his/her decision within a reasonable time.

2.4. The terms on which the Pro Bono Legal Work is undertaken including the circumstances in which the relationship may be terminated should be made clear at the outset.

2.5. The Pro Bono Legal Work should only be undertaken by a lawyer, who is adequately trained, has appropriate knowledge, skills and experience and, where necessary, is adequately supervised for the work in question.

2.6. The lawyer undertaking a piece of Pro Bono Legal Work (and where appropriate his or her supervisor) should have no less than the minimum level of legal expertise and experience as would be required if the particular work in question was paid work.

2.7. In no case should the client be misled as to the lawyer's skill or ability to undertake the Pro Bono Legal Work.

2.8. Once a lawyer has agreed to undertake a piece of Pro Bono Legal Work 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.

2.9. Pro Bono Legal Work must not be undertaken without appropriate insurance.

2.10. A lawyer in doubt or difficulty in relation to a piece of Pro Bono Legal Work should seek advice from a Pro Bono organisation or from the Bar Council, the Law Society or the Chartered Institute of Legal Executives.

2.11. Lawyers undertaking Pro Bono Legal Work should advise their client of the risk of an adverse costs order if the client is unsuccessful. Equally they should consider whether a “pro bono costs order” under section 194 of the Legal Services Act 2007 in favour of The Access to Justice Foundation is available if the client is successful.

### **3. What about other ways in which lawyers use their legal knowledge or their legal skills?**

3.1. The profession also supports further ways in which lawyers use their legal knowledge or their legal skills, without charge, for public benefit. Examples of using their legal knowledge include providing the community with access to legal information and education through legal literacy projects, citizenship work and other forms of public legal education. Examples of roles in which professional skills might usefully be deployed include acting on the board of trustees for a charity or as a school governor.

3.2. A professional approach is important here as elsewhere. The lawyer’s contribution should be made to a high standard and with proper commitment. Suitable training should be undertaken where appropriate.

#### **Ancillary Provisions**

##### **1. Relationships between pro bono organisations and lawyers**

1.1. Where practical, lawyers able to undertake pro bono work are encouraged to do so through a pro bono organisation, through the not-for-profit sector, or through both.

1.2. Pro Bono Legal Work will be more effectively delivered through co-ordinating the relationships between lawyers, pro bono organisations, and not-for-profit agencies such as Law Centres and CAB.

1.3. When a lawyer is asked by a pro bono organisation or not-for-profit agency to undertake a particular piece of Pro Bono Legal Work, the lawyer is expected to have proper regard to any prior confirmation given to the pro bono organisation or not-for-profit agency that the lawyer was prepared to undertake Pro Bono Legal Work.

1.4. Sets of chambers, law firms and legal departments should, wherever possible, seek to encourage and support the undertaking of appropriate Pro Bono Legal Work by their lawyers, including the undertaking of that work "in-house".

##### **2. The contribution of persons who are not qualified, or are unable to do pro bono legal work**

2.1. Non-lawyer staff within a set of chambers or a firm should be enabled to make the same contribution to the undertaking of a piece of Pro Bono Legal Work as they would for a piece of paid work.

2.2. Law students, pupil barristers and trainee solicitors have an important contribution to make to Pro Bono Legal Work. However that contribution must be properly supervised and must be preceded by proper training.

2.3. Where suitably qualified and experienced, academic lawyers and employed lawyers are particularly encouraged to consider providing training to others to enable them to undertake Pro Bono Legal Work if they are not able themselves to provide legal advice or representation. The provision of pro bono legal training without charge is an important contribution to Pro Bono Legal Work.

### **3. Participation in pro bono legal work as a characteristic of being a member of the legal profession**

3.1. A commitment to the delivery of Pro Bono Legal Work is encouraged throughout a lawyer's professional life, as a student and in practice, through to and including retirement



## Annex 3: Reference templates

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### Template 1: Checklist for engaging legal pro bono providers for training

#### Steps 1 & 2 Planning and identification of legal pro bono assistance

- Write ToR [❖ see sample request form at Annex 3]
- Identify trainers – send letter with ToR

#### 2-3 months before training date

##### Steps 3 & 4 Agree assistance and develop training material

- Agree arrangements in writing with the provider
- Share relevant policy, laws and background materials with provider
- Develop training content and schedule
- Send invitations

#### 1 month before training date

##### Step 5 Pre-training arrangements

- Arrange officials to give opening and closing remarks
- Confirm logistics, venue and undertake printing etc.
- Prepare evaluation forms [❖ see Templates 4 & 5]

#### On the day of training

##### Step 6 Issues on the day

- Arrive early to check room set-up, sound system, projectors and distribute materials and evaluation forms

#### Following the training

##### Step 7 Follow up

- Analyse evaluations
- Write thank you letters to providers

## Template 2: Sample Terms of Reference for pro bono assistance

The form below can be adapted to meet the needs of the client

<b>Support Topic</b>	<i>Title of request for pro bono assistance</i>
<b>Local partners</b>	<i>List which institutions are involved in the initiative</i>
<b>Background and purpose of pro bono assistance</b>	<i>Provide some context on why the assistance is being requested – what problem is the assistance trying to address, what are the learning outcomes you want to achieve, what is the broader policy context.</i>
<b>Participants (relevant for training or seminar)</b>	<i>No. and type (i.e. legal officers, senior managers)</i>
<b>Content and length (relevant for training)</b>	<i>No. of training days and topics to be covered Include any specific requests re jurisdictions (i.e. do you want an international focus/best practices or also include local context) Include language of instruction and any need for translation</i>
<b>Key Dates</b>	<i>Include proposed dates and any deadlines (i.e. for receipt of report/training material)</i>
<b>Estimated time and details of service required</b>	<i>Outline what exactly is required from the pro bono providers (i.e. drafting legislation, producing report, conducting training) Estimate how many days work the request would involve for the providers</i>
<b>Financing</b>	<i>Outline the source of funds for all costs (in-country visits, translation documents, training etc.)</i>
<b>Skills required</b>	<i>Specify particular expertise required for the assistance and any jurisdictional preferences</i>

## Template 3: Sample Terms of Agreement

This sample letter of engagement and workplan sets out the agreement between client and legal expert and can be adapted to the particular circumstances of each engagement.

### 3.1 Context

3.2 (insert title of project and brief background of client)

3.3 (Insert name of legal experts and summary of their organisation).

3.4 **(Legal experts)** have agreed to work with **(client)** to offer pro bono assistance. The scope of this assistance is outlined below.

3.5 Pro bono refers to the provision of legal advice and assistance for free. There is no universally agreed definition of pro bono and the exact scope of what legal practitioners will be willing to offer for free varies from provider to provider and country to country. In general though lawyers offer not only legal advice and assistance on a specific matter, but training and support are also offered on a pro bono basis.

3.6 Pro bono work is still classified as legal work and is dealt with through the same regulatory structure for lawyers as paid work. There are various commitments and protocols concerning standards in pro bono work, including the Joint Pro Bono Protocol for Legal Work developed by the Attorney-General's Pro Bono Coordinating Committee<sup>3</sup>. Pro bono work should be undertaken to the same standard and staffed to the same level as work done on a commercial basis. Legal practitioners remain equally liable for negligence on a pro bono project as they would do on a commercial project and no disclaimer of liability should be accepted.

### 3.7 Client request for pro bono assistance

**(outline project and activities for which legal experts assistance is sought – example below)**

3.8 The Government of Rwanda has identified the capacity of Rwandan Government legal officers to manage construction projects as a problem.

3.9 The Government of Rwanda has requested assistance from the Legal Assistance for Economic Reform programme to build the capacity of Rwandan Government legal officers to better manage construction projects. This activity has two components: development of a model contract and delivery of training on construction law and project management.

3.10 The first component is a desk based review and drafting of a Model Contract on Supervision of Works. The Rwanda Public Procurement Authority (RPPA) and the Ministry of Justice (MINIJUST) have developed a number of Model Contracts for use by government institutions. This includes a Contract for Services and a Contract for Works. In response to delays and poor management of construction projects, MINIJUST has developed a draft Model Contract for Supervision of Works. They have requested support to review and provide advice on the draft. The work will involve: a desk based review of existing Rwandan law and MINIJUST draft contract; draft or re-draft the Model Contract.

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<sup>3</sup> Relevant for UK firms

- 3.11 The second component of the pro bono support is training on construction law and management of construction projects and will involve the development of curriculum and delivery of training of Government of Rwanda legal officers on this topic. In response to delays and poor management of construction projects, the Infrastructure Ministry (MININFRA) and MINIJUST wish to train up to 50 legal officers on principles of construction law, negotiation of construction agreements, funding options for such projects, the Model Contract on Supervision of Works, responsibilities of contract managers and the relationship between supervising firms and the procuring institution.
- 3.12 The training will take place at the Institute for Legal Practice and Development (ILPD), which has a mandate to conduct legal training and continuing legal education in Rwanda. It has funds from the Government to hold a construction law training for up to 50 participants for 5 days and printing of materials. ILPD has residential and training facilities in Nyanza, approximately two hours' drive south of Kigali.

### **3.13 Responsibilities**

- 3.14 All parties agree to cooperate with each other in a spirit of mutual respect and professionalism

The client shall: **(list client responsibilities)**

- 3.15 Liaise with x to facilitate the organization of the training.
- 3.16 Coordinate with ILPD, MINIJUST, x firms to facilitate development of the curriculum and help ensure it is aligned to the Government of Rwanda's request for assistance.
- 3.17 Book and pay for: flights, accommodation and transport to Nyanza for trainers.
- 3.18 Pay for directly or refund upon submission of receipts:
- i. airport transfers (up to a maximum of £30 per trainer)
  - ii. subsistence (up to £25 per trainer per day)
  - iii. communication costs (up to £30 per firm for the duration of the training)

Legal experts shall: **(insert legal experts' responsibilities)**

- 3.19 Adhere to the pro bono principles laid out above and in the Joint Pro Bono Protocol for Legal Work
- 3.20 Implement the division of responsibilities and workplan set out in Annex A.
- 3.21 Consider appropriate communication of their pro bono assistance, having regard to the wishes of the Government of Rwanda.

A separate document between **(x firms)** and the Government of Rwanda may be drafted to agree rights over use of the curriculum materials.

### Curriculum Development workplan

Module	Content	Responsibility	Anticipated length of training session	Timeframes
How to reduce your risks and assess the bankability	Overview of risks and how to mitigate them and produce a bankable document			
Construction law basic principles.	Fundamentals of Construction (liquidated damages; advance payments; split contracts)			
	2. English/International perspective			
	3. Rwanda			
Transactional skills	What it means to be a transactional lawyer.			
Funding options for construction projects.	An outline of funding options for construction projects			
Details of construction contracts	Review of form contracts and commercial negotiation points			
Details of management contracts	Fundamentals of management contracts Critique of supervision contract Key commercial negotiation points Including input from MINIJUST participant on GoR requirements re use of model contracts.			
Execution	1. High level discussion as to what reporting and monitoring should take place once a contract has been signed to ensure that the contract progresses smoothly and disputes			

	do not arise. Please note that this session will not cover contract management tools.			
	2. GoR contract management reporting responsibilities			
Identifying and managing project risks and potential disputes	Identifying potential problem areas in a contract and suggesting proactive steps to manage disputes when they arise			
Case study	Based on a fictional project Undertake practical exercises that draw on course content			

#### Training Schedule (details TBC)

Day	Time	What
Monday 1 December	Afternoon	Arrive Rwanda and travel to Nyanza View training facilities, preparations
Tuesday 2 December	08.00 – 17.30	Training: Principles, transactional skills, funding
Wednesday 3 December	08.00 – 17.30	Training: Negotiations, drafting
Thursday 4 December	08.00 – 17.30	Training: Contract management and risks
Friday 5 December	08.00 – 12.30	Training: Case Study, evaluations, certificates
	Afternoon	Travel

## Template 4: Sample evaluation form for training participants

Below is an example of a training feedback form that can be adapted to the needs of the training.

### TRAINING EVALUATION FORM

**Title of the training/workshop:** *Construction law and projects*

**Date:** *1 – 5 December, 2014*

**Your organisation:**

**Gender:** Male  
Female

### PART 1: TRAINERS, MATERIALS AND RELEVANCE

		Very much/ high	Much/ high	Average	Not much/ low	Not at all/ very low
1.	How relevant is the content of this training for your role?					
2.	How do you rate the quality of the trainers/facilitators?					
3.	Rate the quality of training documents?					
4.	To what extent have your expectations been met?					
5.	To what extent does this training help you for in your work?					
6.	In general, how capable do you feel to fulfil your tasks in your institution/organisation?					
7.	Which of the sessions was most useful? Why?					
8.	Any other comments?					

**PART 2: CONTENT**

Indicate the extent to which you agree with each statement below  
As a result of this training:

		Very much/ high	Much/ high	Average	Not much/ low	Not at all/ very low
9.	My understanding of construction law and construction contracts has improved					
10.	My understanding of funding options for construction contracts has improved					
11.	The training has increased my ability to draft and negotiate construction and construction management contracts					
12.	The training has increased my ability to manage a construction contract, in coordination with others					
13.	The training has increased my ability to identify and manage risks in construction projects has improved					
14.	I am confident that applying what I have learnt in my job Training will make me a better legal officer					

**Thank you!**

**Other questions you may want to consider include:**

**Application of learning**

How confident do you feel about applying your learning in your job role? (1 = Not confident, 5 = Very confident)

Was the course delivered at the right level?

Provide any additional feedback that would enhance training for future participants?

What further skills or resources do you need to *[insert specific issue – e.g. better drafting]* ?

**Training methods**

How useful did you find *[insert method i.e. Case study, group exercise, lecture]* in helping you to learn? (1 = Not useful, 5 = Very useful)

**About the trainer**

Knowledge of the subject/activity, creating interest in the subject/activity, relating the training to your job role, understanding your needs, responding to questions

**Facilities and administration**

Please rate the following aspects of the event facilities and administration (1 = Very poor, 5 = Very good):

Administration & enrolment

Room/venue

Convenience of location

Technical support

Catering



## Template 5: Sample evaluation form for pro bono providers

The feedback form below can be tailored to meet the needs of clients/pro bono providers in terms of providing evaluation and feedback

*Reflecting on your engagement with [x organisation], please complete the following questionnaire.*

1	<p><b>Did you receive sufficient information about the objectives the service required from you from the client in advance of the assistance? Yes/No</b></p> <ul style="list-style-type: none"> <li>• If no, what additional information could have been provided and in what time frame?</li> </ul>
2	<p><b>If relevant how did you find the logistical arrangements and facilities provided? If possible please give an example to support your answer.</b></p> <ul style="list-style-type: none"> <li>• Very good</li> <li>• Average</li> <li>• Could be improved</li> </ul>
3	<p><b>What could the client have done differently to improve the process?</b></p>
4	<p><b>Does the provider any views on what steps could follow from the initial assistance provided?</b></p>
5	<p><b>Any other comments</b></p>

## Annex 4: List of networks of international legal pro bono providers

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There are a number of organisations that act either as pro bono brokerages (matching offers of pro bono services with demand) or can advertise opportunities to undertake pro bono training to their networks of members. For example, the client could contact these organisations to explore interest in providing them with training services through a partnership, or through their members.

### *Pro bono organisations and brokerages*

Organisation	Contact details
<p><b>ABA Section of International Law (ABA SIL)</b>            ABA SIL focuses on a full range of international legal issues and is involved in a wide number of activities around promotion of rule of law and education and training of international lawyers. With over 20,000 members in over 90 countries it has a good reach through not only US firms but many of the major international firms too.</p>	<p>Christina Heid, Head of International Projects  <a href="mailto:Christina.Heid@americanbar.org">Christina.Heid@americanbar.org</a>  <a href="http://www.americanbar.org/groups/international_law.html">http://www.americanbar.org/groups/international_law.html</a></p>
<p><b>Advocates for International Development (A4ID)</b>            A4ID's broker service operates globally, sourcing pro bono lawyers for NGOs, social enterprises and developing country governments on all areas of law from its network of law firms and companies, which give access to over 50,000 lawyers in 100+ countries. It has staff in the UK, Kenya, India and the USA.</p>	<p>Yasmin Batliwala, Chief Executive  <a href="mailto:yasmin.batliwala@a4id.org">yasmin.batliwala@a4id.org</a>  <a href="mailto:probono@a4id.org">probono@a4id.org</a>  <a href="http://a4id.org">http://a4id.org</a></p>
<p><b>African Legal Support Facility (ALSF)</b>            The African Legal Support Facility, hosted by the African Development Bank, provides assistance to African countries to strengthen their legal expertise and negotiating capacity in debt management and litigation, natural resources and extractive industries management and contracting, investment agreements, and related commercial and business transactions. The ALSF also grants and advances funds to African countries for legal advice from top legal counsel in these areas.</p>	<p>Negatu Makonnen  <a href="mailto:n.makonnen@afdb.org">n.makonnen@afdb.org</a>  <a href="http://www.afdb.org">http://www.afdb.org</a></p>

<p><b>International Senior Lawyers Project</b> ISLP aims to foster just and accountable development that is sustainable, supportive of human rights, and strengthens the rule of law by mobilizing its unique network of highly skilled and experienced pro bono lawyers to advise civil society and governments.</p>	<p>Susan Hazledine, UK Director <a href="mailto:shazledine@islp.org">shazledine@islp.org</a></p>
<p><b>Law Society of England and Wales</b> The Law Society of England and Wales represents over 150,000 solicitors, and many of the largest UK global law firms. Its international department works on capacity building initiatives and has an international section to which it can advertise pro bono opportunities.</p>	<p><a href="mailto:international@lawsociety.org.uk">international@lawsociety.org.uk</a> <a href="http://www.lawsociety.org.uk/policy-campaigns/international-work/">http://www.lawsociety.org.uk/policy-campaigns/international-work/</a></p>
<p><b>TrustLaw</b> TrustLaw is the Thomson Reuters Foundation’s global pro bono legal programme. It provides a brokerage service between global law firms and corporate firms and social enterprises, NGOs and organisations around the world.</p>	<p>Alisha Miranda, Director Trust Law Connect <a href="mailto:trustlaw@thomsonreuters.com">trustlaw@thomsonreuters.com</a> <a href="http://www.trust.org/trustlaw/">http://www.trust.org/trustlaw/</a></p>
<p><b>Lawyers without Borders</b> Lawyers without Border is a global group of volunteer lawyers from around the world who offer pro bono service to rule of law projects, capacity building and access to justice initiatives.</p>	<p>Christina Storm, Director <a href="mailto:info@lwob.org">info@lwob.org</a> <a href="http://www.lwob.org">http://www.lwob.org</a></p>
<p><b>The Rule of Law Expertise (ROLE UK)</b> ROLE UK is a £2.6 million DFID-funded initiative aiming to improve rule of law in DFID priority countries. Started in February 2015, and running to March 2017, ROLE UK is a unique collaboration between HMG and the UK legal community, facilitating access to UK legal and judicial expertise for developing countries.</p>	<p>Lucy Hicks, Head of Unit <a href="mailto:Lucy.hicks@roleuk.org.uk">Lucy.hicks@roleuk.org.uk</a> <a href="http://www.roleuk.org.uk/">http://www.roleuk.org.uk/</a></p>