

SUPERVISION OF A PRO BONO CLINIC

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SUPERVISION - A DEFINITION

The action or process of watching and directing what someone does or how something is done including:

- Development
and
- Performance

SUPERVISION IN LEGAL PRACTICE

- Reflects the fast-changing world of law and practice
- Qualification in itself no longer enough
- CPD first introduced for NQ solicitors in 1985
- Extended to all solicitors from 1994
- Competence based approach from 2016

WHY DO IT?

- Ensures quality
- Prevents complaints
- Prevents negligence claims
- SRA Standards and Regulations

CODE OF CONDUCT FOR FIRMS

2019

- You ensure that the service you provide to clients is competent and delivered in a timely manner, and takes account of your client's attributes, needs and circumstances (para 4.2).
- You ensure that your managers and employees are competent to carry out their role, and keep their professional knowledge and skills, as well as understanding of their legal, ethical and regulatory obligations, up to date (para 4.3).
- You have an effective system for supervising clients' matters (para 4.4).

CODE OF CONDUCT FOR INDIVIDUALS 2019

- Very similar to the Code for Firms
- Additional para - 3.5:
- Where you supervise or manage others providing legal services:
 - a) you remain accountable for the work carried out through them; and
 - b) you effectively supervise work being done for clients.

SUPERVISION

- So many different people can do pro bono
- So many different ways to do pro bono
- How to decide what supervision to provide?



SYSTEM OF SUPERVISION



Could be my door
is always
open.....

But are you sure
everyone who
needs it is getting
through the door?

CODE OF CONDUCT PARA 4.2

YOU ENSURE THAT THE SERVICE YOU PROVIDE TO CLIENTS IS:

- **competent** - You need to think about who is going to deliver the service
- **delivered in a timely manner** - You need to think about how the service is going to be delivered
- **takes account of your client's attributes, needs and circumstances** - You need to think about who is likely to use the service

CODE OF CONDUCT PARA 4.3

YOU ENSURE THAT THOSE PROVIDING THE SERVICE :

- Are competent to carry out their role Any additional training/development needs arising from the pro bono activity need to be identified and addressed
- Keep their professional knowledge and skills up to date As above
- As well as understanding their legal, ethical and regulatory obligations As above

CODE OF CONDUCT PARA 4.4 YOU HAVE AN EFFECTIVE SYSTEM FOR SUPERVISING CLIENTS' MATTERS

- This will depend on
 - who is doing the pro bono work
 - who they are advising
 - about what
 - whether it is one-off advice or involves casework

CODE OF CONDUCT PARA 4.4 YOU HAVE AN EFFECTIVE SYSTEM FOR SUPERVISING CLIENTS' MATTERS

- It could be:
- Ensuring the person is qualified and experienced and requires little or no supervision beyond sampled file reviews of pro bono work

CODE OF CONDUCT PARA 4.4 YOU HAVE AN EFFECTIVE SYSTEM FOR SUPERVISING CLIENTS' MATTERS

- It could be:
- Pro bono advice being provided by a trainee with supervision provided by someone else from the firm in attendance
- Remote supervision by someone else from the firm by telephone or email

CODE OF CONDUCT PARA 4.4 YOU HAVE AN EFFECTIVE SYSTEM FOR SUPERVISING CLIENTS' MATTERS

- How do you know your system is effective?
- Independent File Review of pro bono work
- Who should do this?
- What size sample?
- How often?
- Follow up on any corrective action
- Identify training/development needs or systematic issues to be addressed

THE SRA IS NOT PRESCRIPTIVE

- Means you have to think things through
- Be able to explain why you have decided on the model you are using
- Be able to demonstrate that it is effective