

This is National Pro Bono Week which provides a useful opportunity to think about when and how lawyers provide legal services to those in need.

The process of going through a legal dispute, whether that is civil or criminal, is a stressful and complex one for most people even under the best of circumstances. Legal principles can seem confusing in their application and court or tribunal rules, while designed to allow those courts to identify and decide disputes, can be difficult to navigate. It is for this reason that we have legal professionals (solicitors and advocates in Scotland) to assist people in these disputes.

All of this is obviously difficult enough even if you are able to afford the cost of lawyers to help you. It becomes infinitely more stressful if you are not. In a number of cases, people may be able to get legal aid to pay for legal advice and representation (though there are still difficulties with that system that would merit their own column). However, there will still be cases that fall outside of the current reach of legal aid. In these areas, people may be left facing the uncertainty, stress and complexity associated with legal disputes without any immediate access to a lawyer.

It is in this area that lawyers, charities and other organisations attempt to fill this gap of unmet legal needs. There are a number of organisations such as law centres, student law clinics and advice agencies (such as Citizens Advice Scotland) which do amazing work trying to advise in some of these cases. Solicitors both formally and informally may often take up such cases.

The Faculty of Advocates is the professional body for Scotland's independent Bar meaning those specialist lawyers, advocates, who focus on the conduct of cases in court and advising on complex legal disputes. The Faculty has existed in some form since at least the 1530s. Providing advice and representation for free (pro bono in Latin) has always been a part of the Faculty's role both prior to and following the introduction of legal aid in 1950 (for civil cases) and 1964 (criminal cases).

In its current incarnation, the Faculty's commitment to providing pro bono advice and representation is under the Free Legal Services Unit. This unit takes referrals from various agencies and organisations and then assigns advocates to advise on or represent the applicant in their case. These cases are taken on voluntarily and will be done alongside the already significant workloads that some advocates may have. The unit is always keen to identify areas in which there are still unmet demands for legal assistance and other agencies which can refer cases which would benefit from pro bono advice and representation.

On a personal note, I have worked in legal advice clinics as both a student and as a solicitor and have taken on cases pro bono myself. I recognise that the legal system can seem confusing and stressful. That we as lawyers deal with it on a daily basis should not disguise the fact that it is intimidating for most people and the prospect of navigating it alone is even more so. While there are systems of support (however imperfect), there will also be cases that slip through the gaps both big and small and there need to be people there to respond to those.

*Fergus Whyte is an advocate who called to the Bar in June, and the newest member of the Free Legal Services Unit committee.*