

Sent by email only to info@ipreg.org.uk



8 October 2019

Dear Sir/Madam

Consultation: removing restrictions on providing pro bono advice

The Legal Services Consumer Panel (Panel) welcomes the opportunity to respond to the Intellectual Property Regulation Board (IPReg) consultation on removing restrictions on providing pro bono advice. Please find our answers to the consultation questions below.

Question 1: What are your views on our proposal to allow in-house attorneys and inactive attorneys to do pro bono work?

The Panel supports the proposal to remove the current restrictions that prohibits some attorneys from providing pro bono advice. This is a positive step that could enhance access to justice and alleviate unmet legal need. We also welcome IPReg's proposal that pro-bono services should include specific consumer protection measures, i.e. professional indemnity insurance (PII), continuing professional development (CPD) and a complaints procedure with recourse to the Legal Ombudsman. This will ensure consumer protection levels are maintained for pro bono services as for payed ones.

Question 2: Are there other categories of attorney that are currently prevented from providing pro bono advice as a result of IPReg's regulatory arrangements? Please provide examples and suggestions as to how the restriction should be removed.

We are not aware of any.

Question 3: What are your views on IPReg's proposed approach and on the proposed drafting? If you consider that the drafting could be made clearer, please provide suggestions

The Panel would find it useful if IPReg could clarify one aspects of the proposed draft. IPReg states that attorneys providing pro bono advice should have PII cover "reasonably equivalent" to the requirements the Rules of Conduct. The Panel would welcome further clarification by IPReg of what reasonable means in this regard, either on the face of the Rules of Conduct, or in guidance to its regulated community.

Question 5: What are your views on the proposal that attorneys who have not practised for 2 or more years must undertake CPD before they start providing pro bono advice?

We support this proposal.

Question 7: What are your views on this approach to guidance?

We agree that attorneys delivering pro bono work should have regard to the LawWorks Pro Bono Protocol. We agree that the protocol does not replace, but rather seeks to build upon, the Professional Codes of Conduct that set out the standards and requirements that all attorneys must achieve and observe.

I hope you find these comments helpful. Please contact Lau Ciocan, Consumer Panel Associate, with any enquiries.

Yours sincerely,

A handwritten signature in cursive script that reads "S Chambers".

Sarah Chambers

Chair

Legal Services Consumer Panel