

Pro bono work and social justice



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Introduction

Pro bono involves lawyers and law students giving up their time on a voluntary basis to help people who need legal assistance but do not have the means to afford it. In this free OpenLearn course, *Pro bono work and social justice*, you will consider the role of pro bono in law schools. You will examine the relationship between pro bono and legal aid, and evaluate whether pro bono should be mandatory. The theme of social justice will be explored and you will examine how innovation can address the justice gap. You will consider the development of the online court and the role that crowdfunding may play in facilitating access to justice.

This OpenLearn course is an adapted extract from the Open University course [W360 Justice in action.](#)

Learning Outcomes

After studying this course, you should be able to:

- explain the concept of 'pro bono'
- explain and evaluate the relationship between pro bono and legal aid
- critically analyse, evaluate and discuss materials relating to social justice
- critically analyse, evaluate and discuss materials relating to justice and technology.

1 What is pro bono?

Pro bono is derived from the Latin term *pro bono publico* which can be translated as 'for the public good'. In a professional and legal capacity, lawyers provide free legal services to members of the public who are unable to pay. Some consider that a commitment to pro bono work should be a requirement of professional practice and in some jurisdictions, such as South Africa, it is a mandatory obligation.



Figure 1 Pro bono

In England and Wales, pro bono is a voluntary commitment, which is encouraged by the regulatory bodies of the legal profession. The National Pro Bono Centre is a charity created in 2010 and acts as a clearing house for pro bono work. Each of the bodies has a charity which supports free legal advice assistance – the [Bar Pro Bono Unit](#) (for barristers), [LawWorks](#) (the solicitors' pro bono group) and the [CILEx Pro Bono Trust](#) (for legal executives). You can find out more about these organisations by visiting their websites.

Box 1 Defining pro bono

Pro bono is provided in a number of different ways but the overriding principle is that the service is free. It is defined as:

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 funding and alternative means of funding is not available.

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.

(LawWorks, 2015, paras 1.1–1.2)

Pro bono is not a substitute for legal aid. There is concern that the expansion of pro bono encourages the state to allow pro bono work to fill the gap of unmet legal need. There has been much critical discussion around the definition of 'unmet legal need' but, broadly speaking, it can be defined as when an individual's capacity to seek legal assistance is restricted because they cannot afford to pay for legal services. The debate about the role of pro bono is encapsulated in Richard Abel's article 'The paradoxes of pro bono', in which he describes pro bono as a 'puzzle' in how we allow the voluntary goodwill of lawyers to enable governments to reduce their responsibilities to provide free legal services. This is a theme that will be explored throughout this course.

Activity 1 What does pro bono mean to you?

You should allow yourself 20 minutes to do this activity.

- a. Watch this video: 'What is pro bono?'.

Video content is not available in this format.

'What is pro bono?'



- b. Watch this video in which student Jack Crisp talks about what pro bono means to him.

Video content is not available in this format.

Jack Crisp



- c. Read the Open Justice blog posting [‘Pro bono saved me’](#) (Ramcharan, 2017).
- d. Answer these questions:
- i. What does pro bono mean to you?

Provide your answer...

- ii. Why is pro bono important?

Provide your answer...

Comment

Everybody studying this OpenLearn course will have a different explanation of what pro bono means to them and why they think pro bono is important. Winston Churchill said ‘we make a living by what we do, but we make a life by what we give.’ You may think that pro bono is important because:

- giving to others makes people feel good
- pro bono provides others with much needed help
- people doing pro bono are giving something back to society and making a difference
- pro bono helps uphold the rule of law
- undertaking pro bono work is a good way to learn and develop practical legal skills
- undertaking pro bono work helps you to connect with lots of different people.

1.1 The development of clinical legal education

Clinical legal education (CLE) is a teaching method based on experiential learning or 'learning by doing'. It was developed in the United States as part of a social justice agenda to provide legal services to the poor. CLE programmes deliver pro bono services to their community, allowing students to learn by experience, with the hope it will foster a new generation of pro bono lawyers.

CLE has been defined as:

Clinical legal education involves an intensive small group or solo learning experience in which each student takes responsibility for legal or law related work for a client (whether real or simulated) in collaboration with a supervisor. Structures enable each student to receive feedback on their contributions and to take the opportunity to learn from their experiences through reflecting on matters including their interaction with the client, their colleagues and their supervisor as well as the ethical dimensions of the issues raised and the impact of the law and legal processes.

(Giddings, 2013)

The development of CLE in the UK has been quite slow. The University of Kent and the University of Warwick were early pioneers, opening a clinic in 1973 and 1976 respectively but only four law school clinics were operating in the 1980s. It was not until the 1990s that an interest in CLE really started to develop. This could partly be due to the fact that in the UK, until the 1980s, the existence of extensive provision of state-funded legal services meant that the need to provide legal services for the poor did not yet exist. A recognition of the need to provide employability skills and the recent cuts to state-funded provision for legal services have led to a renewed focus on the development of CLE in UK law schools.

Activity 2 Pro bono in university law schools

You should allow yourself 30 minutes to do this activity.

Universities need to consider the rationale and goals for their law clinic or public legal education activities. Some clinics have 'social justice' as their mission, but should the focus be on learning and teaching or addressing an unmet legal need? What comes first, education or clients?

- Read ['Legal education, ethics and access to justice: Forging warriors for justice in a neo-liberal world'](#) (Nicolson, 2015).
- Consider the following question: If the role of a university is to educate students, why might pro bono activities take place in a law school?

Provide your answer...

Comment

There are a number of reasons you might have considered, including:

- Students should have the opportunity to develop their employability skills, such as interviewing or presenting, in order to enhance their employment prospects.

- It is an important aspect of legal education to encourage students to participate in pro bono activities and may engender a commitment to pro bono which will continue after graduation.
- To reflect the mission of the institution; for example, the Open University has a commitment to social justice and the creation of its [Open Justice centre](#) supports this mission.
- Many students and academics have a commitment to social justice and believe there is a moral obligation to provide pro bono services.
- Participation in pro bono activities provides the opportunity for supervised practice-based learning and supports the transition from student to professional.
- Participation in pro bono activities gives students the ability to apply the law to a real-world scenario.

2 The development of legal aid

The Legal Aid and Advice Act 1949 was the birth of the modern-day legal aid scheme. It followed the recommendations of the Rushcliffe Committee which reported to Parliament in 1945.

Box 2 The Rushcliffe Report

The Rushcliffe Report recommended that:

- Legal aid should be available in all courts and in such a manner as will enable persons in need to have access to the professional help they require.
- This provision should not be limited to those who are normally classed as poor but should include a wider income group.
- Those who cannot afford to pay anything for legal aid should receive this free of cost.
- There should be a scale of contributions for those who can pay something towards costs.
- The costs of the scheme should be borne by the state, but the scheme should not be administered either as a department of state or by local authorities.
- The legal profession should be responsible for the administration of the scheme.
- Barristers and solicitors should receive adequate remuneration for their services.

(Matthew, 1946)

At the start of the scheme, legal aid was mainly used in criminal and divorce cases, but in the 1970s that changed when law centres began to open. They identified the need for legal aid in housing and employment cases. The first law centre was opened on 17 July 1970 in North Kensington, London.

During the 1980s and 1990s the cost of legal aid increased exponentially and by 1995–1996 the total cost was £1.4 billion. Significant changes were made to the availability of legal aid and in 2006 Lord Carter's review of legal aid procurement made a number of recommendations for future changes (Carter, 2006). Lord Carter suggested a new competitive system in England and Wales with a focus on price. Further cuts to legal aid and the introduction of additional bureaucracy were made as a result of the report.

The most significant change to legal aid came with the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO 2012) which came into effect on 1 April 2013. The Act created the Legal Aid Agency (LAA) which now administers legal aid. Only organisations which have a contract with the LAA can provide legal aid services.

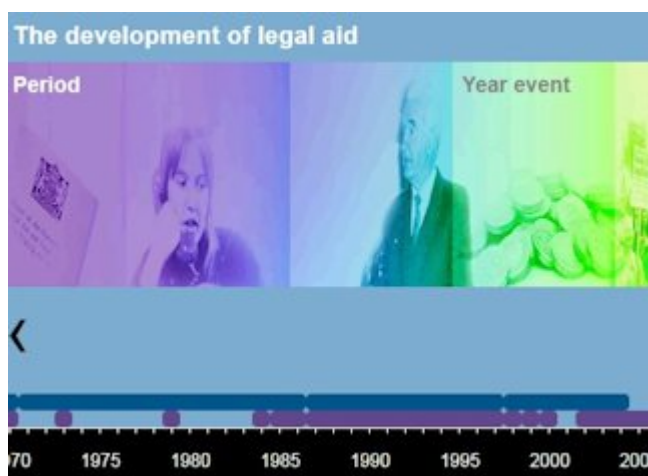
Box 3 The right to choose a lawyer under legal aid

Ian Brady was jailed in 1966 for three murders and was held at Ashworth Hospital. He was seeking permission for judicial review to challenge the refusal to allow him the lawyer of his choice to represent him before the Mental Health Review Tribunal (MHRT). His solicitor, Robin Makin from E. Rex Makin & Co, had represented him for 25 years but did not have a legal aid contract in the mental health category and so was not entitled to act for him in the MHRT. Brady's legal team was arguing that the Lord Chancellor, Liz Truss (at the time of writing: October 2017), had the power to intervene to ensure he was represented by a lawyer of his choice but she refused to do so on the grounds it would not be a 'lawful and proper use of her power.' Judgment was given on 20 February 2017, Justice Morris dismissed the application as 'unarguable' and ruled 'it had no realistic prospect of success'. At paragraph 90, the Judge said 'neither the provisions of the ECHR themselves, nor any case law authority, supports the proposition that in civil proceedings, and in particular in proceedings relating to detention on grounds of mental health, there is a right to publicly funded representation for a lawyer of choice.' Brady's team were considering an appeal to the Court of Appeal but Ian Brady died on 16 May 2017. This is a very unique case but it preserves the position that there is no right to free representation by a lawyer of choice in civil matters. If you want to find out the position in criminal proceedings read paragraphs 29 to 30 of the judgment in *Croissant v Germany* (1993) 16 EHRR 135.

LASPO 2012 took out of scope a significant number of types of cases for legal aid funding, including housing, welfare, debt, immigration, employment and clinical negligence. The impact, particularly on civil legal aid, has been dramatic. The justification for the sweeping cuts to legal aid was the prevailing economic conditions and the requirement to introduce austerity measures. Some commentators have argued that the cuts were ideological and that changes breach international rights. The recommendations of the Rushcliffe Committee no longer feature as part of the current legal aid system. Human rights organisations, such as Liberty, argue that an adequately funded legal aid system is a human right and access to justice is critical to the rule of law and democracy.

Interactive content is not available in this format.

[Legal aid timeline](#)



2.1 Justice for society

The benefits of legal aid are not just to an individual but to society as a whole. If an individual cannot enforce their legal rights because of their financial circumstances, the rule of law cannot be maintained and this impacts on confidence and faith in the justice system. There are broader positive benefits to ensuring access to justice as well; for example, access to legal advice on a housing issue could prevent an eviction which negates the need to approach the local authority homelessness service. The inability to access legal advice can have a greater impact on a vulnerable person and this can lead to further problems which become a cost to the state. There is growing evidence of a link between health and social welfare problems: a recent report funded by the Legal Education Foundation (Advice Services Alliance and the Law Commission, 2015) describes how appropriate welfare advice had positive health benefits and welfare intervention could reduce the burden on the NHS.

You might want to reflect on the value of the legal profession and the wider benefits that legal advice may bring to society.



Figure 2 The Legal Aid Agency logo

2.2 Civil legal aid

The [Citizens Advice website](#) outlines the types of cases which are eligible for civil legal aid. There are also financial conditions for receiving civil legal aid. Where civil legal aid is available there are restrictions on its use; for example, in cases involving welfare benefits legal aid is only available for appeals to the Upper Tribunal, Court of Appeal or Supreme Court. There is no entitlement to legal aid in first-tier welfare tribunals. Members of the public have to represent themselves in first-tier cases. The most vulnerable members of our society are in receipt of welfare benefits and the inability to receive legal aid means they are less likely to challenge decisions of the state.

The impact of the reduction of civil legal aid has led to a rise in litigants in person. In March 2013, the Master of the Rolls issued a Practice Guidance, which stated that the term 'litigant in person' was 'the sole term to be used to describe individuals who exercise

their right to conduct legal proceedings on their own behalf' (Practice Guidance (Terminology for Litigants in Person) [2013] 2 All ER 624, p. 5).

In December 2014, Lord Dyson, Master of the Rolls, said:

It is impossible to prove, but it would be extraordinary, frankly, if there were not some cases that are decided adversely to a litigant in person which would have been decided the other way had that litigant in person been represented by a competent lawyer. It is inevitable.

(House of Commons Justice Committee (2015), para. 137)

The increase in the number of litigants in person appearing in court has impacted on the role of the judge; the judge has a responsibility to ensure all parties receive a fair hearing where one or both are not legally represented. Judges are given guidance on how to achieve that in the [Equal Treatment Bench Book 2013](#) (Judicial College, 2013). Additional guidance is provided in the [The Judicial Working Group on Litigants in Person: Report](#) which recommends training for judges on dealing with litigants in person.

Activity 3 The cuts that hurt

You should allow yourself 30 minutes to do this activity.

In October 2016, Amnesty International UK produced a report entitled '[United Kingdom: Cuts that Hurt: The Impact of Legal Aid Cuts in England on Access to Justice](#)' (Amnesty International UK, 2016).

- a. Access the report and read the 'Executive summary', pp. 3–5, to find out more about the impact of the civil legal aid cuts.
- b. Visit the Personal Support Unit website and read the section: '[Difference we make](#)' (Personal Support Unit, n.d.)
- c. Answer the following questions:
 - i. What do you think about the debate on legal aid? Do you think cuts to legal aid are justified?

Provide your answer...

- ii. Are legal aid cuts creating a two-tier justice system?

Provide your answer...

- iii. What are the disadvantages faced by litigants in person?

Provide your answer...

- iv. How do the services of the Personal Support Unit support litigants in person?

Provide your answer...

Comment

You may find it interesting to look for recent media stories and news reports discussing the impact of the cuts in legal aid, to see if these reflect the answers you have given.

2.3 Criminal legal aid

At the police station, free legal advice from the duty solicitor is available to anyone, irrespective of financial circumstances. A person in receipt of benefits may also get advice and assistance before they are charged with a criminal offence. Representation in both the magistrates' court and the Crown Court is provided but it is means-tested so this restricts the availability of criminal legal aid. More information is available on the [Citizens Advice website](#).

In 2014–15, spending on criminal legal aid was £919 million, compared with £622 million on civil legal aid (National Audit Office, 2015). Remuneration in criminal matters has been cut. In January 2016, Michael Gove, the then Justice Secretary, announced the further planned cuts to criminal legal aid fees would be suspended. The legal profession is concerned that the reduction in the rates for criminal legal aid will impact on the availability of quality representation.

Jonathan Smithers, President of the Law Society, commented:

We have constantly said that we fear the profession will be unable to cope with significant fee reductions and are therefore relieved that the lord chancellor has listened to our concerns. Criminal legal aid solicitors are at the heart of the criminal justice system, defending vulnerable suspects and upholding the rule of law. It is in the interests of the public, the legal profession, government and justice, that high-quality firms remain able to deliver the expert legal advice people need.

(Bowcott, 2016)

2.4 The impact on trials

In 2014, the Court of Appeal overturned the decision to halt a fraud trial because of the lack of publicly funded representation (*R v Crawley* [2014] EWCA Crim 1028). The case highlights the impact of the reduction of fees in criminal cases.



Figure 3 Marching barristers


Activity 4 Representation for all

You should allow yourself 20 minutes to do this activity.

- Read the article '[Court of Appeal overturns move to halt fraud trial](#)' (Casciani, 2014)
- Using the same link, watch the clip of Sir Brian Leveson delivering his judgment of the case which accompanies the article.
- This is an opportunity to practise your persuasive writing skills. Imagine you work for a community group; for example, [38 Degrees](#). Draft an email to be sent out to their supporters which asks them to sign an online petition to prevent further cuts to barristers' fees.

Comment

Here is an example.



Petition

Government and Parliament

Dear John

Legal aid cuts hurt everyone. If you were facing criminal charges and the prospect of going to prison- what would you want? Would you be happy with just an ok barrister, perhaps someone who had done a few of these types of cases before? Or would you want to make sure you had the best representation, a barrister who was leading in their field, who could fight your corner. Could this make the difference, could this stop you going to prison?

Should only rich people be able to choose the best representation? If you think everyone should have access to the best representation, can you sign the petition now? It only takes 30 seconds.

Sign the petition

77,375 signatures

Show on a map 100,000

If legal aid fees are cut barristers will stop taking on these types of cases- do you want a two tier justice system, one for rich people, and one for everyone else? John, if you were facing prison wouldn't you want the best representation? If so, then please sign the petition.

Sign the petition

Thanks for being involved,

Trisha, Mel, Simon and the rest of the team.


 **Discussed in Parliament at 100,000 signatures**

Figure 4 Example petition

2.5 The funding of the justice system

It has been argued that with LASPO 2012, the funding of the justice system became broken. Commentators suggest that the government appears to have made a political decision that either there is no funding or it should be the funder of last resort. It is not clear whether the government believed the not-for-profit sector would be able to fill the gap. A [Ministry of Justice report](#) (Ames et al., 2015) found that in 2005 there were 3266 advice centres; in 2014/15 that had fallen to 1462. There is a crisis in funding and increasingly it would appear the pro bono sector is being expected to provide 'access to justice'. Is there now a stronger argument to make pro bono mandatory?

Activity 5 Should pro bono be mandatory?

You should allow yourself 1 hour and 30 minutes to do this activity.

You have now learned about the changes to the availability of legal aid and the impact it is having on access to justice.

Read this short article and watch these two videos before answering the questions set out below: The second video is a debate. The panellists are Jo Hickman, Head of

Casework at the Public Law Project; Yasmin Waljee, International Pro Bono Director at Hogan Lovells; Sir Robin Knowles, High Court Judge and Chairman of the Bar Pro Bono Unit; and Julie Bishop, Director of the Law Centres Federation, which is the representative body of the national network of community law centres.

- [‘Legal aid cuts threaten our very democracy’](#) (Justice Alliance, 2016)
- [‘Are You for Justice?’](#) (2014)
- ‘Debate: Access to Justice, Legal Aid and Pro Bono in the UK’ (2014)

Video content is not available in this format.

‘Debate: Access to Justice, Legal Aid and Pro Bono in the UK’ (2014)



- a. Consider the relationship between legal aid and pro bono.

Provide your answer...

- b. Given the reduction in legal aid, should pro bono be mandatory?

Provide your answer...

- c. Write a blog post of 250–500 words arguing either in favour of or against compulsory pro bono. If you are interested in having your blog post published you can email it to the Open University’s Open Justice team at open-justice@open.ac.uk and they will consider it for inclusion in the [Open Justice](#) blog.

Comment

Each blog posting will be different depending on your view on whether pro bono should be compulsory.

3 Social justice

Social justice is a difficult concept to define. It combines equity, fairness, and a commitment to social action, focusing on equal justice not just in our legal system but in all areas of society.



Figure 5 Social justice word cloud

The Oxford Dictionary of Education defines 'social justice' as 'a term which refers to the good of the whole community, where that is taken to include both the good of each and the good of all, in an acknowledgement that one depends on the other' (Wallace, 2015).

This is further developed in the definition by the Center for Economic and Social Justice:

Social justice encompasses economic justice. Social justice is the virtue which guides us in creating those organized human interactions we call institutions. In turn, social institutions, when justly organized, provide us with access to what is good for the person, both individually and in our associations with others. Social justice also imposes on each of us a personal responsibility to work with others, at whatever level of the 'Common Good' in which we participate, to design and continually perfect our institutions as tools for personal and social development.

(Center for Economic and Social Justice, 2017)

Social justice is not only concerned with what is just for the individual but what is just for society as a whole. Everyone should have equal rights, opportunities, privileges and protections, from the poorest to the richest in our society; but how do we define 'just' and 'equal' and who is responsible for ensuring that society is a just and fair place? This is complex and challenging.

Examples of social justice include:

- the universal right to vote
- free public education
- equal opportunity to employment
- welfare benefits.

Social justice encompasses economic, political, social and legal rights for all; we will all have different definitions of social justice. Clinical legal education can address social justice problems by seeking to improve the lives and wellbeing of people.

Activity 6 What does social justice mean for you?

You should allow yourself 1 hour to do this activity.

- a. Visit the [ASF Action page](#) and read about some of the projects of Avocats Sans Frontières.
- b. Read
[‘Legal literacy, community empowerment and law schools – some lessons from a working model in the UK’](#) (Grimes, 2003).
In this article, Richard Grimes explains the development of street law projects. This is just one example of how a model of clinical legal education can be used to further social justice education.
- c. Answer the following questions:
 - i. Is it a lawyer’s job to work for justice?

Provide your answer...

- ii. Should clinical legal education focus on justice?

Provide your answer...

- iii. What pro bono programmes would you like to see created, or be involved in?

Provide your answer...

Comment

There are no right or wrong answers to these questions. If you have a good idea for a new pro bono initiative, please do contact the Open Justice team at open-justice@open.ac.uk.

3.1 Justice and technology

A digital revolution has started in the criminal and civil courts in England and Wales. In April 2016, Her Majesty’s Courts and Tribunals Service (HMCTS) began a seven-year reform programme, investing £1 billion in the digitalisation of the court system. There are a number of different projects to deliver the programme and one of them encompasses the online court.



Figure 6 Computer keyboard

3.1.1 Online court

In July 2016, Lord Justice Briggs produced a review of the civil courts structure, which set out the rationale for an online court (Briggs, 2016). The litigant in person will be at the forefront of the design and it will be an interactive process to allow the formulation of the claim and the ability to upload evidence in support. Lord Briggs argues that it is a unique opportunity to:

design from scratch and build from its foundations a wholly new court for the specific purpose of enabling individuals and small businesses to vindicate their civil rights in a range of small and moderate cases ... without recourse to lawyers, or with such minimal recourse that their services can sensibly be afforded.

(Briggs, 2015, para. 5.106)

Lord Briggs also states that the online court should be created 'as a separate court, with dedicated software, staff, rules [designed from the outset to be understood by litigants without lawyers] and rule-making body' (Briggs, 2015, para. 6.29). The Prisons and Courts Bill which was introduced in April 2017 sets out the framework of the online court but left the detail to be developed. There will be a new online rules committee and simplified procedure rules. The Bill was abandoned because it could not complete its passage through both Houses, before Parliament was dissolved for the general election on 9 June 2017. Following the election, the Queen's Speech announced the Courts Bill, which aims to reform the court system in England and Wales. It seems likely this Bill will introduce the legislation to bring about the online court.

Lord Briggs recommends that the online court should start with hearing specified money claims up to £10,000 and that should gradually increase to cases valued up to £25,000.

Unspecified money claims, for example personal injury, professional negligence cases, and non-monetary claims such as injunctions, specific performance and possession of homes would be excluded. The recoverable costs regime will be the same as used in the [Small Claims Track](#) (fixed costs only). In addition there will be a fixed-cost payment for advice at the start to determine the merits of a case. It is not intended that lawyers will be excluded from the online court but limiting it to fixed recoverable costs may determine the role of lawyers in the process. Lord Briggs discusses the role law students can play to help users navigate the technology.

Cases will be resolved in different ways depending on the circumstances; face-to-face hearings will be available but decisions predominately will be made via video or telephone. Judges will be responsible for deciding cases, although in some cases there may also be the option of online dispute resolution where the parties resolve their case online without human interaction. As part of the online court there should be an 'Assisted Digital Service' which should be publicly funded to provide technical help and support to users.

The removal of legal aid for many civil cases has led to the increase of litigants in person and has had a negative impact on access to justice. A system designed to be used without the requirement of a lawyer should make the process easier to navigate and encourage greater accessibility. Sir Terence Etherton, Master of the Rolls, said the court's success 'will not just be measured by improving the quality of access for those using the system, but by giving effective access to those who do not currently issue claims' (Etherton, 2016, para. 9).

It will take a number of years to develop the online court and it will be launched in stages to ensure the developers can test each part of the process properly. If successful, the online court will be transformative. There are concerns, particularly around the IT requirements for the project. Elements of an online court already exist in British Columbia in Canada, but England and Wales are leading the way with the scale of what is proposed.

3.1.2 Virtual courts

'Virtual enabled hearings' are to be introduced in certain criminal proceedings. There would be no physical courtroom; all the parties would be participating by telephone or video conferencing links. Technology is changing how justice is being delivered and it is increasingly likely that the physical courtroom will be replaced by an online courtroom in vast numbers of cases.

The legal market is changing with greater use of technology. It is important to recognise that there is concern about whether online legal services can deliver access to justice. Lord Briggs discusses the feedback received in the consultation for the report, some of which was negative. The shift towards digital delivery may be problematic; how we respond to those challenges will determine whether justice online can be part of the solution to access to justice.

Activity 7 SWOT analysis

You should allow yourself 20 minutes to do this activity.

Think about the proposal for an online court and then click on the interactive to complete the drag and drop SWOT (Strengths, weaknesses, opportunities and threats) analysis.

Interactive content is not available in this format.

SWOT analysis



3.2 Bringing crowdfunding to the law

The legal services market is in a time of unprecedented change and the digital transformation will redefine how legal services are delivered. There are new opportunities to use technology to support access to justice. In 2015, Julia Salasky founded CrowdJustice. It is the first crowdfunding site set up specifically to raise funds for legal cases. The website www.crowdjustice.org details the cases that are currently seeking funding.

Box 4 Does crowdfunding address the justice gap?

One of the first cases to be crowdfunded was on behalf of the campaign group Joint Enterprise: Not Guilty by Association (JENGbA) which led to its intervention in the case of *R v Jogee* [2016] UKSC 8. This case is significant because it changed the law on joint enterprise. Crowdfunding works by communities coming together to support legal actions they care about. You may want to consider the potential of crowdfunding to empower communities to bring actions in response to significant events. There were a number of challenges to the Government triggering Article 50. The one brought by Gina Miller proceeded (*R (on the application of Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5) and was funded by Remain campaigners. CrowdJustice is being used by Grahame Pigney and others to fund the 'People's challenge to the Government on Article 50' (CrowdJustice, 2017).



Figure 7 Light-bulb moment

Activity 8 Crowdfunding

You should allow yourself 45 minutes to do this activity.

Visit the [CrowdJustice website](#) and read about the various projects which use crowdfunding.

- a. Is there a project which you think is particularly interesting?

Provide your answer...

- b. How significant do you think crowdfunding might be to fund cases that cannot be brought pro bono?

Provide your answer...

Comment

There are likely to be a number of different views on the potential for crowdfunding.

Box 5 Future changes

The Prisons and Courts Bill started a transformative process for greater use of online systems within our justice system. There has been a rapid evolution of technology which is changing the way legal services can be delivered and hopefully this will have a positive impact on access to justice. We live in exciting times and it will be fascinating to see whether we can harness the power of technology to bring about positive change.

Conclusion

In this free OpenLearn course, *Pro bono work and social justice*, you have focused on developing your understanding of pro bono and the benefits for students participating in pro bono activities. You considered the relationship between pro bono and legal aid, and you evaluated whether pro bono should be mandatory. The theme of social justice was explored and you examined how innovation can address the justice gap. You considered the development of the online court and the role that crowdfunding may play in facilitating access to justice.

You should now be able to:

- explain the concept of 'pro bono'
- explain and evaluate the relationship between pro bono and legal aid
- critically analyse, evaluate and discuss materials relating to social justice
- critically analyse, evaluate and discuss materials relating to justice and technology.

If you are unsure about any of these, go back and reread the relevant section(s) of this OpenLearn course.

This OpenLearn course is an adapted extract from the Open University course [W360 Justice in action](#).

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