

pro bonoconnect

FREE LEGAL ADVICE AND STRATEGIC
LITIGATION SUPPORT FOR NGOS

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Pro bono: building bridges, navigating cultures, collaborating for impact

During European Pro Bono Week this June, the Pro Bono Connect team organized a number of events bringing together pro bono lawyers and civil society. In a legal workshop we explored the effects and legal framework around SLAPPs with journalists, lawyers and other civil society organizations. On 12 June, we held our annual pro bono round table for partner firms, followed by a joint session with civil society. We finished the week tired & inspired. Keep reading for some of our key takeaways.

The panels, discussions and informal chats over coffee confirmed: Pro Bono legal support and our clearinghouse model remain a **relevant, necessary form of support to civil society**. We're receiving an increasing number of requests from organizations moving to the Netherlands from areas with repressive

regimes. The number and complexity of matters facilitated are increasing and workshops are well-attended. In the first half of 2024 we've mediated over **50 pro bono requests and supported over 30 NGOs and initiatives** with our workshops. The day's exchanges gave us an understanding of civil society needs, pro bono capacities, and are leading to some concrete future collaborations.

We're committed to working to increase access to legal support, develop more relevant workshops and tools, and improve the level of pro bono collaborations. We'd love for you to join our efforts!



ESG & Pro Bono

ESG is front and center, because of increased stakeholder interest and regulatory pressure. Law firms are at different stages of development of their own ESG strategies, depending on the joint ambition of partners & stakeholders; the same can be said of pro bono policies. Our panelists reflected on their experiences, highlighting the positive interaction and integration of these areas of legal work.

Pro bono clients can provide thematic expertise & insight, connections to communities being impacted by businesses (the core of ESG thinking). They have a "flagging function" bringing societal developments to the attention of firms. Skills and expertise developed in ESG work for commercial clients can increase a firm's capacity to support civil society pro bono. Finally, pro bono can contribute to a firm's own efforts to reach ESG targets.

Bruno Min, Senior Legal Programme Manager, EMENA at Trustlaw, Thompson Reuters Foundation:

"Pro Bono Connect's annual roundtable provided us with a fantastic opportunity to exchange experiences and learnings with the Netherlands' leading pro-bono clearing house, and to reconnect with our Dutch legal members, who do incredible work to support local civil society. We had fruitful and insightful discussions about ESG and pro-bono, which highlighted the diversity of approaches and strategies taken by industry leaders, as well as the risks and opportunities that law firms may need to navigate."

Thank you to our panelists Loes van Dijk (Stibbe), Marie-Louise Voors (Loyens & Loeff), Jeroen de Boer (De Brauw Blackstone Westbroek), Bruno Min (Trustlaw, Thompson Reuters).



Pro Bono: navigating different cultures while collaborating for impact

Arpi Avetisjan shared her insights from more than a decade of strategic litigation for LGBTQ rights in Europe. She highlighted conditions to keep in mind when working together with people from different types and sizes of organizations, especially considering the often limited capacity of NGOs and significant time & effort required for such litigation. Committed to the idea that pro bono lawyers make significant contributions to strategic litigation, she emphasizes the need for patience, trust, understanding and constant communication as elements of successful collaboration.

Our panelists, pro bono coordinators from Pro Bono Connect partner firms, shared insights into their thinking, criteria and processes when taking on pro bono matters. Ethical and professional rules for lawyers on confidentiality, conflict checks, and due diligence are there to protect all clients - commercial and pro bono. Participants asked questions on the application of confidentiality rules and conflict checks. We also challenged ideas of which requests are "strategic", learning that for many, requests for organizational support can be just as important and interesting. The conversation confirmed the important role of clearinghouses in supporting NGOs identifying and formulating their requests, with understanding of the capacities of pro bono lawyers.

Finally, Giulia Patane of PILnet shared some research and advice for NGOs navigating pro bono:

"Successful collaboration depends on the right matter at the right time for the right firm."

NGOs are recommended to know their audience for a pro bono request (commercial law firms), target their request to available forms of support, consider alternatives (e.g. research in support of strategic litigation when a firm isn't able to contribute as a litigator). Transparency calls for open communication from the start of preliminary conversation on timing, roles, publicity, and how the work will contribute to longer-term goals (eg, research or scoping for strategic litigation). Here too, clearinghouses can support.

Thank you to our speakers and panelists: Cilia van Nierop (CMS), Annemieke Zwanenburg (Stibbe), Olivia van Rikxoort (HVG Law), Giulia Patane (PILnet Program Director: Europe), Arpi Avetisjan (independent human rights lawyer).



NGO Legal workshop on Defamation rules: Risk, Liability and SLAPPs

As (online) publications play an increasingly significant role in today's democratic society, it is important to balance freedom of expression with protection against reputational damage. To find this balance, several criteria, such as the nature of the publication and the way in which the publication is factually supported and framed, must be taken into account.

In this context, research shows us that participants in the research (Dutch journalists and editors) face threats as a consequence of their publications. To address this, a new EU Directive has been introduced, aiming to protect individuals who speak out on matters of public interest from lawsuits known as SLAPPs - Strategic Lawsuits Against Public Participation. These lawsuits are intended to discourage, suppress or stop public participation. The impact of the EU legislation, however, yet remains unclear. Advocacy, campaigns, and legal resilience within civil society are currently tools in advancing anti-SLAPP solutions.

Olaf Trojan & Wouter Kroeze from our pro bono partner firm Bird & Bird guided us through the Dutch and European legal frameworks of this issue. Jasmijn de Zeeuw from Free Press Unlimited shared insights gained through research into the experiences of journalists and editors. Finally, Daniel Simons from Greenpeace International and CASE - the Coalition Against SLAPPs in Europe shared resources and work of the Coalition. We thank the speakers and participants for an engaging exploration of these issues!



UPCOMING EVENTS 2024 - Save the Dates!

