

PART A: PRELIMINARY ISSUES

1. Name of Programme

Oxford Pro Bono Publico ('OPBP').

2. Statement of Purpose

The purpose of OPBP is to contribute to the practice and principles of public interest law on a pro bono basis. Public interest law may include international, comparative or domestic law.

Participation in OPBP projects is open to law postgraduate students, other interested postgraduate students and law staff at Oxford University.

3. Definition of Pro Bono

Pro bono activity is work undertaken for the public good or in the public interest and without charge. This includes work done:

- (a) for legal or natural persons worldwide, incorporated or unincorporated, of limited means;
- (b) for charitable and other non-profit organizations; and/or
- (c) on matters involving issues of particular public importance.

While OPBP will not charge for any of its work, it may ask Project Partners to cover significant expenses if and when these arise.

4. Functions of OPBP

The function of OPBP is to prepare or assist in the preparation of:

- (a) research briefs;
- (b) expert opinions;
- (c) amicus curiae briefs;
- (d) policy submissions; and
- (e) reports.

OPBP may take on projects falling into two categories: legal research support for practitioners providing legal services ("Legal Research Support") and legal or policy research ("Legal or Policy Research"). Prior to the commencement of any project, the Executive Committee, acting under its ordinary decision making procedures, must make a determination of which category the proposed project falls into.

In the event that the Executive Committee determines that the proposed project constitutes Legal Research Support, the project may only be undertaken in conjunction with a solicitor or barrister who is herself acting on a pro bono basis ("Legal Research Support Project Partner"). In such a case, OPBP will act for and under the direction of its Legal Research Support Project Partner, who will retain the onus of establishing the accuracy and relevance of any information provided to it by OPBP. Under no circumstances will OPBP represent clients or litigate before any court or tribunal.

In the event that the Executive Committee determines that the proposed project constitutes Legal or Policy Research, OPBP, subject to its ordinary procedures for the acceptance of projects, may:

- (a) Engage policy makers or other organizations (“Policy Project Partners”); or
- (b) Perform the project in its own name and of its own accord.

PART B: STRUCTURE AND MANAGEMENT

5. Structure of OPBP

OPBP comprises:

- (a) an Executive Committee; and
- (b) ordinary members.

6. Composition of Executive Committee

The Executive Committee will have a minimum of 8 members.

4 members must be full time Law Faculty post-holders (‘Faculty Members’).

4 members will be postgraduate students and will occupy the positions of Chairperson, Treasurer, Communications Officer and Events Officer (‘Student Members’).

The term of office of each Executive Committee is one academic year.

7. Selection of Executive Committee

At the regular meeting of the Executive Committee in the 1st week of Trinity term, the Executive Committee shall decide whether elections for the forthcoming year should be held in 5th week of that term or in 2nd week of the Michaelmas term at the start of the next academic year. The primary criterion in deciding when to call the election is the potential availability of incumbent Student Members to facilitate the transition in the next academic year. In the event that no incumbent Student Members will be at Oxford University in the forthcoming academic year, elections must take place in Trinity term.

In the week selected by the Executive Committee for elections, the Communications Officer will email the Law Postgraduates email list, calling for volunteers to nominate themselves for a position on the Executive Committee as Student Members for the forthcoming year. Each applicant will be asked to submit a short statement of interest together with any additional information that may be required.

Returning Student Members of the Executive Committee may nominate themselves to continue serving on the Executive Committee, as long as they remain enrolled as postgraduate students. They will be subject to the normal application process and will recuse themselves from the selection process. In selecting the Executive Committee for the

forthcoming year, the Committee will take into account the applicants' experience, legal expertise, enthusiasm and abilities. A spread of nominees from diverse law jurisdictions is desirable. All nominees will be advised of the outcome of their nomination within one week of the end of the nomination period. In the event of fewer than 4 nominations from postgraduate students, those selected to serve on the Executive Committee will have the power to appoint postgraduate students to ensure that all positions on the Committee are occupied.

8. Meetings of the Executive Committee

The Executive Committee will meet during weeks 1 and 6 of each term. The quorum of meetings is 2 Faculty Members and 3 Student Members. The Chairperson or any Faculty Member has the power to call extraordinary meetings.

9. Decision-Making by the Executive Committee

Decisions of the Executive Committee will be made by consensus where possible, or otherwise by a majority vote that includes votes of at least two Faculty Members.

PART C: PROJECT MANAGEMENT

10. Criteria for Accepting Projects and Project Partners

The Executive Committee will make a decision, considering the criteria for accepting projects, about whether to accept or reject involvement in a pro bono project. The criteria for accepting projects include:

- (a) The legal significance or novelty of the suggested research;
- (b) Member interest and expertise in the suggested research;
- (c) Specificity of the research questions;
- (d) Feasibility of completing the work as a discrete task or series of tasks;
- (e) Ensuring that the high reputation of the Oxford Law Faculty and the University as a whole is maintained;
- (f) The credibility and reputation of the project partner;
- (g) The willingness of the project partner to provide direction and feedback.

11. Acceptance and Approval of Projects

OPBP may only become involved in a project if the project has been accepted in advance:

- (a) by the Executive Committee; and
- (b) by the Dean of the Law Faculty.

Once the Executive Committee has approved the project, the Law Faculty members or Chairperson of the Committee must within 3 working days submit the Committee's decision in writing to the Dean for final approval. The Dean may, at his or her discretion, refer a case to Law Board for further consideration. In the event that the Dean has not made a final decision at the end of a period of 10 working days after receiving the Executive Committee's decision, the Chairperson should notify the Faculty members of this in writing, and indicate where possible the time-frame for the final decision to be made.

For OPBP to become involved in a project these procedures of acceptance and approval must be followed before any work is undertaken.

12. Communication with Potential Project Partners

When potential project partners express interest in working with OPBP, or OPBP approaches an organization, the Chairperson or Communications Officer must send an email or letter outlining OPBP's purposes, selection criteria, and the method of accepting and approving new projects. The communication will state that OPBP's participation in a project is conditional on there being sufficient interest among volunteers. It will also state that any work done by OPBP must be fully credited in any relevant documents of the project partner. It will annex the indemnity in Appendix B, and explain that OPBP will only start work on the project after an indemnity in these terms has been provided by the project partner and delivered to OPBP.

13. Announcement of Projects and Call for Volunteers

On acceptance of a project by OPBP, an email must be sent to the OPBP email list, the Law Postgraduates email list and the Faculty staff email list, announcing and describing the project, and calling for volunteers to work on the project. The email should follow the standard form attached as Appendix A. The email should set a deadline for interested persons to volunteer by contacting the Project Co-ordinator. The project may be re-advertised if there are insufficient volunteers in response to the first announcement.

14. Co-ordination of Projects

Each OPBP project will be supervised by a law staff member ('Faculty Supervisor') and co-ordinated by an ordinary or Executive student member ('Project Co-ordinator'), each as appointed by the Executive Committee. Where appropriate members of college or University staff who are not law staff may be appointed as Faculty Supervisors.

Soon after the deadline for volunteers in the announcement email has passed, the Project Co-ordinator should arrange a meeting with volunteers to allocate work tasks equitably between volunteers. The project co-ordinator should establish a deadline for volunteers to submit work and remain in contact with volunteers during the project to ensure that the deadline will be met. The Faculty Supervisor must be notified of all meetings.

15. Approval of Project Submissions

Once the work on a project has been completed, the Project Co-ordinator, with the approval of the Faculty Supervisor, will forward the completed submission to the Chairperson for final approval by the Executive Committee. Where necessary, the Executive Committee will seek the advice of the Faculty Supervisor or other law staff with relevant expertise to evaluate the submission.

The Executive Committee will approve the submission unless it has serious concerns about the accuracy or quality of the submission. If such concerns do arise, the Executive Committee will make every effort to work with the Project Co-ordinator, Faculty Supervisor and the project team to rectify any problems.

If a Project Partner has been engaged from the outset of a project, all written work and correspondence produced by OPBP must contain a copy of the indemnity in Appendix B, the

disclaimer in Appendix C, and the intellectual property notice in Appendix E. In all other cases, all written work submitted to an organization outside Oxford by OPBP must contain the disclaimer and indemnity in Appendix D and the intellectual property notice in Appendix E.

16. Intellectual Property

All intellectual property rights (including copyright) subsisting in research, documents and other items or things created with reference to an OPBP Project ('Work') will remain with the authors ('Authors'). All Authors will be required, as a condition of being accepted to work on an OPBP Project, to sign an appropriately worded agreement with the University: (a) granting the University a world-wide, royalty-free licence to publish the Work, and to use, reproduce, modify and adapt the Work for or in connection with publication of the Work, for any purposes directly or indirectly associated with the OPBP's functions ('Licence'); and (b) waiving their moral rights in the Work for the term of that Licence (as contained in Appendix F). In exchange, the University will undertake to ensure that an adequate copyright notice, with a list of all Authors' names, is affixed to the Work in any published form. Where a volunteer has made a substantial contribution to a Work that is insufficient to make him/her an author for intellectual property purposes, his/her name should also appear on published versions of the Work with a brief description of the nature and extent of the contribution. Agreements signed by the University will designate the individual members of the Executive Committee and the Dean as having sole responsibility for decisions regarding publication of a Work and designations of authorship/non-authorial but substantial contributions.

17. Email List

There will be an email list to announce OPBP activities and events. At the start of each academic year, the Executive Committee will send an email to the Law Postgraduates email list and the Faculty staff email list, describing the activities of OPBP and calling for interested persons to sign-up to the OPBP email list.

18. Website

There will be a regularly updated OPBP website which:

- (a) generally describes the activities of OPBP;
- (b) specifically describes past and current OPBP projects;
- (c) publishes the constitution of OPBP (that is to say, these Guidelines);
- (d) lists the members of the Executive Committee and the Dean;
- (e) provides an email address for contacting the Executive Committee;
- (f) contains full text copies of OPBP submissions in previous matters, where available;
- (g) publishes OPBP's Annual Report;
- (h) any other material the Executive Committee believes is relevant to the functions and purposes of OPBP.

19. Annual Report

The Executive Committee will produce an Annual Report for submission to the Law Board:

- (a) describing all project requests, projects accepted, and projects completed;
- (b) listing members of the Executive Committee;
- (c) appending the minutes of all Executive Committee meetings during the year;

- (d) appending the full texts of any final submissions on projects completed during the year; and
- (e) including any other relevant information.

20. Amendments

No amendments shall be made to these guidelines without the permission of the Oxford Law Faculty Board.

DEFINITION:

For the purposes of sections 2, 14 and 15 the definition of ‘law staff’ shall include full time Law Faculty post-holders, Oxford University members of the Law Faculty, full time college-based law teachers who are not Law Faculty post-holders, other law Fellows, and law Junior Research Fellows.

APPENDIX A

Subject:

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Project Partner:

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Relevant Law:

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Jurisdictions:

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Deadline:

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Project Description:

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Co-ordinator:

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APPENDIX B – Indemnity

Oxford Pro Bono Publico is a programme run by the Law Faculty of the University of Oxford, an exempt charity (and a public authority for the purpose of the Freedom of Information Act). The programme does not itself provide legal advice, represent clients or litigate in courts or tribunals. The University accepts no responsibility or liability for the work which its members carry out in this context. The onus is on the programme's project partners in receipt of the programme's assistance or submissions to establish the accuracy and relevance of whatever they receive from the programme; and they will indemnify the University against all losses, costs, claims, demands and liabilities which may arise out of or in consequence of the work done by the University and its members.

APPENDIX C – Disclaimer for use where a project partner has been engaged from the outset of a project

The opinions expressed in this report do not reflect those of the University of Oxford or the Law Faculty of the University of Oxford.

APPENDIX D – Disclaimer and indemnity for independent submissions to agencies or commissions

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APPENDIX E – Intellectual property statement for all OPBP project documents

This report has been prepared exclusively for the use of [insert project partner's name] in accordance with the terms of the Oxford Pro Bono Publico Programme. It may not be published or used for any other purpose without the permission of OPBP, which retains all copyright and moral rights in this report.

APPENDIX F – Grant of licence by project participants

The undersigned hereby (a) grants Oxford University a world-wide, royalty-free licence to publish work arising from the project (Work), and to use, reproduce, modify and adapt the Work for or in connection with publication of the work, for any purposes directly or indirectly associated with the OPBP's functions; and (b) waives their moral rights in the Work.