

## **Collaborative Plan Case Studies 2022/23**

The following are case studies from 2022-2023 that highlight some of the access to justice work carried out by member firms. Names have been removed or changed to maintain confidentiality.

### **COMPANY LAW**

#### **A claim against the directors of an energy and petrochemical company**

- The firm is acting pro bono for an environmental organisation in a ground-breaking derivative action against the directors of an energy and petrochemical company for an alleged failure to manage the material and foreseeable risks posed to the company by climate change.
- The claim is the first of its kind in the UK with potentially wide-ranging implications for major UK corporates, their boards of directors and their responses to the climate crisis.

### **UKRAINE-RELATED ADVICE**

#### **Investigation of barriers to safe routes to the UK for individuals displaced by the war in Ukraine**

- At the end of March 2022, less than a month after Russia invaded Ukraine, a team of attorneys from one firm, led by a Pro Bono Partner and a Counsel, travelled to Warsaw, Poland to help triage those affected by the refugee crisis with a charitable partner organisation.
- The purpose of the trip was to scope the legal needs of those fleeing the invasion in Ukraine and to gather evidence of the barriers to safe routes to the UK for individuals displaced by the war.

#### **'From Sanctions to Reparations' Project**

- The Ukraine Justice Alliance (UJA) is a coalition of law firms, investigators and other organisations that was formed in response to the Russian invasion of Ukraine to provide legal support to the Ukrainian government and its people.
- In June, a team of lawyers from one firm joined other international law firms in volunteering to help UJA with a project called 'From Sanctions to Reparations', which involved investigating how sanctions and reparations are defined and used under international law. The team produced a research memo on several questions posed by the UJA on reparations.
- A lawyer from the firm explained that:

*"After the invasion of Ukraine there were many discussions about how the firm could help, beyond making financial donations. Legal pro bono work was an obvious route, which is why we got involved with this project. I am certain that the 'From Sanctions to Reparations' project will produce something of real value, and as a law firm, we had the right skills to take this on.*

*"Our memo will feed into a wider legal framework being developed by the UJA.*

*The aim is for this framework to become a template for working principles and best practices for governments, tribunals and practitioners, the basis of legislation in receptive nations, or even an international instrument."*

### **Counselling on human rights proceedings relating to the Russian invasion of Ukraine**

One firm, which is a long-standing adviser to Ukraine, was appointed by Ukraine's Ministry of Justice to serve as counsel in human rights proceedings relating to the Russian invasion of Ukraine.

## **WELFARE BENEFITS**

### **Assisting individuals with learning disabilities and mental health conditions with benefits appeals**

- Through a project with a disability rights organisation, the firm assists individuals with learning disabilities and mental health conditions challenging benefits refusals in the tribunal.
- One case concerned a vulnerable young man ("Mr X") who lives with an autism spectrum disorder and associated behavioural disabilities. For a couple of years Mr X's local authority had significantly increased the weekly personal contributions it required Mr X to make towards his social care. However, it failed to appropriately consider the expenditure that Mr X incurred as a result of his disability which should have been deducted from his weekly personal contribution.
- Mr X was unable to afford the increased weekly personal contribution and as a result, accrued historic arrears and further arrears which the local authority was actively pursuing. The firm's lawyers challenged the decision, and provided substantial evidence in relation to expenses that the local authority should have taken into account.
- Ultimately, the firm's team was able to reduce Mr X's weekly contribution to a manageable amount, and clear both the historical and additional arrears. This successful result made a huge difference to Mr X and ensured he receives the help he requires to lead a happier and more independent life.

## EMPLOYMENT LAW

### Compensation for constructive dismissal and unpaid wages

- One firm worked with an organisation that connects volunteer lawyers with people in need of legal advice, who might otherwise go unrepresented. A team from the firm secured a victory for an individual in a claim for constructive dismissal and unpaid wages in the Employment Tribunal.
- The individual had been taken off her employer's payroll without any notice or explanation, had not been provided with payslips for her salary (which threatened to cause a significant issue with the UK tax authority (HMRC) relating to her receipt of tax credits as a working parent), and she had been underpaid for her work for several years.
- The Judge made an award of over £7,000 in compensation for constructive dismissal and unpaid wages. Also, the Judge determined that the individual was employed on key dates, allowing the claimant to use the judgment to resolve her dispute with HMRC, as HMRC were seeking to recover £5,000 in tax credits.
- The organisation with whom the firm worked supports lawyers to develop pro bono expertise in specific areas of employment law and helps individuals in London who are not paid in full for the work that they do, who are denied the minimum wage, or who are owed holiday, sickness or notice pay.

## CHARITY AND INTELLECTUAL PROPERTY LAW

### Supporting children in hospitals and cancer centres

- One firm advised an organisation that provides child-friendly comic books, colouring books, children's books, plush and other pop culture items to children in over 200 hospitals and cancer centres.
- The firm incorporated the organisation and represented it in trademark and copyright matters in the US.
- The firm also helped the organisation form as a charity in the UK and register its trademark there.
- Attorneys also secured the organisation's related trademark registration for the organisation, providing comic books and pop culture items to all branches of the military. The organisation is now the largest charity in the world for providing these items to hospitalised children.

## LGBTQ+

### **Strategic litigation**

- The firm assisted an LGBTQ+ activist organisation in a third-party intervention in the European Court of Human Rights.
- The third-party intervention presented the law and practices relevant to the case.
- These interventions are made in cases that carry the potential of having a broad impact beyond the direct parties involved in an effort to ensure the development of good case law.

### **Reimbursement of lost revenues for an LGBTQ+ organisation**

- One firm acted for an LGBTQ+ organisation in a claim against a payment company for wrongly imposing a payment limit without notice which led to significant loss of revenues during their annual pride event. The firm is currently making a complaint through the Financial Ombudsman for reimbursement of the lost revenues.