



MALAWI LAW SOCIETY

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Dear Member,

APPLICATIONS FOR RENEWAL OF LICENCE: GUIDANCE ON SUBMISSION OF PRO BONO REPORTS

The Society has started processing new licence and licence renewal applications. So far, the Secretariat is experiencing challenges with members meeting the reporting requirements for the *pro bono* work performed in the current practice year. The Society provides this guidance to all members in relation to submission of *pro bono* reports:

1. Section 30(5)(b) of the Legal Education and Legal Practitioners Act, 2017 (LELPA) requires every member to perform the full hours prescribed for the annual mandatory *pro bono* work as determined by the Society from time to time. The minimum hours to be performed for *pro bono* work as prescribed under Rule 3 of the Malawi Law Society (*Pro Bono Services*) Rules, 2021 (*Pro Bono Services Rules*) are 24 hours in each year.

Management of Reports for Files Collected from the Legal Aid Bureau

2. Section 42(1) of LELPA mandates the Society, in liaison with the Director of the Legal Aid Bureau, to allocate *pro bono* work to every legal practitioner. Pursuant to this provision, some members collected files from the Legal Aid Bureau. **For the purposes of satisfying the requirement for submitting a report to the Society as required by Rule 8(1) of the *Pro Bono Services Rules*, members who collected files from the Legal Aid Bureau are required to submit reports to the Legal Aid Bureau. The Legal Aid Bureau will scrutinise each report and will in turn send**

a report to the Society on the appropriate *pro bono* hours performed. The Society will not consider any report submitted directly to the Secretariat where the work performed relates to a file that was collected from the Legal Aid Bureau. All reports being submitted to the Legal Aid Bureau should comply with the requirements of Rule 8(3) of the *Pro Bono* Services Rules

Management of Reports for Pro Bono Work Issued by the Society

3. A legal practitioner who is a member of a Committee, a Subcommittee or a Practice Division of the Society may claim *pro bono* hours for the work performed on behalf of the Society as a member of a Committee, Subcommittee or a Practice Division of the Society. A member who may have been assigned any other work may also claim *pro bono* hours for the work done on behalf of the Society. Each member shall be required to provide proof of the work performed. For the work performed on behalf of the Society, each member is required to complete MLS *Pro Bono* Hours Claim Form 1 which has been shared together with this communication. **Please note that this form only applies to the work issued by or done on behalf of the Society.**

Management of Reports for Pro Bono Work Undertaken by a Legal Practitioner on His Own

4. Section 42(2) of the LELPA mandates the Society, when allocating *pro bono* work, to have regard to *pro bono* work that a legal practitioner already undertook on his own in that particular year and any outstanding *pro bono* work that a legal practitioner may have. **Members are being reminded that registration of *pro bono* work that a legal practitioner already undertook on his own is done at the time of allocating the *pro bono* work by the Society and not at the time of reporting. Therefore, the Society will not accept reports for *pro bono* work that members may allege to have performed but was not registered in advance with the Society.** Members who already registered their *pro bono* work under section 42(2) of the LELPA shall be required to submit a report in accordance with Rule 8(3) of the *Pro Bono* Services Rules.

Payment for Pro Bono Hours Not Performed

5. A legal practitioner who does not perform *pro bono* work in accordance with paragraphs 2, 3 and 4 above shall be required to pay for the *pro bono* hours not performed. The hourly rates for the purposes of the *pro bono* hours are as follows:

- (a) Senior Counsel: **MK60,000.00**
- (b) Counsel of 10 years and above at the Bar: **MK40,000.00**
- (c) Counsel of less than 10 years at the Bar: **MK30,000.00.**

Responsibility of Each Legal Practitioner

6. It is the responsibility of each legal practitioner to ensure that reports are submitted timely to the Society or to the Legal Aid Bureau for processing. Submission of reports in the prescribed manner will enable the Society to efficiently process your applications for licence renewals.

Yours faithfully,



Chrispin Chimwemwe Ngunde
Acting Chief Executive Officer