

Our reference: TUPS1/26012325 v2

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Law Society European Group - All Members

27 July 2006

Dear Member

Competition Pro bono Scheme

We are writing to invite you to participate in a *pro bono* scheme offering advice to undertakings and individuals concerning the practical application of competition law. Please note that in an attempt to ensure that this scheme is introduced, to the extent possible, to all UK-based competition law practitioners, we have made use of several different databases belonging to various professional bodies. Inevitably, this will have resulted in some duplication. To the extent, therefore, that you have already received this letter, we apologise for the inconvenience caused.

Doubtless you are fully aware that the costs of obtaining legal services can often act as a deterrent to those seeking advice. In the UK, national competition authorities and sectoral regulators are easily identifiable as sources of information, yet have finite resources and are obliged to prioritise casework to ensure that the interests of the public are best served. People, with perhaps genuine concerns about anti-competitive activity, are calling the likes of the Competition Appeal Tribunal and, as a direct result of the capacity and priority issues, are being, politely of course, turned away. This is considered by many within the regulatory/appellate bodies to be a serious systemic dysfunction. Sir Christopher Bellamy has spoken several times in public of the need for the legal profession to provide a no/low cost service to fill the gap. This plea for assistance is now being answered by the profession by way of this initiative.

We believe that the LSEG can assist in providing a solution and enclose a pack prepared by Watson, Farley & Williams ("WFW"), in consultation with the Competition Law Association, detailing the proposals, which includes:

- an *Explanatory Memorandum* setting out the mechanics of the scheme; and
- a *Pro Bono Protocol*, to be accepted by all users of the service.

The Office of Fair Trading, Competition Commission and Competition Appeal Tribunal have each pledged their support for the scheme. We are confident that by the time the scheme is ready to go live all of the sectoral regulators will also have signed up.

Should you wish to participate in this initiative please email **Stephen Tupper** (stupper@wfw.com) or **Susanna Britton** (sbritton@wfw.com) providing your name and contact details and we will contact you with further information, respond to your questions, etc. Alternatively simply fill out

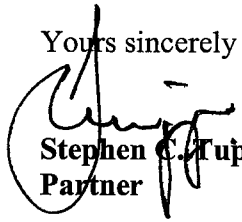
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Watson, Farley & Williams LLP or an affiliated undertaking has an office in each of the cities listed above.

the form attached to the *Explanatory Memorandum* and return to the address provided. We look forward to hearing from you and welcome any additional feedback or suggestions you may have.

Yours sincerely



Stephen C. Tupper
Partner

COMPETITION PRO BONO SCHEME

EXPLANATORY MEMORANDUM

July 2006

This Memorandum explains the purpose and mechanics of the *pro bono* scheme being proposed.

- The scheme is designed, primarily, to provide an independent source of expert advice to those who believe that their rights under competition law have been infringed or who are concerned that they may be infringing. General enquiries made to competition regulators and appellate bodies in the United Kingdom by companies and individuals claiming to be insufficiently resourced to pay for legal advice will be introduced to the service.
- Access to this service will be gained via the Internet, using a website (“the Pro Bono Website”) linked to the LawWorks site (formerly the Solicitors Pro Bono Group). The website will be managed by a Scheme Administrator at no cost to the participants or to users of the service. Participants will not be required to pay a registration fee or other costs. Enquiries will be made to the Scheme Administrator by email.
- Enquiries will be logged by the Scheme Administrator and contact details provided for the next Advisor “in the queue” (see below).
- The names of all Advisors who are participating in offering this free advice service will be listed on the Pro Bono Website (“the List of Advisors”). Users of the service will be required to agree to read and accept the Pro Bono Protocol, which explains how the scheme works, the limited scope of the advice on offer and advises users on issues such as confidentiality, etc., before being provided with the access information.
- The List of Advisors will be subject to automatic rotation so that any person seeking advice will be directed to the Advisor who at that moment is at the top of the list. The purpose of the rotation system is to ensure that each Advisor has an equal opportunity to participate (and be exposed to gaining potential fee earning work) as opposed to using a static list where the top names are likely to receive a disproportionate number of calls. If the selected Advisor fails to answer the inquiry, the user will be able to revert to the Scheme Administrator who will provide contact details for the next available Advisor. The Scheme Administrator will manage the rotation.
- Participation will be on a firm or chambers basis. Any member who wishes for their firm/chambers to participate in the scheme and become an Advisor should volunteer the names and contact details (email, telephone and fax) of two persons; a pro bono *officer* and *deputy*, to the Scheme Administrator (see form attached hereto). Completion of the form will be taken as confirmation that the individuals identified have read and understood the requirements of the Scheme as set out herein and in the Pro Bono Protocol.
- Each participant must commit to offer up to two hours of free legal advice per inquiry.
- Under the Pro Bono Protocol, which users must read and accept before using the service, the scope of the advice is to be limited to legal advice concerning the possible impact of the European Union Competition Rules and/or national Competition Law on the user’s business activities in the United Kingdom, or in other parts of the European Economic Area.

- Additional advice may of course be given on a *pro bono* or retainer basis at the sole discretion of the Advisor. The Pro Bono Protocol shall cease to apply to any additional advice given.
- From time to time, the Scheme Administrator may request feedback on the operation of the scheme, for example, dealing with the nature of inquiries, the outcome of any consultations, etc., within the bounds of what is acceptable from the point of view of confidentiality, privilege etc. Advisors are requested to respond promptly to such enquiries. Summary reports will be circulated at regular intervals to update on the success of the initiative.
- Arrangements have already been made with the relevant regulatory and appellate bodies. It is intended to “open” the Scheme on **1 September 2006**. Recipients of this communication are urged to fill in the enclosed form and return it to the address provided by **Friday, 18 August 2006**.
- Any questions about any aspect of the Scheme can be addressed to **Stephen Tupper** (direct dial: 020 7814 8059 or email: stupper@wfw.com) or **Susanna Britton** (direct dial: 020 7814 8085 or email: sbritton@wfw.com) at Watson Farley & Williams LLP.

COMPETITION PRO BONO SCHEME

To: Stephen Tupper,
Watson Farley & Williams LLP

Fax Number: +44 (0)207 814 8141/2

E-mail: stupper@wfw.com

Please complete this information in block capitals

Firm/Chambers Name -----

Pro Bono Officer: -----

Name -----

Direct dial -----

Email -----

Fax -----

Pro Bono Deputy: -----

Name -----

Direct dial -----

Email -----

Fax -----

COMPETITION PRO BONO SCHEME:

PRO BONO PROTOCOL

July 2006

This *pro bono* protocol, as set out below, will be read and accepted by all individuals and businesses before they are given access to the service.

Pro Bono legal work means advice or representation provided by lawyers to individuals, businesses and other community groups who cannot afford to pay for that advice or representation and where public funding is not available. This work is provided free of charge without payment to the lawyer or law firm and provided voluntarily either by the lawyer or his or her firm. Should you require advice concerning the possible impact of the European Union Competition Rules and/or national Competition Law on your business activities in the European Economic Area we invite you to contact one of our legal advisors. Before doing so, you are required to read and accept the protocol below.

- Each Advisor has committed to providing free legal advice to those with deserving cases who would not otherwise be able to get help. The specific form of services provided is left wholly to the Advisor's discretion. Making an application does not automatically guarantee that an Advisor will be found to deal with your query. As a general rule, however, each new enquiry will be handled by the next Advisor in line.
- Each Advisor is committed to providing up to two hours worth of free legal advice concerning the possible impact of the European Union Competition Rules and/or national Competition Law on your business activities in the United Kingdom, or other parts of the European Economic Area.
- Please note that the Advisors have not committed to providing any additional advice or assistance. In particular, Advisors are not obliged to represent you or find you representation for matters set out above or in relation to any other matter. All advice is given on a voluntary basis. Neither the Scheme Administrator and Advisors, nor any other person connected with the scheme, accepts liability for any advice given.
- If an Advisor offers to provide you with additional legal advice outside the scope identified above, either on a *pro bono* or fee charging basis, you may be required to enter into formal "Terms of Engagement" with that Advisor. The Advisor will explain the scope of his/her instructions and may deal with standard procedural issues such as verification of identity, responsibility for work, fees, expenses, limitation of liability and termination, etc. To the extent that additional services are provided, this protocol will cease to apply and any relationship will be governed by the terms you agree with the Advisor.
- Each Advisor will keep your affairs and the information you provide confidential.
- Contact can be made by email, telephone or fax. Consultations will be conducted using one of these methods at the discretion of the Advisor. Consultations in person may be available in exceptional circumstances at the sole discretion of the designated Advisor.
- Each Advisor is represented by a Pro Bono Officer and a Pro Bono Deputy. The Advisor will aim to contact you within 5 business days of your initial inquiry. Should the first designated Advisor fail to revert to you please re-contact the Scheme Administrator and your inquiry will be redirected to the next available Advisor on the list. Please be aware that this service is only available on business days during working hours. Advisors will not be available on weekends or public holidays.

- Should you have any questions about the services or are dissatisfied with the service provided please contact your Advisor in the first instance. If this fails to resolve the relevant issues any additional questions or comments can be addressed to the Scheme Administrator. You are also entitled to use the Law Society's scheme for complaints and redress, which is operated by the Consumer Complaints Service (0845 608 6565). Please be aware that should your Advisor be a barrister your complaint may be redirected.
- Once you read this protocol and are happy to proceed you will be asked to accept the terms of the protocol and to fill in your details on the application form which will be emailed to the Scheme Administrator. The Scheme Administrator will then contact you to acknowledge receipt of your query and will provide you with the name and relevant contact details of your Advisor. The Scheme Administrator will also forward your details to the Advisor. Unless directed otherwise, it will be your responsibility to contact the Advisor.
- Should you have any feedback about using the scheme, we encourage you to email the Scheme Administrator with your comments.