



**NATIONAL PRO BONO  
RESOURCE CENTRE**

*regional, rural and remote  
pro bono*

*models and opportunities*

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***regional, rural and remote pro bono***

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# *regional, rural and remote pro bono*

## CONTENTS

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>Introduction.....</b>                                   | <b>4</b>  |
| 1.1      | About this Paper .....                                     | 4         |
| 1.2      | Barriers to RRR pro bono .....                             | 4         |
| <b>2</b> | <b>What RRR pro bono is being done? .....</b>              | <b>6</b>  |
| 2.1      | How much? .....  | 6         |
| 2.2      | How is RRR pro bono done? .....                            | 6         |
| 2.3      | State and Territory-based initiatives.....                 | 7         |
| 2.4      | Law firm/CLC and other RRR initiatives.....                | 10        |
| <b>3</b> | <b>Models of pro bono assistance.....</b>                  | <b>12</b> |
| 3.1      | Introduction.....  | 12        |
| 3.2      | Adapting service delivery models for RRR pro bono .....    | 12        |
| 3.3      | Advice & representation .....                              | 13        |
| 3.4      | Community legal education (CLE).....                       | 15        |
| 3.5      | Law reform & policy work .....                             | 18        |
| 3.6      | Mentoring.....   | 19        |
| 3.7      | Non-legal mentoring.....                                   | 21        |
| 3.8      | Legal research and other assistance.....                   | 22        |
| 3.9      | Professional development and training .....                | 23        |
| <b>4</b> | <b>Other opportunities for RRR pro bono work .....</b>     | <b>25</b> |
| 4.1      | Enhancing volunteer support for CLCs.....                  | 25        |
| 4.2      | Multi-tiered relationships and partnerships .....          | 25        |
| 4.3      | Secondments of solicitors to RRR CLCs .....                | 26        |
| 4.4      | Using technology to assist RRR clients .....               | 28        |
| 4.5      | Getting involved in RRR outreach work.....                 | 28        |
| 4.6      | Other ways of assisting RRR CLCs .....                     | 29        |
| <b>5</b> | <b>Overseas initiatives.....</b>                           | <b>31</b> |
| 5.1      | USA .....  | 31        |
| 5.2      | Canada.....  | 32        |
| <b>6</b> | <b>Getting started.....</b>                                | <b>34</b> |
| 6.1      | Identifying needs and sources of work.....                 | 34        |
| 6.2      | Justice sector partnerships.....                           | 35        |
| 6.3      | Building partnerships .....                                | 35        |
| 6.4      | Insurance .....  | 36        |
| 6.5      | Expertise & training .....                                 | 36        |
| 6.6      | Hints for getting started.....                             | 37        |
| <b>7</b> | <b>Resources and contact points .....</b>                  | <b>39</b> |
| 7.1      | Online Resources.....                                      | 39        |
| 7.2      | Community Legal Centres .....                              | 39        |
| 7.3      | Indigenous Legal Organisations (ILOs).....                 | 40        |
| 7.4      | Fee Waiver Guides .....                                    | 41        |
| 7.5      | Information on Mentoring.....                              | 41        |
| 7.6      | Pro bono referral schemes.....                             | 41        |
| <b>8</b> | <b>Acronyms and abbreviations used in this Paper .....</b> | <b>45</b> |

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# 1 Introduction

## 1.1 About this Paper

This Paper aims to raise awareness, and provide information and ideas to encourage the creation, uptake and expansion of pro bono work across regional, rural and remote (*RRR*) Australia. In particular, it focuses on providing pro bono assistance to disadvantaged communities by working in partnerships with community legal centres (CLCs) in *RRR* areas.

The last decade has seen a significant growth of pro bono through structured and organised pro bono programs. Much of that work, however, appears to take place in metropolitan areas. Accepting that there are barriers to providing pro bono assistance to disadvantaged and marginalized communities in *RRR* areas, there is clearly a need to explore more effective or innovative ways to make pro bono resources available in *RRR* areas.

In 2003, the Centre published a paper titled *Working Together: multi-tiered pro bono relationships between law firms and community legal organisations*<sup>1</sup> (*Working Together*). *Working Together* was written to inform community groups and law firms about a variety of legal and non-legal pro bono assistance that may be available from law firms and to identify additional pro bono opportunities for firms, corporate legal departments and individual lawyers.

This Paper draws from the ideas of *Working Together* and supplements them by mapping some of the law firm involvement in *RRR* pro bono initiatives across Australia. It also draws from the Centre's recent experience in its facilitation of a New South Wales *RRR* pro bono project, supported by the Law & Justice Foundation of New South Wales ('the LJF'), the insights from which may be useful for law firms and CLCs and other community organisations interested in pursuing and coordinating *RRR* pro bono work.

While the pro bono practices of some city-based firms have been providing assistance to *RRR*-based community organisations for some time, these initiatives have not been documented in any systematic way - this Paper provides an opportunity to record and share some of the wisdom acquired from these initiatives and projects.

The Paper also gives examples of some recent overseas initiatives in *RRR* pro bono and, finally, sets out some resources and contact details which may be useful to community organisations and pro bono lawyers interested in further exploring *RRR* pro bono.

The examples in this Paper are not exhaustive of the many ways in which *RRR* pro bono is provided. The Centre thanks all those who provided information and ideas for this paper and is interested in hearing about, and sharing further information, ideas and resources about *RRR* pro bono.

## 1.2 Barriers to *RRR* pro bono

### Private lawyers

The relative lack of access to legal services for disadvantaged people in *RRR* areas is generally well-accepted.<sup>2</sup> Lawyers working in *RRR* areas face particular challenges in delivering legal services to

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<sup>1</sup> The Paper is available at <http://www.nationalprobono.org.au/publications/index.html>

<sup>2</sup> For recent reports and research into the relative lack of services for rural Australians see, for example, Tony Vinson, *Community adversity and resilience: the distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion* (The Ignatius Centre for Social Policy and Research, March 2004); Senate Legal and Constitutional References Committee Report *Inquiry into Legal Aid and Access to Justice* (June 2004) pp 113-136 and references to submissions therein available at [http://www.aph.gov.au/senate/committee/legcon\\_ctte/completed\\_inquiries/2002-04/legalaidjustice/report/contents.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/report/contents.htm) (viewed April 2006); see also Victorian Parliament Law Reform

their clients, including geographical isolation and limited access to resources and services. There are also difficulties with inflated costs and economies of scale associated with running a (usually) small practice, as well as conflicts of interest and confidentiality issues. There is evidence that many smaller private legal practices are finding conditions harder as a result of economic difficulties in rural areas generally, and as a result of the 'tort-reforms' and resultant restrictions on an important traditional area of practice.<sup>3</sup> Disbursements, especially travel and telephone costs, are also likely to be higher for rural pro bono clients.

There is also increasing evidence that the number of lawyers in RRR areas is either static or falling, adding pressure on those remaining (generally older) lawyers to do more pro bono. Given that smaller firms or sole practitioners do not have the same leverage in terms of being paid to do pro bono work as lawyers from top-tier firms with pro bono practices, it is not surprising that some professional organisations may resist or deflect the proposition that RRR lawyers should do more pro bono work.

### **RRR community legal centres**

RRR community legal centres (CLCs) face additional barriers when trying to address the unmet needs of their communities. For example, RRR CLCs:

- usually service much larger geographical areas, often with far fewer resources and fewer staff than metropolitan CLCs;
- often don't have the advantage of being able to refer clients to local legal aid offices or other specialist CLCs;
- face particular problems relating to recruiting and retaining experienced staff;
- may face difficulties managing resource allocations which do not adequately cover the additional costs of running outreach programs; and
- have greater difficulties than metropolitan CLCs incorporating volunteer assistance from private lawyers and law students into their service delivery models.

It has been suggested that many RRR private lawyers' pro bono output is more likely to involve direct work with community organisations, schools and churches (as well as direct client work) rather than working in partnership with CLCs.<sup>4</sup> RRR CLCs also indicate that even where there may be a sizeable local profession available as volunteers, or to whom CLCs could refer clients, there is sometimes little capacity or expertise in community law – for example, in social security or discrimination law. There is also an apparent unwillingness and/or lack of economic viability for local solicitors to do legal aid work and evidence of difficulties attracting and retaining volunteer solicitors to do advice shifts in RRR areas. This is unsurprising when practical barriers such as distance and weather, as well as a higher likelihood of conflicts of interest in comparatively small RRR communities, are taken into account.

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Committee Review of Legal Services in Rural and Regional Victoria (May 2001); see also Council of Social Services of New South Wales, *Counting the Cost: What Future for Human Services in NSW* (October 2004) available at [http://www.ncoss.org.au/bookshelf/rural/submissions/counting\\_the\\_cost.pdf](http://www.ncoss.org.au/bookshelf/rural/submissions/counting_the_cost.pdf); see also submissions to the Joint Commonwealth/NSW Review of Community Legal Service Funding Program, and in particular submissions by the Council of Social Services of New South Wales (NCOSS) and the Regional Rural and Remote Network of the Combined Community Legal Centre Group (Inc) NSW.

<sup>3</sup> See various submissions to the Senate Inquiry into Legal Aid and Access to Justice at [http://www.apf.gov.au/senate/committee/legcon\\_ctte/completed\\_inquiries/2002-04/legalaidjustice/index.htm](http://www.apf.gov.au/senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/index.htm) (viewed April 2006); see also Gillian McAllister and Tom Altobelli, *Pro bono legal services in Western Sydney* (UWS & LJF November 2005), available at <http://www.nationalprobono.org.au/publications/other.html> (viewed April 2006)

<sup>4</sup> See Glenn W Ferguson, President of the Queensland Law Society in *Proctor* (April 2005), at pp 2-3.

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## 2 What RRR pro bono is being done?

### 2.1 How much?

There is little reliable data on the amount, or type, of pro bono work being undertaken in Australia. Nor is there conclusive information about where or to whom pro bono work is provided.

The 2001-2002 Australian Bureau of Statistics ('the ABS') survey of the legal services industry reported on lawyers' estimates of pro bono work.<sup>5</sup> The ABS survey indicated that small law firms, many of which are presumably country practices, undertake more pro bono work than big city firms.<sup>6</sup>

This might be seen as an indication of more pro bono work being done in RRR areas than elsewhere. However, the ABS data is not reliable and is attended by sampling errors and problematic definitions.<sup>7</sup> The ABS data also sits somewhat uncomfortably with the RRR CLC experience, which indicates that pro bono work is disproportionately provided in metropolitan areas<sup>8</sup> where CLCs have less difficulty attracting and maintaining a local volunteer base.<sup>9</sup> Data from the Law Society of NSW's pro bono referral scheme indicates that 22% of applications for pro bono assistance come from country areas,<sup>10</sup> but that it is more difficult finding pro bono solicitors to take on country matters than city, Sydney-based matters. So, for example, in the last financial year, this scheme could not place 16% of its country matters compared to an inability to place 3% of its Sydney-based matters.

### 2.2 How is RRR pro bono done?

One of the more common ways pro bono assistance is provided is by volunteering at CLCs, typically at a CLC advice session. The National Association of Community Legal Centres (NACLC) has estimated that 3560 volunteers made in-kind contributions worth approximately \$21.5m to all CLCs across Australia in one year.<sup>11</sup> However, many of the more recently established CLCs, and particularly those in RRR areas, have found that they have less access to volunteers and have been unable to incorporate significant numbers of volunteers into their service delivery model.

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<sup>5</sup> Australian Bureau of Statistics, *Legal Practices 2001-2*, 8667.0 (hereafter, "the ABS").

<sup>6</sup> This also reflects findings of the *Law Society of NSW Practising Certificate Survey 2003-04* (October 2003) which showed the percentage and location of firms reporting they did pro bono work: 71% country, 56% suburban and 47% city. This regional disparity is also reflected in the UK: see *The Pro Bono Work of Solicitors, Findings from Omnibus Survey Nine* (2002, The Law Society UK) which reported that firms with between 2 and 4 partners were most likely to have undertaken pro bono work in the previous year – 30% of solicitors compared to 16% of firms with between 11 and 25 partners.

<sup>7</sup> For example, the ABS definition includes legal aid and reduced fee as pro bono – something the Centre would query. For a discussion on definitions of pro bono, see 'Defining Pro Bono' in *The Australian Pro Bono Manual: A Practice Guide and Resource Kit for Law Firms* (National Pro Bono Resource Centre and the Victorian Law Foundation, 2005) at pp 14-22; also at [http://www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_01\\_a.htm#3](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_01_a.htm#3)

<sup>8</sup> Based on the Centre's consultations with CLCs.

<sup>9</sup> See consultations with CLCs; submissions to Joint Commonwealth and State Review of the Community Legal Service Program in NSW (hereafter, "the CLC Review" (Report forthcoming); Senate *Inquiry into Legal Aid and Access to Justice Final Report* (8 June 2004) at [http://www.aph.gov.au/senate/committee/legcon\\_ctte/legalaidjustice/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/legalaidjustice/index.htm)

<sup>10</sup> According to this scheme, "country" signifies any area outside the greater Sydney metropolitan area, and includes Centres such as Newcastle.

<sup>11</sup> National Association of Community Legal Centres, *Community Legal Centres – An Investment in Value, Budget Submission to the Commonwealth Government 2004-2007* at p 16.

Some *RRR* pro bono work is brokered through pro bono referral schemes such as the Public Interest Law Clearing Houses (PILCHs) and professional association schemes, such as the Law Society of NSW's Pro Bono Scheme.<sup>12</sup> Noting the relative disadvantage faced by marginalised people in *RRR* areas in seeking access to justice, most of these schemes are looking at ways to enhance their profile and operations in *RRR* areas.<sup>13</sup> There are also a number of state based initiatives that have been undertaken to facilitate pro bono services in *RRR* areas. Some of these are outlined below.

There are examples of private city-based firms individually assisting CLCs in *RRR* areas. These range from accepting case referrals, sponsoring *RRR* CLC delegates to attend conferences, and assisting CLCs with their own legal, organisational or administrative matters as well as forming partnerships with *RRR* CLCs.

While there is little hard evidence on how pro bono is done at a local level in *RRR* areas, there are indications that at a local suburban level, firms source their pro bono work by direct client intake rather than through referrals from CLCs. They may work under the auspices of another organisation, for example, with a charity (drafting wills), with a local hospital (conducting a legal advice service for in-patients), or by participating in a duty roster at a local court.<sup>14</sup>

### **2.3 State and Territory-based initiatives**

This section outlines some of the recent state and territory-based pro bono initiatives.

#### **National Pro Bono Resource Centre *RRR* project in New South Wales**

The Centre received funding from the LJF to undertake a project aimed at improving access to legal services for disadvantaged and marginalised people in *RRR* communities by increasing the availability and quality of pro bono legal services in those communities.

The project aims were generally to assist CLCs and their clients in *RRR* areas of NSW to gain access to pro bono legal services and to strengthen pro bono collaborations in NSW. This included organising a 'relationship building event' between NSW *RRR* CLCs and law firms, and supporting the development of three pilot partnerships between three firms and three *RRR* CLCs. The Centre also sought to liaise with regional law societies to develop strategies to engage regional private law firms in pro bono work with CLCs.

The project's main focus was on developing multi-faceted relationships between the city firms and *RRR* CLCs by encouraging the following strategies:

- developing mentoring relationships between CLC solicitors and selected practitioners in the partnered firm, involving provision of strategic advice about specific cases and/or other issues which arise in day to day legal practice;
- making the firm's intellectual and research resources available to CLCs;
- facilitating case referral between the CLCs and the firms;
- collaboration between the firm and the CLC on a community legal education product or project; and
- through staff of the pro bono practice providing a professional development session to the CLCs in an area of law in which the staff specialise or have expertise.

As anticipated, each of the three pilot partnerships developed in a unique way, and some partnerships did not explore all of the elements of the above models. All of the partnerships have continued beyond the pilot period.<sup>15</sup>

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<sup>12</sup> See <http://www.lawsociety.com.au/page.asp?partID=6744>

<sup>13</sup> For example, by working on strategies to recruit *RRR* lawyers to accept referrals of matters.

<sup>14</sup> See Gillian McAllister and Tom Altobelli, *Pro bono legal services in Western Sydney* (UWS & LJF November 2005), available at <http://www.nationalprobono.org.au/publications/other.html> at pp13-14.

<sup>15</sup> Noting that one of the firms dissolved, but the relevant lawyers carried the partnership over to another law firm.

## The Cooperative Legal Service Delivery Model (CLSDM) in New South Wales

In NSW, the CLSDM was established by the Legal Aid Commission of New South Wales (LAC) to achieve greater co-ordination and co-operation between providers of legal services to disadvantaged people and communities. The CLSDM was piloted in Western NSW (Dubbo) and the Far West (Broken Hill) and Northern Rivers regions of NSW and, following evaluation, is rolling out across other areas of NSW.<sup>16</sup> In 2006, CLSDM is being rolled out in the Hunter and Wagga/Albury Wodonga regions of NSW.

The CLSDM initiative involves government (legal aid, courts and tribunals), community groups (CLCs, Indigenous legal organisations, tenancy workers etc), private lawyers (Sydney and local) and quasi-legal service providers (financial counselling services, Family Violence Protection Units etc) working together in regional coalitions to plan and deliver services more effectively and efficiently. It aims to reduce the 'referral roundabout' for consumers by encouraging a greater awareness of services and to identify gaps in legal service delivery. CLSDM participants meet face-to-face in regions on a quarterly basis. These meetings appear to be significant in facilitating pro bono referrals and other assistance.

The pro bono element of the CLSDM has involved city-based private law firms – Blake Dawson Waldron and Allens Arthur Robinson – who provide pro bono assistance for regional coalition members. If unable to assist, firms will attempt to on-refer matters elsewhere. CLSDM has also sought involvement of local private law firms through regional law societies.

Some of the pro bono outputs of each of the pilots in the CLSDM are discussed below.

### **Blake Dawson Waldron in the Dubbo & Far West NSW regions**

Blake Dawson Waldron (BDW) has been providing assistance to the Far West Community Legal Centre for a number of years. Since mid-2004, and in part through the CLSDM, a BDW senior lawyer provides pro bono legal advice, minor legal assistance and referral to clients of Far West CLC via telephone. The firm has accepted a number of case referrals, mainly from the regions' CLCs and has assisted with CLE resources (fact sheets). There are certain subject areas where advice will not be provided (such as family and criminal law). BDW also acts as a conduit for the referral of pro bono matters back to the firm, where they become in-house BDW files under BDW's insurance and supervision.

### **Allens Arthur Robinson in the Northern Rivers district**

Allens Arthur Robinson (AAR) has formed a relationship with the Northern Rivers Community Legal Centre (NRCLC) through the CLSDM referred to above. Assistance provided to NRCLC has included:

- facilitating access to legal advice for local residents at Nimbin by providing a free phone-link from the local community centre to the NRCLC and LawAccess;
- advice to the NRCLC on policies and procedures, including
  - privacy law compliance
  - advice on long service leave policy;
- providing library resources; and
- sponsoring the NRCLC's Christmas party.

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As part of the CLSDM, AAR has also assisted other local Northern Rivers district community organisations including assistance to an Indigenous legal organisation, and to a local financial counselling service to prepare resource materials for a Credit & Debt Kit (with assistance from the Consumer Credit Legal Centre, NSW).

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<sup>16</sup> For an overview of CLSDM, including the Evaluation Report of the pilot, see <http://www.legalaid.nsw.gov.au/asp/index.asp?pgid=712> (viewed April 2006)

### **QPILCH RRR project in Queensland**

In October 2004, the Queensland Public Interest Law Clearing House (QPILCH) launched a project to assist with the provision of pro bono legal services to *RRR* areas of Queensland.<sup>17</sup>

The project is divided into a number of parts:

- QPILCH and the Queensland University of Technology School of Justice Studies received a grant to undertake research into the provision of pro bono legal services in Queensland and to identify unmet needs for pro bono legal services. The survey will be conducted in 2006/2007;
- trialling two pilot projects where two regional/rural firms and two metropolitan firms develop links or 'partnerships' to provide pro bono legal services to rural and remote areas of Queensland;
- promoting QPILCH and the project to the profession and the community in *RRR* areas of Queensland; and
- other general facilitation and communication between *RRR* legal service providers (law firms and CLCs) and Brisbane law firms to enhance pro bono services in rural and regional areas and to determine avenues of assistance from QPILCH.

The pilot of the *RRR* Project is currently underway with the target area in the wider Cairns region. An evaluation will be conducted in late 2006/7. In addition to the pilot, the *RRR* Project has been a point of contact for other *RRR* legal service providers and CLCs to request assistance.

The position of Coordinator of the *RRR* Project ended in February 2005, however the pilot and the *RRR* Project continue to operate.

### **RRR pro bono in Victoria**

The Public Interest Law Clearing House in Victoria (VPILCH) has developed a number of strategies to address the significant problems in availability and provision of pro bono services in *RRR* areas. One is to consciously establish relationships with CLCs and other community based organisations in *RRR* areas in order to develop awareness of opportunities for assistance. Another is to encourage city-based members to extend their services to *RRR* areas.

VPILCH's Homeless Persons Legal Clinics are located in the city but the program has targeted training to assist homeless people outside the city, by holding half-day workshops in the Barwon, Grampians and Bendigo areas. Each workshop was attended by 15-30 people and there are plans to extend workshops into nine *RRR* areas and also to cover credit and debt matters.

### **RRR pro bono in the Northern Territory**

In May 2005, legal service providers in the access to justice sector across the Northern Territory met for a 2-day workshop in Darwin to discuss unmet legal needs and solutions to those needs. Attendees included representatives from the Law Society, government, Aboriginal and Torres Strait Islander legal services including women's legal services, Family Violence Protection Legal Services, Northern Territory Legal Aid, CLCs and pro bono providers, as well as the Centre. The workshop was very successful with some solutions identified from within existing resources, for example, sharing library, expertise and other resources. It was agreed that regular meetings should be scheduled to ensure better cooperation and communication between existing providers.

The workshop produced some positive outcomes in terms of pro bono initiatives from local and national firms. The Law Society of Northern Territory's Legal Aid and Pro Bono Committee plans to work on implementing some of the suggestions from the workshop and to explore other solutions. Given the success of the workshop, the participants agreed that this kind of workshop should be held on an annual basis.

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<sup>17</sup> The QPILCH *RRR* Project received funding from the Grants Committee of the Queensland Law Society Incorporated.

## **2.4 Law firm/CLC and other RRR initiatives**

This section outlines some of the other, independent pro bono initiatives that have been undertaken as collaborations between individual law firms in *RRR* areas, mostly with *RRR* CLCs. In addition to these collaborations, some firms are seconding lawyers to *RRR* CLCs – secondments are discussed in further detail below.

### **Clayton Utz and Top End Women's Legal Service**

In August 2005, the Darwin office of Clayton Utz commenced a project with the Top End Women's Legal Service (TEWLS) to provide civil legal advice services to the Indigenous community on Groote Eylandt (630 km from Darwin, off the east coast of Arnhem Land in the Gulf of Carpentaria). The island is wholly owned by the Anindilyakwa people. There is no permanent legal service based on Groote Eylandt, although the Nhulunbuy Office of North Australian Aboriginal Justice Agency (formerly Miwatj Aboriginal Legal Service) and TEWLS visit Groote Eylandt monthly to provide legal assistance in the areas of criminal law, family law and domestic violence matters. However, as for many people in the Northern Territory, particularly Indigenous people, there is no access to civil lawyers. Under this pro bono initiative, two Clayton Utz lawyers accompany TEWLS on their flights to Groote Eylandt, and work alongside them at the legal clinics. TEWLS has years of experience in working in Aboriginal communities, and Clayton Utz have the benefit of dealing with local Indigenous women employed by TEWLS as community liaison workers, to help ensure that the community feels comfortable with outside lawyers, and that the legal service is culturally appropriate.

### **Clayton Utz and Geraldton Resource Centre**

Geraldton Resource Centre (GRC) is a CLC located 5 hours north of Perth. Clayton Utz's Perth office works with GRC to provide support to the CLC itself, not just undertaking the traditional model of advice and casework assistance. Supporting the CLC helps to build the CLC's capacity to meet the needs of its clients – its core objective. Examples to date of the pro bono assistance have included:

- presenting successful arguments for the removal of certain restrictions on practising certificates to the legal practice board for community lawyers;
- providing management and organisational development support for GRC;
- providing advice on an appropriate business model for GRC's business arm;
- intellectual property advice; and
- advice from the firm's Knowledge Manager on management of GRC's resources and electronic archiving.

GRC have commented that the relationship has been very useful: GRC's coordinator consults the firm, and "gets a chance to look at their goodies and pick what I want to know about".

### **Gilbert + Tobin and various RRR Indigenous organisations**

Gilbert + Tobin (G+T) has had a long-standing commitment to assisting Indigenous people and organisations including the Kimberley Land Council, the Yothu Yindi Foundation and the Lingiari Foundation as well as Aboriginal legal and medical services, land councils, community groups, arts organisations, charitable trusts and educational organisations.

The work G+T has undertaken in *RRR* areas has included (but is not limited to):

- advice on commercial leases;
- advice on setting up corporate structures and entering joint ventures;
- native title matters;
- advice on intellectual property rights;
- anti-discrimination matters; and
- victims' compensation matters.

G+T has had a lawyer seconded to the Cape York Land Council for 6 months. It has also assisted in the organisation of conferences, one concerned with forging links between Indigenous communities

and philanthropic and corporate organisations, and another looking at improving access to banking and finance facilities for Indigenous communities.

G+T is also involved with the Cape York Indigenous Enterprise Partnerships (IEP), a not-for-profit organisation established to channel corporate and philanthropic resources into Indigenous business development.<sup>18</sup>

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<sup>18</sup> See <http://www.iep.net.au/home.htm> (viewed April 2006)

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## 3 Models of pro bono assistance

### 3.1 Introduction

Pro bono work can take many forms. This section of the Paper briefly describes some of the models under which pro bono services can be provided. Recognising constraints on applying some of these models in *RRR* pro bono service delivery, this section then discusses alternative models of pro bono service delivery that could be adopted and adapted in *RRR* areas. These alternative models are set out here by:

- describing the service delivery model; and
- where possible, giving examples from practice; and
- providing ideas for consideration and implementation in the future.

Most, if not all, of these examples involve working collaboratively with CLCs or Indigenous legal organisations. The Centre encourages collaborative pro bono work that is developed and delivered with input from community agencies, such as CLCs. They have direct experience of the legal needs of client groups and are well-placed to determine the gaps in legal service delivery that may be appropriately met by pro bono services. Pro bono is not a substitute for publicly funded legal services, but aims to complement those services in helping to assist disadvantaged people.

### 3.2 Adapting service delivery models for *RRR* pro bono

Models of pro bono assistance may include, either in discrete forms, or using a combination of models: in-house pro bono work, outreach services, secondments to community legal organisations, participation in specialist services, volunteering at community legal organisations and forming ‘multi-tiered’ relationships with community organisations.<sup>19</sup>

To date, pro bono legal services appear to have been provided disproportionately in the cities, and in Sydney and Melbourne in particular. Given the diverse needs of disadvantaged people in *RRR* areas, there is a clear imperative to explore and implement ways to make pro bono resources more available to them. Two potential sources of pro bono assistance are local practitioners and larger city firms willing to develop ways to provide their services in *RRR* areas. While it may be that local legal firms can meet some of the need for legal services for the disadvantaged through the provision of pro bono assistance, given some of the obstacles facing small country practices outlined earlier in this Paper, it is unlikely that such pro bono services will make a significant difference to the level of need in rural areas. There are also obvious difficulties (accessibility, distance etc) in applying some of the more traditional forms of pro bono service delivery in *RRR* areas for city-based firms.

Service providers are exploring ways to adapt and implement alternative or hybrid forms of pro bono service delivery, suitable for *RRR* areas. The Centre’s *RRR* project in NSW (outlined above) focused on five models of pro bono service delivery for *RRR* areas and these have been used here to collate and present information and examples. Ideas for future consideration are also included. Obviously, different models of pro bono service delivery can and do overlap. The examples here do not claim to exhaustively represent the full range of pro bono assistance that is being provided.

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<sup>19</sup> The Centre has documented examples of how these models have been applied by firms in the *Australian Pro Bono Manual: A Practice Guide and Resource Kit for Law Firms*, available online at [http://www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_01\\_a.htm#2](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_01_a.htm#2) (viewed April 2006)

### **3.3 Advice & representation**

#### **What is it?**

The archetypal form of pro bono work is generally thought of as a lawyer accepting instructions to advise or represent a client (for free or for a substantially reduced amount) as part of their ordinary legal practice. However, there are many other ways in which lawyers can undertake this kind of pro bono work.

Referring cases from *RRR* areas to city-based firms may not be the optimal way to provide *RRR* pro bono assistance. Distance, disbursements, mismatch of skills and communication difficulties between metropolitan lawyers and regional clients are likely to be problematic somewhere along the line.

#### **What advice and representation is being done in *RRR* pro bono?**

There is without doubt a lot of traditional advice and representation work in *RRR* areas being undertaken on a pro bono basis by local lawyers. The following examples include alternative forms of *RRR* advice and representation work being done pro bono, often by city-based law firms assisting clients in *RRR* areas.

##### ***Writing wills for Aboriginal people***

In years past, the wages of some Aboriginal people (and some other payments equivalent to parenting payments) were not paid directly to them, but held on trust. Much of that money held on trust was not paid out and the NSW Government has introduced a scheme to repay it. Legal Aid was approached by a group of Aboriginal elders in Walgett who, upon receiving payment, wanted to make wills. Because of various restrictions on policies and/or insurance coverage, neither Legal Aid nor the local CLC is able to draft or execute the wills. Legal Aid, Western NSW CLC and Blake Dawson Waldron (BDW) have collaborated to organise a morning 'workshop' for the elders in Walgett to discuss wills, and then to take instructions in the afternoon. The workshop will also discuss Powers of Attorney and Appointments of Enduring Guardians and will take instructions to draw up these documents if people are interested.

This follows another pro bono initiative in 2004 in the Kimberley region in Western Australia, where BDW were approached by the local Land Council to assist with drafting wills for a group of traditional owners who were individually to receive production payments from a mine on their land. The traditional owners wanted to draw up wills to direct where the production payments would go after their death. As many of the traditional owners are also artists, the wills needed to allow for their paintings to be retained by their estate on their death for a period of time while they appreciated in value. The Kimberley clients were in remote communities with no lawyers. BDW sent a lawyer to the Kimberley for 6 days to take instructions. The Land Council assisted BDW to find clients and introduce them to the solicitor, and arranged for an interpreter. The wills were then drafted in-house at BDW and the lawyer returned for three days to have them signed.

##### ***Family Law Affidavit Project***

One *RRR* project currently being piloted in NSW is the Family Law Affidavit Project, a joint initiative of Women's Legal Services NSW (WLS) and the Law Society with funding from the LJF. The Walgett Family Violence Prevention Legal Service (WVPLS) which is auspiced by WLS had identified a need to help Aboriginal women obtain interim orders relating to the residence and contact arrangements for their children in Walgett. Interim orders are often decided 'on the papers', and the WVPLS identified an opportunity for solicitors to draft affidavits for these orders. About 75 Sydney-based pro bono lawyers attended the training workshop in preparing affidavits for interim orders. The original project was to be based in Walgett but it has been recently expanded to a state-wide pilot. The logistics of the project are as follows: WLS prepares a summary of the matter which goes to the project's coordinator who puts the client in touch with the Sydney-based lawyer who, in turn, drafts the affidavit. The affidavit is assessed by WLS lawyers before being given to the client. Practitioners who assist with writing affidavits are nominally regarded as volunteers of WLS and are covered by WLS professional indemnity insurance.

### **RRR representation of clients**

Some city firms can, and do, occasionally represent clients in *RRR* areas. For example, lawyers from BDW have represented *RRR* clients via teleconference in Tribunals and have represented clients in coronial inquests.

### **Future opportunities**

There are other forms of advice and representation and the examples below illustrate alternative ways in which firms may be able to assist *RRR* clients.

#### **Discrete task ('unbundled') assistance**

Short of taking on a pro bono client's matter in-house, firms may consider assisting clients with discrete parts of their legal problem/s. Clearly there are situations where 'discrete task assistance' (or 'unbundled legal services') may not be appropriate but, in practice, many lawyers already provide such assistance when they give advice or prepare a document for a client without agreeing to do more.<sup>20</sup> For example, where pro bono lawyers have drafted an affidavit for an otherwise unrepresented litigant or undertaken research for a client on a particular cause of action but not represented them in court, they have undertaken discrete task assistance – and have played a role in increasing access to justice.

Alternatively, CLCs sometimes prefer to run cases themselves but would be pleased to receive background or discrete task/unbundled assistance from pro bono firms. It might, for example, be helpful for a city firm to provide advice or an opinion to a CLC on the merits of a particular matter, or on parts of a matter, or advice on strategies for dispute resolution, while the CLC maintains the direct liaison with its client, takes instructions and executes documents.

It is possible to do many of these 'discrete' tasks remotely and they provide a practical model for increasing pro bono services to *RRR* clients. Blake Dawson Waldron has, for instance, prepared affidavits and submissions for clients with credit and debt matters in the Small Claims Division of the Local Court. In these cases while the client may not be represented before the Registrar, they at least have written submissions and their version of events in a clear form.

#### **Consolidation of matters**

Advice and/or representation of *RRR* CLC clients by city firm lawyers might be easier if CLCs were able to organise work to be done on several matters at the one time. Pro bono solicitors might then travel to *RRR* areas and do a block of work rather than spend expensive time travelling back and forth. For example, a *RRR* CLC and city-based firm may work together with the CLC consolidating all its apprehended violence order matters on a particular day at a local court, and the firm pro bono solicitor arranging for its lawyer to attend the court on that day. Firms could also consider running specialist telephone advice sessions once every 4-6 weeks on a designated area of law. Using a model of advice sessions in credit and debt matters that pro bono lawyers from Blake Dawson Waldron provide at Redfern Legal Centre, a *RRR* CLC and city based firm could consider consolidating matters and doing an advice session using telephone or video-conferencing facilities.<sup>21</sup>

Another example of consolidating matters involves Gilbert+Tobin sending pro bono lawyers on a monthly basis to the Women's Health Centre in Wyong in regional NSW in partnership with one of the Women's Legal Services outreach services. G+T lawyers also go to the Wyong Neighbourhood Centre to provide advice and assistance to clients whose appointments are pre-booked and consolidated for that visit.

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<sup>20</sup> See 'Risk Management Issues' in *The Australian Pro Bono Manual: A Practice Guide and Resource Kit for Law Firms* (National Pro Bono Resource Centre and Victoria Law Foundation 2005) at p 105; or available online at [http://www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_02.htm#4](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_02.htm#4)

<sup>21</sup> Clearly, the CLC and firm would initially need to organise ways of viewing documents and getting conflicts clearance etc. See also the Blake Dawson Waldron model in "Using technology" below.

### **City-RRR advice clinics**

In some circumstances technology may be neither practicable nor appropriate to provide advice and casework assistance. At other times telephone, email, fax or video-conferencing facilities, if they are available in RRR areas, can make delivery of pro bono assistance easier and more efficient.

#### **City firm - RRR client telephone advice-line**

Blake Dawson Waldron's (BDW) Sydney office provides a telephone advice and minor assistance service for clients of the Far West CLC in Broken Hill, NSW. The CLC provides BDW with a list of clients and adverse parties in advance and BDW undertakes conflicts checks. If there is no conflict, the CLC forwards any documents in the matter to BDW and BDW telephones the client directly to provide advice. The CLC reviews the advice and any letters or documents each week. The advice is covered by the CLC's professional indemnity. BDW takes some matters back to be dealt with in-house where they become BDW files under BDW's insurance and supervision.

Firms are increasingly expressing an interest in participating in telephone (or other) advice clinics. The Centre is interested in speaking to firms and CLCs who would like to explore this further.

### **Advice for CLC workers**

Lawyers at RRR CLCs working in partnership with city (or local) private firms have referred to the benefit of having private lawyers available as 'sounding boards' for queries with matters the CLC is running itself. Firms can also assist CLCs with simple advice on procedural as well as substantive matters, for example, advice on court procedures with which CLCs may not be familiar, or advice on limitation periods. Consultations with RRR workers indicate that the provision of background or 'sounding board' advice was particularly useful for RRR CLC lawyers who are often more isolated than their city-based counterparts and who report on the benefits of having another lawyer with whom to talk through matters. One RRR CLC partnered with a city-based firm who sought assistance with various procedural and substantive aspects of a complex client matter reported that conference calls with a number of private lawyers from the firm was particularly useful to assist the CLC to tease out discrete parts of the matter.

### **Access to disbursements**

RRR pro bono matters may be able to access various disbursement assistance funds and schemes,<sup>22</sup> and courts and tribunals may have exemptions for pro bono matters (see **7 Resources and contact points**). To encourage pro bono work by city-based firms in RRR locations in other States and Territories, the Centre is currently undertaking research into how disbursement funds may be accessed across jurisdictions.

## **3.4 Community legal education (CLE)**

### **What is it?**

Community legal education (CLE) is the provision of information and education to members of the community, on an individual or group basis, about the law and legal processes. CLE programs usually provide information on how to avoid legal problems or how to assist in their resolution, or they provide information that will help people to recognise their legal rights. CLE can also be a process of increasing the community's ability to participate in legal processes and can be effective in improving

<sup>22</sup> Information on disbursement assistance schemes in other jurisdictions is available at *The Australian Pro Bono Manual: A Practice Guide and Resource Kit for Law Firms* (National Pro Bono Resource Centre and Victoria Law Foundation 2005) at pp 226-231 or online at [http://www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_04.htm#5](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_04.htm#5). Some Public Interest Law Clearing Houses have compiled court and tribunal fee waiver guides. See, for example, guides by PILCH (NSW) [http://piac.asn.au/publications/pubs/feewaiver\\_20051031.html](http://piac.asn.au/publications/pubs/feewaiver_20051031.html) (viewed April 2006) and QPILCH at [http://www.qpilch.org.au/\\_dbase\\_upl/Court\\_Tribunal\\_Fee\\_Waiver.pdf](http://www.qpilch.org.au/_dbase_upl/Court_Tribunal_Fee_Waiver.pdf) (viewed April 2006)

consumer advocacy skills and methods. CLE has the potential to benefit a broad range of client groups and to address or advocate systemic change in the legal system. It is often an efficient way of achieving optimum outcomes for consumers with few other resources. CLE programs run for CLC workers with a capacity-building emphasis on a 'train the trainer' model can be extended to the broader community. Under this model trained CLC workers in turn convey the knowledge and skills from CLE sessions to others in their communities.

CLE resources may also include products such as leaflets, flyers, pamphlets, fact sheets, kits and other resources such as precedents.<sup>23</sup> Many CLCs also provide training or workshop sessions as part of their CLE program (for example, a workshop on employment law for community workers and trade union officials in the region) and produce resources targeted at staff of other community and legal service provider organisations (for example, information resources for caseworkers assisting clients to avoid or manage debt problems). CLE may be distributed or made available online, or be delivered by way of local workshops in schools or community groups or it might involve work with local media. One RRR CLC in NSW is looking into delivering CLE sessions at local RSL clubs, recognising that these clubs often cater to the working poor or welfare recipients, and have a tradition of community benevolence. Some CLC's CLE products are usefully translated into community languages.

CLE initiatives generally involve empowerment of the community, and to this end, community participation is desirable in the development of CLE products or the implementation of any CLE initiative. Useful resources about consumer education, community participation, consumer empowerment and CLE are readily available.<sup>24</sup>

### **What's been done in CLE pro bono?**

The Australian Bureau of Statistics 2001-2002 survey of the legal profession found that in 2001, solicitor practices spent a total of 94,100 hours doing pro bono in CLE work and/or law reform work,<sup>25</sup> although it is unclear exactly what kind of work that involved.

Some law societies organise 'Speakers Bureaus'.<sup>26</sup> This usually involves the society providing a solicitor to speak, on a pro bono basis, to local community groups and secondary schools on a variety of legal topics.

CLE initiatives are often planned and undertaken in response to a particular identified need, and form part of the important preventative (and cost-saving) work that CLCs do with their local communities. For example, the North Australian Aboriginal Justice Agency (Katherine) (NAAJA) were seeing a number of clients who had spent their 'baby bonus' on new cars which often broke down soon after purchase. NAAJA (Katherine) targeted their CLE sessions at the neo-natal classes at the local hospital to advise people to take care when buying a car so that problems could be prevented, rather than trying to solve them after problems have already occurred.

In another project that has developed out of Allens Arthur Robinson's (AAR) work in the Northern Rivers District of NSW with the CLSDM (see above), lawyers from AAR's banking and finance section are working with financial counsellors in Lismore, and with the Consumer Credit Legal

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<sup>23</sup> See, for example, CLE resources such as factsheets, information for caseworkers and sample letters produced by Consumer Credit Legal Centre (NSW) at <http://www.cclcnsw.org.au/> (viewed April 2006)

<sup>24</sup> There are some useful resources about good practice in CLE. See, in particular, *Guidelines for the Management of Community Legal Education Practice* prepared by the National CLE Advisory Group at [http://www.naccl.org.au/pubs\\_guidelines.html](http://www.naccl.org.au/pubs_guidelines.html) (viewed April 2006); see also Cassandra Goldie, *Community Legal Education Handbook* (RLCP 1996). For resources and principles relating to Indigenous-specific consumer education, adaptable for CLE purposes, see the Australian Securities & Investments Commission's FIDO site at <http://www.fido.asic.gov.au/fido/fido.nsf/byheadline/Indigenous?openDocument> (viewed April 2006). See also resources on community education at the Centre for Popular Education at <http://www.cpe.uts.edu.au/about/index.html> (viewed April 2006).

<sup>25</sup> See Australian Bureau of Statistics, *Legal Practices 2001-2002*, 8667.0

<sup>26</sup> See, for example, the Speakers Bureau run by the Law Society of New South Wales at <http://www.lawsociety.com.au/page.asp?partid=17386> (viewed April 2006) and see 'Speaker's Bureau' run by the Law Society of South Australia at <http://www.lssa.asn.au/index.htm> (viewed April 2006)

Centre (NSW) to produce consumer credit and debt materials. The proposed materials will be available on the Consumer Credit Legal Centre and financial counsellors' websites.

In Victoria, lawyers from Allens Arthur Robinson, Blake Dawson Waldron and Mallesons Stephen Jaques are currently working with the Human Rights Law Resource Centre to research and draft a Human Rights Law Resource Manual.<sup>27</sup> The Manual will provide an overview of the international human rights framework, guidance on the use of international human rights law in domestic courts and tribunals, and information about international human rights monitoring, reporting and complaints mechanisms. The Manual, to be published later in 2006, will be used by volunteer and community workers associated with the Human Rights Law Resource Centre.

Since 2004, the Consumer Law Centre of Victoria has presented a series of half-day workshops on credit and debt in regional Victoria, this year jointly with the Public Interest Law Clearing House, the Consumer Credit Legal Service (Vic) and the Financial and Consumer Rights Council.<sup>28</sup> The workshops, aimed at financial counsellors, community workers, homelessness workers, community lawyers and pro bono lawyers, cover a range of topics including an introduction to credit and debt, debts to energy and water businesses, PERIN court fines and infringement notice debts, and social security debts and overpayments. The workshops assist participants to advocate for financially and socially disadvantaged people in credit and debt matters to ensure that their rights are protected. Participation in these kinds of workshops is a good way to skill-up pro bono lawyers and share expertise in areas of community law that are targeted to areas of need.

### **Future opportunities**

There are numerous opportunities for collaboration between firms and CLCs in undertaking CLE. Firms can assist with organising community awareness programs and explaining consumers' rights. They can collaborate on producing CLE materials and assist with drafting or editing fact sheets, leaflets, brochures, handouts, posters or kits. They can meet some or all of the cost of desktop publishing and printing or can assist with mailouts. Firms occasionally use summer clerks to contribute to these kinds of projects.

Other ideas for firms assisting CLCs with CLE activities include:

- organising, participating and/or assisting with funding of a CLE 'road show' to travel to *RRR* areas. This may involve doing a few days CLE in a region, then another few days doing advice and casework in discrete areas of law such as powers of attorney, simple wills;
- assisting community organisations to produce CLE material for use in particular remote communities for particular client groups. For example, there is an identified need in remote areas of the Northern Territory to produce CLE material on crimes compensation (as well as civil and family law generally) in Indigenous languages, to be presented in formats other than written materials.<sup>29</sup> Legal service providers (legal aid, CLCs) in the NT have suggested that pro bono collaboration on this kind of initiative would be useful;
- many victims of crime are Indigenous women in remote communities. However, most of the service providers visiting remote communities are criminal legal services and are not advising people about their rights to crimes compensation – often because of a conflict of interest. The other service providers who visit these communities have limited knowledge of crime compensation matters, but may be prepared to take instructions for a private pro bono firm to then file the papers – and see the client again to finalise affidavits etc. Of use here would be pro bono assistance in the preparation of a kit for lawyers/paralegals going to remote

<sup>27</sup> See Human Rights Law Resource Centre at <http://www.pilch.org.au/>

<sup>28</sup> Funded by the Victorian Consumer Credit Fund.

<sup>29</sup> The Victims of Crime Compensation Bill is currently before the NT Parliament. This Bill aims to make the process of application for crimes compensation administratively easier. It is likely that CLE material on the new procedures will be needed at some stage. For details on the Bill, see <http://notes.nt.gov.au/dcm/legislat/Acts.nsf/8951faf2d9faeaa692565610018f15c?OpenView&Start=1&Count=300&Expand=4#4> (viewed April 2006).

communities to provide guidance on what instructions to take, and what forms to get the clients to complete;

- assisting individual CLCs or a number of CLCs to do a currency ‘audit’ on CLE products;
- assisting with the organisation of conferences, as for example, the partnership between Queensland Advocacy Incorporated and Minter Ellison which has included support for a National Disability conference; and
- RRR CLCs approaching their state or regional law societies to see whether private law firm solicitors may be able to assist or collaborate in developing CLE sessions through the societies’ Speakers Bureau initiatives at regional locations.<sup>30</sup>

### 3.5 Law reform & policy work

#### What is it?

CLCs play an important role in identifying legal issues that impinge on their client groups. Through their advice and casework services, CLCs acquire knowledge about the ways in which the law – or the absence of law – affects the lives of their disadvantaged clients. CLCs are in a position to use this information to advise government on policy development and to work towards improvements in laws and the administration of the legal system through participating in advisory councils, writing law reform submissions and lobbying government.

#### What’s being done?

As noted above, the Australian Bureau of Statistics estimated that in 2001, Australian lawyers spent a total of 94,100 hours doing CLE and/or law reform pro bono work.<sup>31</sup>

Law reform work undertaken pro bono typically involves the legal profession preparing a submission to a Minister, government agency or inquiry. These submissions are often prepared for, or in partnership with, a community agency. One example of this is the submissions prepared by Clayton Utz, Allens Arthur Robinson and Minter Ellison as part of their involvement with the Homeless Persons’ Legal Clinic in Melbourne. Topics have included the impact of the *Vagrancy Act 1966* (Vic), social status discrimination under the *Equal Opportunity Act 1995* (Vic), women and the right to adequate housing, as well as the feasibility of establishing a Homeless Persons’ Court. Firm involvement in these submissions has included legal research, drafting, and campaign development. Similarly, Arnold Bloch Leibler assisted the Federation of Community Legal Centres (Victoria) with a submission to the Tax Board regarding the Commonwealth Government’s proposed legislation altering the tax deductible gift recipient status of charities.<sup>32</sup>

On other topics, firms have found it appropriate to undertake law reform and policy activities on their own behalf that support the work of CLCs and the publicly funded legal sector. Several larger law firms with pro bono practices have made submissions to the Senate Legal and Constitutional References Committee’s Inquiry Into Legal Aid and Access to Justice,<sup>33</sup> and a group of law firms with pro bono programs made a joint submission to the Attorney-General’s Civil Justice Strategy.<sup>34</sup> One specific example of RRR pro bono law reform work is the assistance provided by Blake Dawson Waldron to NAAJA (Katherine) with a law reform issue around seizure powers in the *Liquor Act* (NT).

Other examples of firms participating in pro bono law reform work include:

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<sup>30</sup> Contact details for Regional Law Societies can be found through each state/territory’s professional association. In NSW, see <http://www.lawsociety.com.au/page.asp?partID=743> (viewed April 2006).

<sup>31</sup> In the 2001 survey period. See the ABS survey *Legal Practices 2001-2002*, 8667.0.

<sup>32</sup> See Arnold Bloch Leibler’s other submissions on public interest matters at <http://www.abl.com.au/default.asp?p=4,118,152> (viewed April 2006).

<sup>33</sup> See submissions and Report at [http://www.aph.gov.au/senate/committee/legcon\\_ctte/completed\\_inquiries/2002-04/legalaidjustice/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/index.htm)

<sup>34</sup> See *Joint Submission by the Pro Bono Programs of 6 Law Firms* at <http://www.nationalprobono.org.au/publications/other.html>

- Minter Ellison has provided two lawyers to develop a submission on public order offences and potential grounds for invalidity, particularly regarding the QLD *Anti-Discrimination Act 1991*. This submission may be combined with a submission being developed by Clayton Utz which proposes reform of the QLD *Anti-Discrimination Act*.<sup>35</sup>
- In August 2005, lawyers from Allens Arthur Robinson, Baker & McKenzie, Blake Dawson Waldron, Clayton Utz, Mallesons Stephen Jaques, Minter Ellison and Phillips Fox worked with the PILCH (Victoria) Homeless Persons' Legal Clinic to conduct research, interviews and focus groups with 106 homeless people to inform the Clinic's submission to the Victorian Government Human Rights Consultation Project. A total of 11 focus groups were conducted by 2-3 lawyers from each firm working side-by-side with 2 formerly homeless people employed by the Clinic as consumer advocates. The resulting submission was referred to and relied upon in numerous parts of the Human Rights Consultation Committee Report.<sup>36</sup>
- Corrs Chambers Westgarth has assisted QPILCH in preparing a submission to the Legal, Constitutional and Administrative Review Committee of the Queensland Parliament on costs in public interest litigation and administrative law reform.

### Future opportunities

Short of actually preparing law reform submissions, firms can assist *RRR* CLCs and other community organisations with their law reform work by providing research and library assistance. For example, one firm has assisted a CLC to find journal articles and academic commentary on discrimination on the basis of criminal records and this assisted some CLCs to jointly prepare a discussion paper as part of a law reform initiative. The firm has also arranged for its library to provide a CLC with daily media updates on articles in this area.

Some CLCs have reported difficulties getting pro bono assistance for law reform work. It may be that in some circumstances seeking assistance with background research, or consultation on discrete issues, is more achievable than asking firms to write an entire submission. One *RRR* CLC has commented that to attract private law firm pro bono assistance in law reform type initiatives, they try to make it easy for firms to be involved. For example, South East CLC in rural South Australia organised a focus group at the CLC, for local solicitors to have some input into the CLC's submission to amendments to the *Family Law Act*. In other circumstances firms may be able to assist simply by designing/printing CLC submissions or reports.

## 3.6 Mentoring

### What is it?

While difficult to define precisely, in general, mentoring links an experienced person (the mentor) with a less experienced person (the mentee) to help foster career development and professional growth of the mentee. Mentoring relationships can be informal and unstructured, more complex and procedure-based, or somewhere in between. The Centre's initial consultations with firms and CLCs indicated that both considered this to be a valuable form of pro bono assistance for *RRR* CLCs.

Mentoring has proved to be very useful in some *RRR* projects. Having a contact on the end of the phone to discuss issues and strategies was invaluable, especially for *RRR* practitioners who are often isolated from the profession and have limited access to up-to-date information or resources.

Mentoring may in practice involve a firm being 'available' to field calls from a CLC about areas of practice or case management. A CLC may have a relationship with a particular pro bono firm, or there could be a number of firm solicitors available to act as mentors to a number of CLC workers. It may involve regular or *ad hoc* consultations between mentor and mentee.

<sup>35</sup> QPILCH Newsletter Issue 5, March 2004 at [http://www.qpilch.org.au/dbase\\_upl/Newsletter\\_5.pdf](http://www.qpilch.org.au/dbase_upl/Newsletter_5.pdf) (viewed April 2006)

<sup>36</sup> See <http://www.justice.vic.gov.au/humanrights> (viewed April 2006).

Whether a mentoring relationship is preceded by a mentoring agreement is of course up to the parties to determine. One of the benefits of a mentoring agreement is that it goes some way to building trust and managing expectations that can arise when either mentor or mentee has different expectations for the relationship. Making the relationship explicit will clearly define what the relationship is, articulate specific expectations, define how success will be evaluated, and help determine if it is an appropriate relationship for everyone involved.<sup>37</sup>

### What's being done?

In Australia, mentoring appears to have been adopted in many ways in a non-legal context, commonly in relation to assisting disadvantaged school children. In the USA, professional associations are often actively involved in providing mentoring assistance to inexperienced lawyers in their pro bono programs. Mentoring those who assist or represent disadvantaged clients constitutes pro bono work under some rules of practice.<sup>38</sup> Some firms also mentor community lawyers on specific pro bono projects.

Below are some examples of how mentoring has been taken up in a legal RRR setting.

- Geraldton Resource Centre (GRC) in Western Australia has incorporated mentoring and coaching into its service delivery model as part of the way it maintains and delivers services. GRC has recently produced a resource guide *Mentoring and Coaching: the Geraldton Resource Centre Way* designed to assist the staff, volunteers and management of the Centre as well as networks and agencies that work with the Centre.<sup>39</sup>
- A mentoring initiative has been established in NSW to support less experienced lawyers practising in children's care and protection matters outside metropolitan Sydney. Recognising the complexity of children's court matters and the relative lack of resources for representing children outside the metropolitan area, a panel of expert Children's Court lawyers has been set up. A Registrar based at St James Children's Court refers solicitors needing assistance to members of the panel which is coordinated by an accredited specialist in advocacy and children's law.<sup>40</sup>
- In the USA, professional lawyer associations often facilitate and provide mentoring. For example, the King County Bar Association sponsors mentorship programs for volunteer lawyers who help victims of domestic violence by giving brief legal advice to clients through an information and referral hotline. Their Volunteer Legal Services section also provides mentoring to inexperienced lawyers on pro bono cases in particular poverty law practice areas.<sup>41</sup>

### Future opportunities

The benefits of mentoring relationships and arrangements are considerable. Long-distance mentoring is especially useful for those who practise in smaller communities where a suitable mentor may not be available locally, or in situations where the only local mentor is likely to have conflicts of interest with the mentee's clients. The capacity to use technology such as the internet, e-mail, video-conferencing and other new technologies (as well as simply using the telephone) makes long-distance mentoring feasible and increasingly simple.

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<sup>37</sup> See American Bar Association, "Getting Clear: The Value of a Mentoring Agreement" available at <http://www.abanet.org/lpm/lpt/articles/mba08041.html> (viewed April 2006).

<sup>38</sup> See, for example, <http://www.state.ma.us/obcbbo/rpc6.htm> (viewed April 2006).

<sup>39</sup> See *Mentoring and Coaching the Geraldton Resource Centre Way: A Practice Guide to Mentoring and Coaching* (Geraldton Resource Centre 2004).

<sup>40</sup> Queries may be sent by email to Tracy Sheedy (Children's Court Registrar) for referral to the panel, at [childrepmntoring@agd.nsw.gov.au](mailto:childrepmntoring@agd.nsw.gov.au). See *NSW Law Society Journal*, July 2005, Vol 43 no. 6, at p 15.

<sup>41</sup> See <http://www.kcba.org/CLS/VLS/volunteer.html> (viewed April 2006).

However, a key to successful long-distance mentoring is a shared understanding of how and when communications will occur. While some face-to-face meetings may be necessary, telephone calls and/or e-mails are generally satisfactory for subsequent discussions.<sup>42</sup>

Mentoring could take on a number of models, for example, it may:

- focus on specific questions of legal practice; and/or
- include advice on strategies and tactics in particular situations; and/or
- involve support to analyse a particular legal problem or issue; and/or
- involve working on strategies for ongoing professional development of mentees.

Mentoring opportunities would be particularly useful where a CLC decides to move into a new area of law in which a firm already has expertise and could provide a mentor. For example, if a CLC identifies unmet legal need in its client community for legal assistance (advice, information, casework or CLE) in credit and debt matters, but has not developed specialist expertise in these areas, it would be useful to have pro bono solicitors available to provide mentoring assistance to the CLC workers in these areas of law.

Some lawyers in *RRR* areas have referred to a perception of a loss of skills in aspects of ‘being a lawyer’ when practising in the community sector, and in particular in *RRR* areas. This may point to an opportunity for more experienced lawyers in city-based firms to mentor the less experienced CLC lawyer – not necessarily in areas of law, but on lawyering and legal practice.<sup>43</sup>

### **3.7 Non-legal mentoring**

#### **What is it?**

There are many non-legal areas where legal and other professionals such as accountants, can assist community legal organisations with the efficient operation of their management structure. This might include administration, management of staff and human resources, industrial issues, occupational health and safety compliance and general governance.

Law firms can assist CLCs with defamation and insurance issues, leasing matters and reviews of legislation. They are also well-placed to assist CLCs build their profiles and obtain funding. In some CLCs, pro bono firms assist CLCs with file audits. They can also be called upon to play a role with the performance management of CLC legal staff or to participate in employment interviews.

Firms have assisted community organisations with their constitutions or policies and procedures, reviewing them to reflect changes to practice or clear up any ambiguities. Lawyers who give assistance or advice to community organisations in these areas provide an invaluable service, and free up the organisations to focus on their primary task of service delivery to their clients.

#### **What's being done?**

As noted above, in Western Australia, the Perth office of Clayton Utz has formed a relationship with Geraldton Resource Centre whereby the firm provides a variety of forms of non-legal/non-casework assistance to GRC. To date this has included assistance with GRC’s mentoring project, organisational and management support, business advice, intellectual property advice and assistance with managing GRC’s information resources.

#### **Future opportunities**

The scope for this kind of assistance to *RRR* CLCs and other community organisations is broad. One of the benefits of this kind of assistance is that it has the capacity to involve non-legal staff of a law

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<sup>42</sup> See Dan Pinnington, “Mentoring: Its Time Has Come, Again”, *Law Practice Today* (August 2004) available at <http://www.abanet.org/lpm/lpt/articles/mgt08041.html> (April 2006).

<sup>43</sup> See also “Reverse Secondments” below.

firm in pro bono work. It provides the opportunity for a firm's marketing, human resources and IT departments to become active pro bono participants.

Other, general non-legal assistance may involve things such as:

- administrative services, including word processing (for example, transcribing tapes for a community legal service) and photocopying (for example, photocopying training manuals, induction manuals, Appeal Books);
- accounting and book keeping services;
- information technology services, including access to precedents and advice on IT issues, developing data bases and intranet systems;
- assistance with design and/or publication and printing of hard copy or online resources and materials including reports, newsletters, brochures or business cards;
- mail-outs, for example, mailing out a CLC's Annual Report;
- human resource management advice and assistance, for example, revising personnel manuals;
- secondment of non-legal staff, including on a part-time or occasional basis
- training for administrative staff;
- access to law firm facilities such as rooms, equipment and catering, for meetings, conferences and training seminars;
- donations by the firm or individual staff, including cash donations to support the service or a particular position in it or for specific activities such as holding conferences, paying for conference attendance or for the translation of CLE materials; donations of equipment such as computers or furniture;
- access to library resources including the online library resources of the firm and research by librarians;
- assistance with fundraising events and conferences including providing premises and administrative support, hosting events, organising speakers and designing and printing invitations and brochures; and
- assisting in the management of the service through membership of the service's Board or Management Committee.

### **3.8 Legal research and other assistance**

#### **What is it?**

CLCs are often under-resourced with limited access to printed or online legal resources. Some *RRR* CLCs are located in remote areas where IT and communications technology is limited and/or unreliable.

Law firms, especially larger law firms, on the other hand, are often well-resourced and likely to have capacity to provide research and library assistance to community organisations.

#### **What's being done?**

Many firms are giving legal research assistance to *RRR* CLCs. Examples of this assistance has included:

- doing research updates on legislation and case law;
- providing legal texts, legislation etc to CLCs;
- providing access to firms' training on legal research (eg, Blake Dawson Waldron provided training to NSW *RRR* CLCs on sources of legal information available free on the internet when *RRR* CLCs were in Sydney for the annual State CLC conference);
- providing CLCs with firms' in-house publications and newsletters on relevant areas;
- providing CLCs with limitation date schedules, and updating these;<sup>44</sup>

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<sup>44</sup> See, for example, the *Schedule of Limitation* dates provided to QPILCH, updated by Blake Dawson Waldron, at [http://www.qpilch.org.au/01\\_cms/details.asp?ID=35](http://www.qpilch.org.au/01_cms/details.asp?ID=35) (viewed April 2006).

- doing on-line research, and providing articles from secondary sources such as law journals.

### **Future opportunities**

The following are some examples of how firms could help *RRR* CLCs:

- facilitating access to a firm's research, library and precedent resources - as one CLC has commented: 'turn on the precedent tap!';
- some remote *RRR* CLCs with unreliable internet access have said that it would be useful if firms could simply fax particular legislation to them;
- assistance with up-to-date information on limitation dates in particular matters;
- using firms' research resources to do journal article searches on particular areas of law, cases or other matters;
- through firms' libraries, provide books and case reports to lawyers in the community sector (provided of course, the materials are up-to-date); and
- assist CLCs to negotiate contracts with publishers for online resources.<sup>45</sup>

The research undertaken for CLCs need not only be legal research. One firm's marketing department recently assisted a CLC to research sources for funding for a particular CLE product, and then assisted it to write a successful grant application for funding for that product.

## **3.9 Professional development and training**

### **What is it?**

Metropolitan CLCs may benefit from attending workshops run by city firms on a particular area of law, or on legislative amendments that may affect the running of a CLC. For example, one law firm conducted training sessions with a large number of community organisations on the effect of the introduction of the GST on their operations. Clearly, this is more efficient than offering individual advice to each organisation.

Rural lawyers, however, often practice alone or in small firms and many, including CLC lawyers, routinely face difficulties of time and distance when trying to meet their mandatory continuing legal education (MCLE) requirements.

### **What's being done?**

Blake Dawson Waldron (BDW) has provided professional development training sessions for community organisations including *RRR* CLCs, remotely via videoconferencing facilities. Most recently this has included community legal education training on Trade Practices protections for consumers and on defamation and discrimination. Workers from the Northern Rivers CLC (Lismore), North & North West CLS (Armidale), Far West CLC (Broken Hill) and Western NSW CLC (Dubbo) attended these sessions by videolink. BDW are planning further CLE sessions on Industrial Relations, superannuation, and unconscionable conduct and unfair contracts. BDW has also provided training to Sydney lawyers on legal research and sources of information available free on the internet.

Freehills has provided pro bono training for not-for-profits in areas including directors' duties, risk management, employment, structuring, taxation, privacy and contracts.

Recently, the NSW Young Lawyers section of the NSW Law Society, in line with its new constitutional mandate to engage in innovative pro bono work to assist not-for-profits, has commenced a series of continuing legal education training sessions for not-for-profit organisations. The areas covered in 2005 include 'Non Profits as Employers - Your OH&S Obligations for Staff and Volunteers' and training on how the new Industrial Relations scheme will affect non profit organisations. These seminars are being held to coincide with the NSW CLC quarterly meetings to

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<sup>45</sup> It is likely that this could be most efficiently pursued through CLC peak bodies.

enable *RRR* CLC workers to attend. Papers of the training will also be available from the Young Lawyers' website.<sup>46</sup>

### Future opportunities

Issues covered in seminars provided to city-based CLCs, and indeed other community organisations, by the private profession (sometimes in conjunction with lawyers from legal aid offices) could be given a regional emphasis and offered to *RRR* CLCs.

For example, some firms have organised training for not-for-profit organisations on topics including directors' duties, risk management, employment, taxation, privacy and contracts. The seminars were open to any community organisation worker to attend – and they provide an efficient way of communicating information and expertise to a number of people at one time.

Ways to assist *RRR* CLCs with access to this kind of training could include:

- scheduling training seminars when the CLC meetings are held in metropolitan areas;<sup>47</sup>
- designing and organising a professional development topic on an area of law identified as being of interest by *RRR* CLCs and then arranging a 'road-show' to deliver the training;
- providing written and/or recorded versions of training packages to CLCs;
- facilitating provision of training by video-conferencing (for example, BDW provided the venue and video conferencing facilities to a CLC so that the CLC's training seminars could be attended by workers from four NSW regional centres);
- organising seminars or workshops for solicitors or community workers on an area of law which a CLC identifies as pertinent to clients in their region; or on areas of law relevant to the CLC practice (for example, directors' risks and not for profit organisations, privacy law obligations). Note that if it were planned, this could have the added benefit of counting towards *RRR* solicitors' Mandatory Continuing Legal Education points; and
- firms could consider providing their continuing legal education seminars in video, DVD or electronic format to *RRR* CLCs.

Firms considering conducting training programs for CLCs or community organisations should consult with CLCs, probably through their peak bodies (State offices or NACLCLC – see **7 Resources and contact points** below) on what areas would be most useful to CLCs. Areas of law where need is high are likely to change, and there may already be training available from other sources. For example, employment and industrial law are currently widely identified by CLCs as an area where access to training and information would be helpful. One regional CLC which has links with various local sexual assault agencies suggested that a workshop on defending subpoena requests in sexual assault matters would be of benefit – and such a workshop may be useful for other CLC participants.

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<sup>46</sup> See <http://www.lawsociety.com.au/page.asp?PartID=16523> (viewed April 2006).

<sup>47</sup> For example, in NSW, CLCs across NSW regularly meet in Sydney on the Monday and Tuesday of the second last week in February, May, August and September.

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## 4 Other opportunities for *RRR* pro bono work

### 4.1 Enhancing volunteer support for CLCs

As noted above, many *RRR* CLCs are unable to incorporate volunteer support into their service delivery model. The Centre, in conjunction with the National Association of Community Legal Centres, has recently launched [www.clcvolunteers.net.au](http://www.clcvolunteers.net.au). The ‘*clcvolunteers*’ website enables students and others to find volunteering opportunities at CLCs across Australia. The site uses a red-light/green-light system to indicate which CLCs are seeking volunteers. The site also contains information on what to expect as a volunteer at a CLC.

It is likely that there is scope to work more closely with the various State and Territory Law Societies and Bar Associations and their regional associations or sub-committees to enhance pro bono volunteer work in *RRR* areas, and with *RRR* CLCs. Furthermore, there is probably scope to explore the opportunities for creating student placements and/or professional practice experience at *RRR* CLCs.

### 4.2 Multi-tiered relationships and partnerships

The growth of pro bono in the last decade has been accompanied by a noticeable extension of pro bono beyond the provision of advice, assistance and representation to the client. Law firms are increasingly offering more than specialist skills and advice. They are building ‘multi-tiered relationships’ and partnerships with their pro bono partners in the community, particularly CLCs.

Partnerships may involve legal and non-legal, financial and in-kind assistance. Some partnerships involve the secondment of solicitors or clerks<sup>48</sup> to the partner CLC on a rotating or sessional basis. Some partnerships try to involve the whole firm in the relationship, through workplace giving programs whereby the firm may match dollar-for-dollar the amount donated by staff, as well as other forms of non-legal assistance such as donations of furniture, computer and other IT resources. Partnerships between firms and community organisations create close connections between both parties, leading to greater trust, familiarity, responsiveness and a willingness to extend assistance innovatively and more effectively than with one-off referrals.

The potential for pro bono partnerships to generate assistance to disadvantaged people is considerable. Consultations with pro bono coordinators of large city firms and *RRR* CLCs have indicated that there is a great deal of enthusiasm about establishing and developing pro bono relationships. There is recognition of the positive impact that such relationships can have on effective referrals and of building the capacity to explore more productive and innovative collaboration.

Apart from the traditional model of providing legal advice and representation of clients referred by a CLC, multi-tiered pro bono partnership might include the following forms of legal assistance:

- in *RRR* contexts, firms and CLCs could consider supporting co-counsel arrangements, for example an experienced litigator undertaking a discrimination matter at hearing level with the CLC solicitor as co-counsel; or where the city-based firm provides background support while the *RRR* CLC retains the client and client relationship (see also **3.6 Mentoring**);

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<sup>48</sup> See, for example, the partnerships involving secondments between Freehills and Shopfront Youth Legal Service Kingsford Legal Centre, Sussex Street Community Law Service and Womens’ Legal Services; Mallesons Stephen Jaques and National Children’s and Youth Legal Centre; Blake Dawson Waldron and Lou’s Place, Exodus Foundation, NAAJA (Katherine)(formerly Katherine Regional Aboriginal Legal Aid Service), Mt Druitt and Area CLC, Sydney Regional Aboriginal Corporation Legal Service and Youthlaw; and Clayton Utz with Kimberley Community Legal Services in Kununurra, Western Australia, and others.

- preparing or updating CLE materials, such as fact sheets and training materials;
- advising and/or drafting work in relation to internal management issues of community organisations (for example, taxation, incorporation and organisational structures, employment law, tenancy law, intellectual property, privacy or occupational health and safety);
- providing training to community organisations (for example, on changes to tax law for not-for-profits or on occupational health and safety or industrial relations issues relevant to the organisation) or to staff of community legal services (for example, on changes to personal injury law); and
- working with a community legal organisation to promote particular law reform proposals, for example, jointly meeting with a government working party or assisting a CLC, or group of CLCs, to research and draft submissions.

### **4.3 Secondments of solicitors to RRR CLCs**

Secondments of solicitors to RRR CLCs and other community organisations are a valuable way of providing assistance. Most secondments involve seconding solicitors on a sessional basis to CLCs in metropolitan areas and a number of firms have been sending solicitors to more remote CLCs, acknowledging the high demands and unmet client needs in those communities.

There are many collateral advantages of providing secondees to CLCs which include:

- firms offering support to the RRR CLC and secondee, for example, by assisting with research and drafting;
- the relationship between the firm and the CLC is enhanced, often resulting in greater assistance to the CLC from the firm generally. For example, matters can be referred to the firm to be taken on as part of the firm's in-house pro bono practice; and
- the CLC staff often have ongoing relationships with the firm lawyers, and are able to call on those ex-secondees for advice and assistance.

However, before a firm and CLC enter into a secondment relationship, it may be useful to consider the following:<sup>49</sup>

- the secondee should be involved with the CLC for a reasonable period of time (at least 6 months);
- the secondee's work should be either a limited term project or part of the core work of the organisation. Some secondments which are designed to fill a gap in a CLC's service delivery (that is, take on an area of law that is new to the CLC) have not been successful. Participating in the core work of a CLC means the secondee is actively involved with the CLC, tends to receive support and supervision and can contribute to the work of the CLC;
- the CLC should provide or arrange for adequate supervision and professional support;
- the CLC should consider how to best utilise the secondee;
- the work required of the secondee should be engaging; and
- the secondee must be prepared for the culture of the CLC, but the CLC too needs to accept that the secondee comes from a different workplace culture.

While secondments are often a favoured form of pro bono assistance, there are limits on the ability of pro bono firms to provide secondments and to commit to ongoing secondment programs. Providing/funding secondments constitutes a significant proportion of firms' pro bono budgets, and the capacity for many firms to provide secondments is likely to be limited. Following are some examples of RRR secondments.

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<sup>49</sup> For more information about pro bono secondments, see '4.1 Secondment Issues' in National Pro Bono Resource Centre and the VLF, *The Australian Pro Bono Manual: A Practice Guide and Resource Kit for law firms*, at pp 205-207, or online at [http://www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_04.htm](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_04.htm)

### ***Freehills and the Walgett Family Violence Prevention Legal Service (WFVPLS)***

WFVPLS is an outreach service of the Women's Legal Service (WLS) NSW. Freehills has been posting solicitors to WFVPLS on 6 month secondments since October 2004. Each secondee is based at WLS, but travels to Walgett one week every month to coincide with local court sessions in Walgett and Lightning Ridge. While in Walgett, secondees attend court and undertake other work that arises from WFVPLS client matters. This includes apprehended domestic violence orders, victim's compensation and related family law and child protection work.

### ***Blake Dawson Waldron (BDW) and North Australian Aboriginal Justice Agency (NAAJA), Katherine***

The Katherine office of the North Australia Aboriginal Justice Agency (formerly known as the Katherine Aboriginal Legal Aid Service KRALAS) was established in 1985 to provide free legal assistance to Aboriginal and Torres Strait Islander people in the Katherine region. NAAJA (Katherine) acts for people in a 36,000 km area from Batchelor (south of Darwin) to north of Tenant Creek and from the Western Australian to Queensland borders. Based in Katherine, NAAJA (Katherine) also assists people in remote communities through the bush court circuit. Given its limited funding, NAAJA (Katherine) had not been able to provide civil law assistance to its clients, only assistance in criminal law. Since May 2004, BDW has seconded a lawyer to Katherine full-time to provide a civil law service. The work includes litigation in the Local and Supreme Court, and other matters ranging from coronial inquests to housing, debts, victims compensation and the seizure of motor vehicles. Seconded lawyers also have the opportunity to do community legal education and law reform.

### ***Clayton Utz and Kimberley Community Legal Services (KCLS), Kununurra, WA***

Clayton Utz recently seconded a solicitor to Kimberley CLS in Kununurra which is located in the Kimberley region, 3000 km from Perth and 850 km from Darwin. The seconded lawyer has assisted the Kimberley CLS providing outreach legal advice, casework assistance and information to its clients. The secondee also assisted the CLC itself by reviewing its constitution. According to Kimberley CLS, having an extra solicitor available has been a great assistance to the CLC which only has one full time lawyer. According to the principal solicitor at the CLC, for such a small organisation "it's been a great support to have someone to bounce ideas off, discuss issues and problems and provide another perspective."

### ***Gilbert + Tobin (G+T) and Cape York Land Council***

G+T has had a secondment to the Cape York Land Council for a 6-month period. The secondee mainly undertook pro bono work in native title but also did some work in corporate governance matters. As a result of the relationship, G+T also takes a number of referrals of matters from the land council.

### **Secondment of vacation/summer clerks**

Responding to the often-identified request for secondees at CLCs, one firm participating in the Centre's *RRR* pro bono project explored the option of sending a law student summer clerk to its partner *RRR* CLC for the summer clerkship period.<sup>50</sup> Unfortunately, this did not eventuate, but there is enormous potential to tap into firms' law student resources. Before a secondee/student placement relationship is set up, there should be consideration of elements of good practice in secondments. Firms and CLCs interested in exploring secondments to CLCs should refer to the Centre's *Pro Bono Manual* which discusses secondment issues.<sup>51</sup>

Also of relevance here is the Victoria Law Foundation's 'Summer Clerkships in Regional Victoria project'.<sup>52</sup> An outcome of the VLF's inaugural Community Legal Centre Fellowship which was awarded to Helen McGowan of the Albury Wodonga Community Legal Service, the innovative

<sup>50</sup> Provision of secondees to CLCs often features on CLC's "wish lists".

<sup>51</sup> See the *Pro Bono Manual* at [http://www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_04.htm#1](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_04.htm#1)

<sup>52</sup> See [http://www.victorialaw.org.au/clc\\_fellowship.asp](http://www.victorialaw.org.au/clc_fellowship.asp) (viewed April 2006).

project assists law students to gain work experience in summer holiday clerkships in regional Victoria.

### **Reverse secondments**

The Centre is aware of a perception of a loss of skill in some areas of 'being a lawyer' when practising in the community sector, and for *RRR* CLC lawyers in particular. Responding to this perception, some *RRR* CLCs have raised the idea of 'reverse secondments' whereby firms consider accepting the secondment of *RRR* CLC lawyers to the city firm to give the country lawyer the capacity to build up their skills and expertise.

### **4.4 Using technology to assist *RRR* clients**

There is some scope to use or develop technology to assist disadvantaged people with legal problems in *RRR* areas. However, technology should not be a replacement for face-to-face advice and assistance where that is more appropriate.<sup>53</sup> In this regard, the Centre notes the problems associated with the recent Regional Law Hotline initiative whereby funding was provided to certain CLCs to provide telephone advice to regional clients, acknowledged in the recent *Legal Aid and Access to Justice Report*.<sup>54</sup> Under the hotline, a number of *RRR* CLCs across Australia were funded to provide the service in their areas. While they used the money to provide services to their communities, CLCs found the telephone advice model less effective than the provision of outreach services that are supported by their flexible service delivery model.

An example of an *RRR* pro bono project using technology is *Lawstuff and Cyber Volunteers* at the National Children's and Youth Law Centre [www.lawstuff.org.au](http://www.lawstuff.org.au). The project provides information relevant to children and young people and is organised by jurisdiction and area of law. Volunteer lawyers assist *Lawstuff* through updating material, and they provide answers to young people's legal queries emailed via the lawstuff website. Apart from access to the Internet, there is no barrier to children and young people in *RRR* areas benefiting from these materials. *Lawstuff and Cyber Volunteers* are often looking for volunteers, especially outside NSW.<sup>55</sup> The Rural Law Online project <http://www.rurallaw.org.au> in Victoria is an online guide to the law for rural Victorians, and features an issues forum and online legal advice for young people living in rural areas.

Some law firms provide advice over the telephone to *RRR* CLC clients - sometimes directly to clients (see the BDW example above), or to the lawyers assisting those clients on various aspects of the clients' matters.

At least one firm has represented *RRR* clients in Tribunals via teleconference.

Note also above that *RRR* CLCs can access professional development training and CLE sessions from city law firms by using teleconferencing facilities.

### **4.5 Getting involved in *RRR* outreach work**

Many *RRR* CLCs undertake outreach work to facilitate greater access to legal services and information for low-income and vulnerable people living in *RRR* areas. The outreach work may deliver advice, casework and CLE services to clients who have difficulty getting to a CLCs' main office. Barriers to access may be physical, including lack of transport options and geographical distance as well as limitations on mobility. Barriers arising from cultural accessibility issues can sometimes be overcome in whole or part through conducting outreach services in appropriate locations.

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<sup>53</sup> See comments in the Senate Legal and Constitutional References Committee's *Inquiry into Legal Aid and Access to Justice Report*, in particular at pp 122-126, available at [http://www.apf.gov.au/senate/committee/legcon\\_ctte/completed\\_inquiries/2002-04/legalaidjustice/report/contents.htm](http://www.apf.gov.au/senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/report/contents.htm) (viewed April 2006).

<sup>54</sup> Ibid.

<sup>55</sup> See <http://www.ncylc.org.au/> (viewed April 2006).

Outreach work may include engaging in community legal education initiatives and/or the provision of legal advice and has a positive impact on people living in isolated communities who would otherwise not have ready access to legal services. Outreach work also helps CLCs and other local community organisations (that often host the outreach services) to forge closer relationships, which in turn enables them to better coordinate and strategise how to target particular unmet needs in *RRR* areas.

In August 2005, civil and family lawyers from Legal Aid together with lawyers from Wirringa Baiya Aboriginal Women's Legal Centre and the North Western NSW Community Legal Centre, conducted a joint four-day community legal education program targeting remote Aboriginal communities in North West New South Wales.

The outreach program included visits to Aboriginal communities in Bourke, Brewarrina, Lightning Ridge and Walgett. In each town meetings were held with members of the community to talk about legal issues and discuss ways that Legal Aid could improve its service to Aboriginal clients. There was some opportunity to provide legal advice to individual community members, however the main focus of the outreach was to make contact with key community workers and to identify the most pressing legal issues.

According to Legal Aid, the meeting left no doubt about the need for continuing commitment to improve the way legal services are provided to Aboriginal clients, particularly in remote areas. It is also clear that enhancing continuing relationships with community workers is vital to the success of outreach services.<sup>56</sup>

While this outreach did not involve pro bono assistance, there may be scope for law firms to participate in or contribute in other ways to these kinds of initiatives.

Outreach places many burdens on CLCs, including the absence of one of a small number of staff from the office for the period of the outreach service plus travel time. In times of decreased funding, CLCs' limited capacity means they are often forced to prioritise service delivery and outreach services are sometimes cut back. CLCs are exploring alternative service delivery models such as supporting local community workers to assist disadvantaged people (for example, through a CLCs' CLE work with community workers), through innovative paralegal training (for example, the model being used by Geraldton Resource Centre),<sup>57</sup> through video-conferencing facilities or through a coalition of legal service providers working together to deliver services (see **5 Overseas initiatives**).

#### **4.6 Other ways of assisting *RRR* CLCs**

The following are some other ways law firms have assisted, or could assist *RRR* CLCs. Some of these ways of providing assistance are described in more detail above. They have been included here as a checklist of ideas for manageable pro bono projects that can easily be done 'remotely' from the office.

Firms can assist CLCs in discrete ways including:

- sponsoring lawyers from *RRR* CLCs to attend city-based conferences or events;
- assisting a CLC to review its fact-sheets for currency and accuracy;
- assisting a CLC to review audit internal policies and procedures;
- providing legal resources and information to CLC workers, including access to internal training and professional development materials;
- providing legal research materials and academic articles to CLCs to assist them in law reform submissions;
- word processing assistance including typing up interviews, affidavits, court documents and reports;

<sup>56</sup> See Legal Aid Commission of NSW, E-bulletin #1, October 2005, available at <http://www.legalaid.nsw.gov.au/asp/index.asp?pgid=364> (viewed April 2006).

<sup>57</sup> See Geraldton Resource Centre at <http://www.grc.asn.au/> (viewed April 2006).

- assisting *RRR* CLCs with filing and lodging forms and applications in city courts and tribunals;
- desktop publishing and formatting community legal education materials;
- providing equipment and resources (provided they are still working and/or up-to-date);
- a firm's marketing department assisting CLCs to research and write grant applications for particular projects – for example, grants to the various State/Territory Public Purpose Trust Funds, law foundations or other philanthropic trust funds;
- doing company or title searches for CLCs; and
- sponsoring a CLC's outreach project.

In recent years there has been increasing focus on 'transactional' work where lawyers or firms provide legal assistance to a community organisation itself. In this way firms indirectly enhance access to justice for disadvantaged clients by contributing to community legal education and law reform projects, by organising seminars for workers from community organisations, or assisting with law reform submissions or with the preparation of leaflets about particular areas of law.

This kind of assistance is useful in that it allows CLCs to focus their resources on their core objectives. So, for example, the law firm (AAR) involved in the CLSDM has been giving advice to the Northern Rivers Community Legal Centre (NRCLC) on its long-service leave policies. AAR has also provided non-legal assistance to the CLC by purchasing a number of library books and paying for the CLC's Christmas party. AAR have also installed a phone in a local Neighbourhood Centre, connecting callers to NRCLC and to the legal referrals and advice line at LawAccess.

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## 5 Overseas initiatives

### 5.1 USA

United States census data reveal high poverty rates in rural areas. Of the 500 poorest counties, 459 are rural and of the 500 lowest per capita income counties, 481 are rural.<sup>58</sup> The barriers facing rural lawyers delivering pro bono services in the United States are similar to those identified in Australia and include conflicts of interest, multi-district registration requirements, fewer support staff and greater travel demands. Rural legal aid programs face similar difficulties because they cover a wider geographic region with fewer personnel than urban legal aid programs. Rural clients also face greater challenges accessing legal services due to scarce resources, transportation problems, and a general lack of information about legal help.

In 2000, the American Bar Association Standing Committee on Pro Bono and Public Service and the Center for Pro Bono launched the *Rural Pro Bono Delivery Initiative*, a project designed to increase volunteer participation and build relationships between rural and metropolitan lawyers. The major aims of the initiative were to:

- build urban-to-rural connections through new relationships and technology;
- encourage urban law firms, corporate counsel, and government lawyers to participate in rural pro bono delivery;
- identify and develop more effective models for rural pro bono delivery;
- institutionalise within the Center and state and local legal services providers a focus on the legal needs of clients living in rural areas; and
- analyse and report to the pro bono/legal services community about the state of pro bono delivery in rural areas.

As part of the initiative, the Center for Pro Bono published *Rural Pro Bono Delivery: A Guide to Pro Bono Legal Services in Rural Areas*.<sup>59</sup> It is a resource for legal service providers, bar associations and volunteer lawyer programs and addresses ways to assist clients in rural areas and to strengthen the support system for pro bono advocates who help rural clients. The Guide includes an analysis of the barriers to rural legal service delivery, provides examples of strategies that have been used by some of the projects to deliver pro bono legal services to rural clients, and provides links to other rural resources.<sup>60</sup>

The following are some examples of RRR pro bono in the USA.

#### Judges' Best Practice Pro Bono/CLE projects

The Rural Law Center of New York, Inc<sup>61</sup> (RLCNY) initiated the 'Judges' Best Practice Pro Bono/CLE Project' in recognition of the need for greater pro bono involvement in the rural areas of New York State. They were also aware that rural practitioners who practise alone or in small firms do not have the resources available in urban areas and routinely face difficulties of time and distance when trying to meet their Mandatory Continuing Legal Education (MCLE) requirements.

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<sup>58</sup> See American Bar Association ('the ABA') at [http://www.abanet.org/legalservices/probono/rural\\_delivery.html](http://www.abanet.org/legalservices/probono/rural_delivery.html) (viewed April 2006).

<sup>59</sup> Copies of the Manual can be downloaded from the ABA website at [http://www.abanet.org/legalservices/probono/aba\\_rural\\_book.pdf](http://www.abanet.org/legalservices/probono/aba_rural_book.pdf) (viewed April 2006).

<sup>60</sup> Many of the projects described in the Guide received special ABA funding during the course of the rural pro bono initiative – highlighting the need for added resources to facilitate rural pro bono.

<sup>61</sup> See [www.rurallawcenter.org](http://www.rurallawcenter.org) (viewed April 2006).

As an accredited MCLE provider in New York State, RLCNY now travels to rural counties to deliver on-site, locally specific and credit bearing MCLE presentations. Each presentation is essentially a partnership between the Rural Law Center, and the local judiciary, the local bar association, and the local legal services program.

Generally scheduled as half-day sessions, with the curriculum designed and taught by local judges, seminars focus on practice areas of the Supreme Court, Family Court, County Court and Surrogate's Court. This model serves the needs of all partners in the project. The judges are able to demonstrate their court's specific expectations and thereby elevate the level of practice. Practising attorneys receive useful information and guidance from the local courts. Perhaps most importantly, in lieu of paying registration fees to attend, attorneys agree to provide pro bono services that are administered by the local legal services program or the local bar association.

The Rural Law Center is funded primarily by Income from the Non-Interest Bearing Lawyer Trust Accounts (IOLTA) Fund of the State of New York. In order to provide the 'Judges' Best Practices' to rural regions, the Center received additional funding from the American Bar Association and the New York Bar Foundation. Subsequently, a variation of these trainings was added and 'Best Practices/Domestic Violence Law' was presented through grant funding from the Doors of Hope Foundation. To date, in the overall project, over 1472 attorneys from 26 rural counties have attended training and made commitments of approximately 22,080 hours to pro bono service in their communities at a value of \$2,428,800.

The creative design of this project captured attention outside of New York State. The American Bar Association's Center for Pro Bono is enthusiastic about promoting the 'Judges' Best Practices' model nationally. The model is now being replicated in areas of Alaska, Texas, Florida and Maryland.

## **5.2 Canada**

### **The TeleJustice Project**

Since a taskforce examined and reported on innovative ways in which legal services could be provided to rural communities in Ontario, Pro Bono Law Ontario (PBLO) has developed the Ontario 'TeleJustice Project'. Under this project, city-based government lawyers employed by the Ontario Ministry of the Attorney General will, in partnership with the Nishnawbe-Aski Legal Services (NALS) Corporation, provide pro bono assistance to rural communities within the Nishnawbe-Aski Nation (NAN) in northern Ontario.<sup>62</sup>

Community legal workers of NALS provide legal, paralegal, and law-related services in the NAN communities. The community legal workers are all members of NAN and speak the languages of the communities they serve, as well as English. There are 49 rural communities within NAN, with an on-reserve population of approximately 30,000 people.

In the first year, the Attorney General is allowing about 20-30 lawyers to donate a limited number of paid hours to provide pro bono services using video-conferencing, an online question/answer website, community legal education and written summary advice. Lawyers have been asked to commit about 20 hours each over the first year.

According to PBLO, services will be provided via an 'Ask-a-Lawyer' website on an 'as needed' basis, with video-conferencing for up to about three hours once a month. Written materials provided by lawyers will also require a couple of hours on an occasional basis: lawyers will fill in the legal information on a pre-determined brochure or pamphlet template. Lawyers can select the volunteer activities (website, written materials, videoconferences) and the areas of law they are most comfortable with.

The video-conferencing facilities are available for use throughout Northern Ontario in community centres, high schools and libraries. PBLO has received grants to cover the costs of developing the

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<sup>62</sup> 'Crown lawyers to provide legal services for free', Toronto Star p. A17, May 7 2004; Notes for Remarks by Michael J Bryant, Attorney General of Ontario, Pro Bono Law Ontario Awards Dinner, May 6 2004.

website, outreach, and the service fees involved in setting up the project infrastructure. NALS will also be able to get assistance with other legal education and support needs from the Ministry.

### **Other PBLO regional projects**

PBLO's other regional projects involve partnering regional law associations (law societies) with community legal services in various PBLO projects such as its Child Advocacy Project (CAP), the South Asian Legal Clinic of Ontario Project (SALCO) and the Volunteer Lawyers Service (VLS). These projects generally involve areas of law not covered by legal aid.

The Child Advocacy Project (CAP) involves the provision of free legal services for at-risk children and youth.<sup>63</sup> It is a partnership between a number of not-for-profit children and youth advocacy organisations and involves advice, co-counselling, advocacy and representation of young people in school and education matters. Training is provided to lawyers who participate in the project.

Another regional project, the *Simcoe Pro Bono Regional Project* involves a partnership between regional community legal clinics with members of the Simcoe and York Law Association. It includes lawyers participating in the CAP project outlined above, and the Lawyers for Aboriginal Arts Project and Community Economic Development project that provides corporate law assistance to charitable organisations engaged in developing community capacity such as low-income housing initiatives, food banks, and employment training programs.

The Hamilton Pro Bono Regional Project partners the Hamilton community legal clinic system with the Hamilton Law Association.<sup>64</sup> This regional project adopted both the CAP and a Wills & Powers of Attorney Project that targets low-income single parents, people with terminal illnesses and elderly individuals.

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<sup>63</sup> See <http://www.childadvocacy.ca/> (viewed April 2006).

<sup>64</sup> See *PBLO Newsletter* Summer 2005 at <http://www.pblo.org/probononews8222.cfm> (viewed April 2006).

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## 6 Getting started

### 6.1 Identifying needs and sources of work

Pro bono legal programs ideally aim to respond to the legal needs of disadvantaged people and communities. This is best done by developing strategies for identifying and sourcing pro bono work that goes some way to meeting otherwise unmet needs (ie, those needs not already being met by publicly funded legal service providers). Pro bono coordinators consistently report that the most successful programs are a result of close and ongoing working relationships with CLCs, and that without a well-resourced community (and legal aid) sector, pro bono programs would not be effective.<sup>65</sup>

The main services available to meet the legal needs of people who cannot afford to pay for legal services are:

- publicly funded legal aid services in each state and territory;
- Aboriginal and Torres Strait Islander legal services;
- community legal centres and advice services at other community organisations; and
- advice services offered by some law societies such as citizens advice bureaux.

Perhaps somewhat surprisingly, recent research published by the Law & Justice Foundation of NSW ('the LJF') has indicated that individuals experience a high volume of legal issues for which the legal system is not used. This research shows that in some parts of NSW at least, legal advisers from the above services, as well as private lawyers, were used in only 12% of cases where legal assistance was sought. In three-quarters of cases where help was sought, only non-legal advisers were consulted including friends, family, and non-legal professionals working in medical, health, counselling, welfare, government, trade union, accounting, insurance, school and policing settings.<sup>66</sup>

Legal needs vary according to region. As the above legal needs research from the LJF suggests, even if a list of the unmet legal needs for any particular region were compiled, this would not necessarily assist people to recognise that a legal response is available to a problem they may have, nor ensure that they would seek legal assistance from a legal service provider.

In the absence of national and publicly available and comprehensive data about unmet legal needs, and recognising the mismatch between unmet legal needs and the capacity and expertise of pro bono providers, there are perhaps other ways in which pro bono lawyers can develop strategies to identify unmet legal need and source pro bono work.

Pro bono lawyers interested in sourcing work where there is a greater chance of assisting to meet unmet legal need can consider:

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<sup>65</sup> See the Centre's submission to the Joint Commonwealth/NSW Review of Community Legal Service Funding Program, at <http://www.nationalprobono.org.au/Submissions.html>; see also submissions by Minter Ellison, Clayton Utz, Gilbert + Tobin, Blake Dawson Waldron Lawyers and Freehills to the Senate Legal and Constitutional References Committee Inquiry into Legal Aid and Access to Justice at [http://www.apf.gov.au/senate/committee/legcon\\_ctte/completed\\_inquiries/2002-04/legalaidjustice/submissions/sublist.htm](http://www.apf.gov.au/senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/submissions/sublist.htm) (viewed April 2006); see also, *Joint Submissions by pro bono programs of Allen Arthur Robinson, Baker & McKenzie, Blake Dawson Waldron, Clayton Utz, Gilbert + Tobin and Henry Davis York to the Attorney General's Department Federal Civil Justice Strategy Paper* at <http://www.nationalprobono.org.au/publications/other.html>.

<sup>66</sup> See Christine Coumarelos, Zhigang Wei, Albert Z Zhou, *Justice Made to Measure, NSW Legal Needs Survey in Disadvantaged Areas* (March 2006), available at <http://www.lawfoundation.net.au/access/jmm/> (viewed April 2006).

- registering themselves to work with the available pro bono referral schemes (such as public interest law clearing houses, law society or bar association pro bono schemes or court-based pro bono schemes) – see **7 Resources and contact points**;
- working closely and/or developing partnerships and relationships with CLCs, ILOs and other community organisations and bodies that have regular contact with disadvantaged clients and communities and who are well-placed to identify current and local need;
- publicising availability for pro bono matters to courts, tribunals and other complaint-handling bodies such as alternative dispute resolution schemes;
- working with, and observing service delivery gaps identified by other publicly funded legal organisations such as legal aid commissions. For example, the Legal Aid Commission of NSW’s most recent Annual Report identifies high levels of unmet legal need for civil law services among Aboriginal communities.<sup>67</sup>

## 6.2 Justice sector partnerships

The Centre believes that developing partnerships with community organisations such as CLCs is one of the most effective ways for lawyers and firms to ensure that their pro bono capacity is directed to areas of greatest need as CLCs (and legal aid bodies) are best placed to identify and make informed pro bono referrals on matters of real need. This is often more effective than developing a program independently and without direct experience and knowledge of issues affecting clients.<sup>68</sup>

In August 2003, the NACLC released *Doing Justice: Acting Together to Make a Difference* (*Doing Justice*). *Doing Justice* documents the desire and willingness of CLCs to be part of a new partnership for justice aimed at delivering better outcomes for all Australians.<sup>69</sup> This includes pro bono partnerships between CLCs and the private profession.

NACLC’s vision of developing partnerships is based on a shared understanding of how CLCs operate. As *Doing Justice* states: “CLCs practise ‘community law’ that responds in a unique and effective way to community needs – whether the community is a geographical area or a group of people with similar needs and interests. As such, CLCs have developed an in-depth understanding of how the law and the legal system impact on specific communities within Australia but also on our society as a whole.”<sup>70</sup>

It is this concept of how CLCs operate within ‘communities of interest’ that, according to CLCs, needs to be understood as fundamental to CLC practice, and “in particular, pro bono partners need to understand this concept before entering partnerships, because, it will inevitably shape the needs and interests of the CLC partner.”<sup>71</sup>

## 6.3 Building partnerships

The Centre plans to publish a paper addressing frameworks and issues arising from partnerships between corporate entities and community organisations. However, in the interest of encouraging firms and CLCs to pursue the idea of developing partnerships, and based on the Centre’s observations of, and experience in, facilitating partnerships, this section points briefly to some issues and strategies that parties may want to consider in relation to RRR pro bono collaborations. The Centre is more than happy to discuss these issues and others with firms or community organisations.

<sup>67</sup> Legal Aid Commission of NSW *Annual Report 2004-2005* at p 3, available at <http://lacextra.legalaid.nsw.gov.au/internet/ar0405/LA%20annrept1to31.pdf> (viewed April 2006).

<sup>68</sup> See, Pauline Spencer, ‘Hasten Slowly’ in *Law Institute Journal* (2005) 80 No.2 at p 87.

<sup>69</sup> See, *Doing Justice, Acting Together to Make a Difference*, available at <http://www.nacalc.org.au> at p 4.

<sup>70</sup> See, *Doing Justice, Acting Together to Make a Difference*, available at <http://www.nacalc.org.au> at p 6.

<sup>71</sup> See, Bill Mitchell, *Opposites attract, but can they last?*. Paper presented at the Second National Pro Bono Conference, Sydney 20-21 October 2003, available at [http://www.nationalprobono.org.au/conference/pdf/2003\\_papers/2a\\_mitchell.pdf](http://www.nationalprobono.org.au/conference/pdf/2003_papers/2a_mitchell.pdf); *Doing Justice*, NACLC, August 2003 at p 5.

Thinking about, entering into and maintaining partnerships is not a resource-neutral exercise. Nor is it an enterprise that can necessarily be done quickly. In facilitating partnerships with its *RRR* project, the Centre found that while some of the firm/CLC pilot participants began working together almost immediately, others took some time to work out *how* they could most effectively work together with the limited time and resources available to each of them.

Some of the issues that prospective partners will inevitably encounter include:

- building trust – as building partnerships is an evolutionary process;
- the importance of person-to-person interaction – which is critical to the success of any partnership;
- understanding ‘cultural differences’ between corporate law and community legal practices; and
- managing expectations.

It is probably also worth remembering that pro bono resources are finite and contingent on many factors. A firm’s ability to assist CLCs is subject to considerations of the firm’s capacity, expertise and other resources at any given time. Conflict of interest may prevent firms assisting with a CLC client’s matter. And while the Centre encourages forming partnerships as a good model for pro bono assistance, CLCs should not necessarily form exclusive relationships with law firms, but be open to seeking assistance from a number of sources. Pro bono referral schemes are listed at **7 Resources and contact points**.

#### **6.4 Insurance**

Individuals undertaking a pro bono project or work with a community legal organisation may come under the cover of that organisation’s Professional Indemnity (PI) insurance. CLCs generally have PI insurance that covers work done by volunteers and secondees supervised by centre staff. As another example, lawyers participating in the Homeless Persons Legal Clinics in Victoria and Queensland are covered by the Public Interest Law Clearing House’ insurance and those participating in the Homeless Persons Legal Service in Sydney, by the Public Interest Advocacy Centre’s insurance.

Lawyers undertaking pro bono work in a personal capacity in other circumstances should consider if they have adequate insurance coverage. In relation to a government agency or in-house corporate team providing pro bono services, an existing insurance policy may cover such services but also may need adjustment to provide appropriate cover. There may be a need to ‘self-insure,’ and in such cases a risk assessment would need to be done and a risk management strategy developed.

#### **6.5 Expertise & training**

A commonly identified barrier to the provision of pro bono legal services is the mismatch between the skills and knowledge of lawyers willing to undertake pro bono work and the skills and expertise in areas of law and services typically required by pro bono clients.

There are a number of responses to this mismatch barrier. Some private legal practices restrict their pro bono work to areas of existing competency and to related areas where competence can be readily acquired. Some firms organise training to enable them to take on particular kinds of work – for example, BDW has conducted domestic violence advocacy training, Clayton Utz has trained lawyers in preparing victims’ compensation applications, Mallesons has trained its lawyers to participate in a duty solicitor scheme at Sydney’s Downing Centre and in apprehended violence hearings and child support matters.

Experienced lawyers from the community legal sector and legal aid have shown themselves to be very willing to train lawyers from law firms to equip them with the skills necessary to take on particular kinds of pro bono work. For example, the Homeless Persons Legal Clinics operated by the Public Interest Law Clearing Houses (PILCH) provide significant training to lawyers from participating law

firms not only on relevant legal issues but also on matters such as communicating with homeless people and social issues concerning homelessness.<sup>72</sup> Other examples of cross-sector training include:

- workers from Illawarra Community Legal Centre training law firm banking and finance lawyers in preparing financial statements for support child support matters;
- lawyers from Women's Legal Services training private law firm lawyers in drafting affidavits for clients to obtain interim orders relating to the residence and contact arrangements of their children;
- the Temporary Protection Visa (TPV) project, initiated by the TPV Working Group and administered by the Refugee Advice and Casework Service (RACS) involving lawyers from a number of firms undertaking training by RACS lawyers, and then participating in a weekly service to assist clients to prepare information, statements and submissions for reapplication for temporary protection visas to the Department of Immigration, Multicultural and Indigenous Affairs; and
- the peak body for CLCs in NSW (the CCLCG) coordinating a training working group that aims, amongst other things, to make available and accessible the training opportunities for those working in the access to justice sector. A training calendar has been compiled which includes training sessions conducted by CLCs, the Legal Aid Commission, the Tenant's Union and others. Pro bono lawyers are invited to attend many of these sessions in areas of law relevant to their pro bono work.<sup>73</sup>

These kinds of training activities are a good way of forging relationships with community agencies.

The Centre is sometimes approached by law students who are interested in doing work with CLCs in rural or regional areas (although interest in remote areas is not common). Firms also report an increasing level of interest in pro bono by summer or vacation clerks and students participating in graduate employment programs.<sup>74</sup> These students are often keen and well-trained in legal research. Summer clerks could undertake legal project work for a CLC with which the firm has a relationship, for example, writing or updating community legal education materials on particular topics such as 'fact sheets', plain English brochures, carrying out legal research for a law reform project or updating contact lists. Alternatively, clerks could undertake legal research on specific practice-related legal issues identified by a CLC as important to their constituent client groups.

## **6.6 Hints for getting started**

This section points to some strategies to get firms and *RRR* community organisations working together, taking into account the particular barrier of distance. The Centre is happy to discuss any of these strategies, or assist where feasible.

As mentioned above, there are benefits to undertaking pro bono work that is developed and delivered with input from community agencies, such as CLCs, that have direct experience of the legal needs of client groups. This is based on the assumption that adapting service delivery to accommodate their understanding of and experience with their clients will maximize benefits to disadvantaged people.

All States and Territories have Associations that may act as 'peak' bodies for CLCs in their jurisdiction. Some are better resourced and funded than others. In some jurisdictions, CLCs have regular, scheduled meetings. For example, in NSW, representatives from most *RRR* CLCs attend quarterly meetings in Sydney on the second last Monday and Tuesday each February, May, August and November. States and Territories with only a few CLCs may meet less frequently, and then,

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<sup>72</sup> In Victoria (<http://www.pilch.org.au/>) NSW (<http://www.piac.asn.au/legal/hpls.html>) and Queensland ([http://www.qpilch.org.au/01\\_cms/details.asp?ID=156](http://www.qpilch.org.au/01_cms/details.asp?ID=156)).

<sup>73</sup> Pro bono lawyers interested in accessing these training opportunities can contact the National Pro Bono Resource Centre.

<sup>74</sup> Note that NSW Young Lawyers plans to publish a report on post-graduate pro bono options to assist graduates in selecting firms with a strong pro bono commitment – see <http://www.lawsociety.com.au/page.asp?partid=18124> (viewed April 2006).

sometimes only by telephone link-up. Liaising with these Associations is a good way to begin working with CLCs, rather than liaising individually with each CLC. For those jurisdictions where there are scheduled meetings with high *RRR* CLC attendance, these dates are a good time for CLC and firm representatives to meet face-to-face to discuss strategies for working together. The contact details of each of the CLC Associations are listed in **7 Resources and contact points**. The Centre is happy to assist firms and CLCs to arrange meetings.

There has been some discussion on the merits or otherwise of firms and community organisations entering into a memorandum of understanding or other formal agreement. Consultations with firms and CLCs indicate that generally, firms working with CLCs tended to rely on an informal understanding of what can and can't be done, and prefer to stay away from formalising agreements for any of the following reasons:

- such agreements tend to limit rather than encourage the development of relationship;
- such agreements tend to suggest exclusivity, which is something firms and CLCs may wish to avoid; and
- they are not warranted in terms of the time they take to draft and finalise.

Firms did not feel that the informality of the relationship was an impediment to the type, quantity or quality of the assistance they provided or could provide.

Possibly the most useful strategy to commence and consolidate a partnership between a firm and CLC is for pro bono lawyers to visit the *RRR* CLC. Visiting a CLC provides an opportunity for the pro bono lawyer to see the operating environment of the CLC and get a feel of the client base and community the CLC serves. Conversely, providing CLC workers with the opportunity to visit the firm is also beneficial. As noted above, it's often best to schedule these meetings at times when CLC workers are likely to be in the city, such as the NSW quarterly meetings.

Participation in cross-sector forums and workshops on enhancing access to legal services has been very useful. The Centre has organised/participated in a number of *RRR* forums attended by representatives from CLCs, ILOs, legal aid, government and pro bono lawyers.<sup>75</sup> These workshops have provided firms with information about areas of unmet legal needs, the contexts in which *RRR* CLCs (and other legal service providers) operate, and an opportunity to discuss barriers and strategies to overcome them. They also provide an opportunity for firms and other legal service providers to meet, mix, network and exchange contact details. The *RRR* relationship-building event held in NSW as part of the Centre's *RRR* project was very well-received. As well as providing an information-sharing opportunity, the pilot firm and CLC participants went away with a heightened sense of goodwill, and an enhanced understanding of being able to work together. However, the challenge remains for CLCs, law firms and the Centre to find ways to dedicate time and resources to build on that goodwill, and turn it into practical assistance.

As part of its work in promoting effective links between service providers in the access to justice sector in *RRR* areas, the Centre encourages private law firm lawyers and community organisations interested in discussing the ideas raised in this Paper, or other *RRR* pro bono opportunities, to contact the Centre at [info@nationalprobono.org.au](mailto:info@nationalprobono.org.au) or by telephone on (02) 9385 7381.

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<sup>75</sup> To date these workshops/forums for *RRR* legal services workers have been held in Sydney and Adelaide (organised by the Centre) and Darwin (organised by Northern Territory Legal Aid Commission).

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## 7 Resources and contact points

### 7.1 Online Resources

*The Australian Pro Bono Manual: a practice guide and resource kit for law firms* (Australia) available at <http://www.nationalprobono.org.au/probonomanual/>

*Working Together: Multi-tiered Pro Bono Relationships Between Law Firms and Community Legal Organisations* (Australia) available at <http://www.nationalprobono.org.au/publications/archive.html>

*Rural Pro Bono Delivery: A Guide to Pro Bono Legal Services in Rural Areas* (USA) available at [http://www.abanet.org/legalservices/probono/aba\\_rural\\_book.pdf](http://www.abanet.org/legalservices/probono/aba_rural_book.pdf)

*Pro Bono Law of British Columbia Community Partnership Manual* (Canada) available at <http://www.pblbc.ca/communitypartnershipmanual.php>

*Rural Law Online* – an online resource designed to give Victorians access to plain English information on law, including online legal advice. <http://www.rurallaw.org.au/>

### 7.2 Community Legal Centres

See the CLC Directory for individual CLCs at <http://www.naccl.org.au>

#### National

##### **National Association of Community Legal Centres (NACCLC)**

PO Box A2245, Sydney South NSW 1235  
telephone: 02 9264 9595 fax: 02 9264 9594  
<http://www.naccl.org.au>

#### ACT

##### **Australian Capital Territory Association of Community Legal Centres**

GPO Box 1726 Canberra ACT 2601  
telephone: 02 6257 4377 fax: 02 6247 0848

#### New South Wales

##### **Combined Community Legal Centres Group (NSW) Inc (CCLCG)**

3B, 491 Elizabeth Street Surry Hills NSW 2010  
telephone: 02 9318 2355 fax: 9318 2863  
<http://www.nswclc.org.au/>

#### Northern Territory

##### **Northern Territory Association of Community Legal Centres**

C/- GPO Box 3180 Darwin NT 0801  
telephone: 09 8982 1182 fax: 09 8982 1183

## **Queensland**

### ***Queensland Association of Independent Legal Services (QAILS)***

PO Box 807 Townsville QLD 4810  
telephone: 07 4721 5511 fax: 07 4721 5499

## **South Australia**

### ***South Australian Council of Community Legal Services (SACCLS)***

c/- 9 Penola Road Mt Gambier SA 5290  
telephone: 08 8723 6236 fax: 08 8723 6232  
<http://www.saccls.org.au/>

## **Tasmania**

### ***Tasmanian Association of Community Legal Centres (TACLC)***

166 Macquarie St Hobart TAS 7001  
telephone: 03 6223 2500 fax: 03 6223 2510

## **Victoria**

### ***Federation of Community Legal Centres (Vic) Inc***

Suite 11, 1st Floor 54 Victoria Street Carlton South VIC 3053  
telephone: 03 9654 2204 fax: 03 9654 5204  
<http://www.communitylaw.org.au>

## **Western Australia**

### ***Community Legal Centres Association (WA) Inc***

31 - 33 Moore Street East Perth WA 6004  
telephone: 08 9221 9322 fax: 08 9221 9626

## **7.3 Indigenous Legal Organisations (ILOs)**

Since the abolition of Aboriginal and Torres Strait Islander Commission, new arrangements for administering Indigenous affairs have been implemented. ILOs and Family Violence Protection Legal Services (FVPLS) are now funded through the Commonwealth Attorney-General's Department, which has put the administration of ILOs out to tender in a staged process across Australia. At the time of writing, tenders had been awarded to ILOs in five of Australia's seven jurisdictions.

For contact details of ILOs, see 'Legal Services Contact Details' at <http://www.ag.gov.au/agd/www/agdhome.nsf/Page/RWPD76892720E1A6C16CA25704C001A5622>, viewed April 2006.

For contact details of FVPLS, see 'Family Violence Protection Legal Service Contact Details' at <http://www.ag.gov.au/agd/www/agdhome.nsf/Page/RWPD76892720E1A6C16CA25704C001A5622>

Indigenous women's legal services have a national network, the National Network of Indigenous Women's Legal Services (NNIWLS). Most Indigenous women's legal services are independent organisations, sometimes operating in conjunction with CLCs. See <http://www.nniwls.org.au/>

There are also numerous native title representative bodies (NTRBs) and land councils across Australia. NTRBs and land councils have a range of statutory responsibilities including the provision of legal services to Aboriginal and Torres Strait Islander people and communities in the area of land and property law, including native title rights. They are often active in CLE, law reform and policy

work. For more information about NTRBs see <http://www.ntrb.net/>. Arrangements for NTRBs are currently being reviewed by the Commonwealth.<sup>76</sup>

#### **7.4 Fee Waiver Guides**

Public Interest Law Clearing House (PILCH NSW) *Court and Tribunal Fee Waiver Manual* (October 2005) at [http://piac.asn.au/publications/pubs/feewaiver\\_20051031.html](http://piac.asn.au/publications/pubs/feewaiver_20051031.html)

Public Interest Law Clearing House (PILCH Victoria) will shortly publish a fee waiver guide which will be available from PILCH on (03) 9225 6680.

Queensland Public Interest Law Clearing House (QPILCH) *Court and Tribunal Fee Waiver and Exemption Guide* (October 2005) at [http://www.qpilch.org.au/\\_dbase\\_upl/Court\\_Tribunal\\_Fee\\_Waiver.pdf](http://www.qpilch.org.au/_dbase_upl/Court_Tribunal_Fee_Waiver.pdf)

#### **7.5 Information on Mentoring**

Geraldton Resource Centre Mentoring and Coaching: the Geraldton Resource Centre Way: A Practical Guide to Mentoring and Coaching (GRC 2004)  
telephone: 08 9964 3533 fax: 09 9964 3439 email: [Geraldton\\_WA@fcl.fl.asn.au](mailto:Geraldton_WA@fcl.fl.asn.au)

American Bar Association – Online resources in *Law Practice Today* (August 2004) available at <http://www.abanet.org/lpm/lpt/articles/slc08041.html>

#### **7.6 Pro bono referral schemes**

Pro bono referral schemes and some free or reduced fee services coordinated by legal professional associations are listed in the National Association of Community Legal Centre Directory. The following is a list taken from that Directory.

##### **New South Wales**

###### **Law Society of NSW Pro Bono Scheme**

The Pro Bono Solicitor  
Law Society of New South Wales  
170 Phillip Street, Sydney NSW 2000  
telephone: 02 9926 0364 fax: 02 9231 5809 email: [probonoscheme@lawsocnsw.asn.au](mailto:probonoscheme@lawsocnsw.asn.au)  
Means and merits tests apply. Application form and supporting documents required. To obtain a form contact the office or Law Access (1300 888 529) or download from the website: [www.lawsociety.com.au](http://www.lawsociety.com.au) (see Community Legal Info, Pro Bono Scheme).

###### **NSW Bar Association**

NSW Bar Association Legal Assistance Referral Scheme  
Selborne Chambers  
Lower Ground Floor, 174 Phillip St, Sydney NSW 2000  
telephone: 02 9232 4055 fax: 9221 1149 email: [legalassist@nswbar.asn.au](mailto:legalassist@nswbar.asn.au)  
Means and merits tests apply. Application form and supporting documents required. To obtain form, contact the office or download from the website: [www.nswbar.asn.au](http://www.nswbar.asn.au) (see Legal Assistance).

###### **Public Interest Law Clearing House NSW**

PILCH Coordinator  
Public Interest Advocacy Centre  
Level 1, 46-48 York Street, SYDNEY NSW 2000  
telephone: 02 9299 7833 fax: 02 9299 7855 email: [pilch@piac.asn.au](mailto:pilch@piac.asn.au)  
web: [www.piac.asn.au/legal/pilchhelp.html](http://www.piac.asn.au/legal/pilchhelp.html)

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<sup>76</sup> See [http://www.oipc.gov.au/NTRB\\_Reforms/default.asp](http://www.oipc.gov.au/NTRB_Reforms/default.asp) viewed April 2006.

### **Downing Centre, Duty Lawyers**

The City of Sydney Law Society and the NSW Bar Association operate duty solicitor and barrister schemes at the Downing Centre Local and District Courts in Sydney.

### **Victoria**

The three Victorian pro bono schemes listed below, while separate entities, are co-located and centrally administered by PILCH. A call to PILCH will ensure direction to the right scheme.

#### **Public Interest Law Clearing House (Vic) (PILCH)**

PO Box 13121, Law Courts, Melbourne Vic 3000

DX 38227 Flagstaff

telephone: 03 9225 6680 fax: 03 9225 6686 email: [pilch@vicbar.com.au](mailto:pilch@vicbar.com.au)

web: [www.pilch.org.au](http://www.pilch.org.au)

Merits, income and public interest tests apply. PILCH also administers the Law Institute and Bar Association pro bono schemes (see below).

#### **Law Institute of Victoria Legal Assistance Scheme**

PO Box 13121, Law Courts Melbourne 3000

telephone: 03 9225 6675 fax: 03 9225 6678 email: [livlas@vicbar.com.au](mailto:livlas@vicbar.com.au)

web: [www.liv.asn.au](http://www.liv.asn.au) or [www.pilch.org.au](http://www.pilch.org.au)

Means and merits tests apply. Application form required – contact or email the office to obtain a form.

#### **Victorian Bar Legal Assistance Scheme**

PO Box 13121, Law Courts Melbourne 3000

telephone: 03 9225 6687 fax: 03 9225 6686 email: [probono@vicbar.com.au](mailto:probono@vicbar.com.au)

web: [www.vicbar.com.au](http://www.vicbar.com.au) or [www.pilch.org.au](http://www.pilch.org.au)

Means and merits tests apply. Application form required – contact or email the office to obtain a form.

### **Queensland**

#### **Queensland Bar Association**

Chief Executive Officer

QLD Bar Association

Level 5, 107 North Quay, Brisbane QLD 4000

telephone: (07) 3238 5100 fax: (07) 3236 1180 email: [qldbar@qldbar.asn.au](mailto:qldbar@qldbar.asn.au)

Applications must be in writing – by letter or mail.

#### **Public Interest Law Clearing House (Qld)**

GPO Box 1543, Brisbane QLD 4001

telephone: (07) 3012 9773 fax: (07) 3012 9774 email: [contact@qpilch.org.au](mailto:contact@qpilch.org.au)

web: [www.qpilch.org.au](http://www.qpilch.org.au).

### **ACT**

#### **ACT Pro Bono Clearing House**

GPO Box 1562, Canberra ACT 2600

Run by the ACT Law Society, the Clearing House will deal with public and private interest matters, subject to guidelines.

The Law Society of the ACT also operates the ‘Legal Advice Bureau’ that offers free lunch time legal advice from solicitors who volunteer their time on a roster basis from 12.30 - 2pm, Monday to Friday. Wednesday is Family Law only. By appointment only.

1 Farrell Place, Canberra City

telephone: 6247 5700 email: [email@lawsocact.asn.au](mailto:email@lawsocact.asn.au)

## South Australia

The Law Society of South Australia does not have a pro bono referral scheme but co-ordinates the following services:

### **Duty Lawyer Service at the Family Court**

Duty lawyers provide initial one-off advice (10 minutes) at the Family Court on Monday and Friday, 9.30 – 11.30

### **Reduced-fee advice services**

- Advisory service at the Law Society, 5.30-7.30 pm, Monday, Wednesday, Thursday, twenty minutes costs \$22 (\$10 concession);
- First Interview Scheme – participating firms provide initial advice at the rate of \$33 for the first half-hour
- The Law Society of South Australia, 124 Waymouth Street, Adelaide SA 5000
- telephone: 08 8229 0222 fax: 08 8231 1929 email: [email@lssa.asn.au](mailto:email@lssa.asn.au) web: [www.lssa.asn.au](http://www.lssa.asn.au)

*The SA Magistrates Court* has a pre-lodgement scheme that includes a free mediation service where consenting parties are referred to pro bono mediation coordinated by the Court.

telephone: 08 8204 2444 web: [www.courts.sa.gov.au/courts/magistrates/index.html](http://www.courts.sa.gov.au/courts/magistrates/index.html)

## Western Australia

### **Law Access – Public Interest Law Clearing House**

Ground Floor, 89 St Georges Tce, PERTH. WA. 6000

PO Box Z5345, PERTH. WA. 6831

Telephone: 08 9322 4911, Fax: 08 9322 7544, Email: [mcole@lawsocietywa.asn.au](mailto:mcole@lawsocietywa.asn.au)

Web: [www.lawsocietywa.asn.au/access.html](http://www.lawsocietywa.asn.au/access.html)

This service is operated by the Law Society of WA and refers public interest as well as non-public interest matters. Public interest matters will be given priority, but matters without ‘public interest’ will still be referred to participating lawyers if means and merits tests are satisfied.

The Law Society also operates a reduced fee advice service - \$25 for 20 minutes: contact 08 9322 4911.

### **The Western Australian Bar Association (Inc)**

Level 17, Allendale Square, 77 St Georges Terrace, Perth WA 6000

GPO Box C122, Perth, WA 6839

telephone: (08) 9220 0436 fax: (08) 9325 9111 email: [info@wabar.asn.au](mailto:info@wabar.asn.au)

Applications must be in writing – by letter or mail.

*Human Rights WA* will facilitate pro bono referrals of matters that have a public interest or human rights test case focus. Contact the office on telephone: 08 9471 1199 or email: [hrwa@humanrightswa.org.au](mailto:hrwa@humanrightswa.org.au)

## Northern Territory

### **The Law Society of the Northern Territory**

GPO Box 2388, Darwin

telephone: (08) 8981 5104 email: [lawsoc@lawsocnt.asn.au](mailto:lawsoc@lawsocnt.asn.au) web: [www.lawsocnt.asn.au](http://www.lawsocnt.asn.au)

NT does not have a pro bono referral scheme. The Law Society operates a ‘First Interview Scheme’ whereby participating law firms agree to provide a first half-hour consultation for \$77. Contact the law society for a list of firms.

### **Court Schemes**

Some courts operate pro bono referral schemes to provide assistance to self-represented litigants. For example, a judge in the Federal Court (pursuant to Order 80) or a Magistrate in the Federal Magistrates Court (under Part 12) may decide that a litigant should be referred for pro bono

assistance, in which case a Registrar will arrange the referral. This is most likely to occur in human rights and refugee cases. A litigant can make an oral application to the judge or magistrate or talk to the Registry officers and indicate a desire to apply under the scheme.

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## 8 Acronyms and abbreviations used in this Paper

|       |   |
|-------|---|
| AAR   | Allens Arthur Robinson                          |
| BDW   | Blake Dawson Waldron                            |
| CLCs  | Community Legal Centres                         |
| CLE   | Community Legal Education                       |
| CLSMD | The Cooperative Legal Service Delivery Model    |
| GRC   | Geraldton Resource Centre                       |
| G+T   | Gilbert + Tobin                                 |
| LAC   | Legal Aid Commission of NSW                     |
| LJF   | Law & Justice Foundation of New South Wales     |
| MCLE  | Mandatory Continuing Legal Education            |
| NAAJA | North Australian Aboriginal Justice Agency      |
| NACLC | National Association of Community Legal Centres |
| PILCH | Public Interest Law Clearing House              |
| RRR   | regional, rural and remote                      |
| TEWLS | Top End Women's Legal Service                   |
| WLS   | Women's Legal Services NSW                      |