

OPENING REMARKS
“LET ME GIVE YOU A LITTLE BIT OF FREE ADVICE...”
Bob Gotterson QC
President, Law Council of Australia

Introduction

It gives me great pleasure to address the opening session of the Second National Pro Bono Conference.

As the peak national legal body in this country, the Law Council of Australia is pleased to take our part in this Conference. We view it as an opportunity for lawyers, both national and international, to discuss the way pro bono work is undertaken and how its co-ordination and delivery can be improved.

The National Pro Bono Resource Centre

The Law Council is delighted that from the embers of the First National Conference has risen the National Pro Bono Resource Centre. It was apparent at that first Conference, that the establishment of such a Centre, with a role of coordinating effort on a national basis, would increase the effectiveness of the legal profession's pro bono work. The Centre deserves our continuing support.

Pro bono and the legal profession

The legal profession has always undertaken pro bono work on a voluntary basis. The reality of our profession these days is that many of us devote significant amounts of our time to pro bono work, whether in a casual “can you help us with this?” way or a more structured way. In fact, it could probably be argued that no other profession engages in pro bono work to the extent of the legal profession.

But lawyers, like all professionals, have to pay the cost of their overheads and make a living themselves. Most lawyers are small business people engaged in a particularly taxing means of earning a livelihood. They are far from the images seen on television or film, where litigating a celebrity status case, or principled devotion to a “just cause”, dominate the more grinding realities of filling out time sheets and covering costs.

So why is it that the legal profession does so much pro bono work?

The stats

To give you an idea of the amount of pro bono being done by our legal practitioners, simply glance at the most recent figures from the Australian Bureau of Statistics.

According to the ABS, Australian solicitor and barrister practices undertook 2.3 million hours of pro bono work in 2001-02.

To give you an idea of how many hours this is, a person working 40 hours-a-week, 52 weeks-a-year would have to work for more than 1100 years to rack up 2.3 million hours. That's a lot of overtime!

During 2001-02, legal practitioners in small solicitor practices completed an average of 99 hours each of pro bono work – that's the equivalent of more than two average working weeks per solicitor.

Why pro bono work?

Why do lawyers continue to do so much work for little or no charge? I believe it comes down to the commitment to justice that lawyers have always had, and will continue to have.

But a gap exists between the ideal of justice for all and the reality. Many thousands of Australians cannot afford access to justice. They cannot afford to obtain legal advice or legal representation.

Essentially lawyers feel an obligation to perform services for people or groups with limited means to ensure that the legal system operates efficiently and fairly for all.

The number of pro bono hours the legal profession chalks up each year is a reflection of the profession's commitment that justice be done.

Conclusion

It seems appropriate at a conference on pro bono to conclude by giving you all "a little bit of free advice".

As important as pro bono work is, and as much as the Law Council supports it, I cannot stress enough that pro bono services are finite. They cannot be expected to fill the gap left by inadequate public funding of the justice system.

Pro bono services play a vital role in supplementing legal aid services – but they should never be seen as a substitute for them. They must not mask the fact that inadequate legal aid funding has the potential to cause serious injustice. The availability of pro bono services and an expectation that lawyers will always rally to assist those in need must never be used as an excuse for cutting legal aid funding.

As a profession, we must join together with governments to close the gap in access to justice. The current Federal Government could begin the process by taking a look at itself.

It was recently revealed that the amount of money the Government spends on lawyers for itself is more than double the amount it spends on legal aid for battling Australians.

According to a report issued by the Attorney-General on 24 September, the Government spent at least \$242.9 million on lawyers for itself in 2001-2002.

In contrast, the figures show that the Government spent only \$115.7 million on legal aid in the same period.

An increasing number of Australians out there are finding it difficult to afford a lawyer and gain access to justice, and I think you'll agree with me when I say the dollar figures I've just quoted have to be reversed.