

NATIONAL PRO BONO RESOURCE CENTRE

Pro Bono News Issue 8: Volume 2/2004

Welcome to the second edition for 2004 of the eNewsletter of the National Pro Bono Resource Centre (NPBRC). The Centre is affiliated with the Faculty of Law at the University of New South Wales and is funded by the Commonwealth Attorney-General's Department. Archived eNewsletters for 2003 are available at www.nationalprobono.org.au/publications/index.html

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1 From the Commonwealth Attorney-General

(i) Pro bono, conflicts and government

The Attorney-General's Department is undertaking a review of the Legal Services Directions (LSDs) and has released an Issues Paper that refers to an NPBRC Protocol provided to government in early 2003. The paper asks whether the Directions should include a statement affirming the Commonwealth position that lawyers who act pro bono for clients against the Commonwealth are not disadvantaged when seeking to provide legal services to the Commonwealth.

Early in 2003, the Centre produced a consultation paper on pro bono, conflicts and government and proposed a Protocol for adoption as part of the LSDs which would go some way toward eliminating this barrier to the provision of pro bono legal services. The LSDs are legally binding rules, issued by the Attorney-General, that set out the framework and requirements for the performance of Commonwealth Legal Services.

The Paper invites comments by 30 April 2004 and can be found at www.law.gov.au/www/legalservicesHome.nsf, then to 'Publications'. The Centre will be making a submission. If you have issues you would like to raise or discuss, please contact Jill Anderson jill@nationalprobono.org.au or by phone: 02 9385 7380.

(ii) Federal Civil Justice System Strategy Paper

The Federal Civil Justice System Strategy Paper, prepared by the Commonwealth Attorney-General's Department, has been released for public comment. The paper discusses many federal civil justice system issues and contains 46 recommendations for Government to consider. Comments will be taken into account in the Government response to the strategy paper.

The chapter titled 'supporting access to justice for cases with merit' addresses the needs of culturally and linguistically diverse Australians, Aboriginal and Torres Strait Islanders, rural, regional and remote Australians and self-represented litigants. The role of pro bono work is discussed in this area under the topic of enhancing access to legal advice and representation although there are many areas in the report that make references to pro bono work.

The Paper recommends that:

the Legal Services Directions be amended to oblige government agencies (subject to direct conflicts of interest) to give all lawyers the same level of consideration in selecting legal service providers, regardless of whether those lawyers have acted, or may act, pro bono for clients in litigation against the Commonwealth (see above).

The Community Legal Centre (CLC) sector may take some comfort from the recommendations that government consider:

increasing the minimum level for the core operating funding of CLCs and bringing the least well resourced legal centres, mainly in regional areas, to the minimum base and;

providing further funding for additional CLCs in the regional and outer metropolitan areas of Queensland, Victoria and Western Australia.

Other chapters of the paper deal with maximising the performance of the civil justice system and also its future direction. The paper is at www.ag.gov.au/civiljusticestrategy. Comments are due by Friday 16 April 2004. The Centre will be making a submission and invites comments to jill@nationalprobono.org.au or by phone: 02 9385 7380.

2 Conference reports

(i) Pro Bono Institute Annual Seminar

John Corker reports:

In February an Australian contingent of Anne Cregan (Blake Dawson Waldron), Michelle Hannon (Gilbert&Tobin), David Hillard and Fiona McLeay (Clayton Utz), Jennifer McVicar (Baker&McKenzie) and I attended the Pro Bono Institute Annual Seminar 2004 in Washington DC. The US has a remarkably established pro bono culture. A great many corporate lawyers are involved and a variety of service delivery models exist there that don't exist here. There are reasons for this. Pro bono has been in existence in an organised way for much longer than in Australia; it has responded to the needs for legal assistance for the poor and disadvantaged in a society that does not have the social

security and legal aid protections that exist here. And it is a MUCH bigger legal profession.

That said, it was good to see Australian pro bono co-ordinators offering their US counterparts new ideas and strategies and participating in an exchange of ideas.

The profession in the US (and its law societies and bar associations) and certain parts of the judiciary provide strong leadership on pro bono. Through encouragement, support and peer pressure, law firms have institutionalised pro bono with significant results. There is a real awareness that pro bono work is good for the conscience and good for the bottom line—and that what is good for the community is good for business. This Centre exists to support and promote a similar attitude and ethos in Australia.

It was great to meet the Canadian pro bono people because they are at a very similar stage of development to Australia. We are hoping to do a joint project with the Canadians concerning access to legal services for Aboriginal people in remote areas ... more on that at a later date.

(ii) NACLC 2004 Conference: 'Justice hijacked'

The National Association of Community Legal Centres Annual Conference will take place in Adelaide from 29 August-1 September 2004 at the Stamford Grand, Adelaide. Conference organiser Marilyn Hall can be contacted about presentation of papers, sponsorship and other details. Ph: 02 9264 3900 or E: marilyn_hall@fcl.fl.asn.au

(iii) First Pro Bono Law Ontario Conference 6-7 May 2004

Titled 'Building the Public Good: Lawyers, citizens and pro bono in a changing society' the first Ontario pro bono conference has as its themes: developing a pro bono culture; social responsibility and legal practice; pro bono models in Ontario; and global perspectives on access to justice. Professor David Weisbrot, President of Australian Law Reform Commission and Chair of the Centre's Advisory Committee will deliver a keynote address on Thursday 6 May. Program and registration at www.probononet.on.ca.

3 Pro bono training opportunities

The Centre is aware that there are training programs being undertaken by legal aid commissions, community legal centres, law firms and others that would be of interest and benefit to pro bono practitioners. We ask that you let us know of any such programs where outsiders would be welcome. We will undertake to make the information available to the pro bono community by including it in newsletters and on the NPBRC website. Please contact us at info@nationalprobono.org.au

4 Regional, rural and remote (RRR) news

(i) NPBRC project update

Work on the Centre's RRR project continues. Participants in the pilot partnerships between 3 Sydney-based firms and 3 RRR community legal centres have been selected. A 'relationship building event' - an evening forum and networking opportunity, kindly co-hosted by Ebsworth & Ebsworth - will take place on 24 May 2004. For information or

comments about the project, please contact Jenny Lovric on 02 9385 7377 or jenny@nationalprobono.org.au

(ii) QPILCH project

QPILCH has announced a RRR project involving research on the pro bono needs of rural and regional areas to be carried out in conjunction with Queensland University of Technology's (QUT) School of Justice Studies. This is part of a broader Queensland pro bono study being undertaken by QUT for the Queensland Law Society. The project will also trial partnerships between law firms in two rural/regional areas and city firms to assist with local pro bono needs. As part of the project QPILCH will also visit district law associations, local community groups and firms to promote QPILCH services to regional areas and to encourage membership from regional firms and barristers.

(iii) NSW Legal Aid Commission pilots

The NSW Legal Aid Commission's Cooperative Legal Service Delivery Model pilots commenced on 29 March 2004 in the Northern Rivers and Central/Far Western regions of NSW. The pilots are trialling a regional and cooperative approach to legal service delivery with an emphasis on effective referrals across agencies. A referral 'matrix' has been set up for this purpose. Agencies involved include legal aid offices, community legal and tenancy organisations, LawAccess, Chamber Magistrates, LIAC, regional law societies and law firms. Pro bono service delivery is a feature of the project, and Blake Dawson Waldron and Allens Arthur Robinson are involved in the 2 pilots. The project is expected to be launched by the NSW Attorney General, the Hon. Bob Debus in May 2004.

... and how's this for a pro bono initiative

The Rural Law Center of New York co-ordinates local judges and their law clerks to develop and deliver half day training to local practitioners in return for a pro bono commitment from the practitioner. These 'Judges' Best Practice Seminars' emphasise each judge's recommended 'best practice' in Supreme, Family and Local courts. Local lawyer participants receive CLE credits for attending these seminars providing they commit to accepting pro bono cases in their service areas. A local legal services office or local bar association refers the pro bono matters generally in the areas of family law, bankruptcy, consumer law, elder law, DV law and landlord/tenant law. The project coordinators estimate that in the first 30 months of the project, volunteer lawyers pledged over 8,300 hours of pro bono legal services at a value of more than US\$1,250,000.

5 Spare Lawyers for Refugees website

Spare Lawyers for Refugees (SLFR), a network of lawyers providing free representation and advice to refugees, has recently launched the Spare Lawyers for Refugees Online Advocacy Centre www.sparelawyers.com. The website uses an Internet-based case management system to manage work and advice. Legal practitioners with valid practising certificates can register online and are sent regular email updates of current clients. If the legal practitioner can provide help—preparing appeals, running appeals, helping with applications for discretionary visas under section 417, or undertaking legal

research—they notify SLFR by return email. The site also provides advice for lawyers (updates on new precedents, guides on relevant case law) and has a range of legal and educational resources for students and teachers. Contact Spare Lawyers at the website or phone: 03 9225 7488.

6 Launch of NSW Law & Justice Foundation 'Access to Justice and Legal Needs' project

The NSW Law & Justice Foundation is undertaking an extended research project in NSW to identify 'legal needs, pathways and barriers for disadvantaged people'. The *Access to Justice and Legal Needs Project* is a two-stage program over several years and will result in a series of reports, the first three of which were released at the formal launch of the project by the Hon. Bob Debus, Attorney General for NSW, on 26 March 2004. These are: a *Public Consultations Report* (previously available) recording submissions from over 100 individuals and organisations; *The Data Digest* (a new release) that provides a snapshot of expressed legal need in the community and a *Quantitative Legal Needs Survey* undertaken as a pilot study in Bega Valley. Still to come are an analysis of the largest quantitative legal needs survey in Australia for over 30 years and an online search facility to make the findings accessible. This should be in place by early 2005. Information about the project and emerging trends is available at www.lawfoundation.net.au/access.

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Please forward this newsletter to anyone else you think may be interested.

8 NPBRC contact details

National Pro Bono Resource Centre

web: www.nationalprobono.org.au

email: info@nationalprobono.org.au

phone: +61 2 9385 7381

fax: +61 2 9385 7375

post: The White House, University of New South Wales, UNSW Sydney NSW 2052