

# NATIONAL PRO BONO RESOURCE CENTRE

## Pro Bono News Issue 9: Volume 3/2004

Welcome to the third 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 are available at [www.nationalprobono.org.au/publications/index.html](http://www.nationalprobono.org.au/publications/index.html)

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### 1 Pro bono, conflicts and government

The Centre recently made a submission to the Australian Attorney-General's Department review of the Legal Services Directions. These Directions are legislative instruments made by the Attorney that set out the framework and requirements for the performance of Commonwealth legal services. The Centre recommended the Directions be amended to incorporate all aspects of the Protocol developed by the Centre to deal with the very real problem of perceived commercial conflict of interest deterring lawyers from taking on pro bono work against government. The Centre's submission makes recommendations about the form and content of the amendments as well as implementation measures. The submission is marked **N E W** and can be viewed at [www.nationalprobono.org.au/publications/index.html](http://www.nationalprobono.org.au/publications/index.html).

The Centre has now written to State and Territory Attorneys General advocating the adoption and implementation of the Protocol by this level of government. The Centre will report on their responses. A copy of the letter has been forwarded to Law Society and Bar Association presidents to keep them informed of the initiative. The proposed protocol and a discussion paper on the issue are available at the NPBRC website at [www.nationalprobono.org.au/publications/index.html](http://www.nationalprobono.org.au/publications/index.html) under Pro Bono Conflicts and Government.

## 2 Aspirational targets in Victoria

In the April issue of the Law Institute Journal (April 2004 LIJ 78:04), President of the Law Institute of Victoria, Chris Dale, asks if it is time for the profession in Victoria (which he identifies as the philanthropic capital of Australia) to carry forward the pro bono aspirational target debate and even see implementation of a 50 hour minimum target within the professional conduct rules. Arguing that it is better to set the standard than to respond to government prodding, he questions whether Victoria should 'set the example as regards pro bono?' and concludes that it makes good sense that it should (see [www.liv.asn.au/journal/current/78-04-Apr2004-From.html](http://www.liv.asn.au/journal/current/78-04-Apr2004-From.html).) Perhaps the Law Institute will be the winner of the award being offered by NPBRC for the first legal professional association to adopt a rule such as the 50 hour a year minimum target?

## 3 NPBRC – Administrator wanted

NPBRC has farewelled Jacqui Houston, the Centre's administrator, with thanks and good wishes. Jacqui has worked at the Centre since March 2003 and leaves to take up a position at the Indigenous Law Centre. The 3-day a week Administrator position is currently being advertised with applications addressing selection criteria due by 14 May 2004. An information package is available by contacting the Centre at [info@nationalprobono.org.au](mailto:info@nationalprobono.org.au) or phoning (02) 9385 7381.

## 4 Pro bono secondment scheme in Victoria

The Report on the 2002-2003 pilot of the Pro Bono Secondment Scheme in Victoria has recently been published (April 2004). This Scheme, initiated by the Victorian Attorney-General, involved a 12-month pilot in which six law firms provided ten lawyer secondees to eight community legal centres and one section of Victoria Legal Aid. These secondments were, in the main, full-time positions for six months, with some variation. (For example, one secondee worked 4 days per week at a legal centre and one day per week at VLA.) The pilot was overseen by a steering committee with representatives from the Attorney General, the Federation of Community Legal Centres (Vic), the Law Institute of Victoria, the Department of Justice and Victoria Legal Aid. Evaluations of the pilot were very positive. The Report and the recommendations - which include a firm recommendation that the Scheme continue - are available at [www.justice.vic.gov.au/](http://www.justice.vic.gov.au/). The Attorney General has now written to 100 of the largest law firms and to CLCs seeking expressions of interest. Michael Wighton at VLA will continue to facilitate the scheme.

## 5 Child support law training

On 28 April 2004, solicitors from Henry Davis York, Ebsworth and Ebsworth, Baker & McKenzie, Allens and Mallesons attended child support law training, presented by Mike Spivak, solicitor from the Illawarra Community Legal Centre in conjunction with the NPBRC. The training, hosted by Ebsworth and Ebsworth, is the first step towards increasing the capacity of private law firms to assist in an area of great unmet need, much of which involves simple debt collection work. Further training is planned in NSW and the NPBRC is hoping that similar training can be organized in other states. We would like to hear from anyone at a CLC or in legal practice who would be interested in

developing this capacity (either as trainer or as a practitioner who would like to be trained with a view to providing legal assistance).

## 6 QAILS Conference

(Report from Centre Director, John Corker)

I attended the Queensland Association of Independent Community Legal Services (QAILS) annual conference held 24-26 March 2004 and met a professional, vibrant and committed group of CLCs addressing the hard issues associated with how best to meet the greatest legal needs of their communities, despite the pressures of inadequate funding and low salaries. Queensland Attorney General, Rod Welford and Queensland Law Society President, Glenn Ferguson took the time to attend the conference and were responsive to the many questions asked of them.

It was my privilege to chair the pro bono session of the conference which involved a panel of Brisbane lawyers: Andrew Buchanan (partner at Allens Arthur Robinson (AAR) and chair of QPILCH); Rob Reed, (Senior Associate and pro bono co-ordinator at Minter Ellison); Carla Klease (acting pro-bono co-ordinator at Blake Dawson Waldron) and Michelle Bradfield (lawyer at Minster Ellison, currently seconded to QPILCH).

Feedback indicated that people felt this was one of the most positive sessions at the conference. One arrangement reached during the session demonstrated how simple it can be for a firm to assist a CLC and what a big difference it can make. Nathalie Frost and Bronwyn Heberton from the Rural Women's Legal Outreach Service were thrilled when AAR offered to be their agent for filing documents in Brisbane. Previously they had been spending half a day travelling from Toowoomba to Brisbane and back, having difficulty parking, standing in queues at the court simply to file a single document when they could have been out taking instructions or drafting documents.

QAILS have now established a pro bono sub-committee to engage with the issues raised. Tony Woodyatt at QPILCH is chair of that committee and will co-ordinate further activities. Thanks should go to Caxton Legal Centre for organising a great conference.

## 7 Federal Civil Justice Strategy

The Centre has made a detailed submission to the Federal Government in relation to the Federal Civil Justice Strategy Paper released by the Attorney-General's Department in February 2004. The Strategy Paper is available [www.ag.gov.au/civiljusticestrategy](http://www.ag.gov.au/civiljusticestrategy). The Centre's submission commented on a number of the recommendations in the Paper and made suggestions for additional action by government in relation to: funding for disbursements; pro bono by government lawyers; waiver of court and tribunal fees in pro bono cases; government incentives and encouragement of pro bono; evaluations of court pro bono schemes and funding for the Centre. The Centre also commented on other issues that impact on the delivery of pro bono services, such as funding of legal aid, CLCs and Indigenous legal services, the need for a national coordinated approach to legal service delivery for disadvantaged people and the importance of a comprehensive national assessment of legal needs. To view the Centre's submission, go to [www.nationalprobono.org.au/publications/index.html](http://www.nationalprobono.org.au/publications/index.html).

## 8 Pro bono contacts

Minter Ellison Lawyers have recently appointed Anton Hermann, based in their Melbourne office, as their National Director, Pro Bono & Community Investment. His contact details can be found in Part 4 of the *Australian Pro Bono Manual*, see [www.nationalprobono.org.au/probonomanual/ProBono\\_Manual\\_04.htm](http://www.nationalprobono.org.au/probonomanual/ProBono_Manual_04.htm) where law firm pro bono contacts are listed. These are people and firms who agreed to talk about their firm's pro bono program with firms of similar size or orientation who were developing their own pro bono programs. The Centre is currently updating details in the Manual. Please let us know if your details in this part of the Manual have changed, or if you would like your contact details to be included. Call the Centre (02) 9385 7381 or email [lynne@nationalprobono.org.au](mailto:lynne@nationalprobono.org.au).

### .....and how's this for pro bono news

The 2003 NPBRC Annual Report points out that ten years ago, a report from the Access to Justice Task force to the then Attorney-General contained no explicit discussion of the role of pro bono legal services in increasing access to justice.

Pro bono has since 'taken off' at least for those who contribute to legal publications and comment on the legal profession in the wider media. For example in the 4 months so far 2004:

- The *Law Institute Journal* now publishes a monthly pro bono column coordinated by Victorian Law Foundation. In the most recent issue, the journal has also featured a message from Institute President Chris Dale about aspirational targets (April 2004 LIJ 78:04) (see above).
- *Lawyers Weekly* regularly covers pro bono issues (See 2004: Issues 177, 179, 181, 185). In Issue 185 (2 April 2004, p 19) writer Kate Gibbs looks at the pro bono legal profession in Sydney and the Baker & McKenzie Community Support Program.
- The April 2004 issue of *Briefcase*, the newsletter of Victoria Legal Aid, makes reference to an informal address by Attorney-General Phillip Ruddock to a meeting of VLA in which he referred to the important role lawyers provide in the legal system and their obligation to do pro bono work.
- In the *Australian Financial Review* (11 March, 2004) an article by Marcus Priest about law firms and pro bono work was followed with an article on 12 March reporting on the proposal from shadow Attorney-General Nicola Roxon that firms who do work for the federal government be required to do pro bono work, along similar lines to the reforms implemented by Attorney General Rob Hulls in Victoria.
- The NSW *Law Society Journal* (March 2004 Vol 42, no 2) features the homeless clinic program being undertaken by PIAC/PILCH.
- *Ethos* from the Law Society of ACT (No.191 March 2004) has a message from President Bill Redpath noting that the society is working with a wide range of legal service providers to adopt a more coordinated approach to pro bono work'.

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## **10 NPBRC contact details**

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