

# In-house pro bono grows, with more to come

Now that there's insurance cover, in-house counsel in NSW are beginning to embrace pro bono. Anne Susskind reports.

Since they've been able to get "free" insurance to cover it, in-house counsel have shown themselves to be eager to do pro bono work, says John Corker, director of the National Pro Bono Resource Centre.

The centre set up the national pro bono professional indemnity insurance scheme in 2009 with the assistance of Phillips Fox (since absorbed into DLA Piper) and the Law Society of NSW. Since then, Corker says, more and more in-house counsel have taken on projects, as part of teams, or individually.

The scheme has removed one of the key constraints for in-house and government lawyers in NSW, as well as in Queensland, which both quickly made the legislative change to practising certificates authorising pro bono work. But other states, most notably Victoria, did not.

This has, Corker says, put a brake on lawyers who work for national corporations which are reticent about starting programs before they can do so nationally.

Some corporations in NSW have gone ahead with "work arounds" such as a qualified lawyer who might be acting as a paralegal, or working through a law firm's pro bono program, a community legal centre, or a Public Interest Law Clearing House (PILCH).

Once the national legal profession reform bill comes in, Corker hopes it will solve the



Among Westpac's lawyers now able to work pro bono because of special professional indemnity insurance arrangements are (l to r) Jackie Deane, Adrian Jamolin, Gada Annous, Sarah Donnelly and James Hutchinson. PHOTO: ERNEST FRATCZAK

legislative problems.

The harder part, he says, is to identify good "workable and sustainable" pro bono opportunities for corporate lawyers – they are busy people who want and need their pro bono well packaged, resourced and organised to make it a realistic opportunity. Since about 25 per cent of lawyers nationally work in-house, he says, getting it right will involve a lot of people.

"Pro bono is still quite limited vis a vis the private profession, although there is clearly capacity, desire and willingness. It needs more development work. The centre, and PILCHs are good places to seek advice and support," Corker said.

## Sticking point

Nicolas Patrick, DLA Piper's head of pro bono, was involved in the setting up of the scheme and agrees with Corker that Victoria is a sticking point for participation. Large corporations have pro bono on hold, he says.

If Victoria does, as hoped, join in under the national professional rules, the key market for the insurance – large Australian corporations – would participate and roll out national programs, Patrick says.

"The NSW Law Society, with the support of the Attorney General, changed the rules right away, and unblocked a very substantial dormant pro bono capacity in govern-

ment and in-house lawyers. The reason we set this up in the first place was because we recognised that an increasing proportion of the legal profession was moving into in-house, and up to a third is in-house or working for government.

"We were hearing strong demand ... They would read about the pro bono work and want to be involved, particularly as we started doing more international pro bono work.

"It keeps building, which is good," he said, referring businesses to the Australian in-house counsel pro bono guide, which sets out all the insurance, regulatory issues, and key contacts, as well as a sample pro bono policy.

## Support

Marissa Dionson-Bala's day job is contracts manager for procurement at Optus. It is,

she says, stimulating and she enjoys "spotting the sticky issues" when reviewing contracts.

The insurance scheme, she says, has improved her work life because it means she can now openly contribute to organisations that are dear to her heart.

"Now I have the support of my director, which makes

she help out, for example, with ensuring the website doesn't infringe copyright, or with matters such as parental consent to post pictures of children. She makes sure that procedures are followed at the AGM, and with matters such as constitutional by-laws and preparation of agendas and minutes of board meetings.

"It is lighter on your part

mogram machine for the Philippines. To give something tangible back to Australia and repay Australia's goodness, Dionson-Bala says, by way of "thank you" to a rich country, the association is considering a blood donation scheme run through the Red Cross.

"We are coordinating with the Philippine Consulate General in Sydney on this. It's

told *LSJ*.

While Hutchinson's usual practice focuses on Westpac's institutional customers, he also coordinates pro bono undertaken by Westpac's in-house legal team, which has more than 28 people involved across most practice groups.

Instructions come from PILCH referrals, or directly from community organisations in the not-for-profit sector, and members of the team have participated in advice sessions run by the Homeless Person's Legal Service at Matthew Talbot House.

Often matters can be resolved simply through clear thinking, but sometimes the legal issues are complex. In one case, Hutchinson said, a team member assisted a homeless person with difficulties after having been mistakenly declared dead. Another matter required advice on the scope of the *Companion Animals Act*. Other more routine cases might involve issues which most people would take for granted, such as paying fines by instalments. A recent expansion of Westpac's contribution to the not-for-profit sector has also seen lawyers working on a corporate

governance initiative with Indigenous people in Cape York.

In a previous life, Hutchinson said, he had worked in the community legal sector and he retained the greatest respect for people working in its tough environment with constant battles over funding.

"Many community legal centres survive on the commitment of practitioners who work there and their willingness not to work for competitive salaries that they might earn in other sectors of the profession," he said. When it comes to setting up an in-house program, Hutchinson said it was invaluable to have an executive sponsor who respects and supports pro bono work. "Without that support, given the sacrifice of time it involves for people, it just doesn't get off the ground." □



**Optus's Marissa Dionson-Bala, with Gemma Borbon and Nida Agcanas outside the Filipino Community Cooperative's Hiyas ng Bayan Long Daycare and Pre-school, for which Dionson-Bala does much needed pro bono legal work.** PHOTO: ERNEST FRATCZAK

a big difference, as she has given me the opportunity to talk about my charitable community works to the people at procurement," she told *LSJ*.

The organisations she offers her time to include the Filipino Community Cooperative Limited, which runs the Hiyas ng Bayan Long Day Care and Pre-school Centre, in Mount Pritchard and is subsidised by the NSW Department of Family and Community Services. Its aim, she says, is quality care for children of culturally diverse backgrounds, and it is cooperatively managed by a team of professionals, among them lawyers, teachers, accountants, and a dentist.

The Fil-Coop Board and

when you make other people happy," says Dionson-Bala, who also gives time to the local Silliman University Alumni Association Sydney Chapter making sure, for example, that it is registered with the Office of Fair Trading and has the necessary licences and permits for fundraising events. The organisation's aim is to raise social consciousness among members, and it also runs programs like distributing food to patients of Talay Mental Hospital Rehabilitation Centre in the Philippines.

One of the events organised by the Silliman Alumni Association raised about \$10,000 for an ongoing project to buy a portable mam-

an idea conceived by former Philippine Ambassador Tony Villamor who is also an alumnus."

She is, she says, very thankful to the organisers of the pro bono professional indemnity insurance scheme because it allows her to give freely of her time, efforts and money without worrying about being liable.

#### Hopeful

James Hutchinson, head of Westpac Group's institutional bank legal team, says the state-by-state approach to pro bono professional indemnity insurance scheme is a hindrance, particularly for legal teams such as Westpac's, with interstate members keen to participate in pro bono work. But he is hopeful. "If we start with baby steps we can expand our coverage over time," he