

NATIONAL PRO BONO RESOURCE CENTRE

Pro Bono News Issue 31: Volume 5/2007

Welcome to the fifth edition for 2007 of the *eNewsletter* of the National Pro Bono Resource Centre (the Centre). The Centre is affiliated with the Faculty of Law at the University of New South Wales and is funded by the Attorney-General Departments of the Commonwealth, State and Territory governments. To access archived e-newsletters [click here](#).

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1 Mapping pro bono report to be launched by Chief Justice of Australia

The Centre today released its report on the legal pro bono landscape in Australia. The report *Mapping Pro Bono in Australia* provides a snapshot of pro bono in Australia as at the end of 2006. It will be launched by the Chief Justice of Australia, the Hon. Murray Gleeson at the offices of DLA Phillips Fox in Sydney.

The report confirms that the pro bono work being done in law firms, the bar and through professional association and referral schemes has come a long way in Australia in the past 5 years.

Despite the increased interest in pro bono in recent years, pro bono is still characterised by its 'ad hoc' nature, and little has been conclusively documented. While the information in the report is not comprehensive, the publication does give the clearest picture yet of the Australian pro bono landscape as it addresses the questions of who provides pro bono, how is it delivered, how much is delivered and where it fits into the access to justice landscape. The book reports on some of the constraints on service delivery and suggests future directions for the development of pro bono in Australia. Copies can be [ordered online](http://www.bookshop.unsw.edu.au/probono) through the UNSW bookshop at <http://www.bookshop.unsw.edu.au/probono> . For the full media release [click here](#).

2 Legal Aid and pro bono side by side in Balibo Inquest

Remarkable headlines were created on 30 May 2007 when counsel assisting the "Balibo 5" coroner's inquest, Mark Tedeschi QC, told the inquest that there was "incontrovertible evidence" that the five Australian based television crew didn't die in crossfire during the Indonesian invasion of East Timor in October 1975, as had been

the finding of previous inquiries, but were deliberately killed by the Indonesian special forces acting on the command of their superiors in Jakarta. Also remarkable is the story of the pro bono legal work done in this matter over the past 30 years for the families of the deceased who continue to search for the truth about their relation's deaths.

Mr Rodney Lewis, solicitor, (and Secretary General of the ICJ in the late 1970s) has acted pro bono for many years for the families of the newsmen until legal aid was recently granted. Now, with support from the Coronial Inquest Unit of NSW Legal Aid Commission of NSW, Catriona Cotton from the Commission instructed John Stratton SC, a public defender who appeared throughout the recent 6 week hearing which had over 40 witnesses and 80 exhibits.

The story commences in January 1977 when Rodney Lewis and John Dowd, now Chair of the Executive Committee of the ICJ Geneva, applied for a visa to visit East Timor with a view to collecting evidence about the killings but were refused visas. The reason given was that it was not safe for them to visit. Lewis was denied on another 4 occasions over the following 20 years.

The idea for the current inquest came from a colloquium convened by the ICJ in 1977 at UNSW which was attended by relatives of the deceased, lawyers and academics. George Masterman QC provided an opinion that the NSW coroner might have jurisdiction over the death of then Nine network journalist and NSW resident, Brian Peters even though he was a British national. In late 2000 Maureen Tolfrey, the sister of Brian Peters, came out from the UK, and with Rodney Lewis, formally reported her brother's death to the NSW coroner - 25 years after it occurred.

This is a remarkable story of a group of lawyers with an unfaltering view over a period of 30 years about the importance of the rule of law and that access to justice must occur for the families of the newsmen who were killed. These lawyers have not sought recognition for the thousands of hours of unpaid work that they have contributed but it is vital that we recognise them because they have shown us what fulfilling the professional responsibility of being a lawyer can mean. Their commitment should, and no doubt will, inspire others to follow.

To read the full story [click here](#) .

3 NSW government agency lawyers say pro bono work done well against them may lead to them to purchase services from that firm

This week the Centre discussed the [Conflicts Protocol](#) at a meeting of Legal Managers of around 30 NSW government agencies. The [Protocol](#) is aimed to address the perception that private lawyers and law firms are sometimes reluctant to provide pro bono legal services in matters against government agencies because of a perception that this will prejudice them in securing or retaining government legal work.

Some members of the group reported that they were unlikely to take the fact of a firm's pro bono representation of a client against the agency into account adversely when purchasing legal services - unless a firm was particularly "unprofessional or aggressive". In fact, the contrary was likely. A number of agencies indicated that a firm or barrister who had acted thoroughly and professionally against them was quite likely to be engaged by them on a subsequent occasion.

Legal Managers indicated that they would be happy to talk to a Pro Bono Coordinator or Relationship Partner from a firm who was considering taking on a matter pro bono against them where the firm perceived a potential commercial conflict. The Managers reported that firms should not fear that any such discussion may damage the solicitor-client relationship.

The Centre is pursuing the adoption and implementation of the [Protocol](#) with the NSW Attorney-General's Department by reference to the *NSW Guidelines for Outsourcing Legal Work*.

4 Corrs providing new energy and emphasis

Corrs are putting a new emphasis and energy into their community and pro bono legal work under the guidance of National Pro Bono Partner, Val Gostencnik. Val is based in Melbourne and heads Corrs' Workplace Relations Group.

With offices in Sydney, Melbourne, Brisbane, Gold Coast and Perth, and over 200 lawyers, the 'Corrs Giving Back' program is focussing on 5 key areas of need: housing for low income Australians, Indigenous Australians, employment issues, homeless persons and education.

Corrs has a long standing and strong relationship with Oxfam and continue to support organisations like the Salvation Army, the RSPCA and The Big Issue. What is new at Corrs is an increasing and strategically planned budgetary commitment to pro bono work.

Corrs is a foundation member of the Public Interest Law Clearing Houses (PILCHs) in NSW and Victoria and a member of QPILCH in Queensland. They have recently seconded a lawyer to PILCH (Victoria) to run the Homeless Persons Legal Service and plan to expand their secondee commitment to all three PILCHs.

In NSW, Corrs' pro bono lawyers will provide advice and assistance at a new homeless persons' legal clinic in Bondi as part of the Homeless Persons Legal Service coordinated by PILCH (NSW). And in Western Australia, Corrs have recently agreed to take on a series of "stolen wages" cases for Aboriginal persons in conjunction with the Western Australian Aboriginal Legal Service. Corrs also provides support to the DOXA Youth Foundation program in Melbourne. See www.doxa.org.au for more details.

Congratulations Corrs. You are making a difference!

For the full story [click here](#).

5 Who's going where?

There are two people who are moving on from key positions in the pro bono world who should be mentioned and thanked.

The first is [Georgina Perry](#) ("George"), National Coordinator, Pro Bono and Community Programs at Allens Arthur Robinson (AAR). George is returning to commercial practice at AAR from 2 July and will be replaced by senior associate Nicky Friedman from AAR's Workplace Relations group in Melbourne. During her 12 months as National Coordinator the AAR program has flourished. AAR has forged new relationships with many Community Legal Centres and not-for profit

organisations throughout Australia during this time - due to George's hard work and great interpersonal skills. She has been deliberately pro active in seeking out new pro bono opportunities for the firm. We wish George well.

The second is Paula O'Brien who is standing down as Executive Director of PILCH (Victoria) in early August 2007 to take up a Commonwealth Scholarship to complete an LLM in public and international law at Cambridge University. Paula has been at PILCH for just over 4 years as Executive Director having previously completed a secondment to PILCH from Minter Ellison for six months in 2001. Paula started out as co-director of PILCH with Emma Hunt. The combination of these two in this position has been one of the foundation stones of a very successful operation. The new Executive Director will be Kristen Hilton who comes well-equipped for the job as an ex Blake's lawyer who managed the Law Institute of Victoria Legal Assistance Scheme and currently is coordinator of Homeless Persons Legal Clinic in Victoria. For a recent article by Paula entitled "If I were Attorney-General" [click here](#). (courtesy [Human Rights Law Resource Bulletin](#)). We wish Paula well.

6 Law firm librarian helps CLCs negotiate access to online legal resources

For many years CLCs have been investigating the possibility of a CLC consortium to gain affordable access to online legal resources. Over the past 12 months there has been much behind-the-scenes activity as Gilbert and Tobin (G+T) picked up the call to Pro Bono Coordinators for assistance to help the National Association of Community Legal Centres (NACLC) to develop approaches to take to the various publishers of online resources. G+T librarian Tracey Vitnell has provided invaluable assistance to NACLC by advising CLCs on the various resources available from online publishers. G+T's library staff made several recommendations and NACLC have now organised a trial of several resources. We understand that negotiations with the publishers are continuing - but CLCs are moving closer to affordable access to online legal resources in the foreseeable future, something they have talking and dreaming about for many years. Thanks to the G+T and Tracey Vitnell in particular for their tremendous support.

7 Subscribe/Unsubscribe

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<http://www.nationalprobono.org.au/publications/index.html>.

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

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