



– National Survey –

**Report on the pro bono legal work of individual
Australian Barristers**

November 2008

Appendix VII

Responses to survey questions – Tasmania

National Pro Bono Resource Centre
The Law Building, University of New South Wales
UNSW SYDNEY NSW 2052



Website: www.nationalprobono.org.au
Tel: +61 2 9385 7381 Fax +61 2 9385 7375
Email: info@nationalprobono.org.au

As only 6 barristers in the Tasmania responded to the survey, this appendix simply records their responses, including any written comments. Despite the limited response rate, some of the written comments may reflect more broadly held views and issues in this jurisdiction.

Section 1 – About you

1. How long have you been admitted to practice?

Admitted to practice	No. of respondents	%
Less than 1 year	0	0%
1-2 years	0	0%
3-5 years	0	0%
6-10 years	0	0%
11-20 years	1	17%
21-30 years	1	17%
Over 30 years	4	66%
Total	6	100%

Median: Over 30 years

2. How long have you been at the Bar?

Time at the Bar	No. of respondents	%
Less than 1 year	0	0%
1-2 years	2	33%
3-5 years	0	0%
6-10 years	1	17%
11-20 years	1	17%
21-30 years	2	33%
Total	6	100%

Median: 6-10 years

3. How old are you?

Age	No. of respondents	%
26-30	0	0%
31-40	0	0%
41-50	1	17%
51-60	4	66%
61 or over	1	17%
Total	6	100%

Median: 51-60 years

4. Are you...?

Gender	No. of respondents	%
Male	6	100%
Female	0	0%
Total	6	100%

Section 2 – About your job

1. What is your position?

Position	No. of respondents	%
Queen's counsel	0	0%
Senior counsel	1	17%
Senior Junior counsel	3	50%
Junior counsel	1	33%
Reader	0	0%
Total	6	100%

2. Where are your chambers located?

Location	No. of respondents	%
Capital city CBD	4	66%
Capital city suburb	1	17%
Regional city or area	1	17%
Rural area	0	0%
Remote area	0	0%
Total	6	100%

3. In which area(s) do you practise?

Area of law	No. of respondents	%
Administrative/constitutional	5	83%
Company/commercial	5	83%
Litigation	5	83%
Personal injury	4	66%
Employment	3	50%
Insurance	3	50%
Discrimination	3	50%
Consumer	2	33%
Criminal law	2	33%
Wills/probate/estate	2	33%
Other	2	33%
Construction	1	17%
Debt	1	17%
Family law	1	17%
Incorporations	1	17%
Intellectual property	1	17%
Social security	1	17%

Other: Comcare compensation; Planning

Section 3 – Your participation

1. In the past 12 months have you spent time doing or coordinating the provision of pro bono legal work?

Pro bono in last 12 months	No. of respondents	%
Yes	5	83%
No	1	17%
Total	6	100%

2. In which of the following areas of law have you done pro bono legal work in the last 12 months?

Area of law	No. of respondents	%
Administrative/constitutional	4	80%
Employment	2	40%
Personal injury	2	40%
Criminal law	2	40%
Discrimination	1	20%
Family law	1	20%
Insurance	1	20%
Intellectual property	1	20%
Litigation	1	20%
Other	1	20%

Other: Voluntary associations.

3. Have you ever done pro bono legal work?

This question was presented to those who had not done any pro bono legal work in the last 12 months.

Ever done pro bono	No. of respondents	%
Yes	1	17%
No	0	0%
Empty responses	5	83%
Total	6	100%

Section 4 – Types of pro bono legal work

1. Which of the following pro bono legal work have you done in the past 12 months?

Type of pro bono	No. of respondents	%
Provide verbal advice	5	100%
Provide written advice	5	100%
Mediation	4	80%
Drafting of documents	3	60%
Negotiation	3	60%
Representation before a court or a tribunal	1	20%
Other	0	0%

2. For whom was this pro bono legal work done?

Recipients of pro bono	No. of respondents	%
Individuals	4	80%
Community legal centres	3	60%
Other not-for-profits	3	60%
Other	0	0%

3. Have you volunteered legal assistance at a community organisation in the last 12 months?

Volunteered at a CLC	No. of respondents	%
Yes	0	0%
No	5	100%
Total	5	100%

4. When volunteering legal assistance at a community organisation what type of organisation was it?

Section 5 – Practice issues

1. Do you keep a record of the pro bono legal work that you are doing?

Record of pro bono	No. of respondents	%
Yes	3	60%
No	2	40%
Total	6	100%

2. When you take on cases on a pro bono basis, do you take them on...?

Pro bono for...	No. of respondents	%
For free	5	100%
At a substantially reduced fee	4	80%

Section 6 – Amount of pro bono work

1. Can you estimate how many hours of pro bono legal work you have done in the last 12 months?

Hours of pro bono	No of respondents	%
5 hours or less	0	0%
6-10 hours	1	20%
11-20 hours	0	0%
21-30 hours	0	0%
31-40 hours	1	20%
41-50 hours	0	0%
51-70 hours	0	0%
71-90 hours	1	20%
More than 90 hours	2	40%
Don't know	0	0%
Total	5	100%

2. Have you spent more or less time doing pro bono legal work in the past 12 months than in the previous 12 months?

More or less pro bono	No. of respondents	%
More	1	20%
Less	1	20%
No change	3	60%
Don't know	0	0%
Total	5	100%

3. To what extent are you satisfied, or not satisfied, with the amount of pro bono work that you have done in the last 12 months?

- i. I am not sure what you mean by satisfied. My policy is to help when approached.
- ii. Quantity is satisfactory. Other parameters are not sufficiently well defined to permit an answer.
- iii. I often find it difficult to do in a timely manner so try to limit it to when I am relatively quiet. I usually accept most, if not every request from appropriate bodies or people.
- iv. I'd love to do more but need to feed the family.
- v. Do too much.

Section 7 – Sources of pro bono work

1. Is your name on referral lists kept by any of the following?

Name on list	No. of respondents	%
Clearing house	0	0%
Bar pro bono scheme	1	20%
Court pro bono scheme	0	0%
None of the above	1	20%
Don't know	2	40%
Other	2	40%

2. What is the source of new pro bono matters?

Source	No. of respondents	%
Direct request from family member or friend	4	80%
Direct requests from existing or past clients	4	80%
Direct request from a solicitor	4	80%
Direct request (cold call) from a potential client	3	60%
Referral by a community organisation	3	60%
Referral from another barrister	2	40%
Other	2	40%
Referral from courts, tribunals or complaint handling bodies	1	20%

3. What percentage of pro bono matters were referred to you from your Bar's legal assistance scheme (if any)?

From Bar scheme	No. of respondents	%
0%	5	100%
Total	5	100%

Section 8 – Constraints / encouragement to pro bono

1. What gets in the way of you doing pro bono legal work?

Barrier to pro bono	No. of respondents	%
Lack of time	3	50%
Lack of a solicitor to assist with the matter	2	33%
The cost of disbursements involved	1	17%
Lack of information about opportunities	1	17%
Insufficient expertise in relevant areas of the law	1	17%
It's the government's responsibility to provide adequate resources	1	17%
No constraints	1	17%
Other	1	17%

2. What would encourage you to do more pro bono work?

Encouragement	No. of respondents	%
Clearer support for pro bono work from senior members of the Bar	0	0%
Training in areas of law that are common to pro bono	0	0%
A wide range of pro bono opportunities being made available	1	17%
More recognition and visibility for the work in general	2	33%
Nothing	4	24%
Other	3	50%

Section 9 – Legal Aid and “no win-no fee” work

Legal aid and “no win-no fee” work are not considered to be pro bono legal work for the purposes of this survey.

1. Did you do any Legal Aid work in the last 12 months?

Legal Aid work	No. of respondents	%
Yes	3	50%
No	3	50%
Total	6	100%

2. In the last 12 months, approximately what percentage of your time was for legally aided clients?

Time for Legal Aid	No. of respondents	%
0-5%	1	33%
6-10%	1	33%
11-20%	0	0%
21-50%	1	33%
Over 50%	0	0%
Total	3	100%

3. Is there any particular reason why you did not do any Legal Aid work?
- i. None was referred. I have only been in Hobart for 12 months and have not yet met Legal Aid personnel.
 - ii. No work briefed to me. I am reluctant to take it, as there are more junior barristers who need it. I am booked up months in advance as it is.
 - iii. Not asked to do any Legal Aid work.
4. Do you have any comments that you would like to make about Legal Aid or 'no win-no fee' work?
- i. Legal Aid is not available to the extent it should be.
 - ii. I think they are both necessary schemes, because everyone should be represented by someone competent, irrespective of their relative wealth.
 - iii. Do Legal Aid work for no fee. Most common law work is "no win- no fee" because clients can't afford the high cost of access to justice.

Section 10 – Attitudes to pro bono legal work

1. Do you think that lawyers should do pro bono legal work?

Should lawyers do pro bono	No. of respondents	%
Yes	5	83%
No	1	17%
Total	6	100%

2. What are the top two reasons why lawyers should do pro bono legal work?

Reasons for doing pro bono	No. of respondents	%
A sense of professional responsibility	5	100%
To help people who are socially disadvantaged or marginalised	4	80%
Other	1	20%

Other: requirement of justice not limited to socially disadvantaged.

3. Are you aware of the National Pro Bono Aspirational Target of 35 hours per lawyer per year?

Aware of Target	No. of respondents	%
Yes	2	33%
No	4	67%
Total	6	100%

4. Is there anything else that you think would be useful for us to know about your pro bono work?

- i. One should never under-estimate the sense of personal satisfaction from doing something out of altruism. It is very rewarding. A thank you, is all the reward and means a lot.