

# NATIONAL PRO BONO RESOURCE CENTRE

## Pro Bono News Issue 10: Volume 4/2004

Welcome to the fourth 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 Update on Centre activities

Since our last newsletter we have had significant governance changes, a joint advisory council and board meeting and some staff changes. Our priorities for the next 12 months have been decided and are set out below. There have been advances in projects concerning law students, government lawyers, law firms assisting with child support law, the CLC volunteers guide, RRR matchmaking activities and online tools to assist with co-ordinating the legal profession's pro bono activities. The Director attended the Victorian Federation of Community Legal Centres' Annual Conference on 24 and 25 June and chaired a productive conference session with PILCH (Vic) sharing knowledge with the audience about successful partnerships between CLCs and firms in Melbourne.

#### Priorities for 2004-2005

Priorities for the Centre were revised to emphasise the following 'top ten' activities for the next 12 months:

- continue to lift the profile of pro bono across the profession and the community;
- promote the Australian Pro Bono Manual (with hard copy publication, marketing campaign, workshops and training materials);
- complete the mapping pro bono project and conduct a national survey of pro bono work done by firms;
- provide better online tools for the pro bono providers community;
- continue to broker partnerships between CLCs and law firms;

- monitor the trial of the Pro Bono Students Australia program (see below) and promote its uptake;
- publish findings on pro bono and Indigenous organisations & promote matchmaking;
- build pro bono capacity amongst government lawyers;
- build pro bono capacity amongst in-house corporate lawyers;
- seek ongoing funding for the Centre after July 2005.

### Conflicts Protocol

Responses have now been received from most State and Territory Attorney Generals in reply to letters sent to each of them by the Centre in April 2004. The letters requested that Attorney Generals consider implementation of a protocol addressing the perceived conflict that arises when pro bono legal assistance is provided in matters against Government. A summary of the responses received is available at the Centre's website at <http://www.nationalprobono.org.au/documents/AGprotocolResponses.doc>

### Law firm support for child support law

A quick update of this issue which was covered in our last newsletter: Allens Arthur Robinson have agreed to take on some financial analysis work in this area, a creative move that allows their banking and finance lawyers to do some pro bono work. This idea could translate to other parts of Australia. Mike Spivak from Illawarra Legal Centre is providing ongoing training to Allens and will be conducting another session on 10 August 2004. Sydney-based firms that are interested should contact Francene Kaleel, pro bono co-ordinator at Allens on (02) 92304716.

## 2 Attracting 'passion people'

A new survey undertaken by Cavill+Co, and Seek.com found that companies can gain a competitive edge in attracting and keeping good staff by supporting community or charitable causes that give staff the opportunity for involvement. The survey attracted more than 1100 respondents who worked for companies employing more than 10 people and was sponsored by Australia Post, AMP, Optus, BHP Billiton and Energex. The 'Passion People' study found that 82 per cent of respondents would rather work for a company that supported good causes, if all other employment factors were equal. Hailey Cavill, Managing Director of Cavill+Co says companies that consult their employees about the cause they should support, then give them opportunities to volunteer for that cause, will gain a competitive edge over companies that have no charitable involvement.

The survey showed that job fulfilment was far more important than salary, with the opportunity to develop skills and the variety and content of work being the two key reasons people would stay in their current employment or seek a new job.

The study also found that a company's reputation for supporting charities can make a difference. Almost half the respondents (48 per cent) said they would seek out employment opportunities at such a company with 41 per cent saying that they'd even taken a job that paid less if it provided the chance to make a difference to the community. A fuller report can be found at [www.probonoaustralia.com.au](http://www.probonoaustralia.com.au) and the full 'Passion People' Report can be purchased online at [www.cavill.com.au](http://www.cavill.com.au).

### 3 Board & staff changes

The Centre has warmly thanked Andrea Durbach who has stepped down from her role as Chair of the Centre as she takes up a new position as Associate Professor in the Faculty of Law at the University of New South Wales. In a cross-appointment, Andrea will also take on the role of Director of the Australian Human Rights Centre, an interdisciplinary research institute attached to the Faculty. The National Pro Bono Resource Centre welcomes Tony Fitzgerald AC QC as our new Chair and also Peter Stapleton (Blake Dawson Waldron), Michelle Hannon (Gilbert and Tobin) and Shirley Southgate (WA Human Rights Centre) who have joined the Board as Directors. We also farewell and thank Camilla Hughes who has resigned as a Director. Michelle Hannon's alternate director is Lucy McKernan from AAR in Melbourne.

Jill Anderson, our prolific senior policy and research officer, has left us to work on a new edition of her textbook on the law of evidence. Her position has been filled by Jenny Lovric who has been working in research and policy and undertaking the Centre's Regional, Rural Remote project. Jenny will focus in the next few months on a 'mapping pro bono project'. Kate House has joined the Centre as our new Administrator. We are delighted that Laura Soley, previously a Director of the Solicitors' Pro Bono Group in the UK, and a UK solicitor of 7 years experience, much of it in the area of charities, will be joining the Centre on a part time basis from 9 August 2004. Laura will be working on a national survey of pro bono work done by firms.

### 4 Pro bono in law schools

#### Information paper

The Centre has recently completed a draft Information Paper on 'Pro bono and clinical legal education programs in Australian law schools'. In line with recommendations from the Attorney-General's Pro Bono Task Force report, it provides material relating to both pro bono and clinical education initiatives undertaken within law schools across Australia. As well as mapping the range of programs, it is hoped that the information will assist law schools and law student societies with ideas for developing and expanding social justice education programs. Subscribers to the Newsletter will be notified when the final paper is published.

#### Pro Bono Students Australia

The Centre has developed a set of precedents for the establishment of the first Pro Bono Students Australia (PBSA) program to be operated on a trial basis by the University of Western Sydney Law School. The PBSA program offers students an opportunity to assist with legal work in non-profit organisations in their local community and at the same time enhance the service capacity of those organisations.

The Centre is working with the University of Western Sydney Law School to provide ongoing support and assistance with documentation and the recruitment of placement organisations for the program. The PBSA program is modeled on a similar program in Canada that began at the University of Toronto and now operates in all provinces. The Centre is grateful for assistance from the National Director of Pro Bono Students Canada in structuring the program and developing the precedent documents.

Please contact [ann@nationalprobono.org.au](mailto:ann@nationalprobono.org.au) for more information about the PBSA program.

## 5 Access to Justice report

On 8 June 2004 the Senate Legal and Constitutional References Committee tabled its long awaited report into legal aid and access to justice. The Committee investigated the capacity of the current legal aid system to meet the needs of Australians for legal assistance and included a reference to the impact of current arrangements on the wider community, including pro bono services. A list of the recommendations that affect pro bono and legal aid (with limited commentary) can be found on the Centre's website at <http://www.nationalprobono.org.au/documents/SenateCommitteeSummary.doc>.

As reported earlier, the Centre made a submission to the Inquiry (available at <http://www.nationalprobono.org.au/publications/index.html>). Chapter 9 of the Report concerns pro bono legal services. It notes the significant role they play in providing access to justice, but that pro bono is not a substitute for an adequately funded legal aid system, nor is it a panacea for overcoming gaps in other publicly funded legal services.

The key recommendations concerning the Centre were Recommendations 48 and 49. In 48, the Committee recommended that the Commonwealth government provide additional funding to the National Pro Bono Resource Centre to enable it to encourage and provide support to law firms, community legal centres, pro bono referral schemes and legal aid commissions in recording and reporting statistics on pro bono service provision. In 49, it recommended a commitment to ongoing funding to the National Pro Bono Resource Centre past 2006 to enable it to continue its work to improve the provision of pro bono legal services.

However, the minority (representing the government members) noted that the National Pro Bono Resource Centre was provided with seed funding based on the government expectations that it would become a private sector body, fully supported by the private sector.

Importantly the Committee also recommended that the Commonwealth Government provide additional funding to allow community legal centres, clearing houses and other pro bono services to *collect detailed information on the community need for legal services*. The minority supported a national survey of demand and unmet need for legal services and identification of the obstacles to service delivery, which would include the impact of self represented litigants on the system, the value and effectiveness of government legal information services and the extent to which legal aid funding arrangements impact upon the work of CLCs.

We understand that the Government is in the process of preparing its response to the Committee's recommendations.

## 6 Regional, rural & remote (RRR) update

As part of its RRR project, the Centre coordinated a 'relationship building event' at the end of May. The event was well-attended by representatives from city-based firms and most of NSW's regional, rural and remote community legal centres. The informal social

gathering and forum was facilitated by Simon Rice, who gave CLCs the opportunity to articulate a 'wish list', of their needs. Firms and CLCs then discussed their perceptions of the obstacles they face in pro bono service delivery in RRR areas. In the course of discussion, some key themes emerged that all participants felt must be addressed to initiate, build and sustain successful partnerships between firms and RRR CLCs. These included (i) understanding and awareness of, and respect for, each other's operations and philosophies; (ii) addressing problems associated with accessing pro bono providers and contacts; and (iii) adopting practical strategies to overcome the obstacle of distance.

The event also gave some of the firms and RRR CLCs participating in the project's pilot partnerships a welcomed opportunity to meet face to face (Baker Mackenzie's partnership with Shoalcoast Community Legal Centre and Ebsworth & Ebsworth's partnership with North & North West Community Legal Service). The Centre would like to extend a warm thank you to Ebsworth & Ebsworth Lawyers who provided the venue and delicious catering!

A report on the Centre's RRR project will be available later in the year.

#### **RRR at NACLCL in Adelaide**

Following the success of this event in Sydney, the Centre has been asked to conduct another event in conjunction with National Association of Community Legal Centre's annual conference. (See below for further details of the Centre's participation in this conference). This time, the event will involve RRR CLCs from across Australia and national and local firms based in Adelaide. The event will take place on Monday evening, 30 August 2004. Minter Ellison in Adelaide have kindly agreed to provide the venue and catering for the event. If you are interested in participating in this event, please contact Jenny Lovric at the Centre on (02) 9385 7381 or on [info@nationalprobono.org.au](mailto:info@nationalprobono.org.au).

#### **7 NACLCL conference**

The Centre will be attending this year's NACLCL annual conference to be held in Adelaide from 29 August to 1 September 2004. The Director will chair a conference session on the morning of Wednesday 1 September (9am-10.30am) on 'Accessing Pro Bono Legal Services for CLCs and their clients' based on a recent similar event conducted in conjunction with PILCH (Vic) at the Victorian annual CLC conference. The session showcases a couple of successful relationships between firms and CLCs by having the key person on either side of the relationship talk about what worked, what didn't, how difficulties were overcome and what they learned. There is then plenty of time for discussion. The Centre encourages any law firm who is interested in attending this session to do so. Details about the NACLCL Conference are available at [www.naclcl.org.au](http://www.naclcl.org.au).

#### **8 To subscribe or unsubscribe to Pro Bono News**

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This newsletter is available on the web at: [www.nationalprobono.org.au/publications/index.html](http://www.nationalprobono.org.au/publications/index.html)

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

### **9 NPBRC contact details**

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