



# AUSTRALIAN PRO BONO CENTRE

## How should the pro bono community respond to COVID-19?

18 March 2020

As the international response to the COVID-19 pandemic continues to develop, the pro bono community internationally is rapidly determining how it prepares and responds. This is a public health crisis affecting all of us in various ways. But many individuals experiencing disadvantage and the not-for-profits, community organisations and charities serving them will be the hardest hit. We expect that economic volatility resulting from this crisis, both in the short and long term, will require us as a community to increase and direct our pro bono efforts to help those most affected.

How do we respond constructively?

Pro bono lawyers should consider taking the following steps:

1. **Individual clients** – Implement timely and targeted communications with all individual clients. Agree with clients how you will manage communication and document delivery via email, telephone and/or video conferencing. If possible, and subject to your internal policies and government directions, inform clients when you will be available to participate in essential in-person meetings and attend court dates. Certain clients may need assistance in understanding evolving government COVID-19 response regulations in your jurisdiction. Prepare for an increased intake of new individual client matters across a range of practice areas. We anticipate this would include employment law, debt-related matters and insurance enquiries.
2. **Not-for-profits, community organisations and charities** – Keep close communication with the not-for-profits, charities, community organisations and any social enterprises you support. Pro bono clients may urgently need legal assistance across a wide range of practice areas as they adapt to remote working and deal with service closures and safety concerns. These areas may include employment law, corporate law and directors' duties, contracts with suppliers, client relations, insurance law, managing debt, and drafting internal policies in response to evolving government COVID-19 response regulations. Look for resources made available by pro bono referral schemes and other legal assistance sector organisations within your jurisdiction dedicated to helping not-for-profits, community organisations and charities. Check whether your clients have funding/fundraising issues as a result of the crisis.

3. **Community legal centres** – COVID-19 is impacting on centres’ capacity to deliver services in many jurisdictions with front line service lawyers needing to be agile in response to changes in public behaviour. Centres are trying to balance the needs for staff safety and service delivery. Keep up-to-date with the procedures of the community legal centres you assist. Ask about whether any non-essential services are being wound down and ask about their capacity to supervise and train pro bono providers during this time. Check on new clinic procedures for face-to-face services via phone or videolink, and procedures for delivering representation, mediation and outreach services. Check on infection-control procedures if face-to-face services are still provided, particularly in exceptional circumstances. Ask centres about their procedures to identify if clients or potential clients may present a higher than average level of risk. Ask about their predicted needs for pro bono assistance once services ramp up again.
4. **Pro bono referral schemes/clearing houses** – If you receive pro bono matters from a pro bono referral scheme/clearing house, keep up-to-date with that organisation’s COVID-19 response - including whether any programs or services have been suspended, how pro bono seekers can be referred to services, whether new online pro bono legal clinics and portals have commenced and how you can sign up to accept referrals.
5. **Professional legal organisations** – Check the COVID-19 response of relevant legal professional organisations in your jurisdiction, including law societies and bar associations, including the advice they have in place for their members and any new procedures in place for the pro bono schemes they manage.
6. **Collaborate and coordinate** – the pro bono community is already well-placed to collaborate and coordinate for collective impact. Pro bono lawyers are also uniquely wired into civil society and have a unique glimpse into the needs of their communities. Form pro bono community response networks to set up communication channels and keep on top of evolving legal issues. Capitalise on the unique relationships pro bono providers already have with each other, the community, government and the private sector – both nationally and internationally - to come together to seek out the opportunities and partnerships that are best suited to a pro bono response. This includes tapping into any wide legal assistance sector disaster response mechanisms within your state or community.
7. **Court closures** – Some courts have announced closures for either set or indefinite periods. Check closure dates and any new procedures in place to manage case flow.
8. **Record keeping** – Keep good records of all new pro bono matters that arise during this period and your internal response mechanisms. We hope not, but the time may come again when we need to respond urgently to a future broad scale health crisis. Let’s all be prepared and have our procedures and learnings from this period to hand.

9. **Pro bono in the upcoming downturn** – Data captured by the Australian Pro Bono Centre during the last serious economic downturn between 2008-2010 indicates that pro bono work ramped up during the downturn.<sup>1</sup> Other jurisdictions experienced a similar rise. Think about how you can expand your pro bono efforts over the next few months to respond specifically to vulnerable communities and organisations that will be most affected by the inevitable downturn.
  
10. **Sources of advice** – Of course, use and promote reliable sources of advice locally, nationally and internationally around COVID-19. Official national and state government public health and emergency response information should be consulted. Let’s all look after ourselves, our families and our communities and be measured and responsible during this period.

*This document will continue to evolve along with the COVID-19 health crisis itself. Please do send any feedback and additional thoughts on how the pro bono community can respond to Gabriela Christian-Hare, CEO, Australian Pro Bono Centre or another member of the Centre team at: [info@probonocentre.org.au](mailto:info@probonocentre.org.au). It would be great to hear from you.*

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<sup>1</sup> <https://www.probonocentre.org.au/wp-content/uploads/2015/09/Downturn-No-Deterrent-To-Firms-Acting-Pro-Bono-25-Aug-2010.pdf>