

KWM's People & Purpose Podcast – “What does 2021 have in store for the pro bono sector?”



People & Purpose Podcast Series

People & Purpose is a monthly podcast program produced by the Community Impact programme of global top tier law firm, King & Wood Malleons. People & Purpose talks to leaders in the social impact sector who are creating positive social change in addressing major justice challenges, objectives which underpin the Community Impact Program of King & Wood Malleons. The podcast seeks to spark a conversation about structural causes, poverty and inequality, and generate ideas to help alleviate these global problems. To view the full podcast series on the KWM website click [here](#).

On 23 February 2021, the Australian Pro Bono Centre's CEO, Gabriela Christian-Hare, was interviewed by Dan Creasey, King & Wood Malleons (KWM)'s Head of Pro Bono & Community Impact, on the firm's People & Purpose Podcast Series. This article contains the highlights of the interview.

The full podcast interview is available on [here](#) and the Centre's website [here](#). It contains a longer discussion about the mission and work of the Centre.

Dan: I'm Dan Creasey and this is People & Purpose. In this next episode of our podcast series, I have the very great pleasure of talking with Gabriela Christian-Hare, CEO of the Australian Pro Bono Centre. Hello Gabi and thank you very much for joining me for the next edition of People & Purpose today. It's lovely to speak to you from Melbourne and you in Sydney. Welcome.

Trends Observed in 2020

Dan: I'm really keen to go back to last year. I want to unpack some of the trends that you have observed over the last year and the Centre has observed and particularly during the lockdown periods. Were these positive or negative according to the Australian Pro Bono Centre?

Gabi: There are a number of key trends we witnessed last year. Firstly, like commercial work, a lot of pro bono work had to go virtual. Much more pro bono support was, and continues to be provided, remotely through, for example, video advice clinics, providing virtual secondments, and making more legal resources online for easy consumption. We also saw some fantastic technological innovation such as the development of collaborative software programs to provide legal information and

advice and the provision to community and legal groups of free access to infrastructure and technology services to assist with document management, e-discovery, and matter management. In relation to staffing of pro bono matters, some firms saw that the move to the virtual world during COVID increased both staff interest and their ability to be involved in pro bono work. So that's a very positive trend which I'm sure we will see going forward. But, conversely, the move to the virtual world has also brought about challenges to some pro bono programs. For example, not all community organisations receiving pro bono support have had the technology to be able to run their clinics remotely. For some providers, their normal pro bono work has reduced due to the closure of face-to-face clinics which would normally generate significant pro bono hours.

Dan: And it's this very vulnerable people in need as well.

Gabi: Absolutely. I think we will see some improvement in that regard over time, particularly through 2021 and beyond, particularly if we remain in a virtual world or a hybrid set up going forward. On the positive side, looking at 2020 there is no doubt that the profession has demonstrated a real willingness and ability to respond to a crisis. There was an immediate response across the pro bono sector to support those affected by the bushfires early in 2020 in NSW, VIC and SA. We saw lawyers put up their hands 'in droves' to assist those affected by the fires. And they've continued to do so as legal issues have arisen for those affected. And then of course the pandemic hit. There's of course always significant unmet legal need across a range of areas of legal practice in normal circumstances, but COVID exposed and exacerbated

vulnerability and social inequalities and we saw a surge in legal need in a wide range of areas. In response, despite the challenges many firms and legal teams were experiencing with staff working remotely and even reduced staffing, we saw firms and legal teams respond overall very positively to these crises. At the Centre we run the National Pro Bono Target. Looking at hours through to the end of June last year we saw a 16% rise in hours year-on-year which was a huge jump to over 550,000 hours across the year. In conversation with the profession through the second half of 2020, it's clear that more pro bono work continues to be prioritised.

Dan: Gabi, I want to go back to that piece you mentioned around technology and the various platforms that some firms moved to, or different software that was offered. Do you have any insights as to whether it was the firms that were driving that offering or was it tech companies and perhaps commercial clients of law firms that came together to find those solutions?



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Gabi: I think it's a combination Dan. Some firms really took it upon themselves to find solutions for their pro bono clients. A lot of it was of course client driven. We've also seen an evolution in the work of tech companies in the legal profession – both in the pro bono sector and for commercial work. What I'd love to see going forward is more of a collaboration between firms and their corporate clients, looking

at how, together, those organisations can develop technologies for real social impact.

Dan: You and me both and I think there's so much there that could be explored. Here at KWM, one of the five impact pillars is around equal justice and technology and it's something we are really alive to. I'm keen to hear your prediction as the leader of the Australian Pro Bono Centre about what you think will happen with the pro bono sector this year.

Predictions for 2021

Gabi: Firstly, although we are technically out of recession – of course the text book definition of recession is imperfect, failing to take into account the societal impact of recession, especially on the labour market – so we are expecting that the level of unmet legal need in our community will remain high and that there will still be significant need for pro bono work across a wide range of areas. I think we are going to continue to see the development of technology in connection with how pro bono referrals are made and how legal information and advice is disseminated and even how legal representation is provided. Of course, Justice Connect is certainly leading the charge with its development of online resources for pro bono seekers and the way in which it refers matters to pro bono providers, which is fantastic! On the tech front it's going to be fascinating to see the continual development of more automated services, the use of block chain, the accessibility of standard form contracts and other legal documents by pro bono clients and the provision of standardised legal information to assist clients and the like. Next up, I'd like to mention crisis response. 2020 has really reinforced to the sector how important it is to be ready and prepared to respond to crisis. And so I'm predicting we will see the development of more formal crisis response groups, both within law firms themselves and possibly corporate legal teams, but also across the sector as well more broadly to help build resilience and ensure that pro bono support can be channelled more



swiftly. On the back of a much greater focus on activism that we saw in 2020, I think it's going to be very interesting to see the evolving role of pro bono in this area, looking, for example, at human rights defence and more involvement of pro bono lawyers in law reform and systemic change – and of course racial inequality have become a huge focus over the last 12 months. Linked to this has been the further development of a very much needed focus on 'rightsholder engagement'. The foundation of rightsholder engagement is that the best and only way to properly understand human rights risks is to better understand the perspectives of rightsholders who experience them. It sounds trite to say it, but we haven't been very good at this to date. The premise is that results happen through rightsholders rather than to them and that affected individuals should guide the trajectory of that work. We've heard a lot about this when it comes to First Nations clients – “Nothing for us without us.” My prediction is that we will see a much greater focus on this in 2021 and beyond across multiple client groups.

Dan: think that's a great observation and a terrific prediction, particularly as it relates to First Australians. The concept of self-determination and empowerment are not new concepts of course, but I absolutely agree that they haven't been concepts that have been taken seriously enough or implemented into work practices. And, equally,

perhaps a semi-related theme is around climate. No doubt that is another area: climate change, climate justice are going to be topics explored by pro bono lawyers in Australia but also globally. I want to commend the Australian Pro Bono Centre on the publication that it put together last year. Did you want to talk to us a little bit about that guide?

Focus on the Climate Emergency

Gabi: There was an unprecedented focus last year on climate justice and sustainability actually across the wider social justice sector that resulted in significantly increased focus and interest by pro bono lawyers in work to combat our climate emergency, despite the distraction of dealing with a rather human crisis at the same time. At the end of 2019 we already were starting to work on our new *Pro Bono Guide to the Climate Crisis* as you mentioned. Particularly with the bushfires hitting around the new year, there was even more of an impetus for us to produce something that we hoped would be a primer for action in this area. So we published the Pro Bono Guide to the Climate Crisis in August last year. It contains descriptions of 15 different activities that pro bono lawyers can be involved in in response to the climate emergency. We were in a very fortunate position to be able to gather case studies from around the world showcasing the work that's already taking place to try to inform and inspire lawyers across the world to become involved. And I'm really thrilled to see the response we've had to the guide. We had support from key players in the climate emergency and sustainability, including Dr David Boyd, the UN Special Rapporteur on human rights and the environment.

Impact Measurement

Dan: It's a really important and timely guide. I want to go back to one of the priorities that you stated earlier on for the Australian Pro Bono Centre since you became CEO and that's around impact measurement and impact evaluation. As you know it's a topic that I'm really passionate about. Can you talk to me about why this is something you are passionate about?

Gabi: In regards to impact measurement Dan, I think you are encouraging us all to be better versions of ourselves! You are certainly leading the charge for which we are very grateful. Certainly I think we are in agreement that it's time for the pro bono sector to dig a little deeper and not be so focused on the quantity of pro bono work but also the impact it's having. This very week we are writing our report on the *National Pro Bono Law Firm Survey*, which is the biannual survey that we undertake at the Centre. We had 38 law firms with 50 or more lawyers respond to that survey.

More firms are taking steps than ever before to more formally evaluate their work. For those who are trying to map their impact, we have seen two approaches. Some are clearly determining the trajectory for the whole practice and trying to evaluate the full impact that it's having. And others are looking at it very much on a project-by-project basis. At the Centre we're all about encouraging pro bono practices to do essentially what businesses do with their commercial work, essentially to map out what success looks like and how you think you are going to achieve it and then have a process to evaluate whether you are on track. It certainly helps to focus attention on why we do what we do. We suggest at the Centre that it's really worthwhile starting with evaluation of projects into which you are investing lots of resources. They are the ones to really focus on first – start coming up with some impact and measurement tools for those projects. At the Centre we're doing this for our own projects: coming up with planning tools at the start of each project, setting regular times to check in to see how we are tracking, and then determining whether we are

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heading towards our goals. Speaking of goals, this brings me to the UN Sustainable Development Goals (SDGs). So many corporations in Australia and around the world are expressly supporting the SDGs. But, interestingly, many haven't yet prioritised pro bono work in connection with goal setting tied to them and I think there's much more room for growth there. In relation to the Measurement Impact Hub we've got on our website, we've set up a website page which is intended to be a library of resources which includes case studies and helpful articles on impact measurement. We are trying not to be

too prescriptive on how to do this but rather put forward resources that pro bono providers can take and use and adapt themselves to better assist themselves to evaluate their program.

Dan: It's such a good idea Gabi. And as someone pretty new to this evaluation piece but deeply interested in it, one of the challenges I've actually faced is where to source information that's actually going to really guide me on this journey. The Centre for Social Impact at UNSW is another great resource for our listeners. But I like the idea of it being pro bono specific because it is a real challenge and of course how you evaluate a project verses a practice is of course quite different. The outcomes that you want to set and the data that you need to feed in to determine whether the outcomes are being met is a challenge. And whilst we at KWM published our first impact report last year, there's so many learnings that we will take from last year into this year and we will continue to learn as we go along in this new journey. But I agree

with you, I think it is important to know whether the work we are doing is having the impact that we are ultimately hoping. You do have to put in this type of framework or establish a framework to be able to do it really well. It's fantastic to see that the Centre is going down that path and I think it's an important conversation and it's great to hear that so many other firms are also embarking upon that journey.

Gabi: It's a fantastic development and the results of the Survey reflect that it is a priority. It's a question of evaluating both the impact on beneficiaries of pro bono work and the community but also looking internally as well about measuring the impact of pro bono work on staff and the firm more generally.

Dan: Absolutely. There's so many different pieces to that evaluation puzzle. We even go to the extent of evaluating our philanthropy programs and our volunteering programs, mainly from an engagement perspective internally to get the views of our partners and our people on what we are doing. So there's rich information and rich data to be gathered. Before I let you go, Gabi, I really want to go back to your other priorities which are around emerging pro bono and in-house pro bono. I work with a large number of in-house counsel on pro bono projects. My sense over the last 12 months is that there is increased interest in participating in pro bono from in-house pro bono lawyers. Is that your sense as well?

Development of In-house Pro Bono

Gabi: It definitely is and I'm really pleased to say that. In-house pro bono has certainly been a key focus of the Centre in recent years. In 2020 we started a range of new initiatives to try to drive forward in-house pro bono. We set up the inaugural Australian In-house Pro Bono Steering Committee, which is comprised of members of the Centre and corporate and government team representatives, and representatives of the Association of Corporate Council Australia and the Law Society of NSW. We set up a portal especially for in-house counsel on our website as well, populating it with information and resources which we hope are helpful. We also for the first time in July 2020 opened the National Pro Bono Target

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to in-house legal teams, both corporate and government. So far, we've had nine legal teams sign up and eight individual in-house lawyers which we are very happy about. We feel that's a really good uptake in the first six months. We're just about to start a series of roundtable events for in-house Target signatories as well, to encourage more in-house teams to sign up. But I think certainly the support that pro bono coordinators in firms such as yourself Dan that can provide to in-house teams is invaluable at this stage when in-house teams are starting off on their journey to establish a pro bono practice, to look for opportunities and to get themselves established in this way. It's wonderful to hear that you are working together with quite a few corporate clients.

Dan: I think it's an important role that we can play in facilitating pro bono where there might not be the infrastructure that exists within a corporation for the pro bono team. We have a large number of projects which can always benefit from more lawyers being involved. And I know so many other firms have a similar approach which is to invite their in-house lawyers to participate.

Gabi on that note I'm going to thank you so much for joining us today. It's been a really good conversation. I'm so pleased to see the Australian Pro Bono Centre is going from strength to strength under your leadership – I think you are doing an absolutely fantastic job. Congratulations particularly after a challenging year last year, I'm really looking forward to watching those priorities come to fruition and continuing to work with you to achieve your vision. Well done and thank you so much for joining us on People & Purpose today. ■

To listen to the full podcast series on the KWM website click [here](#).

Dan Creasey is the Head of Pro Bono & Community Impact at King & Wood Mallesons. Dan has worked in pro bono & community for over 12 years. He is a leading pro bono, community and responsible business lawyer and was named in the 2016 Hot List by Australasian Lawyer magazine. His primary areas of practice include: Poverty Law (housing/tenancy rights, domestic violence, credit & debt and victims compensation); Public Interest Law/Human Rights Litigation; Insurance Litigation (defence/claims work); and Practice Management (pro bono, charities & community legal centres). Dan has built a substantial practice advising and assisting charitable institutions and is a trusted advisor to many of the largest charities, non-profits and Community Legal Centres in Australia. Dan has highly developed skills in strategy planning and implementation, communications and community engagement. Prior to coming to KWM, he was Partner at an Australian firm where he led the pro bono & community program. Dan was also on the board of the Australian Pro Bono Centre from 2014 to 2019.

