Pro Bono Voco

AUSTRALIAN PRO BONO CENTRE

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Inspiring Pro Bono Action

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Pro Bono Voco

Cover photo from New Perimeter (DLA Piper), Open Society Justice Initiative and Legal Empowerment Network's Providing Legal Services Remotely: A Guide to Available Technologies. See page 15.

The sixth edition of the Centre's biannual magazine, *Pro Bono Voco*, is brimming with case studies, stories and profiles from across Australia and beyond.

Last month I had an exceptionally inspiring conversation with the inimitable Peter Seidel, Melbourne-based partner responsible for coordinating Arnold Bloch Leibler's public interest law contributions. We have recorded that chat for posterity, both in written form in this *Voco* edition and as a podcast interview (p. 3). Peter has sage advice about integrating pro bono as part of a business offering.

We have a number of other law firm pro bono programs featured in this edition. We hear from Johnson Winter & Slattery on the steps the firm took to build a thriving pro bono practice in just two years (p. 7). We hear from Tamara Sims, Head of Pro Bono and Responsible Business at Colin Biggers & Paisley, on her career, the firm's pro bono program and its approach to responsible business (p. 25). I'm also delighted that we're profiling Shan Wilson, New Zealand's first dedicated Pro Bono Partner, and the Simpson Grierson pro bono program (p. 28).

In this edition we feature Donnella Mills, recently appointed Senior Associate, Pro Bono Project Lead at King & Wood Mallesons. Donnella has spent much of her career providing and advocating for access to justice for Aboriginal and Torres Strait Islander individuals and communities. Donnella discusses the importance of holistic lawyering and of building strong relationships. I love the way Donnella dares the profession to recognise the power of First Nations people and the value they bring to a practice (p. 20).

On the subject of First Nations justice we also feature a new wills clinic in the West Kimberley established by Aboriginal Family Legal Services in Western Australia. This clinic provides a superb case study on what can be achieved when the private, community and public sectors join forces (p. 10).

The role of, and potential for, technology in supporting access to justice has become abundantly clear through the pandemic. We're delighted to include an article by DLA Piper on a new guide released by New Perimeter, DLA Piper's nonprofit affiliate, in collaboration with the Open Society Justice Initiative and the Legal Empowerment Network, *Providing Legal Services Remotely: A Guide to Available Technologies and Best Practices* (p. 15). In this edition we also feature the work of Josef, the no-code legal automation platform supporting a growing number of community organisations and pro bono professionals. The founders of Josef discuss their Kafka-inspired vision for establishing the platform and how they are supporting access to justice (p. 18).

In-house corporate and government pro bono continues to be a focus of the Centre and in this edition we feature IP Australia's pro bono program. Ivan Posa discusses the program's development and focus areas, including supporting Australia's creative and entertainment communities (p. 22).

Since releasing its *Pro Bono Guide to the Climate Crisis* in 2020, the Centre recently launched a new Global Pro Bono Climate Action Portal in collaboration with NGO, PILnet. A description of the Portal is included in this edition (p. 24). We're also thrilled to feature The Chancery Lane Project, an extraordinary collaborative initiative of commercial lawyers from around the globe whose vision is a world where every contract enables solutions to the climate crisis (p. 31).

Lastly, it is with great pleasure that we include an article about Centre Board Member, Dr Justine Rogers, Senior Lecturer at the UNSW Faculty of Law and Justice. Her fun and philosophical chat with Centre Australian Government Solicitor Secondee, Tomo Kudrich, makes for wonderful reading (p. 12).

We hope you enjoy this edition. Wishing you a very happy holiday. ■

Gabriela Christian-Hare, CEO

PRO BONO IN THE NEWS

Each fortnight the Centre distributes a Round-Up of the top news stories relating to pro bono legal work and access to justice through Pro Bono in the News. Subscribe at ***www.probonocentre.org.au***

Don't miss the Centre's primary resources at ***www.probonocentre.org.au***:

- **The Australian Pro Bono Manual:** a 'how to' and 'best practice' guide on establishing and operating a pro bono program
- **Pro Bono Partnerships and Models: A Practical Guide to What Works:** practical information on how to effectively collaborate on pro bono projects
- **Best Practice Guide:** a guide to best practice in the provision of pro bono legal services
- **Client Management & Self-Care Guide**
- **Pro Bono Legal Work:** A Guide for Government Lawyers
- **Pro Bono Legal Work:** A Guide for In-House Corporate Lawyers
- **Pro Bono Guide** to the Climate Crisis
- **Pro Bono Guide** for Individual Lawyers

Not just ‘feel-good’ law:

A conversation with Peter Seidel about integrating pro bono as part of a business offering

“Public interest law is not necessarily just ‘feel good’ law and it is not an adjunct to the real work of law.”

Every now and then you meet someone truly inspiring. Someone who reminds you of why we do pro bono work and the difference it can make in our communities. Gabriela Christian-Hare, CEO of the Australian Pro Bono Centre, had that experience when she sat down recently with Peter Seidel of Arnold Bloch Leibler.

The full podcast interview with Peter is available on the Centre’s website *here*.

G: Peter, you have been a partner at Arnold Bloch Leibler (ABL) since 2002 and have been responsible for coordinating the firm’s Native Title and Public Interest Law contributions. You have also won awards in recognition of your significant contribution to both the pro bono sector and the promotion and advancement of human rights in Australia. Could you tell us about yourself and how long you’ve been running ABL’s pro bono practice?

“It’s not ‘after hours work’. It’s heart and soul; central to our culture as a firm.”

P: I’d be delighted to Gabi. I joined the firm in 1993 to work on the Yorta Yorta land claim. At the time, I had come from the Federal Court where I was an Associate to the then Acting Chief Justice Sweeney. I had been in practice at a commercial law firm before my three years at the Court and an opportunity fortuitously came up to join Arnold Bloch Leibler. This was at a time when there was a toxic atmosphere in the native title space but, remarkably, the partners of ABL still took the decision to take on the Yorta Yorta case on a pro bono basis.

It is a decision that I look back and reflect on often because I see the mindset of the partners at the time (many of whom are still partners) reflected in the kind of work we take on today. That mindset comes from a philosophy of standing shoulder to shoulder with disempowered and disenfranchised people. At the heart of the Yorta Yorta case and the decision to take it on was taking a stand against racism. So, I took on the position, and my role as a public interest law partner has evolved since that time.

Members of the Wadeye community dance in the Arnold Bloch Leibler office

"The brightest and best want to come to our law firm because of our pro bono work. The work also helps re-enthuse not-so-young lawyers because it is why we studied law in the first place – namely, to be involved in something bigger than ourselves."

G: Peter, it sounds like the Yorta Yorta case was the genesis of what has become quite a thriving pro bono culture at Arnold Bloch Leibler. Could you describe that culture and how you encourage staff to participate in pro bono work?

P: The work on the Yorta Yorta case in the early 1990s reflected a long-standing commitment that the firm had made from its inception to act on behalf of peoples and causes requiring legal advice where those people were unable to afford such advice. So it would be wrong for me to suggest that it all started with the Yorta Yorta case. Rather, taking on that case reflected a culture that had long existed within the firm.

At that stage in 1993, there wasn't a formalised public interest law pro bono practice. However, there was a sense of wanting to capture and formalise that which existed informally. I co-authored a paper that was given to the partners which proposed a framework for a public interest law practice. We really wanted to ensure that there was no distinction between fee paying work and pro bono work.

Public interest law is not necessarily just 'feel good' law and it is not an adjunct to the real work of law. To the contrary, that attitude is anathema to any thriving public interest law practice, and Arnold Bloch Leibler understands that very much. It's not 'after hours work'. It's heart and soul; central to our culture as a firm.

G: What about the benefits that you and other staff have received from involvement in pro bono participation? What sort of response have you seen?

P: It's a fantastic question. We do pro bono work because it's the right thing to do. We are in a privileged position as lawyers to do the work we do and be paid for it. We take the view that pro bono work is part of our professional obligation, our ethical duty in fact. That's the portal, and through that portal comes a whole range of benefits.

"There is a lot of fluidity across practice areas and we expect people to have an interest and a passion in a number of areas of law, which we call being a 'generalist specialist'. Pro bono practice gives people an opportunity to do that."

This reminds me of something that the coordinator of the Yorta Yorta land claim, Monica Morgan, said to me: Don't you ever forget that our people are just as good for your firm as you are for us. That is central to our philosophy as a practising pro bono law firm. Pro bono work is part of our business plan because there are so many benefits associated with it.

The brightest and best want to come to our law firm because of our pro bono work. The work also helps re-enthuse not-so-young lawyers because it is why we studied law in the first place – namely, to be involved in something bigger than ourselves. On top of that, we also get to learn in new places and new spaces. There is a lot of fluidity across practice areas and we expect people to have an interest and a passion in a number of areas of law, which we call being a 'generalist specialist'. Pro bono practice gives people an opportunity to do that.

We also encourage our lawyers to get involved in community more broadly and to offer their services on boards. We strongly encourage them from the moment they join our firm to tap into their interests and passions and also to find out what motivates their commercial clients. Most of our clients have community leadership roles so we encourage our lawyers to show an interest in that and have a conversation with them about it. If your client knows about the good work you do for the

"We want people to feel good about bringing in pro bono work as part of their business offering and enhancing their standing in society. Pro bono work is part of the business case for this firm and why we are successful commercially."

community and they know you genuinely appreciate the good work they similarly do in the community, naturally they'll want to continue giving you fee paying work. We talk about the fact that pro bono work leads to fee paying work and vice versa.

It's great that this intricacy of relationships occurs because that's the nature of a sophisticated practice, particularly in the post-pandemic world. We empower our lawyers to be involved in making decisions about what causes that they want to contribute to. We want people to feel good about bringing in pro bono work as part of their business offering and enhancing their standing in society. Pro bono work is part of the business case for this firm and why we are successful commercially.

G: That all makes very good sense. The feedback received by the Centre from across the sector has been that, through the pandemic, pro bono has enabled staff to feel a sense of connectedness, usefulness and a capacity to act at a time when so many of our freedoms have been lost and when so many individuals and organisations in the community have been so significantly impacted. How did your staff respond to pro bono participation through the pandemic?

P: Fantastic question again, Gabi. The pandemic is proof of the way pro bono work is so vital to the sustainability and success of any law firm. We've done more hours of pro bono work through the pandemic than we ever have done in the history of the firm. We have struggled, particularly in Sydney and Melbourne, with lockdowns but pro bono work has allowed us to empathise with people that are less fortunate. Staff have reported to me that they have found renewed purpose during the pandemic because they were able to work on something that was much bigger than themselves.

G: For nearly 30 years, Arnold Bloch Leibler has worked with Aboriginal and Torres Strait Islander communities, individuals and organisations on matters that seek to support Indigenous-led self-determination. ABL was also the first law firm in the country to develop a Reconciliation Action Plan back in 2008, which is just terrific. Could you describe in more detail the main areas of focus of your pro bono practice, including the priority given by the firm to Indigenous matters?

P: I'd be delighted to. There is a focus on Indigenous causes. This was born from the relationship that we started in 1993 with the Yorta Yorta people, who continue to be one of my most important public interest law clients. From that relationship evolved a practice of promoting Aboriginal self-determination, sovereignty and ensuring that the voice of Aboriginal peoples is heard on the basis of free, prior and informed consent. That's what we stand for.

We also act for a number of cultural causes, particularly Jewish causes, and other not-for-profits. We take the view that we cannot be all things to all people. In our commercial practice, we have expertise in commercial arrangements, governance, and the like – and we reflect that in our public interest law and pro bono work for various cultural causes.

At the heart of our commitment to cultural and general societal causes is an abhorrence of racism. That is reflected in the key decisions that the partners have made, particularly when we take on test case litigation.

"The pandemic is proof of the way pro bono work is so vital to the sustainability and success of any law firm."

"This is about giving a rounded commitment to a client that goes well beyond fee paying work. It harnesses and reinforces the value of the law firm involved."

For example, in about 2008, we acted on behalf of a group of disempowered young, African-Australian men in Melbourne who were alleged to have been racially vilified by Victoria Police. We took on that case pro bono and worked on it for about five or six years until it settled. That settlement resulted in an inquiry that the Victoria Police agreed to conduct into systemic racism within their ranks.

Another significant feature of our public interest law practice is working for environmental causes. A number of peak environmental organisations are clients of the firm: Greenpeace, the Sunrise Project, Australian Conservation Foundation, Environment Victoria, Australian Environmental Grantmakers Network, for example. We have a focus on contributing to the promotion of environmental sustainability and we have committed to taking action on climate change.

We are also involved in advocacy work, most recently reflected in another piece of test-case litigation where we acted on behalf of the anti-poverty charity, Global Citizen, against the Australian Charities and Not for Profits Commission. As a consequence of that work, there was a recent decision about the rights of organisations like Global Citizen to be involved in advocacy and still be allowed to retain public benevolent institution status. That was a major win for civil society.

G: To finish up, if you could give one piece of advice to firms looking to develop their pro bono practices, what would it be?

P: You've asked me for one but, being a lawyer, I'll give you two!

The first one is: The success of a pro bono practice comes from following your passions, and that requires due diligence. If a firm is thinking about commencing a public interest law pro bono practice, it should do its due diligence on what the firm's lawyers and staff are passionate about. Follow those passions because that is a fantastic way of generating a powerful collective contribution to civil society.

The second part is: Do that same due diligence with your commercial clients. What are your commercial clients passionate about? How and where are they involved in contributing to civil society? This is about giving a rounded commitment to a client that goes well beyond fee paying work. It harnesses and reinforces the value of the law firm involved.

Ultimately, Gabi, it all comes down to following your passions. It makes for a very rewarding career for the lawyers and staff involved. ■

Peter Seidel is the partner responsible for coordinating Arnold Bloch Leibler's public interest law contributions and is head of the firm's native title and Indigenous rights practice.

For many years, Peter has been highlighted as one of Australia's leading lawyers by prominent international legal guides Chambers Asia Pacific, The Legal 500 Asia Pacific and Best Lawyers International in the area of native title and traditional owner rights. Complementing this, Peter has been similarly recognised by Chambers Asia Pacific in the area of charities for his wealth of experience working for the not-for-profit sector on a range of matters including constitutional, governance and contractual issues.

In 2020, Peter was awarded Lawyers Weekly 'Pro Bono Partner of the Year'. Peter is also a previous recipient of the prestigious Human Rights and Equal Opportunity Commission's Human Rights Award in the Law Category, in recognition of his significant contribution to the promotion and advancement of human rights in Australia.

BACK TO COVER

Back row (L-R): Sean Lally, Luke Morrissey, Daisy Skerritt, Nafisa Trisha, Karie Mayman, Meher Mehta, Ankita Rao

Front row (L-R): Kirstyn Ho, Georgia Brigg, Alexis Edinburg, Nieshanka Nanthakrishnakumar, Gayathri Balaji, Catherine Nguyen, Vivian Fan

Photography: Ricky Gao

Setting up a pro bono practice - Greenfields to 48 hours per lawyer in two years

By Frances Dreyer and Kathryn Bertram

Johnson Winter & Slattery established its pro bono program in 2019. In two years they reached 48 pro bono hours per lawyer. They were late to the party, but have devoted concentrated effort to establish the practice and foster a culture of participation and recognition.

Frances Dreyer, Litigation Partner, established the practice. She now shares practice leadership with Kathryn Bertram, Tax Partner, and they are assisted by coordinators Jade Tyrell, Senior Associate, and Veronica Gregory, Associate. Frances and Kathryn kindly agreed to share their firm's journey over the last two years.

Our focus

A key aspect in establishing the pro bono practice was being clear about what would fall within our work and what would not. We developed a strict focus on helping low income, disadvantaged and marginalised people in the Australian community. We have recently also expanded this to allow us to take on some environmental work.

Adhering to this focus has meant we decline many matters, and in the beginning we needed a process to shift away from other non-chargeable work. However, it has built internal respect for the practice.

Establishing a pro bono practice

In our initial period, our focus was on "set up" and developing a culture focused on social justice work.

The first step was appointing a pro bono partner to lead the process with a direct line to the Managing Partner. It was then a matter of laying the foundations to create a successful practice. This work included:

"A key aspect in establishing the pro bono practice was being clear about what would fall within our work and what would not. We developed a strict focus on helping low income, disadvantaged and marginalised people in the Australian community."

- Getting internal buy-in: We consulted internally (including by a whole of firm survey) to identify the types of work and causes we should focus on. This included working closely with management to develop the direction, limits, risks and budget. We presented to the entire partnership on the cultural and business case.
- Gathering market information: We met with pro bono partners from other firms, as well as representatives of many community legal centres, Legal Aid branches, charities and social enterprises, to learn from their experiences and understand where the "gaps" were. We attended presentations from the Australian Pro Bono Centre and asked a lot of questions.
- Policies and procedures: Creating very clear selection criteria, ensuring all pro bono work would be recordable and treated equally to billable work for all internal purposes, and addressing the detail e.g. resourcing, file opening etc.

Joining key sector organisations, such as Law Access and Justice Connect, was an important step in our growth. Working closely with these organisations gave us an instant avenue to access the types of pro bono matters we wanted to work on.

It was then a matter of just testing the waters. We did this by:

- Taking referrals for smaller matters in areas our lawyers were confident in.
- Taking referrals from other firms.
- Cold calling a large number of small grass roots social enterprises and charities (such as The Social Outfit) and offering a relationship.
- Trying our first secondments (strategic litigation at PIAC and Law Access in WA).
- Speaking with charities some partners already did work for and offering to expand the relationships.
- Testing out a number of relationships and options - some did not work and some did.
- Involving the Managing Partner, including in selecting matters and discussing risks and costs. The practice had to be "owned" from the top.

We took a "one state at a time" approach ensuring the partners in each office really "owned" how the practice was developed in their state. We have one more state left to build.

"We took a "one state at a time" approach ensuring the partners in each office really "owned" how the practice was developed in their state."

JWS Associate Sean Lally delivers a presentation on workplace rights to a class of Year 12 students at McCarthy Catholic College, Tamworth

Throughout the process, we were not focused on the National Pro Bono Target but rather on being realistic. We chose not to get monthly "hours" reports or track our hours. This was critical, because it allowed us to focus on building something authentic. We acknowledged at the outset that it would take more than 12 months to establish the type of practice we wanted, and set realistic expectations with management. We acknowledged that too much too soon could backfire (including because we needed to keep wide support for the business case).

By the end of year one we had achieved over 20 hours

"There was excitement for the pro bono practice, and support, consistently across multiple levels in the firm. Senior management made it clear that pro bono was important, the partnership group was on board and our lawyers were keen to be involved."

per lawyer, which was a win in our eyes. The next step was to grow in a meaningful way which kept our focus on "gaps" in the market and work which provided tangible assistance. We managed this in our second year by:

- Establishing clinic programs and links with community legal centres in Melbourne and Adelaide.
- Building further relationships with charities and community legal centres (more "cold calls").
- Deepening our relationships with existing clients, so we are "first call' on legal issues.
- Establishing a number of new secondments where we saw community need (such as in relation to tenancy matters and employment).
- Taking on "harder" and "bigger" matters for individuals and organisations from referrers, including going on the record in litigation.

In this second year we achieved 48 pro bono hours per lawyer, and increased the complexity and depth of our work.

Ben O'Mara selfie

Driving participation

Pro bono work is recognised within the firm for all management purposes - a lawyer's "capacity" and "utilisation" includes pro bono hours - no compromise. It is also a matter expressly considered in the annual performance review process for lawyers.

We also prepare monthly Pro Bono Highlights to share details of the pro bono work being undertaken throughout the firm in order to showcase our skills and encourage others to participate in the program. This was especially important in the early stages of the program. The responses to these were amazing and we found staff at all levels wanted to get involved.

Our Chairman and Managing Partner are behind participation and this is also key.

Our next goal is to get 100% of partners involved in pro bono work.

What drove such rapid growth?

Probably a combination of everything discussed. If we had to call out the biggest factors they would be:

- There was excitement for the practice, and support, consistently across multiple levels in the firm. Senior management made it clear that pro bono was important, the partnership group was on board and our lawyers were keen to be involved.
- Looking to build deep relationships with charities and CLCs so we become a dependable and reliable "legal partner".
- Always asking our community partners "what they want", really trying to understand their context and responding to requests like we would any other client.
- Setting up permanent secondments which community partners can rely upon for long term resourcing.
- Setting up clinic programs which see senior lawyers "partner" with more junior lawyers to provide direct client advice.
- Recognising the type of files which were less popular in other pro bono programs and looking to fill that need, such as tax matters, enforcement of judgements, corporate and governance matters, insurance matters for individuals, matters against credit and financial instructions, and long matters (one of our first litigation matters is still ongoing in the Supreme Court of WA). ■

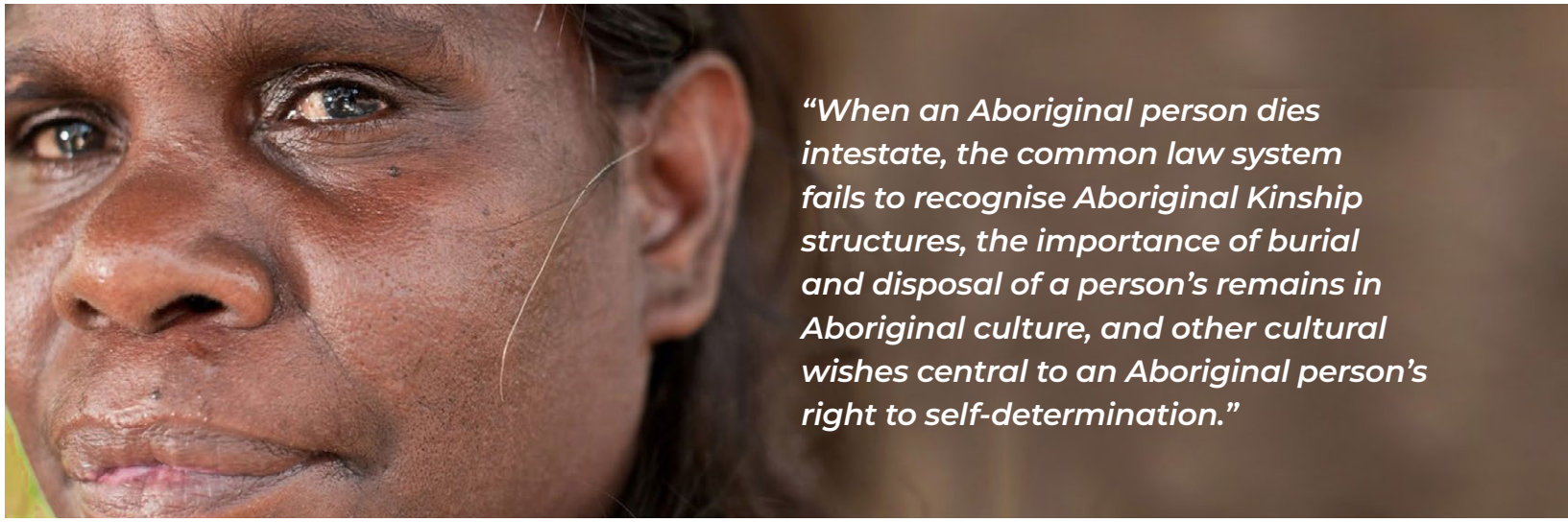
Frances Dreyer (Litigation Partner) specialises in Federal and Supreme Court litigation with a focus on claims related to financial products, accounting irregularities and the health sector. Frances manages large scale and business critical disputes litigation with careful and strategic focus. She is recognised by clients as "truly outstanding" and as a long term partner who "goes above and beyond in servicing her clients. She is smart, thoughtful, pragmatic and commercial" (Asia Pacific Legal 500, 2021). In addition to her commercial practice she established the JWS pro bono practice, and leads it as joint pro bono partner on an ongoing basis.

Kathryn Bertram (Tax Partner) specialises in tax risk management (including reviews, audits, ADR and litigation) and state taxes. She has advised on disputes in relation to the R&D tax incentive, losses, capital gains tax, the General Anti Avoidance Rule (Part IVA), transfer pricing, permanent establishment, land tax, payroll tax, transfer duty and valuations. Kathryn also advises clients on the implications of various state taxes including corporate reconstruction relief, transfer duty, landholder duty and land tax. In addition to her commercial practice, she is joint pro bono partner.

BACK TO COVER

Private, community and public sectors join forces to deliver free wills in the West Kimberley

By Corina Martin



"When an Aboriginal person dies intestate, the common law system fails to recognise Aboriginal Kinship structures, the importance of burial and disposal of a person's remains in Aboriginal culture, and other cultural wishes central to an Aboriginal person's right to self-determination."

Unmet legal need for a wills service for Aboriginal people

Aboriginal Family Legal Services (AFLS) first identified the demand for a wills service for Aboriginal people in regional and remote Western Australia in early 2012, at a meeting with pro bono lawyers who were considering running a free wills project out of the Perth metropolitan area. I was at that meeting and raised the need for assistance in the wills and estates jurisdiction in regional and remote communities across Western Australia, particularly in the remote North West where there was, and continues to be, no legal facility available to meet that need.

Too many Aboriginal people are dying without wills in Western Australia, where the laws of intestacy are particularly unkind. When an Aboriginal person dies intestate, the common law system fails to recognise Aboriginal Kinship structures, the importance of burial and disposal of a person's remains in Aboriginal culture, and other cultural wishes central to an Aboriginal person's right to self-determination.

In 2020, AFLS commenced a regional consultation process on wills in the West Kimberley, hosted by our Broome office. The initial Wills Project Team, comprised of two lawyers and a paralegal from our Corporate Office and a Community Engagement Worker from our Broome office, attended consultations in Broome, Derby and closed communities in the Dampier Peninsula, to hear what legal services Aboriginal people needed most in relation to wills and estates and determine what the most common issues were. In total, the Wills Project Team estimated having consulted at least 300 community members.

Aboriginal Family LEGAL SERVICES | Don't silence the violence

Following the introduction of the WA Pro Bono Model on 1 July 2020, Law Access conducted consultations with community legal centres across Western Australia about areas of unmet legal need suitable for pro bono support. Wills was one of the top two areas of unmet legal need identified by CLCs across Western Australia.

In partnership with CLC peak body Community Legal WA, Law Access established a Steering Committee to oversee the implementation of a pro bono response in this area. As CEO of AFLS I was invited to chair this Committee, which first met early in 2021. Together the Committee determined to pilot a pro bono wills clinic in the West Kimberley. This area was chosen due to the previous work by AFLS in the area. The project also aligned with an application made by Broome CIRCLE, a locally based community organisation, to Law Access seeking pro bono assistance on wills for Aboriginal community members in the region.

About the project

One hundred and fifty people from the West Kimberley communities of Beagle Bay and Djarindjin registered with Broome CIRCLE for free wills clinics held from 8 November to 12 November 2021.

The free clinics are part of a collaborative access to justice project developed by Law Access and AFLS. The clinics are being delivered by a team of five lawyers who are being supported by Broome CIRCLE and Aboriginal Interpreting WA.

Three private lawyers are taking part on a pro bono basis: Sally Bruce & Jim O'Donnell, Partners with law firm Jackson McDonald, and Janene Bon, Wills & Estate Planning Special Counsel with law firm HHG Legal.

They are joined by Daniel Gibbard, Principal Legal Officer with AFLS and Arna Plaisted, Lawyer with Legal Aid Western Australia.

The five lawyers are accompanied by staff from Broome CIRCLE and Martina Badal, interpreter from Aboriginal Interpreting WA, for the duration of the wills clinics week to ensure the project is as successful and effective as possible.

The contribution of pro bono lawyers

Having identified this project as a priority under the new WA Pro Bono Model, Law Access approached law firm Jackson McDonald for assistance. The firm has worked closely with our service and with Law Access throughout the project, providing advice on project design, seconding lawyers to AFLS to assist with project planning as well as developing new templates and resources and recruiting their colleague Janene Bon from HHG Legal to assist.

AFLS and Jackson McDonald entered a Memorandum of Understanding through which two lawyers were seconded from Jackson McDonald to AFLS to assist the development of client preparation forms that would eventually be used for the wills clinics.

With WA Pro Bono Model funding from the Department of Justice provided through Law Access, AFLS engaged Aboriginal Interpreting WA to interpret the client preparation forms into Kimberley Kriol and ensure the accessibility of the clinic to Aboriginal people whose first language is not English.

On the ground in Broome, Broome CIRCLE's financial counsellor Veronica Johnson was instrumental in ensuring the preparation for the project ran smoothly. Veronica coordinated the permissions for the lawyers to enter the closed communities in the Dampier Peninsula, managed the logistics of the clinics and registered over 150 Aboriginal people for the clinics.

Together with Broome CIRCLE, AFLS ran a series of pre-wills clinic workshops in October 2021, to prepare clients for the clinics and ensure they had the necessary ID and other relevant documents required to participate. Broome CIRCLE staff arranged transport and accommodation for the pro bono lawyers attending the clinic and have provided practical support for the legal team on the ground. Broome CIRCLE Executive Officer Denisa Konecny told me that "*Broome CIRCLE is very happy to be a part of this collaborative program*."

Next steps

This project is a critical first step towards empowering Aboriginal people to be self-determining with their possessions, to ensuring Aboriginal families are looked after in culturally appropriate ways, and to creating positive outcomes for Aboriginal communities.

A joint debrief with all stakeholders will be held after the project concludes. We hope to apply the learnings from this pilot clinic in order to deliver many more like it. ■

BACK TO COVER

"Law firm Jackson McDonald has worked closely with our service and with Law Access throughout the project, providing advice on project design, seconding lawyers to AFLS to assist with project planning as well as developing new templates and resources..."

Corina Martin is a Mulgyin Jaru/ Kitja and Gooniyandi woman born and raised in Broome, Western Australia. Her qualifications include a Bachelor of Marketing and the Media and Bachelor of Law. Corina was admitted to the Supreme Court of Western Australia as a barrister and solicitor in 2006. She was the Principal Legal Officer of the Aboriginal Family Legal Service before becoming the Chief Executive Officer.

Private, community and public sectors join forces to deliver free wills in the West Kimberley

Spotlight on Centre Board: Dr Justine Rogers

By Tomo Kudrich, *Centre Policy and Project Officer on secondment from Australian Government Solicitor*

I had the pleasure of interviewing Centre Board member, Dr Justine Rogers, UNSW Law & Justice nominee. Here is a sketch of our long (and fun and philosophical) chat over Zoom.

Justine is Senior Lecturer at UNSW Law & Justice, where she teaches and convenes the core legal ethics course and one of the legal philosophy courses, Theories of Law & Justice. Justine is also Deputy Director of the Future of Law and Innovation in the Profession (FLIP) research stream, a strategic collaboration with the NSW Law Society and a part of the Allens Hub for Technology, Law and Innovation. She holds a Master's and a DPhil from the University of Oxford. As an unexpected addition, she is also a stand-up comedian. Justine clarifies, "I should probably identify as a lapsed comedian or a comedian-in-hiatus because I haven't been doing that much stand-up for a while. I've just started some comedy writing again, but very, very slowly".

Justine feels she "can only manage two things, fairly well at any one time", which was being an academic and a stand-up, but when new parenthood entered the mix, it became too hard. "I couldn't do three things, especially when all three are pretty exposing, demanding pursuits". Now her daughter is five, Justine has started to get the itch to bring comedy back into her life. Justine is a twin and middle child of eight kids, of (medical) doctor-parents. In her family growing up, there was no conversation about doing anything in the arts as a career. So where did comedy come from? She thoughtfully reflects, "I think I've got this unfortunate and fortunate instinct for performing."

In thinking why stand up appealed, Justine recalls that after spending a number of years overseas working hard on her PhD, she just wanted to do something for herself. "Where I could express myself more freely and more directly and get feedback straightaway, rather than waiting for a peer review that could take a few months and then for the final

Justine on stage as a stand-up comedian

"There are some overlaps between law and the arts, Justine says. As an obvious example, when she conducted her DPhil, an ethnography of London barristers and their pupils, she watched certain advocates, mostly from the Criminal Bar, who could command the court in a highly performative way. She was struck by the different ways they used their voice and mannerisms, including artful pauses, to create appeal to the jury. But, she added, lawyers are creative and innovative in all sorts of ways in their work, and this is increasingly so as the profession changes."

Aerial shot of Oxford University

Photo by Sidharth Bhatia / Unsplash

published article, which could take a year or two, and then it's even longer until anyone cites it or lets you know they've read it. But the catalyst was someone daring me to enter a comedy competition." Justine tells me she enjoys making people laugh, observing things, the pressure of responding in the moment, and ultimately the connection with the audience.

I asked Justine to compare her experiences of the PhD and comedy. "Both require tenancy and emotional self-regulation," she said. "Whilst a PhD has a higher barrier to entry, comedy is perhaps more challenging because there are no fixed milestones, let alone a cut-off point or end date. In comedy, you just have to keep going; it is a lifelong commitment if it's real for you."

When asked to tie her interests together, she said, "The truth is, it's really about collaboration and connection. As a teacher, a researcher, writer and somewhat-performer, I am looking to understand and feel connected to others, and understand and talk about the systems we create and live in, or are subjected to. The best is where you are connected in such a way that it can feel quite transcendental, for want of a less cringy word." Performing in front of 3000 people at the Opera House was an obvious career highlight. "But", she adds, "that was more about being present with

"The truth is, it's really about collaboration and connection. As a teacher, a researcher, writer and somewhat-performer, I am looking to understand and feel connected to others, and understand and talk about the systems we create and live in, or are subjected to. The best is where you are connected in such a way that it can feel quite transcendental, for want of a less cringy word."

those 3000 people. I was the only person on stage, but I was looking around the room, feeling really genuinely connected to everyone. I have the same feeling in the classroom, when a learning activity is going really well, when the students and I are all relaxed and open, and genuinely putting energy into exploring the meanings and possibilities of something. It's exciting!"

Turning to pro bono, Justine's research has shown that, in addition to being intrinsically good, pro bono or any publicly-minded elements of practice correlates highly to lawyers' well-being. Her research into the banking industry and its attempts to professionalise have made her more certain of how lucky lawyers are to have a rich professional identity that includes both commercialistic and altruistic, access to justice strands. "We are essentially relational beings and generally more content when we are relating well to others, including by helping them!", she said.

As a Board member of the Centre, Justine's concern is to help the Centre staff in their research projects, ensuring that its methods are rigorous, and in generally finding opportunities for collaboration or "knowledge-exchange" between the Centre, and the academy, the profession and law students.

Justine's current research has three strands. The first supports the FLIP stream which is structured as a series of annual topics. In 2018, its first year, the topic was Artificial Intelligence and the Legal Profession. One of her outputs was a co-authored piece, ***"The Ethical AI Lawyer"***, which steps through the ways in which AI challenges the motivations and values of lawyers, and what being ethical and adhering to their professional duties requires of them. She is right now starting on the 2022 FLIP topic, about how to cultivate trust in an increasingly online legal profession. (For 'primer'

"Turning to pro bono, Justine's research has shown that, in addition to being intrinsically good, pro bono or any publicly-minded elements of practice correlates highly to lawyers' well-being."

Four Inns of Court, Middle Temple Hall

documents to introduce lawyers to the issues of and practical frameworks for: Artificial Intelligence, Change Leadership, Sustainability of Law and Legal Practice, and the Future of Legal Service Delivery, and for other resources, *click here*, and look out for the 2022 primer on Trust).

Her second strand of research is legal education, including published work on legal ethics education; group-based or collaborative learning; and, recently, a comprehensive review and framework for lawyers' soft skills. "Though", she says, "I don't really like that term, they're critical professional skills".

Her third research strand, the newest, looks at what practices from family therapy and related disciplines might be useful for lawyers in their practices with clients.

Lastly, I asked Justine what a piece of advice she would give to her past, law student self. She said without hesitation, "to forge a better connection with people in her university years." "I have great friends from my postgraduate studies, but in my undergraduate years, I was very focused and didn't get involved much outside the classroom. I would not say I had a transactional mindset or anything too awful - I had a few buddies - but I just didn't see the value in a really colourful and active campus life. I wish I had been much more open to what university offers, especially when it was more straightforward than it is now, when we're online. I was so lucky in my postgraduate years to have another chance at interacting with a wide range of people - or a fairly wide range."

Justine finished off: "It's reality TV talk but it's true: life really is about the journey and the things going on around you at any one time. My day of PhD completion at Oxford, for example, was not in any way grand. It was this time of year, mid-November, and winter was closing in. I rode my bike in the dark, though it was only 3:30pm. My thesis, two copies for the two examiners, was double-bagged, which was smart of me because it also began to rain. I approach the desk of the Exam Schools and handed them over, waiting for the gargoyles to snap open like a bunch of Pez and spray confetti over me; for the ghosts of scholars past to whisk me off to a special banquet. Nothing happened. The administrator, an English woman, took the copies from me, gave me a form to fill out as a receipt, and looked over me to the next person in the queue, though there wasn't anyone in fact there. I looked behind me and back at her before realising and actually accepting we weren't going to have any eye contact let alone a smile during the entire interaction. It would have been terrible if my driving goal in doing the thesis had been a glorious threshold moment and I hadn't been thoroughly enjoying myself in the process!" ■

Dr Justine Rogers was appointed to the Board on 12 November 2018. She is Deputy Director of the Law Society of NSW Future of Law and Innovation in the Profession (FLIP) research stream as part of the Allens Hub for Technology, Law and Innovation at UNSW Law. Her current research project is on lawyers and change. Justine is also a Senior Lecturer at UNSW Law. She teaches Lawyers, Ethics & Justice, the core legal ethics course, and Theories of Law and Justice, one of the strands of jurisprudence. Justine completed her DPhil at the University of Oxford, which was an ethnographic study of London barristers and pupillage.

BACK TO COVER

Eighteen Plus Months of Remote Legal Services: Best Practices and Silver Linings

Suzanna Brickman, Sara Andrews and Andrew Valentine

2021 Asia Pro Bono Conference Session Slide

Photo featured in the guide.

Two-thirds of the world's population, or 5.1 billion people, lack meaningful access to justice, and an estimated 1.5 billion have justice problems they cannot resolve themselves. These problems were exacerbated as COVID-19 spread across the globe and further limited access to legal services. As the needs of vulnerable communities multiplied, the pandemic forced us to confront the reality that providing legal services remotely was necessary to meet existing and expanding legal needs.

Recognising the critical role that pro bono can play in "helping the helpers," New Perimeter, DLA Piper's nonprofit affiliate that provides long-term pro bono legal assistance in underserved regions around the world, collaborated with the Open Society Justice Initiative and the Legal Empowerment Network, a global network convened by Namati, to publish *Providing Legal Services Remotely: A Guide to Available Technologies and Best Practices*. The guide, available in English, Spanish, French, and Ukrainian, is a practical resource for legal services providers (LSPs) around the world, particularly those operating in remote areas. It covers the use of hotlines, online workshops and clinics, privacy concerns, case management technologies, and remote access to courts. It also addresses ethical issues, such as confidentiality, privilege, and handling sensitive information.

"We wanted to put something together that would make it easy for LSPs to navigate the breadth of available options."

Andrew Valentine, a partner at DLA Piper who helped lead the project, noted: *"There is a lot of information out there regarding ways to communicate remotely, but it can be difficult to understand the pros and cons of these technologies and services. We wanted to put something together that would make it easy for LSPs to navigate the breadth of available options."*

Photo featured in the guide.

2021 Asia Pro Bono Conference Session Participants

"...with climate change on our minds and Pacific Island nations being some of the worst affected, we want to reduce our carbon footprint and push boundaries of what can be done online before hopping on a flight."

"The guide is one-of-a-kind and has made it easier for practitioners to know where to start when transitioning from in-person to online interactions."

In addition to describing available technology, the guide provides case studies of LSPs that have implemented innovative programs to reach clients, including:

- In the Philippines, using social media to collect and respond to legal questions, and to post Know Your Rights information;
- In Kenya, introducing free legal assistance through a SMS platform, and using hashtags on social media to forward legal issues to that platform;
- In Ecuador, employing a hotline to anonymously report and seek advice on environmental and land rights issues;
- In Ukraine, developing a live chat tool integrated into a LSP's website, which has resulted in resolution of 95% of legal enquiries; and
- In the US, creating "virtual offices" (kiosks with secure connections) to enable immigrant children in remote areas to communicate securely with lawyers in cities.

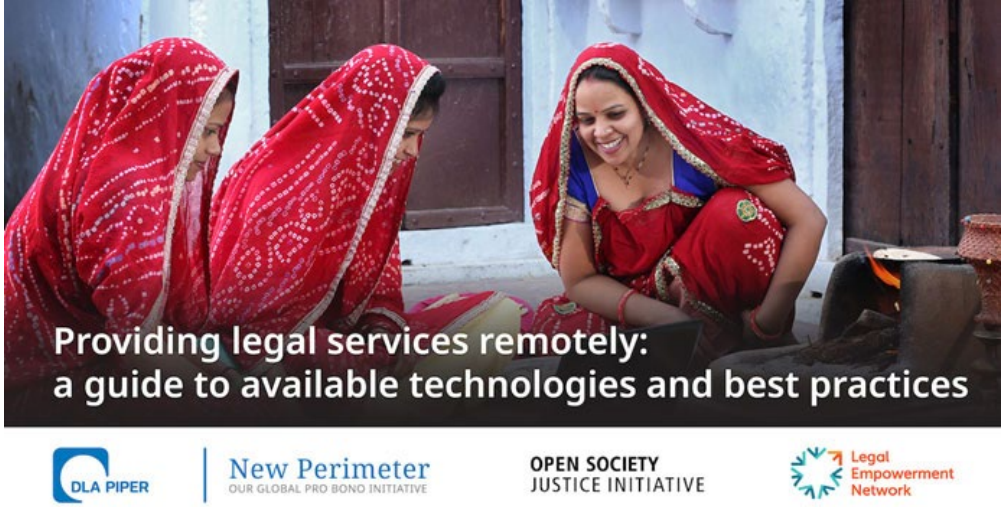
Dr. Annette Mbogoh, Executive Director of Kituo Cha Sheria in Nairobi, Kenya, said: *"The guide is one-of-a-kind and has made it easier for practitioners to know where to start when transitioning from in-person to online interactions."*

"So often in life, things that you regard as an impediment turn out to be great, good fortune."

Justice Ruth Bader Ginsburg

During the 10th Asia Pro Bono Conference, held virtually in September 2021, New Perimeter led a session entitled *"Eighteen Months of Remote Legal Services - Best Practices and Silver Linings."* We asked LSPs and participants to reflect upon the following questions: What aspects of remote legal services have expanded access to justice? What will you carry with you once the pandemic is behind us? What is your silver lining from the forced transition to remote legal services?

Nesha Balasubramanian, Senior Associate, Pro Bono Manager Australia at DLA Piper, who leads a course on access to justice at University of the South Pacific Law Faculty in Fiji and Vanuatu, reflected on the transition from in-person to remote teaching: *"We have allocated part of our travel budget to purchase technology for students. That allows them to participate in the course more fully and supports their ongoing online education and digital literacy development. Additionally, with climate change on our minds and Pacific Island nations being some of the worst affected, we want to reduce our carbon footprint and push boundaries of what can be done online before hopping on a flight. We think holistically about our impact."*



Guide Social Card

Amanda Jancu, Senior Attorney at the Los Angeles Center for Law and Justice, sees the silver lining as "*options*." In serving domestic violence survivors, "*trauma informed services are critical. With online court and legal services, clients have more options. We can still meet in-person but can be guided by the client's preferences.*" Carmen McDonald, Legal Director at LACLJ, noted: "*Remote services remove barriers. Clients used to ride multiple buses for several hours, often with young children, to get services. Now we can provide services without those challenges.*"

With necessity as the mother of invention, we were compelled to seek alternative, and in many instances more effective, ways to serve communities. This is a silver lining. In fact, when surveyed, 69% of the audience at the conference session said that the biggest benefit of remote services has been that more people can access legal help, and 80% said that even when it is safe to return to in-person services, they will maintain a hybrid practice, combining the use of online technology with in-person outreach.

> ***"With online court and legal services, clients have more options. We can still meet in-person but can be guided by the client's preferences."***

Looking forward, when in-person services are possible, we will need to ask: Are they necessary? Certainly, there will be times when the answer to that question is yes. But there will be other times when clients can be served just as well – and, even better, access to justice can be expanded – through remote legal services. We hope that the guide, and the innovative examples it highlights, continues to be a tool that empowers practitioners and enables clients to more easily access legal care. ■

Suzanna Pacht Brickman serves as Pro Bono Counsel, helping to expand the firm's North America and global pro bono impact. Suzanna oversees and develops the pro bono practice in the firm's Northern California and Los Angeles offices. In her own practice, Suzanna has represented asylum seekers and detained immigrants, worked on impact litigation, managed large-scale criminal justice projects, and assisted under-served communities with a variety of legal needs. Suzanna also works with New Perimeter, DLA Piper's non-profit affiliate focused on global pro bono in under-served regions. Suzanna has led and participated in worldwide efforts, including training lawyers, law students, and other stakeholders in Africa, Southeast Asia, Latin America, and the Caribbean, to build capacity and promote the rule of law. Suzanna has also led cross-office and cross-jurisdiction research projects and curriculum development for international NGOs.

Sara Andrews is Senior International Pro Bono Counsel and Assistant Director for New Perimeter, DLA Piper's non-profit affiliate that provides long-term pro bono legal assistance in under-served regions around the world to support access to justice, social and economic development and sound legal institutions.

As Assistant Director of New Perimeter, Sara helps lead the strategic direction of the program. She also develops and works on New Perimeter projects and manages global teams of DLA Piper lawyers. Sara has led and contributed to projects focused on legal education, law reform, access to justice, women's rights and economic development throughout Africa, the Balkans and Latin America. She has developed partnerships with NGOs, government agencies and other joint venture partners.

Andrew P. Valentine is a partner at DLA Piper LLP (US) where he has practised as a trial attorney for close to 30 years. Currently, Andrew splits his time between serving in DLA Piper's Office of General Counsel, and developing and working on international projects through New Perimeter, DLA Piper's international pro bono arm. In the last 10 years, Andrew has participated in and led pro bono projects and trainings in Southeast Asia (Nepal, Laos, Myanmar, Indonesia, Malaysia), Africa (Rwanda, Namibia) and the Caribbean (Trinidad & Tobago).

BACK TO COVER

How tech can help us bridge the access to justice gap: Josef's story

Co-founders from L-R: Kirill Kliavin CTO, Tom Dreyfus CEO, Sam Flynn COO

Sam Flynn, Co-founder and COO of Josef, talks about his experience of founding Josef, and writes about how community organisations and pro bono legal professionals can use legal technology and automation to do more good work.

If you've ever read "The Trial" by Franz Kafka, you'd be familiar with the hellish ordeal faced by protagonist Josef K. He's arrested by an unknown authority for an unknown crime. Without the help of lawyers, his trial is a hopeless one.

This gritty tale inspired the name of Josef, the no-code legal automation platform I co-founded with CEO Tom Dreyfus and CTO Kirill Kliavin a few years ago. Five billion people in the world have unmet justice needs, and anyone can be Josef K.

Josef was created with the purpose of helping community legal centres grapple with the age-old question: how can we service and meet the ever-increasing demand for legal services, while our resources and capacity are either static or falling?

Before Josef came to fruition, I launched an online web-based application called mykifines in 2016, which gave people automated guidance and advice in relation to public transport ticketing infringement law in Victoria.

"Josef was created with the purpose of helping community legal centres grapple with the age-old question: how can we service and meet the ever-increasing demand for legal services, while our resources and capacity are either static or falling?"

We had 30,000 users on the first day, and 60,000 by the end of the first month. The success of this automated legal tool, along with other strategic initiatives, prompted the government to repeal an unfair law.

Our vision of empowering the community

Following this success, Tom Dreyfus and I came together to figure out how to empower community legal centres to build digital tools to help more people and bridge the access to justice gap. We spent the next six months building an automated tool for a community legal centre in Victoria that gave guidance and advice in relation to tenancy law.

And that's when it really hit us. In those six months, we had to learn the ins and outs of the *Residential Tenancies Act 1997* (Vic) to build out this digital tool. We realised that this was a really inefficient way of affecting change in the world – especially given all the different types of laws, jurisdictions and specialities that go together to make up the global legal industry.

Our vision then became about empowering people who already have legal expertise and specialist knowledge to build these tools themselves. This became Josef, a no-code legal automation platform. No-code refers to a tool that you can use as a non-technical person to create a digital product. Examples of no-code products include Wix or Squarespace, which allow users to easily build a website without a line of code.

With no-code tools like Josef, you can build a legal app or "bot" that automates legal tasks that we perform every day as legal professionals, such as generating documents like letters of demand or agreements, providing advice and guidance, answering FAQs, and doing intake, triage and interviews.

By doing this, community legal centres can scale their services by creating self-serve tools, therefore helping more people. They can also work more efficiently and save precious time in order to do strategic, high-value

"Today, we work with many community legal centres and not-for-profits around the world, including the Consumer Action Law Centre in Victoria, the American Bar Association's Rule of Law Initiative in the Middle East and North Africa, the DC Volunteer Lawyers Project in Washington DC, VOLS Pro Bono in New York, St Kilda Legal Centre's LGBTQI legal service, and Central Queensland CLC in regional Queensland."

Some of the best (and busiest) legal aid organisations use Josef

work, instead of losing hours to repetitive, low-level work. For example, many of these organisations have built bots to automate intake, saving some of them between 30% to 50% of the time it usually takes to onboard a new client.

Strategic partnerships with other organisations

Today, we work with many community legal centres and not-for-profits around the world, including the Consumer Action Law Centre in Victoria, the American Bar Association's Rule of Law Initiative in the Middle East and North Africa, the DC Volunteer Lawyers Project in Washington DC, VOLS Pro Bono in New York, St Kilda Legal Centre's LGBTQI legal service, and Central Queensland CLC in regional Queensland.

"We've seen extraordinarily successful examples of CLCs around the world using no-code legal automation to bridge the access-to-justice gap, in spite of the unique challenges and constraints CLCs and legal aid organisations face in relation to funding and resourcing. We're eternal optimists!"

We're also involved in a number of exciting strategic partnerships, like one between the University of Western Australia and Community Legal WA – the peak body for community legal centres in Western Australia – to build out a referral system for all CLCs in the state.

To be clear, Josef is a rapidly growing, for-profit startup, and we work with some of the biggest law firms in the world like Clifford Chance, and with in-house teams at large corporations, like L'Oreal, in order to create a high-growth business.

This gives us the space to partner with legal assistance organisations and community legal centres that are doing the work on the ground to provide accessible legal services to those who can't otherwise access or afford it.

We've seen extraordinarily successful examples of CLCs around the world using no-code legal automation to bridge the access-to-justice gap, in spite of the unique challenges and constraints CLCs and legal aid organisations face in relation to funding and resourcing. We're eternal optimists!

Josef will continue to focus on and invest in our work with community legal centres and legal aid. We are optimistic about the future and the different ways community and government sectors, legal teams, and law schools are experimenting and partnering with one another to figure out how legal technology can be applied to the access-to-justice space in a meaningful and results-focused way. ■

Sam Flynn is the Chief Operating Officer and Co-founder at Josef, leading the company's business operations, governance, marketing and customer success functions.

Sam has worked in advertising, as a lawyer and as an associate at the Supreme Court of Victoria. He is an advocate for using legaltech to bridge the access to justice gap, and serves as an Advisory Board member of the Centre for Legal Innovation (CLI).

BACK TO COVER

New Agenda for Pro Bono:

Donnella Mills and Holistic Lawyering at King & Wood Mallesons

"Holistic lawyering is about respectful engagement. Legal outcomes are one thing, but that respect in letting the client feel that they were heard and that you listened with depth and commitment – that's a win every day."

North East Arnhem Land

In August 2021, Donnella Mills was appointed Senior Associate, Pro Bono Project Lead at King & Wood Mallesons (KWM). A proud Torres Strait Islander woman with ancestral and family links to Masig and Nagir, a community leader in a number of interrelated legal, health and cultural fields, and an experienced lawyer in her own right, Donnella has for many years been a provider of and an advocate for access to justice for Aboriginal and Torres Strait Islander individuals and communities.

Donnella's appointment is not only a new chapter in her efforts toward removing systemic barriers in the justice space, but also an important message from KWM to its people, its community partners and the legal profession.

"I think it's a really clear signal from KWM as to where their thinking is and where they want to be into the future," said Donnella. "There is a commitment from KWM to embed themselves in this place of driving systems change and improving the health and wellbeing of Aboriginal and Torres Strait Islander peoples. So, for me, this role is really an example of that commitment that KWM have in building a relationship that is led by Aboriginal and Torres Strait Islander communities."

In the seven years prior to accepting her new role, Donnella was a lawyer with LawRight, a major community legal service in Queensland and a facilitator of pro bono relationships across the state. While at LawRight, Donnella became the project lawyer for the Wuchopperen Health Justice Partnership, an innovative project that proactively connects clients to a broad range of services beyond mere legal advice in recognition of the interconnectedness between legal and health issues.

A leader in the health justice movement, Donnella is currently Chair of the National Aboriginal Community Controlled Health Organisation (NACCHO), Deputy Chair of Wuchopperen Health Service, and an advisor to government on the National Stigma

& Discrimination Reduction Strategy and the Advisory Group of the National Plan to end family, domestic and sexual violence in Australia.

"I wear many hats," said Donnella, "because there's so much work to be done. KWM really recognise the strength of those hats because we are building a holistic lawyering approach. Holistic lawyering is about respectful engagement. Legal outcomes are one thing, but that respect in letting the client feel that they were heard and that you listened with depth and commitment – that's a win every day."

That holistic lawyering approach is informed by the 2020 National Agreement on Closing the Gap, a consensus-driven partnership led by the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (the Coalition of Peaks) with objectives on a broad range of issues from health to criminal justice to cultural protection and self-determination.

"We're going to ensure that our work is in step with where the new policy agenda is, where the new legal mechanisms are, because as lawyers we have a responsibility in advising on a number of fronts. But most importantly when it comes to Aboriginal and Torres Strait Islander communities, it's advising through the lens of the National Agreement which brings in every level of government, right down to the local level, in partnership with over 70 Aboriginal and Torres Strait Islander peak organisations which make up the Coalition of Peaks."

Accepting this new role was a complex decision for Donnella, one that had to be weighed against deeply held values and responsibilities to kin and community. "I have been genetically wired to distrust big, non-Indigenous institutions," said Donnella. "But that for me was a misguided approach because there are champions everywhere. KWM is my new place where

WHS covid shot

I'm finding many new champions. I felt I was betraying my community by moving from my community into this top-tier law firm. But what I've now learned and totally appreciate is that my community goes everywhere with me. It's just about making sure that I continue to champion their work.

"What was really the shift was when my community – particularly my NACCHO family and my Wuchopperen family – absolutely backed this move to KWM. They support it. They see the value in it. KWM also recognise that this is a richness that I bring, my leadership in my various community roles. It's hugely beneficial to the work because I can become the relationship whisperer – the connector that helps to establish trust and to reduce fear and concern. Because I am from community, the way that I can translate between both parties is just richer."

Donnella joins KWM's Community Impact group, working closely with Dan Creasey, Head of Pro Bono and Community Impact, and Chloe Johnco, Senior Associate, Pro Bono. Two months in, Donnella has dived headlong into the work of KWM's Community Impact practice, driving projects and partnerships that move toward the goals of the National Agreement.

"What I'd love to emphasise is this: I dare the profession to recognise the power of Aboriginal and Torres Strait Islander people and the value that we bring."

Alongside this work is a broad program of community legal education, building the capacity of key partners to help deliver education in their own communities – not KWM delivering, but KWM delivering with community partners in their own communities.

Donnella Mills and Holistic Lawyering at King & Wood Mallesons

"KWM is my new place where I'm finding many new champions. I felt I was betraying my community by moving from my community into this top-tier law firm. But what I've now learned and totally appreciate is that my community goes everywhere with me. It's just about making sure that I continue to champion their work."

A further pillar to Donnella's work is an emphasis on Reconciliation Action Plans (RAPs) as important but frequently misunderstood instruments of change. "The reconciliation movement is not on Aboriginal and Torres Strait Islander people. It's on mainstream settings to explore what reconciliation needs to look like for them, for example in having roles that are identified for Aboriginal and Torres Strait Islander people. It's important to not be restricted by what sits in a RAP – and KWM are not restricting themselves by any means. That broadening and reach is so important, their expression to walk beside Aboriginal and Torres Strait Islander people.

"What I'd love to emphasise is this: I dare the profession to recognise the power of Aboriginal and Torres Strait Islander people and the value that we bring. We can count the pro bono hours, but we don't see enough in the pro bono space talking about challenging the transactional nature of lawyering into a place where we are building strong relationships. In the landscape of pro bono, communities thrive off strong relationships.

"We want to shake things up in the corporate space – and pro bono is the place to shake it up." ■

NACCHO Conference

Jack Howard is a writer based in Sydney, NSW. He is a law graduate and paralegal with Arts Law as part of the Artists in the Black service, Australia's only national community legal service for Aboriginal and Torres Strait Islander artists. He is also a valuation and gallery assistant at Annette Larkin Fine Art, Paddington, NSW. In 2021, Jack conducted 40 interviews of King & Wood Mallesons staff and community partners for the anniversary publication, Inspiring Change: 20 Years of KWM Community Impact.

BACK TO COVER

Ivan Posa providing advice to Assistant Director Policy and International Affairs

Ivan Posa: **IP Australia's legal team powers ahead with its pro bono work**

IP Australia is the Australian Government agency that administers intellectual property (IP) rights and legislation relating to patents, trade marks, designs and plant breeder's rights. The agency also contributes to the innovation system more broadly by using the skills and experience of its staff to advise the Government and Australian businesses to make the most of their IP.

Since 2019, IP Australia's in-house legal section, the Office of Legal Counsel (OLC), has undertaken voluntary work for the ACT Law Society's Legal Advice Bureau, Inner City Legal Centre, Australian Pro Bono Centre and Small Business Legal Advice Clinic. IP Australia strives to be a leader in its policy and governance work across the Commonwealth, and an important part of this goal is providing support for its in-house lawyers to undertake voluntary work in the public interest. This is set out in the agency's Pro Bono Legal Work Policy and follows the Attorney-General's Department Guidance Note on Legal Work.

"This work has brought me into contact with artists, craftspeople, photographers, fashion designers and musicians, exposing me to the seemingly endless legal issues faced by our creative and entertainment community."

Assisting our creative and entertainment community

In August 2021, OLC lawyers met with Suzanne Derry, Senior Solicitor and Director of National Partnerships and Programs from the Arts Law Centre of Australia to formalise a new pro bono work arrangement. I happily agreed to assist Arts Law Centre clients through a document review service covering review of commercial agreements and advice on related legal questions. This work has brought me into contact with artists, craftspeople, photographers, fashion designers and musicians, exposing me to the seemingly endless legal issues faced by our creative and entertainment community. I have reviewed a number of agreements relating to the appointment of agents, engagement of staff and commissioning of artwork and designs. The questions that have arisen have related to ensuring the accurate attribution of artists, responding to the unauthorised copying and sale of unregistered designs by third parties, securing designers' IP interests in collaborative arrangements, assessing whether terms in agreements were commercially acceptable and suggesting amendments to these agreements where required. Providing easy-to-understand and practical advice on these matters has helped Arts Law Centre clients move forward with greater certainty on their legal position.

IP Australia's Indigenous Knowledge (IK) IP Hub and Yarnline

About a third of my Arts Law Centre referrals to date have been requests to advise members of the Indigenous arts and creative community on their conventional commercial and IP interests. I have been able to support these clients with guidance on how any IK used in their work could be better protected via referrals to IP Australia's IK IP Hub and Yarnline. The Hub has been created for anyone looking to work with IK as part of their business and wanting guidance on common IP issues encountered as they grow from idea to commercialisation. Yarnline is a new call-back service supporting Indigenous businesses and those working with Indigenous businesses to better understand IP. As IP Australia recognises Aboriginal and Torres Strait Islander peoples as the First Australians and First Innovators in history under our Reconciliation Action Plan, the agency is reaching out and prioritising its support for this community. Feedback from Arts Law Centre clients on this front has been quite positive.

As noted in our policy, pro bono work provides many benefits to IP Australia's in-house lawyers such as broadening their experience and developing their skills in areas outside their usual work situation including building their adaptability and client service skills. I have embraced this important undertaking for my own development as a lawyer and to reconnect with the public interest objectives of pro bono advising I first experienced as an undergraduate law student at the University of NSW working at Kingsford Legal Centre.

Reflecting on this rewarding work with my colleagues, I feel proud and privileged to be a part of my agency's pro bono output. Although we are lawyers employed in an Australian Public Service agency with its own functions and strategic vision, providing voluntary services in these arrangements reminds us that we are also servants of the public, and the public interest should always be our guiding objective. ■

IP Australia Discovery House

"As IP Australia recognises Aboriginal and Torres Strait Islander peoples as the First Australians and First Innovators in history under our Reconciliation Action Plan, the agency is reaching out and prioritising its support for this community. Feedback from Arts Law Centre clients on this front has been quite positive."

Ivan Posa is a Senior Legal Counsel in IP Australia's Office of Legal Counsel (OLC) where he has been providing in-house legal services since 2016. Before joining IP Australia in the national capital, he worked as a Legal Sub-Editor and Solicitor in Sydney with a few intervening years overseas as a Business English Consultant in Stockholm. As a member of OLC, Ivan provides advice and assistance on privacy and FOI matters, administrative law, commercial law, procurement rules, review of contracts, responses to complex stakeholder enquiries and statutory interpretation of IP legislation. He also assists in managing the agency's external legal service provider arrangements for IP rights litigation. He cites as his career highlights providing one-on-one English training to the Deputy Prime Minister of Sweden in 2003 and being part of the dynamic team in IP Australia that won the Lawyers Weekly 'Best Government Legal Team of the Year' Corporate Counsel Award in 2020.

BACK TO COVER

Global Pro Bono Climate Action Portal

The Centre has recently launched a Global Pro Bono Climate Action Portal in collaboration with global NGO PILnet.

The Portal features a wide range of case studies from around the world that illustrate the variety of ways lawyers are using their expertise pro bono to tackle the climate crisis.

The Portal is intended to serve as inspiration to:

- lawyers who want to dedicate their expertise and resources to tackle the climate crisis (but aren't sure where to start), and
- NGOs working on climate change issues, to understand how lawyers can help them achieve their mission.

You can search or browse the Portal here. It's searchable by region, keyword, or category of pro bono work.

You can submit a case study for inclusion in the Portal here. We're accepting submissions on an ongoing basis.

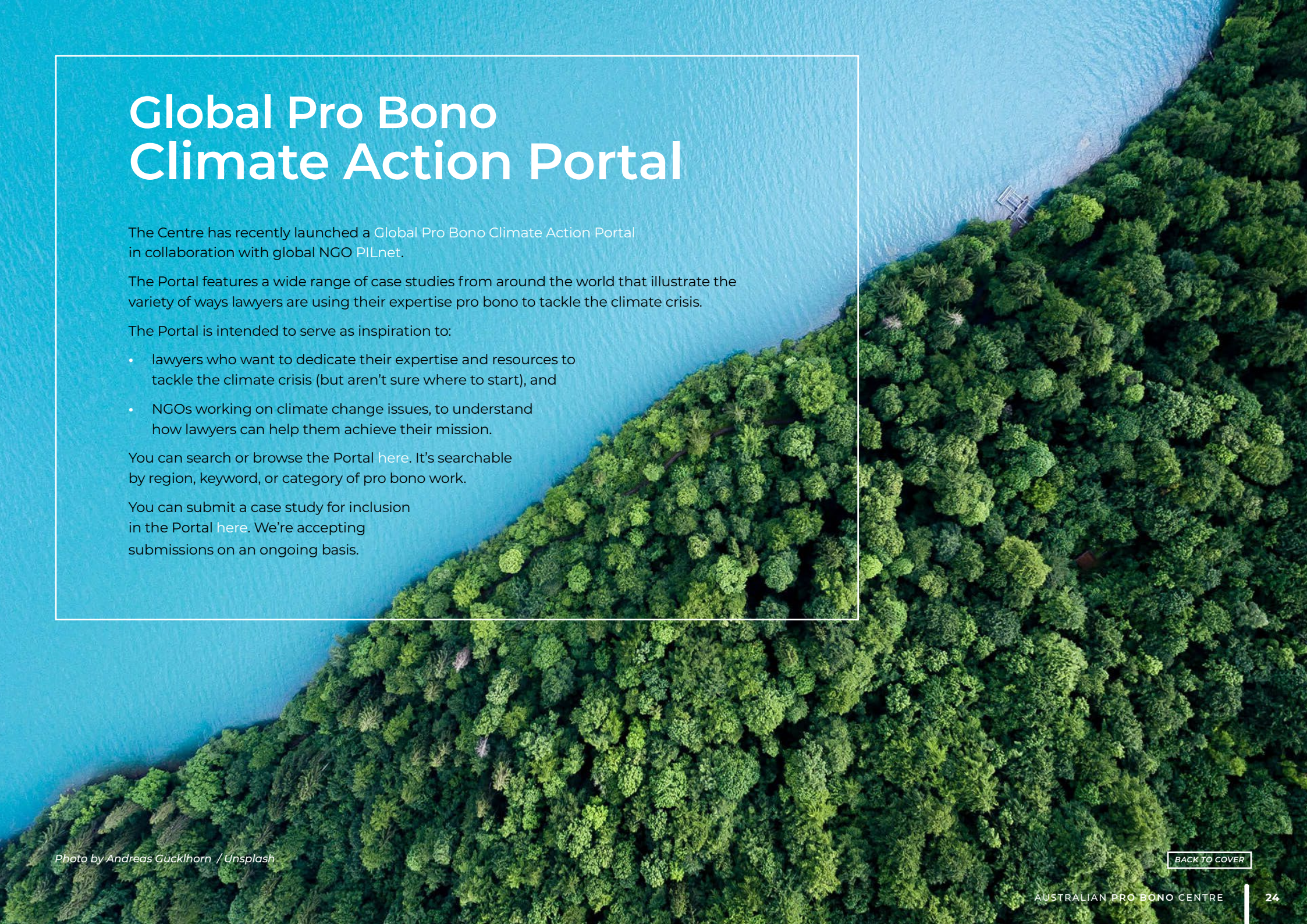


Photo by Andreas Gücklhorn / Unsplash

BACK TO COVER

In Conversation with Tamara Sims:
Head of Pro Bono and Responsible Business, Colin Biggers & Paisley

Colin Biggers & Paisley team outside the QLD Supreme Court at the Queensland Law Right Walk 2021

We asked Tamara to describe her career as a pro bono lawyer, the pro bono practice at Colin Biggers & Paisley, and how the pandemic and recent natural disasters have impacted on her work.

My career history as a pro bono lawyer

I have always had a keen interest in access to justice and how the legal system can assist and promote the rights of vulnerable communities. I started out volunteering as a (young) law student at Redfern Legal Centre (RLC) and to this day maintain a strong relationship with RLC as a board member. Volunteering at RLC definitely piqued my interest in advocating for vulnerable people to ensure their legal rights were protected. This focus has continued throughout my career where I have worked in community legal centres advocating and representing marginalised communities and individuals, to working at an international NGO and at Gilbert + Tobin in the pro bono team, and now at Colin Biggers & Paisley as Head of Pro Bono and Responsible Business.

I have had the privilege and honour to represent some amazing clients, to advocate for legislative change and to meet some of the most colourful and resilient people through my work. Some of the matters I have worked on have been extremely legally complex and at times socially controversial. From advocating for the rights of refugees held in on shore and off shore detention, to successfully securing the release of a young Indigenous client with an intellectual disability from unlawful detention by issuing a writ of habeas corpus. To advocating for the many clients I have met on legal outreach programs over the years and who I have had the privilege to represent and advocate on behalf of.

The focus of Colin Biggers & Paisley's pro bono work

The Colin Biggers & Paisley Foundation (the Foundation) was launched in 2015. Prior to the establishment of the Foundation, our lawyers had for many years undertaken pro bono work and volunteering for communities in need, however, this work was being done in an ad-hoc way. We decided to invest in a coordinated and focused approach that had strategic focus areas where we could make the most difference. There were also clear benefits to the practice and our people if we focused our resources and expertise in strategically assisting women, children and Aboriginal and Torres Strait Islander

"I have had the privilege and honour to represent some amazing clients, to advocate for legislative change and to meet some of the most colourful and resilient people through my work. Some of the matters I have worked on have been extremely legally complex and at times socially controversial. From advocating for the rights of refugees held in on shore and off shore detention, to successfully securing the release of a young Indigenous client with an intellectual disability from unlawful detention by issuing a writ of habeas corpus."

"Key to the success of the Foundation is the people in the practice who have embraced the Foundation and its goals wholeheartedly, and also the relationships we've created with our community partners."

people and communities. We want to ensure that our legal practice interacts with our clients, our people and our community in a leading, responsible, inclusive and sustainable way. Our approach to responsible business, therefore, looks inwards to our people and our operations, as well as outwards, to our clients and our community. The Foundation operates within the respect / promote / protect model. This means that we as a practice first respect human rights principles and integrate them into the business we conduct. Second, we promote the same human rights principles through our advocacy and charitable contributions. Finally, we protect, through the incredible pro bono work we do and the community volunteering opportunities we offer.

"There were also clear benefits to the practice and our people if we focused our resources and expertise in strategically assisting women, children and Aboriginal and Torres Strait Islander people and communities"

We take a whole-of-client view to each community partnership. This is what the Foundation is about: turning our minds to the challenges our community partners have, the resources and passions that our practice has, taking a broad and generous view and matching these together.

We strive to take a client centric view of how we can support a not-for-profit organisation or charity. We have a conversation with them to try and gain an understanding of the organisation, its priorities and challenges and think about how we can help. Often it is pro bono legal support - but we try to bring our whole self, and the whole practice, to these conversations. We think about the skills and resources we have as a practice and how we can join the dots.

Key to the success of the Foundation is the people in the practice who have embraced the Foundation and its goals wholeheartedly, and also the relationships we've created with our community partners. Another key to success is to create a strategy with a clearly defined focus, recognise effort and have accountability for the quality of the delivery of service. We take pride in the fact that our pro bono services are delivered with the same level of excellence that we serve all our clients.

Feedback from our lawyers is incredibly positive. We are a busy commercial legal practice but our lawyers are also committed to making a tangible difference to the lives of the people they meet through our pro bono program as well as the broader community. Time and time again we hear from lawyers about how helping people through the provision of pro bono legal advice is rewarding on a personal and professional level.

*L-R Patrick Cavanagh, Tamara Sims, **Kirsty McColl** at the Queensland Law Right Walk 2021*

All our lawyers are supported and encouraged to participate and we have several initiatives for them to take part in which is one of the reasons why we're above the National Pro Bono Target at hours per lawyer. Additionally, all our people are entitled to 2 volunteering days leave per year.

"We as a practice first respect human rights principles and integrate them into the business we conduct. Second, we promote the same human rights principles through our advocacy and charitable contributions. Finally, we protect, through the incredible pro bono work we do and the community volunteering opportunities we offer."

How the COVID-19 pandemic and recent natural disasters have impacted on our work

Whilst the justice gap is at risk of widening as the effects of COVID-19 continue to impact on communities in Australia and around the globe our people swiftly modified their work and approach to ensure the Foundation is able to continue to assist individuals and communities in need. The focus has now shifted from 'temporary measures' to 'the new normal' and our people have shown a remarkable capacity to adapt under both conditions.

The shift to remote-working has significantly expedited the use of technology in our work and the modes of service delivery to meet the need in the community. Whilst there are some considerable challenges associated with purely remote services, on the whole, 'the new normal' represents some exciting opportunities.

One of the major benefits of remote working is the opportunities it has created for more of our lawyers to provide their expertise on pro bono matters and volunteer and assist vulnerable communities. The introduction of telephone advice rosters has allowed our lawyers to support organisations they were previously geographically barred from assisting and the use of technology has led to the Foundation fostering new collaborations with our community partners across Australia. We have seen our people face the challenges with professionalism and compassion, and opportunities have been leveraged to ensure that our community partners and our people can meet the needs of vulnerable people and organisations representing these communities.

"Key to the success of the Foundation is the people in the practice who have embraced the Foundation and its goals wholeheartedly, and also the relationships we've created with our community partners."

The pandemic has taught us a lot about the resilience and commitment of our people to keep pro bono and volunteering service delivery going, even in the most challenging of circumstances. ■

***Tamara Sims** joined Colin Biggers & Paisley in 2019 and she is the Head of Pro Bono and Responsible Business at Colin Biggers & Paisley. Tamara is admitted to the Supreme Court of New South Wales and the High Court of Australia. She is currently a Director at the Redfern Legal Centre. In addition to her Bachelor of Laws, Tamara holds a Bachelor of Arts. She has extensive experience in human rights law, and a particular passion for access to justice for Aboriginal and Torres Strait Islander people. Tamara has experience across multiple industries including corporate, not-for-profit and government. Her contributions have impacted organisations, social institutions, employees and individuals for significant transformation. Tamara's primary areas of practice include refugee law, victims compensation, domestic violence, housing rights and credit & debt matters. Tamara has substantial experience in running large scale public interest and human rights litigation. She is a trusted advisor to many charities, non-profits and CLCs in Australia. Tamara leads the practice's work on Pro Bono and Responsible Business through the Colin Biggers & Paisley Foundation. The Foundation focuses on protecting and enhancing the rights of women and children, Aboriginal and Torres Strait Islander people and promoting responsible business practices. This includes involving all lawyers in the practice in pro bono legal services, examining ways the practice can make a positive impact on our communities through the firm's core business, volunteering, in-kind support and charitable contributions.*

AREA OF EXPERTISE

- *Pro bono legal services*
- *Aboriginal and Torres Strait Islander rights*
- *Women and children's rights*
- *Human rights*
- *Inclusion and diversity*
- *Not-for-profit organisations*
- *Responsible business operations*

BACK TO COVER

Focus on New Zealand: Q&A with Shan Wilson, NZ's first dedicated pro bono partner

Simpson Grierson's Wellington office staff with staff from Community Law Wellington and Hutt Valley

Shan Wilson is NZ law firm Simpson Grierson's dedicated pro bono partner, a role that was created early 2020. We asked Shan to talk about her appointment, developing a pro bono practice, and future opportunities for the growth of pro bono in NZ.

Q. What were the driving forces that led you to becoming Simpson Grierson's (and New Zealand's) first dedicated in-house pro bono partner?

I have always felt passionate about the part we can play to alleviate disadvantage and poverty in New Zealand, both at a personal and a professional level.

In 2019 Simpson Grierson consulted with staff to collectively update our values and purpose. Giving back to our communities emerged as a key theme; it felt like a natural fit for me to want to progress our pro bono offering. I had spent a number of years as a partner in the firm's employment law team, so it was exciting to take on a new career challenge, in a workplace I trusted the values of.

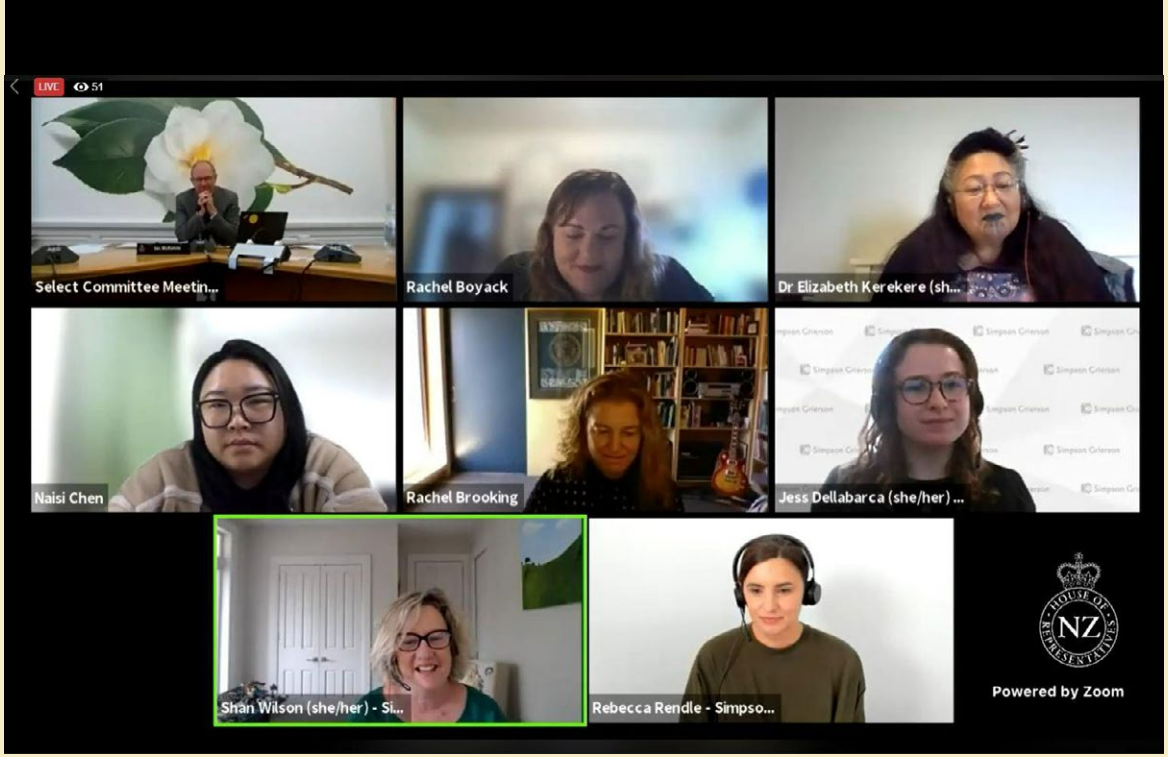
"In 2019 Simpson Grierson consulted with staff to collectively update our values and purpose. Giving back to our communities emerged as a key theme; it felt like a natural fit for me to want to progress our pro bono offering."

Q. How did you go about setting up the practice?

I had much to learn, so was lucky to have the opportunity to travel to Sydney at the start of 2020 to learn from established pro bono leaders.

Clayton Utz Sydney invited me to sit alongside their pro bono team and learn first-hand from their experiences. I spent time with pro bono practitioners David Hillard and Jessica Morath, who were instrumental in sharing their knowledge about setting up a pro bono practice, what works and what doesn't.

I really appreciated the help of other practitioners I spoke to on that trip and their insights, ranging from conversations with Gabriela Christian-Hare at the Australian Pro Bono Centre and Chris Povey at Justice Connect, to Michelle Hannon at Gilbert + Tobin.



Simpson Grierson (Shan Wilson, Jess Dellabarca and Rebecca Rendle) appear before the New Zealand Parliament's Governance and Administration Committee (Chaired by MP Ian McKelvie, with the MPs Rachel Boyack, Dr Elizabeth Kerekere, Niasi Chen, Rachel Brooking)

"What sets us apart is that we now track the time of every individual lawyer when it comes to pro bono work, so that it becomes part of their success story in performance reviews and applications for promotions. We're normalising pro bono and it's woven through our values and culture, making it part of our everyday operations for all lawyers."

Q. What has been your approach to implementing a pro bono practice from scratch?

Early on I saw the importance of having clear policies, guidelines and targets so that we can focus resources on where we can make the most difference.

A large part of our pro bono practice has been focused on supporting some very worthwhile charities and non-profit groups who are trying to mitigate the effects of poverty and disadvantage in New Zealand.

We also consider referrals of individuals, where they come in from the charities we work for, or from a community law centre. When I spoke with law firms overseas, I learnt that this was a better model than trying to filter through - and make choices between - direct requests for assistance from the public.

"There are so many charities in New Zealand that don't get free legal assistance and they are so incredibly grateful for any help we provide. Our collaborative approach means we work with multiple charity organisations."

Q. What sets Simpson Grierson's pro bono practice apart from other firms in New Zealand?

What sets us apart is that we now track the time of every individual lawyer when it comes to pro bono work, so that it becomes part of their success story in performance reviews and applications for promotions. We're normalising pro bono and it's woven through our values and culture, making it part of our everyday operations for all lawyers.

Of course, we are also showing its importance by having a partner dedicated to leading it, and reporting back to our partners on it. We view pro bono as part of our professional responsibility. We're not just doing the business of law, it's actually part of our professional give back, and therefore a source of pride for us.

Q. How has your collaborative approach translated into on-the-ground work for your clients?

We welcomed partnering with, and deepening, our relationships with community law centres, charities and non-profit organisations. There are so many charities in New Zealand that don't get free legal assistance and they are so incredibly grateful for any help we provide. Our collaborative approach means we work with multiple charity organisations, some of them include: Youthline, The Period Place, The Hearing House, E Tipu E Rea Whānau, Cystic Fybrosis NZ, Refugees as Survivors NZ.

L-R: Waikare Komene (of The Papatoetoe Food Hub), with Shan Wilson and Joanna Lim (of Simpson Grierson), Raju Ramakrishna (Papatoetoe Food Hub) and Julio Bin of The Southern Initiative

"In time, New Zealand law firms should look to set a minimum number of pro bono hours for each lawyer but, at present, we are still some way away from the buy-in and investment needed from the profession. Unlike Australia, we still need to put our building blocks in place to create a legal pro bono community here."

Q. Since commencing your dedicated pro bono practice, what piece of work are you most proud of and why?

We partnered with Youthline to enable gender-diverse rangatahi (a Māori term meaning our younger generation) to make applications to the Family Court to get the sex marker on their birth certificates changed.

Our work meant that we could assist those who identify differently to the sex they were assigned at birth, to apply to the court for a declaration as to their true sex, after which, they can have their birth certificate changed.

We took on this project because it throws up access to justice issues given the complexity of the legal tests as well as the requirement to file evidence and legal submissions in support. The legal system can be overwhelming and expensive for those making these applications, which is what we're trying to solve. As part of our commitment to improving access to justice in this area, we've gone on and made written and oral submissions for law reform.

Q. Where do you see the future opportunities for embedding pro bono work for SG, and other law firms in New Zealand?

Aotearoa Community Law Centre is developing a new digital platform called 'Te Ara Ture' and we are an initial pilot firm. The platform aims to better connect willing pro bono lawyers with people who need help and it has the potential to take away barriers to accessing justice.

In time, New Zealand law firms should look to set a minimum number of pro bono hours for each lawyer but, at present, we are still some way away from the buy-in and investment needed from the profession. Unlike Australia, we still need to put our building blocks in place to create a legal pro bono community here. ■

Shan Wilson is Simpson Grierson's dedicated pro bono partner, a role that was created at the start of 2020 and was a first in New Zealand.

Prior to taking up this role, Shan was a partner in Simpson Grierson's employment law team, clocking up 28 years of experience advising many leading businesses and public sector organisations. She also worked extensively with the education sector advising school boards on governance issues, student discipline matters, and all manner of issues arising from the Education Act.

Shan considers her experiences as an employment and education lawyer as instrumental in her decision to move into the role of pro bono partner, as those areas of law immersed her in people based issues and the need to find workable solutions.

BACK TO COVER

The Chancery Lane Project:
Lawyers Enabling Solutions to the Climate Crisis

"The legal profession is in a unique position to enable solutions to the climate crisis and accelerate the transition to a low carbon economy."

Born out of conversations during London Climate Action Week 2019, *The Chancery Lane Project* (TCLP) is a collaborative initiative of commercial lawyers from around the globe whose vision is a world where every contract enables solutions to the climate crisis.

Lawyers draft and negotiate the contracts that govern transactions and relationships across the whole economy, presenting the opportunity to achieve more direct and immediate climate action rather than waiting for legislation that can take years to come into effect. The legal profession is in a unique position to enable solutions to the climate crisis and accelerate the transition to a low carbon economy. In addition, the risks presented by climate change are both dynamic and unprecedented. Relying on precedent-based approaches to contractual drafting for these unprecedented risks results in the failure to identify, efficiently price and allocate risk.

TCLP aims to raise awareness and mobilise the legal community about the role of commercial lawyers in the fight against climate change.

Work to date (including resources)

The project has over 1,300 active participants, across 250 organisations including 50% of the global elite law firms, and it has reached 73 countries so far. Its *100+ climate clauses* have been rigorously peer reviewed by experts, and are free for lawyers to include in precedents and a variety of legal agreements.

As well as its climate clauses that span the entire legal lifecycle from company inception to dispute resolution, TCLP has also published a comprehensive glossary to ensure consistent drafting across its resources and a range of other resources, including guidance notes and checklists to help lawyers use the clauses.

"TCLP aims to raise awareness and mobilise the legal community about the role of commercial lawyers in the fight against climate change."

As governments and organisations worldwide continue to make net zero commitments, TCLP resources offer practical tools to operationalise those commitments. In preparation for COP26 and to assist lawyers to meaningfully implement net zero into their organisations, TCLP launched its *Net Zero Toolkit* (Toolkit) last month. The Toolkit includes a suite of resources to help legal professionals understand the concept of net zero, how to align contractual drafting with climate goals, and how to strengthen net zero ambitions to align with the goals of the Paris Agreement.

The Toolkit comprises:

- 95+ climate clauses, including over 30 'best-in class,' high ambition clauses aligned with the Paris Agreement;
- net zero implementation tools to help lawyers understand the concept of net zero and the key issues to look out for when including net zero commitments in contracts;
- a drafting checklist and sample drafting for key net zero concepts;
- a net zero dashboard setting out the key concepts and what low top high climate ambition looks like (to help ratchet up ambition over time);
- a clause timeline; and
- a net zero transition map.

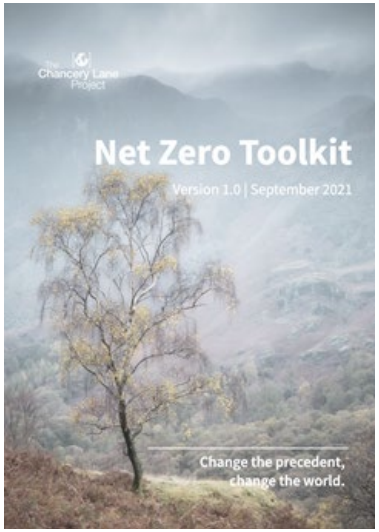
Phoebe Roberts and Charlotte Turner recently launched the Net Zero Toolkit in APAC.

TCLP's resources are available at *www.thechancerylaneproject.org*, and are open source, and free to download.

Case studies

The clauses have been embedded in precedents of global law firms and multinational companies and incorporated into university law courses. In June 2021, LexisNexis UK published TCLP clauses and definitions for the first time in its practical guidance product *LexisPSL*.

Further case studies can be found on the TCLP website.



TCLP Net Zero Toolkit

TCLP APAC

The APAC arm of TCLP has been growing rapidly over the last 12 months, and just completed its own series of Net Zero Workshops that took place during the two weeks of COP26. There will be a range of APAC TCLP events taking place in 2022, details of which can be found in the 'ways to get involved' section below.

Ways to get involved in TCLP

No matter your practice area, sector or seniority, your perspective is needed to develop tangible, contractual solutions to the climate crisis we are all facing.

The easiest way to get involved and start creating impact is to embed the TCLP climate solutions into your precedents and commercial agreements. You can help TCLP to change market norms to reflect net zero ambitions by familiarising yourself with our *climate clauses*, identifying the ones that are relevant to your practice, and starting to use them. Be sure to sign up to the ***TCLP newsletter*** to receive information about new resources and upcoming events.

Spread the word

TCLP has a range of resources on their *website* to help you spread the word about the project. These range from basic explainers to detailed presentations, everything you need to explain TCLP to your colleagues and peers.

Join the community

Join the TCLP *Slack group* and *LinkedIn group*, and join conversations with inspiring professionals using contracts to fight the climate crisis.

Become a TCLP facilitator

TCLP is currently offering facilitator training where you will learn how to deliver TCLP's climate clauses in action and net zero drafting events within your organisation and professional network. Not only will you gain an in-depth knowledge of TCLP resources but you will make connections with other lawyers implementing climate clauses and 1:1 support from the TCLP events team. See the website for more information and the EOI form. Please state you are from the APAC region when you complete the EOI form so we can arrange training in the APAC time zones in the new year.

"No matter your practice area, sector or seniority, your perspective is needed to develop tangible, contractual solutions to the climate crisis we are all facing."

Charlotte Turner is the Co-Lead of APAC at The Chancery Lane Project. Charlotte is also a Senior Associate in MinterEllison's climate risk governance team. Building on her background as an experienced litigation and administrative lawyer, Charlotte now specialises in climate risk through a finance, corporate governance and liability lens.

Phoebe Roberts is the Director of Implementation and Co-Lead of APAC at The Chancery Lane Project. Phoebe is also a Senior Associate in MinterEllison's climate risk governance team. She advises on contractual climate risk exposures (and opportunities) and the implementation of decarbonisation strategies across the value chain. With a background in construction projects both in Australia and the UK, Phoebe brings a specialist understanding of the complex legal and commercial nature of procurement and supply chains to climate risk advisory.

BACK TO COVER

Don’t miss the following Australian Pro Bono Centre services:

ExpertsDirect Pro Bono Service

A service provided in collaboration with ExpertsDirect, connecting pro bono and community lawyers with expert witnesses willing to provide their services for free or at low cost. *See our website for more information.*

Professional Indemnity Insurance Scheme

This Scheme provides free PI insurance to lawyers and paralegals working on pro bono projects approved by the Centre.
See our website to find out more.

Social Justice Opportunities

For the latest career and volunteering opportunities:

- Check out the Social Justice Opportunities *website*
- Follow us on Twitter *@SJOpps*
- Like us on *Facebook*

The Centre sincerely thanks Adrian Medel for his excellent work designing this publication.

AUSTRALIAN
PRO BONO CENTRE

www.probonocentre.org.au

Acknowledgement of Country

We acknowledge the traditional custodians of the various lands on which we work throughout Australia.

We pay our respects to the Elders – past, present and emerging – and the youth who are working towards a brighter tomorrow.

The Australian Pro Bono Centre is grateful for the funding support it receives from the governments of the Commonwealth and all states and territories, and the in-kind support it receives from Australian Government Solicitor, private firms, volunteers and the Faculty of Law & Justice at UNSW Sydney, which includes the use of the Faculty’s premises and facilities and support from student interns.

UNSW SYDNEY

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