

Not just 'feel-good' law:

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



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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?

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

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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



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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.

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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



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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.

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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.

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