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IN THIS ISSUE

Parties respond to Society's key election issues

Lawyers make their case for election commitments on justice issues



STATE ELECTION EDITION

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THE LAW SOCIETY
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THE VOICE OF THE SOUTH AUSTRALIAN LEGAL PROFESSION

A call to arms: Why we need to lift our pro bono contribution in SA

ALICE ROLLS, HEAD OF POLICY AND STRATEGY, AUSTRALIAN PRO BONO CENTRE

Most South Australian lawyers love a bit of interstate rivalry, particularly when it comes to comparing our commute times and the quality of our wines with those on offer in the eastern states. However, when it comes to our collective pro bono contribution, we are falling well behind.

The Australian Pro Bono Centre recently released its 14th Annual Performance Report of the National Pro Bono Target.¹ The National Pro Bono Target is a voluntary and aspirational target of at least 35 hours of pro bono legal services per lawyer per year.² All Target Signatories are required to report on their performance against the Target each financial year. The Centre then uses this data to produce an annual performance report on the Target.

The positive news in the latest performance report was that Australian lawyers nationally increased their pro bono contribution in FY2021 by more than 90,000 hours to 642,000 hours (representing a 16.4% increase in one year). This was the equivalent of 357 lawyers working full time for one year.

However, where things get a bit embarrassing for South Australia is the fact that the Centre for the first time tracked and reported on the number of hours of pro bono work undertaken by lawyers in each Australian state and territory. In South Australia, we contributed 8,758 pro bono hours in FY2021. This was of course a significant and generous contribution of scarce resources to those in our community who would otherwise have been without legal assistance – but it represented only 1.35% of the total number of pro bono hours donated by lawyers nationally during that period.

Well, I hear you say, we are a much smaller state and we have fewer lawyers here, right? That is certainly the case

when you compare the number of practising solicitors in South Australia (3,836) to those in NSW (35,718) and Victoria (21,118).³ Practising solicitors in South Australia only represent 5% of all practising solicitors across our great nation.

However, the fact is that we have 5% of all practising solicitors here in South Australia but our reported pro bono contribution is only 1.35% of the national total.

Compare this to NSW, which has 43% of the nation's practising solicitors and contributes 44% of the nation's pro bono hours. Or Victoria, which has 25% of the nation's practising solicitors and contributes a whopping 32% of the nation's pro bono hours. In fact, there is only one state which contributes less than South Australia when we take into account the number of practising solicitors and that's Tasmania.

Surely we can do better than this? South Australia punches above its weight when it comes to most fields of endeavour and particularly in terms of democracy and human rights. Our lawyers are smart and passionate about the communities within which they live and work. Why have we dropped the ball when it comes to pro bono?

This is a call to arms for the South Australian legal profession! Let's increase our pro bono contribution in the coming year so that it at least represents the 5% of the national profession that we constitute.

Putting to one side the ethical and professional responsibility to help others

and the fact that it feels good to do so, the benefits of embedding pro bono into a lawyer's practice are many. These include reputation and client relationship benefits for individual lawyers, firms and organisations which can demonstrate their commitment to corporate social responsibility, as well as training and human resources benefits. Becoming a Target signatory is also relevant to law firms that tender for Commonwealth and South Australian government legal work.

As the CEO of the Australian Pro Bono Centre, Gabriela Christian-Hare, recently said, *'The question is no longer 'Why should we do pro bono?'. It's 'Why shouldn't we do pro bono and how can we integrate it more effectively into the DNA of our organisation?'*

If you or your firm, organisation or government department has not yet signed up to the National Pro Bono Target, please consider doing so. You can find more information about the Target and about pro bono best practice at the Centre's website: www.probonocentre.org.au. Alternatively, please don't hesitate to contact me.

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Endnotes

- 1 Australian Pro Bono Centre, 14th Annual Performance Report of the National Pro Bono Target, September 2021, available at <https://www.probonocentre.org.au/provide-pro-bono/target/>.
- 2 The 35 hours target applies to law firms, incorporated legal practices, individual solicitors, individual barristers and barristers' chambers. For in-house corporate and government lawyers, the target is 20 hours of pro bono legal services per lawyer per year.
- 3 Law Society of NSW 2020 National Profile of Solicitors, page 6.