



Boardroom of Mark Gustavsson & Associates.

ExpertsDirect and MG & Associates: Empowering Vulnerable Individuals Through Pro Bono Legal Support

By Mark Gustavsson

The Australian Pro Bono Centre asked Mark Gustavsson from Mark Gustavsson & Associates to tell us about their firm's successful partnership with ExpertsDirect, which saw a psychologist provide pro bono expert advice to a client experiencing disadvantage.

In a society where access to justice can often be a privilege reserved for those who can afford it, initiatives that bridge the gap and provide pro bono legal services are invaluable. Organisations like JusticeNet SA connect individuals who cannot afford legal representation with law firms willing to assist

on a pro bono basis. This article highlights the transformative impact of one such partnership between MG & Associates, an Adelaide based commercial disputes resolution law firm, and ExpertsDirect, an organisation that connects lawyers acting pro bono with expert witnesses to assist individuals facing legal challenges.

Disclaimer: The name of the individual involved in this case study has been changed to Sarah Roberts to protect her privacy.



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Addressing Legal Challenges

With Sarah’s immediate needs met, MG & Associates focused on addressing her legal issues. It was revealed that Sarah had a default judgment entered against her in a civil action in the Magistrates Court of South Australia, stemming from the lender seeking to recover interest under the unconscionable loan. MG & Associates identified an argument that the interest charged was unconscionable and set out to establish that Sarah had a reasonable basis for not filing a defence earlier.

Understanding Sarah’s Vulnerability

Sarah’s defence was hindered by her limited emotional intelligence and cognitive ability, exacerbated by her reliance on a non-legal friend for legal guidance. Concerns arose that Sarah’s friend may have taken advantage of her financially. To strengthen her case, MG & Associates sought expert evidence to demonstrate Sarah’s vulnerabilities. With financial constraints to accessing expert services, we reached out to ExpertsDirect, a platform that connects lawyers acting pro bono with expert witnesses on a pro bono basis.

The Role of Dr. Connell and the Psychology Report

ExpertsDirect connected Sarah with Dr. Connell, a psychologist who agreed to provide a pro bono assessment. Dr. Connell’s report validated Sarah’s position, highlighting her inability to assert herself appropriately and confirming her cognitive ability was inconsistent with her age. This report was pivotal in persuading the court to overturn the default judgment, setting the stage for negotiation with the opposing party. Without the support of ExpertsDirect and Dr. Connell agreeing to act on a pro bono basis, the outcome of Sarah’s may have been very different as she was unable to afford a private expert psychologist.

Case Study: Empowering Sarah Roberts

Earlier this year, MG & Associates accepted a pro bono case from JusticeNet SA to represent Sarah Roberts, a woman in her mid-60s who had tragically found herself homeless after being evicted from her residence by a national bank. Sarah had been the victim of unconscionable lending by a private lender, involving Sarah borrowing money for home renovations at an equivalent interest rate of 83% per annum. Sarah provided the private lender security over her property, leading to Sarah being forced to sell her property to pay the private lender. Sarah’s situation was dire, but thanks to the collaborative efforts of MG & Associates and ExpertsDirect, her life took a positive turn.

Immediate Shelter Solutions

When Sarah came to MG & Associates, she had spent her first night sleeping in her car. She had just been evicted from her residence and did not know what to do.

Recognising Sarah’s immediate need for a safe place to stay, MG & Associates collaborated with James Packham of Harcourts Packham, who had recently partnered with the Toward Home Alliance to open Terra Firma - a shelter specifically for individuals over 45 years old facing homelessness. Through this partnership, Sarah was provided with secure accommodation and access to essential amenities, alleviating her fears and ensuring she had a stable environment, particularly as she awaited an upcoming eye operation.

Positive Outcome and Path Forward

Armed with the expert report and the combined legal expertise of MG & Associates, a positive outcome was negotiated, nullifying the threat of bankruptcy proceedings against Sarah. This resolution provided her with the freedom to move forward with her life, unburdened by the looming legal issue.

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The Power of Collaboration and Pro Bono Assistance

Sarah’s case demonstrates the power of collaboration between MG & Associates, ExpertsDirect, and other organisations involved in pro bono initiatives. The dedication and expertise of legal professionals, combined with the invaluable support of experts in diverse fields, ensures that justice is accessible to those who need it most, regardless of financial constraints.

The partnership between MG & Associates and ExpertsDirect exemplifies the positive impact that pro bono legal work can have on vulnerable individuals like Sarah Roberts. By providing comprehensive legal assistance, securing expert reports, and navigating complex legal terrain, this collaboration empowered Sarah to regain control of her life. Initiatives like ExpertsDirect and the commitment of firms like MG & Associates play a crucial role in fostering a more equitable and just society, where access to legal representation is not limited by financial means.

*Mark Gustavsson,
Founder and Principal
at Mark Gustavsson &
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Mark Gustavsson is a highly experienced litigation and transaction lawyer. He is the founder and principal of Mark Gustavsson & Associates, a highly respected law firm based in Adelaide, South Australia.

Mark has a proven track record of success in handling complex legal matters, including commercial litigation, intellectual property, asset recoveries, consumer protection, employment law, insurance law, and more. He has extensive experience in negotiating and drafting commercial agreements, advising on regulatory compliance issues, and handling complex transactions, including mergers & acquisitions.

ExpertsDirect Pro Bono Service

ExpertsDirect Pro Bono Service connects lawyers acting pro bono and lawyers from community legal centres with professionals who are willing to provide expert witness services for free or at low cost.

To be eligible for the Service, applying lawyers must meet the Australian Pro Bono Centre’s definition of ‘[pro bono](#)’. The Service gives qualifying applicants access to a vast array of expert witness services in fields such as medicine, finance, and valuation, engineering, epidemiology and more. The project was developed as a way of overcoming the cost of these services which can impede the delivery of pro bono legal assistance or community legal assistance. Read more and apply for the ExpertsDirect Pro Bono Service [here](#). ■

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In addition to his trial and interlocutory work, Mark is also an accomplished appellate advocate, having co-ordinated and argued successfully in the New South Wales Court of Appeal against a national fast-food franchisor. He is well-known for his persuasive and articulate advocacy skills, and his ability to present complex legal arguments in a clear and concise manner.

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