

Considering Lived Experience in Pro Bono

GilchristConnell

By Jilly Field and Shakti Srikanth



Values Statement that acknowledges Lived Experience

Gilchrist Connell works to a Pro Bono Values Statement (Values Statement) that addresses the inherent complexities of a corporate organisation responding to social unfairness. The Values Statement sets out key priorities for the practice and guides all strategy, response and communication. The more Gilchrist Connell's Pro Bono Team invests into the study of structural unfairness, power dynamics and ethics, the stronger the commitment to the Values Statement becomes. This study is essential in developing our moral literacy.

One of the overarching purposes of the Values Statement is to address the significance of lived experience. It provides that we work:

- towards protecting the integrity of the lived experience of clients and communities by working against the dilution of their views and experiences by dominant narratives.
- to broaden our literacy of unfairness and oppression. We understand there is limited social justice when there is systemic unfairness. We must be across the origins that contribute to injustice to respond appropriately and write effectively.

These two priorities play a notable role in our writing which includes submissions, legal analyses, literature reviews and research.

There is very little choice in lived experience. Individuals and communities facing oppression do not always have the opportunity to modify, change or walk away from their situations. Communities and individuals with lived experience

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— Jilly Field, Pro Bono Principal, Gilchrist Connell

are the authority in their own lives, face intersecting challenges and have various expertise. They should be given the space to direct the perspective, articulation and dissemination of the narratives that are circulated about their experiences. Their standpoint holds significant epistemic and moral weight.

As pro bono practitioners, we are mostly observers to the lived realities of structural injustice. We are engaged in response. We are not often engaged in the experience. That is why great care must be taken in properly understanding our role in, and the conditions of, social unfairness before we respond.

Commitment to Justice Literacy as Observers

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As pro bono practitioners, we are observers, so we draft to confront the wider systems of unfairness. We also:

- focus on strengths-based writing. Promote dignity and agency and work against deficit language that can reinforce stigma, perpetuate stereotypes and obscure the truth.
- set out the context of unfairness. Try not to oversimplify writing that can dilute complicated social issues and fail to address the foundations of inequality.
- prioritise writers and academics who are First Nations or from communities facing marginalisation. Put first the writers that understand the patterns, systems and social conditions that contribute to a particular inequality or disparity.
- critically think through the accuracy and relevance of data. Be conscious that data often makes default comparisons to dominant positions, while unfairly over scrutinising communities facing unfairness.

“Our firm is not inclined to leverage our corporate position based on experiences of injustice. That doesn’t sit with our overarching values.”

“If our team is going to write on domestic violence, we are focused on feminist theory. If we are going to write on poverty, we are focused on classism. If we are writing on issues impacting First Nation communities, we prioritise a discussion on colonisation. We write to address the reason for the injustice before we tackle the injustice.” - Shakti Srikanth, Pro Bono Associate, Gilchrist Connell.

Concerns around Awareness Raising

Our Values Statement and Pro Bono Policy address Gilchrist Connell’s position on external communication and awareness.

Gilchrist Connell will not link our firm to social justice outcomes. Alex Haslam, Insurance Principal, says “Our firm is not inclined to leverage our corporate position based on experiences of injustice. That doesn’t sit with our overarching values.”

For our Pro Bono practice, it is important that the dissemination about lived experiences is limited to legal submission or internal education work. This is because those with lived experience should be in full control of the distribution of the public narratives around their experience. We are acutely aware that client control is lost when we reinterpret their story through our dominant perspectives or for our own communication purposes. It can be disempowering to have your identity and narrative referred to by outsiders. When we communicate on our pro bono work publicly, we risk reinforcing dominant discourse on ‘needs’ or ‘victimhood’ that can overshadow how communities want to be seen.

Gilchrist Connell understands that any consent received to communicate on another’s experience can vary and evolve over time. It is also impossible to speak for a collective of individuals who have diverse and intersecting experiences. Jilly says, “Public writing is permanent. It has inherent risks. At all times, where possible, the communities facing the experience must remain in full control of the narratives linked to them. This way we work against discourses that lean to saviourism, oversimplification and unintended reinforcement of power.”

If hypothetically, our pro bono practice was to raise awareness externally, we would need to answer some fundamental questions including:

- who are we raising awareness for;
- why are we raising awareness;

- what are we raising awareness on; and
- given our institutional position, is it appropriate that we are raising awareness.

Jilly has said that “There would have to be a significant moral reason for our practice to communicate on an issue of which we have little experience. There are often much more appropriate people to raise civil society discourse. As a sector, I believe, we must place greater attention on who communicates and who gets heard.”

Our Pro Bono team’s reading has made us acutely aware that public communication on the experience of unfairness has the potential to reinforce harm, secure dominant perspectives and work against client and community agency.

As pro bono practitioners, we are often the observers of unfairness, which results in a profound responsibility to understand the complexities of authorship on issues that we do not experience. ■



Jilly Field is an experienced pro bono practitioner who has directed pro bono programs in firms since 2011. Throughout her career, she has focused on the ethics of pro bono and is committed to driving moral thinking through social response. She has recently begun a fellowship at the Cranlana Centre for Ethical Leadership.

Jilly has worked as a front-line lawyer in areas of poverty law, domestic and family violence, animal rights, systemic reform and advocacy and front line defence for children in the criminal justice system. Jilly is a critical thinker with a focus on justice theory and fairness which has led to regular speaking on working with communities facing disadvantage, conscious lawyering, the ethics of advocacy writing and the nuance of working in fairness. Jilly is a Board member of CLCNSW, Women’s Legal Service NSW and an advocacy advisor to Wear it Purple.



Shakti Srikanth is a Pro Bono Associate at Gilchrist Connell. Shakti’s recent work includes substantial writing for the front line on the areas of family and domestic violence and sexual consent laws and poverty. Prior to joining Gilchrist Connell, Shakti was a Corporate Junior Associate at Baker McKenzie. Shakti has also done victims compensation work for the Shoalcoast Community Legal Centre and legal work for RACS.

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