Making Pro Bono Painless:
The Law Access Family Law Pilot Projects

Law Access
THE LAW SOCIETY OF WESTERN AUSTRALIA IN THE COMMUNITY

By Georgia Pickering, Anthony Dique and Hanna Kotzee

Law Access is excited to announce the development of two collaborative projects to address unmet legal need in family law. The Family Law Pilot Project and its expansion - the Family Law Women's Pilot. Both are focused on overcoming the barriers to providing pro bono family law property assistance while ensuring vulnerable clients receive legal assistance and other support at key moments during their matter.

Law Access

Law Access is the pro bono referral service in Western Australia. Our vision is equal access to justice and our mission is to assist those experiencing disadvantage through pro bono legal assistance.

We accept individual applications and warm referrals and find pro bono legal assistance in criminal, family and civil law matters. We work closely with Community Legal Centres (CLCs) and other services in the legal assistance sector to support vulnerable individuals access justice.

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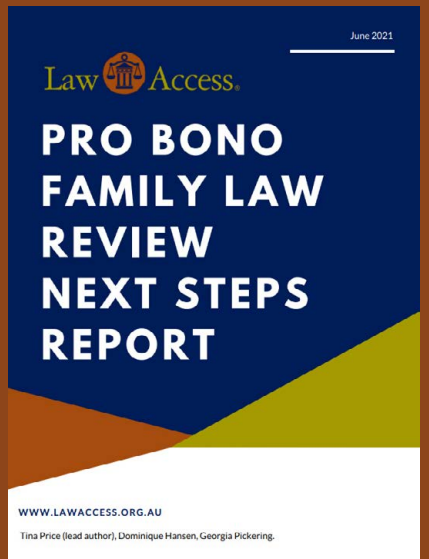

Next Steps Report

Facilitating pro bono assistance in family law has been a challenge for Law Access for some time.

In 2020 Law Access began a review into the operation of our family law pro bono referral service. This involved significant consultation with our stakeholders and culminated in the *Pro Bono Family Law Review Next Steps Report* published in June 2021.

Through the review, Law Access identified that pro bono lawyers can be reluctant to take on family law matters because of the likely duration of the court proceedings and the prospects of a matter becoming more complex, and resource intensive, than at the time of the referral. This can make it difficult for pro bono lawyers, many of whom are at small to medium sized firms, to be confident they will have the capacity to provide all of the assistance required.

The review also involved extensive consultation with CLCs. We identified that across different CLCs there was variety in the level of services provided and that regional CLCs faced particular difficulties with capacity and with finding local pro bono support.

Examples of clients that might be assisted in the Pilot:

Example 1

A victim of financial abuse was referred for pro bono assistance to prepare her initiating documents as the complexity of her financial circumstances put the drafting beyond the capacity of the referring community legal centre. A pro bono lawyer was found to draft the documents and orders sought and the client was then able to return to the community legal centre for support to navigate proceedings.

Example 2

A community legal centre referred a client for urgent pro bono assistance after the opposing party started to sell assets and drain funds from the marital bank accounts. Law Access successfully found a pro bono lawyer who had the capacity to file for urgent injunction orders and appear at the hearing in the Family Court.

The first recommendation of the Next Steps Report was a new initiative to investigate the option of facilitating a family law property virtual assistance service, initially on a pilot basis, hosted by selected CLCs and with a focus on the use of unbundled or specific task assistance or advice.

Pilot Project

Law Access approached regional CLCs, which (at the time of review consultations) provided different levels of family law services. This would allow trial of the Pilot Project model at different stages in a family law matter.

Perpetual

"The Pilot model is designed to facilitate legal assistance for vulnerable clients in regional areas, increase the capacity of regional CLCs and minimise barriers preventing private lawyers providing pro bono assistance."

The CLCs which became Pilot Partners are Regional Alliance West, Albany Community Legal Centre, Pilbara Community Legal Services, South West Community Legal Centre and Aboriginal Family Legal Services.

Law Access and the Pilot Partners formed a Steering Committee, chaired by the representative from Regional Alliance West, which has worked hard over the time since to design a model for remote, unbundled pro bono assistance and to define the scopes of assistance. Stakeholders were consulted on the proposed model and feedback incorporated before the pilot launch.

The Pilot Model

The Pilot model is designed to facilitate legal assistance for vulnerable clients in regional areas, increase the capacity of regional CLCs and minimise barriers preventing private lawyers providing pro bono assistance.

CLCs will provide their clients with whatever level of family law property assistance is within their capacity.

When their client next needs assistance in their matter the CLC will refer the matter to Law Access, providing key information and documents. The CLC will nominate a discrete scope of assistance (such as advice on a certain aspect or drafting of certain documents) and an estimate of how long that assistance will take. Law Access will look for pro bono assistance for that discrete scope.

"We hope this collaboration can increase the capacity of CLCs, provide vital legal assistance with holistic support to vulnerable clients and make providing pro bono services as painless as possible."

When the pro bono lawyer accepts the referral, the CLC can provide practical and holistic support such as facilitating virtual appointments, sending documents and providing referrals to support services. Once the pro bono lawyer has completed the agreed scope of assistance the client can return to the CLC who will continue to provide support. When further assistance is required, another referral can be made, but it may be placed with a different pro bono lawyer.

The Family Law Women's Pilot

A grant from Perpetual Impact Philanthropy has allowed Law Access to extend the project to a second, state-wide pilot. In 2024, Law Access will extend the project to include vulnerable women with family law property issues referred by new Pilot Partner and state-wide service, Women's Legal Service of WA (WLSWA). This pilot will involve a model refined to best suit the WLSWA clients that are being referred and from learnings taken from the first Pilot. It will involve the development of resources for clients, community legal centres and pro bono lawyers and it will also include exploring pro bono mediation opportunities with the University of Western Australia Mediation Clinic.

The Family Law Pilot Projects are exploring whether reducing the scopes of individual pro bono assistance can increase the overall value of pro bono services provided. We hope this collaboration can increase the capacity of CLCs, provide vital legal assistance with holistic support to vulnerable clients and make providing pro bono services as painless as possible.

We encourage firms keen to be involved to contact Law Access. ■

Georgia Pickering has been Principal Lawyer at Law Access for the last three years. Her legal career has been focused on assisting those who face barriers to accessing justice and she has extensive experience in the WA legal assistance sector and in NZ.

Anthony Dique is a Senior Lawyer at Law Access and has been practising since 2016. Anthony is experienced in family law, commercial litigation and estate disputes and is committed to increasing access to legal assistance to vulnerable Western Australians.

Hanna Kotzee is working with Law Access as a Project Officer for the Family Law Women's Project. Hanna is a law student with a passion for family law and advocating for people's access to justice.

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