Board Member Spotlight:
Elizabeth Shearer

By Pamela Binnington
Commonwealth Attorney General's Department
Secondee to the Australian Pro Bono Centre

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Elizabeth Shearer – Principal of Shearer Doyle Law – and an Executive Director of the Law Council of Australia, discusses her 40-year career in the legal assistance sector and her drive to support innovative processes and policies that increase access to justice for vulnerable Australians.

Pamela: It's a pleasure to speak with you today, Elizabeth. You have had a very impressive and diverse legal career, working across the public, private and community sectors. Would you be able to share a little about your background, including your education and career pathways?

Elizabeth: I studied an Arts/Law degree at university, majoring in English literature, and went straight into a job as an articled clerk at Brisbane City firm once I had graduated. This was in 1983, quite a while ago now. I guess I would have been on a standard legal career path of working in private practice, except that I had my first baby only two years after I was admitted as a solicitor. In those days, there was no parental leave and there was a lot of resistance to the idea that you could work part-time in private practice. How could you do that? What would the client say? So, I resigned my job when I had my first child.

For the next part of my career, I was looking for jobs that were more family friendly, but these were hard to find in traditional private practice. So that led me to do things slightly differently. I taught at university. I did policy work for government. I developed a broader skillset. And when my youngest child turned 2, I went back to work full-time in a commercial practice as a building and construction lawyer. While it was interesting work and intellectually challenging, commercial litigation as a building and construction lawyer ultimately wasn't enough to drive me to get up and go to work every morning and leave my children. It was just not enough purpose for me, I guess.

Pamela: And so, you had to think about what did give you that purpose – the type of work you did have a passion for?

Elizabeth: Exactly. What I had enjoyed initially was just working for individuals and small businesses who had an important legal issue impacting them. So, I took a role in a small suburban practice in Brisbane.

From there we moved to the Northern Territory for a couple of years. Darwin in the mid-1990s was still a place where there weren't a lot of lawyers so there were opportunities to do a variety of work. I worked for the Darwin Community Legal Service in their domestic violence duty lawyer service. I did community education in a program called "Law Handbook Live" (in pre-internet days!). I was a locum lawyer at

Legal Aid in their civil practice. I taught law for non-lawyers both at the University and for organisations working in the legal sector. I even set up my own little practice there, a sole practice.

When we returned to Brisbane, I had a whole lot of different experience including direct experience working for Legal Sid and community legal centres. When a role came up at Legal Aid Queensland, I applied for that, and I was there for 14 years. Unusually for Legal Aid, I'm a civil practitioner, so I worked in their information and advice programs and in civil justice, which at that stage was criminal injury compensation, consumer protection, discrimination, and human rights focused.

Pamela: What an amazing pathway – you clearly were up for the challenge of undertaking diverse roles. In terms of your career, I'd like to ask what is your proudest achievement to date?

Elizabeth: It was in the late 90s when a lot of funding had been taken out of Legal Aid and there was a lot of pressure to look at how we could do things more efficiently, make the money we've got go further, and how to remain relevant to the population as a whole rather than only the small cohort of people who actually qualify for legal aid casework.

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In this context I was part of a project team to set up a call centre – a legal information hotline where people could call up and ask legal questions. At that stage, there was no one else in Australia doing that, and so I was on the project team that had to write the database that would give non-lawyers the information they needed to answer legal queries about any common legal topics. We also devised a Certificate III training program to train people to work in that service.

The next step in this access to justice project was to think about ways we could more efficiently and effectively deliver legal advice to a greater number of people in need. Obviously, giving legal advice is beyond the remit of non-lawyers. And so, my next project was a telephone advice service provided by lawyers. It sounds odd now, but there was quite a lot of resistance to the idea that you could provide telephone advice and still comply with your professional obligations.

At this time, Legal Aid Queensland would do over 100,000 information services a year and about 50,000 advice services a year – a very high-volume service. We implemented phone advice and piloted video technology to reach into neighbourhood centres throughout western Queensland in places that didn't have lawyers.

I was fortunate to receive a Churchill Fellowship in 2003 to travel to the US and the UK to look at models of telephone advice. In the US they had just undertaken a study on the effectiveness of telephone legal advice services. I met with the services that had participated in the study and with policy makers in Washington and New York with a focus on evaluation of outcomes of telephone legal advice. Bringing those learnings back to Australia and implementing them for the benefit of people seeking access to justice is something I look back on with a sense of achievement.

Pamela: That's wonderful. And when you left Legal Aid, is that when you pioneered your own low bono firm *Affording Justice*?

Elizabeth: I first moved into consulting to government, Legal Aid and legal assistance programs, because I had this expertise around delivery of legal services to vulnerable and low-income people.

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However, after a while, I got a bit tired of talking to other people about how to do things and not doing any legal service delivery myself! So, I set up my *Affording Justice* practice, which is a low bono discrete task practice designed to assist people who could not afford to engage a lawyer in the usual way.

But *Affording Justice* has also developed in a way I didn't expect. I've found that what people really value is the relationship with a lawyer who they can call if they've got an issue, and you can either help them directly and take on their matter or help them get the right support and advice. So, the discrete task work is now less of what I do, and it has become much more of a traditional general practice. That has really focused my thinking on the important role that general practice plays in access to justice and meeting the legal needs of individuals and small businesses.

Pamela: Your career choices reflect a clear commitment and belief in access to justice for all. Was this shaped by your diverse roles across different sectors, or has the passion for access to justice always been a part of your approach to practising law?

Elizabeth: Not so much a passion as a commitment to purpose. I think it's easier to have a happy life and fulfilling career if you're aligned with the purpose of your work. That doesn't have to be access to justice. For me, it became apparent when I had little children and realised that while commercial work is interesting, and it's intellectually challenging, it's not enough purpose for me.

Of course, my choices following this realisation were not entirely altruistic because it was also the legal assistance sector that had family friendly employment policies. But I've always had a strong sense of justice,

or rather have been very attuned to injustice. I am also someone who likes solving problems, and I've enjoyed adapting my skills to a range of different roles throughout my career.

Pamela: Having recently joined the Board of Directors of the Australian Pro Bono Centre, how are you finding the experience?

Elizabeth: I joined the Board of the Australian Pro Bono Centre as an appointee of the Law Council in late 2022. In my time as a Board Member, I have been impressed by the Centre's initiatives to coordinate and support the pro bono sector – particularly for larger law firms that have sufficient resources to be able to establish a pro bono practice and to be quite intentional and structured about how they perform pro bono work. There are significant challenges for the pro bono sector, and I think the Centre is conscious of those and does a great job of bringing together the sector to try and work through them.

Pro bono should never be a replacement for properly funded legal assistance services. Pro bono is a very fine part of our professional tradition. You could say that giving something back is part of our social licence as well-paid professionals. But there is a chall enge in thinking about pro bono and the changing nature of the legal profession. Many members of the profession

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are only average income earners working in lots of small practices. Pro bono implies that there's some surplus from which you can give back, but in these individual offices or small practices there is no surplus, particularly if they're doing legal aid work at the rates that they're paid. But the pro bono work that these lawyers are doing is just as impressive, and in some cases critical to supporting their local communities.

Pamela: What advice would you give to any lawyer that wants to start undertaking pro bono work?

Elizabeth: Well, if you can't do it within your firm, there's always community legal centres where you can be a volunteer. Think about the skills you have and don't be put off by the fact that you might be providing advice or assistance in an area outside your paid area of expertise. You will be supported to use your skills in a different context.

Also, what was clear to me when I was President of Queensland Law Society and travelling all around the state was the enormous contribution that solicitors make to the civic life of small and medium sized towns and cities. Communities could simply not run if lawyers weren't willing to put themselves up to run various events, be on boards, do all sorts of things in the community as part of a civic contribution. Lawyers are highly valued, not necessarily just for their legal expertise, but because they're educated, capable people able to contribute to all sorts of things, whether it's a Surf Life Saving Club or boards of schools and hospitals.

I know that some of this work may not fall within the definition of pro bono work for the National Pro Bono Target or for government contracting. But it is a valuable contribution that solicitors make and may suit people who don't have an opportunity to do pro bono work in their practice but do have the time and opportunity to volunteer their skills to support individuals or communities in other ways. ■

Elizabeth Shearer is a solicitor who, as a general practitioner, specialises in the legal problems of everyday life. Elizabeth has spent almost half of her career in the legal assistance sector, including as Director of Civil Justice and Information and Advice Services at Legal Aid Queensland. She has also worked in policy and executive management in the public sector, and as a consultant to government and peak bodies on design and evaluation of legal assistance services.

She is a principal of Shearer Doyle Law, and also operates Affording Justice, a model of practice, pioneered by Elizabeth, offering discrete task services to meet the needs of "the missing middle" – that is people who are not eligible for legal aid, and who might not otherwise engage legal help when they need it. Elizabeth was the President of the Queensland Law Society in 2021. She is also chair of the QLS Access to Justice Pro Bono Law Committee, a longstanding member of the Law Council of Australia's Access to Justice Committee, an executive director of the Law Council of Australia, and a director of the Australian Pro Bono Centre.