Dentons: **global firm cultivates pro bono partnerships in South Australia**

DENTONS

By Debrah Mercurio
and Joshua Schultz

"As lawyers, we are in a privileged position to assist these groups, helping to fill a gap, and contribute more broadly to the rule of law in our society, by undertaking pro bono work."

Dentons SA team at JusticeNet's Walk for Justice 2024 where they took the trophy for the top fundraising team.

We have heard many times that access to justice is a fundamental legal and human right, essential to the rule of law and the bedrock of equality before the law.

However, legal assistance can be costly, and for those in lower socio-economic and vulnerable groups, who may need it most, it can be completely out of reach.

As lawyers, we are in a privileged position to assist these groups, helping to fill a gap, and contribute more broadly to the rule of law in our society, by undertaking pro bono work. Pro bono work provides as much, if not greater, reward to the lawyers undertaking the work as to the clients that they are assisting, with employment satisfaction and increased experience in helping someone in need.

Managing billable clients and pro bono can, at times, be a challenge, but a thoughtfully set up pro bono practice will ensure the timely delivery of quality legal services to both paying and pro bono clients.

SA Walk for Justice 2024.

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Dentons' Pro Bono Strategy

At Dentons, our Pro Bono Strategy outlines our goals and strategies to connect the community with access to justice by leveraging our expertise across diverse areas of law. Our Pro Bono Policy established the framework to manage and coordinate the pro bono work across the firm.

A key aspect of the policy is that we do not treat pro bono work any differently to paid work. We integrate the work into our practice, ensuring that the matters are opened in the same way as billable clients, the work is supervised, it is delivered with same diligence and timeliness and that time is recorded, recognising the hours that individuals contribute to pro bono work.

Importantly, the policy defines pro bono work, adopting the definition by the Australian Pro Bono Centre. It broadly includes free, or reduced fee, advice and representation, community legal education, secondments to charitable or community organisations and financial or in-kind assistance to such organisations and excludes work of a commercial nature.

Having a pro bono practice also makes good business sense. Clients are increasingly asking about ESG commitments and law firms are not exempt. Clients want to know and understand that they are dealing with a firm that, in addition to providing quality and timely legal services, is also a good corporate citizen.

This includes State and Federal Government clients. In April 2024, the SA Government joined the Commonwealth and other states in making it mandatory for private firms accepting SA Government legal work to be signatories to the Australian Pro Bono Centre's National Pro Bono Target of 35 hours per lawyer per year.

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As a global firm, Dentons' pro bono practice reaches both an international and local scale. Globally, Dentons partners with institutes on global-wide projects across jurisdictions.

Locally, Dentons develops partnerships in each State.

South Australian Partnerships

In our Adelaide office, we have cultivated various partnerships, including:

- JusticeNet Pro Bono Connect – Dentons accepts referrals to assist individuals and organisations in disputes or with other legal assistance.
- Federal Court Self-Representation Service (SA/NT) / FWC Workplace Advice Service – Dentons provides clinic appointments to individuals and organisations that are self-representing in the Federal Courts and the Fair Work Commission for advice and task assistance.
- Homeless Legal – Dentons staffs a clinic at Catherine House (a dedicated women's homelessness service), providing legal advice and referral assistance.
- Arts Law Centre of Australia – Dentons is on the panel, providing legal advice and task assistance to artists and arts organisations seeking legal assistance.
- Direct referrals for refugees – Refugee advocates directly contact Dentons personnel who have previously assisted refugees to assist others.

While connections with community legal organisations comprise a large part of Dentons' pro bono practice, we also:

- partner with local small not-for-profit organisations to provide ongoing pro bono legal and governance advice and training;
- in appropriate cases, utilise significantly reduced rates and conditional costs agreements;
- provide 'on the ground' support for community legal organisations, such as being a supporter of JusticeNet SA's Walk for Justice.

One of the key drivers of incorporating a pro bono practice is the outcomes we are able to achieve, such as the following success stories.

Discharge of Historical Adoption Orders

Dentons has acted for a number of applicants as adults in the Youth Court of SA to discharge historical adoption orders under new legislation which enabled the discharge of adoption orders where it is in the best interests of the child, usually due to historical abuse by their adoptive parent(s).

"If you do not do pro bono work in your practice now, you are missing out."

In 2023, Dentons successfully obtained discharge orders for three biological sisters who were adopted as young/teenage girls in the 1980s and suffered years of physical, sexual and psychological abuse at the hands of their adoptive father. Since becoming adults, the three sisters have all developed a strong relationship with their biological father and wished to purge their abusive adoptive father from, and add their biological father to, their official records.

Migration Judicial Review

Our client applied for a protection visa which was refused and the refusal then affirmed by the Administrative Appeals Tribunal on the basis that he had the right to enter and reside in a country other than his country of citizenship and he was required to avail himself of that right.

We assisted our client in his application for judicial review in the Federal Circuit Court (as it was then) on the basis that the right to enter and reside in the third country had lapsed as at the date of the AAT decision. It was unsuccessful, so we assisted our client in an appeal to the Federal Court, which found that there was a jurisdictional error and remitted it to the AAT.

We then assisted our client in his submissions before the AAT, which remitted it to the Department of Home Affairs, holding that our client is a person in respect of whom Australia has protection obligations. Our client was finally granted a visa in August 2024.

Like any legal matter, not all pro bono matters result in successes like the examples above. But they all do contribute to building a just society where the most vulnerable can access justice, and to a sense of fulfillment in having helped someone who may have otherwise gone without that legal assistance. If you do not do pro bono work in your practice now, you are missing out. ■

Debrah Mercurio is a Partner in Dentons' Adelaide office with extensive experience practising in commercial litigation and dispute resolution, migration law and international development.

Debrah's practice in litigation and dispute resolution includes experience across diverse types of disputes and areas of law, including construction, property, trusts, contested estates, competition and consumer law, product liability and administrative law. Debrah has advised and represented a wide range of clients, domestically and internationally, from large public companies to family businesses, individuals and government.

Debrah's international development work includes being the principal of the legal aid office in Kiribati and work in Myanmar on access to justice and rule of law projects run by government and intergovernmental agencies, including US AID, British Council, the EU and the United Nations Development Fund in conjunction with the International Development Law Organisation.

Joshua Schultz is a Senior Associate in Dentons' Adelaide office. He is a member of the Employment & Safety practice group.

Joshua has over 8 years' experience in employment and safety law, acting and advising in both litigious and non-litigious employment and safety matters. In particular, Joshua has broad experience in employment litigation including unfair dismissals, general protections and underpayment claims. Joshua also has experience in general commercial litigation and dispute resolution, with a particular focus on contractual, insurance and tortious claims. Joshua has been recognised by clients and peers in the 2022 and 2023 editions of Doyle's Guide to the Legal Profession as a Rising Star in Employment and in Australasian Lawyer's Rising Star List for 2024. Prior to Dentons, Joshua was a solicitor in the community legal sector.

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