

NATIONAL PRO BONO RESOURCE CENTRE

Pro Bono News 2/2003

Welcome to the second edition of the eNewsletter of the National Pro Bono Resource Centre. In this edition:

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- 1 **Second National Pro Bono Conference:**
Transforming Access to Justice
Sydney, 20-21 October 2003
(See attached pdf brochure)

(i) Conference program

NPBRC and the Queensland, New South Wales and Victorian Public Interest Law Clearing Houses (PILCHes) are hosting the Second National Pro Bono Conference at the Sydney Marriott Hotel on 20-21 October 2003. The Conference will build on the ideas and recommendations of the First National Pro Bono Conference: For the Public Good which was held in Canberra in 2002. Abstracts and briefing papers from the First Conference are available on the NPBRC website www.nationalprobono.org.au/publications/index.html

This year's conference is designed to interest current and potential pro bono lawyers, pro bono referral organisations, legal aid organisations and community legal centres, academics and students, advocates for disadvantaged groups and government policy makers. It draws on the diversity of experience in Australia and overseas, and will provide an opportunity to assess how models of pro bono service delivery can effectively address social justice objectives. The conference will also provide practical guidance on developing pro bono schemes and projects. Workshops will cover issues relating to particular groups, including children, the homeless, Indigenous communities, people with disabilities and people from non English speaking backgrounds. They will also consider the potential for information technology to be used to support pro bono work.

Conference themes include:

- ❖ Social responsibility and legal practice
- ❖ Pro bono models and community needs

- ❖ Global perspectives on access to justice
- ❖ Pro bono in practice
- ❖ Developing a pro bono culture

(ii) Conference speakers

The conference will be an opportunity to learn from successful pro bono initiatives in Australia and from a diverse range of overseas jurisdictions including South Africa and South American countries, the USA and UK. A number of international keynote speakers will participate in the conference including Esther Lardent, President of the Pro Bono Institute in Washington. Esther is being brought to Australia as part of a successful Fulbright application made jointly by the Victoria Law Foundation and the NPBRC.

The Conference brochure is attached as a pdf document to this eNewsletter. It will be posted to our website in the near future. In the meantime, for further details contact the Centre. Phone: 61 2 9385 7381 Email: info@nationalprobono.org.au

2 Centre news

(i) Activities

Pro Bono Conflicts and Government

The Centre has written to the Attorney General seeking the government's adoption of a Protocol for Commonwealth Agencies. The protocol is aimed at minimising law firms' potential concerns that providing pro bono legal services in matters against government agencies may prejudice them in securing other government legal work. A discussion paper and the draft protocol were made available on the Centre's website and were sent to representative bodies with a request that the Protocol be adopted and implemented. Once the Commonwealth has responded we will take up this issue with state governments. The proposed Protocol is available at www.nationalprobono.org.au/publications/index.html

Comments on proposed Federal Court rule change

NPBRC has made a submission to the Federal Court in response to its request for comments on a possible new provision in Order 45 of the Federal Court Rules. The aim of the amended rule is to ensure that the Court knows the identity of any legal practitioner who has prepared a document that is used by an otherwise unrepresented litigant. The Centre consulted with members of the profession and legal aid agencies before preparing its submission which is currently with the Federal Court. The submission is available at www.nationalprobono.org.au/publications/index.html

Mapping Pro Bono

The Centre is currently working on a report '*Mapping Pro Bono*' in Australia. The project is a response to an identified need for a greater understanding of current pro bono practice and the ways in which pro bono can be effectively delivered. The report charts models of pro bono delivery throughout Australia such as partnerships and outreach programs as well as in-house, referral, secondment and volunteering schemes. The report will also contain quantitative information on the scope of pro bono work being done in Australia and include examples of new pro bono initiatives.

Multi-tiered pro bono relationships

A report on the experiences of 13 community organisations involved in multi-tiered pro bono relationships with various law firms is currently being finalised and will be available on the NPBRC website later this month at www.nationalprobono.org.au/publications/index.html The report highlights ways in which law firms are increasing their pro bono activities in relation to both legal and non-legal assistance to community legal services and how this has led to enhanced understanding by each of the other's needs and capacities.

Guide to Volunteering at CLCs

The Centre is preparing a Guide to Volunteering at CLCs for lawyers and law students. The Guide will provide information about the range of CLCs and their work, how to go about finding and choosing a CLC that suits the volunteer's interests and skills, and how to acquire information and skills that will be of use. The Guide will also list CLCs that offer volunteering opportunities and provide contact and other information about each CLC. The National Association of CLCs and Coudert Brothers are providing assistance with this project.

Ongoing consultation

Centre Director Gordon Renouf is continuing with the program of consultation with states and territories travelling to Perth and Melbourne in May and to Adelaide and Brisbane in July. In Perth, Gordon will meet with pro bono coordinators, address a function organised by the Law Society and present a workshop at the State Conference of Community Legal Centres. He will also consult with staff and students of University Law Schools, the Legal Aid Commission and the WA Council of Social Services. In Melbourne he will attend meetings of pro bono coordinators, pro bono referral organisations and the Victorian Pro Bono Secretariat as well as undertaking consultations with consumer advocates and Philanthropy Australia.

A full list of the Centre's current activities and projects in development is set out on our web site at www.nationalprobono.org.au/activities/index.html

(ii) Website

The NPBRC website is being gradually upgraded to become a major resource and networking tool for people and organisations interested in and delivering pro bono services. The Centre's website has links to publications of interest, including the Report of the National Pro Bono Task Force, the web sites of the NSW, Victorian and Queensland Public Interest Law Clearing Houses and to Law Access WA. New features include a Conference page for the Second National Pro Bono Conference and a 'How to find legal help' page directing people to sources of pro bono legal assistance. There are several new resources on the publications page. The NPBRC website is at: www.nationalprobono.org.au

(iii) Staff

The Centre has employed two new project staff to assist with its program for 2003. Jenny Lovric has joined the research team as a part-time project officer working on the Mapping Pro Bono project and assisting with the compiling of the Pro Bono Good Practice Guide, due to be published with the Victoria Law Foundation in September 2003. Ann Johnson has been employed as a project officer, initially focusing on the organisation of the Second National Pro Bono Conference (20-21 October in Sydney, see below) but also to undertake projects designed to support information sharing between staff of pro bono and publicly funded legal services.

As well, the Centre has had contributions from Anna Cody who worked with the centre for several weeks on projects including a funding submission relating to rural and remote communities and from law students Dianah Merchant, Joumana Kisrwani, Lisa Eckstein, and Alex Spark who are undertaking placements at the Centre.

3 Training pro bono lawyers

Aware that a key issue in pro bono representation is the need to match clients with lawyers who have skills relevant to clients' legal needs, a number of pro bono agencies have developed skills based training and information programs. For example, the NSW Refugee Advice and Case Work Service coordinated a training program for PILCH (NSW) who brought together 150 lawyer members to provide assistance to temporary protection visa (TPV) holders. In Western Australia, CASE for Refugees has developed a similar model and in Victoria the Refugee and Immigration Legal Centre (RILC) will be training participating lawyers for PILCH Victoria.

The Homeless Persons' Legal Clinics operating through the Public Interest Law Clearing Houses in Queensland and Victoria have involved the provision of training to participating lawyers. In Victoria, two full days of training are provided twice each year by a range of agencies in areas such as social security, mental health legal issues, housing and tenancy, victims of crime assistance and fines and infringement notices.

In another training-oriented program, consultations three years ago with Community Legal Centres (CLCs), Legal Aid and Aboriginal and Torres Strait Island Legal Services (ATSILs) led law firm Blake Dawson Waldron (BDW) to identify representation in hearings in apprehended violence matters (particularly apprehended domestic violence matters) as an area of unmet need.

In 2000, BDW ran a training program for 40 lawyers from their own firm and from Clayton Utz and Gilbert+Tobin. They then contacted CLCs, Legal Aid branch offices and ATSILs advising them of their availability to undertake AVO hearings on a pro bono basis. Assistance has since been provided, on request, for hearings in courts from the city out to Wollongong, Penrith, Campbelltown and Gosford. BDW is looking at the possibility of AVO hearings being listed on a particular day in country courts where no assistance is provided in AVO matters and travelling to those courts to act in several matters per visit.

BDW is running a second training program for an additional 30 lawyers. BDW invited a number of firms to attend the training and lawyers have attended from the original firms and from Ebsworth and Ebsworth. The training is in three sessions covering:

- (i) general information about the effects of domestic violence and acting in AVOs for clients with an intellectual disability plus the law on AVOs – this training is provided by specialists in the relevant fields
- (ii) practical training in advocacy in the local court provided by experienced counsel and
- (iii) running an AVO hearing. This session uses a video of a mock domestic violence hearing with experienced advocates in front of a NSW Local Court Magistrate with Theatre Sports people playing clients and witnesses. As in other pro bono matters,

firms have set up processes to provide ongoing support to pro bono lawyers in the conduct of AVO matters.

4 Victoria Law Foundation's 'Law Help'

Law Help is a comprehensive referral directory detailing pro bono, free and low cost legal services in Victoria. The directory provides information on community legal services, community information centres, pro bono service providers and other community providers. It gives advice about eligibility criteria and application requirements, if and where they exist. This assists community workers to refer clients to the most appropriate agency, reducing duplication of services and inconvenience to clients.

For ease of access, the directory is divided into five sections:

- ❖ Area of law
- ❖ Statewide pro bono services
- ❖ Legal aid and law aid
- ❖ Regional legal services
- ❖ Useful websites

It is quickly accessible as a 75 page pdf document on the VLF website www.victorialaw.org.au Printed copies for public sector and community organisations are available from the Victoria Law Foundation, 224 Queen Street, Melbourne VIC 3000 Australia DX491 Melbourne Ph: (03) 9602 2877 Fax: (03 9602 2449) Email: contact@victorialaw.org.au

5 Access to Justice Roundtable Workshop

The NSW Law and Justice Foundation has published the Proceedings of its Access to Justice Roundtable held in 2002. The Roundtable was presented by the Foundation and the Social Justice Project of the University of NSW. It aimed to encourage dialogue between representatives of economically disadvantaged groups and people working within the justice system, to build a better understanding of perspectives from outside the justice system and to raise issues that have not been taken into account in the access to justice literature. The proceedings include a provocative keynote address from Justice Ronald Sackville and a paper entitled 'A Client Centred Approach to Access to Justice' by NPBRC Centre Director Gordon Renouf. The Report (PDF) is available at <http://www.lawfoundation.net.au/publications/reports/ajr/> or in hard copy from Lisa Turnbull at the NSW Law and Justice Foundation on 02 9221 3900 or lturnbull@lawfoundation.net.au (price \$20).

6 UK Joint Protocol for Pro Bono Legal Work

The UK Solicitors Pro Bono Group (SPBG) and Bar Pro Bono Unit have published a protocol for pro bono legal work. Endorsed by the UK Attorney-General's Pro Bono Coordinating Committee, the Protocol gives a definition of pro bono legal work and is intended to be a standards-based guide for how pro bono should be done. Ancillary provisions to the Protocol advise that where practical, lawyers should undertake pro bono work through a pro bono organisation or the not-for-profit sector on the understanding that legal work will be more effectively delivered through co-

ordinating relationships between lawyers, pro bono organisations and community agencies. There is also special attention paid to encouraging non-lawyer staff to make a contribution and to the importance of training and supervising law students and newly qualified lawyers. The Protocol is available as a pdf document on the SPBG website at: www.probonogroup.org.uk/spbg/protocol.htm

7 To subscribe or unsubscribe to Pro Bono News

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<http://lists.nationalprobono.org.au>

This newsletter is available on the web at:

www.nationalprobono.org.au/publications/index.html

Please forward this newsletter to anyone else you think may be interested.

8 NPBRC contact details

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