

A first for Australia... the Pro Bono Manual

An article prepared by the Law Foundation of Victoria.

In its 2001-2002 survey, the Australian Bureau of Statistics found that around 63 percent of private solicitor practices and 78 percent of barrister practices reported doing some pro bono work. Through pro bono, lawyers across the country make a vital contribution to access to justice and social equity. Until relatively recently that contribution has gone largely unmarked, but this appears to be changing – and for the better.

According to John Corker, Executive Director of the National Pro Bono Resource Centre (NPBRC), a growing awareness and recognition of pro bono both within and outside the legal sector is helping to create a more effective and organised pro bono culture.

“Lawyers have always done pro bono work but what we are seeing across Australia is a more structured and better coordinated approach to the delivery of pro bono services,” Mr Corker said.

“Most states and territories in Australia have now established pro bono clearing houses which provide an organisation for the public to contact when other avenues of legal assistance are not available to them, and also provide a focus for many related activities such as law student involvement in clinics and law reform work.

“The NPBRC has played an important part in increasing the profile of pro bono. Set up in 2002, following a recommendation made by the National Pro Bono Task Force, the central aim of the Centre is to support and promote pro bono services throughout the legal profession.

“Its functions include undertaking research and projects relevant to pro bono, providing practical assistance to pro bono providers, developing strategies to address legal need, and promoting pro bono law to community organisations and the general public.”

One of the Centre’s primary tasks was the earliest possible production of a practical pro bono handbook. Through a collaborative effort involving the Centre and the Victoria Law Foundation, *The Australian Pro Bono Manual: a practice guide and*

resource kit for law firms was published in March this year, and is available in both hard copy and from the Centre’s website at www.nationalprobono.com.au.

“This is our flagship publication,” Mr Corker said.

“It’s in a very handy form and we would like to see a copy in every law firm in Australia.”

The manual is a guide for firms wishing to establish, develop or expand their pro bono practices, particularly through structured pro bono programs. As well as providing models of pro bono legal practice, the manual includes information on issues such as fostering a pro bono culture, co-ordination, supervision and secondment of staff, disbursements, taxation, dealing with requests for assistance, record keeping, and file management.

Aimed particularly at medium-sized firms, the manual makes the development of a pro bono program easier by including sample policy and procedure documents, pro forma letters, forms and agreements. Information on pro bono referral schemes, legal aid, community legal services, clients with disabilities, and advising and acting for Indigenous clients is provided, along with law firm pro bono contacts and useful websites.

As the manual makes clear, taking on pro bono work and spending time creating a sound system of delivery will benefit not only the clients who receive the free or low-cost legal services, but the firms themselves. Leaving aside the profession’s ethical responsibility to undertake pro bono, the work can also provide increased job satisfaction, improve staff skills

and confidence, boost a firm’s attractiveness to potential recruits, and enhance the reputation of the firm throughout the community.

While continuing to promote the manual, the NPBRC is working on a number of other projects designed to increase effective participation in pro bono.

“One of the most important things we do is to broker relationships between law firms who want to do more pro bono and those in need,” Mr Corker said.

An aspect of this role as pro bono “broker” is the Centre’s RRR project, which focuses on community legal centres (CLCs) in rural, regional and remote (RRR) districts. These areas often suffer a great disparity between need for and supply of pro bono services. The NPBRC has organised several successful relationship-building events which bring city firms and rural CLCs together, including one held in Adelaide last year to coincide with the National Association of Community Legal Centres Annual Conference.

The NPBRC has also turned its attention to particular groups of lawyers who would like to contribute pro bono services but who believe the nature of their work or workplace restricts them from doing so.

Last October, the Centre released a comprehensive resource paper on issues surrounding government lawyers and pro bono. Prepared with input from the Australian Government Solicitor, the paper delivers practical methods of dealing with potential stumbling blocks such as conflicts of interest, lack of practising certificates, and prohibitive

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legislation. According to a speech given by Attorney-General Phillip Ruddock, the report was "enthusiastically received by government agencies"¹.

The Centre has also been working with the Australian Corporate Lawyers Association to define suitable projects and models to better involve in-house corporate and government counsel, and to tackle issues such as adequate professional indemnity insurance. More generally, the NPBRC has established a pro bono network to facilitate communication and planning between lawyers with an interest in pro bono (the network can be accessed at www.probono.net.au/pbc).

Initiatives such as these both contribute and respond to the growth of organised pro bono in Australia.

Many larger firms have significantly increased their commitment to pro bono and have expanded their pro bono programs. Some firms have active in-house pro bono practices and work closely with CLCs and other community organisations in accepting referrals and targeting particular areas of need. Nationally, there are sixteen firms with pro bono coordinators, and eight of these are full-time positions. These structures, networks and partnerships are helping to foster an understanding of pro bono as a natural, expected element of a legal practitioner's working life.

Despite the growing recognition of the importance of pro bono, and the many achievements of the NPBRC during its three short years of existence, the Centre currently faces an uncertain future. At the time of

writing, the NPBRC is awaiting confirmation that its funding will continue after July this year. With pro bono becoming such a key feature of the legal landscape, it is to be hoped that the NPBRC will live on and continue to improve our understanding of this significant aspect of contemporary legal practice.

The Australian Pro Bono Manual is available to order from your local bookshop, or from Australian Book Group: ph (03) 5625 4290, fax (03) 56253756, or via the web: www.australianbookgroup.com.au ①

Endnotes

¹ Speech by the Hon Philip Ruddock, Attorney-General of Australia, 11 February 2005. Full speech at <http://www.nationalprobono.org.au/AGspeechRTF.rtf>

Legal resources in the NT

This new section in *Balance* will include information about legal resources (websites, books, brochures, videos, etc) that may be helpful for solicitors or clients.

At what age can I?

This booklet produced by the Legal Aid Commission and provides a basic guide to laws affecting young people in the Northern Territory.

Cop This!

Produced by the NT Legal Aid Commission, Cop This! provides a guide to a person's rights when dealing with the police. This title is now available as a booklet, video and DVD. Copies are available from the Commission.

Going to Court

This booklet provides a guide to criminal matters in the Magistrates Court in the NT. Free copies are available from the NT Legal Aid Commission.

Indigenous Protocols for Lawyers in the Northern Territory

Developed by Kristina Karlson, these protocols provide guidelines for lawyers when dealing with Indigenous clients. A copy of the

protocols is available from the Law Society's website.

The Inmates Law Book

Covering a wide range of issues important to prisoners, this book was produced by the NT Legal Aid Commission in September 2003. Free copies are available from the NT Legal Aid Commission.

The Law Handbook

This book provides a practical guide to legal issues that impact on the community - from rights and discrimination to buying and selling a house.

This book was produced by Darwin Community Legal Service and the NT Legal Aid Commission in 2002. Copies are available for \$60 from Darwin Community Legal Service.

The Little Red Book of Advocacy

A book of *Balance* articles written by Justice Trevor Riley. The articles provide practical tips on important advocacy issues. Copies of the book are available from the Law Society Northern Territory for \$22 (including GST).

Staying Strong: a court story

Available from the Witness Assistance Service, this DVD explores the court process as faced by victims of violent crime.

Untying the knots

This booklet provides a guide to family law in the Northern Territory. Copies are available from the NT Legal Aid Commission.

Where to complain

Produced by the Legal Aid Commission and the NT Ombudsman, this book provides a guide to the organisations that deal with various complaints in the NT.

Who can help you? Assistance for Separating Families

This comprehensive directory lists all the services available for separating families throughout the Territory. This handy guide to family law services was produced by the NT Legal Aid Commission. Free copies are available from the Commission.

The Family Court also has a wide range of publications available on every aspect of family law. For more information visit their website at www.familycourt.gov.au ①