

INFORMATION FOR FIRMS

1. Functions of the Centre

JusticeNet SA (the Centre) will firstly link clients in need of legal assistance with any existing services which may be able to assist them, such as community legal centres, the Legal Services Commission or private solicitors acting on a legal aid basis.

If no services are available, the client will be referred to solicitors and barristers willing to act on a pro bono basis.

The Centre will assess applications for assistance against established guidelines and refer successful applications to member firms and/or barristers to provide pro bono legal services.

The Centre's assessment process will ensure that clients are only referred if they have meritorious matters, are unable to obtain assistance from any existing legal service and genuinely cannot afford to pay a lawyer. Detailed guidelines for assistance have been developed by the Centre.

The Centre will not itself provide legal services. A client, once referred, will become the client of the assisting firm.

The Centre will support firms in the development of their pro bono practices. In future it is envisaged that the Centre may develop a policy advocacy and law reform role.

2. The Role of Member Firms

Firms will become members of JusticeNet SA, the incorporated association established to operate the Centre.

Firms will be invited to nominate areas of law in which they are willing to accept referrals. While it is hoped that firms will be able to assist in a range of legal areas, firms will not be expected to take on matters in areas in which they are not comfortable to practise. Firms are welcome at any time to add or remove areas of law in which they are willing to consider referrals.

Each time the Centre approves an application, it will contact a member firm which has indicated it is willing to consider referrals of that kind. The firm may elect to accept or decline the referral at that point. The firm retains a right of veto to any referral request the Centre makes to it.

While it is hoped that member firms will be able to accept most referrals, we acknowledge that conflicts and workloads may prevent particular referrals from being accepted from time to time.



3. Types of Matters

Based on the interstate experience, and information gained from the Legal Services Commission and the community legal sector, the two largest areas of demand are likely to be:

- a. Transactional and advisory work for non-profit community organisations, such as employment advice, drafting constitutions, tax and charitable status advice, and so on; and
- b. Representation in areas of civil law.

There are likely to also be requests in the areas of criminal, family and other miscellaneous areas of law.

There will also be demand for non-legal assistance from community organisations and community legal centres, such as photocopying, catering, meeting rooms, fundraising and so on. Importantly, this will provide opportunities for both legal and non-legal staff to be involved the project.

4. Retainer and Fee Arrangements

Referred clients will become the clients of the law firm providing assistance and subject to the firm's usual retainer arrangements, save that no professional fees are to be charged.

Disbursements will be at the discretion of the firm. It is hoped that internal disbursements such as telephone and photocopying will not be charged.

The Centre will attempt to arrange pro bono counsel in matters requiring counsel involvement.

Otherwise, external disbursements will be the responsibility of the client. If sufficient funds can be raised, the Centre aims in future to establish a Disbursements Funds which may cover some external disbursements. The Law Society's disbursements only fund may also assist in certain cases.

It is proposed that firms donate back to the Centre any costs recovered in successful litigation. The retainer agreement between firm and client will need to be precisely drafted to ensure that costs are recoverable in litigation where a client has not paid any fees. The Centre will provide a pro forma costs clause for firms to use.

Once a matter is finalised we ask that firms complete our matter closure form that records the hours spent and notional cost of legal fees incurred by the firm on the pro bono matter.

5. Benefits of JusticeNet Membership



- a. Demonstration of the ethics and values of your firm;
- b. Firms will be able to deliver pro bono services more effectively (rather than on an ad hoc basis), as they will only receive meritorious, carefully scoped requests for assistance in areas in which they are prepared to practise;
- c. Saving time and resources which may be currently devoted to assessing requests for pro bono assistance;
- d. Recognition on the Centre's website and in its marketing activities as members and participants in the Centre's activities;
- e. Firms can promote their involvement in the Centre in their own materials and as part of tender submissions (increasingly Government and many private tender submissions now seek information as to tenderer's Corporate Social Responsibility policies and activities);
- f. Increased staff satisfaction, retention and morale (young lawyers are increasingly looking for opportunities to contribute in this way and factor this in to their employment decision making);
- g. Opportunities for law students to do pro bono placements at your firm to assist in the pro bono matters (and therefore to assess for future employment);
- h. Receive publications and bulletins from JusticeNet;
- i. Count the JusticeNet pro bono hours towards wider pro bono targets / CSR delivery;
- j. Low cost;
- k. Potential tax deductibility.

6. Commitment Required From Firms

Annual membership fees are payable to the Centre in the amount of \$150 per partner per firm. Such fees are low in comparison with membership fees paid to equivalent centres in the eastern states.

Membership will entitle the firm to participation in the project, support in the development of their pro bono practices and the benefits of the Centre's marketing.

Firms are asked to become members on the attached form and to indicate the areas of law in which they are prepared to consider referrals.