



PRO BONO NEWS

Issue 15, August 2015

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Executive Director's report

STOP PRESS: A Self-Representation Service for the District Court

JusticeNet's Self-Representation Services have been recognised for providing an important service for disadvantaged clients who cannot afford legal assistance and are ineligible for legal aid. It was, therefore, with reluctance that JusticeNet's Management Committee approved the closure of the service earlier this year due to a lack of funding. But thanks to an 11th hour contribution from the Attorney-General's Department and a private donation the service will remain open for at least another 12 months.

And in more good news, JusticeNet has secured a State Government grant to expand the service to include the District Court (civil jurisdiction). Our new **State Courts Self-Representation Service** will open its doors to District Court clients in September 2015.

We extend our thanks to the Attorney-General's Department for supporting the service, and in particular, for working with us to develop a sustainable funding model for the service for 2015/16 and beyond. I also take this opportunity to acknowledge the ongoing support from the Courts for the service.

Free Volunteer Practising Certificates – coming to South Australia?

When the Legal Profession Uniform Law comes into full effect, New South Wales will join Victoria, Queensland and Western Australia in having a category of free practising certificates for practitioners to undertake pro bono legal work through a Community Legal Centre and otherwise on a pro bono basis.

South Australia may be next in line as LPEAC is currently considering the matter. JusticeNet supports the creation of volunteer practising certificates because they can make it easier for qualified lawyers to volunteer their time and skills for the benefit of financially disadvantaged clients. Research suggests that the introduction of free volunteer practicing certificates increases the provision of pro bono legal services. In fact, the Productivity Commission recently recommended that all State and Territory governments should, where they have not already done so:

"introduce free practising certificates for retired or career break lawyers limited to the provision of pro bono services either through a community legal centre or a project approved by the National Pro Bono Resource Centre."

JusticeNet has made a submission to LPEAC which you can read [here](#). Thanks to James Gould, formerly of Australian Government Solicitor and now Mallesons for his assistance in preparing the submission.

Membership – Thank you for renewing

Thank you everyone who has renewed their JusticeNet membership for 2015/16. The financial support of our member is vital to the sustainability of our service. We still rely on fundraising and membership subscriptions to fund our core operating expenses and our pro bono referral service.

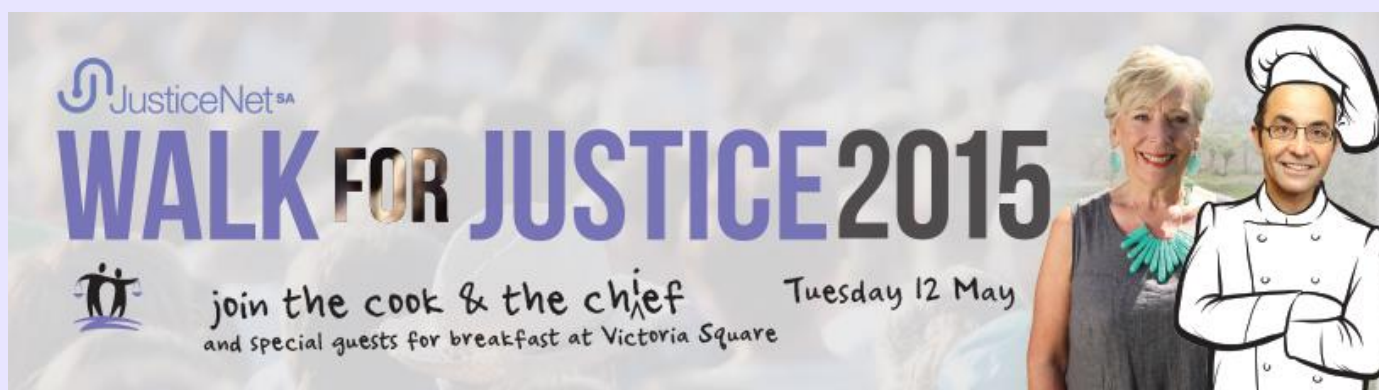
If you haven't yet renewed, you can download a membership form here: <http://justicenet.org.au/members.html>



JusticeNet is on Facebook. 'Like' us and keep up to date with upcoming events and issues relevant to pro bono law in South Australia and nationally.

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Walk for Justice 2015



This year's Walk for Justice, held on 12 May, was the biggest and most successful Walk yet.

A big thank you to our 500 walkers who raised over \$53,000 for JusticeNet and braved the cold and rain to walk from Adelaide University to Victoria Square.

The Walk celebrates the important pro bono contribution of the legal profession and the money raised will enable JusticeNet to continue its work to facilitate access to justice for low-income and disadvantaged members of the South Australian community.

The highlight of this year's Walk was the post-walk breakfast in Victoria Square. Having outgrown the Hilton lobby, walkers were rewarded with a sumptuous breakfast (and respite from the drizzle!) under the huge BankSA marquee in Victoria Square.



Start of the Walk for Justice 2015



Maggie Beer and a fan



The Breakfast Club 2015



Chief Justice Kourakis presents the Walk for Justice Cup to Patrick Giam from Lipman Karas



Chief Justice Kourakis presents the Walk for Justice University Shield to the Flinders Law / Criminal Justice Students Association



Enjoying the post-walk breakfast!

The atmosphere inside the marquee was as warm and inviting as the weather outside was cold and wet. Delighted walkers were served a warm breakfast by Maggie Beer ('the Cook') and the Hon. Chris Kourakis ('the Chief') and other special guests; including

surprise guest former Prime Minister Julia Gillard.

Many thanks to the wonderful '**Breakfast Club**' for working so hard to feed the hungry masses!

- The Hon Julia Gillard
- The Hon Chief Justice Chris Kourakis
- Maggie Beer, the Maggie Beer Foundation
- The Hon Tony Piccolo, Minister for Disabilities
- Chris Hill, Senior Account Executive, Telstra
- Matt Janssen, Head of Retail Lending, BankSA
- Despina Anagnostou, Hutt Street Law
- Matt Simpson, Lipman Karas

and to the **Walk for Justice Ambassadors** for their support:

- The Hon Chief Justice Chris Kourakis QC, Chief Justice of the Supreme Court
- The Hon Judge Muecke, Chief Justice of the District Court
- Her Honour Judge Elizabeth Mary Bolton, Chief Magistrate
- The Hon Robyn Layton QC AO
- The Hon Tony Piccolo MP, Minister for Disabilities
- The Hon Justice Greg Parker, President of SACAT
- The Hon Judge Cole, Environment, Resources and Development Court
- Michael O'Connell, Commissioner for Victims' Rights
- Wayne Lines, SA Ombudsman
- Adam Kimber SC, Director of Public Prosecutions
- Gabrielle Canny, Director of the Legal Services Commission
- Mark Parnell MLC, Leader of the SA Greens
- Vicki Chapman MP, Member for Bragg
- Kim Economides, Dean of Law, Flinders Law School
- Michael Evans QC, Crown Solicitor
- Rick Persse, Chief Executive, Attorney-General's Department
- Rocky Perotta, President of the Law Society of South Australia
- Jayne Stinson, Political Reporter, Channel 7
- Sean Fewster, Chief Court Reporter, News Limited

The following prizes were awarded to hard working and dedicated fundraisers:

- **Lipman Karas** took home the Walk for Justice Cup as the highest fundraising team for the third straight year
- The inaugural Walk for Justice University Shield for the highest fundraising university team was awarded to **Flinders Law Students' Association and the Flinders Criminal Justice Students' Association** (who also came third overall – huge effort!)
- **Bec Welling** from Cowell Clark, won a \$750 voucher donated by Phil Hoffman Travel as the highest fundraising individual
- **Tania Puccio**, from Flinders University won lunch for four donated by the Austral as the highest fundraising University student
- **Glenunga International High School** was the highest fundraising Secondary School, winning 20 movie passes donated by Hoyts Australia for their efforts.

We are now working to make 2016 bigger and better again! So please put **Tuesday, 10 May** in your diary now and like our Facebook page <https://www.facebook.com/JusticeNetSA> so that you are amongst the first to know our exciting plans for 2016.

The Walk for Justice was proudly sponsored by:



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Pro Bono Success Stories

We would like to send our congratulations to our Referrals Lawyer, Elizabeth Boxall and her husband Corin McCarthy, on the recent arrival of their new baby daughter.

Our pro bono referral service has had a busy quarter. We have received approximately 400 enquiries between 1 January 2015 and 30 June 2015. Here are some recent pro bono referrals:

- **Ralph Bonig** from **Finlaysons** accepted a referral to help a client facing defamation proceedings in the Supreme Court. The client was unemployed and resided in Queensland. He was initially assisted with pleadings and discovery by our Self-Representation Service but when the matter was listed for a settlement conference, Finlayson's agreed to represent him at

the conference. Ralph went above and beyond what is normally expected of any pro bono lawyer: he tripped on his way to the conference, chipping his tooth and severely grazing his nose and forehead. Aware that our client had borrowed money to attend the conference in person, Ralph persevered - bloodied and bruised - through 2.5 hours of negotiations. The matter has since settled and Ralph's battle scars are healing nicely! JusticeNet and the client are immensely grateful to Ralph for his dedication to his pro bono work. The client has since written to say:

"Thank you for your champion effort on Friday. You went beyond your job by spending the afternoon for my case. You should have been at the doctors but I am extremely grateful that you stayed for the afternoon."

- **Edward Stratton-Smith** of counsel has recently provided an advice on a matter involving the removal of a child from her foster family. His advice has been invaluable.
- **Larissa Detmold** of counsel, assisted by **Robbie Heaven** of the SA Bar Readers Group, have accepted a referral to advise on the prospects of an application for judicial review of a decision to cancel a visa on character grounds. The client has lived in Australia for nearly 50 years. He emigrated from his country of birth with his family at the age of four. He never applied for citizenship and lived here on a Residence visa. Unfortunately, he also has a substantial criminal record, although he has not been convicted of any serious offences since 1995. His visa has been cancelled by the Minister on character grounds and he is due to be deported – where he has no contacts or family networks. Counsel is assisted by **Simon Bourne** as instructing solicitor.
- John* was referred to **Ruth Beach Lawyer and Mediator** to help resolve a dispute with his neighbour. Extensive redevelopment undertaken by John's neighbour – who used the premises to operate a business - was resulting in periodic flooding of John's land and damage to property. With the help of advice from **Arturo Dal Cin** of counsel and expert engineering advice of **Lelio Bibbo**, Ruth helped John resolve the matter. The matter could not be settled by agreement and ultimately preceded to a hearing in the Magistrates Court. The Court found that John's neighbour had been negligent in allowing water to flow over John's land but disappointingly declined to make any orders for compensation.

*Client names changed to protect privacy

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Refugee and Asylum Seeker Project Update

Our Refugee and Asylum Seeker Project remains very busy. We have received a number of enquiries from people who are in detention and are at risk of being deported at any moment. Some of the applicants have been moved to detention in WA and we have, on occasion, also sought assistance from Law Access in WA in trying to find solicitors to take instructions from people in detention in WA.

Since 1 January 2015 we have sought to refer 25 matters and have managed to refer 20 matters. Special thanks must go to **Paul Charman**, **Kris Hanna** and the **Crown Solicitors' Office** for the referrals which they have recently taken on this year.

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Supreme Court Self-Representation Service Update

JusticeNet's Supreme Court Self-Representation Service was initially funded as a 12 month pilot. After the pilot funding ran out in September 2014, JusticeNet managed to keep the Service open for an additional six months but the service faced closure in mid-2015 due to funding limitations. Thanks to an 11th hour grant from the Attorney-General's department, and a private donation we expect to receive later this year, the service will remain open for at least another 12 months.

In other big news, JusticeNet is pleased to announce that the existing Self-Representation Service will soon be expanding into the District Court. JusticeNet has received a grant from State Government to provide advice and legal task assistance to disadvantaged South Australian's in the civil jurisdiction of the District Court. The combined service will be called the **State Courts Self-Representations Service**.

We look forward to working with Department on developing a sustainable funding model for the new State Courts Self-Representation Service for 2015/16 and beyond. We also take this opportunity to acknowledge the ongoing support for the service from the Courts.

Here are some recent examples of assistance the service has provided:

- The service assisted a client in relation to a mortgage repossession matter. The client's elderly and ill father lived in the property and the client was seeking more time to move him out of the property. The service assisted the client to prepare an application seeking to have the execution of the warrant of possession postponed. The matter is ongoing.
- A client requested assistance from the service in regards to a lengthy dispute concerning a franchise agreement. Before approaching the service, the client had already lodged two statements of claim which were struck out. The service helped him draft a third statement of claim that was accepted by the court. The client was very pleased with the assistance the service provided, stating:

"The service was very good particularly in view of the large workload the service needs to cover. They were prompt and concise. Yes it was of great assistance to me because I do not have the legal knowledge required to

be in the Supreme Court. The service taught me a lot.”

The Self-Representation Service is made possible by the generous support of our participating firms: Minter Ellison, Fisher Jeffries, Finlaysons, Cowell Clarke and HWL Ebsworth.

Please contact Tim Graham at tim.graham@justicenet.org.au or on (08) 8313 5005 if your firm is interested in participating in the service.

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Self-Representation Service SA / NT (Federal Courts)

The Service in the Federal Courts recently reached its first anniversary. In that time we have assisted more than 50 self-represented litigants and many others who have contacted us with enquiries.

We are pleased to welcome **DMAW Lawyers** and **O’Toole Lawyers** to our panel of participating law firms, to assist particularly with bankruptcy matters. Their assistance has enabled us to address the conflict of interest issue that has arisen in the past as a number of the commercial law firms on our panel act for the major credit-providers in SA and NT.

We are also pleased to welcome **McDonald Steed McGrath** to our panel to assist in respect of migration law matters. Migration matters make up a significant proportion of the applications to the service and we would be grateful for further assistance in this area from any interested practitioners. If you are able to assist in this area please contact Angela Hastings at ahastings@justicenet.org.au.

The Service would also like to thank Associate Professor Alex Reilly for his ongoing assistance with migration matters along with his volunteer students Karolinka Dawidziak-Pacek and Jennifer Michalakas.

Here are some examples of assistance the Service has recently provided:

- The service assisted a client based in Queensland to successfully apply to have his bankruptcy matter transferred to the Brisbane Registry of the Federal Court. In making the order Justice Rangiah took account of the significant medical conditions experienced by the client; the client’s desire to cross-examine a witness; and the connection of the matter to Queensland.
- The service was approached by a client following an unsuccessful settlement conference convened by the Fair Work Commission. The client advised that he suffered a severe mental health episode which prevented him from working for several weeks. Despite his employers reassurances that he was concerned for the client’s health and that the client should not rush back to work until he was feeling better – the employer dismissed the client from his employment. The Service assisted the client to prepare a Claim form to bring proceedings in the Federal Circuit Court and advised him as to the evidence, including medical evidence, which he would need to obtain in order to prepare his case generally and for mediation.
- A client sought assistance from the service to appeal a decision of the Administrative Appeals Tribunal to the Federal Court concerning the recovery of an overpayment of the client’s Disability Support Pension. The client was advised by the service that he had insufficient grounds to support an appeal and he was assisted to prepare and file a Notice of Discontinuance.
- The service helped a client to judicially review a decision of the Migration Review Tribunal refusing the client’s application for a visa for her husband and daughter. The client had fled the Taliban in Afghanistan, leaving her husband and daughter behind, and was granted a Women at Risk visa in Australia. Tom Cox SC from Hanson Chambers agreed to provide advice to the client as to grounds for judicial review. Following receipt of counsel’s advice, the matter was transferred to JusticeNet’s Pro Bono Referral Service and Tom Cox SC agreed to act as counsel for the client.

The Self-Representation Service SA/NT (Federal Courts) is made possible by funding from the Commonwealth Attorney-General’s Department; the support and assistance of the Federal Court, and the support of our participating law firms: Minter Ellison, Finlaysons, Fisher Jeffries, Cowell Clarke, Clayton Utz (NT), DMAW, McDonald Steed McGrath and O’Toole Lawyers.

JusticeNet welcomes referrals to the Self-Representation Service. The contact details for the Service are as follows:

Email: srs@justicenet.org.au
Telephone: 1800 283 661
Post: GPO Box 11024, Adelaide SA 5001

If your firm is interested in being involved in the new service, please contact Tim Graham at tim.graham@justicenet.org.au

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Continuing Professional Development for Community Lawyers

On Friday 24 July JusticeNet hosted a free legal risk management seminar specifically designed for community legal sector staff.

Catherine Eagle, a lawyer from Perth and the Chair of the National Association of Community Legal Centres PII Committee, and Rosalind Burke, Director (Ethics and Practice) at the Law Society of South Australia, provided participants with a very useful seminar on legal practice regulation and legal risk management relevant to their practice as community lawyers. 48 community lawyers from across South Australia participated in the seminar either in person or via webinar.

Our thanks to the Law Foundation of South Australia for supporting this event, and to the Law Society of South Australia for providing the venue and webinar facilities.

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Training for law student volunteers

JusticeNet benefits from the enthusiasm of many law student volunteers who help us to triage enquiries, assess applications for pro bono assistance and undertake legal research and other tasks essential to the operation of our pro bono referral service. As part of the training we provide to our student volunteers, we periodically arrange for training and information sessions presented by our members and supporters.

On 20 July 2015, JusticeNet volunteers attended an information session on 'How to write effective job applications' presented by Susan Comerford, People and Practice Development Manager at **Cowell Clarke**. Susan spoke to volunteers about resume and cover letter writing and provided insight into the recruitment process. Other training sessions our members and supporters have provided over the years include:

- 'An overview of the role of Community Legal Centres', Alan Merritt, **Central Community Legal Service**
- 'Training on job applications and tips and tricks', Susan Comerford, **Cowell Clarke**
- 'How to conduct legal research', Rebecca Sandford, **DMAW Lawyers**
- 'How to write in a legal office', Andrew Williams, **Finlaysons Lawyers**
- 'Introduction to the Legal Services Commission', Christopher Boundy, **Legal Services Commission**

JusticeNet would like to acknowledge and thank our presenters for supporting JusticeNet's volunteer training sessions. If you are able to offer training to our volunteers at a monthly training session, please contact Louise at admin@justicenet.org.au.

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Become a 'Friend of JusticeNet'

JusticeNet plays a vital role in facilitating access to justice for low-income and disadvantaged South Australians who fall through the gaps. While membership subscriptions are a significant source of income, they currently cover less than 50% of our core operating costs.

As a Friend of JusticeNet you can help ensure the long-term future of our service for as little as \$10 per month. Your donation is 100% tax-deductible.

[Click here to join Friends of JusticeNet using the secure online facility of GiveNow.com.au](#)

Current Friends of JusticeNet:

Grace and Matilda Bawden, Katrina Bochner, Kieren Chester, Tim Graham, George Karzis, Robyn Layton, Christopher Legoe, Nicholas Linke, Shaun Mercer, Geoff Muecke, Alex Reilly, David Sedorkin and Paula Stirling.

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JusticeNet Members

JusticeNet acknowledges the ongoing support of our members:

Corporate members: Adelaide Law School, Aged Rights Advocacy Service, Ashurst Australia, Beach Energy Limited, Bourne Lawyers, Budwal Lawyers, Campbell Law, Central Community Legal Services, Cowell Clarke, DMAW Lawyers, Environmental Defenders Office, Finlaysons, Fisher Jeffries, Flinders Law School, DW Fox Tucker Lawyers, Gilchrist Connell, Hanson Chambers, HWL Ebsworth, Hutt Street Law, Lipman Karas, Minter Ellison Lawyers, Ombudsman SA, O'Toole Lawyers, Piper Alderman, Riverland Community Legal Service, Ruth Beach Lawyer & Mediator, South East Community Legal Service, Southern Community Justice Centre, Sparke Helmore, UniSA Law School, Wallmans Lawyers

Individual members: Warwick Ambrose, Lucas Arnold, Melissa Ballantyne, The Hon Barry Beazley, The Hon David Bleby QC, Elizabeth Boxall, Darren Blight SC, Paramjit Budwal, Peter Cannell, Gabrielle Canny, Kerry Clark, Jane Cox, Larissa Detmold, Samuel Doyle SC, Carrie Eames, Phillip Foreman, Rachel Garland, Tim Graham, Rachel Gray, Joseph Harding, James Hartnett, Jenny Hirst, Chad Jacobi, Andrew Jantke, Clare Jobson, Peter Kassapidis, Manjit Kaur, Margaret Kelly, Lisette Knobel, Robert

Lawton, The Hon Robyn Layton QC, Nina Lagzdins, The Hon Christopher Legoe QC, Karen Lehmann, Cathrynne Lester, Nicholas Linke, Mark Livesey QC, Philip McNamara QC, Joseph Maniscalco, Alan Merritt, Michael Mills, Carolyn Mitchell, Neville Morcombe QC, Geoffrey Muecke, Leah Mundy, The Hon Margaret Nyland, Claire O'Connor, Karen O'Keefe, Mark Parnell, Harry Patsouris, Kim Pedler, Megan Philpot, Rebecca Plummer, Jocelyn Redden, Ian Robertson SC, Emily Rutherford, Rick Sarre, Catherine Sarre, Carolyn Scholefield, Nerissa Schwarz, Paula Stirling, George Stathopoulos, Edward Stratton-Smith, Tania Sulan, Anna Tallis, Ian Thomas, Elise Thomson, Natalie Wade, Mike Wait, Gillian Walker, Helen Ward, Noëla Washyn, Belinda Wells, Jonathan Wells QC, Penny Wright, Kate Wycherley

For more information about membership of JusticeNet go to: <http://justicenet.org.au/members.html>.

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Subscription and Feedback

To subscribe or unsubscribe to Pro Bono News or for more information about any item in this newsletter, please send an e-mail to admin@justicenet.org.au or contact us by phone (08) 8313 5005.

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What is JusticeNet SA?

JusticeNet is an independent not-for-profit organisation that coordinates pro bono legal assistance in South Australia. JusticeNet matches individuals who do not have the means to afford a lawyer, and cannot otherwise obtain the requisite legal assistance elsewhere, with lawyers who are willing to act pro bono. We also assist not-for-profit and community groups.

For more details of our referral service and eligibility criteria, see the JusticeNet website at www.justicenet.org.au.

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