

PRO BONO NEWS

Issue 5, August 2011

Contents

News & Events	1
Notices	3
Referrals	3
JusticeNet Members.....	4
Subscription and Feedback.....	5
What is JusticeNet?.....	5

News & Events

Pro Bono Access Australia

In May, JusticeNet hosted a meeting of four pro bono clearing houses from around Australia: JusticeNet SA, and the Public Interest Law Clearing Houses (PILCHs) in Victoria, New South Wales and Queensland. The meeting was aimed at forging stronger ties between our organisations and improving collaboration.

One important outcome of the meeting was an agreement to establish a formal national network of Australian pro bono clearing houses, provisionally named 'Pro Bono Access Australia'.

Since the meeting we have discussed funding for a website to promote the network members and national pro bono activities, such as the Walk for Justice.

A big thank you to JusticeNet members Kelly & Co for providing their boardroom for the 2-day meeting.

Walk for Justice 2011 'wrap up'

JusticeNet held the 4th annual Walk for Justice on Monday 16 May (National Pro Bono Day). On a crisp, yet sunny and clear morning, around 250 walkers gathered in Victoria Square at 7.30am to walk in acknowledgement of the unmet legal need in

the community and the important pro bono contribution of the local legal profession. The Walk also raised over \$7000 for JusticeNet SA.

This year's Walk was led by Chief Magistrate Elizabeth Bolton, President of the Law Council of Australia Alex Ward, Law Society President Ralph Bönig, South Australian Bar Association President Mark Livesey QC and Legal Services Commission Director Hamish Gilmore.

We wish to thank all participants and sponsors (especially Ferrier Hodgson, the Law Society of South Australia, the Hilton Adelaide and Comunet) for supporting this event.

Congratulations to this year's prize winners:

Most funds raised: Elise Holmes (student), Kerry Clark (individual) and Fisher Jeffries (team).

Early-bird registration: Janine Shuttleworth (student) and Justice John Sulan.

The Fisher Jeffries team were presented with a hamper of goodies courtesy of Comunet Pty Ltd for their impressive effort of raising over \$400. Claire Deegan, Liz Christopher and Michelle Richards of Fisher Jeffries collected their prize on behalf of team colleagues Marcella Bienvenue, Zev Costi, Tom Brebner, Daniel Coyne and Danielle Pope.



JusticeNet would like to thank all walkers for supporting this event. We look forward to seeing you all again next year! And stay tuned for some changes to the event format that we think will make it bigger and better than ever...

Secondments at JusticeNet

JusticeNet is delighted to welcome back two lawyers on secondment from the Australian Government Solicitor. Vesna Vuksan and Kate Sullivan, both senior practitioners from the AGS, spend one day each per fortnight at JusticeNet.

JusticeNet welcomes enquiries from firms interested in having a lawyer join JusticeNet on secondment. Please contact Tim Graham on 8313 5005 if you are interested.

Seconded lawyers like Vesna and Kate help us to review and assess applications for assistance and provide invaluable oversight of the work done by our law student volunteers.

A secondment to JusticeNet provides solicitors with a unique opportunity to deal with a diverse and rewarding range of client matters and thereby gain a practical overview of the justice system. Working at JusticeNet gives secondees new and rewarding perspectives and experience in dealing with clients and first-hand exposure to JusticeNet's invaluable work in promoting access to justice.

Fundraising Update

As JusticeNet's new Business Development Manager, I have been busily working on a Fundraising Strategy that was presented to our Management Committee at the July meeting. This document was well-received and will ensure that we have a defined focus in securing funds to sustain and even expand the organisation. While we are certainly mindful of the significant contribution of our member firms and will be enlisting support from various sources, there are a couple of programs that may be of interest to our members...

One program currently being investigated is Workplace Giving, whereby employees of member firms and other appropriate organisations would be invited to make a regular donation directly from their pay. This is a program that we feel has enormous potential and while we will be approaching firms

individually, please do not hesitate to contact me for further information if you are interested in establishing such a program or perhaps have an existing program that could incorporate JusticeNet.

We are also considering how we can gain access to appropriate Private Ancillary Funds. These are a legal structure used by individuals or businesses to create a private charitable foundation. According to Perpetual Trustees "there are over 800 PAF's (in Australia) which have distributed \$300 million to charity." PAF'S must meet distribution requirements (5% of net asset value of previous financial year or \$11,000, whichever is greater) each year - which is great for charities! However, access to these funds is challenging, as information is not publicly available. As such, if you are aware of any PAF's that support access to justice or services for the disadvantaged, we would appreciate a mention and would be happy to provide you with information to pass on.

Overall, it is an exciting time at JusticeNet as we take a more strategic approach to our fundraising efforts. If you have any questions or suggestions, please get in touch. I look forward to hearing from you!

Tessa Colliver
Business Development Manager
Tel: 8313 5005 / Mobile: 0419 824 122
Email: tessa.colliver@justicenet.org.au.

Comunet: JusticeNet's new 'Technology Partner'



We are delighted to announce that Comunet Pty Ltd has agreed to become our Principal Technology Partner and will be providing JusticeNet with much-needed IT support to keep our website up to date. Updates will be posted weekly or fortnightly. Visit www.justicenet.org.au to keep informed...

Or you may prefer to follow us on



<http://www.facebook.com/pages/JusticeNet-SA-Walk-for-Justice/166399023415227>

JusticeNet's 'mitosis'

The University of Adelaide has generously made available to JusticeNet a second room to accommodate our growing service. Our new room in the Ligertwood Building will be primarily used by volunteers to do their important work, but also provides a convenient space to have face-face meetings with clients.

Notices

JusticeNet on restricted duties in August

Tim Graham, Executive Director of JusticeNet, will be taking some time off in August to spend time with family and travel overseas. During August JusticeNet will therefore have a restricted capability to refer matters and respond to enquiries. Please be patient with us during that time.

Family law referrals

As community awareness of our service increases, clients regularly approach us with difficult legal issues, not all of which are suitable for pro bono assistance. So for some of those unsuccessful applicants, access to justice is still far from a reality. For example, we often receive enquiries from parties to family law property disputes who are unable to obtain the representation they need because they have insufficient funds to pay legal fees up front. The presence of assets may be an obstacle to pro bono assistance, or it may be unavailable.

While there are family law practitioners willing to act on a delayed fee basis, the problem for the layperson is finding them. We are therefore developing our contacts with family law firms that are able to take on clients on these terms. If your firm can provide assistance on this basis, whether or not you are already a member of JusticeNet, please contact us at admin@justicenet.org.au

Stakeholder Information Kit

In 2010 JusticeNet received a grant from the Government of South Australia to produce some information resources including a stakeholder brochure. The high quality brochure produced with help from Amy Milhinch of *FreeRangeFuture* is designed to promote the work of JusticeNet and our members to stakeholders across the profession and the general public.

Copies have been distributed to all members, but if you would like any additional copies, please email Louise at admin@justicenet.org.au.

Referrals

JusticeNet has received around 250 enquiries so far in 2011, a significant increase over the same period last year. We have referred 40 matters for pro bono legal assistance this calendar year, also a sizeable increase on last year. Recently completed referrals include:

- **Camatta Lempens**, with the assistance of **Simon Ower** of counsel, accepted a referral from JusticeNet to assist a client whose visa was to be cancelled following a decision of a delegate of the Minister for Immigration and Citizenship. The decision was reviewed in the AAT. The AAT accepted evidence that Mr M presented a low-risk of recidivism and did not pose a risk of violence to the wider community. The AAT ordered that the decision under review was to be set aside and the respondent was directed not to exercise the discretion to cancel Mr M's visa under s 501(2) of the Act.
- **Kain C+C** provided advice and assistance to elderly couple who were facing a mortgagee sale and eviction from their home. The couple refinanced their modest suburban home in order to lend money to a family member. There were delays with the repayments resulting in the clients falling into arrears through no fault of their own. Kain C+C negotiated with the mortgagee to delay the execution of the repossession orders, giving the client's time to secure funds to make repayments and bring the litigation to an end, and keep their home.

- **Kelly & Co** assisted a client who had entered into what was effectively a rent-to-buy agreement. The vendor wanted to retake possession of the property and unfortunately for the client, rent-to-buy agreements are unenforceable in South Australia. Kelly & Co assisted their client to negotiate a settlement whereby a relative of the client purchased the property, allowing

the client and his children could continue to live there.

The client was very pleased with the pro bono assistance he received, saying: *“Very professional and also sensitive. Taking into consideration mental and psychological [issues] that the case was presenting. Such professional lawyers firms [sic] deserve the best respect from our community.”*

Other current referrals include:

- **Hamdan Lawyers** are assisting a client who has an appeal before the Migration Review Tribunal.
- **Johnston Withers** are assisting with a matter involving the Legal Practitioners Conduct Board.
- **Santos** are providing advice and assistance to a not-for-profit organisation regarding the establishment of a charitable foundation.
- **Cowell Clarke** is providing assistance to a client involved in a complex and long

running commercial dispute involving the client’s ex-husband.

- **Sparke Helmore** are providing advice to a community centre regarding their legal obligations and risk management of assets under their control.
- **Vanessa Lindsay** of Torrens Chambers is assisting a community legal centre as pro bono counsel in a family law matter.

JusticeNet Members

JusticeNet turned two on 2 July 2011. It has been an exciting and productive year. JusticeNet acknowledges the ongoing support of our members, including:

Corporate members am legal, Blake Dawson, Campbell Law, Clayton Utz, Cowell Clarke, DMAW Lawyers, Donaldson Walsh, Firm, Fisher Jeffries, Fox Tucker Lawyers, Gilchrist Connell, Griffin Hilditch, Hanson Chambers, Johnston Withers, Kain C+C, Kelly & Co, Lipman Karas, Mellor Olsson, Michael Kirby Chambers, Murray Chambers, Piper Alderman, Public Trustee, Santos, Southern Community Justice Centre, Sparke Helmore, UniSA Law School, Wallmans Lawyers.

Individuals Hugh Abbott SC, Martin Anders, Melissa Ballantyne, The Hon Justice Barry Beazley , The Hon Justice D.J. Bleby, Malcolm Blue QC, Christopher Brohier, Peter Cannell, Gabrielle Canny, Kerry Clark, Elizabeth Connolly, David Crocker, Samuel Doyle, Phillip Foreman, Tim Graham , Dianne Gray, Gregory Holland, Susannah Jacobson, George Karzis, Margaret Kelly, Kerry Kovacs, Anthony Kuppe, The Hon Justice Robyn Layton, Nicholas Linke, Domenic Lipari, Mark Livesey QC, Judge R. M. Lunn, Arlene Macdonald, Roxanne McCardle, Philip McNamara QC, Alan Merritt, Michael Mills, Carolyn Mitchell, Neville Morcombe QC, Mark Mudri, The Hon Justice Geoffrey Muecke , Justice Margaret Nyland, Claire O'Connor, Ilya Ozerov, Cecilia Pascale, Harry Patsouris, Mark Pickhaver, Danielle Pope, Alex Reilly, Ian Robertson SC, Neville Rochow SC, Michael Roder SC, Emily Rutherford, Rick Sarre, John Shortt-Smith, George Stathopoulos, Joanne Staugas, Paula Stirling, Edward Stratton-Smith, Justice John Sulan, Gillian Walker, Noëla Washyn, Jonathan Wells QC, Louise Young.

JusticeNet also acknowledges the support of the Law Foundation of South Australia, the University of Adelaide, the Law Society of South Australia, the South Australian Bar Association, and IMF (Australia) Ltd.

We would also like to thank Comunet Pty Ltd for their support as our Principal Technology Partner.

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

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.

What is JusticeNet?

JusticeNet is an independent not for profit organisation that coordinates pro bono legal assistance in South Australia. JusticeNet facilitates access to justice by matching charitable organisations and individuals who do not have the means to afford a lawyer, and cannot otherwise obtain the requisite legal assistance, with a member lawyers willing to act pro bono.

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