



# PRO BONO NEWS

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## Executive Director's report

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Only three months in the year, and 2012 has already seen some big changes at JusticeNet. The University of Adelaide has provided us with larger, open plan premises in the Law School building. We now have enough room to combine all our staff and volunteers from two smaller rooms into the one room. We even have room for a meeting table. After spending two years in a space in which Harry Potter would feel right at home, we're thrilled with the new digs. Thanks John!

JusticeNet is growing in more ways than one. We are delighted to have appointed Anthony Kuppe as our Referrals Coordinator, to improve our ability to process requests for assistance. Andrew Schatz also joins JusticeNet one day per week on secondment from the Australian Government Solicitor, replacing Vesna Vuksan.

In other developments, JusticeNet held a very successful seminar series in early February. More than 200 people attended three informative seminars presented by Rachel Spencer (University of South Australia), Carolyn Mitchell (Cowell Clarke) and Justice Gray. Following the success of the seminars, JusticeNet is planning a regular program of seminars covering a range of legal practice areas, including seminars relevant to pro bono legal work for disadvantaged clients. We are planning our next event in June, and then October 2012. Meanwhile, why not become a Friend of JusticeNet (<http://justicenet.org.au/friends.html>) and get priority registration for our seminars.

Also, one of JusticeNet's longest running referrals reached a conclusion earlier this year. The lawyers involved invested substantial time and resources to assist their client obtain an outcome which would have simply been out of reach without their help. Read about [Mary](#) in our case studies below.

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

## Walk for Justice 2012

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Join us on **Tuesday 15 May** for the 5<sup>th</sup> Walk for Justice.

The Walk commences at **7.30am** from the University of Adelaide Law School Forecourt on North Terrace. At 3km, the route is slightly shorter this year, but will again finish at Victoria Square with a light breakfast provided courtesy of The Law Society and the Adelaide Hilton.

The Walk celebrates the pro bono contribution of legal profession, and raises vital funds for JusticeNet SA. Lead walkers this year include Chief Justice of the Supreme Court, the Hon. John Doyle AC, 2012 SA Australian of the Year, the Hon. Robyn Layton QC AO and President of the Law Society of SA, Ralph Bönig.

Registrations are now open at <http://justicenet.gofundraise.com.au>. Registration is \$20 for individuals or \$10 for students.

You can register on our GoFundraise event page as an individual or as part of a team. We encourage all walkers to seek sponsorship from colleagues, family and friends. By registering, walkers create their own fundraising page which can be easily shared using email or Facebook.

**All walkers who register by 27 April will go in the draw for our EARLY BIRD registration prize - a gift pack of wine from the award-winning Cow Bombie Winery, Margaret River.**

Comunet Pty Ltd is again donating an excellent hamper of goodies for the team that raises that most funds and we want to keep it for ourselves! So this year JusticeNet will be entering an enthusiastic team and we challenge you to beat our total...



Representatives of last year's winning team (Fisher Jeffries) are presented with their prize by Tim Graham (JusticeNet) and Paul Lewin (Managing Director, Comunet)



The 5<sup>th</sup> Walk for Justice will be held on Tuesday, 15 May 2012)

The 2012 Walk for Justice is proudly supported by:



## JusticeNet Seminar Series

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JusticeNet's first ever CPD seminars were held on Friday 3 February. The event was a huge success with more than 200 people attending informative and thought provoking seminars presented by Rachel Spencer (University of South Australia), Carolyn Mitchell (Cowell Clarke) and Justice Gray.



Our thanks to Try Booking, Flinders University, Edinburgh Hotel & Cellars and Mark Trumble from the Photography Room for their support of this event.



## Pro Bono Referrals

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2012 started with a bang. In the first two months of 2012, enquiries to JusticeNet were up 25% on 2011 and up 80% on 2010. So far this year we have made 16 pro bono referrals, which is on par with 2011. We now have 23 firms participating in our pro bono referral service, including our 20 member firms. We are grateful to all the law firms who have so generously donated their time and energy to assist JusticeNet clients.

We are always keen to increase participation in our pro bono referral service. If you or your firm is interested in registering with JusticeNet, or would like to become a member of JusticeNet, please contact Tim Graham at [tim.graham@justicenet.org.au](mailto:tim.graham@justicenet.org.au). You can also find further information and membership forms on at [www.justicenet.org.au](http://www.justicenet.org.au).

## Case Studies

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The following are some examples of pro bono referrals finalised in 2012:

**Joan\*** sought assistance from JusticeNet concerning a dispute with her previous employer. Joan had a long standing agreement with her employer that she would not be rostered to work on Sundays due to her religious beliefs. In 2010, new management at her employer insisted that Joan be available to work on Sundays. Joan tried, without success, to negotiate mutually agreeable alternative arrangements with her employer. Fox Tucker Lawyers generously offered to assist Joan on a pro bono basis. With the assistance of Fox Tucker Lawyers, Joan was able to successfully resolve a complaint to the Australian Human Rights Commission through a conciliation process.

**Paul\*** approached JusticeNet after he lost money he spent on air tickets following the liquidation of an Adelaide-based travel agency. Paul sought compensation from the Travel Compensation Fund (the Fund). The Fund was established to compensate travellers who had lost money entrusted to travel agents where a travel agent has failed to account for the money. The Fund rejected Paul's claim on the basis that he was not, in the Funds view, an Australian Resident. Paul's only option was to appeal the decision of the Fund in the South Australian courts, however, when Paul approached JusticeNet in 2010 he was living overseas. Fox Tucker Lawyers generously offered to provide Paul with local representation and they invested substantial resources to help Paul appeal the Fund decision to the District Court. Paul was also represented by Jonathan Wells QC on a pro bono basis at the appeal. The appeal was allowed with a finding that Paul was entitled to be fully reimbursed for his losses. Counsel in this matter has generously agreed to donate to JusticeNet his portion of costs payable by the Fund.

**Mary\*** Mary approached JusticeNet in 2009 because she was facing a Supreme Court action and could not afford legal representation. A family member of her estranged husband was claiming that the former matrimonial home was in fact held on trust for the family member. At short notice, DMAW Lawyers and Gillian Walker of counsel assisted Mary to successfully defend a summary judgment application brought by the family member. The dispute was ultimately settled shortly prior to trial following a mediation between the parties assisted by Mr Philip McNamara QC. DMAW Lawyers, Neville Rochow SC and Gillian Walker acted for Mary throughout the course of the dispute. Assistance was also supplied by Mark Pickhaver on a family law aspect, Rick Manuel and Aleecia Murray (AM Legal). JusticeNet would like to extend its particular thanks to Mary's legal representatives in this long running and complex matter.

\*Names have been changed to protect the privacy of clients.

## JusticeNet profile – Mr Issa Peera

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Issa Peera is a retired lawyer who volunteers at JusticeNet. Issa helps with the review of applications for assistance, particularly those involving criminal law. Since mid-2010, JusticeNet has benefited Issa's wealth of experience that comes from a fascinating and distinguished career of legal service.

Issa was born in Zanzibar (then a British protectorate, now a semi-autonomous region of Tanzania). Issa began his legal studies in 1958 at Lincoln's Inn in London. After completing his studies, Issa returned to Zanzibar and worked for the Government. In 1964, the Government was overthrown in a coup. Issa left Zanzibar and migrated to Tanganyika, which subsequently united with Zanzibar in 1964 to become the United Republic of Tanzania.

Issa continued to practise law in Tanzania and in 1969 was given the brief to defend a Colonel in the Tanzanian Army on a charge of treason for conspiring to kill President Nyerere and overthrow the Tanzanian Government. The high-profile trial ran for seven months. The Colonel was acquitted by each of four 'Assessors', but their verdicts were overruled by the trial Judge, the Chief Justice. On appeal to the East African Appeal Court, the guilty verdict overturned and the Colonel was acquitted. However, the case was so politically contentious and personally risky for Issa that he migrated to the United Kingdom in 1971.

In 1972, Issa was appointed as Crown Counsel in the then British Colony of Honduras (now Belize). A year later he was appointed to the post of Solicitor-General and in 1974 Issa became Director of Public Prosecutions.

Issa migrated to Adelaide in 1980 and obtained work with the Legal Services Commission until his retirement in 1996.

*If you know a legal practitioner who is retired or having a 'career break', and looking for a volunteering opportunity, tell them about us!*

## A Legal Service for Self-Represented Parties

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In consultation with a range of local stakeholders, JusticeNet is developing a proposal for a Legal Service for Self-represented Parties. Legal assistance will be provided by pro bono lawyers in working alongside JusticeNet staff.

The proposed service is designed to improve access to justice in a way that contributes to the efficient use of public resources. The service will be an advisory service that provides 'discrete task assistance' to self-represented parties that cannot afford a lawyer. As the name suggests, the service will not provide representation.

Why a legal service for self-represented parties? A significant proportion of matters in State Courts (perhaps as high as 1 in 4 in the District Court) involve at least one self-represented party. This creates a significant drain on publicly funded court resources and presents a challenge to our commitment to equal and fair access to the civil justice system. While mention of self-represented parties can bring to mind stereotypes of vexatious and querulous litigants, the reality is that for many low-income and disadvantaged individuals, self-representation is the only option to access the civil justice system. Self-representing parties do not have the benefit of legal advice and have limited knowledge and understanding of the law and processes required for them to meaningfully assert their rights.

JusticeNet hopes to obtain funding to run a South Australian pilot of the service in the Supreme and Districts Courts. Almost all of our member firms have given their support to the project.

We aim to build on the proven success of the Self-Representation Service currently run by the Queensland Public Interest Clearing House (QPILCH). The service has been operating since 2007 with the strong support of the Queensland Government and courts. The Queensland SRS has been so successful that the Commonwealth Attorney-General's Department and the Brisbane registry of the Federal Court have funded the 12-month pilot of a Self Representation Service in the Federal Court and Federal Magistrates Court.

## Become a 'Friend of JusticeNet'

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JusticeNet plays a vital role in facilitating access to justice for low-income and disadvantaged South Australians. While membership subscriptions are currently our most significant source of income, they cover less than 50% of our annual operating costs, and we don't receive government funding.

As a Friend of JusticeNet you can help ensure the long-term future of our service for as little as \$10 per month.

Benefits of becoming a Friend of JusticeNet include:

- Your donation is 100% tax deductible (a receipt will be emailed to you monthly and at the end of the financial year )
- You only need sign up once to make an ongoing contribution
- As administrative costs are minimal, more of your donation can go directly to JusticeNet's service provision
- Reduced JusticeNet membership fee (50% discount)
- Priority booking for future JusticeNet events
- Public recognition of your support (unless you advise us otherwise).



### *Friends of JusticeNet Honour Roll*

Robyn Layton QC AO  
Kieren Chester  
Tessa Colliver  
Tim Graham  
George Karzis  
Shaun Mercer  
Alex Reilly  
Ganesh Repal  
Paula Stirling

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

## JusticeNet Members

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We welcome our new corporate members:

Environmental Defenders Office



Hunt & Hunt Lawyers



South East Community Legal Service



JusticeNet acknowledges the ongoing support of our existing members, including:

**Corporate members:** Aged Rights Advocacy Service, am legal, Ashurst Australia, Campbell Law, Central Community Legal Services, Clayton Utz, Cowell Clarke, DMAW Lawyers, Donaldson Walsh, Environmental Defenders Office, Fisher Jeffries, Fox Tucker Lawyers, Gilchrist Connell, Griffins Lawyers, Hanson Chambers, Hunt & Hunt, Johnston Withers, Kain Corporate and Commercial Lawyers, Kelly & Co, Lipman Karas, Mellor Olsson, Piper Alderman, Public Trustee, Riverland Community Legal Service, SANTOS, South East Community Legal Service Incorporated, Southern Community Justice Centre, Sparke Helmore, UniSA Law School, Wallmans Lawyers

**Individual members:** Martin Anders, Lucas Arnold, Melissa Ballantyne, The Hon Justice Barry Beazley, The Hon Justice Bleby QC, Christopher Brohier, Peter Cannell, Gabrielle Canny, Kerry Clark, David Crocker, Aussie De Silva, Samuel Doyle, Phillip Foreman, Tim Graham, Gregory Holland, Manjit Kaur, Margaret Kelly, Stephen Kenny, Kerry Kovacs, Anthony Kuppe, The Hon Robyn Layton QC AO, Nicholas Linke, Domenic Lipari, Mark Livesey QC, The Hon Judge Lunn, Arlene Macdonald, Michael Magarey, Philip McNamara QC, Alan Merritt, Michael Mills, Carolyn Mitchell, Neville Morcombe QC, The Hon Judge Geoffrey Muecke, Margaret Nyland, Claire O'Connor, Harry Patsouris, Mark Pickhaver, Ian Robertson SC, Emily Rutherford, Rick Sarre, John Shortt-Smith, George Stathopoulos, Paula Stirling, Edward Stratton-Smith, Kym Teh, 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 Legal Services Commission, 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

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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](mailto:admin@justicenet.org.au) or contact us by phone (08) 8313 5005.

## **What is JusticeNet?**

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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 a member 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](http://www.justicenet.org.au).