

# Annual Report 2018

## Access to Justice through Pro Bono: a snapshot of FY18

<b>1261</b>	People and organisations assisted
<b>7000+</b>	Pro bono hours generated
<b>\$2,108,000</b>	Pro bono value donated
<b>345</b>	Pro bono lawyers engaged

Approximately 25% of South Australians experience serious legal problems each year that require the assistance of a lawyer. Many do not get the help they need to resolve serious civil law problems because they cannot afford it or because help is simply unavailable.

JusticeNet aims to close this justice gap by providing a pro bono safety net for those in genuine need of legal assistance. JusticeNet is the primary gateway for coordinated pro bono legal help in South Australia. Our four legal services leverage the skills of hundreds of lawyers from public and private practice to help disadvantaged clients, including those experiencing poverty, risk of homelessness, asylum seekers and those representing themselves in court.

Our work would not be possible without the support of our members, donors and funders. Please help us to continue to make an impact: [www.justicenet.org.au/get-involved](http://www.justicenet.org.au/get-involved)

## **Acknowledgement of Country**

JusticeNet SA acknowledges the Aboriginal people of the many traditional lands of South Australia. We acknowledge them as traditional custodians of their lands and pay respects to their cultural and heritage beliefs.

## **Report from the President and Executive Director**

JusticeNet was born of a determination that coordinated pro bono could and should, make a contribution to improving access to justice for vulnerable and disadvantaged South Australians. Over the nine years since, JusticeNet has provided a pro bono safety net for thousands of South Australians experiencing civil law problems who cannot afford a lawyer or get the help they need from elsewhere.

FY18 was a particularly busy and exciting year for JusticeNet on several fronts, including service delivery, stakeholder engagement and the ever-present issue of funding security. The organisation commenced the year in as strong position financially as it had ever been. As noted in last year's Annual Report, JusticeNet had secured three-year funding for our Federal Courts Self-Representation Service and had commenced a three-year partnership with the Wyatt Trust to support our State Courts Self-Representation Service.

We are pleased to report that in FY18 JusticeNet has built on the funding successes of the previous year, most notably by securing two significant grants from State Government. In late 2017, the South Australian Department of Premier and Cabinet agreed to fund JusticeNet's Refugee and Asylum Seeker Project for 12 months. Then in early 2018, State Government made a further investment in JusticeNet – this time, in the form of a 12-month contribution towards JusticeNet's core operating expenses.

The latter decision, in particular, was hugely significant for JusticeNet. It was the first time that State Government had contributed directly to the organisation's core operating costs. Unfortunately, however, the funding decision was a one-off, and so fell short of the recurrent contribution that JusticeNet campaigned for in the lead up to 2018 State Election. For that reason, during the latter part of the FY18, JusticeNet continued to make the case to the incoming State Government for ongoing funding certainty. We are grateful to our many supporters in the wider community who have lent their voices to our efforts. Lack of funding security continues to be the single biggest challenge facing JusticeNet into the future.

The collective efforts of our staff and volunteers in FY18 have yielded impressive results in delivery much needed legal services to our clients. This year JusticeNet assisted 1261 people and organisations and generated over 7,000 hours of pro bono work worth approximately \$2,100,000. That is a significant contribution to access to justice in South Australia.

Ultimately, JusticeNet's success rests on the strength of our pro bono network. Fostering a vibrant and sustainable pro bono community is essential to our work. The importance of our relationships with the legal profession cannot be underestimated.

For that reason, this past year saw a renewed emphasis on strengthening relationships with our members, stakeholders and supporters across the legal profession. To this end, JusticeNet launched the 'Pro Bono Roundtable' in late 2017. The roundtable is a forum for lawyers to share ideas and experiences in delivering pro bono with the aim of facilitating pro bono that is both successful and rewarding.

JusticeNet also found time to embark on new and innovative projects which aim to improve the efficiency of JusticeNet's legal assistance services.

With the support from Grants SA, JusticeNet commenced an initiative called the 'Pro Bono Hub' in mid-2018. The Pro Bono Hub is a new model of pro bono service delivery that grew out of the recognition that lawyers holding Volunteer Practising Certificates could help certain clients that the Pro Bono Referral Service could not: specifically, clients eligible for pro bono assistance, but for whom referral to an external lawyer was unsuitable or unavailable. The Pro Bono Hub aims to help these clients 'in-house' rather than by referral – by working with lawyers volunteering under the direct supervision of a JusticeNet solicitor. JusticeNet was delighted to welcome Molly Scanlon as our Pro Bono Hub Coordinator.

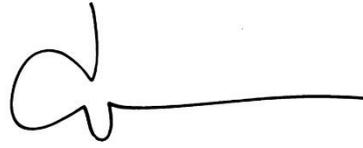
The second project of note is a partnership with the University of Adelaide Law School to use technology to assist self-represented litigants. The 'Guided Interview Project' builds on research and development work undertaken by the Law School clinical legal education program into an interactive online tool (A2J Author) that can help self-represented litigants prepare for their legal matter and create their own forms. Together, JusticeNet and the Law School are developing guided interviews designed to assist clients of JusticeNet's State Courts Self-Representation Service. We look forward to reporting on the outcome of this project in due course.

JusticeNet's achievements in improving access to justice rest on the contribution of many. We acknowledge the dedicated and professional staff at JusticeNet including the new staff who joined us during this past year: Molly Scanlon (Pro Bono Hub Coordinator) and Debrah Mercurio (Migration Solicitor). We also acknowledge the many law students, volunteers and secondees who contribute to the smooth operation of all of our services. Thanks also to our volunteer Management Committee and, of course, to our individual and corporate members. We refer readers to the 'Thank You' page at the end of this report for a comprehensive acknowledgment of those who have contributed to JusticeNet over the past financial year.

As we farewell another successful year and look forward to our tenth year of operation, we hope that our members take some satisfaction in reading of our efforts to deliver on the promise of pro bono. Access to justice matters. With your support, we will continue to work to improve the lives of disadvantaged South Australians who, but for JusticeNet, may be denied the chance to meaningfully exercise their rights, obtain a fair hearing or secure an adequate or appropriate remedy.

A handwritten signature in black ink, appearing to be 'PS' with a large loop at the end.

**Paula Stirling**  
**President**

A handwritten signature in black ink, appearing to be 'TG' with a long horizontal line extending to the right.

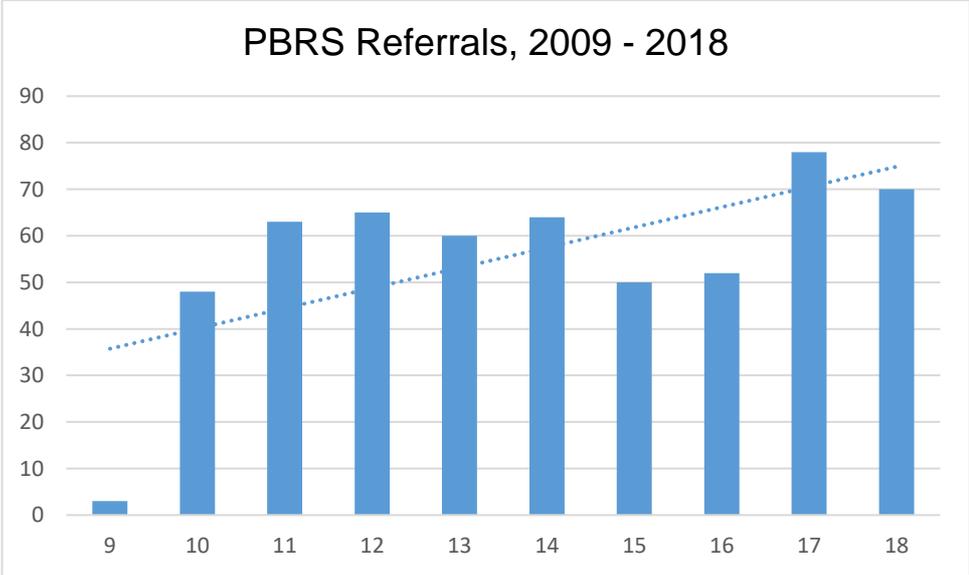
**Tim Graham**  
**Executive Director**

# Pro Bono Referral Service

Pro Bono Referrals	<b>72</b>
People Assisted	<b>481</b>
Pro Bono Hours	<b>2840*</b>
Pro Bono Value	<b>\$811,000*</b>
Pro Bono Lawyers	<b>185</b>

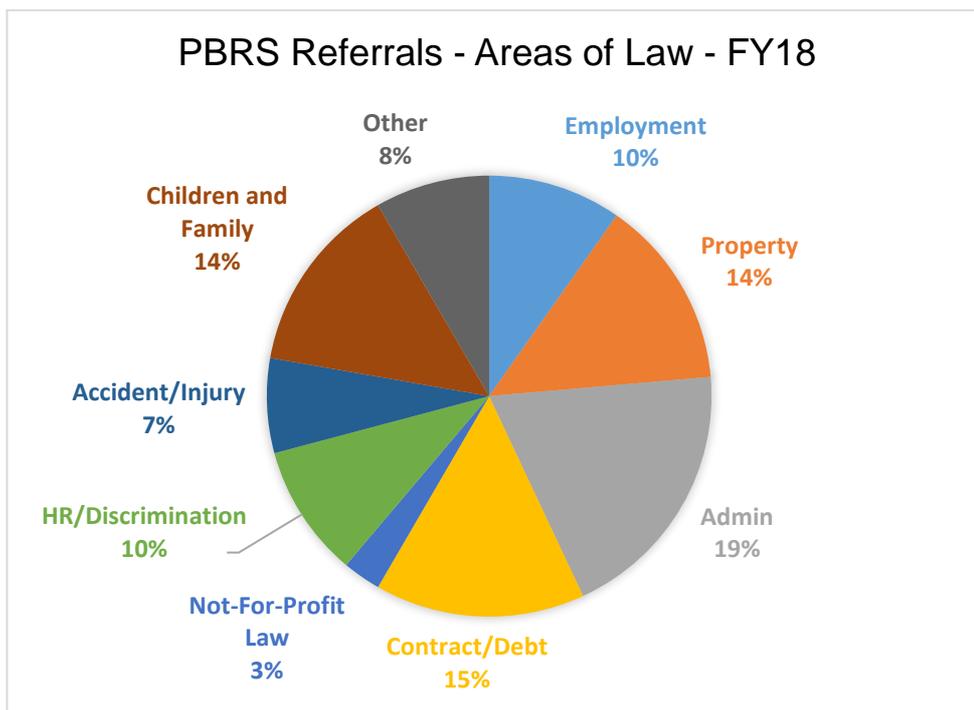
JusticeNet’s Pro Bono Referral Service (the PBRS) connects disadvantaged clients with lawyers who agree to act on a pro bono basis. Since 2009, the PBRS has helped thousands of South Australians experiencing civil law problems who cannot afford a lawyer or obtain the help they need from elsewhere. The PBRS also assists not-for-profit organisations that have charitable purposes.

JusticeNet’s network of barristers and solicitors accepted 72 referrals from the PBRS in FY18. While this figure is slightly down on the high watermark of the previous year, it continues the growth in uptake of referrals by our pro bono network in trend terms.



JusticeNet estimates that referrals made by the PBRS in FY18 will generate 2840 hours of free legal help, with a value of \$811,000. This figure is conservative and does not include the pro bono work done by volunteer lawyers during the course of the year on referrals made prior to FY18.

Referrals by the PBRS provided access to justice for vulnerable and disadvantaged clients in a wide range of civil law areas including employment, property, administrative law, debt, human rights and discrimination.



The PBRS received 481 enquiries during FY18. The PBRS makes every effort to help those we cannot offer a pro bono referral by providing them with information, one-off advice and / or referral to other services that may be able to assist them. This includes people who are referred to one of JusticeNet's other services, most notably our Self-Representation Services.

Molly Scanlon commenced with JusticeNet as Referrals Solicitor in early 2018. She replaced long-serving employee Elizabeth Boxall who resigned to take another position. Molly is supported by a large number of volunteer law students and recent graduates who help with a variety of administrative and legal tasks. Throughout FY18 the Australian Government Solicitor also continued its support for JusticeNet by seconding a staff member to the PBRS for one day per week. We are very grateful for the Australian Government Solicitor's continued support.

A special thank you to the firms and barristers who have accepted pro bono referrals over the past year. Lawyers accepting referrals contribute almost 40 hours per referral on average. That is a significant commitment on top of very busy workloads and we are grateful for the assistance provided to our disadvantaged clients.

### **Pro Bono Hub**

Molly Scanlon also coordinates JusticeNet's newest initiative, the Pro Bono Hub. JusticeNet established the Pro Bono Hub in May 2018 with the aim of providing:

- legal help for clients who are eligible for referral, but for whom referral is unavailable or unsuitable; and

- flexible pro bono opportunities for volunteer lawyers and law students under the direct supervision of JusticeNet.

JusticeNet recognises that referral through the PBRs may be unavailable or unsuitable clients for reasons such as:

- lack of available pro bono capacity
- a pro bono referral has concluded but the matter remains unresolved
- preliminary legal help is required prior to pro bono referral
- other considerations relating to the client's circumstances.

While the PBRs refers clients to lawyers who volunteer through their workplace, the Pro Bono Hub was established to work with volunteers using a different model. The Pro Bono Hub facilitate law students, Graduate Diploma of Legal Practice students and recent law graduates holding Volunteer Practising Certificates to assist clients of the Pro Bono Hub 'in-house' under the supervision of the Hub Coordinator.

## **Funding**

JusticeNet gratefully acknowledges the following individuals and organisations for providing financial support to the PBRs during FY18:

- South Australian Government Department of Premier and Cabinet
- our members, supporters and donors.

The South Australian Government Department of Human Services has contributed funds towards the Pro Bono Hub through Grants SA.

JusticeNet also acknowledges the continuing support of the University of Adelaide Law School which provides accommodation for the PBRs, the Pro Bono Hub and administrative staff.

## **Our Impact**

### Pro bono lawyers prevent the eviction of a family experiencing financial hardship

Jason and his wife Daniella live with two children in modest three-bedroom house in rural South Australia. After Jason was diagnosed with a medical condition that prevented him from working, the family fell behind on their mortgage repayments. Eventually their bank commenced legal action against them in the Supreme Court to repossess their house.

Shortly before the first hearing, Jason was hospitalised after suffering a ruptured brain aneurysm. The legal proceedings were adjourned to allow Jason to access his Total Permanent Disability (TPD) insurance. Unfortunately, the insurer refused Jason's claim for a TPD payment, leaving Jason and Daniella with no way to repay the arrears on their loan. As a result, the Supreme Court granted the lender's application for possession of the family home, leaving Jason and Daniella facing eviction.

Fortunately, Jason and Daniella were referred to JusticeNet. We connected them with Finlaysons Lawyers, who agree to act for Jason on a pro bono basis. Finlaysons successfully negotiated with Jason's insurer for a payout under his insurance policy, which was sufficient for the family to clear the arrears and meet future mortgage commitments. The pro bono lawyers then arranged for the repossession order to be permanently stayed.

Because of JusticeNet's intervention, and Jason and his family have been able to remain in the family home, and have time for Jason to investigate alternative employment within his capacity.

### **What our clients say**

*I am so lucky to have JusticeNet to support me through an arduous ordeal in the Administrative Appeals Tribunal in which I am faced with intimidating and powerful opposition who do not act fairly and have greater numbers than me. JusticeNet gives a helping hand to the vulnerable who are taken advantage of by those with greater power and resources. It is such an important organisation to have.*

**James Crisp**

James received help from the PBRS and the Pro Bono Hub

### **What our volunteers say**

*Working with JusticeNet has been a rewarding experience, both personally and professionally. It feels important to contribute and give back where possible and I am grateful I have the skills to help others who need it. What cannot be overlooked in working with JusticeNet is the professional benefits of learning new areas of law and appearing in new or higher jurisdictions. Pro bono practice through JusticeNet seems to me to be a win-win situation, whatever the outcome.*

**Holly Stanley, Jeffcott Chambers**

Holly accepted referrals from the PBRS

*Working with JusticeNet is incredibly valuable because it allows us to undertake a variety of legal work and work with different people. I find it really rewarding knowing that I am assisting someone who would otherwise have gone without legal assistance. The work is interesting and challenging, which is excellent for our professional development.*

**Daria McLachlan, Senior Associate, Sparke Helmore Lawyers**

Sparke Helmore accepted referrals from the PBRS

*As a lawyer from the UK, new to Adelaide and looking for work, I feel so lucky to have had the opportunity to volunteer at JusticeNet this year. I was able to assist on a*

*broad range of legal matters, gaining extremely valuable insight and experience of the South Australian system. I am convinced my time at JusticeNet was also one of the main reasons I later landed a full time job. JusticeNet provides such an important service, and its staff are dedicated and inspiring, dealing with difficult and demanding work in a professional and empathetic manner.*

**Tom Kelly**

Tom volunteered at the Pro Bono Hub

*My time volunteering with JusticeNet SA has been an enormous learning curve for me as both a law student and individual who is passionate about accessibility of justice to the public. I have learnt to refine my communication and administrative skills and broaden my understanding of how to approach legal questions. Engaging in tasks from research, client correspondence to file management, each day of volunteering has given me a better understanding of what a career in law would look like, whilst providing a sense of fulfilment knowing I am assisting our local community with important practical matters.*

**April Zimmerman, Adelaide Law School Student**

April volunteered at the PBRs

*Volunteering at JusticeNet has been a great experience. As a junior practitioner it has increased my exposure to a diverse range of legal issues and allowed me broaden my knowledge and skills. The work also comes with a sense of fulfilment as we are a service of last resort and the people we assist are otherwise out of options.*

**Sarah Bohmer**

Sarah was on secondment to JusticeNet from the Australian Government Solicitor

# Refugee and Asylum Seeker Project

- Pro Bono Referrals **87**
- People Assisted **261**
- Pro Bono Hours **2500\***
- Pro Bono Value **\$730,000\***
- Pro Bono Lawyers **85**

JusticeNet established the Refugee and Asylum Seeker Project (RASP) in 2012 as a specialist pro bono referral service. The objective of the RASP is to meet the legal needs of asylum seekers living in South Australia, and it pursues that goal by fostering a network of pro bono lawyers that accept pro bono referrals. JusticeNet’s Migration Solicitor, Debrah Mercurio has coordinated RASP from May 2018 following the resignation of Lara Proske.

During FY18, RASP received more enquiries and made more pro bono referrals than ever before. The majority of referrals were for legal advice or representation for asylum seekers who are having their claim for protection assessed under the Australian Government’s ‘Fast Track Assessment’ process. This is the so-called ‘Legacy Caseload’ - asylum seekers who arrived in Australia without a valid visa between 13 August 2012 and 1 January 2014. Other referrals related to other migration decisions made by the Department of Home Affairs and the Migration & Refugee Division of the Administrative Appeals Tribunal.

	<b>2015/16</b>	<b>2016/2017</b>	<b>2017/2018</b>
Enquiries	67	157	180
Pro Bono referrals	35	64	87
Beneficiaries of pro bono referrals (visa applicants)	Not measured	Not measured	142

JusticeNet estimates that the pro bono referrals made in FY18 will generate 2500 hours of pro bono legal assistance. This figure does not include the pro bono work done by volunteer lawyers during the course of the year on referrals made prior to FY18.

Under Debrah’s stewardship, JusticeNet’s RASP has continued our partnerships with public and private legal organisations, including the Crown Solicitors Office, The Office of the Director of Public Prosecutions and Lipman Karas Ltd. This, along with Debrah’s hard work in supporting the network of counsel that accept briefs from RASP, contributed to the record number of referrals made by RASP in FY18.

RASP has also continued to develop community awareness of RASP and undertake legal outreach to promote awareness of the RASP and to facilitate timely referrals. In June 2018, RASP collaborated with JusticeNet's Federal Courts Self-Representation Service to assist a large number of self-represented litigants in the Federal Circuit Court in Adelaide who were required to attend a special migration callover on 22 June, including nearly 50 asylum seekers. Failure to attend meant summary dismissal and yet a significant number of the asylum seekers required to attend were not JusticeNet clients. RASP therefore used various means ahead of the hearing to reach out to them, including a social media campaign that ended up going viral! JusticeNet coordinated a team of staff and volunteers on the day to support self-represented litigants find their respective courtrooms, fill in Court documents, complete forms and answer any other questions that people had. Given the significance and logistics of dealing with so many cases and litigants at the same time, with 12 different languages and even more cultures to bear in mind, overall, it was a success, with thanks being received from the Court.

Following sustained advocacy from RASP, JusticeNet secured a major law reform in South Australia when the *Statutes Amendment (Attorney-General's Portfolio No 3) Bill* passed both Houses of Parliament in late 2017. The Bill amended the *Legal Practitioners Act 1981 (SA)* to allow the use of conditional costs agreements in relation to proceedings under the *Migration Act 1958 (Cth)* in South Australia. JusticeNet is confident that this reform will improve access to justice for asylum seekers in South Australia by encouraging the legal profession to provide pro bono assistance in relation to judicial review proceedings, knowing they will be able to recover professional fees in the event of a successful outcome.

JusticeNet extends its thanks to the many lawyers in public and private practice who accepted referrals from the RASP over the past financial year.

## **Funding**

JusticeNet gratefully acknowledges the following individuals and organisations for providing financial support to the RASP during FY18:

- the Westpac Foundation
- the Broadley Trust
- the South Australian Government Department of Premier and Cabinet
- the Circle of Friends.

## **Our Impact**

### Pro bono lawyer secures citizenship for long-term resident family

While that majority of RASP clients are asylum seekers, the service also provides life changing assistance to other vulnerable members of the community with migration legal needs. This case study highlights one such example. Names have been changed to protect privacy.

John arrived in Australia in 2009 and was granted a permanent Protection Visa. He was joined by his two children in 2011 (now aged 16 and 18) who arrived in Australia as the holders of subclass XB202 visas. They are currently completing schooling. In early 2015, John made an application on behalf of himself and his two children for conferral of Australian citizenship. On 29 May 2017, the Delegate refused to grant John citizenship on the basis that he did not meet the “good character” requirement prescribed by the *Australian Citizenship Act 2007* (Cth). In a separate decision dated 29 May 2017, the Delegate also refused to grant John’s sons Australian citizenship. While the Delegate was satisfied that the children met the legal requirements of the Act, the delegate exercised their discretion to refuse to approve the children becoming Australian citizens.

JusticeNet referred John and his children to a pro bono lawyer for representation in the Administrative Appeals Tribunal. After a full day's hearing, the AAT made an *ex tempore* decision, and set aside the decision concerning the father and made a substitute decision that he is eligible for citizenship. Following consent orders submitted to the AAT in the children’s applications, the AAT remitted the decisions in relation to the children to the Minister for reconsideration.

### **What our lawyers say**

*Working on this pro bono matter gave me great insight into the challenges faced by a person seeking a review of a Government decision – which, as a Government lawyer, is an excellent perspective to gain. Language barriers, miscommunication, fear of repercussions for taking action, assumptions about the information available to various arms of Government, and of course navigating the legal landscape, were challenges faced by my client. It was a humbling experience to work through these challenges with my client and to assist him in achieving a successful outcome.*

**Cabrini Shepherd**  
Crown Solicitors Office

*I feel genuinely fortunate to have been part of this, and to have been able to assist.*

**Georgia Hagias**  
Wallmans Lawyers

## Self-Representation Services

JusticeNet's Self-Representation Services help litigants-in-person who are experiencing disadvantage and who are representing themselves in court. JusticeNet operates two Self-Representation Services: one in the Federal Court and the Federal Circuit Court and the second in the Supreme and District Court of South Australia.

Litigation without representation can be challenging and stressful. Doing so without legal representation can lead to increased delays in court and an increased likelihood of poorer outcomes, especially in higher courts which require strict compliance with complex rules and procedures. Litigants-in-person also pose a challenge for courts, which strive to balance the fair treatment of litigants-in-person with the need to maintain impartiality.

JusticeNet's Self-Representation Services use limited scope retainers to deliver legal services to litigants-in-person. Volunteer and staff lawyers provide clients with advice and practical legal task assistance throughout their dispute, but clients remain responsible for their own case. By maintaining regular engagement with clients at each stage of their legal matter the Self-Representation Services aim to support clients to make informed decisions and take appropriate steps to resolve their dispute. The Self-Representation Services are delivered from convenient locations in the court buildings.

### State Courts Self-Representation Service

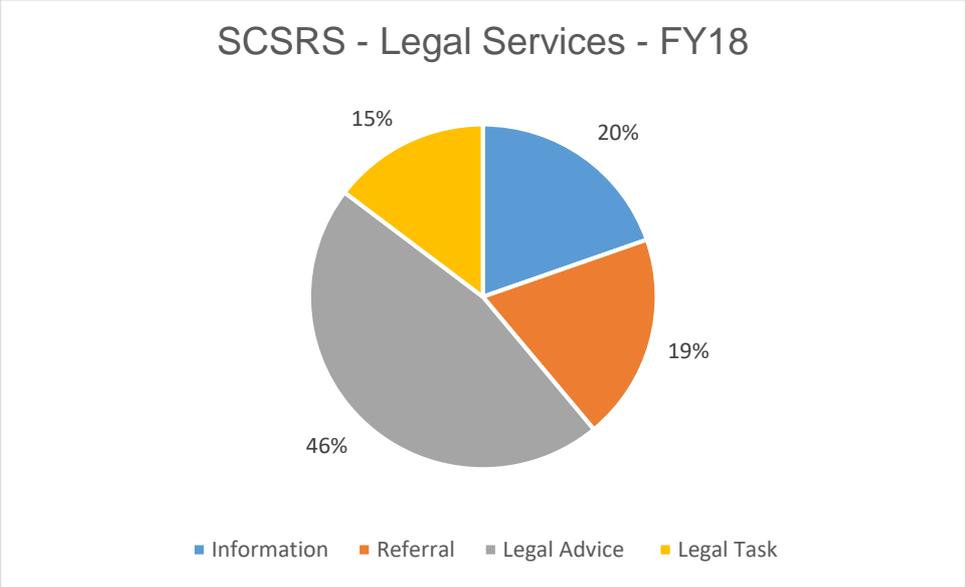
People Assisted	<b>535</b>
Legal Services	<b>1500</b>
Pro Bono Hours	<b>1203</b>
Pro Bono Value	<b>\$417,000</b>
Pro Bono Lawyers	<b>42</b>

JusticeNet's State Courts Self-Representation Service (SCSRS) has been in operation in its current form for three years. The SCSRS started as a pilot program in the Supreme Court in 2013. Following a positive evaluation, the service expanded to include the District Court in September 2015.

The principal objectives of the SCSRS are to ensure that litigants-in-person in the higher State Courts are assisted to understand their rights and responsibilities, to present their case in the best possible manner and to resolve their dispute. To meet these objectives the SCSRS, amongst other things, encourages the early resolution of disputes, alternative dispute resolution and diversion from the courts for clients with unmeritorious cases.

The SCSRS assists litigants-in-person in a range of matters falling within the civil jurisdiction of the higher State Courts, including appeals, property disputes, debt and mortgagee repossession matters, equal opportunity tribunal matters, defamation proceedings, and estate matters including family inheritance provision claims.

The SCSRS is staffed by Samara Bell (Coordinator/Senior Solicitor) and Joshua Schultz (Solicitor) and is open four days per week. The service is consistently busy providing a range of legal services to clients including information, referral, legal advice and legal task assistance such as drafting court documents and correspondence.



During FY18 the SCSRS provided approximately 1500 legal services to 535 individuals. Essential to maintaining this intensive level of activity are the volunteer lawyers who support the SCSRS. Over the course of FY18, Samara and Josh were assisted by approximately 38 lawyers from six participating law firms, together with four other solicitors (three of whom held Volunteer Practising certificates as part of their volunteering commitment to JusticeNet). The service’s volunteer lawyers collectively donated 1203 hours to assisting SCSRS clients during FY18.

JusticeNet acknowledges the much-valued support of the following law firms who participated in the SCSRS this year:

- Minter Ellison
- HWL Ebsworth
- Fisher Jeffries
- Finlaysons
- DMAW Lawyers
- Cowell Clarke

JusticeNet also acknowledges and extends thanks to the team of volunteers who assisted with the day-to-day-running of the service, including law students, graduate solicitors and others.

The success of the SCSRS can be attributed in part to the close relationship that the service has developed with the courts. Service staff liaise regularly with the Court Registrars and judicial officers to ensure the SCSRS can best meet the needs of litigants-in-person, to maximise the assistance available to them and generally contribute to the efficient administration of justice. The primary referral source to the SCSRS continues to be the Court Registry and judicial officers.

During the final months of FY18 JusticeNet's SCSRS commenced a collaboration with the University of Adelaide Law School to develop and trial an online 'guided interview' for certain clients of the service. The process of the guided interview, litigants-in-person will be provided with relevant legal information, directed to appropriate legal and non-legal resources and informed of options for alternative dispute resolution. The overall aim of the project is to demonstrate how information technology can improve access to justice for litigants-in-person and support efficiencies in the provision of legal assistance services to SRLs.

## **Funding**

The SCSRS completed the first year of its partnership with the Wyatt Trust in FY18. The partnership aims to improve the financial wellbeing of clients and/or stabilise their housing situation. The partnership has been a great success from the perspective of delivering positive client outcomes: 95% of eligible clients with files closed during FY18 attained a partnership outcome, exceeding the agreed outcomes benchmark.

The SCSRS gratefully acknowledges the following organisations for providing financial support during the 2017/2018 financial year:

- the Law Foundation of South Australia
- the Wyatt Benevolent Institution Inc
- the Courts Administration Authority

## **Our Impact**

The following case studies highlight the effectiveness of the SCSRS in helping litigants-in-person resolve their legal problems by providing ongoing engagement and targeted 'legal task' assistance. Names have been changed to protect privacy.

### Assistance to finalise Sarah's legal proceedings

Sarah was a defendant to defamation proceedings commenced by a prominent figure within the small community of which she was a longstanding member. Sarah had been represented by a private lawyer initially but did not have the resources to continue the retainer. She elected to not file a defence and default judgment was entered. The matter proceeded to a contested assessment of damages. The SCSRS

helped Sarah in relation to both procedural and substantive aspects of the proceedings including advising as to the process by which the Court assesses damages, advice concerning the evidence that will be considered by the Court, settlement options and drafting offers of settlement. The SCSRS helped Sarah to draft written submissions and to prepare for the proceedings generally and specific hearings.

The Plaintiff was awarded damages below the \$25,000 threshold. The Plaintiff's application for costs was opposed by Sarah and supported by written submissions the SCSRS had helped to draft. The Plaintiff's application for costs was dismissed. With the assistance of supportive family members Sarah was able to pay the damages award and avoid significant financial distress and potential bankruptcy.

In Sarah's words:

*"I was very much satisfied with the help and advice I received from the SRS as it has provided me with professional as well as moral support...Whenever I needed help SRS members had always helped me whether it was over the phone or face to face...All the services provided by SRS was (sic) excellent, very helpful, gave me better understanding of the situation, uplifted my morale..."*

#### Targeted assistance for Beth and her grandson

Beth approached the service seeking assistance to rescind a protection order. Beth's daughter suffered from Marfan's syndrome, a genetic disorder of the connective tissue. Sufferers of Marfan's syndrome are vulnerable to aortic aneurysm and dissection, which can result in death. In August 2004, Beth's daughter was taken to hospital by ambulance. Her medical records and the ambulance officer's notes both recorded that she suffered from Marfan's syndrome. Unfortunately hospital staff did not have regard to her medical history notes, or the ambulance officer's notes, and placed her in the emergency ward unattended. She collapsed in the ward with severe pain and subsequently suffered an aortic dissection and died in the emergency room. Beth became guardian of her grandson, then aged 8 and manager of monies received by him in compensation.

Beth sought assistance to complete the necessary documents to rescind the protection order and permit her grandson to access the monies awarded to him, as he was now completing university studies and wished to live independently whilst completing his degree. Beth was delighted with the assistance provided by the SCSRS and provided feedback that with the help of JusticeNet the preparation of documents was very easy.

In Beth's words:

*"The SRS was very efficient and made everything easy for me".*

## What our volunteers say

*“It was a fantastic learning experience in a collegiate professional office. I had carriage of challenging legal matters and received generous guidance to ensure self-represented litigants had access to high quality legal advice and much needed support to navigate the justice system. The experience taught me the procedural nuances of the civil jurisdiction, court courtesies, the investment of knowing the facts of the case and impact of a persuasive argument for a client achieving a successful outcome”.*

**Ceilia Divakaran**

Ceilia volunteered at the SCSRS

## What our clients say

*“We cannot thank [JusticeNet] enough for their support, advice, patience and honesty while helping us with our matter. This service helps to support people through a horrific time of their life. We hope funding continues to invest in people for many years to come.”*

*“...this service has totally exceeded our expectations. We honestly don't know what we would have done or what would have happened if this service was not available.”*

*“It gave us new direction to tackle the problem. Often we didn't like what we were hearing but at least we had correct information and an understanding of the process”.*

*“Excellent service, information was given in a timely manner since first contacted. Staff showed empathy and respect.”*

*“The follow up and attention to detail was faultless. A job well done.”*

## Federal Courts Self-Representation Service (SA/NT)

People Assisted **362**

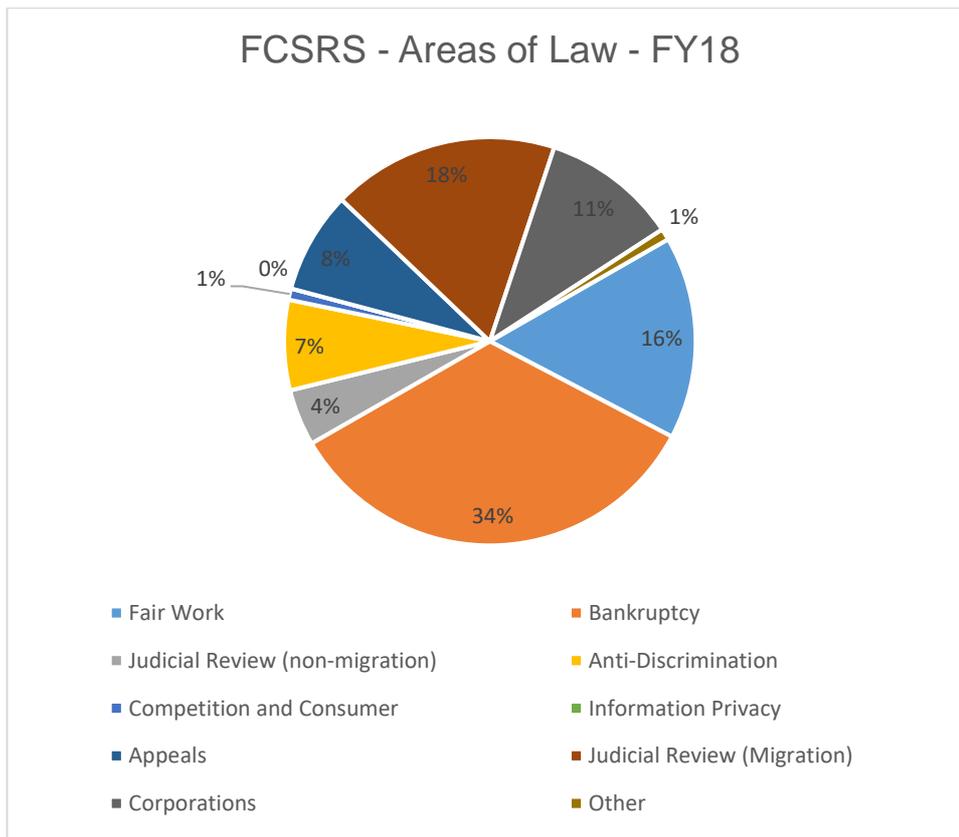
Legal Services **892**

Pro Bono Hours **430**

Pro Bono Value **\$150,000**

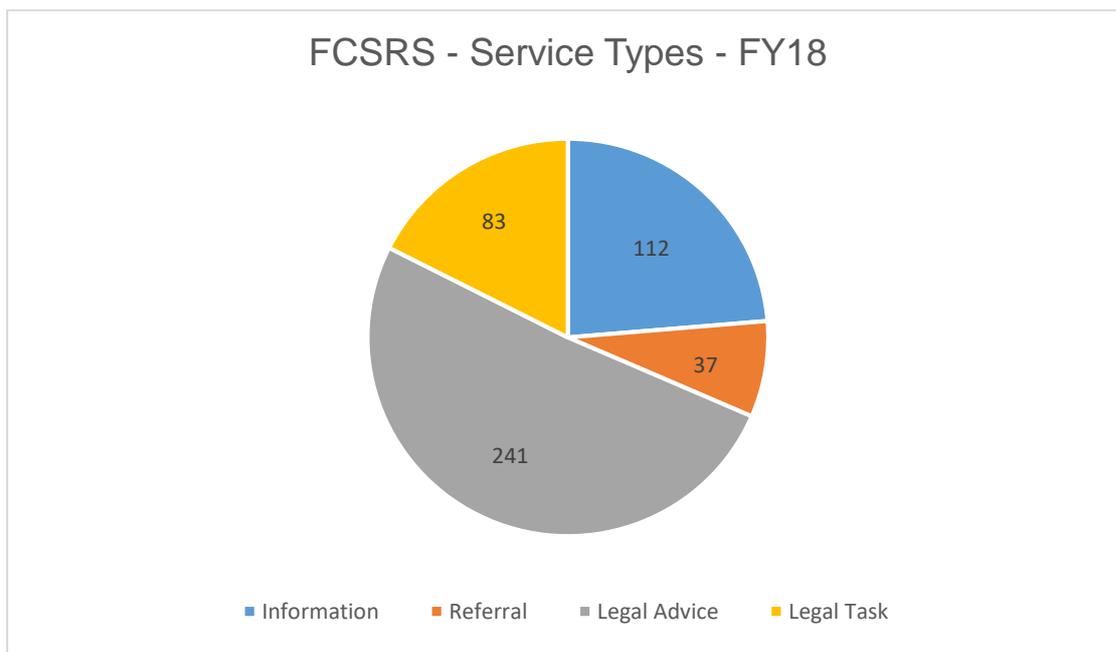
Pro Bono Lawyers **33**

The Federal Courts Self-Representation Service (FCSRS) assists clients with matters commenced, or to be commenced, in the general federal law jurisdiction including bankruptcy, Fair Work, migration (excluding refugees and asylum seekers who are assisted by JusticeNet's Refugee and Asylum Seeker Project), appeals, judicial review, anti-discrimination, competition and consumer law.



During FY18 the FCSRS provided 892 legal services to 362 service users, including opening 112 files for clients.

### FCSRS - Service Types - FY18



The Service’s attendance at the regular migration, bankruptcy and corporations lists continues to be an important means of ensuring that as many financially disadvantaged people as possible with matters in the Federal Courts are assisted to understand their rights and responsibilities and the best course of action to take to present their cases and resolve their disputes.

The FCSRS has collaborated with a financial counsellor from the Consumer Credit Law Centre SA run by Uniting Communities to enable self-represented litigants appearing in the bankruptcy list to obtain on-the-spot legal and financial advice.

The FCSRS is staffed by Angie Hastings (Coordinator / Senior Solicitor) and Joshua Schultz (Solicitor). The Service is grateful for the support of nine participating law firms during FY18:

- Minter Ellison
- Finlaysons,
- Fisher Jeffries
- Cowell Clarke
- Clayton Utz (Sydney office)
- DMAW Lawyers
- O’Toole Lawyers
- MSM Legal
- Piper Alderman

Approximately 33 lawyers from the nine participating law firms provided about 430 hours of pro bono legal help over the course of the year. JusticeNet extends its sincere gratitude to those lawyers and law firms.

## Funding

The FCSRS is funded by the Commonwealth Attorney-General's Department.

## Our Impact

The following case studies highlight the role of the FCSRS in helping self-represented litigants to present their case, but also to facilitate the early resolution of matters and to discourage unnecessary litigation. Names have been changed to protect privacy.

### Timely legal help for Samantha can be life-saving

Samantha contacted JusticeNet's Federal Courts Self-Representation Service (FCSRS) after being served with a creditors' petition. She was at a loss with what to do. Through tears, she explained that her financial position had deteriorated several years prior when her marriage ended abruptly and she was left as the sole carer of her two children. To make ends meet, she had increasingly relied on credit cards and high interest loans.

Samantha had considered selling her house to pay off her debts but needed time to put it on the market. The FCSRS helped her to make offers of settlement to the creditor, but the creditor refused to entertain any offers and seemed determined to make her bankrupt. With the assistance of volunteer lawyers, the FCSRS then helped Samantha to seek several adjournments of the court proceedings to allow for an orderly sale of her house. The FCSRS helped Samantha prepare detailed affidavits setting out the concrete steps that she was taking to sell the house.

In Samantha's words

*"The outcome could not have been better and I certainly know that without your time, professionalism and kindness this result would never have happened. I believe you went way beyond the call of duty! I've sold my house...moved into a new rental and feel totally blessed. I may not have any money...but I have my freedom....in essence you saved my life".*

### Pro bono help for victim of workplace bullying

Mike sought assistance from the FCSRS with a Fair Work general protections claim in the Federal Circuit Court against his former employer. Mike had experienced bullying and harassment from his supervisor. He had raised with his supervisors his concerns with the treatment that he had endured from his supervisor. The employer did nothing to improve the situation. Several months later Mike was dismissed from his employment on performance related grounds. The FCSRS assisted Mike to draft an application in the Federal Circuit Court and supported him through the pre-trial process, including providing guidance in relation how to conduct himself in court and assistance in obtaining witness statements. When the former employer's solicitor made an offer of settlement to Mike, the FCSRS gave Mike advice regarding the offer and assisted him to prepare a counter-offer, which the former employer accepted.

The FCSRS finally gave Mike follow up advice to help him conclude the formal settlement process to finalise the matter.

In Mike's words:

*The SRS team were excellent in delivering the information I required to self-represent myself. Was difficult to liaise with lawyers face to face as I lived in Darwin, however I was given a lot of time and attention from the SRS team. I have utilised the information and advice given to me from the SRS team and I have negotiated a settlement out of court. I would like to thank the SRS team for helping me through this whole process. Thank you.*

**What our clients say:**

*“SRS have helped me understand procedures and have been friendly and approachable throughout process”*

*“The service has been incredible, thorough and on time when things had to be done. Totally recommend this service”*

*“The Service is great, One is treated with respect, enough time allocated you feel listened to regardless of merit of case”*

*“Couldn't sleep for 10 days. The SRS helped a lot and it is a very good service. Very grateful.”*

## **JusticeNet people**

### **Management Committee**

Paula Stirling (President), Senior Solicitor, Crown Solicitor's Office  
Kerry Clark (Vice-President), Barrister, Murray Chambers  
Carolyn Mitchell (Secretary), Consultant, Cowell Clarke  
Alice Graham, Legal and Compliance Advisor to the Director, Legal Services Commission  
Nicholas Linke (Treasurer), Partner, Fisher Jeffries (resigned 21/11/2017)  
Alan Merritt, Solicitor, Central Community Legal Service (resigned 21/11/2017)  
Simon Bourne, Solicitor, Bourne Lawyers (resigned 21/11/2017)  
Nick Anderson, (Treasurer), Director, Capital Family Office (commenced 21/11/2017)  
Julia Dreosti, Principal, Lipman Karas (commenced 21/11/2017)  
Anna Wells, Barrister, Hanson Chambers Office (commenced 21/11/2017)  
Catherine McMorrine, CEO, Southern and Limestone Coast Community Justice Centres (commenced 19 February 2018)

### **Staff**

Tim Graham, Executive Director,  
Elizabeth Boxall, Referral Solicitor  
Lara Proske, Migration Solicitor (resigned 4/04/2018)  
Deborah Mercurio, Migration Solicitor (commenced 01/05/2018)  
Molly Scanlon, Pro Bono Hub Coordinator (commenced 3 April 2018)  
Samara Bell, Senior Solicitor & Coordinator (State Courts SRS)  
Angie Hastings, Senior Solicitor & Coordinator (Federal Courts SRS)  
Joshua Schultz, Solicitor (Federal Courts)  
Carly Thomson, Office Coordinator

### **Secondees**

Vanda Mastrovito  
Sarah Bohmer

## Thank You

We sincerely thank the many individuals and organisations who have supported our work by donating their time, skill and passion to helping our clients, including:

- barristers and solicitors who accepted pro bono referrals;
- lawyers who have participated in our Self-Representation Services;
- law students and other volunteers with our services.

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## **Individual Donors**

We sincerely thank the many of donors who generously support our work, including through our Walk for Justice.

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Nexia Edwards Marshall  
The University of Adelaide Law School  
Australian Pro Bono Centre  
Justice Connect, Law Right and Law Access  
Law Society of South Australia

## Report from the Treasurer

JusticeNet reversed its fortunes from the prior year to record an operating surplus of \$45,090 for the year ended 30 June 2018. This surplus was largely as a result of continued support from our multi-year partnership agreements as well as significant one-off grants from the South Australian Government Department of Premier and Cabinet.

A result of these multi-year agreements is the liability of \$237,123 on the balance sheet to record 'Grants received in advance' at financial year end.

The support of the non-government institutions, Wyatt Trust, Broadley Trust and Westpac Foundation, combined with the Law Foundation will play a key role in the ongoing ability of JusticeNet to serve those most in need of its administration services.

The Management Committee has discussed at length the need to continue to engage with non-government organisations and private and public ancillary funds to continue to fund services such as the State Courts Self-Representation Service and our Refugee and Asylum Seekers Project.

JusticeNet also received generous in-kind support from members and project partners, through the provision of accommodation, meeting rooms, lawyers on secondment, printing and mailing costs, seminar rooms, audit services, IT services and support. Particular thanks must go to the University of Adelaide Law School which provides accommodation for JusticeNet in the Ligertwood Building, Cowell Clarke and Lipman Karas.

The organisation's greatest financial risk remains the same: the absence of stable funding for our core operating expenses and Pro Bono Referral Service. As in previous years, those essential costs were funded from diverse sources including our fundraising events (in particular, the popular Walk for Justice and our Continuing Professional Development Intensive), member contributions and donations. In early 2018, JusticeNet also received a grant from the Department of Premier and Cabinet to help cover our costs for 12 months. However, at the time of writing it appears that the incoming State Government has declined to extend that support. For this reason, the Management Committee remains cognisant of the real financial challenges that lay ahead.

It is gratifying to note that the support of our members and supporters remains strong. On behalf of the management committee, I acknowledge the generosity of all of our members, funders and donors who have invested so much into the organisation over the past year.

A copy of our audited financial reports can be found at [www.justicenet.org.au](http://www.justicenet.org.au). Our sincere thanks to Nexia Edwards Marshall for auditing our financial reports on a pro bono basis.

Nick Anderson  
**Treasurer**