



PRO BONO NEWS

Issue 11, December 2013

In this issue

[Executive Director's report](#)

[JusticeNet Office Closure](#)

[Pro Bono Success Stories](#)

[2013 CPD Seminars Wrap-up](#)

[2014 CPD Seminars: Call for Expressions of Interest](#)

[Community Sector Seminars](#)

[Refugee and Asylum Seeker Project Update](#)

[Supreme Court Self-Representation Service](#)

[Become a 'Friend of JusticeNet'](#)

[JusticeNet Members](#)

[Subscription and Feedback](#)

[What is JusticeNet SA?](#)

Executive Director's report

2014 promises to be an exciting year for JusticeNet. Apart from anything else, we turn 5 in July 2014! We are starting to think about an event to celebrate how far we have come since 2009 and to thank our members and supporters who have made the journey with us. Watch this space...

In September last JusticeNet released its Annual Report for 2013-2014. [Click here](#) to download a copy from our website if you haven't seen a copy.

At our Annual General Meeting we were also delighted to have the Hon. Chief Justice Christopher Kourakis launch JusticeNet's 'Self-Representation Service', a pilot legal service that assists low-income and disadvantaged clients who are representing themselves in the Supreme Court. In only 2 months the Service has seen nearly 20 clients. [Click here](#) to read about the early successes of the Self-Representation Service.

The Self-Representation Service is one of three JusticeNet services that leverage the pro bono capacity of the legal profession. Read about developments in our Refugee and Asylum Seeker Project [here](#), and success stories from our pro bono referral service [here](#).

Finally, the staff and Management Committee of JusticeNet wish all of our members and supporters a wonderful festive and holiday season. It has been a pleasure to work with you in 2013 and we look forward to continuing our collaboration in 2014 (after a suitable chance to rest and recharge the batteries...)



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.

JusticeNet Office Closure

JusticeNet (including the Self-Representation Service) will be closed from 5pm on 20 December and will re-open on 6 January 2014. If you have an urgent legal matter during the office closure, please contact the Legal Help Line on 1300 366 424.

Pro Bono Success Stories

Steven* approached JusticeNet because of a dispute with his previous employer. He had obtained some preliminary legal help but was unable to continue paying for legal services due to his unemployed status. Steven had been a long standing employee when in 2011 his employer's approval of a leave request was retracted without explanation. Subsequent leave requests, each for shorter periods of time, were also refused without reasons being provided. This was particular distressing for Steven because the leave was sought, in part, to spend time with a family member with terminal cancer. Steven sought help to bring a claim of unfair dismissal against his ex-employer. JusticeNet referred Steven to Kelly & Co Lawyers for pro bono assistance. With their help, Steven was able secure a favourable out-of-court settlement.

Phillip McNamara QC assisted the Southern Community Justice Centre by providing an opinion regarding the terms of settlement in a dispute over a will. In this matter, the client and her siblings were beneficiaries under their late mother's will. Their step-father, also a beneficiary, proposed a complex proposal aimed at discharging a debt owed by the estate to relatives of the step-father that involved selling a property of the estate and other dealings. The siblings were concerned about the affect of their step-father's proposal on their entitlements under the will. Phillip McNamara QC provided an opinion concerning the terms of settlement and the future impact on the client (who was a minor). This was of great assistance to Southern Community Justice Centre in providing appropriate advice to the client.

JusticeNet helped **Jennifer***, an elderly pensioner, to resolve a complex property dispute involving family members. Many years ago, Jennifer had transferred her interest in a rural property to family members. Subsequently the relationship broke down and Jennifer was forcibly evicted from the property. Advice from Christopher Brohier counsel indicated that Jennifer had a substantial equitable interest in the property. JusticeNet initially referred Jennifer to Wallmans who provided Jennifer with substantial assistance to formulate her claim and pursue a settlement. Failing a resolution of the matter, JusticeNet referred her to Andersons for the purpose of commencing formal proceedings. At mediation, Andersons successfully negotiated a settlement that resulted in Jennifer obtaining a substantial benefit.

John* approached JusticeNet because his home loan was in default and the lender had obtained repossession orders. John wanted to refinance but was unable to because his ex-partner would not agree to transfer to him her interest in the property. John was also out of time to seek a settlement under the Domestic Partners Property Act. JusticeNet referred John to Beachside Legal and Mark Pickhaver of counsel in 2011 for pro bono assistance. Christine from Beachside legal helped John negotiate toward a settlement. Unfortunately, after extensive negotiations, an agreement could not be reached and the matter was listed for trial. While John has since obtained employment and will be paying for representation at trial, he benefitted from considerable pre-trial pro bono help and preparation from Beachside Legal.

AI-Anon Family Groups SA Area Inc approached JusticeNet seeking assistance with reviewing and amending their policies

and procedures to ensure legal compliance. Al-Anon Family Groups SA Area Inc is registered as a charitable entity and provides assistance to those who have been affected by a family member's alcohol addiction. Al-Anon Family Groups has a junior segment, Alateen, which provides support for children affected by a parent or other family member's alcohol problems. Al-Anon Family Groups SA Area Inc sought our assistance specifically to ensure they complied with the Children's Protection Act 1993 (SA). On referral from JusticeNet, Lamont Black Lawyers assisted Al-Anon to revise their guidelines and provided detailed advice about their obligations under the Act, including as 'mandatory reporters'. The assistance from Lamont Black was particularly useful for Al-Anon Family Groups in South Australia to deal with the issues arising from the fact that their Australian and worldwide 'parent' organisations have a variety of different reporting procedures and legal obligations.

** Names have been changed to protect the privacy of individuals concerned.*

2013 CPD Seminar Series: Wrap-up

On 2 December JusticeNet held the last of our CPD seminars for 2013. 'So you want to call an expert witness? Or do you?' was presented by the Hon David Bleby QC.

We take this opportunity to thank all of our generous presenters for 2013. With such high-calibre presenters, it is no surprise that we had a fantastic response to seminar program. Over 150 people registered for our CPD seminars in 2013.

On a sad note, JusticeNet extends its sincere condolences to the friends and families of two of our presenters in 2013, **Michael Hourigan** and **David Haines QC**, both of whom recently passed away.

JusticeNet's 2013 CPD seminar series was proudly supported by:



Trybooking.com is proud to sponsor this event and will donate all booking fees (\$0.30 per ticket) to JusticeNet SA.

2014 CPD Seminar Series: Call for Expressions of Interest

As we have done since 2011, JusticeNet will be hosting a CPD Intensive in mid-February next year. Our CPD Intensive is an ideal opportunity for practitioners to top up their CPD account with high-quality seminars, including 3 seminars in the mandatory activity areas: practical legal ethics, practice management or business skills and professional skills. Proceeds from the Seminars support JusticeNet pro bono legal services. Details coming soon.

We will also be continuing our very successful Lunchtime CPD Seminar Series in 2014.

We invite members of the profession who are interested in presenting a seminar for JusticeNet in 2014 to contact Tim at tim.graham@justicenet.org.au or 8313 5005.

Community Sector Seminars



Nick Linke, partner at Fisher Jeffries, presented 'The internet and social media: legal considerations for your organisation', the final seminar for 2013.

With the help of member firms, JusticeNet presented four Community Sector Seminars in 2013. Our Community Sector Seminars are designed to provide practical legal information on legal issues that affect not-for-profit community organisations in South Australia.

The seminars were very well received and JusticeNet is hopeful that we can offer a similar program in 2014. A fifth seminar, 'Employment-related legal issues for not-for-profits', was originally planned for November, but has been rescheduled to 11 February 2014. Online bookings can be made here: www.trybooking.com/CVRX.

JusticeNet acknowledges the support of SACOSS and Volunteering SA/NT as our Community partners.

Refugee and Asylum Seeker Project Update

As this newsletter goes to press the Commonwealth Senate has passed a motion disallowing the new governments proposed

Temporary Protection Visas for asylum seekers. This highlights the ongoing policy uncertainty surrounding the rights of those seeking political asylum in Australia. JusticeNet is monitoring developments as we consider how our Refugee and Asylum Seeker Project (RASP) should respond to changes in government policy and the legal and regulatory regime.

This year RASP made 51 referrals, mostly for advice on the merits of seeking judicial review. With the changes that occurred in 2012 to disband the Independent Merits Assessment process in favour of the Refugee Review Tribunal, we have seen a significant decline in the number of clients who are identified as having grounds to challenge adverse decisions by the Department. In light of the current Government's stated aim of removing access to the Refugee Review Tribunal and returning to single case officer reviews for those who arrive by boat and make unsuccessful claims, JusticeNet anticipates that this decline may reverse. Decisions made under the previous Independent merits Assessment (IMA) scheme were overturned on judicial review at quite a high rate, as high as 75% of all decisions challenged in some cases.

A big thank you to all of our members and supporters who have worked on RASP matters in 2012. A special mention to our volunteers from the Crown Solicitor's Office who have done some fantastic work in this area.

JusticeNet's Refugee and Asylum Seeker Project is generously supported by the Sidney Myer Fund and the Sisters of Charity Foundation.

Supreme Court Self-Representation Service Update

The Self-Representation Service was launched by the Hon. Chief Justice Chris Kourakis at JusticeNet's Annual General Meeting held at Minter Ellison on 18 September 2013.



From left to right: Elizabeth Boxall (Referrals Lawyer, JusticeNet), Paula Stirling (President, JusticeNet), Chief Justice Kourakis, Tim Graham (Executive Director, JusticeNet), Kim Economides (Dean, Flinders Law School) and Deborah Ankor (Director of Professional Programmes, Flinders Law School).



Chief Justice Kourakis cutting the ribbon to formally launch the Self-Representation Service.

The Service has seen 20 clients since inception and early indications are that the Service is providing the kind of assistance we hoped. Here are the stories of two clients who have been assisted by the SRS:

- The SRS helped a client take urgent steps to prevent a warrant of possession being issued over his house. The SRS advised the client that the lender had obtained an order for presumptive service inappropriately. The SRS helped the client write to the lender's lawyers, highlighting the problem and encouraging them to agree to set aside the presumptive service and repossession order. The lender is now keen to negotiate with client and the SRS has referred the client to a Community Legal Service to handle the negotiations and consequential matters.
- A client sought the help from the SRS to appeal a Magistrate's decision. Over the course of several appointments, the SRS advised the client that while the Magistrate erred in dismissing the application in the manner that he did, his matter could have been dismissed on other grounds, hence, an appeal would likely be fruitless. The client has asked for assistance from the SRS to negotiate a discontinuance and settlement with the opposing side.

A very special thank you to all of the volunteer lawyers from our participating firms who attended the SRS in 2013, as well as our three fantastic law student volunteers: Tarley Leideritz, Mickalea Murray and Leanne Makarainen.

The Self-Representation Service is made possible by the generous support of the Flinders University, the Law Foundation of South Australia and IMF (Australia) Ltd and our participating firms: Minter Ellison, Fisher Jeffries, Finlaysons, Gilchrist Connell, Cowell Clarke and Lawson Smith.

Become a 'Friend of JusticeNet'

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 recurrent 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:

- Complimentary registration for one JusticeNet CPD seminar per year.
- Reduced JusticeNet membership fee (50% discount).
- Public recognition of your support (unless you advise us otherwise).
- 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:

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

JusticeNet Members

We welcome our new members:

Minter Ellison SA/NT



Flinders University



JusticeNet acknowledges the ongoing support of our members:

Corporate members: Adelaide Law School, Aged Rights Advocacy Service, Ashurst Australia, Beach Energy Limited, Bourne Lawyers, Campbell Law, Central Community Legal Services, Cowell Clarke, DMAW Lawyers, Donaldson Walsh, Environmental Defenders Office, Finlaysons, Fisher Jeffries, Flinders Law School, Fox Tucker Lawyers, Gilchrist Connell, Hunt & Hunt, Johnston Withers, Kelly & Co, Lawson Smith Lawyers, Lipman Karas, Mellor Olsson, Minter Ellison Lawyers, Piper Alderman, Riverland Community Legal Service, Ruth Beach Lawyer & Mediator, SANTOS, South East Community Legal Service, Southern Community Justice Centre, Sparke Helmore, UniSA Law School, Wallmans Lawyers

Individual members: Lucas Arnold, Melissa Ballantyne, The Hon Barry Beazley, The Hon David Bleby QC, Elizabeth Boxall, Paramjit Budwal, Peter Cannell, Gabrielle Canny, Kerry Clark, Jane Cox, Samuel Doyle SC, Carrie Eames, Phillip Foreman, Tim Graham, Rachel Gray, Chad Jacobi, Andrew Jantke, Margaret Kelly, Lisette Knobel, Robert Lawton, The Hon Robyn Layton QC, The Hon Christopher Legoe QC, Cathrynne Lester, Nicholas Linke, Mark Livesey QC, Philip McNamara QC, Michael Mills, Carolyn Mitchell, Neville Morcombe QC, Geoffrey Muecke, The Hon Margaret Nyland, Claire O'Connor, Mark Parnell, Harry Patsouris, Megan Philpot, Jocelyn Redden, Ian Robertson SC, Emily Rutherford, Rick Sarre, Catherine Sarre, Carolyn Scholefield, Nerissa Schwarz, Paula Stirling, Edward Stratton-Smith, Tania Sulan, Elise Thomson, Mike Wait, Gillian Walker, Noëla Washyn, Penny Wright.

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, IMF (Australia) Ltd and the Australian Government Solicitor.

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 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 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.