

# PRO BONO NEWS

Issue 4, May 2011

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### News & Events



### Walk for Justice 2011

The Walk for Justice is now in its fourth year! Join us on **Monday 16 May** to celebrate National Pro Bono Day.

The Walk aims to raise awareness of the important pro bono legal work done by the profession, and to raise funds for JusticeNet SA. It is a unique public demonstration of the profession's commitment to improving access to justice, and it's also a great chance to walk and talk with colleagues from across the legal community.

This year our lead walkers include Elizabeth Bolton, Chief Magistrate of the Magistrates Court of South Australia; Alex Ward, President of the Law Council of Australia, Ralph Böning, President of the Law Society of South Australia; Mark Livesey QC, President of the Bar Association of South Australia;

and, Hamish Gilmore, Director of the Legal Services Commission of South Australia.

The Walk will commence at 7:30am on Monday 16 May 2011. There will be a complimentary light breakfast for walkers at the Hilton Adelaide, and a range of great prizes for individuals and teams. See the website for more details.

There is a registration fee of \$20, or \$10 for students. We also encourage you to approach family, friends, colleagues and your firm to sponsor you on the Walk.

To **register online** and **download a sponsorship form**, go to [http://justicenet.org.au/walk\\_11.html](http://justicenet.org.au/walk_11.html)

*The Walk for Justice is proudly supported by the Law Society of South Australia, the Hilton Adelaide, Ferrier Hodgson, and Comunet Pty Ltd.*

## Award from the Australian Civic Trust

The Australian Civic Trust is an independent, voluntary association that promotes higher civic standards. Formerly the Civic Trust of South Australia, the ACT is perhaps best known for its annual awards and brickbats program. In 2010 JusticeNet was delighted to receive an 'Award of Merit' from the ACT for making a significant contribution to the civic environment in South Australia. The award was granted to JusticeNet in the Human category, in which awards are made in the areas of equity & inclusion, community, business, culture and education.

## A new face at JusticeNet

In December 2010 JusticeNet was delighted to receive a grant from Community Benefit SA to employ a professional fundraiser to ensure our financial sustainability going forward. JusticeNet has since appointed Tessa Colliver as our Business Development Manager. Tessa brings significant experience to this role, having spent 10 years working in the not-for-profit sector and also operating her own grant-writing business. Tessa holds a BA in Communication Studies and is a member of the Fundraising Institute – Australia.

## AGS Secondment

Nadia Ardalich, solicitor with the Australian Government Solicitor, has been on part-time secondment to JusticeNet since October last year. Sadly Nadia has left us to go on full-time secondment with the National Offshore Petroleum Safety Authority in Perth, WA.

We wish Nadia all the best with her new journey out West. Thanks also to the Australian Government Solicitor for its continued support.

## Comedy Debate 2011

On 24 March the Adelaide legal profession ground to a halt for the 2<sup>nd</sup> Annual Young Lawyers Comedy Debate at the University of Adelaide Law School Moot Court. The participants debated the perennially topical question of *"Barristers: without solicitors they're just fluff and stuffing."*

This year's debate was a contest of epic proportions, no less hard fought than last year. The audience was thrilled by only the highest level of advocacy, nuanced wit and subtle argument that left everyone dazed and confused and in stitches.

In the affirmative was Lindy Powell QC, Anthony Durkin, Michael Manetta and for the negative was Grant McAveney, Enzo Belperio, David Gazner. The debate was ably adjudicated by Master Blumberg of the District Court.

Many thanks to the Young Lawyers Committee and the Law Society of South Australia for donating the proceeds from the night to support the work of JusticeNet SA.

## Service Evaluation (reprinted from the March *Bulletin* of the Law Society of SA)

JusticeNet SA recently passed a milestone, with the completion of an independent review of its service. David Kilner of Kilner Human Services Support was commissioned by JusticeNet to evaluate its referral service against nine key organisational outcomes.

The JusticeNet management committee had identified the evaluation as an important mechanism for measuring progress in service delivery and other organisational outcomes, and to help with planning for the future.

The conclusions in Dr Kilner's report are encouraging. JusticeNet was found to have made substantial progress towards seven key outcomes and moderate progress in the two remaining outcomes. The outcomes in which good progress was made include:

- efficiently assessing clients needs and making appropriate referrals;
- improving access to legal assistance for those with unmet legal needs;
- improving the wellbeing of clients;
- minimising the escalation of legal disputes;
- increasing pro bono participation amongst the legal profession.

The Kilner Report was based on information obtained from a range of stakeholders and clients, as well as data recorded by JusticeNet. The results tell an encouraging story about the efficiency of

JusticeNet's "clearinghouse" service delivery model, and the effectiveness of targeted pro bono legal assistance.

A total of 88% of clients referred for pro bono assistance reported that the pro bono lawyer was able to help them solve their problem. Further, 80% of clients referred for pro bono assistance reported that their wellbeing had improved as a result of the assistance they received. Some of the comments from clients are particularly revealing:

- *"An amazing amount of professional assistance and advice which otherwise would have been unaffordable to us";*
- *"Saved me from financial ruin";*
- *"The lawyer was very good and helpful as he did put a lot of effort into my case and managed to get a very good result and the decision reversed to my favour";*
- *"We were able to submit a claim to Queensland Supreme Court without incurring costs normally involved with this; as I am on a pension without savings this would have been impossible to do otherwise".*

An enduring challenge for our civil justice system is to resolve disputes fairly, economically and quickly. JusticeNet places significant emphasis on targeted intervention as a means of reducing the escalation of disputes. The results of the Kilner Report confirmed the effectiveness of making a pro bono referral in litigious matters: 86% of pro bono referrals that involved litigious matters finalised during the period of the evaluation were settled before or during the trial.

The Kilner Report also provided empirical support for the proposition that pro bono assistance facilitates the resolution of disputes more quickly than would otherwise be the case. A total of 86% of individuals who responded said that their legal problem had been resolved promptly with the help of their pro bono lawyer. This contrasts strongly with the circumstances of those ineligible for pro bono legal assistance. Only 20% said that they were able to resolve their problem quickly after their contact with JusticeNet.

The results of evaluation also suggested that JusticeNet is increasing the pro bono participation of

the profession. Conservative projections from survey results suggest that member firms alone (not counsel) donated approximately \$600,000 of legal assistance over a 14-month period. This figure is consistent with JusticeNet's own internal records. The Kilner Report also contained some constructive feedback for the fledging service. JusticeNet is undertaking a comprehensive review of its processes and procedures to ensure that referrals are made as quickly and efficiently as possible.

Overall, the Kilner Report demonstrates that JusticeNet has an important role to play in increasing access to the civil justice system in South Australia. That is a particularly pleasing result given that JusticeNet operates with significantly fewer resources than counterpart services interstate. The Kilner Report concludes, *"the challenge now is to build on what has been achieved by expanding the human resources available to JusticeNet and to keep growing the volume of pro bono resources available in the legal profession"*.

JusticeNet is confident that the challenge will be met. Support from the legal professions grows apace. The service recently welcomed two new member firms: **Lipman Karas** and **Mellor Olsson**, and is delighted to have the support of **Santos**, which has also joined as a corporate member.

## Law Society Adopts Pro Bono Policy

JusticeNet applauds the Law Society of South Australia for its recent adoption of a Pro Bono Policy. Whilst recognising that the local profession has a tradition of pro bono work, the policy aims to promote the greater participation of the Society's membership in doing pro-bono work.

The policy encourages Law Society members to participate in pro bono services and programs, including the pro bono legal assistance referral scheme administered by JusticeNet SA.

The full text of the policy can be found here: <http://www.lawsocietysa.asn.au/members/guidelines.asp>

## Support for JusticeNet

JusticeNet gratefully acknowledges the support of the following organisations that made significant donations in late 2010:

- The Law Society of South Australia donated \$10,000 as a “contribution to JusticeNet’s valuable work in supporting access to justice for those in the community unable to obtain legal advice.”
- The Legal Service Commission donated \$5,000 to JusticeNet to support its ongoing pro bono work.

## Referrals

JusticeNet has already received about 200 enquiries in 2011. Recently completed referrals include:

- **Piper Alderman**, with the assistance of **Tony Rossi** of counsel, accepted a referral from JusticeNet to assist ‘John’ with an employment law matter. John had been dismissed by his employer after being absent from work due to serious illness. He had in fact been flown to Adelaide by the Royal Flying Doctor Service, coincidentally on the day before he was hoping to commence leave. He ended up spending 5 days at the RAH. His leave had not been approved and his employment was terminated in his absence. John represented himself in an unfair dismissal claim. The matter did not settle at conciliation and John approached JusticeNet for assistance. John’s pro bono lawyers negotiated a favourable settlement on the morning of the trial. They persuaded the plaintiffs to discontinue their action with no order as to costs.
- **Fox Tucker Lawyers** assisted an elderly couple facing debt recovery proceedings following the repossession of their home. The couple had been representing themselves in lengthy court proceedings with the mortgagee. The litigation, and the loss of their home, had taken its toll on the couple physically, emotionally and financially. By the time they approached JusticeNet they were facing bankruptcy. With the assistance of their pro bono lawyer, the couple reached a settlement agreement with the lender that allowed them to avoid bankruptcy, and brought the long running litigation to an end.
- **Johnston Withers** Lawyers provided ‘Brett’ with detailed advice by about prospects of success in defending recovery action following a motor vehicle accident and advice regarding entitlements to documentation. The matter was settled.
- **Rosie Read** of Elliot Johnston Chambers provided detailed advice to a client of Community Legal Centre in relation to a family court matter. The advice recommended that the client pursue amended orders and was instrumental in the client obtaining a grant of aid after a previous application had been rejected.
- **Mellor Olsson Lawyers** accepted a referral from JusticeNet to help ‘Mark’ defend a civil claim in the Magistrates Court. Mark is elderly and lives alone in a housing trust property. Some years ago he had sold a property that had included an agreement relating to the construction of a right of way over a property Mark still owned at the time. Although construction never took place, the purchasers pursued Mark for certain costs that they had incurred. Mark believed that he was not liable for the costs claimed but he could not afford a lawyer. Mellor Olsson helped Mark successfully defend the action.

Other current referrals include:

- **Hamdan Lawyers** are assisting a client facing deportation following a decision by the Minister for Immigration to cancel his visa on character grounds;
- **Donaldson Walsh Lawyers**, with the assistance of Rick Manuel of counsel, are

assisting a client with an intellectual property matter;

- **Fox Tucker Lawyers** are assisting with an appeal to the District Court;

- **Mark Livesy** of Bar Chambers is providing advice on a potential appeal from the District Court regarding an insurance matter;
- **Wallmans Lawyers** have provided preliminary advice to a franchisee about her legal options following the collapse of a franchisor.

## Member Profile - Aleecia Murray, AM legal

### Tell us about AM Legal?

I never imagined opening my own practice until returning to Adelaide from working in Laos for the United Nations Development Program. I had contracted a tropical disease and could not work for 6-12 months. As such, getting straight back into 'conventional practice' was not an option.



At 27, I found myself living down south and thought that it would be a great lifestyle to work there. I began to imagine opening a practice and eventually concluded that I had not much to lose. Since opening in April 2007, we have experienced considerable growth and now have two lawyers, a legal secretary, two clerks and a bookkeeper.

We practice in most areas of civil law and most of our work comes from referrals from happy clients who like our personal service and reasonable accounts. We are about to open another practice at 70 Cross Road Myrtle Bank.

### What inspired you to join JusticeNet?

I personally consider it an obligation upon those with the privilege of an education in law to contribute to our community in some meaningful way. AM Legal was never not going to become a member of JusticeNet.

When I worked for RASSA we found it hard to get solicitors to get on a file and I am glad that AM Legal can now help fulfil that role as a member of JusticeNet.

### What are the challenges your firm faces in doing pro bono work? How do you address them?

The biggest challenge we face is finding the time because the bottom line in practice is that we must render a profit and that takes lots of the time! But we do it, because I think that it is important. When I employed my senior solicitor, I made it a part of her employment contract that she undertake at least 30 hours per year of pro bono work.

### What pro bono matter are you most proud of?

Too many to list, but one recent matter in the Family Court where I acted for a woman who had two young children and had only recently gone into remission for breast cancer.

Before leaving his wife, her husband had refinanced the assets of the marriage (worth around \$1M), siphoned the money into his 'business' (which became impossible to chase without expensive forensic accountants none of which my client could afford), placed all the now fully mortgaged 'assets' into the wife's name and then stopped servicing the loans.

Some months later thanks to help from some barristers, also acting pro bono, we resolved the matter and managed to keep the wife and children in the family home (albeit with a sizeable mortgage).

This was my first experience in the Family Court and I found it quite unreal compared to the other 'civil' courts and it took me some time to get over the experience. I thought I would never go back to that jurisdiction, but some months later took strength from what we learned and achieved. AM Legal now has a strong, successful family law practice.

## JusticeNet Members

JusticeNet has almost completed its second year of operation. Our success is in no small part thanks to support from our members, both in terms of accepting referrals and providing essential financial support. We welcome three new members:



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

**Corporate members** am legal, Blake Dawson, Campbell Law, Clayton Utz, Comunet, 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, 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 and the South Australian Bar Association, and IMF (Australia) Ltd.

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](mailto: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 law firms and/or barristers, who are willing to act pro bono.

For more details of our referral service and eligibility criteria, see the JusticeNet website at [www.justicenet.org.au](http://www.justicenet.org.au).