

NATIONAL PRO BONO RESOURCE CENTRE

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Welcome to the fifth edition for 2005 of the eNewsletter of the National Pro Bono Resource Centre (NPBRC). The Centre is affiliated with the Faculty of Law at the University of New South Wales and is funded by the Commonwealth Attorney-General's Department. Archived e-newsletters are available at www.nationalprobono.org.au/publications/index.html

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1 Centre's strategic plan 2005-2009

The Centre prepared a [consultation paper](#) as part of its strategic planning process. Responses to the paper produced valuable contributions from law firms, Attorneys-General, legal aid commissions, community legal centres, law societies, pro bono referral schemes, clearing houses, in-house corporate lawyers and others.

The Centre's Board and Advisory Council met on 7 September 2005 and distilled [10 key themes](#) to provide a focus for the Centre's future work. These are published on the [Centre's website](#).

A final strategic plan will be published by the Centre early in October 2005.

2. Outcomes of Darwin legal aid/pro bono conference

The May 2005 workshop in Darwin of legal aid, Indigenous legal organisations, CLCs and pro bono lawyers has had an impact. In August 2005, the Darwin office of Clayton Utz began a project with the Top End Women's Legal Service (TEWLS) to provide the first ever civil legal advice service to the Indigenous community on Groote Eylandt. Groote Eylandt is located 630 km from Darwin by air and lies off the east coast of Arnhem Land in the Gulf of Carpentaria. The island is wholly owned by the Anindilyakwa people.

There is no permanent legal service based on Groote Eylandt, although the Miwatj Aboriginal Legal Service (which is based in Gove) and TEWLS visit Groote Eylandt monthly to provide legal assistance in the areas of criminal law, family law and domestic violence matters. As for many people in the Northern Territory, particularly Indigenous people, there is no access to civil lawyers.

The project involves two Clayton Utz lawyers accompanying TEWLS on their flights to Groote Eylandt, and working with them to provide civil legal advice at the legal clinics.

Gilbert+Tobin agreed to take on some (more) matters for the Darwin Community Legal Service and Blake Dawson Waldron continues to provide a lawyer full-time to the Katherine Regional Aboriginal Legal Service in addition to assisting a number of other legal centres with advice on their matters, taking referrals from the centres and providing legal and other advice to the centres themselves.

3. Indigenous Land Corporation (ILC) clients to be assisted

In response to a request for legal assistance for past and existing clients of the ILC, the Centre recently convened a meeting between the ILC and four law firms who have experience in doing pro bono work for Indigenous organisations. The firms attending were Allens Arthur Robison, Arnold Bloch Leibler, Blake Dawson Waldron, and Gilbert + Tobin

The ILC is a commonwealth statutory authority established in 1995 to benefit Aboriginal people whose native title has been extinguished or who as a result of dispossession cannot demonstrate continuous attachment to the land. Whilst the ILC facilitates acquisition of land for such Aboriginal people and assists with land management in all States and Territories of Australia, it is not in a position to act for them or formally provide legal advice. The areas where advice is often sought include the review and drafting of leases and licences concerning agricultural land and the review and drafting of rules of incorporation together with general legal advice concerning commercial activities, often concerning primary production activities.

All four firms agreed to consider requests for pro bono assistance from these Indigenous organisations as presented to them by the ILC. Any other firms who would be willing to participate in this initiative are encouraged to [contact the Centre](#).

4 Centre sponsors pro bono partnership award

The Law and Justice Foundation of NSW (the LJF) are holding their annual Justice Awards on 6th October at a dinner at the NSW Parliament House.

The Centre sponsors the *Pro Bono Partnership Award*. This award is presented to a partnership between a private law firm, community organisation and/or community legal centre in NSW that has developed an innovative and outstanding pro bono legal assistance relationship, resulting in improved access to justice for disadvantaged people in the community.

The nominations almost doubled this year to nine (9). To view the nominations, [see the LJF website](#).

The Hon. Sir Anthony Mason, AC, KBE will be delivering the Law and Justice Address. It promises to be a great evening with tickets \$90 (\$55 for community organisations and students). To register [download and complete the form](#).

5 New government lawyer initiatives

Australia

The Commonwealth Attorney-General's Department have just introduced a new "Outside Employment" policy that encourages its lawyers to undertake pro bono work. The policy

advice (Approval for Employment Outside the Attorney-General's Department – No 19/2005) dated September 2005 states:

The Department encourages all lawyers to undertake pro bono work to help disadvantaged or marginalised people access the legal system. Not only does this work provide personal satisfaction in assisting those who would not otherwise have such access, it also enhances professional skills and provides exposure to a wider range of legal, policy and social issues which departmental lawyers may not encounter in their daily work.

The policy recognizes that pro bono work can conflict with an employee's official duties and suggests that if an employee is in any doubt about a real or perceived conflict they should raise the matter with the Secretary or an authorised SES officer. However approval to do the work is not required. The policy makes it clear that pro bono work is to be done outside of working hours.

Government lawyers or agencies wanting a copy of the policy should request a copy by [email from the Centre](#).

Canada

As of September 2005 city-based government lawyers employed by the Ontario Attorney General will provide pro bono assistance to rural communities within the Nishnawbe-Aski Nation (NAN) in northern Ontario in partnership with the Nishnawbe-Aski Legal Services (NALS) Corporation. This is being done as part of a project developed by [Pro Bono Law Ontario \(PBLO\)](#) called the Ontario "TeleJustice Project". There are 49 rural communities within NAN, with an on-reserve population of approximately 30,000 people.

In the first year, the Attorney General is allowing about 20-30 government lawyers to donate a limited number of paid hours (lawyers have been asked to commit about 20 hours each over the first year) to provide pro bono services using video-conferencing, an online question/answer website, community legal education and written summary advice. According to PBLO, services will be provided via an "Ask-a-Lawyer" website on an as needed basis, and the video-conferencing will take up about three hours once a month. Lawyers will fill in the legal information on a pre-determined brochure or pamphlet template. Lawyers can select the volunteer activities (website, written materials, videoconferences) and the areas of law they are most comfortable with.

PBLO has received grants to cover the costs of developing the website, outreach, and the service fees involved in setting up the project infrastructure. NALS will also be able to get assistance with other legal education and support needs from the Ministry.

6 QPILCH hosts Public Interest Address by Christina Rau

Queensland Public Interest Law Clearing House is hosting a Public Interest Address where Christina Rau will be discussing her discoveries and insights into the detention of her sister, Cornelia Rau. The lunch function is being held at Customs House, Brisbane on Tuesday 18 October 2005 from 12.30 to 2pm. Cost is \$75 per head and tables of 10 are available. For more information phone 07 3012 9773 or [email QPILCH](#).

7 Expired client funds

Following a call by the UK Government on financial services institutions to develop methods of disbursing expired funds to good causes, the UK Law Society is supporting a law firm proposal to channel the funds into pro bono work. Expired funds are cash from the accounts of former clients that the firm has lost contact with over a long period of time. This could potentially result in millions of pounds being ploughed into pro bono in the UK.

The strategy championed by Lovells law firm has now been supported by another major law firm Clifford Chance. Michael Smyth, the head of public policy at Clifford Chance said "we

do not really think there is a huge ideological hurdle to this. Why not get rid of the hassle and do something virtuous into the bargain?"

The plan is before the United Kingdom Law Society ethics committee which is expected to approve the proposal, and recommend that it be reviewed by the Standards Board which can recommend changes to the Law Society Council. For full story see [legal week](#) (30 June 2005).

8 A constitutional right to legal aid in Canada?

In June 2005, the Canadian Bar Association (the CBA) filed a statement of claim in the Supreme Court of British Columbia (BC) as part of a test case to establish a constitutional right to civil legal aid. Making the first systemic challenge to a legal aid program in Canada, the CBA opted to pursue the litigation route after cuts to legal aid created a vacuum in access to justice for the poor in BC. CBA President Susan McGrath said: 'Without legal aid, access to justice is meaningless, as many people cannot take advantage of their legal rights'. Click here for [media release and full story](#).

9. Canadian guide to developing pro bono partnerships

[Pro Bono Law British Columbia \(PBLBC\)](#) has produced a guide that outlines the steps for creating and sustaining a pro bono partnership between a law firm and a community organisation.

The first part encourages community organisations to strategically plan their program. It includes examples of program objectives and work plans from the successful Multiple Sclerosis Volunteer Legal Advocacy Program (MS VLAP), run in conjunction with Davis and Co, a law firm in British Columbia. The second part details possible models for delivering the service, and provides an easy to use checklist for creating an intake/referral process. The third section details how to go about creating an advisory committee as well as getting a law firm involved. The final section provides a guide for law firms, highlighting some of the possible issues to be faced when creating a pro bono partnership.

PBLBC is an organisation formed in April 2002 to promote, coordinate, and facilitate the delivery of pro bono legal services in British Columbia. It operates as the first point of contact for lawyers who wish to volunteer and for members of the public and community organisations who need pro bono services.

To download the Guide (50 pages) as a pdf file go to:

http://www.mssociety.ca/bc/pdf/vlap_pblbc_manual.pdf

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