



Community Legal Centres and their Use of Pro Bono Assistance

Report of a survey
undertaken March – July 2007

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Community Legal Centres' use of pro bono assistance

Aim

The aim of this survey was to collect qualitative data on how Community Legal Centres (CLCs) across Australia use pro bono assistance and to provide a brief analysis of the findings. This data will complement the quantitative data on pro bono assistance received by CLCs that the National Association of Community Legal Centres collects through the CLC data collection system (CLISIS).

The Centre will on request provide the survey data and results to CLCs – either through each of the State or Territory CLC peak bodies, or via NACLCLC.

Methodology:

The survey

In March 2007, a survey instrument was sent by the National Pro Bono Resource Centre to all CLCs that are members of the National Association of Community Legal centres (NACLCLC) (n=189). 128 of these are funded under the Commonwealth Attorney-General's Community Legal Service Program across Australia. The survey was sent out via the CLC intranet Bulletin Board (the BBS). The initial response rate was low, and the NPBRC systematically contacted, by telephone and/or email, each CLC to request they complete the survey, whether the CLC received pro bono assistance or not. A total of 96 CLCs nationally responded to the survey. Thanks go to the social justice intern students from UNSW, Kaz Handell and Ho Ka Hei, for the follow up and compilation work.

While the survey was largely untargeted, the Centre was interested to collect numerically statistically consistent data from each State and Territory in order to be able to make comparisons between jurisdictions. At the end of the survey period, the national response rate was approximately 50%, and the response rate from each jurisdiction ranged between 40.4% (Vic.) to 66.7% (ACT).

STATE	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Total no. CLCs	6	40	7	35	14	6	52	29	189
Goal (50%)	3	20	3.5	17.5	7	3	26	14.5	94.5
Completed	4	21	4	16	9	3	21	15	93
Percentage Completed	66.67	52.50	57.14	45.71	64.29	50.00	40.38	51.72	49.21

Data reliability

While the response rate to the survey and the sample size are acceptable, a number of Centres well-known for their use of pro bono services did not complete the survey, and other Centres which presumably don't use pro bono at all did not complete the survey either. The data may, accordingly, not reflect the upper and lower levels of pro bono assistance.

Survey content

The survey instrument is at Appendix 1 to this Report.

Respondents were asked about the location of their CLC - whether it was metropolitan, regional, rural or remote. They were then asked to tick the areas in which they received pro bono assistance.

The areas covered were:

- Advice (face-to-face, telephone)
- Information/referral
- Client interviews
- Casework
- Court /representation assistance (e.g. DV roster, children's court assistance)
- Attending appointments with clients at police stations
- Administrative assistance
- Assisting CLC to conduct litigation
- Research (legal)
- Management support (membership on Committee/Board);
- Community legal education (workshops, resource production)
- Community development (working on community projects)
- Policy and law reform (submissions, research); Training our staff
- Administrative assistance for CLC itself (human resources, intellectual property, leases, tax, DGR, library etc)
- other

CLCs were then asked the following qualitative questions:

- what areas of service delivery could not be delivered at all without pro bono assistance?
- what areas of service delivery could not be delivered to current levels without pro bono assistance?
- to describe any projects or collaborations they had done with pro bono support, and
- if they had any other comments.

Results

General observations

Table 3 below shows an overview of the kinds of assistance given to CLCs.

The following are some general observations on the survey results.

- The results confirm anecdotal evidence that eastern seaboard states receive comparatively more pro bono assistance – in almost all models of pro bono service delivery. The ACT, NT and Tasmania CLCs receive comparatively little pro bono assistance. However, the NT has been able to harness comparatively more assistance by way of Management Committee support and policy/law reform work. The ACT and Tasmania have not received any such assistance.

- The results also confirm that regional, rural and remote (RRR) Centres receive less pro bono assistance than their metropolitan counterparts.¹
- It also appears that specialist Centres generally receive less pro bono assistance than generalist Centres - however, there are exceptions to this.
- Legal advice is the most common form of pro bono assistance given through CLCs (mean: 54.4%), presumably through CLC advice clinics, followed by Management Committee support (45.1%). Other than assisting CLC clients at police stations (0.8%), the least common form of pro bono support was community development work (13.1%). Assistance with community legal education initiatives, administrative assistance, assisting a CLC to conduct litigation, policy and law reform work ranged from 19.9% – 21.6% (see Table 3 below for details).
- Queensland received comparatively high levels of assistance in the areas of administrative assistance to the CLC itself – for example, by way of assistance with Management Committee support, staff training and administrative assistance (as opposed to legal assistance) with running matters.

Table 1

Centres Surveyed by State	
ACT	4
NSW	25
NT	4
QLD	15
SA	9
TAS	3
VIC	21
WA	15
TOTAL	96

Table 2

Centres Surveyed by Region	
Metropolitan	59
Regional	23
Rural	7
Remote	7
TOTAL	96

¹ See National Pro Bono Resource Centre *Regional, Rural and Remote Pro Bono: Models and Opportunities* (National Pro Bono Resource Centre 2006) available at <http://www.nationalprobono.org.au/publications/index.html>

Table 3 – models of pro bono assistance given to CLCs - overview

		Advice	Info and Referral	Client interviews	Case work	Court / Rep	Attend Police Stations with client	Admin Assist on client work	Assist CLC to conduct litigation	Research (legal)	Mgt support	CLE	Comm Dev	Policy & Law Reform	Training of staff at CLC	Admin asst to CLC (staff issues, lease, etc)
NAT	Yes	67%	49%	43%	47%	37.50%	1.00%	30.20%	35.40%	40.60%	45.80%	27.10%	18.80%	27.10%	26.00%	31.30%
	No	33%	51%	57%	53%	62.50%	99.00%	69.80%	64.60%	59.40%	54.20%	72.90%	81.20%	72.90%	74.00%	68.70%
ACT	Yes	25%	0%	25%	25%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%
NSW	Yes	84%	52%	48%	60%	56.00%	0.00%	32.00%	56.00%	52.00%	32.00%	28.00%	16.00%	12.00%	28.00%	40.00%
NT	Yes	50%	25%	25%	0%	25.00%	0.00%	0.00%	0.00%	0.00%	50.00%	25.00%	0.00%	25.00%	25.00%	25.00%
QLD	Yes	60%	60%	40%	40%	26.00%	6.00%	40.00%	13.30%	53.30%	53.30%	40.00%	20.00%	53.30%	40.00%	46.60%
																%
SA	Yes	44%	44%	22%	22%	11.00%	0.00%	33.30%	11.10%	11.10%	55.50%	11.10%	22.20%	11.10%	11.10%	11.10%
TAS	Yes	33%	33%	33%	33%	33.00%	0.00%	0.00%	0.00%	0.00%	66.60%	0.00%	0.00%	0.00%	0.00%	0.00%
VIC	Yes	86%	52%	71%	66%	57.00%	0.00%	33.30%	52.40%	38.00%	57.00%	28.60%	33.30%	38.00%	28.60%	23.80%
WA	Yes	53%	53%	27%	53%	27.00%	0.00%	33.30%	40.00%	60.00%	46.70%	26.60%	13.30%	33.30%	26.60%	40.00%
mean		54.40%	39.90%	36.40%	37.4%	29.40%	0.80%	21.50%	21.60%	29.90%	45.10%	19.90%	13.10%	21.60%	23.00%	23.30%

In what areas of service delivery was pro bono assistance received?

Centres were asked about the kind of pro bono assistance they receive. Responses under each heading are provided below.

Advice (face-to-face, telephone):

Table 4

ADVICE		
NATIONAL	Yes	67%
	No	33%
ACT		25%
NSW		84%
NT		50%
QLD		60%
SA		44%
TAS		33%
VIC		86%
WA		53%
mean		54.4%

Notes:

Nationally, 67% (or 64 of 96) of all CLC respondents received pro bono support by way of advice services. Responses from each of the states varied between 86% (VIC) and 25% (ACT), with the mean response being 54%. Eastern seaboard states get far more of this kind of assistance than other states.

Note: of the ACT CLCs surveyed, 3 out of 4 were specialist CLCs, and received far below the mean for pro bono assistance by way of advice services.

Information/Referral:

Table 5

Information/Referral		
NATIONAL	Yes	49%
	No	51%
ACT		0%
NSW		52%
NT		25%
QLD		60%
SA		44%

TAS		33%
VIC		52%
WA		53%
mean		39.9%

Notes:

Similar to above, the eastern seaboard states fared better than other states/territories with this form of pro bono assistance.

Client Interviews:

Table 6

Client Interviews		
NATIONAL	Yes	43%
	No	57%
ACT		25%
NSW		48%
NT		25%
QLD		40%
SA		22%
TAS		33%
VIC		71%
WA		27%
mean		36.4%

Notes:

Responses from each state varied between 71% (VIC) and 22% (SA). Mean response across the states was 36.4%. Victoria utilises pro bono support for client interviews at a much higher level than all other states - 35% above the average.

Casework:

Table 7

Casework		
NATIONAL	Yes	47%
	No	53%
ACT		25%
NSW		60%
NT		0%
QLD		40%
SA		22%
TAS		33%
VIC		66%

WA		53%
mean		37.4%

Notes:

Again, eastern seaboard states get more assistance than their counterparts – with NSW and Victoria standing out in their use of this form of assistance – and NT standing out in the lack of this form of assistance.

Court Representation:

Table 8

Court Representation		
NATIONAL	Yes	37.5%
	No	62.5%
ACT		0.0%
NSW		56.0%
NT		25.0%
QLD		26.0%
SA		11.0%
TAS		33.0%
VIC		57.0%
WA		27.0%
mean		29.4%

Notes:

This is not a common use of pro bono – except in NSW and Victoria. Presumably, these numbers reflect court assistance schemes run by CLCs and staffed by pro bono lawyers to some extent.

Attending Police Station with Client:

Table 9

Attending Police Station with Client		
NATIONAL	Yes	1.0%
	No	99.0%
ACT		0.0%
NSW		0.0%
NT		0.0%
QLD		6.0%
SA		0.0%
TAS		0.0%
VIC		0.0%

WA		0.0%
Mean		0.8%

Notes:

Only 1 of the 96 centres surveyed stated that they utilised pro bono assistance for this service.

Administrative assistance:

Table 10

Administrative Assistance		
NATIONAL	Yes	30.2%
	No	69.8%
ACT		0.0%
NSW		32.0%
NT		0.0%
QLD		40.0%
SA		33.3%
TAS		0.0%
VIC		33.3%
WA		33.3%
mean		21.5%

Notes:

The statistics here are low. There may have been some confusion or conflation between this category (administrative assistance on client matters) and administrative assistance to the CLC itself - see Table 19 – Administrative assistance to CLCs.

Assisting CLC to conduct litigation:

Table 11

Assisting CLC to Conduct Litigation		
NATIONAL	Yes	35.4%
	No	64.6%
ACT		0.0%
NSW		56.0%
NT		0.0%
QLD		13.3%
SA		11.1%
TAS		0.0%
VIC		52.4%

WA		40.0%
mean		21.6%

Notes:

This form of assistance was over 50% in VIC and NSW but with the ACT, Tasmania and the ACT recording no assistance at all in this area.

Research (legal):

Table 12

Research (Legal)		
NATIONAL	Yes	40.6%
	No	59.4%
ACT		25.0%
NSW		52.0%
NT		0.0%
QLD		53.3%
SA		11.1%
TAS		0.0%
VIC		38.0%
WA		60.0%
mean		29.9%

Notes:

WA showed a high percentage of assistance in legal research; NT and Tasmania recorded no assistance in this area.

Management Support:

Table 13

Management Support		
NATIONAL	Yes	45.8%
	No	54.2%
ACT	Yes	0.0%
NSW	Yes	32.0%
NT	Yes	50.0%
QLD	Yes	53.3%
SA	Yes	55.5%
TAS	Yes	66.6%
VIC	Yes	57.0%
WA	Yes	46.7%
mean		45.1%

Notes:

All CLCs except those in the ACT received some pro bono Management Committee support. It may be that this is because of the high proportion of specialist CLCs in the ACT which appear not to use as much pro bono assistance – but this would require further research to confirm.

Community Legal Education:

Table 14

Community Legal Education		
NATIONAL	Yes	27.1%
	No	72.9%
ACT		0.0%
NSW		28.0%
NT		25.0%
QLD		40.0%
SA		11.1%
TAS		0.0%
VIC		28.6%
WA		26.6%
mean		19.9%

Notes:

This did not show up as a common form of pro bono assistance. Interestingly, Queensland rated the highest of all states for this form of assistance, and in the (perhaps) associated areas of training of CLC staff and law reform and policy work.

Community Development:

Table 15

Community Development		
NATIONAL	Yes	18.8%
	No	81.2%
ACT		0.0%
NSW		16.0%
NT		0.0%
QLD		20.0%
SA		22.2%
TAS		0.0%
VIC		33.3%

WA		13.3%
Mean		13.1%

Notes:

This is not a common form of pro bono assistance – and probably reflects the particular expertise held by CLCs, and relative inexperience of private lawyers in doing this kind of long term work.

Policy & Law Reform:

Table 16

Policy and Law Reform		
NATIONAL	Yes	27.1%
	No	72.9%
ACT		0.0%
NSW		12.0%
NT		25.0%
QLD		53.3%
SA		11.1%
TAS		0.0%
VIC		38.0%
WA		33.3%
Mean		21.6%

Notes:

Again, the ACT and Tasmania did not record receiving any pro bono assistance in these areas. NSW was surprisingly low, and Queensland high. The NT has been able to get some assistance in this area – and it may be worth researching further what this assistance involved, and how this relatively marginalised part of Australia managed to harness this kind of assistance.

Training of CLC Staff:

Table 17

Training of CLC Staff		
NATIONAL	Yes	26.0%
	No	74.0%
ACT		25.0%
NSW		28.0%
NT		25.0%
QLD		40.0%
SA		11.1%

TAS		0.0%
VIC		28.6%
WA		26.6%
	Mean	23.0%

Notes:

Queensland stands out as receiving comparatively high levels of assistance in this area.

Administrative assistance for CLC itself (human resources, intellectual property, leases, tax, DGR, library etc):

Table 19

Administrative Assistance for CLC Itself		
NATIONAL	Yes	31.3%
	No	68.7%
ACT		0.0%
NSW		40.0%
NT		25.0%
QLD		46.6%
SA		11.1%
TAS		0.0%
VIC		23.8%
WA		40.0%
mean		23.3%

Notes:

Queensland again received the highest amount of pro bono assistance in this area. Again, ACT and Tasmania received little in this area.

What areas of service delivery could not be delivered at all without pro bono assistance

A little over half the Centres surveyed (53%) said that without pro bono assistance some areas of their service delivery would be affected to the extent that they could not deliver these services at all. These included advice clinics, complex casework and litigation, Management Committee support and general administration for which Centres relied on pro bono assistance. A small percentage of Centres (around 4%) noted that they would not rely on pro bono assistance to such an extent that they would not be able to deliver their services or operate without pro bono assistance.

What areas of service delivery could not be delivered to current levels without pro bono assistance

Around 70% of Centres surveyed said that without pro bono assistance some areas of service delivery would be affected to the extent that services could not be delivered to current levels, or their operational capacity would be affected.

The most commonly affected areas included advice clinics, complex litigation, management support, research and administrative support.

Collaborations/projects done with pro bono support from firms

The survey provided an opportunity to collect details of collaborative projects CLCs have undertaken with law firms. The following section documents a number of these collaborations.

ACT

- Production of tip sheets for employees on worker's compensation.
- CLC training by pro bono lawyers on common law remedies for unfair/unlawful dismissal following the introduction of WorkChoices.

NSW

- Pilot project between a CLC and law firm around care and protection matters on behalf of parents with intellectual disability.
- Participation of law firms in some CLC's Women's Domestic Violence Court Assistance Programs.
- Secondment of pro bono lawyers to a CLC to provide legal advice to disadvantaged clients in regional, remote and rural communities.

NT

- Pro bono assistance with the CLC's constitution.

QLD

- A local law firm lets the CLC access their professional development resources – eg DVDs, in-house seminars.
- Development of a mentoring and linking association between a CLC and a national firm (throughQPILCH).

SA

- Working with a law firm to edit and update the CLC's community legal education resources.
- Using local lawyers to discuss and provide guidance on the CLC's casework.

VIC

- Pro bono lawyers staff a CLC's generalist advice service, as well as a wills and consumer/debt service for older or vulnerable clients. Pro bono lawyers also staff this CLC's monthly outreach advice service.
- Development of a project with a number of law firms who will represent a specialist CLC's clients before hearings at the Mental Health Review Board.

WA

- Collaboration between a CLC and pro bono lawyers has enhanced a CLC's capacity to undertake representation, to produce more professional CLE resources and to upskill its workers through the provision of free professional development.

Other comments

CLCs were asked for any comments on pro bono – and the comments often reflected the type of CLC – i.e., whether it was a specialist, remote or metropolitan CLC. This section touches on some of the more commonly provided responses.

Many comments reflected a desire to have more pro bono assistance.

Value of pro bono services

*The pro bono support of the legal community is vital to the provision of our legal services to Australia's arts community. We estimate the contribution to be worth between \$500, 000 - \$1 million p.a*²

Another eastern seaboard CLC estimated that in 2006 it benefited from around 30,000 hours or \$1million dollars worth of pro bono assistance (including lawyers and paralegals).

Expertise

While the majority of comments on the quality of pro bono assistance were positive, a few CLCs commented that some pro bono legal advice reflected a lack of specialist expertise:

*The least useful pro bono assistance is legal advice as it is not good quality or otherwise is untimely. By the nature of the organisation and the workload of the [CLC], what they require is access to quick advice, and if the assistance offered by a firm is not treated as a priority it makes it difficult for the [CLC] to take on difficult or complex cases as much time is wasted trying to track down or follow up pro bono advice*³

Expectations

There were also comments reflecting expectations.

*Feels there is a gap between what is offered by firms by way of pro bono and what is actually received.*⁴

*pro bono could be better in terms of responsiveness, more promises made than kept which in turn damages reputation of the centre and disadvantages clients particularly in urgent matters and where clients get referred back from firm claiming they have lack of resources to assist. Problem particularly in rural/regional areas - lowered access to firms and assistance.*⁵

An abundance of pro bono

A handful of CLCs have had to turn away pro bono assistance – only due to a lack of space and resources to accommodate them:

² Respondent 7 - NSW

³ Respondent 16 - NSW

⁴ Respondent 16 - NSW

⁵ Respondent 33 - NSW

*pro bono assistance makes a huge contribution to this centre and its overall service to the community. The centre currently turns away pro bono assistance due to lack of space and resources (computers, furniture, etc) to accommodate greater numbers.*⁶

Conflicts

Issues with conflicts of interest affected both metropolitan and rural CLCs.

*big problem with conflict of interest as the volunteer solicitor(or their firm) is representing many of the companies that the clients are having difficulty with - especially phone/bank and debt matters and also with land planning matters.*⁷

*we tried running advice clinics but due to the size of the town, conflict of interest issues made it too difficult to continue. It is always difficult to get pro bono assistance in RRR areas for many reasons including: 1. size of firms (our largest firm has 3 solicitors) 2. conflict of interest issues 3. distance from large firms which do pro bono work.*⁸

Mismatch of needs and expertise

*could do with some more administrative assistance and there is a huge need (unmet) in areas of family law. Most assistance received relates to civil law, so assistance received is defined by the expertise of those offering the assistance*⁹

Paucity of pro bono in RRR areas

*Rural/Regional CLCs do not have comparable access to the larger and more pro bono inclined pool of [metropolitan] private practice resources.*¹⁰

Other themes

Other themes raised by the comments include:

- the benefits of having relationships and ongoing partnerships with particular firms.
- Caution from some CLCs not to overburden their trusted volunteers for pro bono assistance
- The significant time and resources it takes to attract, train and coordinate volunteers and their rosters.

Conclusions

It is clear that some CLCs harness significant levels of pro bono support. For a little over half of the surveyed CLCs, some areas of service delivery (for example, evening advice clinics) could not be delivered at all without pro bono assistance. Regrettably, however, some CLCs do not receive any pro bono assistance at all, and experience real difficulties getting the kind of help they need. Some CLCs are reliant on pro bono support to the extent that some services to clients would not be delivered at all but for that pro bono assistance.

⁶ Respondent 23 - NSW

⁷ Respondent 33 - NSW

⁸ Respondent 102 - SA

⁹ Respondent 129 - VIC

¹⁰ Respondent 138 - VIC

Those CLCs which spoke most highly of the pro bono assistance they receive appeared to have forged closer relationships with pro bono lawyers and firms. This supports other qualitative research on pro bono partnerships which speaks of the benefits of developing ongoing, multi-tiered relationships between community organisations and pro bono lawyers.¹¹ There is probably scope for CLCs, pro bono providers and pro bono schemes to work more closely together – particularly in those jurisdictions where pro bono assistance via CLCs is low. To harness the potential for assistance, the opportunity to build relationships should be encouraged. The Centre has noted the success of informal “relationship building events” - that is, face-to-face meetings with pro bono lawyers and CLC workers to initiate closer partnerships.

It seems clear that pro bono culture, at least to the extent that services are delivered through CLCs, is more developed on the eastern seaboard of Australia. It is also clear that some jurisdictions (the ACT, Tasmania and the Northern Territory) receive very little assistance in some areas.

There also appears to be a deficit in pro bono assistance for *some* specialist CLCs. Some Centres specialising in areas such as welfare rights, refugee and immigration work and environmental law may have problems getting pro bono help because of the lack of expertise in these areas, or conflicts of interest. Other specialist CLCs, for example, the Arts Law Centre does not appear to have the same difficulties – probably reflecting the more readily available pro bono expertise in intellectual property and contract law required by this kind of CLC.

There are some areas of CLC service delivery which appear to get little pro bono assistance. It is likely that this reflects CLCs’ and pro bono lawyer’s respective skills, experience and expertise. For example, community legal education, community development and policy and law reform work are not areas for which pro bono assistance has been provided in any substantial amount. This does not mean that these areas of service delivery are “out of bounds” for pro bono support – and certainly it is an area where further efforts could be focused. Just as pro bono legal advice and casework can be delivered by way of discrete task assistance – pro bono assistance in these areas could be broken down into more manageable components.

¹¹ See National Pro Bono Resource Centre *Regional, Rural and Remote Pro Bono: Models and Opportunities* (2006) and *Working Together: Multi-tiered pro bono relationships between law firms and community legal organisations* (2003) available at <http://www.nationalprobono.org.au/publications/index.html>

APPENDIX 1

Survey of CLCs' use of pro bono support

1. CLC name:

.....

2. Please tick location description:

- Metropolitan
- Regional
- Rural
- Remote

3. What areas of service delivery does your Centre get pro bono assistance with?
(tick all that apply)

- Advice (face-to-face, telephone)
- Information/referral
- Client interviews
- Casework
- Court /representation assistance (eg DV roster, children's court assistance)
- Attending appointments with clients at police stations
- Administrative assistance
- Assisting CLC to conduct litigation
- Research (legal)
- Management support (membership on Committee/Board)
- Community legal education (workshops, resource production)
- Community development (working on community projects)
- Policy and law reform (submissions, research)
- Training our staff
- Administrative assistance for CLC itself (human resources, intellectual property, leases, tax, DGR, library etc)

Other (please specify)

.....

4. What areas of service delivery couldn't be delivered at all without pro bono assistance?

1.

2.

3.

5. What areas of service delivery could not be delivered to current levels without pro bono assistance?

1.

2.

3.

6. Apart from the forms of assistance described above, can you tell us about any projects or collaborative work your Centre is doing/has done with pro bono assistance (eg, firm assists us with a particular clinic, assists with complex or strategic litigation, provides mentoring support, provides training etc)

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7. Any other comments on pro bono assistance?

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