

SPEECH NOTES FOR
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RESOURCE CENTRE

LAUNCH OF THE BEST PRACTICE PRO BONO SESSIONS

LAW SOCIETY OF NSW

11 FEBRUARY 2005

Thank you to the Hon Philip Ruddock for launching the sessions and to the Law Society of NSW, particularly Mark Richardson and John Macintyre, for hosting the lunch – and for the opportunity to address this audience.

As Past President of the LIV Chris Dale said last year,

*The benefit of engaging in pro bono is like the quality of mercy. It blesses
THOSE who provide it, and those who receive it.”*

So for those of you in the room who provide it, I would like to congratulate you. Since the first National Pro Bono Conference in August 2000, many firms can point to significant development in their pro bono practices. Six large firms stated in a submission to Government last year that between them they had provided more than 75,000 hours of in-house pro bono legal assistance for clients who would otherwise have had NO access to legal advice and assistance, even when they had a meritorious matter.

It's not just large firms. The ABS survey of the profession in 2001/2002 showed small firms doing more pro bono per lawyer than large firms and there are some stand-out examples of small and medium size firms. Whether this is still the case may be tested in the national survey of firms and lawyers that the Centre is presently undertaking.

Many of you have pro bono coordinators, partners and committees and pro bono work is often integrated as part of a broader community assistance program. From the appointment of the first full-time coordinator in 1996, there are now 16 pro bono coordinators, 8 of them full time.

Many of you are members of the Public Interest Law Clearing Houses that exist in NSW, VIC and QLD (and the new one in ACT). I know some of you are involved in Homeless Persons Legal Clinics (in Victoria, NSW and QLD) and take referrals from the Pro Bono Scheme of the Law Society of NSW, from the PILCHs, CLCs, community organisations and elsewhere.

I wish to thank those firms that over the last two and a half years have made a substantial contribution to the work of the Centre through providing precedents, physical resources such as meeting rooms, catering, speakers as well as comment on papers, legal advice and policy direction.

And to thank those members of the profession who are on our Board and Advisory Council. Last year we increased the representation of the profession on the Board to get a better balance between pro bono providers and our other stakeholders. Details of these changes are in our Annual Report.

Best Practice Sessions

The Best Practice Pro Bono Sessions are designed to assist firms (particularly mid-tier firms) to develop and enhance their pro bono practices and to provide a forum for existing practices to exchange ideas and knowledge. They reflect and build on the materials in the Centre's Australian Pro Bono Practice Manual. Order Forms are now available for the new edition, published with the Victoria Law Foundation, and to be launched 31 March 2005.

Topics, which include developing a structured pro bono practice, budgets, and counting and crediting time were arrived at by consultation with firms in this room. Pro bono lawyers from the large firms have agreed to volunteer their time and knowledge to make the presentations and to pass on their wisdom and experience— for which we thank them.

So please take the information about the **Best Practice Pro Bono Sessions** back to your firm, distribute it to other partners and encourage them – and others in the firm - to attend the monthly sessions throughout 2005.

The Centre's key observations about pro bono

Generally our observations about pro bono activity are:

- Effective coordination and referral of pro bono matters is essential not only for the public but also to make the most of limited resources. It is important at the firm level, the State level and nationally. The Centre well understands that firms have limited capacity and that pro bono work needs to be effectively coordinated. Great work done has been done in NSW particularly recently with the NSW Law Society pro bono scheme but Victoria provides a more efficient model for co-ordination of referral schemes and we commend this model to NSW.
- Capacity exists across the whole profession for more to be done. The Centre has thus aimed these sessions at mid-tier firms with the capacity to expand their pro bono work. We have are working with government lawyers, in-house corporate lawyers and law students to facilitate further and better pro bono.
- The burden could be shared more evenly across the profession. I want to make special mention of two medium size firms that have done a lot in this regard in the past year –Sparke and Helmore (SHARE-national community assistance program) and Ebsworth and Ebsworth (where the part-time pro bono coordinator obtained the Law Society President's Award for her work done on referrals from the Law Society's pro bono referral scheme). What has impressed me both about these two firms is the degree of commitment and the marvelous culture that is generated within the firm.
- Pro bono is good for business and is a good story for the profession and we want to make the most of every opportunity to tell it.

Examples of pro bono activities

Today is an opportunity for me to provide you with some examples of what firms are doing in pro bono to illustrate the diversity of opportunities that exist:

Long term relationships

- Freehills, Mission Australia and the Salvation Army partnership with the Shopfront Youth Legal Centre in Darlinghurst (started 1993);
- Gilbert & Tobin which only started in 1988 but has had a pro bono practice since then and a relationship with the Kimberley Land Council for over 10 years.

Secondments

- Blake Dawson Waldron have seconded a lawyer to Katherin to the Aboriginal Legal Service this year and had secondees at QPILCH, the Exodus Foundation (homeless and abandoned youth),
- Minter Ellison have had secondees at VIC PILCH, PIAC and at a CLC in Victoria.

Secondments are one of the most valuable forms of assistance that can be provided.

Community partnerships

These have been formed between city-based firms and CLCs in regional rural and remote (RRR) areas and mention must be made of Baker & McKenzie, Coudert Bros, Ebsworth & Ebsworth and Clayton Utz who last year entered into new partnerships with CLC s in regional Australia.

They have been formed with community organizations, for example Mallesons with The Smith Family or the National Children's and Youth Law Centre, a partnership notable also because of the multi-tier nature of the relationship.

Focus areas

Some firms have a particular focus, for example, Arnold Bloch Leibler, Blake Dawson Waldron and Gilbert+Tobin have all had a focus on assisting Indigenous people and organisations.

Freehills and Lane & Lane (a large and a smallish firm) both have a focus on charity law. Innovatively in 2003 Freehills provided a series of breakfast training sessions for not-for-profit organisations on directors duties, risk management, employment, structuring and taxation issues. There is real demand for this type of training.

There is a great variety of approaches that can be made. Be innovative. Work out what works for your firm. Partners and your staff are a great source of ideas for organisations and projects in the community that are in need of legal assistance.

Centre's other activities

Pro bono sessions are just one activity being coordinated by the Centre to support and enhance the delivery of pro bono legal services. There are a number of other projects aimed at increasing profession-wide capacity, making it easier for firms and encouraging delivery of services to areas of greatest need. These include:

- National Survey of firms, solicitors and barristers
- Imminent publication of the second edition of the Australian Pro Bono practice manual (contract with Lexis Nexis to include chapter in “Management of the Australian Law Practice”.
- Government lawyers and pro bono discussion paper released October 2004
- A plan to work with the approximately 6500 corporate in-house lawyers this year. Corporate lawyers constitute approx. 20% of the profession. The Australian Corporate Lawyers Association (ACLA) is looking at issues with PI Insurance and are seeking advice on including relevant provisions in their employed lawyers insurance policy. A new opportunity that might arise from activity in this area is firms partnering with corporate clients in community projects which set up great long term relationships.
- Pro Bono Students Australia Program
- Brokering Relationships with RRR CLCs

Why do pro bono?

The profile of pro bono work across the profession and the community has risen in the past four years and will continue to rise if the profession continues to embrace it.

Pro bono is now established as a professional responsibility but it is more than that.

Its actually good for business!

A survey of the legal profession in Australia done by the National Task Force on Pro Bono in 2001 revealed of pro bono that it:

- Reduces attrition rates of younger lawyers by providing opportunities for them to have a more varied practice and to broaden their range of legal and non-legal skills. It also indicates that the firm cares about them and the community around it - not just its clients
- Doing pro bono work can increase and improve the firms profile and visibility with community leaders and improve client perceptions of the firm. This may not be the reason that many law firms undertake pro bono work but all of you know visibility and networks are important and can help to attract new clients and keep old ones.
- Fits into the modern trend towards corporate social responsibility and ‘the triple bottom line’.
- Helps firms attract the best lawyers. The Task Force survey indicated that better graduates are attracted to firms with established in-house pro bono programs.
- Provides professional development for employees
 - Greater client contact
 - Earlier contact with the court
 - Time management
 - The need to exercise independent judgement.
- Benefits staff morale and workplace culture

A lawyer recently said to me “the people I work best with are those that I have done pro bono work with. We feel good about what we have done together”

We know that staff commitment to pro bono work varies with the culture of individual firms so it is important that leadership on pro bono as a core value comes from the top.

- Is necessary as part of doing work for Government in Victoria who, under a condition of the Legal Panel Contract, require a nominated 5-15 % of fees generated by the Government work to be acquitted through pro bono work.
- Cuts into budget in a minimal way as the costs of doing pro bono work are largely marginal costs not fixed costs.

Pro bono capacity can and should increase and it is in the interests of the profession as a whole to share the burden of fulfilling this professional obligation. We at the Centre would be very pleased to talk to you about identifying areas of need and ways in which we can support what you are doing.

So please take the information about the **Best Practice Pro Bono Sessions** back to your firm, distribute it to other partners and encourage attendance at the sessions which are to be held on the first Wednesday of each month, all year and commencing in March.

And remember Chris Dales's words, '*pro bono blesses not only those who receive it but also those who provide it.*'

Thank You.