



NATIONAL PRO BONO RESOURCE CENTRE

Pro Bono: Law Reform and Community Legal Education

An important element of pro bono work done by law firms is law reform and community legal education work. The 2001-2002 ABS Survey of Legal Services found that solicitor practices spent a total of 94,100 hours providing such services free of charge with barrister practices contributing a further 29,000 hours. Altogether, almost one-quarter of all Australian legal practices reported themselves as having contributed in some way to pro bono law reform and community legal education work.

According to the ABS statistics the greatest proportion appears to come from mid-size law firms with three to five principals/partners. As well as contributing the greatest number of raw hours to legal education and law reform work (35,900 hours over the 2001-2002 financial year), they have the highest percentage of practices reporting involvement with such work (approximately 44%). However, this data needs to be treated with some caution. The figures contain high standard error levels, due both to unavoidable sampling error as well as the paucity of accurate pro bono records within many of the surveyed practices.

Law reform work undertaken pro bono typically involves the legal profession preparing a submission to a Minister, government agency or inquiry. These submissions are often prepared for, or in partnership with, a relevant community agency. One example of this is the submissions prepared by Clayton Utz, Allens Arthur Robinson and Minter Ellison as part of their involvement with the Homeless Persons' Legal Clinic. Topics have included the impact of the Vagrancy Act 1966 (Vic), social status discrimination under the Equal Opportunity Act 1995 (Vic), women and the right to adequate housing, as well as the feasibility of establishing a Homeless Persons' Court. Firm involvement in these submissions has included legal research, drafting, and campaign development. Similarly, Arnold Bloch Liebler are currently assisting the Federation of Community Legal Centres with a submission to the Tax Board regarding the Commonwealth Government's proposed legislation altering the tax deductible gift recipient status of charities (Taxation Laws Amendment Bill (No. 7) 2003)

On other topics, firms have found it appropriate to undertake law reform activities on their own behalf. Several larger law firms with pro bono practices have made submissions to the Senate Legal and Constitutional References Committee's Inquiry Into Legal Aid and Access to Justice. Anne Cregan of Blake Dawson Waldron says, "As legal professionals we all have an obligation to ensure that people have access to, and the ability to achieve, substantive justice. That applies whether you are working in a large law firm or a CLC. Through the firm's pro bono work, we get a sense of where some of the gaps are in the availability of legal services, and hopefully we can use that knowledge to inform the Inquiry,."

Community legal education can take a variety of forms. As with law reform activities, firms may undertake such work either alone or in partnership with another firm or community organisation. Illustrative of a legal education scheme taken on solely by a firm is a project undertaken by Freehills. Rather than simply advising individual community organisations one by one about the effects of the changes to tax laws, the firm organised a number of well-attended seminars for representatives of affected community organisations. In this way a far broader spectrum of community groups was made aware of the relevant legal changes, without the need for a formal solicitor-client retainer.

Another approach is the preparation of standard materials designed to advise particular sectors of the community about the effect of the law in particular areas. For example, a number of lawyers working both for private firms and elsewhere have contributed pro bono to publications such as The Law Handbook; the plain English guide to the law, produced in each state by community legal centres or legal aid commissions. Collaboration between firms and community organisations has also resulted in community legal education. One such scheme is the Gilbert & Tobin Walgett outreach centre, conducted in association with the Women's Legal Resource Centre (WLRC). As well as providing pro bono legal advice and casework at the centre, the firm's marketing and publication department facilitated the publication of brochures and posters. This assisted the community education efforts of the WLRC.

Law reform and community legal education schemes provide an interesting and valuable component of pro bono work. They have the potential to benefit a broad range of client groups including those that have poor access to legal services, for example those in rural areas.

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