



2019 LAW ACCESS IMPACT REPORT

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Photo on cover: The Hon. Justice Stephen Thackray, Chief Judge of the Family Court of Western Australia with pro bono family lawyers. Left to Right: Gary Mack, Meredith Hunter, Michael Klimek (behind), Frances Veltman (front), Paul Cook, Rebecca Bunney, The Hon. Chief Judge Thackray, Anastasia Christou (behind), Kate Hill, Vince Bradley, Elizabeth Needham, Simon Creek (front).

1. About Law Access

Law Access is a community legal service of last resort that co-ordinates the assessment and referral of applications for pro bono assistance to members of the Western Australian legal profession.

Law Access assists some of the most vulnerable people in WA, who would otherwise be unable to obtain legal assistance. We receive requests for assistance from all over the State, and in all areas of the law, and match those who will most benefit from legal assistance, with lawyers willing to provide pro bono assistance. Law Access allows scarce pro bono resources to be utilised in the most effective way possible, benefiting both applicants and the profession.

To be eligible for our assistance individuals must:

- first check to ensure that Legal Aid WA or a community legal centre cannot provide assistance; and
- be able to prove to Law Access that they are a low income earner, be able to show that they are financially disadvantaged and cannot afford a lawyer.

Applications are assessed on a merit and means basis in order to determine whether a matter is appropriate for referral. If an application is eligible for referral, Law Access will then attempt to locate lawyers who are willing to assist without charging their usual fees.

In the financial year ending 30 June 2019 Law Access had 2.67 Full Time Employees and relied on our generous secondees and volunteers to assist with merit assessing and referring applications.

2. Unmet legal need and pro bono in Western Australia

Funded legal assistance in Western Australia is delivered by Legal Aid Western Australia, the Aboriginal Legal Service of Western Australia and by community legal centres. Funding for these services does not meet demand and is rationed by service providers on the basis of merit assessments and means tests, individual disadvantage and also by matter type. Residents of Western Australia who cannot secure funded legal assistance either do not pursue their legal rights or otherwise end up representing themselves.

For example there is almost no funded legal assistance provided for representation with family law property settlements which has flow-on effects for housing security, employment and education. Nor is there legal assistance available for many applicants requiring legal advice and representation at judicial review of administrative decisions in the Federal Circuit Court. Applicants facing serious criminal charges in the Magistrates Court where they may be gaoled if convicted will not receive legal assistance unless they can establish cognitive deficit or mental health diagnoses. Families of children who are taken into care also regularly miss out on funded legal assistance at trial in Western Australia.

Many people who cannot obtain legal assistance give up on obtaining access to justice as the process is too difficult and their disadvantages are too great. A small proportion make their way to Law Access, either through referrals by Courts, tribunals and service providers or through their own efforts.

As a service of last resort, Law Access is in a unique position to draw attention to areas of unmet legal need in Western Australia and to highlight the need for policy and law reform. Pro bono lawyers who take our referrals can never fill the gap in unmet legal need and should not be expected to replace properly funded legal assistance services. Their intervention and assistance helps to draw attention to the “access to justice gap” in Western Australia.

3. How Law Access creates and catalyses change

3.1. Law Access pro bono gateway

Law Access acts as a gateway matching individuals and not-for-profits with pro bono lawyers once we have assessed applicants as meeting our means and merit assessments.

Law Access does not provide legal advice or information directly. We communicate with applicants by telephone, post and email and require a written application document and relevant supporting documents before we can assess whether applicants meet our referral criteria.

Where an applicant meets our referral criteria we de-identify the matter and advertise it to the legal profession. We usually receive expressions of interest for matters that we advertise but where we don't we directly approach lawyers who are on our internal pro bono lawyer database.

We advise unsuccessful applicants why their matter cannot be referred and where appropriate we warm refer them to a more appropriate service provider. For example we warm refer many applicants each year back to Legal Aid, or community legal services.

3.2. Training, support and volunteer initiatives for lawyers and students

Law Access relies on volunteer and secondee lawyers, legal assistants, law students and graduates completing their Practical Legal Training to help us to deliver our service within our limited resources. The students and graduates who volunteer with us form part of a “pro bono pipeline” which is helping to build pro bono culture within the Western Australian legal profession.

In areas of high unmet legal need such as Judicial Review for asylum seekers we may identify the need to train and upskill lawyers in order to maximise our pro bono referrals. This is done through provision of training and mentoring by existing experienced pro bono lawyers in our networks.

3.3. Advocacy for policy and law reform

The work of Law Access is informed by a Stakeholder Advisory Committee with representatives from a diverse group including the Courts, Legal Aid Western Australia, the Western

Australian Bar Association, the Criminal Lawyers Association of Western Australia, The Family Law Practitioners Association, community legal centres, university law schools and practitioner representatives from remote and regional areas as well as from small, medium and large law firms.

In 2016 the Law Access Stakeholder Advisory Committee established a Research Advisory sub-Group with representatives from Law Access and the 5 University Law Schools. The group has adopted a priority research agenda to build evidence about unmet legal need and effective pro bono and legal assistance interventions in Western Australia.

Law Access also works closely with our parent body the Law Society of Western Australia on access to justice issues and our CEO is an ex officio member of the Society's Access to Justice Committee.

- surveys of applicants who had been referred for pro bono assistance, law students and volunteers;
- surveys of pro bono lawyers who acted on completed referrals;
- surveys of the members of the Law Access Pro Bono Co-ordinator Committee;
- analysis of data from our FilePro legal practice management system for the period 1 July 2018 to 30 June 2019;
- advocacy log book which is used to measure our impact in the areas of research, policy and law reform.

We have identified limitations to data collected and information reported including low response rates from applicants and pro bono lawyers. In cases where there is limited data we have used qualitative data by way of written responses to illustrate our impact. This is the first year in which we have sought such targeted information and we plan to institute more regular follow up with applicants who have been referred by Law Access to maximise future response rates.

4. Law Access Impact Model

The Law Access Impact Model shows the changes that Law Access aims to make through its work. It shows what impacts our organisation aims to have on: individuals; not-for-profit organisations who apply for pro bono legal assistance; Western Australian lawyers; law students and graduates; the legal assistance sector; the justice system; and on law and policy makers. The Model shows the expected pathways of change and how those changes are triggered by the work of Law Access.

The Impact Model should be considered a working theory about how Law Access creates impact. The data and results presented in this report demonstrate the extent to which the 'theory' holds true and are used to inform refinements to strengthen the model, and ultimately to increase our impact for Western Australia's most disadvantaged and marginalised people.

(See Figure 1, Impact Model - Page 3)

About this report

This year has been a busy one for Law Access in terms of implementing system improvements to make our service more sustainable and effective. We have implemented a new legal practice management system and we are about to launch a new website with a streamlined application process.

With a one-off Public Purposes Trust Grant in 2018/19 Law Access engaged Emma Pritchard Consulting to develop a new Law Access Monitoring and Evaluation Framework and revised tools and processes to collect relevant data.

This report measures our impact against the new Law Access Impact Measurement Framework. Understanding our impact will help Law Access to better design and plan our services, thus enhancing access to justice for our clients and the sustainability of our service. The impact report also provides transparent and meaningful information to our funders and donors.

We will be trialling and adopting a range of reporting measures over the next 4 years to continuously improve the way we deliver services and strengthen our impact.

For this year we utilised the following data sources:

5. Our Impact in 2019

5.1. Access to Justice

Law Access aims to help the most disadvantaged and marginalised people, and not-for-profit organisations in Western Australia, experience access to justice.

5.1.1. Who sought help?

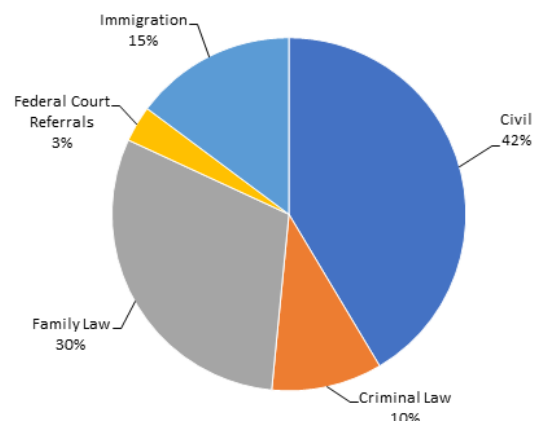


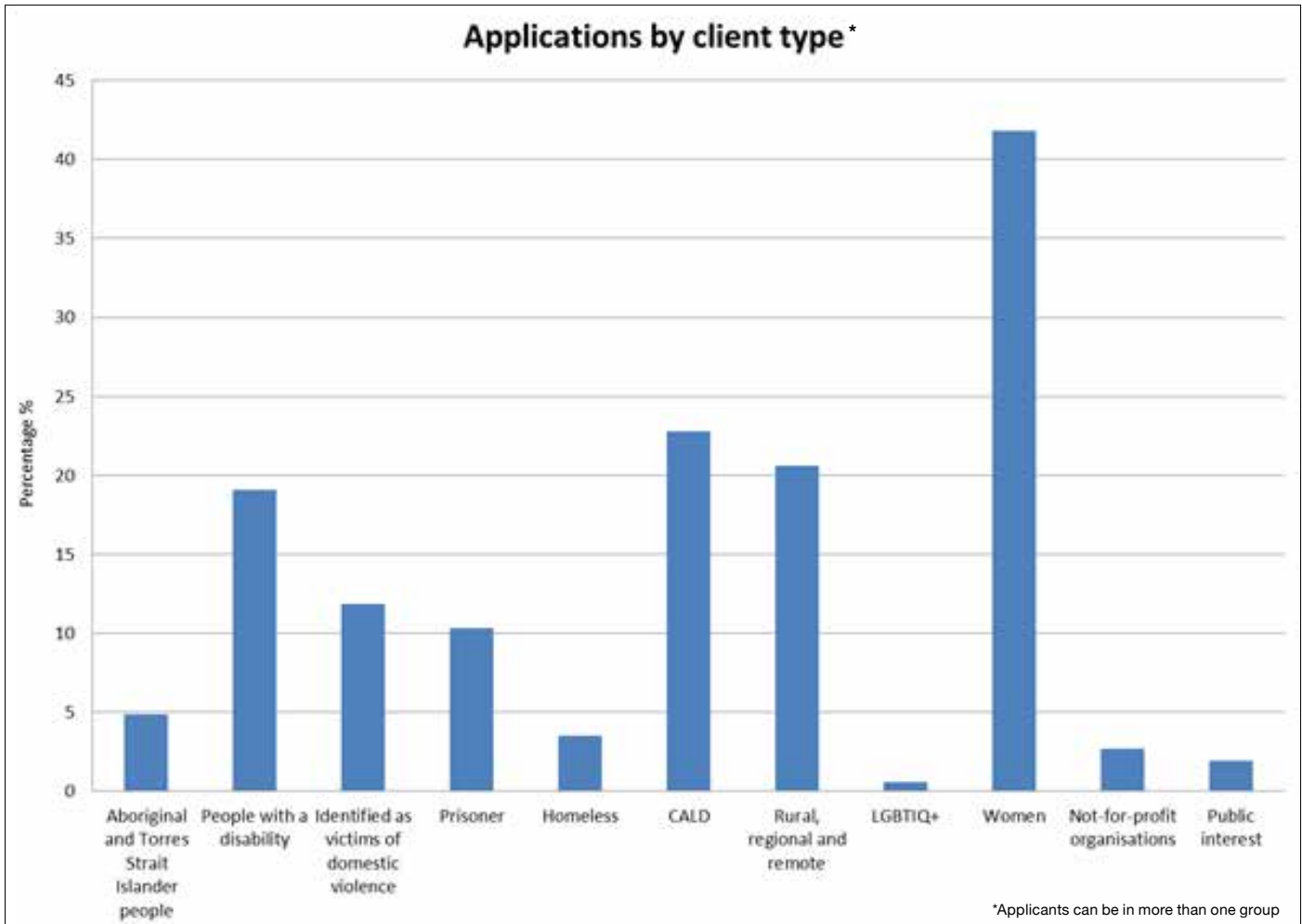
1,182
first enquiries
responded to by
telephone or email



510
applications
for pro bono
assistance

Applications by matter type





Effectiveness of referral pathways

Of the first enquires we received, 43% converted to applications for pro bono assistance in 2018/19.

This indicates that we are experiencing either a high drop-out rate of potential applicants or a high rate of inappropriate referrals to Law Access. The high number of first enquiries that did not result in an application for pro bono assistance diverted resources that could have been allocated more effectively to other aspects of our service.

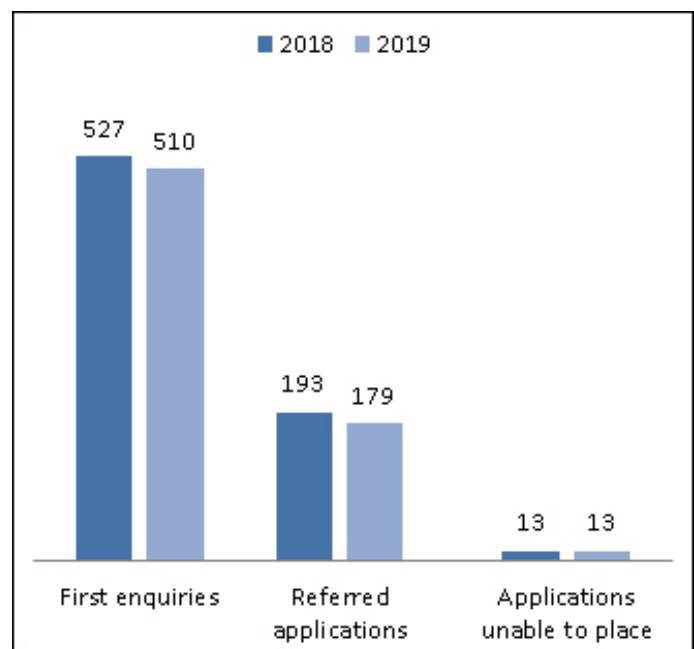
In 2020 we will set up reporting mechanisms to track how many applicants making first enquiries are assisted and apply to Law Access versus how many are referred to other service providers. This will help us to better understand the effectiveness of referral pathways.

5.1.2. How we assisted applicants

Successful applicants

Law Access received 510 applications and 192 (or 37%) of applications were assessed as meeting our referral guidelines. Of these matters, Law Access referred 179 (or 93% of applications which met our referral guidelines) to appropriately skilled pro bono lawyers or to funded legal assistance services¹. Law Access was unable to refer 13 (or 7%) of meritorious matters:

A comparison of service data between 2018 and 2019 is illustrated in the chart below:



Ineligible applicants

After fully and properly considering all 510 applications received this year, 246 (or 48%) were found to be ineligible for referral as they did not meet the Law Access referral guidelines. The

main barriers to referral were lack of reasonable prospects of success and failure to meet our strict means test. We also prioritised limited pro bono resources to applicants assessed as being unable to represent themselves. Law Access aims to ensure that ineligible applicants know that their legal matter has been properly and fully considered. All ineligible applicants were sent a letter, using plain language², explaining why they were not eligible and where possible, suggesting other avenues of assistance.

Though Law Access cannot help these applicants by way of referral, we aim to help better equip them to make informed choices about their legal issues. Applicants are able to provide feedback about the service. All applicants are advised that our merit assessments are final and there is no right of appeal from a Law Access decision. Complaints received from applicants are reviewed by the CEO. Where the complaint raises a substantive issue that goes beyond dissatisfaction with our standard merit and means assessment we review and respond to the issue raised.

5.1.3. Empowering applicants to engage with the legal system

- Estimated total value of pro bono services provided \$1.86³ million.
- Estimated total of 4,650⁴ pro bono hours provided.

This pro bono legal assistance empowered applicants in a range of ways. Applicants reported that their pro bono lawyer helped them:

- better understand their legal issues, options and responsibilities;
- have a stronger voice in legal processes affecting them; and
- make informed choices about their legal issues

The following case study illustrates how pro bono legal assistance can empower individual applicants:

Lydia's ex-partner filed for bankruptcy and the Trustee was distributing the remaining funds. Lydia cares for a disabled child from the relationship. She had never made any property claims against her ex-partner although they separated some years ago. She wanted to claim the remaining funds to cover costs associated with medical treatment and care for their daughter.*

A pro bono lawyer provided urgent assistance before the Trustee distributed the funds. As a result, Lydia obtained 50% of the funds rather than the 30% originally offered by the Trustee. Lydia had previously been frustrated and anxious about her matter, but she had a positive experience and was able to better understand her legal matters and legal options.

**Name has been changed to preserve confidentiality*

A Not-for-profit organisations reported:

"The biggest benefit was helping us scope the legal issue and identify the best available legal pathway to reach our goal."

5.1.4. Making a difference for applicants

There are a range of benefits that we aim for applicants to experience. Feedback from applicants and pro bono lawyers found examples of each of these:⁵

- Applicants (NFP and individuals combined) satisfied with the legal assistance they received
- Individuals reported that having pro bono legal assistance enabled them to achieve a fairer resolution of their legal issues than they would otherwise have obtained
- Applicants who experienced improved life outcome
- NFPs who reported that pro bono assistance improved the organisation's ability to effectively deliver its core work

Individuals

Pro bono legal assistance enabled individual applicants to resolve their legal issues. The majority of pro bono lawyers who provided feedback this year indicated that they were able to obtain a good (or better) outcome for the individual applicant.

The majority of individual applicants were satisfied with the pro bono legal assistance they received and reported that having pro bono legal assistance enabled them to achieve a fairer resolution of their legal issues than they would otherwise have obtained.

The below case stories illustrate legal issues being resolved fairly:

Beth was approached by her ex-husband to provide a personal guarantee secured by a mortgage for money he was borrowing from a lender. She was told at the time that the loan was for him personally, but she later found out that the loan was actually for his company.*

Beth's ex-husband had a history of intimidating her during their marriage. Her ex-husband and his lawyer came to her house without notice and she did not have a chance to obtain independent legal advice. Beth felt bullied and misled into signing the loan documentation.

Her ex-husband never made any repayments on the loan and he declared bankruptcy. Beth was then served with a Supreme Court writ against her by the lender, seeking orders for possession and sale of her house. Beth was referred to Law Access by a community legal centre and was referred to a pro bono barrister and pro bono instructing lawyer.

Beth's matter was settled and she was not held to be liable for the loan. This meant that Beth was able to keep her house. This was an

exceptional outcome and Beth said: "I won my case, which I believe may help someone else who may [be] taken advantage of like I was. [My pro bono lawyer] took the stress out of my situation, [they] also gave me the confidence to fight for my rights. I was extremely happy and appreciative of the support I received."

**Name has been changed to preserve confidentiality*

Sarah applied to Law Access for help with making a criminal injuries compensation (CIC) application. Sarah was a victim of sexual abuse as a young child and suffered from anxiety all her life. However, she was only diagnosed in recent years with post-traumatic stress disorder (PTSD) as a result of her childhood sexual abuse. She was unemployed and receiving a parenting benefit and wanted to make a CIC application to help cover the costs of psychological treatment for anxiety and PTSD.*

Sarah had been going to Medicare-subsidised treatment sessions and she was approaching a significant part of her treatment process. However she could not afford the full cost of her remaining treatment.

Law Access was able to find her a pro bono lawyer to help her with the application. Although Sarah was out of time, her pro bono lawyer helped her obtain compensation that was double what she expected. This meant that Sarah was able to continue her treatment.

Sarah said "I liked that Law Access could help me. I wouldn't have been able to do what I could without it. The lawyer was excellent – the best lawyer I've ever had."

**Name has been changed to preserve confidentiality*

Individuals who received pro bono legal assistance reported that the resolution of their legal matter had resulted in improvements to their stress, financial situation, personal safety, housing and parenting arrangements for their children.

Below are quotes from applicants about important changes to their lives since their legal matter was resolved:

"It took a lot of stress off me." "Matter finalised after a long process and I managed to keep house after negotiations."

"Best thing ever. I had no understanding and was in a very dark place. If it wasn't for my lawyers, I would have lost my family home. And my children. I will be forever in their debt...They saved me from making mistakes, and helped in my darkest of days."

We also received negative feedback from two individual applicants, one because we were only able to provide one off advice rather than ongoing assistance and the other who was unhappy with the outcome:

"I felt that I wasted my time and Law Access time with my zero outcome with my Family Law matters".

"I obtained a worse outcome"

Not-for-profit organisations

Law Access received 14 applications from not-for-profit organisations this year. Four not-for-profit organisations responded to our applicant survey. All of the survey respondents were satisfied with the pro bono legal assistance they received.

The respondent organisations reported that pro bono legal assistance improved the organisation's ability to effectively deliver its core work. Not-for-profit organisations identified a range of benefits from receiving pro bono legal assistance. These included:

"Lawyer was consistently accessible, and made time to meet in person to discuss our business - quickly and efficiently gained insight into our business, translating these into necessary legal requirements."

"Formation of legally robust contracts applicable to our business."

"Received confidence that our rules/constitution were following legislative parameters and that we hadn't overlooked any important items."

All of the not-for-profit organisations responding to the survey reported that without pro bono assistance, they would have had to divert funds from core purpose expenditure to pay for legal assistance to resolve their legal issues.

NFP applicant:

"The biggest benefit was helping us scope the legal issue and identify the best available legal pathway to reach our goal"

"We don't know if we will get the federal DGR amendment that we need but we do know that this pro bono work has been fundamental to fully scoping and pursuing the issue"

Public interest and Human Rights

This year Law Access received ten applications for pro bono assistance for matters of public interest⁶.

For example in 2018/19 Law Access referred a public interest matter involving housing security for a significant number of mainly elderly people who had invested their life savings in an unusual housing arrangement, to a large law firm for pro bono assistance. The matter is still on foot and has grown with another large firm agreeing to assist the first firm by taking on an emerging aspect of the case. Law Access anticipates that we will be in a position to report on the outcome of this matter in our next impact report.

In many cases pro bono referrals help protect individual human rights. This year Law Access made referrals for criminal matters and legacy caseload asylum seeker judicial review referrals which protected human rights.

An example of a criminal law pro bono referral which protected the applicant's human rights is set out below:

Yan Ming is a migrant from a non-English speaking background and was facing serious assault charges in the Magistrates Court in relation to a dispute with her ex-partner. Yan Ming reported a history of family violence to Law Access. Law Access was able to match Yan Ming with a pro bono lawyer who successfully defended her at trial. Yan Ming was acquitted of all charges against her and costs were awarded in her favour. This enabled the pro bono lawyer to reimburse the Law Access disbursements fund for various costs including interpreter costs.*

**Name has been changed to preserve confidentiality*

Enablers and barriers to making a difference

Pro bono coordinators and lawyers identified a range of factors that supported or enabled the achievement of fair outcomes for applicants:

“The matters that we have received from Law Access have been appropriately screened, come with a helpful brief of relevant background information, and with clients that are genuinely deserving of and appreciative of the legal assistance provided.” “The emails we receive are clear and concise and enable fairly quick assessment of whether or not it is something our firm can assist with.”

“The communication between Law Access and firms has been great.”

We also received some negative feedback from two different pro bono lawyers who were in sole practice and who had taken on matters that took much longer to resolve than anticipated. One of the lawyers was also unhappy that he was not informed of the Law Access Pro Bono Disbursements Scheme. We are addressing these concerns by more clearly defining the scope of our referrals. We have also reviewed our referral letters to ensure that lawyers are informed of our Disbursements Fund for expenses like travel and interpreters and document service fees.

5.1.5. Making a difference to the administration of justice

Law Access receives many referrals from Courts and Tribunals who encounter increasing numbers of self-represented litigants.

A judicial member of the Law Access Stakeholder Advisory Committee commented at a meeting on 11 March 2019 that he was grateful for the work of our outgoing Principal Lawyer Katrina Williams, “for her assistance in placing so many Federal Court pro bono referrals”.

In our survey we asked pro bono lawyers to estimate the number of hours saved with administration in the court system. Some of those responses are outlined below:

A barrister in a civil matter which settled in her client’s favour estimated that she had

saved the Courts approximately 50 hours in reduction in time taken to finalise matter.

Two lawyers in separate civil matters estimated that they had each saved the courts 5 hours of administrative costs.

A pro bono lawyer whose civil matter is still ongoing estimated that pro bono representation has saved 32 hours of Court time so far.

5.1.6. Making a difference to the legal assistance sector

- 12 people who had ‘fallen through the gaps’ were referred to a funded legal assistance provider by Law Access
- Law Access also connected the clients of community legal services with pro bono support⁷.

Law Access enjoys a close working relationship with Community Legal Western Australia, the Aboriginal Legal Service of WA and Legal Aid Western Australia. All are represented on our Stakeholder Advisory Committee and make warm referrals to Law Access on a regular basis. Community Legal WA is also represented on the Law Access Pro Bono Co-ordinators’ Committee.

5.2. Pro bono culture

Law Access aims to support and promote a thriving pro bono culture in Western Australia.

5.2.1. How we supported lawyers

- 192 pro bono matters (means and merits tested) were advertised to lawyers in our networks
- There were 5 approved Law Access Disbursement grants in 2018/19 with a total value of \$1,730
- Our Specialist Migration Lawyer trained nine King and Wood Mallesons lawyers to undertake Judicial Review merit assessments at Law Access

Referrals

All of the pro bono coordinators who responded to our survey agreed that the triage and referral by Law Access reduced the time the firm spent on administration and coordination which enabled a greater focus on delivering strategic legal assistance.

One pro bono co-ordinator reported:

“The number of cold calls have fallen off dramatically - and for any that come through, I can happily refer them to Law Access. This is a significant advantage to having Law Access in place.”

Law Access also provides secondment and volunteer opportunities to practising lawyers and legal support staff.

- 17 lawyers from the private sector undertook secondments with Law Access in 2018/19 delivering approximately 1248 hours of pro bono assistance.
- Corrs Chambers Westgarth provided 6 secondee legal assistants for a total of 360 hours to Law Access in 2018/19.
- We also had 2 lawyers who volunteered with Law Access for 5 hours a week from February and April 2019 respectively performing a total of 140 volunteer hours

Other support

This year Law Access provided access to disbursements, networks, and information and training opportunities to support quality pro bono work.

In 2018/19 Law Access was involved in delivering training sessions on Judicial Review for Asylum Seekers to King & Wood Mallesons secondee lawyers. A total of 9 lawyers attended these sessions. Law Access also shared, important case-law updates and the Law Institute of Victoria's free online judicial review training with members of the Law Access Lawyers for Refugees Network.

The Law Access Reward and Recognition Strategy is designed to recognise and sustain pro bono lawyer engagement with Law Access. Under this strategy Law Access this year provided the names of pro bono lawyers who took our referrals to the Department of Justice to be invited to nominate for Community Lawyer of the Year Award.

Law Access also issued certificates of appreciation to all pro bono lawyers who took a referral in 2018/19. This year we introduced special certificates for pro bono champions who took multiple referrals over the course of 12 months. For example one pro bono lawyer took 15 referrals in the reporting period.

5.2.2. The experience of pro bono lawyers

- 186 lawyers who took on a pro bono referral
- 36 lawyers who took on two or more pro bono matters
- 352 lawyers participated in Walk for Justice; a 2% increase on the previous year

Law Access intends for the lawyers who take on pro bono referrals and access training and support, to experience a range of positive effects that enhance their willingness to do and promote pro bono work.

Impact of referrals

In the first instance, Law Access aims for lawyers to have a positive and fulfilling pro bono experience, where they enjoy both professional and personal benefits. This year pro bono lawyers reported that the referral they completed:

- Helped them fulfil their professional obligation to give back to community

- Enabled them to contribute to the proper administration of justice
- Provided the opportunity to work in an area of law of particular interest to them
- In some instances, provided the opportunity to work in an area of law they do not usually work in

Below are quotes from pro bono lawyers describing the benefits of the referrals:

"I enjoy the fact you can help someone who really needed the help."

"Challenging area of law I enjoy. Client was in real need of legal assistance."

"Very interesting research in a developing area of law."

"Provides the ability to work on slightly different areas of law" "Great sense of achievement when you solve a problem for someone who really needs the help."

"Getting to know the client; slogging my way through difficult legal and practical issues; helping finalise a difficult matter and getting funds for the client he would not have received without me."

"Greater initiative from juniors."

"Excitement amongst juniors at opportunity to be client-facing."

"All lawyers involved have spoken positively about their perception of the value of [the pro bono] legal work."

"New skills and the opportunity to work as part of a broader team."

"Our lawyers who do pro bono work often report a high level of satisfaction with the work they are doing, and the outcomes they have been able to achieve on behalf of clients. Our pro bono matters are often able to be completely managed by junior lawyers, which gives them opportunities to develop which our ordinary matters don't always afford them."

"Great feel good factors."

"Encourages enhanced engagement. Gives lawyers the opportunities to work with a different client base and often different matter types."

Law Access also aims for its work to contribute to a deepening of understanding among lawyers of the extent of disadvantage and barriers to access to justice for vulnerable groups in Western Australia. Feedback received from secondee lawyers and volunteer lawyers below illustrates our impact in this area:

"My motivation was wanting to give back to the community and complete pro bono work whilst working at MinterEllison. I previously worked at the Family Court and Legal Aid and was aware that many vulnerable clients are not able to access Legal Aid. I wanted to assist these people which is what Law Access does." Secondee lawyer

“Direct client interaction and genuinely feeling as if I was assisting the clients in a meaningful way.” Secondee lawyer

“Providing assistance to disadvantaged people requiring legal assistance and access to the legal system.” Volunteer civil lawyer assisting with triage and assessment for a day a week during the year

Impact of support

Law Access continuously monitors unmet legal need and develops relevant resources to support lawyers to address that unmet legal need. This is done through a range of support offerings including disbursements, information, networks and training.

Disbursements are an important way that Law Access helps support lawyers with pro bono work. This year Law Access approved disbursements for property and other register search fees, interpreters, court transcripts and petrol to travel to a regional location to deliver assistance. Disbursements over the period ranged from \$63 to \$858 with an average value of \$346.30.

Law Access also aims to foster stronger connections and cooperation within the pro bono community. Through its regular, structured events, this year saw Law Access support the following connections:

- Walk for Justice – 554 people registered to participate in 2019
- There were 4 Law Access Pro Bono Coordinator meetings in 2018/19
- Law Access Thank You drinks – 120 Pro Bono Lawyers attended the Law Access Drinks in 2018.

Willingness to do and promote pro bono

By providing support and referrals that give lawyers positive pro bono experiences, Law Access aims to increase the motivation of Western Australian lawyers to accept pro bono referrals in the future. 36 lawyers took more than one referral during the year, a 16% increase on the previous year.

5.2.3. How we supported law students and graduates

- 26 volunteer law students and interns were supervised and trained;
- 3 volunteer PLT graduates were supervised for Practical Legal Training; and
- 3000 volunteer hours were provided to Law Access by law student volunteers, interns and practical legal trainees this year.

5.2.4. The experience of law students and graduates

Law Access' student and graduate volunteer

program aims to build the knowledge, skills and confidence of participants, and to provide them experience working in the not-for-profit sector and making a practical difference for disadvantaged and marginalised Western Australians. In this way, Law Access expects that law students and graduates will gain an appreciation of the value and importance of pro bono work that will make them advocates and future champions of pro bono work in Western Australia.

The student and graduate volunteer programs provide the opportunity for participants to build a range of both general and legal knowledge and skills:

“Law Access was one of the first places where I got a taste of how to apply legal knowledge and it made me appreciate the difference lawyers can make by providing pro-bono services.”

“Law Access provides a supportive environment where a student without any experience in a legal setting can learn how to assist clients, can develop their own personal skills and can contribute to the pro bono cause within WA.”

“My most rewarding experience was the useful feedback that I received and that I can use in other work situations. I found the tasks helpful for me to learn which legal facts/materials were required from each applicant to progress their applications.”

The student and graduate volunteer program also aims to provide participants with a deeper understanding of disadvantage in the community and of the not-for-profit sector. Feedback from participants this year shows the program was highly effective in doing this.

A further aim of the student and graduate volunteer program is to provide participants with the experience of making a practical difference to the lives of disadvantaged and marginalised people in Western Australia:

“After my time with Law Access I understood though justice is for all, it's not always easy to access it if you can't afford it and pro-bono is so important in providing that level field.”

“I enjoyed being exposed to the realities faced by disadvantage people. I believe it is quite easy to forget how many difficulties people can face when you live a privileged life. Law Access reminded me to keep myself grounded.”

Appreciation of the value and importance of pro bono work.

At the end of their time with Law Access, it is intended that law students and graduates will have a greater appreciation of the value and importance of pro bono work. As the lawyers of the future, it is the values and beliefs of these upcoming practitioners that will determine the strength and character of pro bono culture in Western Australia.

“Being surrounded by students from different universities and from firms. Secondly I was

able to spend some time with Linda which was rewarding as I am wanting to practice in family law.”

“Working in a case that was given leave to appeal to the High Court, which I understood was a first for Law Access.”

“My time at Law Access was most rewarding when answering the phone line from potential clients who were distressed and being able to direct them to complete an application with Law Access or otherwise guide them in the appropriate direction for help.”

5.3. Research, Policy and Law Reform

Law Access seeks to leverage research and influence policy and law reform to address unmet legal need in Western Australia.

5.3.1. Family Property Disputes involving Family Violence: A Pilot Research Project

What we did

The purpose of this collaborative research project was to investigate the scope of the unmet need for people in this situation in Western Australia. The cross-institutional team of researchers attracted a Public Purposes Grant and was led by Associate Professor Jill Howieson of UWA. The Research Team premised the project on two propositions. First, that separated parties with FDV issues require legal assistance to facilitate a fair resolution of their family property disputes. Second, that there is a dearth of appropriate low-cost legal assistance available in Western Australia, increasing the probability of unfair outcomes for victims of FDV.

Progress made

The Report was launched in February 2019 by The Hon. Stephen Thackray, former Chief Judge of the Family Court of Western Australia. The launch was well attended by a cross section of ministerial advisers, legal assistance providers, judicial officers and private family law practitioners.

Law Access and the researchers have since met with various State Government policy makers to promote the research findings in the context of the development of family violence policies in Western Australia. The lead researcher will also be presenting at the June 2020 Australian Institute of Family Studies Conference.

Key learnings and looking ahead

Operational change in the legal assistance sector has not yet occurred. Law Access is still facing high levels of unmet demand for pro bono legal assistance in family law property settlements and is exploring models of service delivery including mediation and legal clinics to assist the neediest applicants while we continue to advocate for the policy and operational reforms required for change

to State and Federal governments.

5.3.2. Symposium: Legal Representation in Protection and Care Matters

Our advocacy

The purpose of the symposium was to raise the profile and experience of families facing statutory intervention in Children’s Court proceedings with limited or no legal representation. The Symposium was attended by judicial officers, ministerial advisers, service providers and legal practitioners.

Progress made

Law Access has established a panel of Protection and Care lawyers and continues to recruit for this panel. We have participated in the Protection and Care Action network with project leader Families Inclusion Network of WA (FINWA) Murdoch Law School, UWA Social Work, AFLS, ALSWA, Legal Aid WA, Community Legal WA, Women’s Legal Services WA, Djinda, Developmental Disabilities WA and the Mental Health Law Centre.

We are also participating in a new network of Protection and Care Lawyers established by the Aboriginal Legal Service of WA which operates to exchange information and deliver training to lawyers practising in this area.

Key learnings and looking ahead

Further work is now being undertaken by Law Access with the working group PCAN (Protection and Care Action Network) to promote opportunities for pro bono work in this area. Although the key stakeholders are now working closely together and exchanging information there is still high unmet demand for pro bono assistance for vulnerable families. Assisting these applicants will be a priority area of focus for Law Access in 2020.

6. Looking ahead – impact in 2020

We are grateful for the Public Purposes Grant that enabled the preparation of our new Monitoring and Evaluation Framework and reporting tools.

With our new systems in place and a clear focus for the future, we can now effectively monitor our impact and continuously improve our delivery of services.

Commencing in 2020 we will gradually increase our data collection and reporting to incorporate new timeliness reporting measures and report on the conversion of first enquiries to applications. We will also be launching our new website which will provide another data source.

We look forward to applying the learnings discovered through our new impact measurement model to further improving our service.

Endnotes

1. To ensure that lawyers who accept pro bono referrals have the appropriate skills to assist applicants Law Access conducts brief online checks of their experience and history before making a referral.
2. Law Access has implemented a quality assurance process to ensure that letters sent to ineligible applicants use plain language. Guidelines/protocol and templates for preparing letters are revised as necessary to ensure plain language used. Each year feedback is shared amongst staff following review of a random selection of letters by the Principal Lawyer as part of the file closure process.
3. This estimate is calculated by multiplying \$10,000 by the total number of pro bono lawyers who took referrals in last financial year. There were 186 lawyers which included some lawyers who took multiple referrals and some referrals made to multiple lawyers ie lawyer and barrister.
4. This estimate is calculated by multiplying each pro bono referral (186) by the average pro bono hours completed per referral (25 hours). It should be noted that some referrals resulted in less than 25 hours of pro bono work while others resulted in much more than 25 hours of pro bono work and it is likely to be a conservative estimate
5. The response rate was not high enough to provide quantitative data so information was gathered from individual responses
6. NB – there may be more than this as sometimes a matter does not appear to be a public interest matter at referral, but as the matter progresses it becomes one of public interest.
7. Our current data recording system does not record this data in a manner that allows reporting but we hope to be able to do so in the future.



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