



# 2020 LAW ACCESS IMPACT REPORT

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**Photo on cover:** Law Access thank You Drinks 1 December 2019. L-R from the top. Maria Fifield, Danielle Bechelet, Maryse Aranda, Mallika de Toni, Alison Warriar, Professor Natalie Skead, Kylie Dahl, Andrea Gligorov, Lisa Jarvis, Sarah Jones, Michele Lord, Mel de Abreu, Claire Faulkner, Matthew Crowley, Hamish Glenister, Daniel Estrin.

## 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:

- have attempted to access Legal Aid WA or a community legal centre but have been unable to obtain assistance; and
- be able to prove to Law Access that they are a low income earner and 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 2020 Law Access had 4.17 Full Time Employees, an increase of 1.5 Full Time Employees compared to the previous reporting period. We also relied on our generous volunteers and law firm secondees to assist with merit assessing and referring applications.

During the financial year we launched our new website which allows submission of online applications and we moved to electronic-only files during the Covid-19 shutdown.

## 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 email, post and telephone and require a completed application form 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 we identify that an applicant is eligible for a funded legal assistance service we warm refer applicants 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"<sup>1</sup> 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 usually done through provision of training and mentoring by existing experienced pro bono lawyers in our networks.

#### **3.3. Advocacy for policy and law reform**

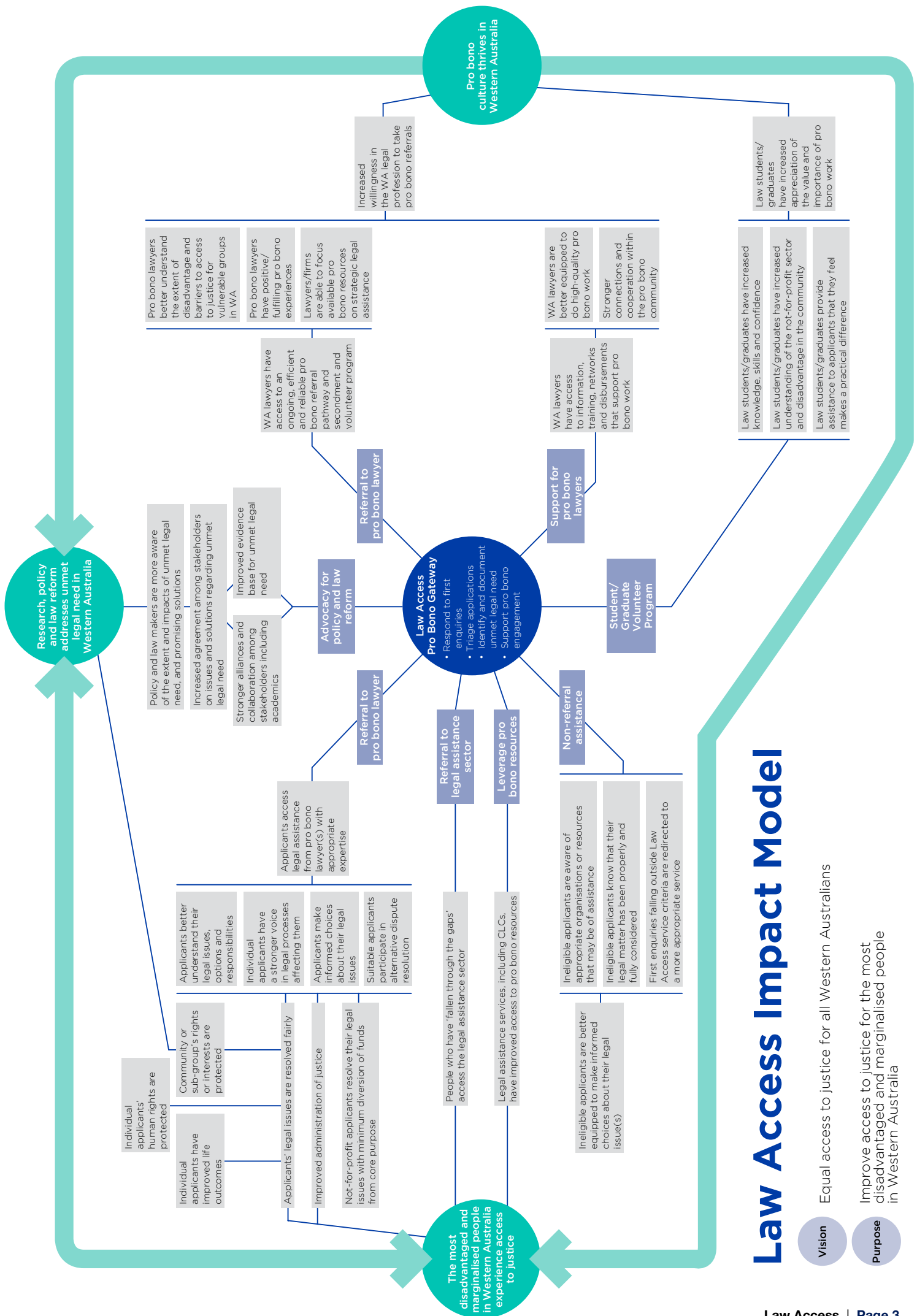
The work of Law Access is informed by a Stakeholder Advisory Committee with representatives from a diverse group including the Courts, Legal Aid Western Australia, the Western Australian Bar Association, the Criminal Lawyers' Association of Western Australia, The Family Law Practitioners' Association, Community Legal Centres, university law schools and practitioner representatives from remote and regional areas as well as from small, medium and large law firms.

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.

### **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.



# Law Access Impact Model

- Vision** Equal access to justice for all Western Australians
- Purpose** Improve access to justice for the most disadvantaged and marginalised people in Western Australia

## 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 launched a new website with a streamlined application process. We have deliberately reduced first enquiries<sup>2</sup> and improved the referral pathway for legal assistance providers to maximise “warm referrals”. Our new website also makes it easier for lawyers to express interest in pro bono work and provides a portal where pro bono lawyers can express interest in matters we are seeking to refer.

A spike in online applications from individuals in the first quarter of 2020 resulted in a backlog of applications. We shut down direct applications from individuals for a six week period while we caught up with our backlog and refined the online application form for individuals to reduce applications which did not meet our referral guidelines.

During this time we also shifted to remote work and electronic only files as a result of Covid-19.

This report measures our impact against the new Law Access Impact Measurement Framework. Understanding our impact helps 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 four years to continuously improve the way we deliver services and strengthen our impact.

For this year we utilised the following data sources:

92 completed survey responses from:

- 54 pro bono lawyers who had completed Law Access pro bono referrals;
- 26 applicants who had been referred for pro bono assistance;
- 6 Law Firm secondees and pro bono lawyer volunteers;
- 3 members of the Law Access Pro Bono Co-ordinators’ Committee;
- 3 law student volunteers;
- analysis of data from our *FilePro* legal

practice management system for the period 1 July 2019 to 30 June 2020;

- advocacy log book which is used to measure our impact in the areas of research, policy and law reform;
- SEO website data from Google; and
- Analytics on Facebook, Instagram and LinkedIn.

We have identified limitations to data collected and information reported including low response rates from applicants relative to response rates from pro bono lawyers. In cases where there is limited data we have used qualitative data by way of written responses to illustrate our impact.

## 5. Our Impact in 2020

### 5.1. Access to Justice

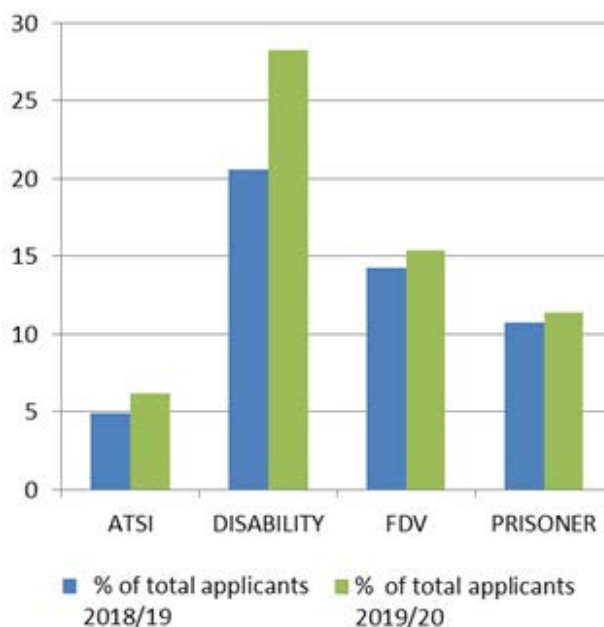
Law Access aims to help the most disadvantaged and marginalised people, and not-for-profit organisations in Western Australia, experience access to justice.

#### 5.1.1. Who sought help?



**552 Applicants**  
for pro bono  
assistance

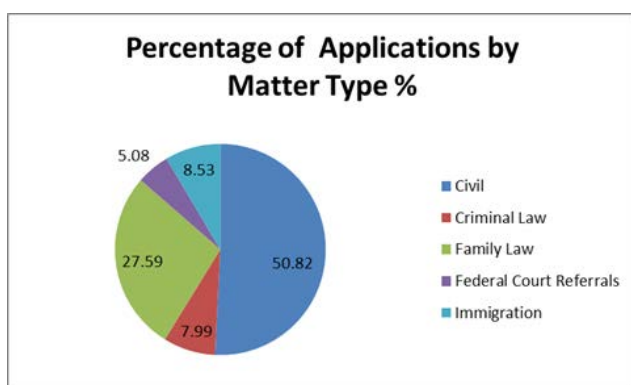
#### Comparison of applicant profile (as percentage of total applicants)



Law Access collects data on applicant profiles. The table shows the 4 applicant profiles which increased in 2019-20:

- Aboriginal and Torres Strait Islanders;
- People with a disability;
- Applicants experiencing Family and Domestic Violence; and
- Prisoners.

(Note: A number of applicants may identify as members of multiple applicant profiles eg FDV and Disability)



### Effectiveness of referral pathways

We received 432 first enquiries by post, email and telephone compared to 1182 first enquiries<sup>2</sup> in the previous reporting period.

This reduction resulted from a deliberate strategy to maximise our impact by reducing the number of first enquiries that did not translate to applications for pro bono assistance.

The reduction was achieved with changes implemented part way through the reporting period by:

- turning off our telephone line for general enquiries part way through the year (while maintaining a telephone line for applicants, lawyers and community service providers);
- introducing an auto reply from the Law Access inbox directing applicants to the online application form on our

new website. (Law Access continued to respond to first enquiries by post and email from the most vulnerable applicants.); and

- encouraging legal assistance providers and community service providers to submit “warm referrals” on behalf of vulnerable clients who meet our eligibility criteria. Reporting on numbers of “warm referrals” will be a priority for the 2021 financial year.

Our new online application forms for individuals resulted in a flood of new online applications, many of which were incomplete and ultimately did not meet our eligibility criteria including our means test. This led to a backlog in processing applications with applicants frustrated with the time taken to respond to their applications. In response Law Access closed online applications from individuals in mid-March 2020, re-opening in late April 2020. During this period we continued to accept warm referrals from service providers and we continued to respond to the most vulnerable applicants who contacted us by email or post. This temporary measure allowed Law Access to review and amend our online application form for individuals and improved the effectiveness of our assessments.

### 5.1.2. How we assisted applicants

#### Successful applicants

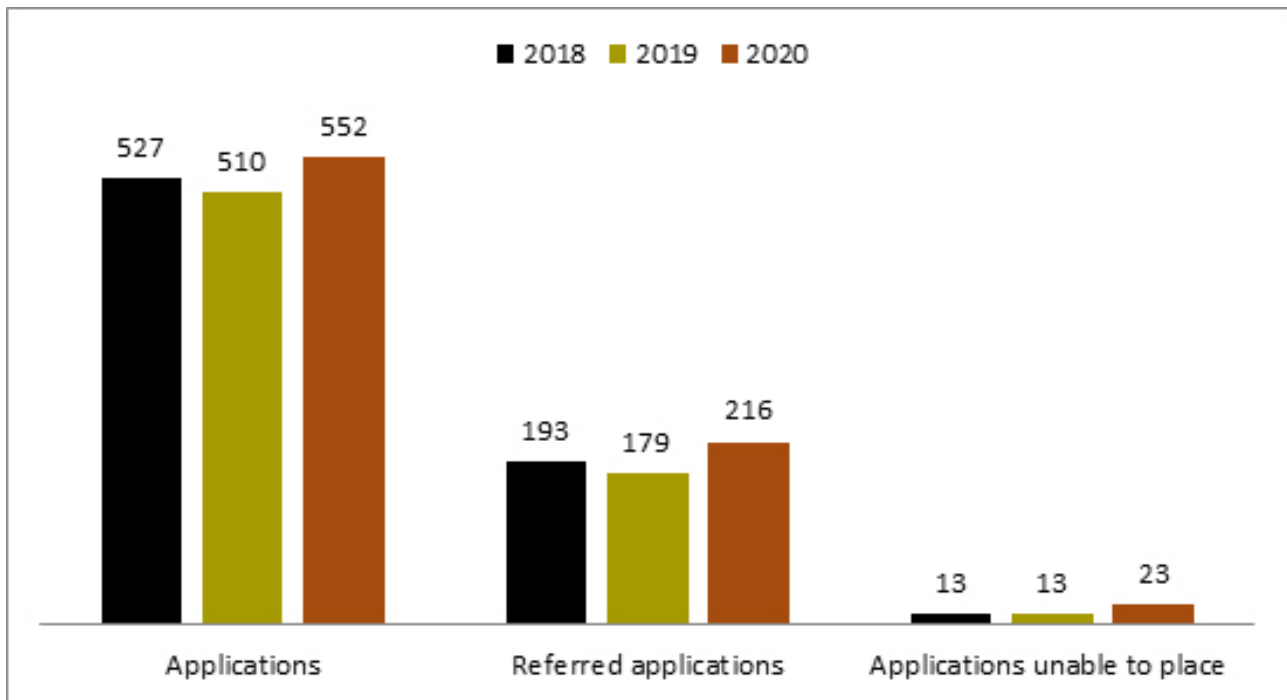
Law Access received 552 applications (a 7% increase on the previous financial year) and 239 (or 43%) of applications were assessed as meeting our referral guidelines. We then placed 216 of these applications with appropriately skilled pro bono lawyers or to funded legal assistance services.<sup>4</sup> Law Access was unable to refer 23 (or 10%) of meritorious matters. Of these meritorious matters that Law Access could not suitably place, 13 were Family Law matters; three were Immigration matters and seven were in other areas of

law. Family law is one of the areas of highest unmet need for pro bono legal assistance and in 2021 Law Access will review our family law pro bono referrals with the aim of enhancing our impact and effectiveness in this area.

A comparison of service data between 2018, 2019 and 2020 is

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



illustrated in the chart below.

### Ineligible applicants

After fully and properly considering all 552 applications received this year, 240 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 language<sup>5</sup>, explaining why

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 \$2.19<sup>6</sup> million.
- Estimated total of 7,049<sup>7</sup> pro bono hours provided.



We received 26 survey responses from individual applicants and five survey responses from not-for-profit organisation applicants.

This pro bono legal assistance empowered applicants in a range of ways:

- 55% of individual survey respondents agreed with the statement: “My lawyer gave me all the information I needed to make the best decisions for my circumstances.”
- 65% of individual survey respondents agreed with the statement: “My lawyer helped me understand how to deal with my legal matters.”

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

*Lien\* experienced family violence in her marriage and was unemployed. Following her divorce she obtained Family Court Orders that her ex husband pay her a small financial settlement. He was in significant arrears having paid only a tiny portion of what she was due. A Pro Bono Lawyer assisted Lien to enforce the Court Order, ensuring her ex husband paid her what he owed her. The small financial settlement made a big difference to her life.*

*Lien told us the best thing about having a pro bono lawyer was:*

*“[They gave] me trust that what I was doing was the right thing to do and [showed] my ex husband that he can’t get away with everything because he thought no one would help me... My ex husband would have got away with ignoring court orders as there was no way I could afford further legal action”.*

*\*Name has been changed to preserve confidentiality*

A not-for-profit organisation who received pro bono legal assistance provided Law Access with a copy of positive feedback thanking their pro bono lawyers:

*“On behalf of the [De-identified Organisation\*] Board and staff, thank you so much for the last 12 months of support, legal advice and guidance as the organisation struggled to address its*

*constitution and grievance complaint.*

*Your pro bono assistance was so valuable throughout this time and went well beyond the level of our initial request.”*

*\*The name of the not-for-profit has been de-identified to preserve confidentiality.*

#### 5.1.4. Making a difference for applicants

We asked applicants about whether they were satisfied with the legal assistance received.

##### **Satisfaction with the legal assistance received:**

100% of not-for profit survey respondents were very satisfied with the legal assistance they received.

Of the 24 individual applicants who responded to this survey question:

13 (or 52% of individual applicants) reported that they were satisfied or very satisfied with the legal assistance they received

10 (or 40% of individual applicants) reported were dissatisfied or very dissatisfied. This represents a significant proportion of dissatisfied individuals.

##### **We asked pro bono lawyers to rate the overall outcome achieved for applicants they assisted. Only 27 lawyers or 50% of pro bono lawyer respondents answered this question.**

48% of lawyers rated the overall outcome as exceptional or good.

44% of lawyers rated the overall outcome as “mixed” with a number commenting about the lack of merit of the matter.

7.4% rated the overall outcome as poor.

The above response from pro bono lawyers shows that legal outcomes are often mixed with neither party to a dispute getting everything they hoped for. This may go some way towards explaining the

negative feedback received from a proportion of individual applicants. Another contributing factor is likely to be the unrealistic expectations of some individuals referred to a pro bono lawyer.

Of the two lawyers who rated the outcome as poor, one identified the applicant as having financial and not legal problems while the other explained the matter had no merit.

## Individuals

### Individual applicants were asked about the impact of pro bono assistance on their stress levels:

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

- 61% of Individuals experienced an improvement in their stress levels;
- 44.4% reported an improvement in personal safety;
- 35% reported their financial situation was somewhat or much improved;
- 25% reported an improvement in their housing situation; and
- 20% reported an improvement in parenting arrangements for their children.

The below case story illustrates a legal issue being resolved where the applicant was very satisfied with the outcome as well as the pro bono legal assistance provided:

*John\* has a disability and applied to Law Access for assistance with a guardianship matter. John described the help he received below:*

*"[My Pro bono Lawyer] collected all relevant reports and tests, explained legal processes clearly and fully, kept me informed all the way, acted in my best interests. I would never have succeeded without a very competent, experienced*

*lawyer familiar with Civil Law cases."*

*In his feedback survey John explained to Law Access that the pro bono referral had made a positive difference to his life by enabling him to move into "supported share accommodation in a nice modern house"*

*\*Name has been changed to preserve confidentiality*

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

*"Eliminated the immense stress and anxiety. And helped my case be dismissed...Reconnecting with my daughter."*

*"My lawyer is very understanding and always gives information on everything. I am very satisfied."*

## Not-for-profit organisations

Law Access received 25 applications from not-for-profit organisations this year. Five not for profits who were referred for pro bono legal assistance responded to our applicant survey.

As previously explained all not for profit respondents were very 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.

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.

The NFP representative whose thank you letter was quoted earlier reported:

*"The lawyers were very supportive, respectful and highly skilled. As a small NFP we couldn't have afforded them without Law Access... The Organisation is in a much clearer legal position."*

## Public Interest and Human Rights

This year Law Access received 15 applications for pro bono assistance for matters of public interest.<sup>8</sup> A number of these were referred by Community Legal Centres.

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.

Public interest referrals can have unexpected longer term impact. For example in 2019/20 a public interest matter which was referred by Law Access to a pro bono lawyer and barrister more than 2 years prior, helped to spark reform in Western Australia about wage theft. The experience of this vulnerable man became a valuable case study in the *Inquiry Into Wage Theft in Western Australia* released in June 2019 and was also referenced in the government's response to this Inquiry released in December 2019.

## Enablers and barriers to making a difference

Pro Bono Lawyers including law firm pro bono coordinators were asked to identify enablers and barriers to making a difference.

All pro bono coordinators 'agreed' or 'strongly agreed' with the statement that the triage and referral by Law Access reduces the time their firm has to spend on administration and coordination which enables greater focus on delivering strategic legal assistance.

All respondents described the process for learning about and taking referrals from Law Access as "very efficient".

Pro bono coordinators appreciated the current Law Access referral process reporting that:

*"Law Access provides good summaries*

*of what assistance is required."*

*"I like that there is one email with multiple referrals, so there is less email traffic."*

Only one of the pro bono coordinators had used our pro bono portal developed in response to pro bono coordinator feedback in 2019. Similarly only one respondent had used our new support and resources webpage for pro bono lawyers.

We also received feedback about ways Law Access can improve providing our services. These related to improving technology to facilitate remote attendance at Pro Bono Coordinators meetings and providing more information about our means assessments when making pro bono referrals.

One pro bono co-ordinator identified the following barrier to undertaking pro bono work:

*"Getting in contact with some clients is difficult - especially if they live in remote communities."*

Pro Bono Lawyers who took a referral were asked to identify the main challenges or barriers to obtaining a fair resolution of the matter:

***Client expectations, the ability to provide instructions and the ability to accept the legal advice provided were identified by many lawyers as a barrier to resolving the matter:***

*The client had an unrealistic impression of her legal rights in this situation.*

*Parties disclosure and client's expectations*

*The client was illiterate, from a highly disadvantaged background and suffered from mental health issues.*

*Client could not provide evidence or cogent instructions.*

*Would not take advice that his appeal had little merit.*

*Client unwillingness to accept advice.*

*Time delay ..., challenges in keeping the client focussed on the outcome and not consumed by anger and aggression*

towards family members.

*Client was elderly and resistant to engaging with process required to settle the dispute sooner.*

*Client slow to come back to us.*

*Client takes time to come back to us.*

*An over expressive client therefore required a lot of reviewing correspondence time.*

**Some lawyers identified systemic or structural barriers to obtaining fair resolution of the matter:**

*Accessing documents from clients in detention/prison.*

*Ensuring that the client received my advice given that he was in a care facility and had a guardian appointed for unrelated purposes.*

*The factual matrix of the situation. The outcome was unfair and unjust but the legislation did not give the client any right to make a claim as she did not belong to the category of persons who could make a claim.*

### 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. In our survey we asked pro bono lawyers to estimate the number of hours saved with administration in the court system.

Many lawyers did not respond to this question with others marking it “not applicable”.

There were 14 lawyers who responded providing an estimate of hours ranging from 0 to 50 hours.

Based on the survey feedback received, **an average of 16 hours was saved with administration in the court system per referral.**

### 5.1.6. Making a difference to the legal assistance sector

- 37 people who had ‘fallen through the gaps’ were connected to a funded legal assistance provider by Law Access.

- Law Access also connected the clients of community legal services with pro bono support. A number of these pro bono referrals involved matters of public interest.

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

- 239 pro bono matters (means and merits tested) were advertised to lawyers in our networks.
- There were 10 approved Law Access Disbursement grants in 2019/20 with a total value of \$3895.54 (compared to total expenditure of \$1730 the previous year).
- Our Senior Civil and Migration Lawyer trained 10 King and Wood Mallesons secondee lawyers to undertake Judicial Review merit assessments at Law Access.
- 67 lawyers signed up on the Law Access website to the lawyers and board members portal.
- There were 1,296 hits on the new Law Access ‘support and resources’ website pages, ranking as the fifth most utilised page on our website.

## Referrals

Pro Bono Co-ordinators reported nil negative impacts of doing pro bono work and the following positive impacts observed on the lawyers doing the work:

“Satisfaction at helping client onto a better path.”

“Lawyers get to manage their own matters from an early stage and develop skills like speaking to clients, drafting documents and developing strategy.”

“Allows the firm to give back to the community in the most efficient way possible.”

The following feedback about referrals was provided by Pro Bono Lawyers who accepted a Law Access referral:

- 89% of pro bono lawyers reported that the process for learning about and taking referrals from Law Access was efficient.
- 82% of lawyers reported that the pro bono matter they took on had been reliably means and merits tested.
- 82% of lawyers reported that the pro bono matter they took on had a clearly defined scope and boundaries.

## Secondment and volunteer opportunities

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

- 22 lawyers from the private sector undertook secondments with Law Access in 2019/20 delivering approximately 1172 hours of pro bono assistance.
- Corrs Chambers Westgarth provided eight secondee legal assistants for a total of 345 hours to Law Access in 2019/20.

- We also had four lawyers who volunteered with Law Access on a part-time basis.

## Other support

This year Law Access provided access to disbursements, networks, and information and training opportunities to support quality pro bono work. The utilisation of the disbursements fund more than doubled this year as our templates were amended to refer to the fund. However expenditure still remains below \$5000 per annum.

### 5.2.2. The experience of pro bono lawyers

- 219 lawyers took on a pro bono referral.<sup>9</sup>
- 43 of these lawyers took on two or more pro bono matters.

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 (89%).
- Enabled them to contribute to the proper administration of justice (74%).
- Provided the opportunity to work in an area of law of particular interest to them (80%).
- Provided the opportunity to work in an area of law they do not usually work in (54%).

- 69% of pro bono lawyers agreed with the statement that “Working on this referral helped me better understand the realities faced by disadvantaged Western Australians seeking access to justice.”

Below are quotes from Pro Bono Lawyers describing the benefits of the referrals:

*“The client was a real character, who I greatly enjoyed meeting and was happy to help.”*

*“It expanded my knowledge in this area of law.”*

*“I enjoyed helping a person in a vulnerable situation achieve the best outcome possible. While we lost the application, she is applying for ministerial intervention and understands what she needs to do to have a chance to remain in Australia.”*

*“Helping someone who had nowhere else to turn to, and achieving a fantastic outcome for the client.”*

*“Winning for an applicant who had not had his matter properly considered by the Minister.”*

*“Interesting and complex case.”*

*“Quick outcome.”*

*“Assisting the client in being able to understand the complexity of his matter.”*

*“Assisting someone who deserved the assistance provided.”*

*“The giving back and doing something for others without payment.”*

*“Mediating a resolution.”*

*“The client was in significant distress and the legal outcome allowed them to exit the distressing factual circumstances and ‘get their life back’.”*

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 justice for vulnerable groups in Western Australia. Feedback received from a secondee lawyer below illustrates our impact in this area:

*“I really enjoyed being able to interact with the senior lawyers and provide them my*

*opinion on merits. I really valued their input and feedback on my work. I really enjoyed the challenge of creating parts of the website and taking on such a big task during a time where no one knew how to respond to COVID19’s legal challenges.”* Secondee lawyer.

### **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.

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:

- Virtual Law Access Walk for Justice 2020 – 379 people registered and from available social media posts we estimate that double that number (including ‘unregistered’ friends and family) participated in 2020.
- There were four Law Access Pro Bono Coordinator meetings in 2019/20.
- There are 104 lawyers and migration agents currently on the Lawyers for Refugees Network (L4RN) mailing list.
- 120 lawyers and stakeholders attended the 2019 Law Access Thank You drinks hosted by MinterEllison on 1 December 2019.

### **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.

- 43 lawyers took on more than one referral during the reporting period.
- 88% of lawyers who took a referral from Law Access said they would be willing to take another referral.
- 100% of lawyers who answered this question said they would recommend other lawyers take on pro bono work or volunteer through Law Access.

When asked why they would recommend Law Access referrals lawyers said:

*“You know that the client has been properly vetted. I rarely take on pro bono matters unless it’s through Law Access.”*

*“Law Access’ triage is invaluable - it is good to know that someone else has critically reviewed a matter before referring it on to law firms.”*

*“The initial work has been done in considering the merits and obtaining relevant background, allowing me to simply roll up my sleeves and get to work on the matter.”*

### **The Law Access Reward and Recognition Strategy is designed to recognise and sustain pro bono lawyer engagement with Law Access.**

Law Access issued certificates of appreciation to all Pro Bono Lawyers who took a referral in 2019/20.

We received thanks on social media and through email from pro bono lawyers and volunteers who received a certificate of appreciation.

The following is some thanks and online publicity Law Access received after sending out the certificates of appreciation:

*“Pleased to have received this from Law Access Limited. This is why I left the lonely confines of a laboratory and became a #lawyer.”*

*“Chuffed to receive this note of appreciation today from Law Access Limited. I am equally grateful that*

*HBA Legal encourages pro bono contributions by its solicitors. This is why I chose law. It’s about helping those who would otherwise not have access to justice.”*

*“I chose to become a lawyer to help people from all walks of life. To be able to give back to the WA community through pro bono work with Law Access is a privilege.”*

### **5.2.3. How we supported law students and graduates**

- 17 volunteer law students and interns were supervised and trained.
- 1 volunteer Piddington Justice Project Practical Legal Training graduate was supervised.
- 2280 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. In 2020, we had a steady increase in interest from students from various Universities to volunteer in our office. Unfortunately, with limited office space due to Covid-19 and limited supervisory capacity, Law Access could not accept all students who expressed interest.

The student and graduate volunteer programs provide the opportunity for participants to build a range of

both general and legal knowledge and skills.

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.

Below is feedback from student volunteers about what they enjoyed about their experience at Law Access.

*“The opportunity to make a difference to real people.”*

*“It was a fulfilling role, knowing that you are working directly to help disadvantaged people. I also greatly valued the support of the team - especially Jessica who went above and beyond to answer any questions I had, kept me updated regarding clients, and explained any legal queries I had with great detail and patience.”*

### **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.

## **5.2.5. Online Presence**

### **Website**

Our new website was launched on 1 December 2019. Since the launch there have been 41,373 website views with an average interaction

on the Law Access website lasting for 3 minutes and 48 seconds. The five most popular website pages visited were how to complete an online application (36%), home (25%), contact (5%), refer a matter (4%) and support and resources (3%).

The Law Access website was discoverable by applicants, lawyers and the public through three ways. The three ways people found the website are as follows:

- 76% of people found the Law Access website through directly searching our website URL ([www.lawaccess.org.au](http://www.lawaccess.org.au)) and Google searching ‘Law Access’.
- 20% of people accessed the website through other website referrals (primarily The Law Society).
- 4% of people accessed the website through social media (primarily Facebook).

### **Social Media**

In the past financial year, Law Access has focused on building our online communication with pro bono lawyers, students and volunteers. Our social media presence became increasingly vital to how we communicated with stakeholders during Covid-19 and the 2020 Virtual Walk for Justice. The breakdown of how many people follow Law Access and engaged with our content over the past financial year is as follows:

Law Access increased our followers on Facebook by 76% from 301 to 531 people. The Law Access LinkedIn page interacts with legal professionals and attracted 491 followers in the past financial year. Law Access also created an Instagram page to interact with students and a younger audience; the Instagram page attracted approximately 233 followers.



Our new social media strategy focused on increasing engagement on our posts before the Walk for Justice. Below is a summary of our highest ranking posts.

### **Facebook**

The post features a donated recipe and video from Anakshmi for the Virtual Walk for Justice.

It was engaged with 63 times by our followers and 2,288 people on Facebook saw the post.

### **LinkedIn**

The post features two of our Walk for Justice ambassadors The Hon. Peter Quinlan Chief Justice of Western Australia and Andrew McDade, President of the Blackstone Law Students' Society.

The post was engaged with 69 times and seen by 1,601 people on LinkedIn.

### **Instagram**

The post features a video shared with us from Thea and the District Court Team's Spotify playlist prepared for the Walk for Justice Playlist Challenge. The post was liked 130 times on Instagram with four comments.

## **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. Protection and Care Advocacy Network**

#### **What we did**

Law Access continued to play an active role in the Protection and Care Advocacy Network to highlight unmet legal need for families of children taken into care.

#### **Progress made**

Law Access assisted the Family Law Practitioner's Association to design and host a CPD panel

discussion on the intersection of family law and protection and care at the Family Law Practitioners' Conference in September 2020.

This year we also joined the newly formed Alliance of Lawyers in Protection and Care which meets regularly at the Children's Court.

We also raised the issue of unmet legal need in protection and care through a meeting of National Pro Bono Coordinators. This resulted in a meeting between PCAN members and a large national law firm to discuss potential law firm secondments to legal assistance providers working in Protection and Care.

#### **Key learnings and looking ahead**

We plan to monitor the success of the law firm secondment with the legal assistance provider in this area and if possible to scale this project to other firms and other legal assistance providers.

### **5.3.2. Communication between pro bono lawyers and detainees and prisoners**

#### **What we did**

Law Access continued to raise various policy issues through the Law Society's Access to Justice Committee.

#### **Progress made**

In 2020 we advocated about lawyer access to prisoners and detainees and also about the age of criminal responsibility.

#### **Key learnings and looking ahead**

Issues raised through the Law Society of WA have been addressed through relevant channels. Law Access will continue to raise any further issues through the Law Society of WA as they arise.

## **6. Looking ahead – impact in 2021**

In 2021 we will be measuring implementation of the new WA Pro Bono Model to improve referral pathways between Law Access and private firms taking State Government legal work.

We will monitor and report on referrals from service providers including Community Legal Centres with the aim of increasing referrals from service providers compared to direct applications from individuals.

We will also be reviewing our Family Pro Bono Referral Service with the aim of enhancing our impact in this area.

We look forward to improving our impact measurement model to further improve our service.

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#### Endnotes

- 1 In 2020 we made four referrals to former Law Access student volunteers who are now practising in Perth law firms.
- 2 We introduced strategies such as introducing an automatic email reply explaining our eligibility requirements and how to apply online or in writing. We ensured we screened emails and responded to the most vulnerable applicants who may not understand our auto response. We switched off our first enquiry line for new applicants to deliberately reduce first enquiries and drive up warm referrals or direct applications. This is because we found that responding to first enquires was duplicating the Legal Aid information Line Service and was diverting resources from our core business of assessing pro bono applications and making referrals to pro bono lawyers.
- 3 Total includes referrals
- 4 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.
- 5 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.
- 6 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 219 lawyers which included some lawyers who took multiple referrals and some referrals made to multiple lawyers i.e. lawyer and barrister.
- 7 This estimate is calculated by multiplying each pro bono referral by the average pro bono hours completed per referral (25 hours) plus the total amount of pro bono hours provided to law access by secondee lawyers and volunteer lawyers for the relevant period (1574 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.
- 8 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.
- 9 Including barristers



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