



2021 LAW ACCESS IMPACT REPORT

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Cover Photos

L – R top row: Law Access student volunteers and interns Aleisha Sleight, Louise Coci with Dean of UWA Law School Natalie Skead and student volunteer Isabel Johnston, Law Access Thank You Drinks 9 December 2020; Legal Symposium on Protection and Care, 1 December 2020.

L – R middle row: Tania McKenzie Broome CIRCLE, Janene Bon HHG Legal, Martina Badal Aboriginal Interpreting Service, Jim O'Donnell Jackson McDonald, Veronica Johnson Broome CIRCLE, Arna Plaisted Legal Aid WA, Daniel Gibbard Aboriginal Family legal Services, Sally Bruce Jackson McDonald, Wills Project 2021. Garth Tinsley (Law Access), Margo Zorbas (Principal Solicitor Midlas), Lalita Kirilak (Johnson Winter & Slattery) and Conor Hughes (Johnson Winter & Slattery) with the Mobile Midlas truck.

L – R bottom row: Pro bono counsel Frances Veltman and Malcolm McCusker QC, Law Access Thank You Drinks 9 December 2020.

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 almost 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, the Aboriginal Legal Service of 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 show that they are financially disadvantaged and cannot afford a lawyer.

We also assist not-for-profit organisations who meet the special eligibility criteria on our website.

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.

This year in addition to income from donations and the Public Purposes Trust, Law Access received funding from the Department of Justice to support the introduction of a pro bono requirement as part of the Western Australian Government's legal services tender process from 1 July 2020.

Law firms who provide legal services to Government are required to commit to undertake pro bono work for "approved causes" in Western Australia, to the value of at least 10% of the value of each firm's Government legal work.

Approved causes are defined to mean the provision of pro bono legal services:

- to people in Western Australia who cannot obtain Legal Aid or otherwise access the legal system without incurring significant financial or other hardship;
- which will enhance access to justice for disadvantaged people in Western Australia;
- to Law Access, a community legal centre, the Aboriginal Legal Service of Western Australia, and to bodies whose primary focus is representation of Aboriginal people; or
- by way of secondment of legal staff to Law Access, a community legal centre, the Aboriginal Legal Services of Western Australia, or bodies whose primary focus is representation of Aboriginal people.¹

The WA Pro Bono Model already aligns strongly with the current work described in our Impact Model. The exception is that pro bono work for not-for-profit organisations who do not meet the WA Pro Bono Model definition of Approved Causes cannot be counted towards a law firm's annual total pro bono hours for WA Pro Bono Model reporting purposes.

The funding for the WA Pro Bono Model enabled Law Access to employ a new full-time Senior Lawyer plus on-costs and paid for project work and disbursements related to the implementation of the WA Pro Bono Model.

In the financial year ending 30 June 2021 Law Access had 6.12 Full Time Employees, an increase of 1.95 Full Time Employees compared to the previous reporting period (4.17 FTE). We also relied on our generous volunteers and law firm secondees to assist with merit assessing and referring applications.

2 Unmet legal need and pro bono in WA

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 and Family Court of Australia (formerly known as the Federal Circuit Court of Australia) and also in the Federal Court of Australia. 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 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 connect with Legal Aid, or community legal services.

3.2 Training, support and volunteer initiatives for lawyers and students

Law Access relies on volunteer and secondeed 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 FY2021 due to Covid 19 and staff turnover at senior levels we focussed on offering law students the opportunity to volunteer and intern with our service and we did not take any graduates.

In areas of high unmet legal need we may identify the need to train and upskill lawyers in order to maximise our pro bono referrals. In past years this has been done through provision of training and mentoring by existing experienced pro bono lawyers in our networks. This year we have also engaged with community legal centres and other legal assistance providers to help design and deliver training and other resources for the legal assistance sector and pro bono lawyers, in the areas of criminal injuries compensation and Wills, Enduring Powers of Attorney and Enduring Powers of Guardianship.

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 founder and parent body the Law Society of Western Australia on access to justice issues and our Chief Executive Officer is an ex officio member of the Law Society's Access to Justice Committee.

Law Access is also represented on the Collaborative Planning Services Group which advises government on addressing unmet legal need. In FY2021 Law Access and other members of the group joined a Project Reference Group led by the Department of Justice to develop a new legal assistance strategy for Western Australia.

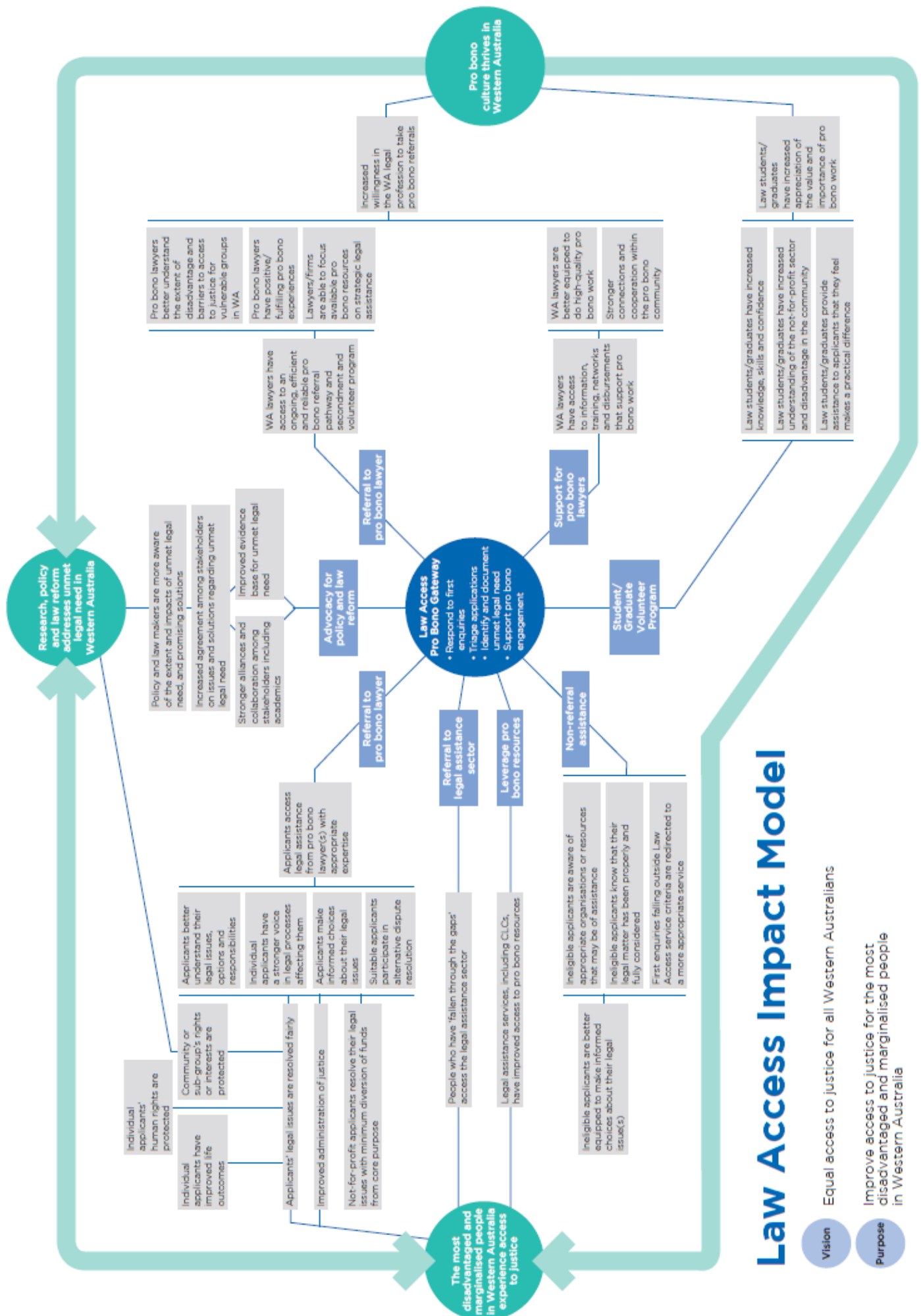
4 Law Access Impact Model

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.

To reflect the role of Law Access in implementing the new WA Pro Bono Model from 1 July 2021 we have refined our Impact Model to include “strengthen referrals” as part of the functions of the Pro Bono Gateway.

The referral pathways we have focused on strengthening with our new WA Pro Bono Model funding are eligible pro bono referrals to Law Access from Community Legal Centres and other legal assistance providers as well as improved pro bono referrals to firms on WA Government panel contracts.



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 report is our third Impact Report. It 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.

This year we were pleased to notice a 30% increase in applications for pro bono assistance, a decrease in meritorious matters unable to be referred and an increase in pro bono lawyers taking their first referral from Law Access.

We are required to report on new measures related to the implementation of the WA Pro Bono Model from 1 July 2021 and as a result we designed a new Community Legal Centre survey to complement our existing feedback surveys. With only one year of data we cannot yet reliably report on trends related to the implementation of the Model.

We utilised the following data sources for our FY2021 Impact Report:

- Analysis of data from our FilePro legal practice management system for the period 1 July 2020 to 30 June 2021 including custom reports and a comprehensive manual data extraction;
- SEO website data from Google;
- Analytics on Facebook, Instagram and LinkedIn;
- Data collected and stored in our new customer relationship management system (eTapestry);
- Transaction reports on disbursements from Law Access accounts from the Law Society of Western Australia's SAGE financial recording system;
- Our advocacy log book which is used to measure our impact in the areas of research, policy and law reform;
- 136 completed survey responses from:
 - 74 pro bono lawyers who had completed Law Access pro bono referrals of which 33.8% said work continued on the matter;
 - 42 individual applicants who had been referred for pro bono assistance of which 21 said they were still waiting for a final outcome in their legal matter;
 - 8 community legal centres who received pro bono legal assistance;
 - 6 members of the Law Access Pro Bono Coordinators' Committee;
 - 3 Law Firm secondees and pro bono lawyer volunteers;
 - 2 law student volunteers;
 - 1 not-for-profit organisation who received pro bono legal assistance.
- With each year of data collection and analysis we test, refine and check our understanding of our data. We aim to reflect and act on any questions in the following year in order to better understand our impact.

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We have identified limitations to data collected and information reported including low survey response rates. 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 2021

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?



715
applications
for pro bono
assistance.

431
first inquiries



Improving the effectiveness of referral pathways

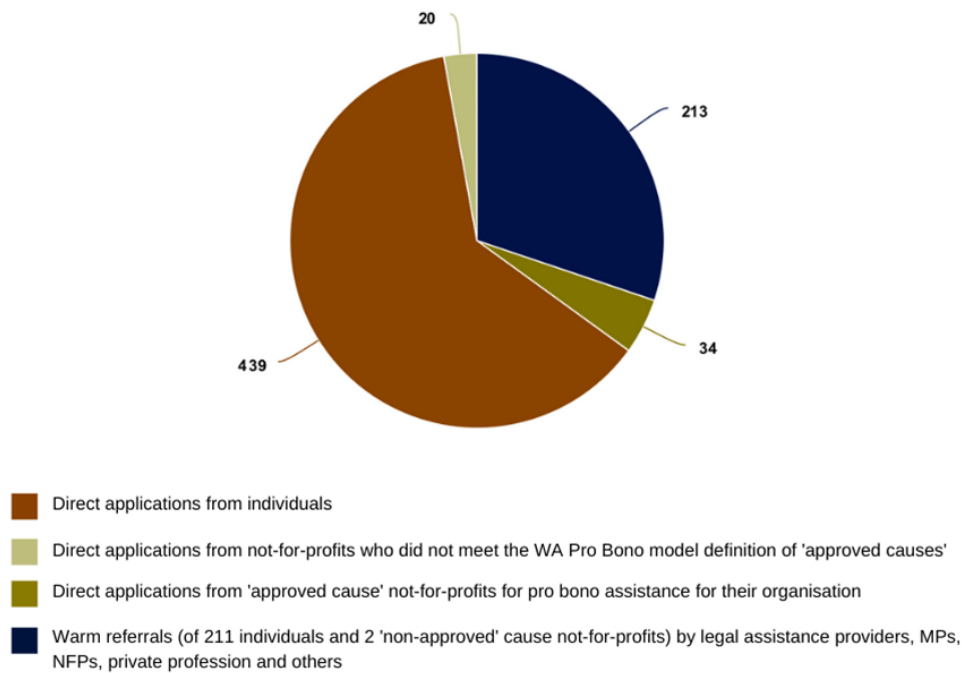
We received 431 first enquiries by post, email and telephone compared to 432 first enquiries in the previous reporting period. The conversion rate from general enquiry to application was 16%. This low conversion rate reinforces the need for our current strategy of maximising the efficiency of the service by minimising general enquiries. We are doing this through:

- maintaining 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, Courts and Tribunals, members of the private legal profession and community service providers to submit "warm referrals" on behalf of vulnerable potential applicants who meet our eligibility criteria.

In FY 2021 we received 29.53% more applications for pro bono assistance than in FY2020. Applications for pro bono assistance were submitted through either hard copy forms or online application forms and made either directly by the applicant themselves or via a "warm referral" by a legal assistance provider, Court or Tribunal, Parliamentarian, government or not-for-profit service provider or private law firm.

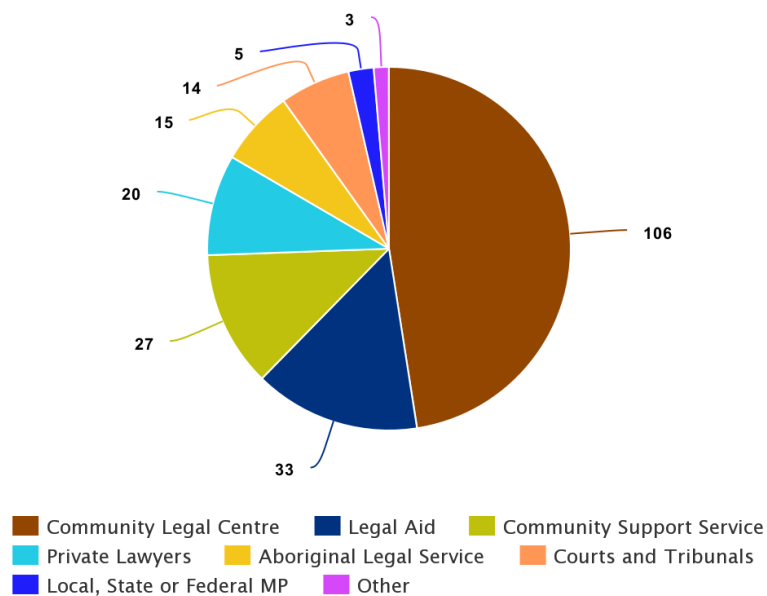
Breakdown of direct vs warm referred applications in FY2021

The pie chart below shows a breakdown of applications received either directly from applicants (individuals, not-for-profits and “approved cause” not for profits) or through a “Warm Referral”.

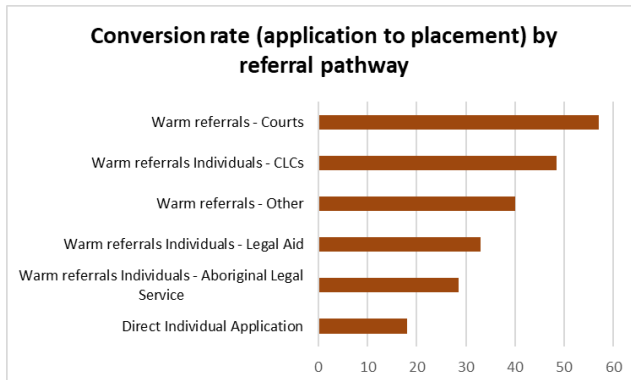


Breakdown of warm referrers in FY2021

For the first time we have collected and analysed data on who “warm referred” matters to Law Access and the outcome of those referrals. The Pie chart below shows a breakdown of warm referrals.



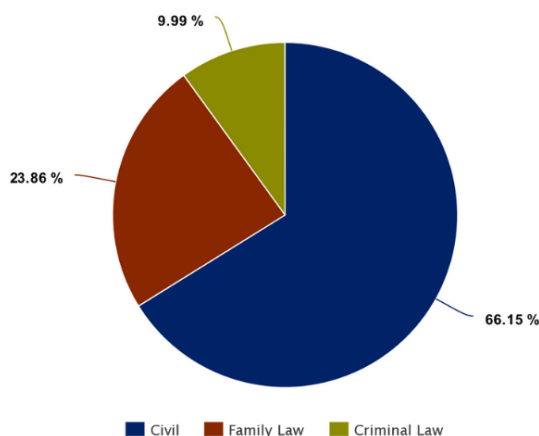
Conversion rate of applications to placements by referral pathway as a percentage of total applications in each category of referral pathway in FY2021



The above graph compares the percentage of individual applicants within each referral pathway placed with pro bono lawyers and legal assistance service providers.

The graph shows that applicants reaching our service via a warm referral, especially from a Court or Tribunal or a legal assistance provider experience significantly better placement rates than applicants who approach our service directly. This is due to “warm referred” matters being more likely to meet our referral guidelines than applications submitted directly by individuals. As a result we plan to continue to focus our efforts on increasing the proportion of “warm referrals” relative to direct applications for pro bono assistance.

Percentage of Applications Received by Matter Type



Comparison of applicant profiles (as percentage of total applicants)

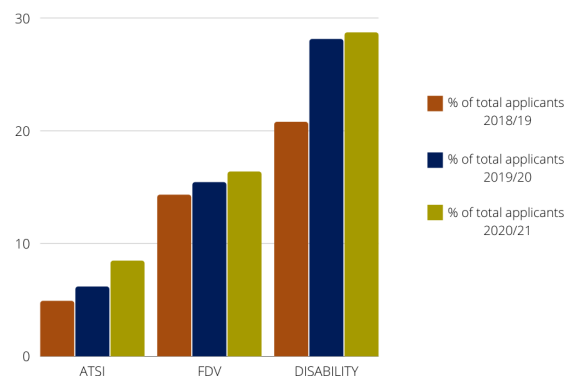
Law Access collects data on applicant profiles to better understand who is seeking our help and the accessibility of our service i.e. to what extent our service is reaching vulnerable people. The data could also potentially indicate population profiles with growing unmet legal need.

The three applicant profiles which increased in 20-21 were:

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

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

Graph showing how the three applicant profiles which increased in FY2021 have increased since FY2019:



5.1.2. How we assisted applicants

Successful applicants

Of the 715 applications received by Law Access in FY2021:

254 matters (or 36.36%) of applications closed in that year were assessed as meeting our referral guidelines.

We then placed 242 matters with appropriately skilled pro bono lawyers or to funded legal assistance services.

Of the 242 placements to lawyers made in the 2021 financial year, 210 were matters that were opened and closed in the financial year while 32 matters placed that year were opened by Law Access in the previous financial year.

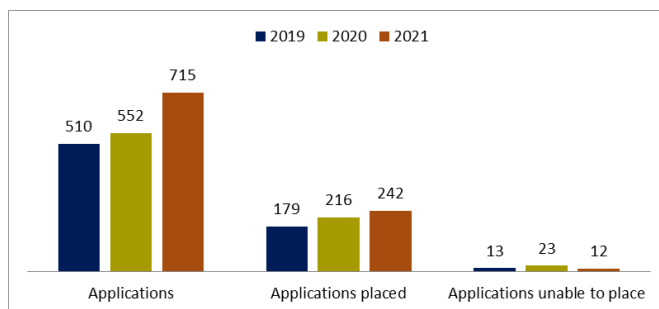
163 matters opened in FY2021 had not been finalised and closed as at 30 June 2021.

The reasons for this are that we were still undertaking merit assessment, still trying to place the matter with a pro bono lawyer, or waiting on applicants to provide requested information that was necessary to progress their application.

Law Access was unable to refer 12 meritorious matters. Of these meritorious matters that Law Access could not suitably place, 7 were Family Law matters; 4 were Immigration matters and 1 was a torts/negligence matter. Family law is one of the areas of highest unmet need for pro bono legal assistance and in 2021 Law Access reviewed our family law pro bono referrals with

the aim of enhancing our impact and effectiveness in this area. Following a year of extensive consultation with our key Family Law Stakeholders, Law Access published our Pro Bono Family Law Review Next Steps Report in June 2021.² We now look forward to working with our stakeholders to implement the recommendations of the report which are designed to maximise the impact of valuable pro bono legal resources.

A comparison of service data between 2019, 2020 and 2021 is illustrated in the chart below:



Ineligible applicants

During the financial year, Law Access advised 217 applicants that they 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 as well as applicants seeking representation where the matter was too urgent to refer to a pro bono lawyer 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,³ 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 where we can do so, we respond to the issue raised.

5.1.3. Making a difference to the legal assistance sector

Law Access enjoys a close working relationship with Community Legal Western Australia (CLWA), 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.

This year we also supported the legal assistance sector in two special outreach projects in regional Western Australia directed at addressing unmet legal need. We did this through connecting community legal centres leading these initiatives with pro bono lawyers who assisted legal assistance providers to deliver the projects. Law Access is a service of last resort and we “warm refer” matters to legal assistance providers where appropriate:

- In FY2021 Law Access referred 37 people who had ‘fallen through the gaps’ to a funded legal assistance provider.

Of the matters opened in FY2021 (i.e. excluding matters warm referred in FY2020 and placed in FY 2021):

- 148 matters were warm referred to Law Access by legal assistance providers.
- Law Access also connected 59 individuals who were “warm referred” by legal assistance services in FY2021 with pro bono legal help. A number of these pro bono referrals involved matters of public interest. We experienced a 40% conversion rate for these types of referrals which is more than double the conversion rate for applications received directly from individuals (18%).

An example of a successful collaboration between Law Access and legal assistance providers and our founder and parent body the Law Society of Western Australia involved establishing a panel of pro bono lawyers willing to respond on a pro bono basis to natural disasters following the Woorooloo bushfires.

33 law firms and 5 barristers joined this pro bono assistance panel which Law Access also relied on for assistance for people affected by Cyclone Seroja and which we will rely on for any future disasters necessitating a pro bono legal response.

Law Access supported a project led by the Community Legal Centre, Regional Alliance West in response to Cyclone Seroja which is explained in the following case story.

Earlier this year, Law Access participated in a coordinated legal assistance response to Cyclone Seroja.

The co-ordinated legal assistance response was developed and led by Regional Alliance West (a CLC based in Geraldton which conducts outreach in the region up to Exmouth) and supported by Legal Aid WA, Community Legal WA, Law Access, the Law Society of WA, The Financial Counsellors Association of Western Australia, Aboriginal Family Legal Services of WA, as well as Circle Green, Welfare Rights and Advocacy Service, St Vincent de Paul Society, MidWest Mental Health and the Department of Justice. We acknowledge the Department of Justice for funding the project.

Regional Alliance West negotiated with the CEOs of the most affected shires to obtain passage of a small support team to conduct a two week outreach to provide legal advice, tenancy support and financial counselling.

Law Access recruited pro bono lawyers Fiona Low, a sole practitioner and Cecilia Cornu of Clayton Utz, who travelled to Geraldton for a week each. The pro bono lawyers worked in small teams with the local legal assistance providers.

The teams were able to offer help to anyone who had been impacted by the cyclone for problems that may arise around making insurance claims and dealing with disputes, mortgage stress and financial hardship, debt, employment law problems, family law issues, housing/tenancy complications and the replacement of important documents.

The teams drove out of Geraldton each day to affected communities to conduct legal health checks and provide initial advice. The support team also included tenant advocates and financial counsellors.

Law Access was able to connect people referred by the team for ongoing assistance to pro bono lawyers based in Perth.

In 2020 Law Access signed an MOU with CLWA to jointly implement the WA Pro Bono Model. In the first six months of FY2021 Law Access conducted consultations and information sessions with community legal centres around Western Australia about the WA Pro Bono Model. Law Access explained how CLCs could apply to Law Access for help for their CLC for example with pro bono secondments, training or legal advice for their organisation. Law Access also explained how to warm refer CLC clients to Law Access for pro bono legal help.

As part of these consultations CLCs were asked about the priority areas of unmet legal need suitable for referral to Pro Bono Lawyers. A report of the consultations was produced and shared with CLWA by

Law Access. The top two areas of unmet legal need suitable for pro bono assistance were identified as Wills and Criminal Injuries Compensation. Law Access then worked with Community Legal WA to establish Community Legal Centre led steering committees.

These committees collated and shared information and resources to develop web based training resources for pro bono and CLC lawyers about criminal injuries compensation which will be released in the first 6 months of 2022 and to collate and develop resources to enable a pilot Wills project to be delivered in the West Kimberley.

Private, community and public sector lawyers joined forces to deliver free wills in the West Kimberley in the week commencing 8 November 2021. The collaborative pilot project was co-ordinated by Law Access and Aboriginal Family Legal Services in conjunction with locally based not-for-profit Broome CIRCLE.

The clinics took place in the Djarindjin and Beagle Bay Communities on the Dampier Peninsula and were a big success.

Jackson McDonald law firm partners Jim O'Donnell and Sally Bruce, HHG Legal Group Special Counsel Janene Bon, Principal Lawyer of the Aboriginal Family Legal Services Daniel Gibbard and Arna Plaisted from Legal Aid Western Australia prepared wills, enduring powers of attorney and enduring powers of guardianship. The lawyers received cultural training and a welcome to country from Vincent McKenzie and Brendan Chaquebor in Djarindjin and Corinna Sebastian in Beagle Bay prior to commencing their clinic work in each community. Veronica Johnson and Tania McKenzie from Broome CIRCLE and Martina Badal from the Aboriginal Interpreting Service accompanied and supported the lawyers delivering the free clinics. Broome CIRCLE staff provided wrap around financial counselling and consumer rights support for issues identified as part of the clinic including a person who was paying for four funeral plans.

Law Access identified this project as a priority under the new WA Pro Bono Model and first approached law firm Jackson McDonald for assistance in December 2020. The firm worked closely with Aboriginal Family Legal Services (AFLS) and Law Access, providing advice on project design as well as seconding two lawyers to AFLS to assist in project development. Jackson McDonald partners Jim O'Donnell and Sally Bruce also developed new templates and resources and recruited their colleague Janene Bon from HHG Legal Group to help deliver the clinics.

The team hopes to build on the pilot's success and to use the resources and templates developed in the project to deliver more clinics soon.

Assisting "Approved Cause" Not-For-Profits to obtain pro bono legal help for their organisations

The introduction of the WA Pro bono Model directed pro bono assistance by law firms on the panel contract

toward vulnerable individuals as well as “approved cause” not for profits being Community legal centres, the Aboriginal Legal Service, other Aboriginal Controlled legal assistance providers and Law Access. National Community legal Centres Knowmore Legal Service and the Arts Law Centre deliver services in WA and were also included under the WA Pro Bono Model definition.

- We received 34 applications from Not-For-Profits who met the “Approved Cause” definition.
- We connected 21 Not for Profits who met the approved cause definition with pro bono legal help for their organisation. These applicants were all Community Legal Centres. Some Centres received assistance with multiple applications.

Of the 34 applications from Not-For-Profits who met the “Approved Cause” definition we received, 7 were withdrawn. Six applications opened in FY2021 were not yet finalised as at 30 June 2021.

The conversion rate to a pro bono placement, therefore, is 61.76% which is higher than the conversion rate for any other type of application.

These referrals are counted as one pro bono referral but they generally enable the approved cause provider to assist many more individuals.

Surveys were sent to the 26 CLCs who either referred individuals to Law Access or who obtained some kind of direct assistance from Law Access.

We received 8 survey responses from Community Legal Centres.

A snapshot of the Community Legal Centre survey responses is set out below:

- 100% warm referred an individual or individuals
- 25% received assistance with establishing a pro bono partnership with a law firm
- 12.5% received assistance with establishing a pro bono secondment with a law firm
- 12.5% received direct legal assistance for their CLC
- 12.5% received assistance with provision of CPD training.

In response to the question “To what extent did pro bono legal assistance improve the organisation’s ability to effectively deliver its core work?”

- 37.5% of respondents said “a great deal”
- 50% said “moderately”
- 12.5% said “not at all”.

CLCs were asked about their overall satisfaction with the service. No negative feedback was received:

- 75% were very satisfied
- 25% were satisfied.

Anonymous feedback received from a CLC respondent which focussed on the benefits of the warm referral pathway from CLCs to Law Access is copied below:

Law Access’s assistance was invaluable. It was a place that we could refer clients to and a place clients could get assistance from.

The following case story illustrates the benefits of a pro bono partnership brokered by Law Access for a CLC in FY2021:

In late 2020, Midlas contacted Law Access regarding their growing need for legal assistance on upcoming community projects, including Plenty Project Lockers – which would provide lockers as a safe place for street-present people in Midland to leave their belongings free of charge, allowing them a greater opportunity to find employment, see a doctor or attend mainstream services – and Mobile Midlas – which is a fully mobile office that offers legal services, disability advocacy and mental health support to people who struggle to attend appointments or are experiencing homelessness.

Law Access was able to introduce George Croft (Partner) and Louise Dinnie (Lawyer) from Johnson Winter & Slattery (JWS) to Midlas, after JWS had expressed an interest in collaborating, and building a partnership, with a local community legal centre.

Following the initial assistance provided on the Plenty Project Lockers, Law Access was delighted to hear that an ongoing pro-bono partnership between Johnson Winter & Slattery and Midlas has been formed.

Principal solicitor of Midlas told us: “We are so grateful to Law Access for the introduction and to JWS for the assistance that you have offered us – you can see from the varied and wonderful stories what kind of tangible differences you will be making to our client’s lives. For this, we honestly can’t thank you enough, and we are honoured that you have chosen Midlas to enter into a pro-bono partnership with.”

Assisting Other Not-For-Profits to obtain pro bono legal help for their organisations

- We received 18 direct applications from Not-for-Profits who fell outside the definition of “Approved Causes” in the WA Pro Bono Model.
- We referred 7 of these not-for-profits for pro bono assistance.

We received 1 survey response from a not-for-profit organisation applicant who did not fall into the category of approved causes.

The following two case studies are about not-for-profits who were connected with free legal help through Law Access in the relevant period.

Zardozi is a not-for-profit organisation based in Kabul that provides economic and social services to Afghanistan's most vulnerable women. Zardozi already works with over 6000 women, helping them to become entrepreneurs with practical, ongoing business support.

Due to greatly reduced international donor funding, Zardozi applied to Law Access for assistance with registering a separate not-for-profit organisation in Western Australia which would then channel all funds to Afghanistan.

Law Access discussed the matter with the John Curtin Law Clinic, who determined that Curtin Link would be best placed to provide assistance. Zardozi contacted the clinic and was successful in registering a new not-for-profit company, meaning they could begin fundraising efforts here in order to continue the work they do in Afghanistan.

The Cat Haven has been providing essential care and rehoming services for lost, stray or unwanted cats for 60 years. In 2020, the charity required a review of their constitution in order to ensure it reflected best practice. Law Access was able to find pro bono legal assistance in order for this to occur, with the Cat Haven telling us that "as a not for profit organisation, Cat Haven would not normally be in a position to engage such an experienced lawyer to review our rules. [Our lawyer] was knowledgeable, very helpful and helped us through methodically throughout the whole review".

5.1.4. Empowering individual applicants to engage with the legal system

Each year in our impact report we provide estimates of the value of pro bono services provided and estimates of the total time of pro bono services provided derived from pro bono lawyer survey feedback.

Thirty-four percent of pro bono lawyers who responded to the survey this year indicated that the pro bono matter was ongoing and not yet finalised. As a result we assume that the estimated total pro bono hours provided and the estimated value of pro bono hours delivered are likely to be significantly underestimated.

In spite of an increase in pro bono referrals, the 2021 pro bono lawyer survey data showed a decrease in estimated value of pro bono services delivered and estimated pro bono hours.

Apart from the relatively small sample size and the numbers of matters that were not yet finalised at time of survey, the reasons for this are not clear. We believe there may be various factors contributing to this counter-intuitive result.

For example, there may be an unexplained "Covid effect" given that one survey respondent cited Covid related difficulties with a particular matter. We also noticed a number of responses where the matter had settled. Avoiding un-necessary litigation saves time and resources but can also result in lower pro bono hours.

The survey respondents fell into two broad categories:

- Lawyers from firms on the WA Pro Bono Model panel contract including a number of firms who were taking their first Law Access referral this year; and
- Lawyers who had also taken referrals in previous reporting periods.

Firms with new and developing pro bono practices may be more likely to accept matters with a more defined scope.

Lawyers who have taken multiple referrals over several years in particular areas of law such as judicial review, are likely to have acquired knowledge and expertise which could potentially lead to greater efficiency in conducting these types of matters.

Due to the small sample size and high margin of error in our Pro Bono Lawyer survey feedback on these questions we decided to aggregate three years of data in order to arrive at a more reliable figure for estimated pro bono hours and estimated value of pro bono services. We used this aggregated data to arrive at an average estimated pro bono hours per referral and the average estimated value of pro bono referrals made in FY2021:

- Estimated total value of pro bono services provided \$2.074 million.⁴
- Estimated total of 65505 pro bono hours provided.⁵

We received 42 survey responses from individual applicants.

The individual survey respondents told us that pro bono legal assistance empowered applicants in a range of ways:

- 83% 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."
- 85.37% 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:

Emily* (not her real name) is a young woman with several disabilities who applied to Law Access for assistance to review an NDIS decision in the Administrative Appeals Tribunal.

Law Access was able to connect Emily's legal guardian Sarah* (not her real name) with a pro bono lawyer who gave her advice about the upcoming appeal. The pro bono lawyer helped explain what could be achieved through the appeal process and what evidence would best support Emily's case.

With pro bono legal advice about the case, Emily's legal guardian obtained a very successful outcome at the AAT with the NDIS conceding and funding the support workers she was asking for.

Emily's legal guardian told Law Access that her pro bono lawyer was very helpful.

When asked what they enjoyed most about working on this matter, the pro bono law firm who assisted Emily said: "We enjoy assisting people with disabilities to have their NDIS plans appropriately funded to empower them to participate in the communities with their families fully."

5.1.5. Making a difference for applicants

We asked Pro Bono Lawyers to rate the overall outcome achieved for applicants they assisted. Of the 34 Pro Bono Lawyers who answered this question:

- 58.82% of lawyers rated the overall outcome as exceptional or good.
- 38.24% of lawyers rated the overall outcome as "mixed" with a number commenting about the client being unwilling to take the advice provided or the lack of merit of the matter.
- 2.94% 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 neutral and negative feedback received from individual applicants. The lawyer who rated the outcome as poor identified that the matter had no merit and that the client was unwilling to take the advice provided.

Individual applicants

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

Satisfaction with the legal assistance received:

Of the 41 individual applicants who responded to this survey question:

- 35 (or 85.37% of individual applicants) reported that they were satisfied or very satisfied with the legal assistance they received.
- 2 (or 4.88% of individual applicants) were neither satisfied nor dissatisfied.
- 4 (or 9.77% of individual applicants) were dissatisfied or very dissatisfied.

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 or parenting arrangements for their children. Of those who responded to these questions:

- 62.5% of individuals experienced an improvement in their stress levels;
- 21.05% reported an improvement in personal safety;
- 34.21% reported their financial situation was somewhat or much improved;

- 33.33% reported an improvement in their housing situation; and
- 7.89% reported an improvement in parenting arrangements for their children.

The following family law 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:

Alice* (not her real name) was married for 20 years and required advice as to her property entitlements and assistance to amend her court documents and re-list her property application out of time.

Law Access was able to place Alice with a pro bono lawyer who enabled the conciliation process with both parties to be successful, meaning Alice could settle her financial matters even though they were out of time.

Alice told Law Access, "Without this support, I as a single mum with 5 children would not have come out with anything. I can now move forward with my life as I have my name off the title and loan of the home my ex husband was living in, and I have access to superannuation in case of hardship in the future."

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

"Less stress, happier and more confident."

"They were on top of everything. We could not have handled it our self."

"Peace of mind."

"Control of my own finances and independence."

Public Interest and Human Rights

This year Law Access received 18 applications for pro bono assistance for matters of public interest.⁶ Half 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 migration law judicial review referrals which protected human rights. Law Access also referred a number of public interest matters involving elderly people at risk of becoming homeless. The following is a case story about one of these matters:

Louise* (not her real name) invested her life savings in an investment and property scheme. The scheme represented that it would generate income to pay rent to the owners of a property that was also part of the scheme, and which Louise lived in. After the collapse of the scheme, the owners of the property commenced court proceedings against Louise to evict her from her house and obtain unpaid rent. Louise, who is elderly and vulnerable, contacted Law Access for legal advice and representation.

Law Access was able to find pro bono legal assistance for Louise, who told us that having a lawyer meant that she obtained a much fairer outcome. When asked what the best thing about having a lawyer assist with her legal matter was, Louise said: "I didn't have to say anything in court. At my age being in front of the magistrate I would not have found the words. My legal team were absolutely amazing. I'm most humbled for their time and help more than I can ever express. Thank You".

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.

Of the 35 pro bono lawyers who answered this question, 32 'agreed' or 'strongly agreed' with the statement that the process for taking a pro bono referral was efficient.

All pro bono coordinators and 27 pro bono lawyers who responded to our survey '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.

Five pro bono coordinators described the process for learning about and taking referrals from Law Access as "very efficient", with one respondent describing it as "moderately efficient".

We also received feedback about ways Law Access can improve our services. This related to firms identifying areas of expertise so that referral emails could easily be directed to different subject matter streams to ensure efficiency.

Pro bono co-ordinators identified the following barriers to undertaking pro bono work:

"Migration law can be disheartening because a success on Admin Law grounds sends the matter back for rehearing – often unsuccessfully".

"Funding of legal disbursements."

"Lack of legal experience on the common themes of referrals, e.g. criminal compensation, housing etc."

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:

Managing the client's guardian/carer expectations and providing advice concerning what can be achieved through the appeal process.

The client's attitude. He refused to accept legal advice and believed he was the only person who was capable of interpreting the legislation. Unfortunately his interpretation was plainly wrong. His stubbornness meant that he would not accept assistance and would not proceed with arguments that had merit and may have been successful.

Client did not accept advice regarding the settlement of proceedings.

The client maintained his innocence while admitting guilt-conflicting instructions. The client was aggressive and was unwilling to take the advice provided. Unrealistic expectations of client. Client did not accept advice provided.

Some lawyers identified systemic or structural barriers to obtaining fair resolution of the matter: Complexities of COVID and its impact on our client. Client living far away and the requirement to meet with client in person to ensure capacity and verify identity.

5.1.6. Making a difference to the administration of justice

Law Access receives 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.

We were only able to compare and analyse numerical responses and had to exclude responses which would have been very high had they been converted to numerical values. For example one respondent estimated that pro bono assistance in a civil matter had avoided: *At least 6 months going through the Magistrates Court*

There were 13 pro bono lawyers who responded to this question providing a numerical estimate of hours ranging from 2 to 30 hours.

- Based on the survey feedback received in FY 2021, an average of 13.5 hours were saved with administration in the court system per referral. The median was 10 hours.

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

We engaged with the legal profession including firms on the Western Australian Government panel contract to maximise referrals to "approved causes" under the WA Pro Bono Model in the following ways:

- Pro bono matters (means and merits tested) were advertised to lawyers in our networks.
- 51 lawyers joined the lawyers portal on the Law Access website.
- There were 2,057 hits on the new Law Access 'support and resources' website pages, ranking as the sixth most utilised page on our website.

- Law Access hosted four Pro Bono Coordinator Meetings for training, networking and information sharing purposes.
- Law Access promoted the following training opportunities to pro bono lawyers in our networks:
 - Natural disaster relief training delivered by Legal Aid NSW and Legal Aid Queensland.
 - Protection and Care Symposium with associated Continuing Professional Development Points.
 - Online Judicial Review Link training module was provided to new members of the Law Access Lawyers for Refugees Network.

Referrals

Law Access provides an efficient and effective referral pathway for lawyers seeking to undertake pro bono referrals which have been properly assessed for means and merit.

As well as advertising de-identified matters to pro bono lawyers on our secure web portal Law Access advertised matters through:

- The Law Society of Western Australia's e-newsletter, Friday Facts
- The Family Law Practitioners' Association of WA newsletter
- The Criminal Lawyers' Association
- The Law Access Lawyers for Refugees Network
- Regular emails to members of the Law Access Pro Bono Coordinators Committee.
- Circulating emails through the Western Australian Bar Association where barrister assistance is required.
- We also made direct approaches to members of the profession throughout the year with lawyers who were unable to assist often suggesting that Law Access contact particular colleagues of theirs with relevant expertise.

Secondment and volunteer opportunities

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

- 17 lawyers from the private sector undertook secondments with Law Access in 2020/21 delivering approximately 1770 hours of pro bono assistance.
- Corrs Chambers Westgarth provided secondees legal assistants for a total of 345 hours to Law Access in 2020/21.

Other support

This year Law Access provided access to disbursements to support pro bono work. Where pro bono lawyers obtain costs orders in the applicants favour, pro bono lawyers re-imburse Law Access for the disbursement. Pro bono lawyers also reimburse Law Access for any disbursements not fully expended. These reimbursements help to replenish the fund thus allowing more applicants to benefit from pro bono lawyer disbursements in the future.

In FY2021 we provided 18 disbursements coming to a total of \$6174.69.

We recouped \$5232.20 of disbursements funding in the same period from two firms who had only partially spent the funding and by the Department of Justice through RAW for the Cyclone Seroja outreach project.

The remainder of the costs were met from donations to Law Access. The disbursements issued to pro bono lawyers in the relevant period covered:

Interpreter fees; process server fees; company search fees; medical reports; filing fees; copies of transcripts; travel, accommodation, food and taxis for 2 lawyers for a total of 5 nights each for Cyclone Seroja natural disaster relief outreach.

5.2.2 The experience of pro bono lawyers

The number of lawyers taking a pro bono referral for

the first time is an indicator of growth in pro bono culture in the profession.

Pro bono lawyers taking multiple referrals in the same year and pro bono lawyers taking referrals over subsequent years are both indicators of pro bono culture thriving.

In FY 2020/21:

- 239 lawyers took on a pro bono referral⁷
- 149 lawyers took their first pro bono referral in FY20/21⁸
- 63 lawyers who took a pro bono referral in FY20/21 had taken a pro bono referral from Law Access previously

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 (80%).
- Enabled them to contribute to the proper administration of justice (80%).
- 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 (51.43%).
- 64.71% 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:

"This was one of those matters where I felt I was making a big difference to someone's life. It was great to see the relief on the client's face when they received the outcome they wanted."

"Learning about the realities and complexities of what it can be like to be a person with disability and no family support."

"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."

"The legal issue was complex, and arose from amendments to legislation and the effect of transitional provisions. In that respect it was interesting legal work."

"The client had been treated poorly and she received an outcome she was happy with."

"It was a different subject matter to what I usually work in and was assisting a rescue puppy to have a great life."

"Getting a good result and allowing client to move on."

"This matter was enjoyable as it required us to navigate factual circumstances and apply and test these facts against well established principles of law. Whilst challenging, it was also enjoyable to assist a client resolve a complaint that had been the subject of protracted legal advice and litigation and which had caused her a lot of stress and financial strain."

"Being able to achieve a client-focussed outcome."

"Trying to assist someone who was in a difficult position."

"Assisting someone who had no capacity to obtain legal services."

"I love drafting Wills; I also love helping people."

Law firm Pro Bono Coordinators surveyed reported nil negative impacts of doing pro bono work and the following positive impacts observed on the lawyers doing the work:

"Greater resilience and purpose for staff."

"Increased client confidence and skills."

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 secondees lawyers and volunteers below illustrates our impact in this area:

"One of the most challenging parts was reading through some of the applications that outlined

particularly difficult circumstances for the applicant. It was also difficult where you can see some sort of intervention is needed but often their legal problem has no merit and you cannot assist."

"Go in with an open mind and a willingness to assist those who are far less fortunate than yourself."

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 Law Access supported the following connections:

- Law Access Walk for Justice 2021 – 592 people registered and participated. This event celebrates the importance of pro bono work.
- There were four Law Access Pro Bono Coordinator meetings in 2020/21.
- There are 86 lawyers and migration agents who are currently members of the Lawyers for Refugees Network (L4RN).
- 80 lawyers and stakeholders attended the 2020 Law Access Thank You Drinks hosted by Gilbert + Tobin on 9 December 2020.
- Law Access attended National Pro Bono Coordinator meetings held virtually during the year.
- The CEO of Law Access met (virtually) with CEOs from the Australian Pro Bono Centre and other pro bono referral services from around the country to discuss opportunities for learning and information sharing and collaboration.

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.

- 63 lawyers took on more than one referral during the reporting period.
- 97% of lawyers who took a referral from Law Access and answered this survey question said they would be willing to take another referral.
- 26% of lawyers who took a pro bono referral in FY20/21 had taken a pro bono referral from Law Access previously.
- 97% of lawyers who took a referral from Law Access and answered this survey 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, feedback from pro bono lawyers included the following:

"Professional development, access to justice and professional responsibility."

"I felt the matter had been properly merits tested and I had also received a number of initial documents."

"I think it is very worthwhile program, and that generally there are many people out there who are intimidated by the legal process and the cost involved."

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 Pro Bono Lawyers who took a referral in 2020/21.

We received thanks on social media and through email from Pro Bono Lawyers and volunteers who received a certificate of appreciation.

Law Access received the following emailed feedback after sending out the certificates of appreciation:

"I just wanted to let you know that receiving the Certificate of Appreciation from Law Access this morning made my day. Thank you."

5.2.3. How we supported law students

- 12 volunteer law students and interns were supervised and trained.
- 907.5 volunteer hours were provided to Law Access by law student volunteers and law student interns this year.

5.2.4. The experience of law students

Law Access' student 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 2021, we had a steady increase in interest from students from various universities to volunteer in our office.

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 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 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 students about what they enjoyed about their experience at Law Access:

"It was interesting to see the tests you learnt at university actually get used in people's lives. My time at Law Access made me feel sure I wanted a legal career and gave me the drive to keep going with my studies." "Working in an area that I don't usually work in; giving back"

"Being able to help people and knowing that I was making positive contributions"

"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.

An indicator of our success in endeavouring to influence pro bono culture in the profession through a law student "pipeline" is the number of former Law Access law student volunteers who take pro bono referrals once they are in private practice.

Six pro bono referrals in the reporting period were made to former Law Access student volunteers who are now in private practice. With more than 100 volunteers and interns who have already worked with Law Access, we expect these numbers will continue to grow.

5.2.5. Online Presence

Website

Our new website was launched on 1 December 2019 therefore FY2020/2021 is the first full year of website data we have collected.

There have been 77,138 website views with an average interaction on the Law Access website lasting for 2 minutes and 51 seconds. The five most popular website pages visited were Home (26%), Apply for Legal Help – Individuals (19%), Find Legal Help (9.6%), Contact (5.32%) and Find Legal Help - Individuals (4.15%). The three main ways applicants, lawyers and the public found the website are as follows:

- 45% of people found the Law Access website through directly searching our website URL (www.lawaccess.org.au) and Google searching 'Law Access'.
- 15% of people accessed the website through other website referrals (primarily The Law Society of Western Australia).
- 3% of people accessed the website through social media (primarily LinkedIn).

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. 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 73% from 531 to 919 people.

The Law Access LinkedIn page interacts with legal professionals and attracted approximately 244 new followers in the past financial year, an increase of 44% adding up to a total of 797 followers. Law Access also created an Instagram page to interact with students and a younger audience; the Instagram page attracted approximately 153 new followers in the past financial year, adding up to a total of 436 followers, an increase of 54%.

Our new social media strategy focused on increasing engagement on our posts leading up to, and following, our Walk for Justice event. Below is a summary of our highest ranking posts.

Facebook

- The post features multiple photos from our 2021 Walk for Justice.
- It reached 854 people, had 18 reactions, comments and shares, and 341 total engagements.

LinkedIn

- The post features a photo collage of the 2021 Walk for Justice with text telling our followers of the success of the event.
- The post was reacted to 64 times, made 2062 impressions and had an 8.54% engagement rate.

Instagram

- The post features a photo collage of the 2021 Walk for Justice with text telling our followers of the success of the event.
- The post was liked 43 times on Instagram.

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

We continued to highlight unmet legal need in the area of Protection and Care. We did this through:

Second Protection and Care Symposium, December 2020

In collaboration with other members of the Protection and Care Advocacy Network, led by not-for-profit FINWA, we jointly delivered a Second Symposium providing information, training (CPD) and raising awareness of members of the profession and policy makers about key knowledge areas including trauma informed practice. The Symposium was hosted by the UWA Law School.

Following is a case study on the Pilot Pro Bono Protection and Care Project with Women's Legal Service of WA and law firm, Ashurst:

Law Access has been a member of the Protection and Care Advocacy Network since 2018. We have worked with others in the group to try to leverage additional legal assistance in this area of unmet legal need.

In 2020, Law Access participated in a National Pro Bono Coordinators Committee Chaired by the law firm Ashurst. Law Access spoke to participants about existing high unmet legal need in Protection and Care in WA which was further exacerbated due to Covid-19.

Ashurst, who were chairing the committee, agreed to meet with Law Access and a number of WA legal assistance providers in the Protection and Care sphere including the Women's Legal Service WA to discuss the potential for a pro bono project.

At this subsequent meeting Anna Farrant, Senior Lawyer at Women's Legal Service WA suggested a remote secondment partnership with Ashurst, where members of Ashurst's Sydney based pro bono team could undertake pro bono legal work under Anna's supervision. Ashurst agreed to undertake this as a pilot project.

At the Law Access Pro Bono Coordinators Committee on 30 August 2021, Anna Farrant attended as guest speaker to provide an update on the Ashurst/WLSWA pilot project which is ongoing and which has been very successful so far. The pilot particularly focuses on women experiencing extra disadvantage, that is, more than one barrier to obtaining legal assistance. The Ashurst lawyers were able to assist with drafting affidavits for women (mothers and grandmothers) involved in matters in the Children's Court where the children were in the care of the Department of Child Protection. These affidavits were used to bring the women's stories into evidence where the Department had brought proceedings.

Whilst affidavits are time consuming, and Protection and Care was not an area of expertise or experience for Ashurst, WLSWA provided appropriate training and supervision. Anna described the benefit of having a first draft of affidavit completed by the Ashurst lawyers, with the result being increased capacity for WLSWA and assistance to the women in need. The flexible nature of the program and the low level of resources required also added to the success of the program.

One of the key takeaways described by Anna at the most recent Pro Bono Coordinators Committee meeting was to be brave about undertaking pro bono work in new areas of law. Protection and Care seems to be a daunting area of law, but with the proper training and supervision it is possible to get across it quite quickly and to make an important impact.

Looking ahead

Ashurst, Law Access and WLSWA are currently developing a short publication describing the key success factors of the pilot. This will enable scaling of the pilot to engage other organisations and pro bono lawyers in this important area of unmet legal need.

5.3.2. A new Legal Assistance Strategy for Western Australia

What we did

In 2021 Law Access, as a member of the Collaborative Services Planning Group for legal assistance in WA was invited to assist in the development of a new legal assistance strategy for Western Australia by joining the Project Reference Group led by the Department of Justice.

Along with other heads of legal assistance providers Law Access has provided advice and input on key directions for the new legal assistance strategy.

Law Access input has been provided by written surveys, interviews and through participation in face to face project reference group and related subcommittee meetings.

Looking ahead

Further consultations with stakeholders will be held in 2022 and we anticipate that the Legal Assistance Strategy will be finalised by June 2022.

6 Looking ahead - Our impact in 2022

We are keen to deepen our understanding of the extent and value of pro bono hours provided.

In 2022 we will continue to measure the implementation of the new WA Pro Bono Model to improve referral pathways between Law Access and private firms taking State Government legal work.

FY2021 will be the baseline and we will have more data to assist in evaluating the effectiveness of the model.

We will continue to 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 plan to implement the recommendations of our Family Law Review.

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

Endnotes

1. The State Solicitor's Office, *Pro Bono Model* (https://www.wa.gov.au/sites/default/files/2020-03/sso-pro-bono-model_0.pdf, downloaded on 1 November 2021).
2. Tina Price et al, *Pro Bono Family Law Review Next Steps Report* (June 2021, <https://lawaccess.org.au/lawp/wp-content/uploads/2021/06/PRO-BONO-FAMILY-LAW-REVIEW-NEXT-STEPS-REPORT.pdf>).
3. 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.
4. This estimate is calculated by multiplying the average value of pro bono work reported in pro bono lawyer survey feedback over the last 3 years \$8656.05 by the total number of pro bono lawyers who took referrals in last financial year. There were 239 lawyers which included some lawyers who took multiple referrals and some referrals made to multiple lawyers i.e. lawyer and barrister which means there was an estimated \$2,068,796 of pro bono services delivered.
5. This estimate is calculated by multiplying each pro bono referral by the average pro bono hours completed per referral reported in pro bono lawyer survey feedback over the last three years (20 hours multiplied by 239 which comes to 4780 hours) plus the total amount of pro bono hours provided to Law Access by secondee lawyers and volunteer lawyers for the relevant period (1770 hours).
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. Includes law firms and barristers who took referrals but does not count multiple lawyers from the same firm where a team of lawyers assisted.
8. Includes multiple lawyers in firm who worked on the same pro bono matter.



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