

IMPACT REPORT

2022

Submitted by
LAW ACCESS

Lawaccess.org.au

Law Access

Law Access is a not-for-profit organisation that facilitates the giving of pro bono (free or low fee) legal assistance by the Western Australian legal profession to those who cannot afford a lawyer.

We are a service of last resort for those who cannot get legal assistance from Legal Aid WA, a community legal centre or other legal services.

Law Access considers applications from not-for-profits and individuals in genuine need of legal assistance.

Genuine need is assessed by considering an applicant's financial circumstances, the merit in their case and whether resolving their issue may have a broader positive effect on vulnerable groups in the community.

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1. The Context

1.1 Unmet Legal Need in Western Australia

The Legal Assistance Strategy 2022-2025 released by the Department of Justice provided a roadmap for the provision of legal assistance services in Western Australia, including identifying Priority Areas of Law and Priority Client Groups.

The **Priority Client Groups** included the following categories for which Law Access currently collects data:

First Nations people	People in custody
Children and young people (up to 24 years)	People from regional, rural or remote areas
Older people	People who are culturally and linguistically diverse
People who have experienced family violence	People who identify as LGBTQIA+
People at risk of homelessness	People with a disability or mental illness
Women	

The **Priority Areas of Law** included the following categories where Law Access currently provides services:

Family Law	Criminal Law	Civil Law
<ul style="list-style-type: none">• Where the safety or welfare of children are at risk• Involving allegations of family violence• Assisting people with property settlement matters if they are experiencing financial disadvantage or are at risk of homelessness	<ul style="list-style-type: none">• Where the defendant is a child• Where the defendant is being charged with a criminal offence where a sentence of imprisonment is likely to apply• Assisting persons being detained in custody	<ul style="list-style-type: none">• Bankruptcy matters• Child protection• Consumer law• Employment matters• Extradition matters• Human rights and anti-discrimination• Insurance law• Migration• Social security law• Tenancy matters

The **Priority Areas of Law** where Law Access service initiatives are underway to expand capacity to assist include:

Family Law

Matters involving complex issues about the living arrangements, relationships and financial support of children

Matters where the safety or welfare of children are at risk

Matters involving allegations of family violence

1. The Context continued

1.2 The Pro Bono Model in Western Australia

The Western Australia Government sought to encourage pro bono participation by requiring that law firms who provide legal services to government undertake pro bono work for Approved Causes to the value of at least 10% of the total value of each law firm's government contract(s).

Approved Causes means the provision of pro bono legal services:

To individuals 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

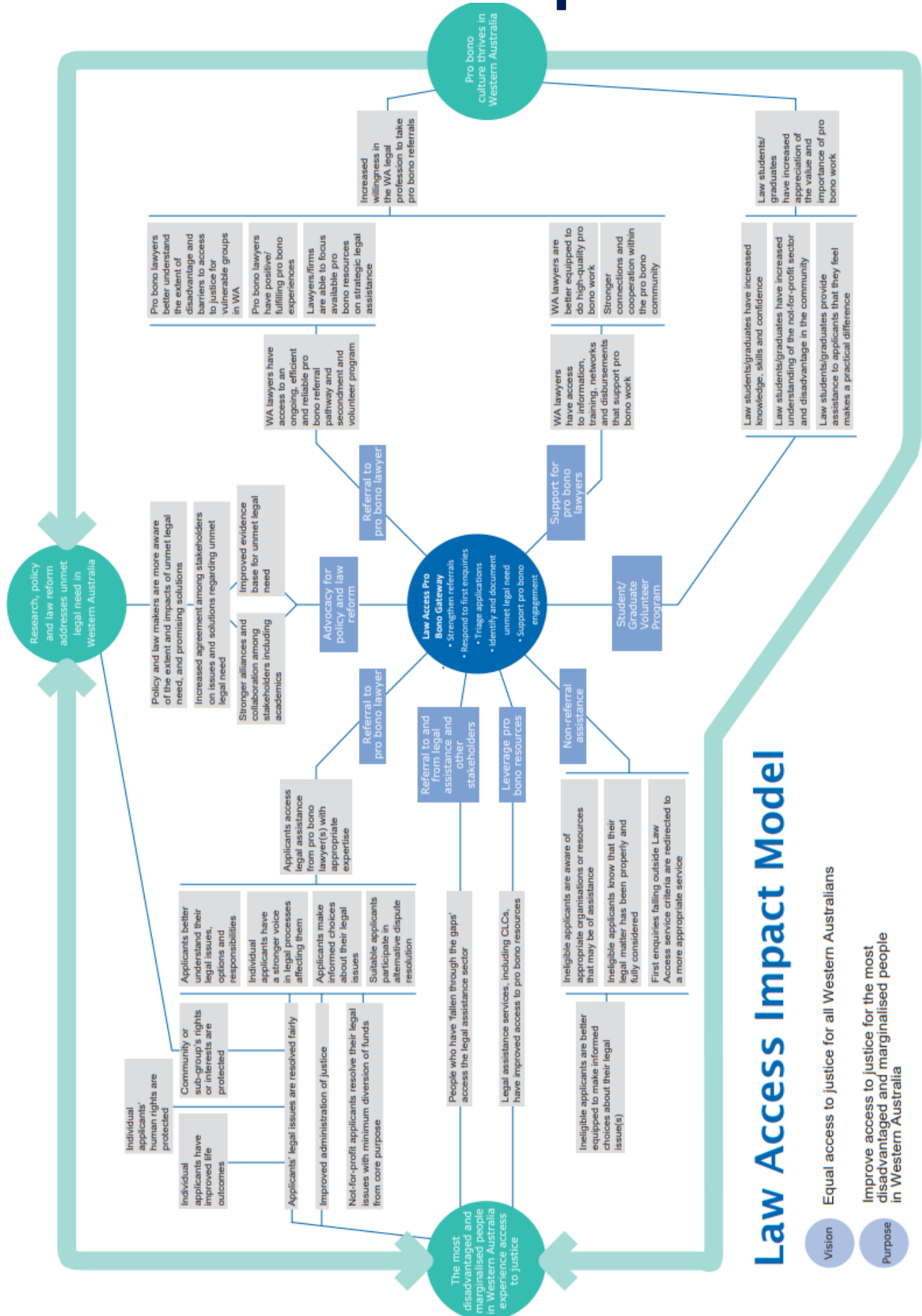
To Law Access, a community legal centre in Western Australia, the Aboriginal Legal Services of Western Australia, and to bodies in Western Australia whose primary focus is representation of Aboriginal people

By way of secondment of legal staff to Law Access, a community legal centre in Western Australia, the Aboriginal Legal Services of Western Australia, or bodies in Western Australia whose primary focus is representation of Aboriginal people.

Law Access (in collaboration with Community Legal WA) provides a pro bono referral gateway including:

- a referral pathway from community legal centres to pro bono legal service providers
- triage, assessment and referral of applications on warm referral from legal assistance providers
- a portal for lawyers to view and express interest in pro bono matters suitable for referral
- education for legal assistance providers to facilitate referrals and pro bono engagement
- training for pro bono practitioners to support delivery of appropriate services to disadvantaged clients

2. Law Access Impact Model



3. Our Impact

3.1 Who sought legal help



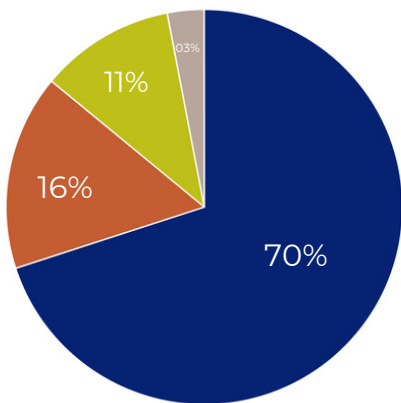
363

Inquiries



563

Applications



■ Civil Law ■ Family Law ■ Criminal Law ■ Pro Bono Support

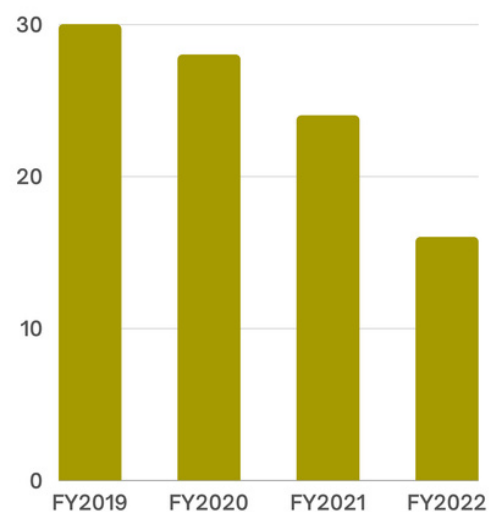
Law Access received the following applications by matter type:-

- 70% Civil Law (including migration)
- 16% Family Law
- 11% Criminal Law
- 3% Pro Bono Support (including for CLCs)

Significant Trends

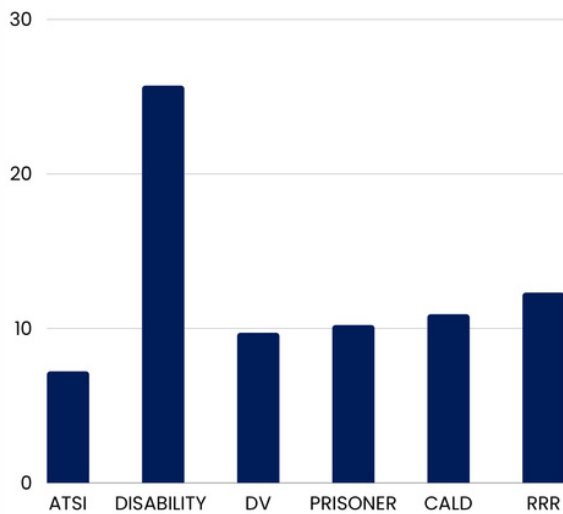
Law Access has faced significant challenges in the placement of Family Law matters over many years. The eligible areas of law were amended for FY2022 to exclude Family Law Children's matters. To address ongoing barriers in this area, Law Access commenced the Family Law Project in FY2020 and we expect to commence service provision under the pilot in 2023 (see more p17).

Note: graph on the right is number of family law applications received over time from 2019 to 2022.



3.1 Who sought legal help cont.

Applicant Characteristics



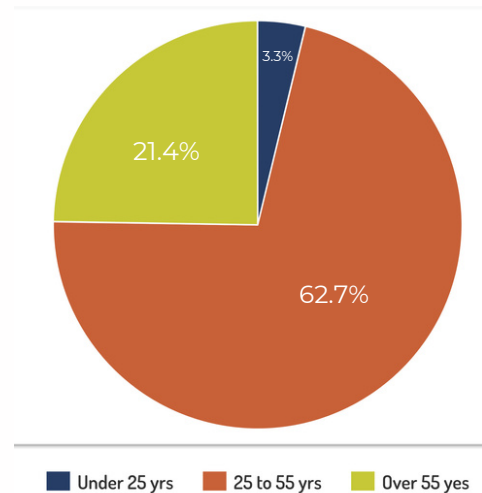
In 2021-2022, Law Access assisted individuals in genuine need of legal assistance with experience of the following categories of disadvantage:

- 7.2% ATSI (First Nation)
- 25.7% DISABILITY (People with a Disability)
- 9.7% DV (Domestic Violence)
- 10.2% PRISONER or DETAINEE:
- 10.9% CALD (Culturally / Linguistically Diverse)
- 12.3% RRR (Rural, Regional and Remote)



Applicants assisted by
interpreter services

Applicant age



1.4%

Pro Bono Model
Approved Cause

← NFPs →

4.4%

Other Not-for-Profit

3.2 Who We Assisted

Successful Applicants



200

Matters Referred to Lawyers



06

Meritorious matters not able to be placed

Law Access referral process



Ineligible Applicants

198

Matters unsuitable for referral

*The Application did not meet the eligibility requirement on means, area of the law or merit

80% of individual applicants and 100% of organisational applicants felt that:

- the application and referral process was easy to understand
- they were informed of the progress of their application
- the referral to their pro bono lawyer went smoothly

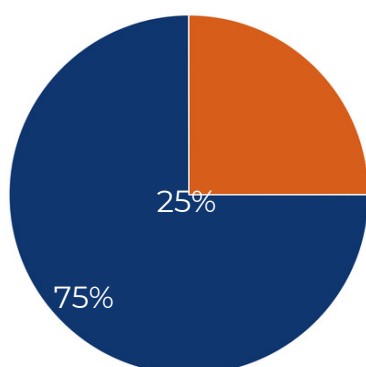


100% of organisations who referred people to Law Access said the application / referral process was easy to manage and they were satisfied with Law Access' processing of the application.

87.5% of individual applicants and 100% of organisational applicants said they were satisfied with the application and referral process.

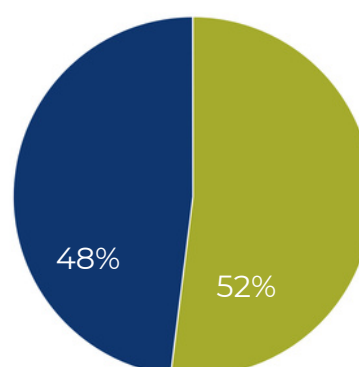
The value of warm referrals

APPLICANTS



Warm Referred Direct Approach

PLACED WITH LAWYER



Warm Referred Direct Approach

3.2 Who We Assisted cont.

Value of legal service provided



7541*

Estimated value of pro bono hours



\$2.76m*

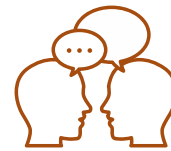
Estimated value of pro bono \$

* Estimates are based on the pro bono lawyer survey results extrapolated to the number of lawyers who took referrals. The number of hours includes Law Access secondees and volunteer lawyers.

Making a difference for applicants

Over 75% of individual applicants said:

- their lawyer helped them understand how to deal with their legal matter
- their lawyer gave them all the information they needed to make the best decisions for their circumstances



Over 80% of individual applicants said:

- their lawyer really listened to them

Best thing about having lawyers assist

"Having someone who knew the process was a relief as I didn't know where to start and also did not understand the policy wording."

"I felt supported. My lawyer listened to me and helped me to understand my situation with respect."

"It helped relieve some of the stress that I was already under, I also didn't know my legal rights."

"If I hadn't got Law Access to provide a pro bono lawyer my brother would have been deported."

"Their generosity of spirit in assisting quickly and with expertise"

3.2 Who We Assisted cont.

Case Stories

Jane helped her son and daughter-in-law to buy a house by contributing some of the purchase price as a loan. When her son passed away, the daughter-in-law claimed that Jane's contribution was a gift that she was entitled to keep and applied to remove Jane's caveat from the property.

Jane applied to Law Access for help and was referred to Johnson Winter & Slattery. JWS worked for Jane to provide legal advice and representation that she would not otherwise have been able to afford. They helped Jane to agree an out of court settlement with her daughter-in-law, much to Jane's relief. JWS lawyer, Kelly Zhang, said of the reason she does pro bono work: "It is rewarding for me to give back."



Law Access placed Sarah with Tom Monks for pro bono assistance. She has a disability, lives in a regional area in WA and has suffered violence in her relationship with her former partner. Sarah was involved in Family Court proceedings without representation. Tom Monks appeared in court for Sarah to apply for a special order that would mean Sarah would not be cross-examined by the other side in the court. This order was necessary to help protect Sarah from further trauma. Sarah was then able to apply to Legal Aid to help her with the trial.

Tom believes that: "Pro bono work is an essential form of community service that provides assistance to people who are vulnerable. Without pro bono work the scale of justice is always tipped in favour of those who can afford it. As practitioners, we are obligated to balance the scale and provide our vulnerable members of society with a chance to have fair and equitable access to justice."

3.2 Who We Assisted cont.

Not-for-profit Organisations

100% of not-for-profit organisations said:

- the legal assistance improved the organisation's ability to effectively deliver its core work
- they were very satisfied with the legal assistance provided

The Hero Hunter Foundation was a concept: a not-for-profit organisation that would provide practical and accessible support for families with a child undergoing oncology treatment. The Foundation needed a founding constitution to allow it to register as an organisation.

K & L Gates were thrilled to be assisting this client, found them great to work with and admired what they were achieving. The Foundation said the lawyers assisting were very helpful and willing to go beyond the initial scope (they went on to assist with registering the Foundation's trademark).

Public Interest

In April 2021, the Mid-West region of Western Australia was hit by tropical cyclone Seroja. The storm was devastating and deadly. Law Access and pro bono lawyers assisted victims in outreach in May 2021, with some people then making subsequent applications for pro bono assistance through financial year 2022.

Janice was a 65yr owner of a small store in a country town impacted by the cyclone. She received outreach support from Fremantle lawyer, Fiona Low, whose help enabled her to apply for legal assistance. Janice had been told that her insurer would only cover a small portion of the damage.

Janice was referred to Hopgood Ganim lawyers. "With their help I managed to get more of a pay out than the insurance company were originally offering" said Janice. When asked what the best thing was about having a lawyer assist, she said: "It helped relieve some of the stress that I was already under, I also didn't know my legal rights."

Enablers and Barriers

Law Access maintains a disbursement fund to ensure that applicants can obtain legal assistance and representation without out-of-pocket expenses creating a barrier to access to justice. Applicants are required to demonstrate the need for the service and that they cannot afford to pay for it. In this financial year, Law Access approved reimbursements for expert reports, ASIC lodgement fees, a probate search, interpreters, copies of court documents and a process server.

Making a difference to the administration of justice

70% of lawyers agreed that their pro bono work contributed to the administration of justice.

Making a difference to the legal assistance sector

29 people who had "fallen through the gaps" were referred to legal assistance providers

3.3 Pro Bono Culture

Pro Bono Lawyers

Referrals



Over 90% of lawyers said:

- the process for taking a referral was efficient
- the referral had clearly defined scope and boundaries

Why lawyers recommend Law Access
as the preferred pathway for pro bono work:

*“Because you know [the clients are] means tested and deserve it.”
“It is an effective pathway to cases with merit.”*

Over 90% of lawyers said they would take another referral from
Law Access.



Other Support

Criminal Injuries Compensation training module

This project has been developing an online training module for pro bono and CLC lawyers, in collaboration with CLWA (Albany CLC) and Lander & Rogers. The module was launched to the Community Legal sector at their CLWA conference on 2 November 2022. It aims to enhance the capability of pro bono lawyers (and CLC lawyers) to assist potentially vulnerable clients with Criminal Injuries Compensation Claims.

Pro Bono Lawyers' Portal

With the generous support of the McCusker Charitable Foundation and a number of corporate and individual sponsors, Law Access has launched a 'Pro Bono Lawyers' Portal – kickstarter' project. The project aims to expand the resources available to pro bono lawyers for training and information, in order to facilitate increased and sustained quality pro bono participation.

3.3 Pro Bono Culture Cont.

The Experience of Pro Bono Lawyers

184

Lawyers took a
pro bono referral



42

of those lawyers took
multiple referrals



Impact of referrals

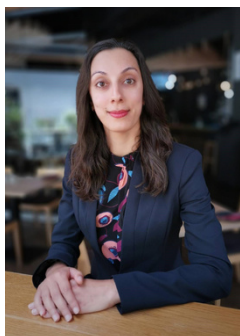
90% of lawyers said:

My work on this referral helped me fulfil my professional obligation to give back to the community.

"I enjoyed working with the client and guiding her through the process at a time when she felt hopeless and beaten down. I was able to provide her with support and provided her with my time and advice to achieve a good outcome." – Tom Monks



Impact of other support



Access to the Law Access Disbursements Fund allows lawyers to volunteer their time without facing the additional burden of out-of-pocket costs incurred for their clients.

I would not have been able to communicate with the client without the disbursement for interpreter and translator fees." – Sophie Manera.

Willingness to do and promote pro bono

95% of lawyers said they would recommend to other lawyers that they undertake pro bono work.



"Without pro bono work the scale of justice is always tipped in favour of those who can afford it."

"Because it is important to help those who are less fortunate than we are."

3.3 Pro Bono Culture cont.

Students and Graduates



23

students (under-grad
and post-grad PLT)



2446

hours (not included in
pro bono lawyer hours)



15

legal secondees and
volunteers



1283

hours (not included in
pro bono lawyer hours)



4

legal administrative
volunteers



285

hours (not included in
pro bono lawyer hours)

The Experience of Students And Graduates



100% of secondees and volunteer lawyers said their work at Law Access:

- helped them fulfil their professional obligation to give back to the community
- helped them better understand the realities faced by disadvantaged Western Australians seeking access to justice
- provided them with a deeper understanding of the not-for-profit sector in Western Australia

"Law Access has helped me form the foundational skills needed to assist those who most need access to justice. The insight into what vulnerable applicants need from a pro bono service has been invaluable, as has the support and guidance I've received from the whole team during my time here. The work Law Access does is so important and I consider myself lucky to be able to contribute."
- Eve Newton-Johnson (PLT student)



3.3 Pro Bono Culture cont.

Law Access Reward and Recognition

We express our sincere thanks to our pro bono lawyers and other supporters through the Reward and Recognition Project, providing Certificates of Appreciation.



Our Thank You Drinks event was held on 6 December 2021 and was generously hosted by MinterEllison.



3.3 Pro Bono Culture cont.

2022 Walk for Justice – the most successful yet!



632 registered participants

Over \$150,000 raised



We Thank Our Generous Walk For Justice Sponsors

Gold Sponsor

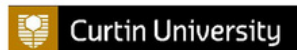


Corporate Sponsor



MinterEllison

University Sponsors



Law Access acknowledges our Principal Supporters

The Law Society of Western Australia and The University of Western Australia Law School



Prize Winners for 2022

Top Individual Fundraiser

Justice Jennifer
Smith

Top Team Fundraiser

Curtin Student Law
Society

Top University Team

UWA Law School,
Student & Staff



3.4 Research, Policy, Reform and Innovation

Family Law Project

The Pilot Family Law Project is exploring opportunities to build the capacity of Community Legal Centres and address unmet legal need while balancing the capacity of private practitioners and firms to assist in family law matters.

The focus of the Project is leveraging technology and unbundled legal services (or limited scope legal services) to facilitate pro bono assistance at key points in a family law matter, with ongoing background support provided by Community Legal Centres.

The Project derived from the Next Steps Report completed by Law Access in 2021, which explored the differences in service availability, the challenges in placing matters pro bono, and the alternative options that might be available.

A Steering Committee was formed and met in early 2022, with some initial planning undertaken. The next steps in the project were on hold during Law Access staffing changes but Law Access looks forward to progressing this project in the coming financial year.

Whole of Sector Review

Law Access plays an integral part in the legal assistance sector, providing a last resort solution for those who fall through the gaps.

The Department of Justice is currently undertaking a whole of sector review. This process commenced with a legal needs assessment which will culminate in the release of a legal needs report and tool that will continue to inform service delivery into the future. In this last financial year, the Department worked with the sector to produce their Legal Assistance Strategy.

The Department has also recently released its Action Plan to guide sector development. Part of the reform process includes rationalisation of service delivery with the potential for mergers and partnerships, particularly amongst smaller CLCs. Law Access has a role to play in securing pro bono legal assistance for CLCs throughout this process. We will also continue to participate in all other Department action relevant to the provision of legal assistance through pro bono services.

Wills Clinics

Law Access identified this project as a priority under the new WA Pro Bono Model. Aboriginal Family Legal Services (AFLS) worked with Jackson McDonald to develop resources for lawyers assisting Indigenous Australians with wills.

AFLS, Jackson McDonald and lawyers from HHG Legal Group and Legal Aid then delivered clinics, in conjunction with locally based not-for-profit Broome CIRCLE. These took place 8-12 November 2021 in the Djarindjin and Beagle Bay Communities on the Dampier Peninsula and were a big success. Broome CIRCLE staff provided wrap-around financial counselling and consumer rights support for issues identified as part of the clinic and AFLS provided follow-up legal services.

On 15-19 August 2022, a clinic was run in the Pilbara with the assistance of Pilbara Community Legal Centre, again working with AFLS and lawyers from Gilbert + Tobin.

4. Looking Ahead

Law Access recognises the value of collaboration amongst service providers in the legal assistance and private law professions. We will be working on several projects over the next 12 months to establish referral pathways for defined scopes of pro bono assistance through warm referral from Community Legal Centres. Clients will maintain a connection with a local legal service provider, the local centres will expand their capacity to assist clients in need, and the private sector will better target their pro bono contribution to make the greatest difference.

This discrete service pathway concept is being incorporated into the Family Law Pilot Project to increase the overall capacity of the legal assistance sector to assist vulnerable clients with family law matters. We are also running like projects in Criminal Injuries Compensation claims and in Workplace Sexual Harassment (with Circle Green).

Pro bono resources are limited and Law Access expends considerable effort on assessing applications for eligibility. We are conscious that not all potential applicants have the skills necessary to navigate complex (particularly online) processes.

Therefore, Law Access is currently reviewing our application processes, including our website and online application forms, to increase accessibility for meritorious applicants and to reduce the number of applications received on matters unsuitable for referral.

There is lower overhead and higher success rates associated with applications received by Law Access through warm referral from other service providers compared with those received direct from applicants.

Law Access will continue to look for ways to work together with other organisations who can support the disadvantaged in our community to gain access to justice whenever and wherever it is needed.

Alana Dowley.
CEO





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THE LAW SOCIETY OF WESTERN AUSTRALIA IN THE COMMUNITY