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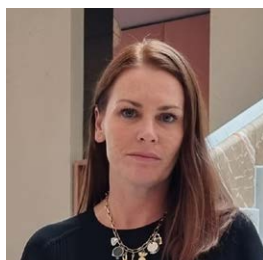
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Welcome to the June 2023 edition of Pro Bono Voco. Pro Bono Voco is a biannual magazine published by the Australian Pro Bono Centre highlighting the impactful work of the Australian and international pro bono community. It features pro bono projects, profiles leaders within the pro bono community and provides updates on key developments within the sector.

I wish to thank all contributors to this edition. It contains an impressive array of articles which both inform and inspire pro bono involvement. Please see a full list of contents below.

The first half of 2023 has been a productive time for the Centre. I would like to draw your attention to five recent initiatives:

- Launch of the [Global Pro Bono Hub](#) in May 2023 – a comprehensive resource for the global pro bono sector
- Publication on [National Pro Bono Day](#) (16 May 2023) of a collection of writings by six Aboriginal and Torres Strait Islander lawyers from the pro bono community – Why the Voice to Parliament Matters
- Publication of the 2nd edition of the [Centre's Pro Bono Legal Work – A Guide for Corporate Lawyers](#)
- Release of the [8th National Law Firm Pro Bono Survey Report](#), and
- Publication of a new [Student Pro Bono Guide](#).

Please visit our website at [www.probonocentre.org.au](http://www.probonocentre.org.au) for further information about the Centre's activities. ■

Gabriela Christian-Hare  
CEO



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Each fortnight the Centre distributes a Round-Up of the top news stories relating to pro bono legal work and access to justice through Pro Bono in the News. Subscribe at [www.probonocentre.org.au](http://www.probonocentre.org.au)

Don't miss the Centre's primary resources at [www.probonocentre.org.au](http://www.probonocentre.org.au):

- **The Australian Pro Bono Manual:** a 'how to' and 'best practice' guide on establishing and operating a pro bono program
- **Pro Bono Partnerships and Models: A Practical Guide to What Works:** practical information on how to effectively collaborate on pro bono projects
- **Best Practice Guide:** a guide to best practice in the provision of pro bono legal services
- **Client Management & Self-Care Guide**
- **Pro Bono Legal Work: A Guide for Government Lawyers**
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- **Australian Pro Bono Centre Climate Hub**
- **Student Pro Bono Guide**





# Violet Co Legal and Consulting: Creating Change Through Legal Practice Based on Dignity, Responsibility and Reciprocity

By Karen Iles

Violet Co Legal and Consulting is now in its 5th year of operation. In 2022 I was awarded the inaugural Pro Bono Service Award by the NSW Law Society. Our nomination was for the work my team and I do to support, and walk alongside, sexual assault victims/survivors in their fights to access justice.

I wanted my business to focus on creating change with and for women and First Nations people as it reflects two parts of my identity; a woman of Aboriginal descent.

The Violet Co team as a whole spends approximately 50% of our time working fee-free, on a pro bono basis, on legal matters and social justice advocacy.

We are a signatory to the National Pro Bono Target, a certified Indigenous business (Supply Nation) and certified Social Enterprise (Social Traders).

We want to be an example of a privately owned practice that can deliver an extraordinary amount of legal services on a pro bono basis, while at the same time keeping ourselves afloat and not relying on government or philanthropic funding. We don't want to compete with the underfunded Community Legal Sector for funding. We want to show a different way.

## **What made me set up Violet Co Legal & Consulting? Radical ideas, soul searching and a “disaster” year.**

I left the “Corporate” sector and set up Violet Co Legal & Consulting at the end of 2018. It was a huge step.

Personally, 2018 was a difficult year for me.

I left my job leading Pro Bono and Responsible Business at a commercial law firm.

***“We want to be an example of a privately owned practice that can deliver an extraordinary amount of legal services on a pro bono basis, while at the same time keeping ourselves afloat and not relying on government or philanthropic funding.”***

At the time, I was trying to hold my s\*\*t together in a demanding senior role and I was dealing with what has been described by The Guardian Australia as “Unspeakable Trauma” ([article 4](#) October 2022) caused by my interactions with our justice system. You can read more about it on the campaign website [www.MakePoliceInvestigate.Org](http://www.MakePoliceInvestigate.Org).

In 2018 I felt isolated in the profession. I didn't trust my colleagues in the profession to treat me in the same way if I disclosed the personal injustice I was experiencing as a sexual assault victim trying to take on the justice system. I felt it would be “career suicide”.

As a woman in the legal profession (and corporate sector) my experiences of sexual harassment were commonplace - they compounded the trauma I was already juggling.

As an Aboriginal woman who may not “look” the way people expect an Aboriginal woman to look, my identity was routinely brushed over, ignored or challenged. Overhearing casual racism was a weekly occurrence.

My self-esteem crashed through the floor.

Spurred on by the words of Angela Davis “You have to act as if it were possible to radically transform the world. And you have to do it all the time” rattling around in my head, and fresh from being in London for the 100-year anniversary of the Suffragette Movement, I set up my very own legal and consulting practice, Violet Co, with the vow to do this my way; “proper way”, radical way.

We fund our own pro bono matters from our fee-paying for-purpose work.

I wanted to create a practice that would represent the way I think law firms should be - where pro bono and social justice work was the focus. A practice that would be culturally safe and unashamedly feminist. A practice that

***“I wanted to create a practice that would represent the way I think law firms should be - where pro bono and social justice work was the focus. A practice that would be culturally safe and unashamedly feminist. A practice that embraces lived experience of sexual violence and other gender-based and race-based violence and discrimination, as containing strengths not limitations. A practice for women like me to work with to create change - as either a team member or a client.*”**

embraces lived experience of sexual violence and other gender-based and race-based violence and discrimination, as containing strengths not limitations. A practice for women like me to work with to create change - as either a team member or a client.

We don't have targets or limits on the amount of pro bono matters we take on. Yes. No limits. We try our best to help everyone who reaches out to us - even if that means a warm referral to someone else who can help. We just try to “make it happen” without burning ourselves out. We run cases that many would not touch - it's about the principle and running with matters and issues that can potentially change the system.

A large focus of our fee-free practice is for Aboriginal women who have experienced racism, sexual harassment or sexual assault at work. Driven by my own experiences of the justice system as a victim of sexual assault - we act pro bono for women who need help accessing justice.

They are the cases that can't get pro-bono help easily.\* This is why I think pro bono lawyering is important. Accessing justice should be within everyone's reach. Put simply - we are a long way from that.



*Sitting on the banks of Dyarubbin (now known as the Hawkesbury river). My ancestral Country.*

### **Dignity, responsibility and reciprocity.**

Cases that have changed our legal system and society are often the cases where clients are represented fee-free. They are represented pro bono out of principle and respect that these clients should not have to pay for legal representation, should not have to pay for a system that is not built for them, or that they cannot afford to access. If we turn away from these clients, these issues, we turn away from our responsibility in our privileged positions to make the justice system, and our society, fairer.

People in our society who have experienced injustice should not have to “beg” for legal assistance. The concept of even being a “pro bono client”, a “charity case”, strips away dignity. It should be our responsibility as lawyers to identify and respond to injustice.

In Aboriginal cultures responsibility and reciprocity are central - it's what we try to embody in our pro bono work.

It's not about “saving” clients. It's not about the number of hours. It's about recognising the different skills and capacity we have as lawyers and working as equals with people who have different skills, capacity and have experienced injustice, to create change through the legal system. A balanced and respectful reciprocal relationship.

\* Often Community Legal Centres, private firms undertaking pro bono allocations and Trade Unions have common challenges; they are underfunded or under resourced to take on matters, are conflicted out, do not have the expertise or cultural competency, do not operate in a trauma-informed way, feel the cases are “political hot potatoes” or “don't practice in that area” (particularly in relation to police accountability and sexual assault law). ■



*Karen Iles is the Founder and Principal Solicitor of Violet Co Legal & Consulting; a certified Indigenous business and social enterprise. Prior to establishing Violet Co, Karen held roles specialising in Corporate Social Responsibility, in-house practice and management consulting for Coffey International Development, Colin Biggers & Paisley Lawyers, Tata Consultancy Services and KPMG Australia. Before*

*‘going corporate’ Karen spent 10 years working on human rights issues for organisations such as Amnesty International and trade unions.*

*Karen is a Nationally Accredited Mediator and Non-Executive Director (Graduate and member of the Australian Institute of Company Directors). Her appointments include; Independent member Australian Catholic Safeguarding, NSW Law Society*

*Committees and a number of not-for-profit sector Boards including the National Justice Project. Karen has completed the Grad Cert Applied Law (Dispute Resolution), Graduate Diploma of Legal Practice, Bachelor of Laws and Bachelor of Arts (Women's Studies). In 2022 Karen was awarded the inaugural Law Society of NSW Pro Bono Service Award.*

**BACK TO COVER**

# Animal Law Trailblazers: Naaman Kranz and Mike Rosalky

The Australian Pro Bono Centre's Laura Toren sat down with Naaman Kranz and Mike Rosalky, joint Principal Lawyers at the Animal Law Institute and founders of Australia's first specialised Animal Law firm, to learn more about their pro bono work in this burgeoning area.

By Laura Toren,  
Australian Government  
Solicitor Seconded  
to the Australian  
Pro Bono Centre



**Laura:** Thank you both for speaking to me today! First off, how would you describe Animal Law to readers who might not know much about it?

**Mike:** Animal Law is an umbrella term that covers many different areas of law. It describes the way that the law regulates the treatment of animals through dedicated legislation, like anti-cruelty legislation, domestic animal legislation and live animal export legislation, but it also describes other areas of law where animals can become involved. It might be that a client has bought a dog from a breeder and that dog develops a congenital condition. The client might then have an Australian Consumer Law complaint. Or perhaps an animal protection organisation wants to challenge a government decision that is going to harm animals, which would fall under Administrative Law.

**Naaman:** That's exactly right – it's not a discrete area of legal practice. At our firm, [K & R Animal Law](#), we have taken on matters that encompass almost every area of the law, other than perhaps family law. Largely, these matters fall within state and territory jurisdictions, so we've had to get across various areas of law in different states and territories.

When we look at taking on a matter at K & R, we ask ourselves – “Is this going to have a beneficial outcome for animals?”. That's what really defines the scope of our work.

**Laura:** I'd love to hear about the career paths that led you to practice in Animal Law.

**Mike:** I decided to study law so that I could help animals. I realised that the laws that govern the treatment of animals in Australia are deficient in that they enable horrific cruelty

*“Producers want to make as much money from a product as possible, and when that product is an animal, the way they are treated deteriorates. The spaces that they are kept in get smaller and they are treated with a view to maximising profit. What you end up with is the mass exploitation of sentient creatures and laws that protect and facilitate animal industries in achieving these ends.”*



towards certain animals. While there are laws that criminalise cruelty to dogs and cats because they are our companions, the law predominantly exempts acts of cruelty towards agricultural animals or animals used in entertainment or experimentation because these uses benefit humans. I thought that was a terrible injustice and I thought, well, if I want to advocate for the law to change, then I should be a lawyer.

After I graduated, I started volunteering with a community legal centre called the [Animal Defenders Office](#) in Canberra in 2013.

I volunteered with them for about six years and along that journey, I met Naaman. Naaman wanted to start a private Animal Law firm, so we founded K & R Animal Law in 2019. Our work in that firm led to the work that we're doing now with the [Animal Law Institute](#).

**Naaman:** My career has largely been driven by a desire to use the law to address social justice issues. In 2015, I started volunteering for the Animal Defenders Office and that's where I met Mike and where I started learning how the law is deficient in the way that it protects animals. In my mind, helping animals is the most important social justice issue that I can devote my time to. Then, as Mike said, we started K & R Animal Law which led us to become joint Principal Lawyers at the Animal Law Institute in September 2022.

The Animal Law Institute is a community legal centre that was founded in 2014. We work there three days a week between us. We primarily take on Australian Consumer Law matters for clients who have purchased domestic pets with an underlying congenital health disorder from a breeder. The work involves a combination of giving legal advice and representing clients in the tribunal or court, where we will attempt to create precedents that improve the standards that breeders are required to meet.

**Laura:** Naaman, you said that you feel the treatment of animals is the most important social justice issue that you could dedicate your time to. Could you elaborate on why it's so important to you?

**Naaman:** I started to feel this way the more I learned about the way animals are lawfully treated, particularly in the animal agriculture industry.

Billions of animals a year globally are bred in industrial animal



agriculture facilities and live in horrendous conditions, only to be killed in inhumane ways for human consumption or use. Producers want to make as much money from a product as possible, and when that product is an animal, the way they are treated deteriorates. The spaces that they are kept in get smaller and they are treated with a view to maximising profit. What you end up with is the mass exploitation of sentient creatures and laws that protect and facilitate animal industries in achieving these ends.

Anyone who isn't aware of these issues should look at some footage of the way that animals in agriculture are lawfully treated in Australia. You can do that on websites like [Farm Transparency Project](#) or by watching documentaries like [Dominion](#).

It's telling that agricultural gag laws are designed specifically to prevent people from being able to see what happens in these places. In my view, this is because if people knew what was going on, it would have an impact on their choices when purchasing animal products and the profits made by these businesses.

**Mike:** Our view is that there is no bigger injustice occurring in Australia than the legal treatment of animals used in agriculture, entertainment and experimentation. That's



***“There’s a large body of animal welfare science which demonstrates that animals have a rich experience of consciousness, experience physical pain in a virtually identical manner to humans, and experience many of the same complex emotions that humans experience.”***

because of the intensity of the suffering and because of the huge numbers of the animals that are involved.

There's a large body of animal welfare science which demonstrates that animals have a rich experience of consciousness, experience physical pain in a virtually identical manner to humans, and experience many of the same complex emotions that humans experience. I think it's hugely inequitable for humans to inflict so much suffering on non-human animals just because we can.

**Laura:** Can you tell me about some of the pro bono work that you've done in the Animal Law space?

**Mike:** When we were running K & R Animal Law, we probably did 80% of the matters on a pro bono basis. Many of our clients were bringing matters out of the goodness of their hearts, and

because we often shared the same views and concerns that they had about the treatment of animals, we ended up doing a lot of pro bono work.

**Laura:** Are there any specific pro bono matters that stand out in your memory?

**Naaman:** There was a matter that I assisted with as a volunteer at the Animal Defenders Office. In this case, nine passionate animal activists locked themselves onto some equipment at the abattoir in Goulburn. They were charged with trespass and resisting arrest. I assisted Tara Ward, who is the Principal Lawyer at the Animal Defenders Office, in representing them on appeal in the District Court.

At first instance, they were given the maximum penalty. On appeal, we got them off with Section 10 notices, so no convictions were recorded.

*"In the Animal Law space, I think anyone can get involved. It doesn't matter what area of law you have expertise in – you can find a way to use those skills to advance the interests of animals."*



All photographs in this article are displayed on the K & R Animal Law or Animal Law Institute websites.

**Laura:** So how does your work as animal lawyers fit in with your other employment?

**Mike:** For the last decade or so, we've done a lot of pro bono work in our own time because it isn't related to our other employment. We've spent many hours over the years doing pro bono work at night after our paid work and on weekends.

**Laura:** Do you feel that your pro bono work has contributed to your professional development?

**Naaman:** There are skills that I've learned from doing the Animal Law work that have really helped with my other employment. Mike and I both work for a private firm where we get contracted out to provide legal services to government departments. The breadth of the work that we've done in the Animal Law space, having to switch from jurisdiction to jurisdiction, and from one area of law to another, has really helped hone my fundamental legal

skills and assisted in my ability to jump into new challenges.

**Laura:** What advice would you give to lawyers who want to do pro bono work to advance a particular cause?

**Naaman:** If you work for a private firm and you're passionate about a specific cause, one option would be to go to your Partner and tell them you want to reach out and make connections with a community legal centre that's working in that area. There are a lot of great community legal centres out there, like the Animal Defenders Office or the Animal Law Institute if you're interested in Animal Law.

In the Animal Law space, I think anyone can get involved. It doesn't matter what area of law you have expertise in – you can find a way to use those skills to advance the interests of animals. ■



**Mike Rosalky.** Mike has been an animal advocate since 2006 after learning how animals are legally and routinely subjected to abhorrent cruelty in the production of animal products, experimentation, intensive breeding, and entertainment throughout Australia.

Mike was admitted as a lawyer in 2013 and has worked as a senior lawyer for several Federal Government agencies, in the private sector, and as a volunteer with the Animal Defenders Office. He has also given presentations in myriad public forums on laws affecting animals and animal activists, contributed to government submissions on laws affecting animals and met with politicians to advocate for law reform to better protect animals. In 2019, Mike and Naaman Kranz founded a private law firm dedicated to helping animals and their human defenders, and in 2022, Mike and Naaman became joint principal lawyers at the Animal Law Institute.

Mike has provided many hours of pro bono legal services to various clients, and he volunteers in the disability sector in a non-legal role.



**Naaman Kranz.** Naaman is a passionate promoter of access to justice for human and non-human animals. He is dedicated to using the law to help animals, ethical businesses, and people who defend and care for animals.

Naaman was admitted as a lawyer in 2011 and has experience working as a

Special Counsel for a private law firm in Canberra and as a Senior Lawyer for the Federal Government. Naaman has provided pro bono legal services at various community legal centres, including the Animal Defenders Office, where he grew passionate about using the law to defend animals. Naaman has presented on animal law topics at various forums across Australia and taught an animal law subject as a guest lecturer at the University of New South Wales. In 2019, Naaman and Mike Rosalky founded a private law firm dedicated to helping animals and their human defenders, and in 2022, Naaman and Mike became joint principal lawyers at the Animal Law Institute.

BACK TO COVER



# Being a Fair Player: How Dentons Supported Sydney WorldPride 2023

By Elouise Casey

Over the weekends of 25 and 26 February and 4 and 5 March 2023, staff of Dentons joined lawyers from the Inner City Legal Centre (ICLC) and other volunteers at the official Sydney Mardi Gras and Sydney WorldPride 2023 parties. They were there not as party goers themselves, but to provide support to members of the LGBTQI+ community attending the events. The role of volunteers was to monitor the operations of police and provide legal information and support to people who had been searched or questioned by them.

*Image by Mercedes Mehling, Unsplash*

## About Fair Play

The initiative, Fair Play (originally known as Project Blue), is run by the ICLC in partnership with ACON, Australia's largest sexuality and gender diverse community health organisation, and Sydney Gay and Lesbian Mardi Gras. Fair Play aims to support the LGBTQI+ community by providing information about health, safety and legal issues to people attending Mardi Gras events, particularly in relation to police drug operations. For Dentons, a law firm that was awarded Small Employer of the Year for LGBTQI+ inclusion at the Australian Workplace Equality Index Awards in 2020, Fair Play clearly aligns with the firm's values.

*“Fair Play aims to support the LGBTQI+ community by providing information about health, safety and legal issues to people attending Mardi Gras events, particularly in relation to police drug operations.”*

## Denton's commitment to LGBTQI+ Inclusion

Dentons has long been committed to LGBTQI+ inclusion. “As a global law firm, our strength lies in the different perspectives and unique abilities of our employees, which is why inclusion and diversity forms a core part of our strategy and why we embrace all aspects of diversity”, says Dentons Australia Chair and Australasia Region CEO, Doug Stipanicev. At a global level, the firm was named one of the 2020 Top Global Employers for LGBTQI+ Employees by Stonewall and has received Gold accreditation for the third year in a row by the organisation. In Australia, Dentons launched the Trans and Gender Diverse Legal Service (TGDLS) in 2018 in partnership with the ICLC, a community legal centre based in Kings Cross, Sydney. The service is the first specialist legal service for the trans and gender diverse community in Australia.



*“The purpose of the TGDLS is as much to provide a safe space for trans and gender diverse clients to access legal support (through an inclusive approach and an understanding of these clients’ unique needs) as it is to deliver quality legal advice.”*

### The Trans and Gender Diverse Legal Service

Since its launch, the TGDLS has provided much needed pro bono legal support and advice to trans and gender diverse people and their families. TGDLS clients can seek advice on a range of issues, including discrimination, criminal matters, family law matters, employment issues, change of name and gender

markers on identity documents, and medical treatment for minors. The purpose of the TGDLS is as much to provide a safe space for trans and gender diverse clients to access legal support (through an inclusive approach and an understanding of these clients’ unique needs) as it is to deliver quality legal advice.



Image by Margaux Bellott, Unsplash



### Sydney Mardi Gras and WorldPride

It is through its partnership with the ICLC that Dentons became involved in Fair Play. Dentons staff were invited to volunteer as 'Fair Players' to provide on-site assistance and support at the Sydney Mardi Gras and WorldPride parties. Staff also attended the follow-up legal clinics that were held in the weeks following the parties to provide legal advice and referrals to clients in need of support following an interaction with police.

Denton's partnership with ICLC is part of its broader national pro bono program. The firm instils in its lawyers the importance of using their legal skills to assist people, communities and organisations. In addition to supporting the TGDLS, the firm works with a range of community legal centres and not-for-profit organisations nationally to provide pro bono legal work across a range of clients and communities, including Indigenous organisations and communities, artists and art communities, migration and refugees, and not-for-profits.



*Elouise Casey. Elouise is a Senior Associate in the banking and finance regulation and compliance team at Dentons. Elouise is the coordinator of the Trans and Gender Diverse Legal Service, which is the first pro bono legal service in Australia for the*

*trans and gender diverse community (run in partnership with the Inner City Legal Centre). In addition to coordinating the service for Dentons, Elouise is a volunteer solicitor with the service, and is also a member of the steering committee for Dentons' LGBTQ+ network.*

BACK TO COVER

# Positive Energy: Origin's In-House Legal Pro Bono Program

*By Karen Hauff, Julia Macdonald,  
Josephine MacMillan and Kristina Matthey*



*Origin Energy Foundation volunteer at SolarBuddy event.*



**The Origin Energy Foundation is a philanthropic organisation formed by Origin, Australia's largest energy company, with millions of customers and operations in communities across the country.**

The Origin Energy Foundation believes in the power of education to help create better lives for young Australians by providing grants to Australian not-for-profit organisations who are working to break the cycle of disadvantage through education.

Through the Origin Energy Foundation, Origin employees have access to unlimited volunteer leave to participate in volunteering with the Foundation's not-for-profit partners, supporting employees to give their time and skills.

Origin's in-house legal team, who have always been passionate participants in this volunteering program,

wanted to explore how they could apply their professional expertise to provide greater value to the Origin Energy Foundation's not-for-profit partners.

***“Through the Origin Energy Foundation, Origin employees have access to unlimited volunteer leave to participate in volunteering with the Foundation's not-for-profit partners, supporting employees to give their time and skills.”***

## **Establishing an In-House Legal Pro Bono Program**

In late 2020, we began investigating how our in-house legal team could provide legal pro bono services to our not-for-profit partners, and set up a Pro Bono Committee to oversee the process.

The Pro Bono Committee developed a framework and governance structure, with guidance and support provided by the Australian Pro Bono Centre. We also sought to rely on the National Pro Bono Professional Indemnity Insurance Scheme (PII Scheme). This important scheme provides free professional indemnity insurance to lawyers and paralegals working on pro bono projects approved by the Centre as meeting the PII Scheme's guidelines.



*Origin Legal volunteer, Josephine MacMillan, at SolarBuddy school event with STEM students.*

***“SolarBuddy sought assistance from Origin Legal’s Pro Bono Program to help them contract with businesses for greater sponsorship. This sponsorship has been critical to subsidising the participation of more schools in the program, so more children in Australia can learn about energy poverty and more solar lights can be distributed abroad.”***

The Origin Legal Pro Bono Program launched in April 2021 with an available pool of over 30 lawyers across New South Wales, Queensland, Victoria and South Australia. The expertise of the Origin Legal pro bono volunteers ranges from commercial contracting to specialist intellectual property and employment advice. These skills can help meet partners’ critical legal needs in a cost-effective way.

**The Origin Legal Pro Bono Program today**

To date, the Origin Legal Pro Bono Program has partnered with SolarBuddy, the Raise Foundation, Autism Queensland and the Foundation for Rural and Regional Renewal (FRRR). Each of these partnerships is underpinned by the Centre’s PII Scheme.

The Pro Bono Committee’s objective is to understand the culture and strategy of each of its partners and work



with them to determine the areas where we can support with pro bono legal services. With increasing work requests from our partners and with additional potential partners on the horizon, the Pro Bono Committee continues to review, refresh and evolve our governance and systems to meet partner needs.

**Partner Project Profile**

Origin’s pro bono partners have a diverse range of legal needs that require Origin Legal team members to apply their specialist skills in unique and interesting contexts.

As an example of this, we support long-term Origin Energy Foundation partner, SolarBuddy, an Australian not-for-profit organisation working to address energy poverty globally. Together with the Origin Energy Foundation and other partners, SolarBuddy provides STEM programs in Australian schools to inspire and empower school students to become global citizens.

The SolarBuddy program involves students learning about renewable energy, energy poverty and assembling solar powered lights. These lights are distributed to children living in energy poverty, to help them study when the sun goes down.

SolarBuddy sought assistance from Origin Legal’s Pro Bono Program to help them contract with businesses for greater sponsorship. This sponsorship has been critical to subsidising the participation of more schools in the program, so more children in Australia can learn about energy poverty and more solar lights can be distributed abroad.

**“Our pro-bono clients benefit, the community benefits and our people feel good and are even more engaged in their work with Origin as a result.”**

#### Impact of the Origin Legal Pro Bono Program

Feedback from partners of Origin Legal's Pro Bono Program illustrates the positive impact that the program is having. Sarah Matthee, General Manager of Partnerships & Services for FRRR, a national foundation focused on the long-term vitality of rural and remote Australia, has said:

“The services Origin is able to provide means FRRR now has access to resources for important matters that otherwise we would not have. Their assistance with day-to-day governance and operational matters will help ensure FRRR is better able to support the needs and aspirations of remote, rural and regional communities of Australia.”

The benefits of this skilled volunteering are not only felt by the not-for-profit organisations that we are working with, but also by the Origin lawyers who participate.

Kate Jordan, General Counsel & Executive General Manager Company Secretariat, Risk and Governance of Origin shared the following insights:

“Working with our pro-bono clients is hugely rewarding for our people. By applying their professional skills outside of their daily role, they are providing real value to these organisations and are getting to make a meaningful impact. Our pro-bono clients benefit, the community benefits and our people feel good and are even more engaged in their work with Origin as a result.”

Across Origin Legal, we're enthusiastic about continuing to support our current partners through the Pro Bono Program, exploring new opportunities to deliver on their strategic objectives, as well as the potential to grow the program in the future. ■



**Karen Hauff** is a commercial lawyer and Chartered Secretary with more than 20 years of experience, gained in private practice at a global law firm and in-house, with a focus on energy, resources, projects and litigation. Karen has held appointments as General Counsel and Company Secretary of corporations both publicly listed and privately owned and served as a Non-Executive Director at various not-for-profit organisations. In her current role as a Senior Corporate Lawyer at Origin Energy, she provides commercial legal advice to Origin's Integrated Gas and Generation businesses, including with respect to the Australia Pacific LNG Project and Origin's renewables projects. Karen is a founding member of Origin Legal's Pro Bono Committee.

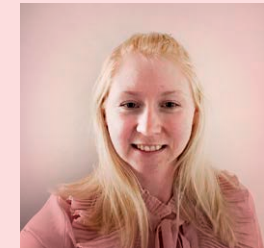


**Julia Macdonald** is a Senior Corporate Lawyer and Deputy Company Secretary at Origin. She advises on corporate governance, project development, M&A, and joint ventures primarily in the energy and resources sector. Julia is passionate about supporting the not-for-profit sector with pro bono advice, and provides governance support to the Origin Energy Foundation.

Prior to Origin, Julia had experience with an ASX-listed energy company and major international law firms. Julia holds a Bachelor of Laws (First Class Honours), Bachelor of Arts, Graduate Diploma in Legal Practice and Graduate Diploma in Management and is admitted to legal practice in Queensland, England and Wales.



**Josephine MacMillan** Prior to her in-house role with Origin Energy, Josephine gained experience in private practice at global law firms focusing on infrastructure projects and corporate energy transactions. Josephine currently advises on matters related to renewable energy, innovative energy technology solutions and partnerships, supporting Origin's ambition to lead the energy transition. Josephine is also passionate about contributing to the non-for-profit sector by volunteering with the Origin Foundation and as a member of Origin Legal's Pro Bono Committee. Josephine has a Bachelor of Laws (Hons), Bachelor of Arts and is currently completing an MBA (Executive) through the Australian Graduate School of Management at UNSW.



**Kristina Matthey** is a Personal Assistant in the Upstream & Development team and is also the Pro Bono Coordinator. Kristina has provided administrative support the team for 9 years and has coordinated the Pro Bono Program for 2 years.

BACK TO COVER

# Ethics and Education as the Foundation of a Pro Bono Practice: Gilchrist Connell's Experience

Gilchrist Connell



*Gilchrist Connell established a dedicated pro bono practice in early 2022 and has focused the practice on ethics, education and a commitment to critical thinking. The practice is led by Jilly Field. The Centre asked Jilly and her team to explain the ethical foundation of the practice and the impact of it on the firm's pro bono work.*

Gilchrist Connell had been looking to formalise its pro bono commitment and, in 2022, recruited Jilly Field to establish a standalone practice. Jilly has since been joined by pro bono lawyer, Shakti Srikanth, and part-time pro bono assistant Kristina Hatzigeorgiou.

## A Questioning Approach to Pro Bono

The practice is founded on a commitment to care, ethics, humility and service, with core values of learning and questioning.

Jilly has 20 years' experience in community law and pro bono response. Jilly is focused on how it would feel for those experiencing social disadvantage to receive help from those who are in a position of social prosperity. She works with an acute awareness that front-line lawyers and civil society have the expertise and experience in social response. Jilly says, "I constantly ask what our response, communication or language would feel like if we were the front-line advocate or the one living with social harm."

This focus on care ethics has been the momentum behind the firm's pro bono values, strategies and policies.

## The Values Statement and Pro Bono Policy (two of our guiding documents)

To firmly address this approach, a Pro Bono Values Statement was developed to underpin the Pro Bono Policy, Pro Bono Strategy and the First Nations Response.

The Pro Bono Values Statement is based on the key values of fairness, learning and questioning. It commands us to consider the position of the harmed and the context of their lived experience

when we respond from our position of privilege. It also directs us to critically think through our programs, strategies and communications. The Values Statement supports the Pro Bono Policy.

The Pro Bono Policy has a clear position on ethics, education, communication and profiling.

For example, in relation to communication, the Pro Bono Policy specifically states:

Our pro bono work exists because of the lived experience of individuals facing disadvantage, marginalisation and unfairness. We have an ethical duty to our pro bono clients and will not

leverage or reference their experiences for our firm's profile. We do not profile or link our pro bono work to social justice outcomes.

Adherence to the Pro Bono Policy means that we run a practice with little external

promotion of our work.

Richard Wood, Managing Partner, says, "We work with a firm handle on realistic outcomes, fairly executed compassion and a commitment to understanding the appropriateness (or not) of a corporate response. Jilly has a staunch commitment to moral decision making and an inexhaustible preoccupation with addressing unfairness, which is reflected in our practice."

## A Focus on Education and Learning

Our Pro Bono Values Statement encourages us to invest time in understanding the impacts of systemic unfairness, structural

***"I constantly ask what our response, communication or language would feel like if we were the front-line advocate or the one living with social harm."***

injustice and colonisation. We understand that it is a learning process that has no end point.

The pro bono team spends time discussing unfair systems with lawyers to improve injustice literacy. In their writing, lawyers are asked to promote

human dignity, draft out privilege and work against deficit language. The pro bono team has prepared guides on research priorities and is developing a manual on use of language. Lawyers are trained on advocacy writing and on working with

communities facing unfairness to ensure that the material is addressed with sensitivity and foresight.

This education focus aligns to our key pro bono program – The Reform Project – where we ghost write for the front-line. In the last 17 months, our lawyers have, with confidence, prepared submissions, literature reviews and legal analyses across 30 matters totalling at least 3,600 hours. In line with our values and policies, this work is unbranded and unprofiled.

Reflecting on the education focus, Shakti says, “We are deeply committed to listening and continuous learning, and we will often have tools-down reading hours on decolonisation, oppression response, and intersectional perspectives on feminism. Jilly insists on understanding unfairness as our foremost priority. Each month there is a new book on my chair.”

The pro bono team runs a lateral practice working against hierarchy and power with a focus on service. Jilly works closely with Shakti on matter work. KPIs are set that commit Shakti to a 90% matter work

allocation with limited time spent on coordination. Shakti says, “We prioritise our team’s delivery of pro bono legal work over general coordination as best we can. It is crucial that together we are working on the practice of pro bono law. Having an experienced Pro Bono Assistant in Kris has helped support this approach.”

### Our Future

Our focus on core values as opposed to a focus on data metrics has not impacted the firm’s pro bono figures. We are on track to report a significant increase in pro bono hours for the 2023 financial year. It is anticipated that full-time employees will finish close to an average of 55 pro bono hours per lawyer, per year. This is a 754% increase from 2021 and a 175% increase from 2022. The pro bono practice represents the 6th largest client base across the firm.

These results speak to a strong culture, aligned strategies and a commitment to values. Jilly says “We wanted to remain focused on work and education, so we took the position not to distract with data goals. Our strategies and policies prioritise values not metrics.”

In early 2023, the firm supported Jilly to join the Vincent Fairfax Fellowship at the Cranlana Centre for Ethical Leadership, where she intends to look further into the ethics of language in corporate social response.

Jilly says, “The future of pro bono for Gilchrist Connell is ethics and addressing the inherent tensions and power dynamics that underpin private organisations assisting civil society. The key for our firm is to work with a strong moral imagination, an eye to equalising and a duty to respond to any injustice without impulse or self-interest.” ■

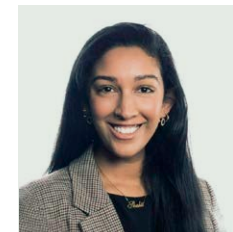
**“Our focus on core values as opposed to a focus on data metrics has not impacted the firm’s pro bono figures. We are on track to report a significant increase in pro bono hours for the 2023 financial year”**



**Jilly Field.** Jilly is an experienced pro bono practitioner who has directed programs in firms since 2011.

Throughout her career, she has focused on the ethics of pro bono and is committed to driving moral thinking through social response. She has recently begun a fellowship at the Cranlana Centre for Ethical Leadership.

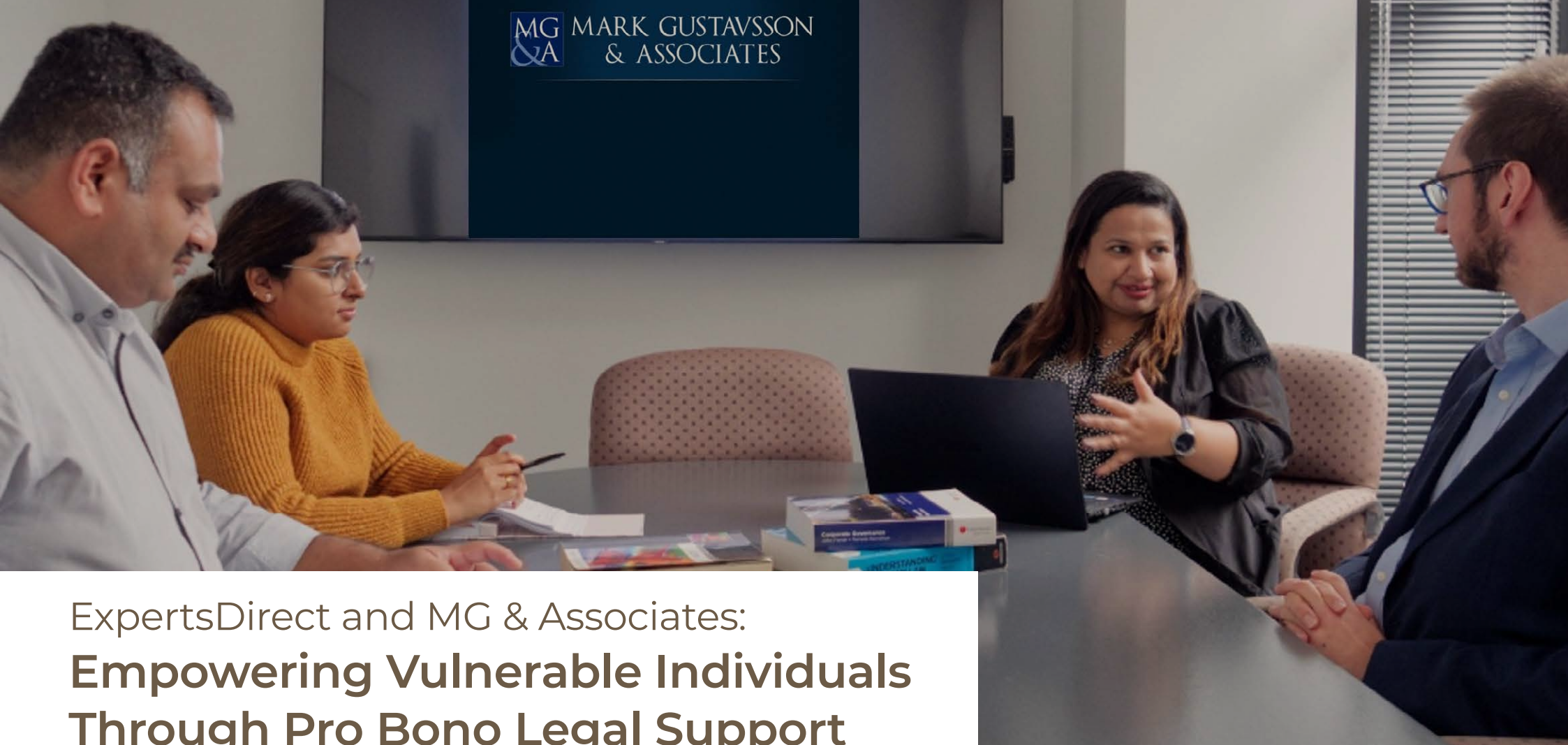
Jilly has worked as a front-line lawyer in areas of poverty law, domestic and family violence, animal rights, systemic reform and advocacy and front line defence for children in the criminal justice system. Jilly is a critical thinker with a focus on justice theory and fairness which has led to regular speaking on working with communities facing disadvantage, conscious lawyering, the ethics of advocacy writing and the nuance of working in fairness. Jilly is a Board member of CLCNSW, Women’s Legal Service NSW and an advocacy advisor to Wear it Purple.



**Shakti Srikanth** Shakti Srikanth is a Pro Bono Lawyer at Gilchrist Connell. Shakti’s recent work includes substantial writing for the front line on

the areas of family and domestic violence and sexual consent laws and poverty. Prior to joining Gilchrist Connell, Shakti was a Corporate Junior Associate at Baker McKenzie. Shakti has also done victims’ compensation work for the Shoalcoast Community Legal Centre and legal work for RACS.

BACK TO COVER



Boardroom of Mark Gustavsson & Associates.

## ExpertsDirect and MG & Associates: Empowering Vulnerable Individuals Through Pro Bono Legal Support

By Mark Gustavsson

*The Australian Pro Bono Centre asked Mark Gustavsson from Mark Gustavsson & Associates to tell us about their firm's successful partnership with ExpertsDirect, which saw a psychologist provide pro bono expert advice to a client experiencing disadvantage.*

In a society where access to justice can often be a privilege reserved for those who can afford it, initiatives that bridge the gap and provide pro bono legal services are invaluable. Organisations like JusticeNet SA connect individuals who cannot afford legal representation with law firms willing to assist

on a pro bono basis. This article highlights the transformative impact of one such partnership between MG & Associates, an Adelaide based commercial disputes resolution law firm, and ExpertsDirect, an organisation that connects lawyers acting pro bono with expert witnesses to assist individuals facing legal challenges.

*Disclaimer: The name of the individual involved in this case study has been changed to Sarah Roberts to protect her privacy.*





*“To strengthen her case, MG & Associates sought expert evidence to demonstrate Sarah’s vulnerabilities. With financial constraints to accessing expert services, we reached out to ExpertsDirect, a platform that connects lawyers acting pro bono with expert witnesses on a pro bono basis.”*

#### Case Study: Empowering Sarah Roberts

Earlier this year, MG & Associates accepted a pro bono case from JusticeNet SA to represent Sarah Roberts, a woman in her mid-60s who had tragically found herself homeless after being evicted from her residence by a national bank. Sarah had been the victim of unconscionable lending by a private lender, involving Sarah borrowing money for home renovations at an equivalent interest rate of 83% per annum. Sarah provided the private lender security over her property, leading to Sarah being forced to sell her property to pay the private lender. Sarah’s situation was dire, but thanks to the collaborative efforts of MG & Associates and ExpertsDirect, her life took a positive turn.

#### Immediate Shelter Solutions

When Sarah came to MG & Associates, she had spent her first night sleeping in her car. She had just been evicted from her residence and did not know what to do.

Recognising Sarah’s immediate need for a safe place to stay, MG & Associates collaborated with James Packham of Harcourts Packham, who had recently partnered with the Toward Home Alliance to open Terra Firma - a shelter specifically for individuals over 45 years old facing homelessness. Through this partnership, Sarah was provided with secure accommodation and access to essential amenities, alleviating her fears and ensuring she had a stable environment, particularly as she awaited an upcoming eye operation.

#### Addressing Legal Challenges

With Sarah’s immediate needs met, MG & Associates focused on addressing her legal issues. It was revealed that Sarah had a default judgment entered against her in a civil action in the Magistrates Court of South Australia, stemming from the lender seeking to recover interest under the unconscionable loan. MG & Associates identified an argument that the interest charged was unconscionable and set out to establish that Sarah had a reasonable basis for not filing a defence earlier.

#### Understanding Sarah’s Vulnerability

Sarah’s defence was hindered by her limited emotional intelligence and cognitive ability, exacerbated by her reliance on a non-legal friend for legal guidance. Concerns arose that Sarah’s friend may have taken advantage of her financially. To strengthen her case, MG & Associates sought expert evidence to demonstrate Sarah’s vulnerabilities. With financial constraints to accessing expert services, we reached out to ExpertsDirect, a platform that connects lawyers acting pro bono with expert witnesses on a pro bono basis.

#### The Role of Dr. Connell and the Psychology Report

ExpertsDirect connected Sarah with Dr. Connell, a psychologist who agreed to provide a pro bono assessment. Dr. Connell’s report validated Sarah’s position, highlighting her inability to assert herself appropriately and confirming her cognitive ability was inconsistent with her age. This report was pivotal in persuading the court to overturn the default judgment, setting the stage for negotiation with the opposing party. Without the support of ExpertsDirect and Dr. Connell agreeing to act on a pro bono basis, the outcome of Sarah’s may have been very different as she was unable to afford a private expert psychologist.

## Positive Outcome and Path Forward

Armed with the expert report and the combined legal expertise of MG & Associates, a positive outcome was negotiated, nullifying the threat of bankruptcy proceedings against Sarah. This resolution provided her with the freedom to move forward with her life, unburdened by the looming legal issue.

***“Without the support of ExpertsDirect and Dr. Connell agreeing to act on a pro bono basis, the outcome of Sarah’s may have been very different as she was unable to afford a private expert psychologist.”***

## The Power of Collaboration and Pro Bono Assistance

Sarah’s case demonstrates the power of collaboration between MG & Associates, ExpertsDirect, and other organisations involved in pro bono initiatives. The dedication and expertise of legal professionals, combined with the invaluable support of experts in diverse fields, ensures that justice is accessible to those who need it most, regardless of financial constraints.

The partnership between MG & Associates and ExpertsDirect exemplifies the positive impact that pro bono legal work can have on vulnerable individuals like Sarah Roberts. By providing comprehensive legal assistance, securing expert reports, and navigating complex legal terrain, this collaboration empowered Sarah to regain control of her life. Initiatives like ExpertsDirect and the commitment of firms like MG & Associates play a crucial role in fostering a more equitable and just society, where access to legal representation is not limited by financial means.

*Mark Gustavsson,  
Founder and Principal  
at Mark Gustavsson &  
Associates.*



*Mark Gustavsson is a highly experienced litigation and transaction lawyer. He is the founder and principal of Mark Gustavsson & Associates, a highly respected law firm based in Adelaide, South Australia.*

*Mark has a proven track record of success in handling complex legal matters, including commercial litigation, intellectual property, asset recoveries, consumer protection, employment law, insurance law, and more. He has extensive experience in negotiating and drafting commercial agreements, advising on regulatory compliance issues, and handling complex transactions, including mergers & acquisitions.*

## ExpertsDirect Pro Bono Service

ExpertsDirect Pro Bono Service connects lawyers acting pro bono and lawyers from community legal centres with professionals who are willing to provide expert witness services for free or at low cost.

To be eligible for the Service, applying lawyers must meet the Australian Pro Bono Centre’s definition of ‘[pro bono](#)’. The Service gives qualifying applicants access to a vast array of expert witness services in fields such as medicine, finance, and valuation, engineering, epidemiology and more. The project was developed as a way of overcoming the cost of these services which can impede the delivery of pro bono legal assistance or community legal assistance. Read more and apply for the ExpertsDirect Pro Bono Service [here](#). ■

**MARK GUSTAVSSON  
& ASSOCIATES**  
Litigation Lawyers & Advisors

*In addition to his trial and interlocutory work, Mark is also an accomplished appellate advocate, having co-ordinated and argued successfully in the New South Wales Court of Appeal against a national fast-food franchisor. He is well-known for his persuasive and articulate advocacy skills, and his ability to present complex legal arguments in a clear and concise manner.*

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***“...I provide pro bono assistance in a broad spectrum of cases. I find this kind of work very interesting, and it is a way of giving back to the broader community. It is such a privilege to be able to support such worthwhile causes and to play a small part in their success.”***

## The Rewards of Pro Bono: In Conversation with Jennifer Batrouney AM KC

The Centre reached out to the illustrious Jennifer Batrouney AM KC – one of our top-performing individual National Pro Bono Target signatories – to learn more about her flourishing pro bono practice.

Pro bono work has always been a vital part of my career at the Victorian Bar. Not only do I relish the opportunity to help those who do not have the resources to help themselves, but I really enjoy the work. The area of law that I do most of my pro bono work in is the law of charity. This law was established in 1601 and there are many challenges in applying the law to modern fact scenarios, even though much of it has been codified in the Charities Act 2001.

I help charities obtain or retain tax concessions and advise them if they have trouble interpreting their constituent documents, are experiencing internal disharmony or are unsure if they have the power to do a planned action.

One of the first big cases where I led a pro bono team was the Bicycle Victoria case [Bicycle Victoria Inc and Commissioner of Taxation \[2011\] AATA 444 \(24 June 2011\) \(austlii.edu.au\)](#). This case had a huge influence on my personal life because the expert witnesses we called convinced me that it is so important to exercise as part of a daily routine and also that cycling is a great way to improve physical fitness. While I have been exercising at the gym since – it is only in the last month or so that I have been game enough to take spin classes ... and they have been such fun! We were successful in having Bicycle Victoria declared to be a charitable institution but not a health promotion charity or public benevolent institution (PBI). You win some and you lose some!

Another important case in which I led the pro bono team was the Global Citizen case [Global Citizen Ltd and Commissioner of the Australian Charities and Not-for-profits Commission \[2021\] AATA 3313 \(17 September 2021\) \(austlii.edu.au\)](#). Global Citizen was registered as a charity

***“Some big charities can afford to pay for representation, but many smaller charities cannot. These smaller charities are often troubled by the concept of expending their charitable funds on legal representation. That is where I can help by providing my expertise at no cost.”***

but sought registration as a PBI. Its mission is to end global poverty by 2030. This was a groundbreaking case because we established that Global Citizen was a PBI, despite the fact that it did not directly dispense aid to the poor but rather engaged in activities to encourage governments across the globe to do so. This case had a rock star element to it both because the case referred to the “Make Poverty History” concerts run by the Global Citizen network but also because expert evidence was given in the case by two rock stars of the charitable word – Paul Ronalds, then CEO of Save the Children (Australia) and the legendary Rev. Tim Costello AO.

My pro bono work has also taken me overseas to New Zealand. I was fortunate to lead a team representing the



*Jennifer speaking at the Australian Bar Association's international conference in Singapore, 2019.*

Charity Law Association of Australia and New Zealand (CLAANZ) when it was granted leave to intervene in the Family First litigation – which ended up in the highest court in New Zealand – their Supreme Court [Attorney-General v Family First New Zealand \[2022\] NZSC 80 \(28 June 2022\) \(nzlii.org\)](#). CLAANZ was not supporting either party in the case but was granted leave to address the court on various issues such as advocacy and the line between propaganda and education. The Court found that Family First advocated for measures to prefer the “traditional man/woman family” and disadvantage others and held that such a discriminatory purpose was not compatible with a charitable purpose.

I have been lucky enough to have done a great deal of pro bono work to support Indigenous Australians in various ways. I have also provided pro bono assistance to the LGBTQI+ community, leading a fabulous team in a case seeking to establish that an equality organisation is a PBI. We are awaiting the decision in that case. I am also currently advising on the establishment of a foundation which will support and advocate for secondary victims of domestic violence.

It should be apparent that I provide pro bono assistance in a broad spectrum of cases. I find this kind of work very interesting, and it is a way of giving back to the broader community. It is such a privilege to be able to support such worthwhile causes and to play a small part in their success.

While I have always done a great deal of pro bono work for charities, I do so

***“I intend to keep on doing pro bono work for worthy causes for as long as my help is needed, and I encourage others to do the same. It is challenging, interesting and intellectually rewarding.”***

because it is important that they have pro bono legal representation where appropriate. Some big charities can afford to pay for representation, but many smaller charities cannot. These smaller charities are often troubled by the concept of expending their charitable funds on legal representation. That is where I can help by providing my expertise at no cost.

However, if charitable litigation ends up in the courts, at present charities are still exposed to paying the ACNC's costs if they are unsuccessful. This is a serious risk and deters many charities from pursuing matters in the courts. This issue would be alleviated if the ACNC was given a test case funding budget – similar to the test case funding budget provided to the Commissioner of Taxation.

The charity lawyer community is a small and close-knit group who are without exception a pleasure to work with. I am fortunate to be supported in my pro bono work by fantastic juniors and solicitors who also act pro bono. More often than not – the team acting in pro bono cases all end up being lifelong friends. I am so fortunate to have made many friends this way. I intend to keep on doing pro bono work for worthy causes for as long as my help is needed, and I encourage others to do the same. It is challenging, interesting and intellectually rewarding. ■



**Jennifer Batrouney** AM KC is a silk at the Victorian Bar practising in taxation, commercial, administrative, equity, superannuation and charity law. She was appointed a QC in 2000. Jennifer is a past President of the Australian Bar Association, the Victorian Bar, the Tax Bar Association and Australian Women Lawyers. She was the founding chair and

now sits on the Law Council of Australia Charity Law Committee and is a director of the Charity Law Association of Australia and New Zealand. She sits on the Melbourne Law School Advisory Council and Tax Masters Advisory Board. She is also a Senior Fellow at the Melbourne Law School teaching tax and charity law in the Melbourne Law Masters. Jennifer was appointed a Member of the Order of Australia in 2020 for significant service to the law, the legal profession and women lawyers.



## Global Pro Bono Hub

The Centre is proud to have recently launched the **Global Pro Bono Hub** in collaboration with DLA Piper and with the support of Herbert Smith Freehills and Ashurst.

The Hub links to over **400 pro bono resources, recent news items, upcoming events** and **job opportunities**. It is regularly updated by the Australian Pro Bono Centre and DLA Piper through submissions received from contributors across the international pro bono sector.

As a central platform for the global pro bono community, the Hub aims to inspire leadership, collaboration and growth across the sector. By facilitating the exchange of expertise, the Hub advocates for excellence in pro bono practice by law firms, in-house teams and individual lawyers.

*The Centre invites you to regularly engage with the Hub by browsing its broad range of offerings, and by **submitting** your own resources, new items, events and job opportunities!*



# Bringing In-Person Pro Bono Assistance to Refugees in Northern Tasmania

## Tasmanian Refugee Legal Service's Collaboration with Rae & Partners Lawyers



The Rae & Partners Diversity Committee L-R: Claudia Thomas, Zach Lieutier, Jo Byrne, Tim Drew, Louis Benjamin, (absent – Stuart Blom).

The contributions of pro bono lawyers can make a world of difference to underfunded and overworked community legal centres. The Centre reached out to Rae and Partners Lawyers to find out more about an exciting partnership with the Tasmanian Refugee Legal Service that is bringing face-to-face legal assistance to clients in the state's north.

In November 2022, Mr Patrick O'Connor, Chief Executive and Principal at the Tasmanian Refugee Legal Service ('TRLS') reached out to our firm to ask whether we would be willing to partner with his team to provide free legal services to clients in the north of the state.

TRLS is a not-for-profit organisation providing free legal advice, support and advocacy for migrants and refugees across Tasmania, as well as offering a specialised migration service for survivors of family

By Claudia Thomas  
with Patrick O'Connor

violence. They have just five lawyers working on over 400 active cases, with clients all over the state. They also provide education to the public regarding immigration and refugee law and policy.

***“In the past 18 months, there have been two major humanitarian crises – the Taliban takeover of Afghanistan and the war in Ukraine. This has resulted in TRLS’s caseload increasing by 300%.”***

This partnership with TRLS came at the perfect time, as my colleagues and I were in the process of establishing our firm's Diversity Committee. The Diversity Committee, currently comprised of six lawyers, aims to promote diversity, equality and inclusion within the firm, support underrepresented groups within the wider community, advocate for equality of opportunity for all staff, regardless of race, ethnicity, heritage, gender, age, religion, disability, sexual orientation or gender identity, and to be advocates for change within the firm and the wider community.



*The TRLS team L-R: Daisy Katero (Lawyer), Kawindi Batu (Lawyer), Patrick O'Connor (Principal Lawyer, Chief Executive), and Quan Nguyen (Office Manager).*

Our Diversity Committee is excited to undertake this project with TRLS and support the incredible work that they do. We appreciate the importance of this project as, with TRLS based in Hobart, there were no in-person legal services available to refugees in Northern Tasmania.

This meant that refugees in the north of the state may not have known about the services offered by TRLS and how they could access those services. It also meant that many of their clients would need to have their appointments by phone or video link. With many of TRLS's clients being from linguistically diverse backgrounds, this created a barrier in communication.

To bridge this gap, and to address the issues and challenges faced by their clients, we aim to support the work that

***“...we are hopeful that we will be able to increase TRLS’s capacity to take on more clients and spread their support to the wider community.”***

TRLs do by offering face-to-face appointments from our office in Launceston. This allows us to provide the advice, representation and support that TRLS clients in Northern Tasmania desperately need.

In the past 18 months, there have been two major humanitarian crises – the Taliban takeover of Afghanistan and the war in Ukraine. This has resulted in TRLS's caseload increasing by 300%.

Our team predominantly assists TRLS with their family reunification cases. There is a significant amount of work involved in these cases, with each requiring approximately 25 – 35 hours of work to prepare and lodge the application, and a further 25 – 30 hours of work to prepare and lodge the submissions. On average, it takes three years for these cases to be determined.

If TRLS's clients had to instruct a private law firm to complete their applications, they would incur legal costs of approximately \$8,000.00. TRLS estimates that by the end of this financial year, it will have provided approximately \$800,000.00 worth of free family reunification legal work for the Afghan refugee community alone.

Despite the incredible amount of work that they do, and the importance of this work within the community, TRLS continues to operate without National Legal Assistance Partnership funding.

We are assisting TRLS by undertaking the first appointments with clients (in-person), gathering information and documents (such as ID, birth certificates, marriage certificates and immigration documents), assisting them in completing visa application forms, preparing statutory declarations, and eventually, drafting submissions. In doing so, we are hopeful that we will be able to increase TRLS's capacity to take on more clients and spread their support to the wider community.

Many of TRLS's clients, or their families overseas, have experienced some form of physical or emotional abuse, persecution, torture or conflict in their home country. We have noticed that it is understandably difficult for many clients to open up to us about their painful experiences. For this reason, it is particularly important for our team to respond in a trauma-informed way, so that these clients can feel safe and develop trusting relationships with us.

*“This project is already having a positive impact within our firm by increasing our lawyers’ skills in migration law and trauma-informed response, and by boosting morale within the firm by giving back to the community.”*

Our team are currently operating on a roster system, with Tuesday and Thursday afternoons set aside for the project. We currently have a team of five lawyers involved in the project, meaning that each lawyer is dedicating approximately one afternoon per month.

As a primarily commercial law firm, this project has presented the opportunity for our lawyers to gain experience in migration law, which we may not have otherwise been able to do. To prepare for this new challenge, we have been undertaking training with TRLS since January 2023.

This project is already having a positive impact within our firm by increasing our lawyers' skills in migration law and trauma-informed response, and by boosting morale within the firm by giving back to the community.

In spreading awareness about the services offered by TRLS and the collaboration with our firm, TRLS were in contact with the ABC, who published an article in December 2022: [‘Four pro bono lawyers unlock in-person legal services for refugees in Northern Tasmania’](#). The ABC also conducted a follow up radio interview with our firm in April 2023.

We are excited to continue working with TRLS and we hope that this will be the first of many more pro bono projects that our Diversity Committee, and the firm as a whole, will undertake. ■



**Claudia Thomas.** Claudia is part of the Civil Litigation and Estate Administration teams at Rae & Partners Lawyers.

Claudia started at Rae & Partners Lawyers as a paralegal in 2018, while completing a Bachelor of Laws through Deakin University, and a Graduate Diploma in Legal Practice with the College of Law.

Since being admitted to the legal profession in February 2021, Claudia has gained experience in a range of practice areas including civil litigation,

estate litigation, debt recovery and residential tenancy disputes. She has also represented clients in relation to Guardianship and Administration matters before the Tasmanian Civil and Administrative Tribunal (TASCAT).

Claudia is Vice-President of the Early Career Lawyers North Committee, and Vice-Chair of the Rae & Partners Diversity Committee.



**Patrick O'Connor.** Patrick was admitted to practice law in 2013 and has practiced predominantly in immigration and human rights law since that time. He has extensive experience representing clients at all stages of the immigration process including at the Administrative Appeals Tribunal, Federal Circuit Court, Federal Court of Australia, Immigration

Assessment Authority and the Department of Home Affairs. Patrick also has extensive experience in partner and protection visa applications, skilled visa and visa cancellation matters.

Patrick has a strong understanding of current immigration issues. He is passionate about social justice, human rights and refugee issues that exist in contemporary Australia and abroad today. Patrick has also worked pro bono for over 5 years at the Asylum Seeker Resource Centre and Refugee Legal in Melbourne.

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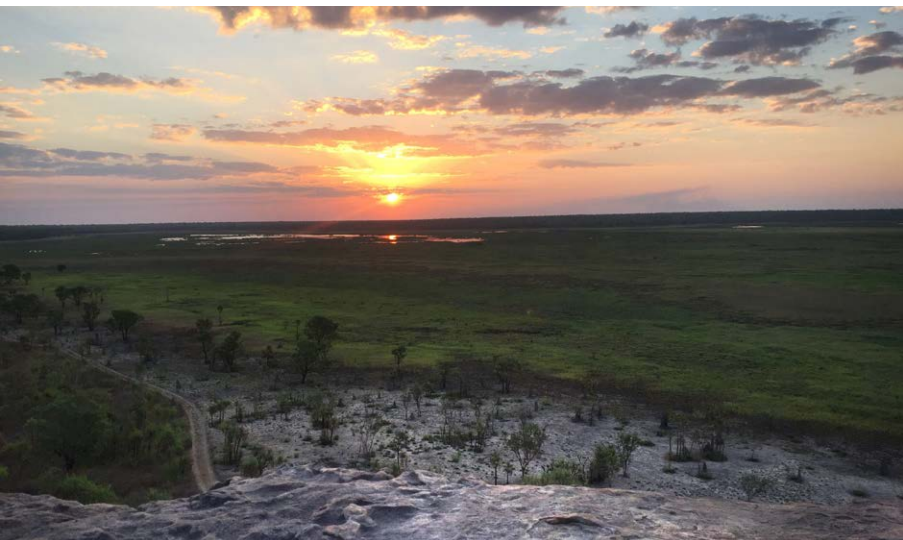
# Spotlight on Centre Board Member: Sarah Morton-Ramwell

Sarah Morton-Ramwell – Ashurst Partner and Global Head of Pro Bono and Social Impact – discusses pro bono practice strategy, Big Law pro bono collaborations, and how discovering law firm pro bono changed the course of her career.



By Laura Toren  
Australian  
Government  
Solicitor Seconded  
to the Australian  
Pro Bono Centre

*Sunset in the NT – I am very fortunate to get travel to the Northern Territory — particularly in relation to our work with First Nations clients. It has become one of my favourite places in the whole world.*



**LAURA:** It's a pleasure to speak with you today, Sarah! First of all, could you give us a broad outline of your education and career path?

**SARAH:** I did a combined Bachelor of Arts and Law at the University of Sydney. I did the last six months of my law degree on exchange at the University of North Carolina at Chapel Hill, where I completed a subject on the Innocence Project. That was my first foray into pro bono work.

I started my career as an intern at the Centre of Reproductive Rights in New York. I then moved to London, where I worked in the advocacy team of the International Planned Parenthood Federation. I had always wanted to work in reproductive rights and women's rights as a lawyer, and I did love working in policy, but I also wanted to further develop my legal skills.

Therefore, despite being a qualified lawyer in Australia, I took up a commercial training contract at Freshfields Bruckhaus Deringer. It was there that I really discovered pro bono. The fact that I could do the kind of work that nourished my soul in such an amazing commercial legal environment, with incredible resources at our disposal, was revolutionary for me. That was the first time I really saw the power of firm pro bono, and it completely

changed the course of my life. So, I became qualified as a lawyer in England and Wales and after my training contract, I joined the pro bono team at Freshfields. From there, I moved to Reed Smith in London to look after their pro bono practice and their corporate social responsibility, diversity and inclusion work in all their offices outside of the US.

Just over eight years ago, I became the Global Pro Bono and Social Impact Partner at Ashurst. I started in the London office and then moved to the Sydney office in late 2015.

I have also completed a Masters in Sustainable Leadership at the University of Cambridge. More recently, I graduated from the Australian Institute of Company Directors.

Being a pro bono practitioner is absolutely my calling. I love the broadness of a full global pro bono practice, as well as working in social impact and community engagement. The



*“...when disaster strikes...we don't frantically try to change what we're doing. Instead, we go deep into our focus areas and think about the partnerships that we've already made as we look to roll out new responses to those worst affected.”*



*Lifejacket Graveyard – Lesbos, Greece. I went to Lesbos in 2019 to visit our pro bono project and secondees in the refugee camp there. In the north of Lesbos, lifejackets and rafts are discarded by refugees who have made the perilous journey to the island.*

beauty of it is that I still get to work in reproductive rights under the banner of gender rights, which is one of our four focus areas at Ashurst. I'm delighted that I've be able to continue my work in that area.

**LAURA:** Can you tell me a bit more about your current role as Partner and Global Head of Pro Bono Practice and Social Impact at Ashurst?

**SARAH:** It really is my dream role. I remember when I first found out many years ago that there were one or two pro bono partners around the world, I couldn't believe it, and I certainly couldn't believe it when I became one myself!

At Ashurst, pro bono is considered a standalone legal practice, and I am also a global function head for social impact, which is a non-legal function. In both roles, I report directly to our global CEO, Paul Jenkins, which is a wonderful position to be in. He's a visionary and has been incredibly supportive of me, my team and how pro bono and social impact is viewed within our firm.

We have four focus areas in our global pro bono practice, being racial justice, gender rights and diversity, modern slavery and citizenship and displacement.

**LAURA:** And do those streams guide you in choosing which matters you take on?

**SARAH:** Absolutely. There's so much need, so we really want to have focus and prioritise deep and long lasting-relationships. It enables us to really understand and connect with all the major players in those areas. So, when disaster strikes, be it in Afghanistan or the war in Ukraine or COVID-19, we don't frantically try to change what we're doing. Instead, we go deep into our focus areas and think about the partnerships that we've already made as we look to roll out new responses to those worst affected.

**“Given that Australia is one of the leading jurisdictions for pro bono, the [Australian Pro Bono] Centre doesn't only set best practice for Australia, they also set best practice for the world.”**

**LAURA:** What's your proudest achievement?

**SARAH:** Honestly, the thing that I'm most proud of is my incredible team at Ashurst. We are now one of the largest teams in the global pro bono market, but it's the purposeful way that it has grown which makes me the most proud. I have a rights-holder engagement strategy which ensures that we have people with lived experience to design and co-lead all our major areas of work. I think that is essential and something that I hope we will see replicated in other law firms and more broadly in the business community.

**LAURA:** Are there any lessons that you think the Australian pro bono community can learn from the UK or other jurisdictions globally?

**SARAH:** The Australian pro bono sector is one of the most developed and sophisticated pro bono markets globally, which is fantastic. What the UK has done extremely well is collaboration. Multiple firms working together on big projects is a real hallmark of pro bono practices in the UK, particularly around citizenship and displacement issues.

For example, one collaborative project Ashurst works with other firms on involves refugees in Greece. Since that project started in 2019, the collaborating firms have used this model to respond to other citizenship and displacement crises, including Afghanistan and Ukraine. Firms are starting to collaborate more and more in Australia as well, which is wonderful to see! One example includes a Pacific Islands collaborative that



The refugee camp in Lesvos, Greece 2019.

**“The key is to follow your passion. Try and find opportunities, and if opportunities are not obvious, make them.”**

Ashurst started and we're very excited to be working with other firms in that space.

**LAURA:** What advice would you give to lawyers or firms that want to start or grow a pro bono practice?

**SARAH:** Australian Pro Bono Centre resources are so useful for getting started. Even before I was working in Australia or had anything to do with the Centre (I now sit on the Centre's Board), I was using its resources for my dissertation while I undertook my Masters of Sustainability Leadership at Cambridge. Given that Australia is one of the leading jurisdictions for pro bono, the Centre doesn't only set best practice for Australia, they also set best practice for the world. You can't go past their resources for fantastic advice on how to start and how to grow.

**LAURA:** Do you have any advice for young lawyers and students who have aspirations in the social justice space?

**SARAH:** The key is to follow your passion. Try and find opportunities, and if opportunities are not obvious, make them. Throughout my undergraduate degree, I sought out subjects and opportunities to learn about social justice. My internship at the Centre of Reproductive Rights took place over winter, when that opportunity was not normally offered. Due to visa restrictions, I couldn't do it at any other time. So, I just rang and emailed them many times over many months, telling them how passionate I was about their work and showing them work that I had done in their area to demonstrate my knowledge and commitment. Eventually, they created a role for me. I've seen that happen many times throughout my career. People have come to me and told me how much they want to get into this space and then they have maintained contact and gone above and beyond in terms of delivering pro bono work. Then, when roles come up, they are the first people I go to. ■

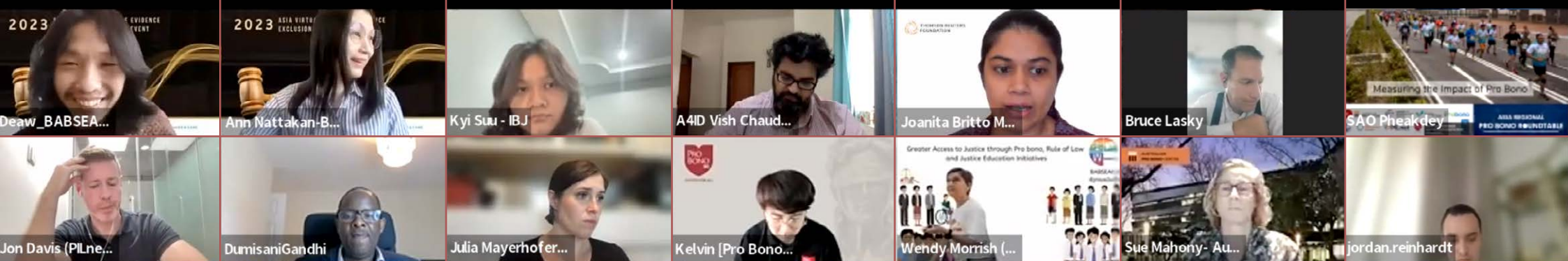


**Sarah Morton-Ramwell.** Sarah is a Partner and Global Head of Pro Bono and Social Impact at Ashurst. Sarah sits on the board of the Australian Pro Bono Centre, on the board of a not-for-profit independent school in Sydney and is on Ashurst's Risk Committee. Sarah is a member of the Centre for Social Impact's Sydney Advisory Council, ActionAid's Arise Leadership Circle and is a former Chair of the International Bar Association Pro Bono Committee. She also sits on the Business Council of Australia's Indigenous Engagement Taskforce and is Co-Chair of Ashurst's Reconciliation Action Plan Leadership Circle. Sarah is a qualified lawyer in NSW and England and Wales and holds a Master of Studies in Sustainability Leadership from the University of

Cambridge. She is also a Graduate of the Australian Institute of Company Directors and was named in the Institute of Corporate Responsibility & Sustainability's first group of Fellows in 2016.

Sarah was named as the Qantas Australian Woman of the Year in the UK in 2014. In 2016, Sarah was named as one of the Australian Financial Review and Westpac's 100 Women of Influence, and won the 'Pro Bono Lawyer of the Year' award at the Lawyers Weekly Women in Law Awards. In 2021, Sarah won the 'Pro Bono Partner of the Year' award at the Lawyers Weekly Partner of the Year Awards and was named in Australasian Lawyer as one of their 'Elite Women of 2021'.

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Participants at the Roundtable.

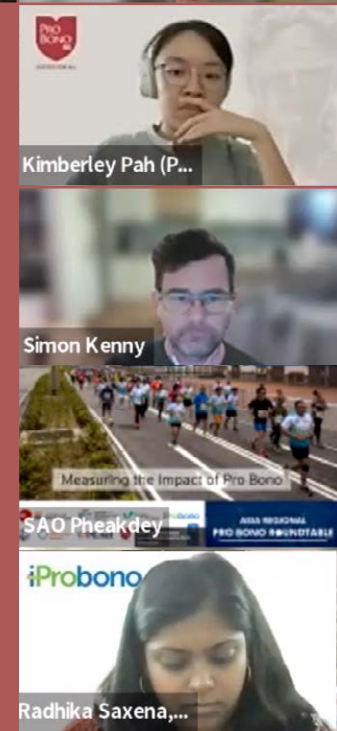
# Pro Bono Impact Measurement: Insights from the Asia Pro Bono Roundtable Consortium

*By Sue Mahony and Eena Fortun*

The Asia Pro Bono Roundtable Consortium consists of a range of organisations engaged in strengthening and expanding pro bono work within the Asia region and globally, including A4ID, the Australian Pro Bono Centre, BABSEACLE, the Center for Reproductive Rights, International Bridges to Justice, iProbono, Legal Empowerment Network, Pro Bono SG (formerly the Law Society Pro Bono Service, Singapore), PILnet, The Global Pro Bono Bar Association, TrustLaw (Thomson Reuters Foundation) and the United Nations Development Programme (UNDP). This article provides key insights from a Roundtable hosted by the Consortium in March 2023.

Wisdom is one of the few resources that increases when it is shared. That is the spirit of generosity that underscores the Asia Pro Bono Roundtable Consortium. The Consortium comes together in quarterly Roundtables, uniting members from an array of countries, including Myanmar, Thailand, Laos, Philippines, Singapore, Hong Kong, Nepal, India and Australia. The Australian Pro Bono Centre is proud to have joined the Consortium in November 2022.

The first Roundtable for 2023, on the theme of Measuring Pro Bono Impact – a Simple Necessity, comprised presentations from TrustLaw, BABSEACLE, A4ID and PILnet. It is worth understanding the various kinds of pro bono work that these organisations undertake to appreciate their valuable insights into impact measurement, including defining and measuring success and collecting the data to make this possible.



**“Wisdom is one of the few resources that increases when it is shared. That is the spirit of generosity that underscores the Asia Pro Bono Roundtable Consortium.”**

*Nattakan Chompathong (Ann) presenting for BABSEACLE.*

### TrustLaw – The largest global pro bono service provider

TrustLaw facilitates pro bono legal work by over 120,000 lawyers globally. It works with charities, NGOs and social enterprises on a pro bono basis, connecting them with lawyers who are willing to advocate for their causes. It also publishes the TrustLaw Index, a regular report of the volume of pro bono legal work being done across its global network.

The 2022 TrustLaw Index (Index) surveyed 167 law firms in 22 countries in the Asia Pacific Region, recording over 94,000 hours of pro bono legal work with an average of 6.2 hours per lawyer, reflecting a positive trajectory. TrustLaw’s impact analysis through the Index concluded that law firms with at least one element of pro bono infrastructure recorded twice

### 3 QUICK WINS



*TrustLaw slide from the Roundtable: 3 Quick Wins.*

as many pro bono hours per lawyer as those which did not. Pro bono infrastructure included:

- pro bono policies;
- a pro bono committee; or
- dedicated pro bono staff.

### BABSEACLE – Dynamic training that transforms mentees into mentors

The Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEACLE), showcased their training project through which judges and experienced lawyers, acting pro bono, educated over 200 students from 31 universities across 12 countries throughout Asia in advocacy and trial skills, legal ethics and the rule of law through mock hearings.

BABSEACLE measured the tangible impacts of the program such as:

- pro bono hours,
- number of student participants, and
- participant satisfaction,

as well as intangible impacts such as:

- increased knowledge and skills of participants,
- likelihood that the volunteers and the student participants will undertake other pro bono activities, and
- improved access to justice outcomes.



## A4ID – The value of a flexible impact assessment framework

Advocates for International Development (A4ID) is an international non-profit that channels global legal expertise to organisations that are working to advance the UN Sustainable Development Goals (SDGs). One

of A4ID's programs specifically focuses on the rule of law and sources and provides international development opportunities to UK-based lawyers, with over 60 projects currently under way.

The rule of law program measures impact by defining in advance the change or outcome sought, monitoring outputs (such as pro bono hours) but also short- and long-term outcomes and societal effects on community attitudes and the rule of law. A4ID provided a powerful example of pro bono lawyers working to upskill Legal Aid lawyers in Africa who were representing a group of clients facing the death penalty and seeking changes to the law to abolish the death penalty.



*Dumisani Gandhi presenting for A4ID.*

***“Impact measurement need not be a scientific process, but it should be an iterative process that can be progressively improved once an organisation makes a start”***

The program's impact was measured through:

- the success of the proceedings, with most defendants granted clemency, creating precedents for future cases,
- the local lawyers' increased skills measured through pre- and post-project surveys,
- Legal Aid's satisfaction with the training provided to the local lawyers, and
- the progress toward abolition of the death penalty including changes in public opinion.

## PILnet – Strategies informed by creative data collection

Since 2003, PILnet's work in Asia has supported the creation of vibrant public interest legal networks, pro bono clearinghouses, and national and regional initiatives in three strategic priority areas: civic space, climate justice and refugees and people on the move.

In common with the other organisations, PILnet recommended that, at the beginning of a project, the pro bono provider and their client determine the baseline position and agree what success looks like for the project.

PILnet suggested that to understand the full scope of a project's impact, organisations should collect data from a range of perspectives, including through surveys, feedback, interviews and matter results from:

- the pro bono client,
- the pro bono provider,
- the pro bono provider's team,
- the law firm or company as a whole, and
- societal impact.

As was observed by BABSEACLE's Bruce Lasky in wrapping up the session, impact assessment is a simple necessity that can be based on any type of data. Impact measurement need not be a scientific process, but it should be an iterative process that can be progressively improved once an organisation makes a start. ■

*Sue Mahony, Senior Policy Officer,  
Australian Pro Bono Centre*



*Eena Fortun, Intern, Australian  
Pro Bono Centre*



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# Pro Bono Projects: A One-Size Approach Does Not Fit All

By Cassandra Krylov

*“Being adaptive and responsive are crucial aspects of our program, giving us the flexibility to work with our pro bono clients and organisations in a number of different ways, ranging from running legal clinics, accepting referral matters, providing training and upskilling sessions to our partners and assisting with publications and research tasks.”*

Providing pro bono legal services is a key focus for Gadens and is a prominent pillar in our business strategy. As a firm, we aim to do the right thing and make an impact, and our strategies are focused on ensuring that we are taking positions on matters of social significance and are providing access to justice to those in need. Our extensive pro bono program focuses on providing advice, representation and assistance to people who would otherwise be without, as well as making legal education, research and law reform accessible within the community.

Each pro bono client or pro bono organisation that a firm partners with will have different needs, and require a different level of engagement and assistance. We have found it is important to approach pro bono partnerships with an open mind, and offer a wide array of assistance to our pro bono partners. This ensures that each individual client and organisation is receiving tailored pro bono legal assistance that meets their exact needs at a specific point in time, which in turn builds their capacity to meet the unique needs of their client group.

Being adaptive and responsive are crucial aspects of our program, giving us the flexibility to work with our pro bono clients and organisations in a number of different ways, ranging from running

legal clinics, accepting referral matters, providing training and upskilling sessions to our partners and assisting with publications and research tasks. Like many firms, we have key priority areas, and this guides the relationships and partnerships we form.

Here are some examples of Gadens' pro bono partnerships.

### Arts Law

Arts Law is a not-for-profit, independent national community legal centre for the arts that provides free or low cost specialised legal advice, education and resources to Australian artists and arts organisations across all art forms, on a wide range of arts related legal and business matters.



Through their work, Arts Law aims to improve the range and quality of legal services and resources that are currently available to Australian artists, specifically Aboriginal and Torres Strait Islander artists, as well as the organisations that they work with and are supported by.

Our relationship with Arts Law arose through one of my colleagues, Sharna White, who worked at Arts Law prior to joining Gadens and who now manages this pro bono relationship. We assist with Arts Law's Document Review Service, which requires our lawyers to review documentation and instructions provided by the client to Arts Law, providing phone advice to the client, before preparing a summary of the advice and sending this to Arts Law. We have lawyers assisting with this work at various levels and from different practice groups, which can range from licensing agreements to leases and employment agreements.

This project has been very successful and we are excited to now be expanding our involvement with Arts Law to participate in the Adopt a Lawyer and Outreach programs. Arts Law services an enormous geographic area and is able to identify and respond to systemic issues and themes impacting artists around Australia.

### Immigration Advice and Rights Centre (IARC)



IARC is a not-for-profit, specialist community legal centre providing free legal advice and assistance to people throughout New South Wales. IARC provides advice in relation to immigration and domestic violence, migrant worker exploitation, family reunion, refugee and humanitarian visas, citizenship and visa cancellations.

When the Taliban came into power in Afghanistan in August 2021, there was an increasing number of individuals living in Australia who were seeking assistance in obtaining refugee and

humanitarian visas for family members who were still living in Afghanistan. We assisted IARC by taking instructions from their clients to complete refugee and humanitarian visa applications and submitting these to the Department, in an attempt to secure visas for these family members.

We are now assisting IARC with providing free and confidential immigration assistance to women escaping domestic, family and sexual violence. This project will see our lawyers drafting applications for women seeking permanent residency in Australia where the relationship has broken down and there is family violence under the family violence provisions in the Migration Act.

This has involved providing our lawyers with training and support in both immigration and refugee law which, while challenging, has allowed our lawyers to expand their experience beyond their typical practice areas and provide assistance where it is needed most.

#### Moonee Valley Legal Service (MVLS)

Our pro bono partnership with MVLS is our longest standing pro bono partnership.



MVLS is a community legal centre located within the Ascot Vale public housing estate, and provides free legal advice, information, education, referrals and ongoing casework assistance to anyone who lives, works or studies within the City of Moonee Valley,

including public housing residents in Ascot Vale and Flemington.

We have provided various forms of pro bono legal assistance to MVLS over the years. This includes staffing a weekly public housing tenancy clinic, accepting referral matters in various areas of law and providing CPD training to MVLS's lawyers.

We have benefitted from working with and learning from a smaller community legal centre that is so in touch with and responsive to the needs of its local community at any given time.



*Cassandra Krylov is a Senior Advisor in the Sustainability and Social Impact team at Gadens. Cassandra has a passion for social justice and ensuring that all those in need can access quality legal services. Building relationships and partnerships with community legal centres is a key focus of Cassandra's role, and she has established a number of Gadens' pro bono partnerships, including some of those referred to above.*

*Cassandra spends the remainder of her time working on various pro bono projects with our community legal centre partners, including how we can expand our relationship to assist as many individuals and organisations that we can as a firm. Cassandra also runs Gadens' corporate volunteering program, and is responsible for assisting with various community fundraising, reconciliation and sustainability initiatives.*

*“By offering a range of different pro bono projects to our staff, we are able to ensure that everyone who wants to take part in the program is able to, by finding a project that suits their expertise and capacity. It also keeps the focus where it should be; understanding and then finding a way to meet genuine needs that arise in the community, rather than doing what is easy or familiar to us as lawyers.”*

By offering a range of different pro bono projects to our staff, we are able to ensure that everyone who wants to take part in the program is able to, by finding a project that suits their expertise and capacity. It also keeps the focus where it should be; understanding and then finding a way to meet genuine needs that arise in the community, rather than doing what is easy or familiar to us as lawyers.

We also work with a number of other community legal centres and organisations on a range of projects. We are incredibly privileged and proud to have these partnerships at Gadens. ■

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# Centre Participates in New Research Project to Develop a Global Practical Toolbox on Corporate Climate Litigation

By Dr. Ivano Alogna

Building on our recent focus on harnessing pro bono to tackle climate change, the Centre is participating in a new British Institute of International and Comparative Law (BIICL) research project on climate litigation. The project is being led by Dr Ivano Alogna, Research Leader in Environmental and Climate Change Law at BIICL. Dr Alogna describes this exciting new project below.

The project, launched during COP27 in Sharm El-Sheikh in November 2022, will develop a practical global toolbox for corporate climate litigation. Although there is a growing body of work analysing climate litigation from a comparative perspective, that work has traditionally focused on actions against non-corporate entities like governments. Cases against corporations have yet to receive the same rigorous attention. The toolbox aims to address this.

*“The project will create a suite of Global Perspectives on Corporate Climate Legal Tactics, a selection of tools for NGOs, government bodies and local communities and other affected groups and individuals around the world and those representing them.”*



Dr Joyce Kimutai, Nigel Fleming KC, Dr Ivano Alogna, Dr Irene Pietropaoli, Richard Lord KC at the BIICL's Corporate Climate Litigation: Lessons Learned, Comparative Perspectives and Future Pathways event in May 2023.



*The British Institute of International and Comparative Law exists to develop and advance the understanding of international and comparative law in the UK and around the world, and to promote the rule of law. Through our work, we seek to improve decision-making which will help to make the world a better place and have a positive impact on people's daily lives. Our vision is to be an independent leader in applied legal research and ideas: informing debate, policy and practice; upholding and maintaining humane and democratic values; promoting evidence-based decision-making; and contributing to the upholding of the international legal order.*



Professor Dr Jacqueline Peel.

### The BIICL project will:

- produce a comparative analysis of corporate climate litigation cases globally, examining causes of action, remedies sought and procedures used across 17 countries in the northern and southern hemispheres, to provide a comprehensive overview of both the current best practice worldwide and the most suitable corporate climate litigation avenues for different legal systems and economies;
- catalogue existing cases – taking stock of the lessons learned in other fields (e.g. tobacco, asbestos, toxic torts);
- engage in strategic, prospective and interdisciplinary thinking, identifying possible frameworks, arguments, and legal instruments to tackle climate change; and
- help litigation planning, contribute to more comprehensive and effective climate action, raise public awareness and eventually – as a consequence of its deterrent effect – encourage corporate actors to mitigate their litigation risks by changing business behaviour.

The project will create a suite of Global Perspectives on Corporate Climate Legal Tactics, a selection of tools for NGOs, government bodies and local communities and other affected groups and individuals around the world and those representing them. It will also establish an inventory of substantive and procedural provisions relevant to climate change cases, to be used as legal models by policymakers and legal practitioners, and act as an authoritative reference point for judges and other adjudicators.

The research and content analysis is being carried out by BIICL's climate change research team and National Rapporteurs from each of the jurisdictions in the study – Australia, Brazil, Canada, China, France, Germany, India, Italy, Japan, Kenya, the Netherlands, Nigeria, Norway, Philippines, Poland, the United Kingdom and the United States. These include some of the most respected academics in the field.

For Australia, the National Rapporteur team is coordinated by Professor Jacqueline Peel, a

*“Among the experts participating in the Australian IEG are the Australian Pro Bono Centre’s CEO, Gabriela Christian-Hare and Senior Policy Officer, Sue Mahony.”*



## AUSTRALIAN PRO BONO CENTRE

leading and internationally-recognised expert in the field of environmental and climate change law. Professor Peel is the Director of Melbourne Climate Futures at the University of Melbourne and Lead Author in Working Group III of the latest (6th) IPCC Assessment Report. Professor Peel's team includes Melbourne Climate Future researchers Rebekkah Markey-Towler and Thea Shields, as well as a group of experts from practice, academia, judiciary and science forming a wider International Expert Group (IEG) ensuring that all angles and disciplines are covered. Among the experts participating in the Australian IEG are the Australian Pro Bono Centre's CEO, Gabriela Christian-Hare and Senior Policy Officer, Sue Mahony.

The IEG (currently composed of around 200 experts worldwide), National Rapporteurs and the BIICL team

are supported by a Core Group steering the project. The Core Group comprises internationally renowned experts from around the world in the field of corporate climate litigation and related areas, drawn from science, the judiciary, legal practice, and academia. Professor Peel is also part of this Core steering group.

The project will run for two years. In the first year the project team will collect the most up-to-date and comprehensive information on a country-by-country basis about the



*“During COP28 in Dubai in December 2023, BIICL will publish a report of its findings in the form of a Global Toolbox on Corporate Climate Litigation for use by local communities, NGOs, states and other stakeholders.”*



*COP27 Toolbox project launch event: from top left: Prof. Dr. Jaap Spier, Richard Lord KC, Dr Ivano Alogna, Ingrid Gubbay, Prof. Dr. Jacqueline Peel.*

possible avenues for improving corporate climate litigation through country workshops and interdisciplinary dialogues. This process will lead to 17 national reports, as well as comparative workshops for exchange and comparison among experts from all the countries being analysed. During COP28 in Dubai in December 2023, BIICL will publish a report of its findings in the form of a Global Toolbox on Corporate Climate Litigation for use by local communities, NGOs, states and other stakeholders.

In May 2023, BIICL held an event called Corporate Climate Litigation: Lessons Learned, Comparative Perspectives and Future Pathways. The event involved three panels of leading experts drawn from academia, legal practice, the judiciary and science participating in the Toolbox project, exploring the most compelling issues and

future prospects of corporate climate litigation through a high-level comparative and interdisciplinary discussion. A recording and an event report is available on the BIICL website.

In the second year, the project team will disseminate information widely and exchange knowledge about the Toolbox with judges, NGOs, businesses, subnational and national governments, legislators, and other climate governance actors through publications, workshops, webinars and conferences by BIICL and at supporting institutions. The Toolbox will also be tested in courts, through climate actions brought by our partner institutions or other stakeholders.

Overall the project aims to create momentum to ensure that companies will be critical actors for real and positive change toward a net-zero future. ■

You can access the [Centre’s Pro Bono Guide to the Climate Crisis](#) and the [Global Pro Bono Climate Action Portal](#), a collaboration with PILnet, from the Centre’s website.



*Dr Ivano Alogna is the Research Leader in Environmental and Climate Change Law at BIICL and directs its rapidly developing environmental and climate change law programme, including the “Global Perspectives on Corporate Climate Legal Tactics” project.*

*He is an Associated Member of the Sorbonne Research Institute in International and European Law (IREDIES), Sorbonne Law School, a member of the European Law Institute (ELI) project on “Ecocide”, and a Glasgow Law Fellow at the University of Glasgow, School of Law.*

*Dr Alogna is a member of the IUCN World Commission on Environmental Law and its Climate Change Expert Group, and an Expert of the “Environmental Law and Policy” Commission, IUCN French Committee. He was the General Rapporteur of the “Global Pact for the Environment” project.*

*He is the co-editor of the book ‘Climate Change Litigation: Global Perspectives’ (2021, Brill) and of a forthcoming volume on ‘Climate Litigation in Europe’ (2023, Intersentia).*

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# From Injustice to Health Equity via a Health Justice Program

By Yasmin Ildes

Imagine seeking asylum in a new country... Imagine suffering from severe mental health issues because of the trauma you experienced from your home country and the ongoing uncertainty regarding your visa status... Imagine that your mental health has worsened due to now experiencing workplace discrimination and domestic violence from your partner... How do you feel? This is one of the thousands of stories the clients who have sought the services of World Wellness Group are experiencing. Their situations involve health, legal and social complexities.

*“WWG’s social health model works to address the social issues that adversely affect our clients’ health, including housing, employment, legal issues, family violence, discrimination, language and cultural barriers. Through an embedded wraparound care model, we have found that legal problems and lack of access to justice are major barriers for many of our clients who are already facing social disadvantages which significantly impact their health and mental health.”*

## World Wellness Group’s Health Justice Program

World Wellness Group (WWG), a multicultural social enterprise health clinic, established a Health Justice Program (HJP) in 2020 as part of a wraparound health care model supported by professional indemnity insurance from the Australian Pro Bono Centre. WWG is based in Brisbane and has a mission to reduce health inequity and provide access to universal health care. We run a health clinic providing medical and allied services, including mental health services, to minority groups. Our patients include migrants, refugees and people seeking asylum. Our motto is #HealthEquityJustice.

WWG’s social health model works to address the social issues that adversely affect our clients’ health, including housing, employment, legal issues, family violence, discrimination, language and cultural barriers. Through an embedded wraparound



Lawyer and client at the World Wellness Group’s Health Justice Partnership clinic.

care model, we have found that legal problems and lack of access to justice are major barriers for many of our clients who are already facing social disadvantages which significantly impact their health and mental health. With the support of two key lawyers, a legal advocate and volunteers at our clinic, we have provided legal advice, representation and advocacy and navigation support to help clients understand their legal matters, connect

them with further legal expertise when necessary and provide legal advice and representation. This wraparound support is provided alongside our focus on their health and mental health issues.

## How it started

In response to many clients’ health issues being impacted by legal issues, WWG commenced providing legal advocacy services for internal clients of the service to ensure they were able to find appropriate legal help, but also remain engaged in their existing legal processes. Remaining engaged can often be a challenge due to mental health, language and cultural issues. We also wanted to ensure that our health practitioners felt supported via training and secondary consults, as their clients often brought up legal issues in their health consults and many practitioners felt overwhelmed.



World Wellness Group's clinic in Brisbane.

***“For the past three years, the HJP has contributed over \$300,000 in pro bono legal services on top of additional legal advocacy and support. It is the largest pro bono program WWG has undertaken.”***

In starting this process, we lifted the lid on a high level of unmet need. Every week, multiple clients were referred to the HJP for a range of issues from migration legal support to family and domestic violence, administrative law and workplace discrimination matters. It was clear too that there was no referral pathway for some of these clients, and many of them were falling through gaps in the legal system as a result of their poor mental health. In response to this, in 2020, the HJP transitioned to start providing legal advice and representation, as well as advocacy. I was employed in-house and Stephanie Manger was a volunteer lawyer who supervised my work and assisted with the overwhelming workload. Other volunteer barristers and lawyers were integral to the program and provided expertise to assist clients at trial and in various disputes.



*Yasmin Ildes is an early career lawyer who has worked primarily in the not-for-profit, multicultural and community legal sector. Yasmin led the establishment of a Health Justice Program at World Wellness Group, and is extremely passionate about social justice, access to justice and the health justice model. Yasmin has also worked in another Health Justice Partnership - the Older Persons Advocacy and Legal Service at Caxton Legal*

*Centre. Outside of work, Yasmin is a passionate performer and female empowerment advocate. From 2014, Yasmin founded and ran a not-for-profit – Glamourzonians – aimed at empowering young girls to redefine beauty standards, as well as look beyond themselves to bigger world issues such as girls' education. Yasmin was a top 4 finalist in the 2020 Queensland Young Achievers Awards.*

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For the past three years, the HJP has contributed over \$300,000 in pro bono legal services on top of additional legal advocacy and support. It is the largest pro bono program WWG has undertaken. We believe that our commitment to health justice is an essential component in achieving health equity for our clients.

### Highlights of the Health Justice Program

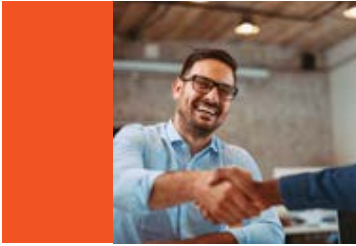
There are a number of multi-faceted cases which have been highlights of the program. These include successful immigration appeals as well as innovative coordination of clients' legal problems, where we have not only worked collaboratively with other health disciplines within our service, but also worked with lawyers from other firms to provide less fragmented legal services for a client with multiple legal issues.

A case that we are very proud of is an unfair dismissal matter for a client who was referred by his GP for urgent mental health support from WWG. His clinician identified a potential legal issue as the client disclosed being harassed and bullied at work and feeling that he was forced to resign. I worked closely with his mental health clinician and a multicultural peer support worker (who provided language and cultural support) to make an unfair dismissal claim. For the final hearing, we had the assistance of a pro bono barrister to represent our client and achieved a successful outcome. You can read the full decision [here](#).

### Next steps

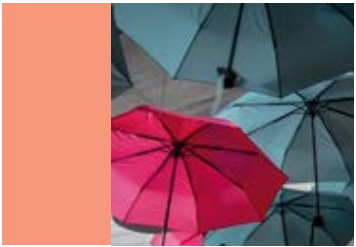
We strongly believe in the health justice model to increase access to justice for our clients and improve their health outcomes. We are excited to continue to grow this work in our new HJP, which we have established in partnership with Caxton Legal Centre – the Multicultural Advocacy and Legal Service. This service will be based at WWG but be available to any clients from multicultural backgrounds whose mental health has been affected by their unmet legal needs. #HealthEquityJustice. ■

# Don't miss the following Australian Pro Bono Centre services:



## ExpertsDirect Pro Bono Service

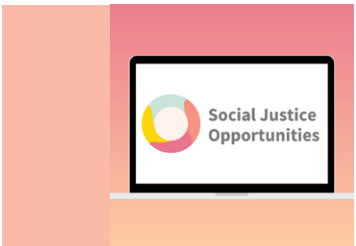
A service provided in collaboration with ExpertsDirect, connecting pro bono and community lawyers with expert witnesses willing to provide their services for free or at low cost. [See our website for more information.](#)



## Professional Indemnity Insurance Scheme

This Scheme provides free PI insurance to lawyers and paralegals working on pro bono projects approved by the Centre.

[See our website to find out more.](#)



## Social Justice Opportunities

For the latest career and volunteering opportunities:

- Check out the Social Justice Opportunities [website](#)
- Follow us on Twitter [@SJOpps](#)
- Like us on [Facebook](#)

The Centre sincerely thanks Adrian Medel for his excellent work designing this publication.



# AUSTRALIAN PRO BONO CENTRE



[www.probonocentre.org.au](http://www.probonocentre.org.au)

## Acknowledgement of Country

We acknowledge the traditional custodians of the various lands on which we work throughout Australia.

We pay our respects to the Elders – past, present and emerging – and the youth who are working towards a brighter tomorrow.



The Australian Pro Bono Centre is grateful for the funding support it receives from the governments of the Commonwealth and all states and territories, and the in-kind support it receives from the Commonwealth Attorney-General's Department, Australian Government Solicitor, private firms, volunteers and the Faculty of Law & Justice at UNSW Sydney, which includes the use of the Faculty's premises and facilities and support from student interns.



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