

THE LAW SOCIETY OF NEW SOUTH WALES  
**youngLAWYERS**

# DEMYSTIFYING PRO BONO

CONTRIBUTING TO CLOSING THE ACCESS TO  
JUSTICE GAP IN NEW SOUTH WALES





## FOREWORD

It is with great enthusiasm that I write the foreword for this inaugural publication on pro bono legal services and access to justice in New South Wales, a project spearheaded by NSW Young Lawyers.


The title of this resource, ‘Demystifying Pro Bono: Contributing to Closing the Access to Justice Gap in New South Wales’, aptly reflects the dual objectives of providing concrete pathways for young lawyers to engage in pro bono work and demystifying the complexities surrounding these invaluable services.

This publication provides a structured and comprehensive guide for early career lawyers, inspiring them to leverage their legal expertise in advancing social progress and upholding the rule of law.

At the heart of the legal profession lies an

unwavering commitment to justice for all members of society. Pro bono legal work is a critical embodiment of this commitment. It goes beyond fulfilling immediate legal obligations; it embraces a broader societal duty. It is a call to action, urging every legal professional to use their skills for the public good, ensuring that justice is accessible to everyone, regardless of their financial means.

This publication elaborates on the different models of pro bono services, from direct representation and advocacy clinics to systemic advocacy and alternative dispute resolution. It offers a panoramic view of the



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various avenues available for pro bono work in New South Wales, guides on engaging with community legal centres, and discusses the essential role of mentorship and ethical considerations. By shedding light on these facets, it aims to empower young lawyers with the knowledge and inspiration to get involved, fostering a culture of pro bono within law firms and the wider legal community.

This resource underscores the importance of nurturing a pro bono culture within law firms, promoting initiatives such as appointing pro bono champions and creating structured opportunities that align with lawyers' interests and passions. By celebrating the contributions of pro bono work and its profound impact on communities, this publication fosters a narrative that values service beyond billable hours.

The publication also reflects on the critical need for legal assistance in regional, rural, and remote areas, where legal services are often scarce. It emphasises the role of technology in expanding access to justice, presenting innovative solutions like online legal clinics and virtual consultations that promise to bridge significant gaps.

Moreover, it articulates the intersection of pro bono work and public policy, highlighting the role lawyers play in advocating for systemic changes that address the root causes of injustice. Engaging in policy advocacy amplifies the impact of pro bono work, contributing to meaningful reforms and creating lasting societal change.

As I look ahead, the future of pro bono work will be shaped by technological advancements, increased collaboration, and a greater emphasis on systemic advocacy. Embracing these changes will enhance the efficiency and reach of pro bono services, ensuring that they remain vital pillars of access to justice.

I urge every reader of this publication, especially young lawyers, to integrate the pro bono ethos into their professional lives. Seek out opportunities, engage with community legal centres, participate in legal clinics, and advocate for policies that enhance access to justice. Remember that each of your contributions collectively makes a significant impact. By embracing your role as agents of change, you can make a lasting difference in the lives of those who need it most.

**Magistrate Imad Abdul-Karim**

# CONTENTS

2	FOREWORD
5	INTRODUCTION
6	CHAPTER 1 – UNDERSTANDING PRO BONO LEGAL SERVICES
8	CHAPTER 2 – PRO BONO OPPORTUNITIES IN NEW SOUTH WALES
17	CHAPTER 3 – REGIONAL PRO BONO WORK AND INITIATIVES
19	CHAPTER 4 – PRO BONO MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION
22	CHAPTER 5 – ETHICAL CONSIDERATIONS AND BEST PRACTICES
25	APPENDIX 1 – EMAIL TEMPLATE EXPRESSION OF INTEREST
25	APPENDIX 2 – OTHER VALUABLE RESOURCES
26	APPENDIX 3 – GLOSSARY OF TERMS

THE LAW SOCIETY OF NEW SOUTH WALES  
**youngLAWYERS**

NSW Young Lawyers is a Committee of the Law Society of New South Wales that represents the Law Society and its members on issues and opportunities arising in relation to young lawyers i.e. those within their first five years of practice or up to 36 years of age.

Through its 15 sub-committees, each dedicated to a substantive area of law, NSW Young Lawyers supports practitioners in their professional and career development by giving them the opportunity to expand their knowledge, advance their career and contribute to the profession and community.

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## INTRODUCTION

In legal practise, commitment to pro bono work is a cornerstone of equitable access to justice. This publication strives to demystify pro bono legal services in New South Wales so that young lawyers have a greater understanding of ways they can participate in pro bono work and can participate in pro bono work and utilise their relevant skills and expertise.

**Chapter 1**, “Understanding Pro Bono Legal Services,” showcases the importance of pro bono work.

**Chapter 2**, “Pro Bono Opportunities in New South Wales,” provides a roadmap for early career lawyers to engage meaningfully in pro bono activities across the state, showcasing diverse avenues for service and community engagement.

**Chapter 3**, “Regional Pro Bono Work and Initiatives,” examines the unique approaches and initiatives tailored to address legal needs in regional and remote areas.

**Chapter 4**, “Pro Bono Mediation and Alternative Dispute Resolution,” explores the integration of pro bono efforts in alternative dispute resolution mechanisms, promoting resolutions outside of court and reducing barriers to justice.

**Chapter 5**, “Ethical Considerations and Best Practices,” highlights the significance of integrity and professionalism in the provision of all legal services.

Lastly, the Appendices contain other useful resources including an email template for an expression of interest, important guides from the Australian Pro Bono Centre and a glossary of terms.

This publication aims not only to inform but also to inspire. By fostering a deeper understanding of pro bono principles and showcasing practical opportunities for involvement, we aim to empower young lawyers to uphold the honourable tradition of pro bono legal services.

Together, we continue this journey towards a more just and inclusive legal system.



## CHAPTER 1 – UNDERSTANDING PRO BONO LEGAL SERVICES

Pro bono services help address the legal needs of marginalised groups, including those facing economic hardship, discrimination, or other barriers. This support can lead to positive outcomes for individuals and communities, including the protection of rights and access to fair and equitable justice.

The 2023 Annual Profile of Solicitors NSW, published in July 2024, highlighted that the solicitors in NSW contributed an estimated \$117 million worth of pro bono work over the past year, which is equivalent to 52,000 workdays. On average, these solicitors dedicated 69 hours to pro bono services during the year, an increase of four hours compared to 2022, and nearly twice the annual goal of 35 hours.

The pro bono sector continues to expand, especially as more Australians face financial barriers to legal assistance amid a cost-of-living crisis. Additionally, many firms have

developed pro bono practices, with over 100 new firms joining the Law Society of NSW's Pro Bono Scheme within the past year.

It is important to note that law practices can sign up to the Law Society of NSW Pro Bono Scheme<sup>1</sup> to be volunteer solicitors to undertake low bono or pro bono work or can do this through the Solicitor Referral Service.<sup>2</sup>

### LOW BONO LEGAL SERVICES

'Low bono' refers to legal services provided at a reduced fee, significantly lower than the standard rates, unlike 'pro bono' which is provided entirely free of charge.



PRO BONO WORK CONTRIBUTED  
BY NSW SOLICITORS IN 2024

*\$117 million*

ESTIMATED WORTH

*52,000  
workdays*

*69 hours*

ON AVERAGE

Low bono services are therefore not free but are offered at a more affordable rate to make legal assistance accessible to those who do not qualify for pro bono services but still cannot afford standard legal fees. In other words, those who fall between the gaps.

Key features of low bono legal services include:

- **Reduced fees:** Legal services are offered at a lower rate than typical market rates, often on a sliding scale based on the client's income or financial situation.
- **Accessibility:** Low bono services target individuals who may earn too much to qualify for free aid but cannot afford standard legal fees.
- **Community engagement:** Many low bono programs are also offered through legal clinics, non-profit organisations, or law firms committed to enhancing access to justice.

Some examples of low bono work can be found at the Justice and Equity Centre,<sup>3</sup> Men's Legal Service<sup>4</sup> and O'Brien Criminal and Civil Solicitors.<sup>5</sup>

Overall, low bono legal services aim to ensure that more individuals have access to legal representation and advice, helping to close the access to justice gap.

Both low bono and pro bono services aim to increase access to justice, but they cater to different groups in society based on their financial capabilities.

## CHAPTER 2 – PRO BONO OPPORTUNITIES IN NEW SOUTH WALES

If you are a lawyer working in a law firm, in-house for a corporation or in government, your practice may involve pro bono cases in addition to your day-to-day regular legal work.

This could include offering legal advice, legal representation, or volunteering after hours at a Community Legal Centre.

Incorporating pro bono legal work with your regular billed legal work is one of the most effective and impactful ways to engage in pro bono work.

### THE NATIONAL PRO BONO TARGET

The National Pro Bono Target is a voluntary and aspirational target of at least 35 hours of pro bono legal services per lawyer per year that can be signed up to by law firms, incorporated legal practices, individual law firm solicitors, individual barristers, and barristers' chambers. The target for in-house corporate and government lawyers is at least 20 hours of pro bono legal services per lawyer per year.<sup>6</sup>

A list of target signatories is available here: [www.probonocentre.org.au/provide-probono/target/signatories/#toggle-id-2](http://www.probonocentre.org.au/provide-probono/target/signatories/#toggle-id-2). You can ascertain whether your employer has signed up to the target and encourage them to become a signatory if they are not already on the list.



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If your employer has signed up to the National Pro Bono Target, or even if your employer is not a signatory and you wish to undertake pro bono work on your own initiative, there are numerous organisations that engage in public interest and social justice legal work. Some of these organisations only offer paid roles for lawyers, whilst others employ some paid lawyers, but also rely on extra assistance from volunteers. An overview of some of these organisations is below.

Before undertaking pro bono work, it is prudent to check in with your current employer to ensure that engaging in such work is not considered to be a conflict of interest with the legal work carried out by your employer. Some employers, including those in the public sector, may have strict conflict of interest policies that require you to seek approval before undertaking pro

bono work. This may limit the pro bono opportunities that you can engage in.

## **PRO BONO OPPORTUNITIES IN PRIVATE PRACTICE**

Numerous law firms provide opportunities to engage in pro bono work as part of private practice. This is a great way for young or early career lawyers to get involved in pro bono legal work in the context of their current employment.

Some law firms (particularly larger law firms) have a dedicated pro bono team consisting of lawyers working full-time and part-time on pro bono matters, as well as other solicitors throughout the firm who accept referral work on an ad-hoc basis. Depending on the firm, law graduates may be able to spend a graduate rotation in the pro bono team.

It is common for large firms to have partnerships with certain CLCs and offer secondment opportunities for their solicitors to these CLCs. Partnerships also include joint advice clinics where solicitors can join a roster and provide phone advice during work hours every so often.

Other law firms, including smaller law firms, allow their lawyers to conduct pro bono legal work for eligible clients in addition to their work for fee paying clients. Several private law firms have also become pro bono members of Justice Connect.

If you are passionate about pro-bono work, when researching and interviewing for employment opportunities be mindful of whether your prospective employer offers pro bono opportunities or is supportive of, and willing to facilitate, individual solicitors engaging in pro bono work outside of their employment.

## THE LAW SOCIETY OF NSW PRO BONO SCHEME

The Law Society of NSW offers a Pro Bono Scheme, an application-based program that refers eligible applicants to volunteer solicitors who provide legal assistance for free, or on a substantially reduced fee basis.<sup>7</sup>

Assistance provided by the Scheme is varied and as agreed by the registered Pro Bono solicitors, and could, for example, be given by way of phone advice, assistance with preparing documents and/or representation in court.

The types of matters generally covered by the Scheme are detailed below:

### Types of matters covered by the Scheme

- Administrative law
- Assistance with Apprehended Violence Orders
- Bankruptcy
- Care and protection
- Civil claims
- Criminal law
- Divorce applications
- Employment law
- Family law matters related to children (e.g. live with, spend time with disputes)
- Immigration assistance for refugees
- Legal assistance for not-for-profit organisations and charities
- Wills and estates

*The Scheme relies on the goodwill and generosity of firms of solicitors who are prepared to give their time and skill to help eligible applicants.*

### Types of matters not covered by the Scheme

- Child support disputes
- Class Actions
- Commercial disputes
- Complaints about solicitors, including disputes regarding legal costs
- Complaints and civil claims against government agencies and police
- Defamation
- Dispute regarding legal costs
- Family law matters related solely to Property
- Motor vehicle accidents
- Neighbourhood disputes including fence disputes
- Personal injury claims
- Professional negligence, including disputes against medical, dental and allied health practitioners
- Spousal maintenance claims and related disputes
- Victims' compensation claims
- Workers' compensation claims

It is important to note that the Scheme has the discretion to accept matters outside guidelines due to exceptional circumstances, including disability, risk of physical harm to the applicant and extreme financial hardship.

To be eligible for assistance under the Scheme, applicants must:

1. Have applied for and been refused Legal Aid (please provide the Law Society with correspondence confirming this) or have a matter for which Legal Aid is not available.
2. Have a type of matter covered by the Scheme.
3. Satisfy the means assessment applied by the Scheme.
4. Have a matter that has merit and/or reasonable prospects of success.

The Scheme relies on the goodwill and generosity of firms of solicitors who are prepared to give their time and skill to help eligible applicants.

If you are employed by a private law practice, you can ask your employer if they are part of the scheme, and if they are how you can get involved.

**If your firm is not registered with the Pro Bono Scheme** – Why not have a conversation with the solicitor you report to about getting involved!

Some of the conversation points could include:

- The Scheme operates on an entirely voluntary basis, meaning there is never any obligation for a Pro Bono solicitor to take on a matter or to provide reasons for declining to do so.
- The list of firms registered with The Law Society of NSW Pro Bono Scheme is for our use only and is not made available to the public.
- You can opt out of receiving information about referrals during busy times.
- You can gain access to the Pro Bono Disbursement Trust Fund (PBDTF) where your firm can be reimbursed for disbursements incurred in a pro bono matter (meaning you are donating your time but will not be out of pocket for eligible disbursements). For example, reports, travel expenses, photocopying, and court and mediation fees are all covered, subject to the discretion of the Trustees of the PBDTF.
- When you are registered you will be provided with the Pro Bono Scheme supporter logo which you can put on your letterhead and website to indicate your commitment to improving access to justice.

If you are employed by a private law practice and are not part of the scheme, you can complete the following form: [www.lawsociety.com.au/ProBonoRegistration.pdf](http://www.lawsociety.com.au/ProBonoRegistration.pdf). You can also contact [a2j@lawsociety.com.au](mailto:a2j@lawsociety.com.au) for further information.

Some examples of compelling pro bono cases The Law Society of NSW Pro Bono Scheme has recently assisted include the following:

- Assisting a not-for-profit organisation that provides free formal wear to graduating students at the end of each year, register with The Australian Charities and Not-for-Profits Commission.
- Assisting Department of Housing tenants experiencing issues with alleged failures of the Department to adequately maintain their homes.
- Assisting a family at a Coronial Inquest which involved the death of their family member.
- Assisting an Applicant remove their ex-partner's name from the Certificate of Title (COT) for a property they have resided in for the past 25 years. The ex-partner had refused to do so until he was legally assisted.
- Assisting grandparents to obtain Orders for grandchildren to be placed in their care in *Children and Young Persons (Care and Protection) Act* proceedings.
- Assisting an Applicant charged with criminal offences in seeking orders under Section 14 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)*, due to their psychological conditions.

These matters demonstrate the impact of pro bono legal work in ensuring access to justice for those who might otherwise be excluded from the legal system due to financial constraints.

## THE NSW BAR ASSOCIATION - LEGAL ASSISTANCE REFERRAL SCHEME (LARS) AND DUTY BARRISTER SCHEME

Barristers play an important role in the legal process, and the NSW Bar Association helps facilitate referrals to barristers working on a pro bono basis.

**The Legal Assistance Referral Scheme (LARS)** tries to match eligible requests for legal assistance with a barrister or mediator who may provide advice, appear, mediate or assist with settling the legal issue.<sup>8</sup>

This Scheme also assists the NSW Court of Appeal, the NSW Supreme Court and the NSW District Court to facilitate orders for pro bono assistance that are made by the Judges and Registrars.

The scheme may be of particular interest to solicitors who are working on pro-bono matters and identify a need for a barrister to assist with the case.

A referral to this scheme can be made by a solicitor or a Court or Tribunal, in certain circumstances. Referring organisations must complete an application form and provide information about the legal issues and documents as appropriate: [forms.nswbar.asn.au/form/lars-solicitor-referral-form/](https://forms.nswbar.asn.au/form/lars-solicitor-referral-form/)

Barristers participate in LARS on a voluntary basis and collectively donate thousands of hours towards assisting members of the public with their legal problems each year. Therefore, it is not always possible to find barristers to assist an applicant.

For any enquiries about LARS, please email [legalassist@nswbar.asn.au](mailto:legalassist@nswbar.asn.au).

**The Duty Barrister Scheme** is another initiative of the New South Wales Bar

Association. This Scheme was introduced to particular local courts to help people who cannot afford a lawyer, who do not qualify for legal aid and who have a matter before the court on the day.<sup>9</sup> The Duty Barrister Scheme operates out of Level 5 of the Downing Centre, Sydney.

A Duty Barrister may provide insight into processes at Local Courts and specifically how an applicant's case will be handled. They often list outcome options and explain what applicants are likely to be asked by the magistrate.

A Duty Barrister can handle offences such as: driving and traffic matters, shoplifting, domestic violence matters, drug matters and Centrelink prosecutions. However, this list is not exhaustive, and Duty Barristers may be able to assist with other offences.

## NON-PROFIT ORGANISATIONS

There are Not-For-Profit organisations that specialise in advocating for access to legal representation, social justice and human rights.

One such organisation is **Justice Connect** which is a national legal service that provides specialist legal help for not-for-profit organisations and social enterprises either at no cost or at an affordable cost. Justice Connect offers legal resources and education in plain English, as well as facilitating access to pro bono lawyers for eligible organisations in need of specialist legal advice. Justice Connect also advocates for law reform,<sup>10</sup> and may also have volunteer roles available from time to time.<sup>11</sup>

Other examples are the **National Justice Project**, based at the University of Technology Sydney, which describes itself as "a cutting-edge human rights law firm fearlessly fighting to end discrimination".<sup>12</sup>



*If you are unable to find suitable pro-bono opportunities as a solicitor, you may wish to consider volunteering in a non-legal role for a Not-For-Profit organisation that works to support a cause in which you have a particular interest or works in an area about which you are passionate.*

If you are unable to find suitable pro-bono opportunities as a solicitor, you may wish to consider volunteering in a non-legal role for a Not-For-Profit organisation that works to support a cause in which you have a particular interest or works in an area about which you are passionate. Having general legal skills may particularly benefit some Not-For-Profit Organisations, and you may be able to assist them by undertaking activities such as research. You will need to make enquiries with each specific organisation, and bear in mind that not all organisations have capacity to take on volunteers.

### **ADVOCACY AND SUBMISSIONS AVAILABLE THROUGH NSW YOUNG LAWYERS**

Whilst also, not strictly speaking, pro bono legal work, being involved in writing law reform submissions can be an important, significant and effective way that young and early careers lawyers can contribute to advocating for more just and equitable laws. The **sub-committees of NSW Young Lawyers** often make submissions to law reform and Government bodies regarding

legal policy and proposed law reforms. Drafting submissions is an important part of the work of NSW Young Lawyers, and has the following benefits:

- It helps to maintain the rule of law in Australia, through an open and transparent law-making process which is subject to scrutiny by the people.
- It assists policy-making organisations and Government bodies with the law-making process.
- It contributes to the status of NSW Young Lawyers as a valued voice within the legal profession.
- It allows individuals the opportunity to engage in serious, high quality legal analysis and to devise solutions to complicated legal and policy questions. It also gives individuals the opportunity to develop their teamwork, legal research and writing skills.

All previous NSW Young Lawyers submissions are viewable on the NSW Young Lawyers Submissions page and are available here: [www.lawsociety.com.au/Legal-Communities/NSW-Young-Lawyers/NSW-Young-Lawyers-Policy-Submissions](http://www.lawsociety.com.au/Legal-Communities/NSW-Young-Lawyers/NSW-Young-Lawyers-Policy-Submissions) Submissions are generally also published on the web page of the consulting body.

To get involved with NSW Young Lawyers, you will need to become a Law Society member (either a fee-paying member if you are an admitted solicitor, or sign up for a free student membership if you are a Law Student or PLT Student) and then log into your Law ID and sign up for the mailing list of the sub-committees you are interested in. There are 15 sub-committees of NSW Young Lawyers, each dedicated to a substantive area of law. You will then be notified of upcoming meetings which you can attend to be informed of submissions opportunities.

## THE LEGAL ASSISTANCE SECTOR

Pro-bono work can be distinguished from working for organisations which fall within the legal assistance sector. These are organisations which have paid employees who provide legal services to clients who meet certain eligibility criteria at no cost, or on the basis of a contribution towards legal costs. In NSW, these organisations are Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Limited (ALS).

Community Legal Centres (CLCs) also play an important role in the legal assistance sector and may offer opportunities for lawyers engaged in private practice or working in government to provide pro bono legal services outside of their paid work.

These organisations are discussed in more detail below.

**Legal Aid NSW** – Legal Aid NSW is a state-wide independent government agency that helps people in NSW with their legal problems. One way in which it does so is through providing legal information to anyone with a legal problem in NSW through a legal information and referral service, LawAccess NSW. Their lawyers also provide legal advice and representation at court to people who are eligible. Eligibility depends on the type of legal matter and the circumstances of the applicant and their case.<sup>13</sup> The types of matters Legal Aid assists with include criminal law matters involving the police, family law matters involving children

or a relationship breakdown, and civil law matters involving housing, income support or access to health and disability supports.

Individuals who apply for on-going Legal Aid must satisfy eligibility criteria, and therefore only certain people are eligible. Legal Aid NSW offers volunteer placements for Practical Legal Training students. There may be existing arrangements between your University and your local Legal Aid Office, or you may apply directly to Legal Aid NSW. For more information visit: [www.legalaid.nsw.gov.au/about-us/careers/plt-and-work-placements](http://www.legalaid.nsw.gov.au/about-us/careers/plt-and-work-placements)

**The Aboriginal Legal Service** – The ALS delivers free, culturally appropriate legal advice, representation, information and referrals, as well as community services to eligible persons.<sup>14</sup> The ALS provides services in the areas of criminal law, child protection, family law, family violence and safety, fines, housing and renting, deaths in custody, problems at work and crisis support.<sup>15</sup> The ALS also engages in strong advocacy and law reform work, and are a key partner in Closing The Gap.

Most volunteer roles with ALS are for law students undertaking Practical Legal Training, however from time to time, they may have volunteer opportunities in other areas of the organisation.<sup>16</sup> For more information visit: [www.alsnswact.org.au/volunteer](http://www.alsnswact.org.au/volunteer) to express your interest in volunteering or Practical Legal Training



*Providing access to justice for those with little or no financial means is a challenge. The provision of vital legal services to vulnerable communities is made more challenging by the fact that CLCs are primarily funded by Government and other grants.*

**Community Legal Centres (CLCs)** – CLCs are independent, not-for-profit community-based organisations, supporting people with a variety of legal problems including those arising from financial hardship, social disadvantage, housing issues, domestic or family violence, discrimination, criminal law and traffic matters. These organisations play an important role in assisting persons who do not meet the eligibility criteria for Legal Aid or ALS but can also not afford private legal representation. Many CLCs also engage in law reform advocacy work and other public policy initiatives.

### **WHERE ARE CLCs?**

There are generalist and specialist CLCs throughout New South Wales. Generalist CLCs provide free legal assistance to vulnerable members of the community within their regions, whilst specialist CLCs focus on their area of speciality.

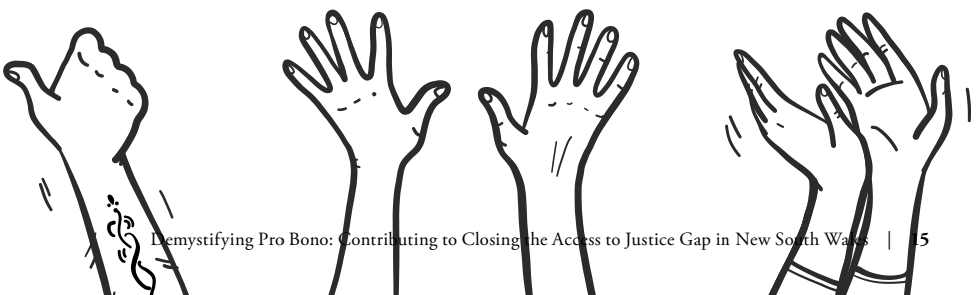
**Community Legal Centres NSW** is the peak representative body for community legal centres across New South Wales, representing and advocating for their

members and the legal assistance sector more broadly, with the aim of increasing access to justice for people in NSW.<sup>17</sup> The Community Legal Centres NSW website [www.clcnsw.org.au/index.php/](http://www.clcnsw.org.au/index.php/) contains useful resources about pro bono work, including a searchable list of CLCs in NSW and a Job Board.

### **CHALLENGES FACED BY CLCs**

Providing access to justice for those with little or no financial means is a challenge. The provision of vital legal services to vulnerable communities is made more challenging by the fact that CLCs are primarily funded by Government and other grants. This may include some Legal Aid funding in certain circumstances for certain matters.

CLC funding has historically remained precarious as most of their operations remain contingent on grant and other non-secure sources of funding. The pandemic and the current costs of living crisis are examples of recent challenges faced by the sector. Volunteers form an essential part of services delivered by CLCs to assist vulnerable members of the community.



Some corporate legal practices help CLCs by allocating staff resources to CLCs on an ongoing or ad hoc basis through pro bono partnerships (i.e. secondments) and other collaborative efforts (i.e. advice clinics).

## HOW CAN YOU MAKE A DIFFERENCE?

### **Volunteering (as a legal practitioner)**

Numerous CLCs hold legal advice sessions in the evenings and rely upon volunteer solicitors to provide these legal advice services to clients. Many of these advice clinics will focus on a particular area of law – for example, tenancy law, or domestic violence and family law, or employment law services. These advice clinics are a great opportunity for young and early career lawyers who work in the relevant area of law to provide their services as a solicitor to clients in need. You can use the list of CLCs in NSW at [www.clcnsw.org.au/community-legal-centres-nsw](http://www.clcnsw.org.au/community-legal-centres-nsw) to find your local CLC and then get in touch to enquire as to whether they are seeking volunteer solicitors, and the requirements of the role.

Some CLCs have the means to accept non-practising solicitors as volunteer solicitors. Some of these volunteering roles can even be done outside of usual business hours. Admitted solicitors who are not currently practising law may be able to obtain a volunteer practising certificate in certain circumstances.<sup>18</sup> Those interested can either contact the CLC or submit an expression of interest for advertised opportunities at the Social Justice Opportunities site [sjopps.net.au](http://sjopps.net.au) or the Ethical Jobs site [ethicaljobs.com.au](http://ethicaljobs.com.au).

### **Assisting a CLC as a corporate legal practitioner**

– Your firm may already be engaged in a partnership with a CLC. Talk to your colleagues or People and Development department to see if such arrangements exist. For those working in-house, your employer may provide paid time off for volunteering opportunities which could include volunteer work at CLCs.

### **Volunteering (as a law student/graduate)**

Many CLCs rely on the goodwill of volunteers to assist their operations. Law students and recent graduates have volunteered in a variety of roles which includes:

- Taking instructions from clients (under the supervision of solicitors)
- Answering phones, making referrals and appointments,
- Conducting research,
- Drafting correspondence, and
- Project work.

Many young lawyers have found these experiences very valuable. Expressions of interest in volunteering can be made by either contacting the relevant CLC or on the Social Justice Opportunities site [sjopps.net.au](http://sjopps.net.au).

## FINDING OTHER PRO-BONO OPPORTUNITIES

There are several websites where pro-bono opportunities can be found, such as:

- Pro Bono Australia - [probonoaustralia.com.au](http://probonoaustralia.com.au)
- Ethical Jobs - [www.ethicaljobs.com.au](http://www.ethicaljobs.com.au)
- Social Justice Opportunities - [sjopps.net.au](http://sjopps.net.au)
- Global Pro Bono Hub - [www.globalprobonohub.com/](http://www.globalprobonohub.com/)

## CHAPTER 3 – REGIONAL PRO BONO WORK AND INITIATIVES

This chapter is relevant to young lawyers who are (or are considering) working in regional or remote areas of New South Wales, which we encourage! These areas of the State need you.

Young lawyers wanting to undertake low bono or pro bono work in the regions will have ample opportunities to do so. However, it is important to distinguish between large regional centres and remote rural townships and localities to understand which services are needed and what you as a young lawyer can do.

Regional centres, such as Albury, Broken Hill, Dubbo and Wollongong, have CLCs in the community that provide essential legal services to the community. Due to scarce resources for CLCs in regional and remote areas, it is common practice for solicitors in private practice to undertake low bono and pro bono work.

In rural and remote areas, access to these services is scarce and solicitors in private practice are often called upon to fill in the gaps. Therefore, doing pro bono work comes with the territory.

Due to access to justice issues as well as practical barriers (i.e. access to CLCs and satellite legal services physically or remotely) you will often be called upon to provide clients advice on documents, talk to them about disputes with public housing issues, address aged care provider issues, AVOs, fines, estate issues - the list is endless.

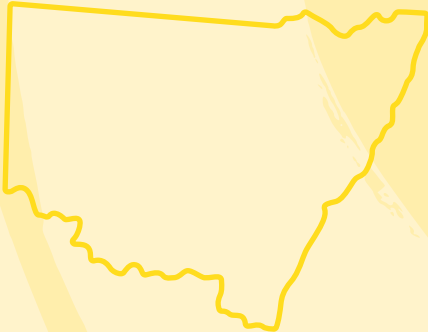
As a young lawyer, your Principal may direct these enquiries to you - these are valuable opportunities that should be embraced.

## LOW BONO IN REGIONAL AND REMOTE AREAS

In remote areas, low bono services are sometimes provided through outreach programs, where people in neighbouring towns or cities can come and speak to a solicitor in person, although due to funding constraints these outreach services are sparse.

If it is the case that the client cannot be assisted by a CLC due to ineligibility, difficulty accessing the service (clients will often have limited internet access, poor phone reception or no phone at all, or cannot physically travel to the CLC) then the next step would be to have a discussion with your Principal about taking on a low bono matter.

*In rural and remote areas, access to these services is scarce and solicitors in private practice are often called upon to fill in the gaps. Therefore, doing pro bono work comes with the territory.*



## OTHER INITIATIVES

Some law firms are proactive in providing in pro bono legal services in regional areas. For example, Commins Hendriks in Wagga Wagga run a free legal clinic every Saturday morning between 9 am and 11 am in Wagga Wagga and on the first Saturday of each month between 9 am and 11 am in Griffith.<sup>19</sup>

If you are in a large regional centre such as Wagga Wagga, Griffith, or Dubbo, check to see if there are any initiatives that your law firm might already or could provide.

In rural and remote areas, young solicitors frequently encounter clients who have sought assistance from a CLC without success. Similar to low bono practices, it is crucial to discuss the undertaking of pro bono work with your Principal before commencing any such work.

When providing pro bono legal services, it is imperative to treat these clients with the same level of professionalism as any other client. This includes opening and maintaining a client file and keeping the client informed about the progress of their case.

Access to CLCs in remote and rural regions is often challenging. Consequently, many CLCs maintain a list of firms willing to provide Pro Bono services to clients, akin to the system used by the Law Society of NSW. Firms in these areas may accept referrals from CLCs for pro bono work.

Have a discussion with your Principal about whether your firm is on the referral list for the CLCs nearest to you, and if you are, open a conversation about accepting referrals to do this work when it arises.



## CHAPTER 4 – PRO BONO MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION

Pro bono mediation and alternative dispute resolution (ADR) are becoming increasingly prominent as effective means to resolve disputes outside of the traditional courtroom settings. These approaches aim to provide equitable solutions, promote access to justice, and reduce the burden on the formal legal system.

This chapter explores the rise of pro bono mediation programs and the benefits of ADR in promoting a more efficient and accessible justice system.

### PRO BONO MEDIATION PROGRAMS – WHAT ARE THEY AND WHO BENEFITS?

Pro bono mediation programs offer free mediation services, primarily supported by legal professionals who volunteer their time and expertise. Volunteer mediators can deliver mediation and alternative dispute resolution services to the volunteer, NGO, community legal centre and not-for-profit sector in various types of disputes.

Mediation programs are crucial for individuals who lack the financial resources to engage in traditional litigation, providing

an alternative means to resolve disputes that might otherwise be left unaddressed due to financial constraints. The scope of these programs is broad, covering various types of disputes such as family conflicts, landlord-tenant issues, employment disagreements, and other community disputes.

One of the fundamental benefits of pro bono mediation programs is their accessibility. By eliminating the cost barrier, these programs ensure that individuals from all economic backgrounds can seek justice and resolve their disputes.

Pro bono mediation is also significantly more efficient than traditional court proceedings. Mediation sessions can typically be scheduled more quickly than court hearings, which are often delayed

by backlogs and procedural requirements. This efficiency means that disputes can be resolved in a fraction of the time required for a court case, providing timely resolutions that help reduce the emotional and financial strain on the parties involved. Quick resolutions are particularly beneficial in situations where ongoing relationships are at stake, such as family disputes or business partnerships, as they help preserve relationships and prevent further conflict.

The success of pro bono mediation programs largely hinges on the dedication and expertise of volunteer mediators. These volunteers are often experienced legal professionals or trained mediators who generously donate their time to assist those in need. Their involvement not only lends credibility and effectiveness to the mediation process but also creates a sense of community involvement and solidarity.

In addition to providing immediate dispute resolution, pro bono mediation programs offer several broader benefits. They help alleviate the burden on the court system, freeing up judicial resources to handle more complex cases that require formal adjudication. By resolving disputes outside of court, these programs also contribute to reducing legal costs for the public sector and the individuals involved.

Moreover, pro bono mediation programs can have a transformative impact on the individuals and communities they serve. For participants, mediation provides a platform to be heard and to actively engage in the resolution of their disputes.

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*One of the fundamental benefits of pro bono mediation programs is their accessibility. By eliminating the cost barrier, these programs ensure that individuals from all economic backgrounds can seek justice and resolve their disputes.*

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This participatory approach empowers individuals, creating a sense of agency and satisfaction with the outcomes. For communities, these programs help build a culture of conflict resolution and cooperation, promoting social harmony and reducing the incidence of disputes escalating into more serious conflicts.

The flexibility of mediation allows parties to tailor the process to their needs and preferences, often leads to more creative and satisfactory outcomes. Unlike court proceedings, which are bound by strict procedural rules and legal formalities, mediation emphasises collaborative problem-solving and communication. This focus on cooperation can help preserve relationships between the parties, which is particularly beneficial in disputes involving ongoing relationships, such as family matters, business partnerships, and employment issues. For instance, in a business dispute, mediation can help partners find mutually beneficial solutions that preserve their



working relationship and enable them to continue their business operations smoothly.

The dedication of volunteer mediators enhances the credibility and effectiveness of these programs, building on community involvement and solidarity. Ultimately, pro bono mediation programs not only resolve individual disputes but also contribute to building stronger, more cooperative communities.

### **ALTERNATIVE DISPUTE RESOLUTION – WHAT ARE THEY AND WHO BENEFITS?**

ADR encompasses methods such as mediation, arbitration, conciliation, and negotiation aimed at resolving disputes outside the formal court system. ADR also provides parties with greater flexibility and control over the resolution process.

#### **BENEFITS OF ALTERNATIVE DISPUTE RESOLUTION**

*Greater flexibility*

*Cost-effective*  
COMPARED TO LITIGATION

*Private and confidential*

*Alleviates burden on the court system*

ADR offers numerous benefits that promote access to justice and alleviate pressures on the legal system. A significant advantage of ADR processes, particularly mediation and arbitration, is their cost-effectiveness compared to litigation. Lower costs enable more individuals and businesses to seek resolution for disputes without incurring prohibitive legal fees, which is especially beneficial for low-income individuals and small businesses.

Another key benefit of ADR is its privacy and confidentiality. Unlike court proceedings, which are typically public, most ADR processes are private. This confidentiality is crucial in sensitive disputes where parties prefer to avoid public disclosure of personal or business matters. Privacy in ADR encourages open communication and can lead to more amicable resolutions.

By diverting cases from the traditional court system, ADR alleviates the burden on courts, allowing them to focus on cases that require judicial intervention. This leads to more efficient use of judicial resources and reduces case backlogs, resulting in faster resolutions for all parties involved.

Pro bono mediation and ADR initiatives reflect a broader commitment to making justice more accessible and equitable.

Engaging in ADR also has educational benefits, as parties learn effective communication and negotiation skills. These skills can help prevent future disputes and promote a culture of peaceful conflict resolution. For instance, individuals involved in mediation often gain insights into managing conflicts constructively, which can be beneficial in various aspects of their personal and professional lives.

# CHAPTER 5 – ETHICAL CONSIDERATIONS AND BEST PRACTICES

## ETHICAL CONSIDERATIONS

First and foremost, it is imperative for all solicitors undertaking pro bono work to be aware that any work performed must be to the same standard and provided with the same level of skill, care and diligence as that to paying clients.

Additionally, clients being provided pro bono legal services still have an expectation of, and a right to:

1. **Confidentiality** – solicitors must take all reasonable steps and implement suitable precautions to ensure client confidentiality. This includes ensuring adequate IT security and data protection measures are in place when in ‘pop up’ scenarios;
2. **No conflict of interest** – all reasonable efforts must be taken to avoid both legal and commercial conflicts of interest; and
3. **Cultural awareness and sensitivity** – solicitors must ensure appropriate measures and policies are in place to ensure adequate cultural awareness and sensitivity when working with clients. All people receiving legal services deserve to be treated with dignity and respect.

## BEST PRACTICES

Effective management of client expectations is pertinent when providing pro bono legal services. As legal practitioners, we should know that best practice involves:



1. Solicitors not acting outside of their area of expertise or skillset;
2. Referring clients to appropriate support services;
3. Providing the client with an engagement letter that clearly defines the scope of work;
4. Providing the client with regular updates and realistic time frames for outcomes or matter progression; and
5. Providing frank and sound legal advice – not telling the client what they want to hear.

Additionally, file management is very important for solicitors providing pro bono legal services. This includes:

1. Keeping detailed file notes of meetings;
2. Keeping copies of documents provided or received; and
3. Tracking matter progress including timelines, deadlines and/or limitation periods.

*First and foremost, it is imperative for all solicitors undertaking pro bono work to be aware that any work performed must be to the same standard and provided with the same level of skill, care and diligence as that to paying clients.*

## WELLBEING AND VICARIOUS TRAUMA

As with all work undertaken in legal practise, your health and wellbeing are vital. It is important to look after yourself. Moreover, it is also necessary for there to be policies and procedures in place (within your firm or otherwise) to assist with ongoing wellbeing and management of any vicarious trauma.<sup>20</sup>

Vicarious trauma has been defined by specialists as the cumulative effect of reading, listening to, and being indirectly exposed to material involving traumatic events on an ongoing basis. Vicarious trauma can significantly impact young lawyers, particularly those exposed to distressing client stories and high-stakes legal matters. This phenomenon occurs when you internalise the emotional and psychological toll of your clients' trauma.

Young lawyers, who may lack extensive coping mechanisms and professional

support, are especially vulnerable. The cumulative effect of vicarious trauma can impair their decision-making abilities, reduce job satisfaction, and potentially lead to a decline in their overall mental health.

Symptoms of vicarious trauma have been identified as being like the symptoms of Post-Traumatic Stress Disorder (PTSD) and can affect both mental and physical wellbeing if gone untreated or poorly managed.

### Symptoms of vicarious trauma include (but are not limited to):

- Dysregulated sleep.
- Difficulty concentrating.
- Change in appetite.
- Difficulty regulating emotions (i.e. inability to stay calm or easily becoming distressed).
- Low motivation or disinterest in work or life.
- Changes in views of the world.
- Increased sensitivity to noise.
- Intrusive thoughts.

It is important for solicitors engaging in pro bono services to be aware of their triggers and effectively managing their physical and mental health. Some management techniques and coping mechanisms can include:

- Building regular breaks into the day to break up work/meetings.
- Plan and take annual leave.
- Establishing boundaries between work and personal life.
- Keeping hydrated.
- Exercise.
- Making a conscious effort to breathe.
- Socialising.
- Playing.
- Seeking joy.
- Forming peer review groups or debrief groups.

If you are or someone you know is struggling, please see below a list of available support services.

**Solicitor Outreach Service (SOS)**

1800 592 296

[www.lawsociety.com.au/sos](http://www.lawsociety.com.au/sos)

**Lifeline**

13 11 14

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

**Beyond Blue**

1300 224 636

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

**Mental Health Line**

1800 011 511

[www.health.nsw.gov.au/mentalhealth/Pages/mental-health-line.aspx](http://www.health.nsw.gov.au/mentalhealth/Pages/mental-health-line.aspx)

**Suicide Call Back Service**

1300 659 467

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

**1800RESPECT**

1800 737 732

[www.1800respect.org.au/](http://www.1800respect.org.au/)

**Kids Helpline**

1800 55 1800

[kidshelpline.com.au/](http://kidshelpline.com.au/)

**SANE Australia**

1800 187 263

[www.sane.org/](http://www.sane.org/)

## CONCLUSION

In conclusion, commitment to pro bono work is not just an addition to legal practise, it is a fundamental duty that enhances access to justice and serves our communities and the wellbeing of society.

By empowering young lawyers with the necessary knowledge and clear pathways to engage in pro bono services, we can cultivate a strong pro bono culture within the New South Wales legal community.

Together, through our collective dedication, we can bridge the gaps in access to justice and uphold the integrity of the legal profession.

# APPENDICIES

## APPENDIX 1 – EMAIL TEMPLATE EXPRESSION OF INTEREST

**Subject:** Expression of Interest – Volunteer Solicitor

Dear [Recipient’s Name]

I hope this message finds you well.

My name is [Your Name], and I am a young lawyer passionate about contributing to the community and advancing access to justice. I am writing to express my keen interest in volunteering my time and skills with [Community Legal Centre’s Name].

I believe that community legal centres like yours play a vital role in supporting vulnerable individuals and promoting equity within the legal system. I am eager to offer my assistance in any capacity that aligns with the needs of your centre. Whether through providing legal advice, assisting with casework, or contributing to outreach and advocacy initiatives, I am enthusiastic about the opportunity to make a meaningful impact.

I would be grateful if you could provide me with information on any current volunteer opportunities and the process for getting involved.

I am flexible with my availability and would be happy to discuss how I can best support your efforts.

Thank you for considering my expression of interest.

I look forward to the possibility of working with you and contributing to the important work of [Community Legal Centre’s Name].

Kind regards,

[Your Full Name]

[Your Contact Information]

[LinkedIn Profile or Professional Website, if applicable]

## APPENDIX 2 – OTHER VALUABLE RESOURCES

Please refer to the following valuable resources:

1. [Pro Bono Manual](#)
2. [Pro Bono Legal Work: A Guide for Individual Lawyers.](#)
3. Student Pro Bono Guide [www.probonocentre.org.au/student-pro-bono-guide/](http://www.probonocentre.org.au/student-pro-bono-guide/)
4. Justice Connect – a range of free legal resources: [Get help – Justice Connect – Apply for free legal help](#)
5. Law Access NSW (run by Legal Aid NSW) – free telephone and online legal information: [www.legalaid.nsw.gov.au/](http://www.legalaid.nsw.gov.au/)

## APPENDIX 3 – GLOSSARY OF TERMS

Term	Definition
Pro Bono	Legal services provided voluntarily and without charge to those who cannot afford to pay, short for “pro bono publico,” meaning “for the public good.”
Access to Justice	The ability of individuals to seek and obtain a remedy through formal or informal institutions of justice for grievances, in compliance with human rights standards.
Legal Aid	Legal assistance provided to individuals who cannot afford legal representation or access to the legal system.
Public Interest Law	Legal practices that focus on helping the public, particularly marginalised or underserved communities, rather than individual clients.
Pro Bono Coordinator	A professional within a law firm, legal organisation, or community service group who manages and promotes pro bono work.
Volunteer Lawyer	A lawyer who donates their time and legal expertise to provide pro bono legal services.
Legal Clinics	Community-based programs offering free or low-cost legal services, often staffed by volunteer lawyers and law students.
Client Intake	The process of screening potential pro bono clients to determine eligibility for services and the type of legal assistance needed.
Casework	The day-to-day legal work and representation provided to clients in individual legal matters.
Advocacy	Actions taken to influence public policy or represent clients’ interests in legal and non-legal settings.
Community Outreach	Efforts to connect with and educate the community about legal rights, resources, and available pro bono services.
Law Firm Pro Bono Program	A structured initiative within a law firm that encourages and facilitates pro bono work among its lawyers.
Client Confidentiality	The legal and ethical obligation to keep information shared by a client private, including in pro bono cases.
Continuing Legal Education (CLE)	Ongoing professional education for lawyers, often including pro bono training sessions to stay updated on legal practices and issues.
Conflict of Interest	A situation where a lawyer’s obligations or those of their client may be at odd with the interests of their other clients, requiring careful management in pro bono work.
Public Service	A broader term encompassing work done by lawyers and others to serve the community, including pro bono legal services.

## ENDNOTES

1. Law Society of New South Wales, The Pro Bono Scheme (Web Page) <https://www.lawsociety.com.au/pbs>
2. Law Society of New South Wales, Solicitor Referral Service (Web Page) <https://www.lawsociety.com.au/for-the-public/going-court-and-working-with-lawyers/solicitor-referral-service>
3. 'Legal help', Justice and Equity Centre (Web Page) <<https://jec.org.au>>.
4. 'Men's Legal Service - Family Law Services for Men', Men's Legal Service (Web Page) <<https://menslegalservice.org.au/>>.
5. 'Pro Bono & Reduced Fee Services', O'Brien Criminal and Civil Solicitors (Web Page) <<https://obriensolicitors.com.au/pro-bono-reduced-fee-services/>>.
6. 'Provide Pro Bono Assistance – The National Pro Bono Target', Australian Pro Bono Centre (Web Page) <<https://www.probonocentre.org.au/provide-pro-bono/target/>>.
7. 'The Pro Bono Scheme', Law Society of NSW (Web Page) <<https://www.lawsociety.com.au/pbs>>.
8. 'Legal Assistance Referral Scheme' New South Wales Bar Association (Web Page) <<https://nswbar.asn.au/using-barristers/get-legal-assistance/legal-assistance-referral-scheme>>.
9. 'Duty Barrister Schemes' New South Wales Bar Association (Web Page) <<https://nswbar.asn.au/using-barristers/get-legal-assistance/duty-barrister-schemes>>.
10. 'Justice Connect – About Us', Justice Connect (Web Page) <<https://justiceconnect.org.au>>.
11. 'Volunteer with Justice Connect', Justice Connect (Web Page) <<https://justiceconnect.org.au/work-with-us/>>.
12. 'About Us', National Justice Project (Web Page) <<https://www.justice.org.au/about/>>.
13. 'Legal Aid NSW – Who We Are', Legal Aid NSW (Web Page) <<https://www.legalaid.nsw.gov.au/about-us/who-we-are>>.
14. 'About us', The Aboriginal Legal Service (NSW/ACT) <[https://www.alsnswact.org.au/about\\_us](https://www.alsnswact.org.au/about_us)>.
15. 'How we can help', The Aboriginal Legal Service (NSW/ACT) <<https://www.alsnswact.org.au/services>>.
16. 'Volunteer with us', The Aboriginal Legal Service (NSW/ACT) <<https://www.alsnswact.org.au/volunteer>>.
17. 'Community Legal Centres NSW – About Us', Community Legal Centres NSW (Web Page) <<https://www.clcnsw.org.au/about>>.
18. Law Society of New South Wales, Practising Certificate Conditions (Web Page) <https://www.lawsociety.com.au/practising-law-in-NSW/working-as-a-solicitor-in-NSW/your-practising-certificate/conditions>
19. Commins Hendricks, News and Community, Free Legal Clinics (web page) <https://www.comminshendriks.com.au/free-legal-clinics>
20. For resources mental health and wellbeing resources, please see here: <https://www.lawsociety.com.au/resources/mental-health-and-wellbeing/other-support-services>.

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