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# Pro Bono in the private profession

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In December 2006, the National Pro Bono Resource Centre is expected to announce an aspirational pro bono target of 35 hours of pro bono work per Australian lawyer per year.

The principle aim of the target is to raise the profile across the profession of the obligation to conduct pro bono work. The target will provide a bench mark for the conduct of pro bono legal work. Importantly, the target confirms the shared professional responsibility of lawyers across Australia and in all types of practice to provide pro bono assistance.

The 35 hours aspirational target is the first time that the Australian legal profession has attempted to create a bench mark for the conduct of pro bono work. In many ways the aspirational pro bono target reflects the level of pro bono work already conducted by many lawyers in the Territory.

Although 35 hours represents a significant contribution, it is difficult to argue that such a contribution is an onerous one. 35 hours of community legal work each year equate to less than 9 minutes per day.

It can be anticipated that many Territory lawyers will share the attitudes towards pro bono of their Queensland counterparts, which were recently revealed in a survey of Queensland Law Society members. Those

## Some pro bono challenges facing the Territory cont...

lems escalate into other social problems sometimes requiring welfare assistance. Early intervention and preventative justice is far less costly.

It is hoped that the upcoming conference in Darwin will be able to explore these and other measures.

### ENDNOTES

1. *Wentworth v Rogers* (2006) NSWCA 145 (7 June 2006).
2. s347 Legal Profession Act 2004 (NSW) and s 486I Migration Act 1958 (Cth).
3. See Legal and Constitutional Affairs Committee, Provisions of the Migration Litigation Reform Bill 2005, at para 3.57, viewed at [http://www.aph.gov.au/senate/committee/legcon\\_ctte/mig\\_litigation/report/c03.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/mig_litigation/report/c03.htm)
4. See, for example, s 47 Legal Aid Commission Act 1979 (NSW).
5. Links to these guides can be found at <http://www.national-probono.org.au/publications/legalguide/index.html>
6. <http://www.nationalprobono.org.au/documents/ReferralSchemeshistoryreportfinal.pdf>

survey results confirm the philosophy behind the NPBRC's aspirational pro bono target, namely that lawyers recognise that pro bono work is an inherent professional responsibility of being admitted to legal practice.

According to the Queensland figures:

- 79 percent of those surveyed had performed pro bono work during the previous 12 months;
- At least 44 percent would have met a target of 35 pro bono hours;
- The top two reasons provided for why lawyers in Queensland conducted pro bono work were "to help the disadvantaged" and "professional responsibility";
- The majority of lawyers (58 percent) supported an aspirational target. They also sought greater recognition and encouragement of pro bono work by their firms and by the profession's institutional leadership, namely the Law Society.

The November 16-17 conference in Darwin organised by the Law Society Northern Territory provides the best opportunity for members of the Territory profession to discuss the role of pro bono legal services. It is anticipated that the results of the recent survey of Territory practitioners will be presented at the conference. It is highly desirable that members of the private profession attend and are involved in discussions about this important component of professional practice.

It may be that one immediate way of assisting members of the community who are unable to obtain legal aid and who cannot afford private representation to access those lawyers who wish to provide more pro bono assistance, is for the Law Society to establish a pro bono clearing house. These sorts of clearing houses exist in various forms in most Australian jurisdictions. They provide an extremely useful way of helping those in need connect with those willing to provide assistance.

David Hillard is the Clayton Utz Pro Bono Partner, and Alix Cameron is the Pro Bono Coordinator at Clayton Utz Darwin. Details of the National Pro Bono Resource Centre aspirational pro bono target and the Queensland Law Society member survey can be found at [www.nationalprobono.org.au](http://www.nationalprobono.org.au)