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## **Firms with big hearts are wooing the market**

**Three renowned Australian law firms are testament to how leadership, commitment, investment and passion can drive sophisticated pro bono programs that make a difference for clients, the community and the firm’s employees, writes Trish Carroll.**

Who remembers the outcry in 2007 from the legal profession when the National Pro Bono Target was introduced? Many firms thought it was unnecessary because they were “already doing pro bono”.

When the target was announced, there were 10 signatories. Seven years later, 35 firms had signed up and now there are 168 law firms on board. My analysis is that all the firms which are on Commonwealth Government whole-of-government panels and their state government equivalents are signatories. That is understandable because, after the target was introduced, the public sector included pro bono performance as a requirement in its procurement criteria.

These days when almost every public-listed entity goes to market for legal services, they want to know about responsible business strategies. It’s also a rare Gen X or millennial lawyer who isn’t keen to know what a future employer’s responsible business strategy means at an operational level, and how they can contribute.

Marketing at its most basic level is about understanding what a market wants. So believe me when I say that never has the need for law firms, their employees and clients (present and future) been more acute than it is now to work with organisations that share a common goal of helping to create a better world – for people, the natural world and future generations.

Many firms are doing remarkable things to address this need and some are grappling with what to do. For inspiration or affirmation, consider what the following three firms are doing, each in their own way and each quite remarkable.

### **Everyday Justice (Mills Oakley)**

Mills Oakley's origins date back to 1864. It's a firm the market thought was moribund until 2004 when charismatic CEO John Nerurker took the reins. The firm has since been on a sharp upward trajectory that shows no sign of abating. Part of that trajectory has been driven by its social justice agenda.

The firm won the Law & Justice Foundation Pro Bono Partnership Award in 2009 for its partnership with The Salvation Army – the alliance involved Mills Oakley providing full-time representation over a decade for marginalised people in refugee cases, criminal law proceedings, parenting disputes, Centrelink matters and other court and tribunal cases.

Changes within the Army's operating structure reduced the partnership's effectiveness, which ultimately led to Mills Oakley deciding to establish a new model for helping vulnerable people. That program started in January 2021 under the entrepreneurial leadership and zeal of partner Luke Geary, who had also been a driving force behind the original partnership with the Army.

Everyday Justice is Mills Oakley's new model. It's novel, ingenious and in under six months it's already proving to be a success. It's a not-for-profit law firm wholly owned by Mills Oakley and is in the process of obtaining its Australian Charities and Not-For-Profit Charity status.

The entity provides free legal advice to the growing number of low to moderate income earners in Australia who are ineligible for means-tested Legal Aid services but who are unable to afford a private lawyer. This demographic is known as 'the missing middle' and it's a massively growing demographic. With Legal Aid funding being squeezed, the need to provide free access to legal services is even more pronounced.

To access the legal system, the missing middle must often make difficult choices between incurring substantial financial hardship, self-representing or abstaining from pursuing their legitimate legal claims altogether. These are the hardships that Everyday Justice hopes to alleviate.

Everyday Justice is, in effect, a start-up that has the freedom and the financial backing of Mills Oakley. This has enabled it to take full advantage of new technology, including bots, to automate processes, particularly at the initial client engagement phase and for commonly used documents. By using online meeting platforms, as well as good old-fashioned phones, the service is readily available to people in regional and remote areas, or people with mobility or disability issues.

Amy Burton is the Managing Lawyer at Everyday Justice. She is a lawyer for whom making civil legal services more accessible to the missing middle is an absolute passion. She's now running a team of 10 fulltime-equivalent staff who are managing a caseload of 420 cases. The team works closely with many charities that refer clients to the service, as do Legal Aid and community legal centres. "The Help Portal on Legal Aid Victoria's website has already clocked up 1000 referrals to us," Amy told me, and the pride in her voice was palpable.

Another novel aspect of Everyday Justice is its partnering arrangement with The College of Law. This enables Everyday Justice to provide a pathway for lawyers to gain the practical legal experience that is required for admission by offering internships to law graduates and newly qualified lawyers interested in pursuing careers in the social justice sector.

Luke's passion for developing the next generation of public interest lawyers is inspiring. He told me: "We've developed an internship program that integrates specifically designed online training on everything from taking instructions, trauma-informed lawyering to making effective use of legal tech and overlaid this with individual mentoring provided by Mills Oakley partners, and hands-on work supervised by Amy Burton and her team. We are training a highly specialised workforce of public interest lawyers, so that people in need have access to competent and compassionate advocates."

Luke and Amy are kindred, indomitable spirits in their passion for Everyday Justice and the dual role of providing free legal services to the missing middle and developing a pipeline of talented public interest lawyers to service this need. Hats off to Mills Oakley for backing this new and inspiring model.

### **Community Footprint (Wotton + Kearney)**

Wotton + Kearney (W+K) is a firm that's not yet 20 years old. Its early focus was on creating a sustainable business. With that box ticked it was 2011 when (then) Senior Associate Heidi Nash-Smith's passion for doing more than just the work on her desk lit a spark at W+K that shows no sign of extinguishing.

Heidi volunteered at Redfern Legal Centre and found it so vital to her life that she wanted to work part-time to free her up to spend more time volunteering. Her request hit a chord with Chief Executive Partner David Kearney. As Heidi modestly puts it: “It was a combination of the right place, right people and right time”, and by 2012 the Community Footprint initiative was on its way.

Since those early steps in 2012, Community Footprint now has a dedicated team of four people, including Heidi, who is now a partner devoted full-time to this program. There are pro bono and community champions in every office in Australia and New Zealand.

Some interesting aspects about the W+K approach are that it has:

- purposefully kept its options open about what it supports by aligning its goals to the United Nations 2030 Sustainability Development Goals of gender equality, reduced inequalities, climate action and peace, justice and strong institutions. Within this framework W+K can respond to changing areas of need, and it provides a platform for many different activities; and
- set a firm-wide budget for pro bono based on providing every lawyer with a target number of hours of fee relief. For those who are passionate and exceed this allocation, they still receive full fee relief.

Quite apart from an incredible amount of case work, clinics and community projects, W+K also puts a massive effort into writing submissions. Here are just three examples.

1. The firm researched and wrote, with the assistance of pro bono partner Kaldor Centre for Refugee Law, a submission for the **Refugee Council of Australia to the UN Human Rights Committee** detailing Australia’s performance against the committee’s concluding observations on the treatment of refugees by Australia as a state party – this was a first for civil society in Australia engaging with the committee’s process.
2. It assisted the **Climate Justice Programme** to draft its submission to the Royal Commission into National Natural Disaster Arrangements (known as the Bushfire Royal Commission). This work featured in the Australian Pro Bono Centre’s ground-breaking publication, *Pro Bono Guide to the Climate Crisis*, which aims to inform and inspire lawyers across the globe to become involved in pro bono work to help combat the climate crisis.

3. The firm has undertaken significant research for the Australian Human Rights Commission that maps the implementation of the recommendations made in four separate reviews of **Disability Standards**. This work helped the commission make recommendations to improve accessibility for people with disability in areas such as transport and education.

It's not yet 10 years since W+K's Community Footprint began and its plans for the next decade are destined to leave far more than a footprint!

### **The Colin Biggers & Paisley Foundation**

Colin Biggers & Paisley (CBP) is a firm with origins dating back to 1900. While it has always had a tradition of undertaking pro bono work and community volunteering, it was CBP's former Managing Partner Dunstan de Souza who oversaw the formulation of a structured and focused pro bono effort, which led to the launch of The Colin Biggers & Paisley Foundation in 2015. Using a respect/promote/protect model, the foundation:

- respects human rights principles and integrates them into the business it conducts;
- promotes the same human rights principles through its advocacy and charitable contributions;
- protects through the pro bono work it does and its work in the community.

The foundation's focus is on promoting and protecting the rights of women and children and Aboriginal and Torres Strait Islander people. Everything the foundation does aims to assist vulnerable people in these communities.

It's run by the Pro Bono and Responsible Business team, which reports to the partnership. There's no centralised pro bono team running all matters; instead, it's a collective where everyone in the practice participates and work is distributed across the entire practice. Lawyers are given 50 hours of fee relief to inspire participation and partners are leading from the front, with 75 per cent undertaking pro bono work.

CBP's approach to responsible business is to look inwards to its people and operations, and outwards to its clients and communities. Staff then turn their minds to the challenges its community partners have, the resources and passions within the CBP practice and match these together.

There are many different opportunities and programs in which CBP's lawyers and staff can get involved – ranging from weekly legal clinics at community legal centres and partnerships with Arts Law of Australia, to assisting Women's Legal Services, UNSW's Aspire program for

volunteering and CareerTrackers, a national program that creates paid internship opportunities for Indigenous students.

When COVID-19 hit, the foundation focused on collaboration with the not-for-profit and community legal sector and initiated new virtual volunteering initiatives to assist socially isolated and older people. It transformed legal clinics to telephone advice clinics and initiated new legal advice rosters to meet the community's needs, especially frontline organisations in the foundation's key focus areas of women, children, and Aboriginal and Torres Strait Islander people.

The foundation devotes a substantial effort to contributing to important submissions. It has:

- undertaken legal research and drafting to assist **Change the Record**, Australia's only national Aboriginal-led justice coalition of Aboriginal peak bodies and non-Indigenous allies;
- researched and collated policing statistics from around Australia that may highlight any discriminatory or unequal administration of COVID-19 public health fines or warnings and provided research and drafting assistance for the **Raise the Age** of criminal responsibility campaign; and
- given detailed advice and research on an international memorandum about coercive control legislation in Australia and internationally and considered the criminalisation of financial abuse for Women's Legal Service NSW, Rape & Domestic Violence Service NSW and the RLC Financial Abuse Legal Service. This research assisted Women's Legal Service to prepare its **submission on the issue of coercive control** and appear before the Senate Standing Committee to advocate for legislative change recognising coercive control as a crime.

There are dozens of heart-warming stories about individual cases where the foundation has made a huge difference to the quality of life of vulnerable people, and where it has collaborated with clients on volunteering activities.

What the foundation is achieving is inspiring, and even more so when you know that it's not driven by the incentive of working with the public sector. It's driven by wanting to make a genuine difference in promoting and protecting the rights of women and children and Aboriginal and Torres Strait Islander people.

### Common goals

What shines through in these firms' impressive initiatives is leadership, commitment, investment (financial and emotional) and truck loads of talented people with passion, empathy and enthusiasm.

These three firms share commanding market reputations and a talent for attracting and retaining quality people and clients. They have experienced sustained exponential growth and success over the past 10 years. Do you think there's any relationship between these factors and their responsible business strategies?

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