



# Profession's gift to the community

FEATURE BY ELLIOT SIM

*Lawyers make a multi-million dollar  
contribution each year to the New Zealand  
Community through pro bono activities.*

**F**ROM THE LARGE FIRMS WITH FORMAL pro bono programmes through to sole practitioners who may be practising family or criminal law and who provide their services free to clients who cannot afford to pay or who do not qualify for legal aid; a massive amount of pro bono service can be credited to the profession.

Putting a value on legal pro bono activities is obviously difficult. Statistics New Zealand data shows legal services revenue of around \$2.8 billion a year. The University of Waikato Institute for Business Research inter-firm comparison research in 2011 found that two-thirds of responding firms spent from 1 to 5% of practice time on pro bono

work. Extrapolated nationally, this indicates that the value of legal pro bono work could be somewhere between \$20 million and \$100 million annually.

In this issue of *LawTalk*, Elliot Sim takes a glimpse at some of what is happening in the area of pro bono work.

New Zealand's legal profession makes a considerable contribution to our community through its willingness to freely give time and expertise. This input is something to celebrate and recognise and is an effective counter to the stereotypical notions of lawyers being fixated on profit.

# Working for clients benefits firms and lawyers too

*How do New Zealand's large law firms view pro bono, what does it mean to them and what pro bono work are they undertaking at the moment?*

## DLA PHILLIPS FOX

"One interesting feature of our pro bono work is the enthusiasm and commitment that our young or graduate lawyers bring to it," DLA Phillips Fox chairman Martin Wiseman says.

"Perhaps this is reflective of what they have seen happen in their lifetimes in the world, including in Christchurch.

"They want to serve pro bono clients, and the firm heartily embraces that. We all become involved from partners through to new graduates. Because of our profile in various communities, we believe we're seen as more accessible and friendly, and this fits with our persona as an organisation."

The firm's target is to provide pro bono legal services to the value of at least 3% of the firm's annual revenue.

To achieve this, the firm's lawyers undertake

about 50 hours of free work each year.

"DLA Phillips Fox's work in the community helps define us as an organisation, and sometimes as a brand. The brand definition, though, is not the focus. The charities are.

"Our culture and policies encourage pro bono work because community involvement, either through the law or giving our time and expertise, is an essential element of who we are," Mr Wiseman says.

Pro bono work is an important part of the firm's history.

"Pro bono work is simply client work; it is treated the same in all respects. It extends to service in the community and for groups and organisations that otherwise would not have access to top quality legal expertise," Mr Wiseman says.

DLA has done pro bono work for The Starship Foundation for over 20 years.

Mr Wiseman is a board member of the Foundation and says the firm's approach to pro bono is consistent with its global alliance firm, DLA Piper, whose aim is to have in every office a strong pro bono practice that is appropriate to the local circumstances and culture.

DLA Piper has a dedicated global pro bono partner and has established New Perimeter; a non-profit organisation set up to provide pro



**Giving our time and expertise is an essential element of who we are**

bono legal assistance primarily in developing and post-conflict countries.

New Perimeter draws on the skills and talents of more than 4,000 DLA Piper lawyers globally. To maximise impact, DLA Piper sends teams of lawyers into the field to work alongside its clients whenever possible.

DLA Piper focuses its work on legal education, women and children's rights, access to justice and law reform, environmental protection, economic development and food security.

"As a result of our alignment with DLA Piper, we have been a market leader in this space in New Zealand."

Mr Wiseman says all of the projects DLA Phillips Fox serves are focused on finding innovative solutions to challenging social problems, while helping the most vulnerable in society.

"Our Community Care Programme supports community organisations through a range of initiatives including volunteering, fundraising, administrative support, gifts in kind and workplace giving."

The firm also supports community law centres, The Fred Hollows Foundation (dedicated to eradicating avoidable blindness in the Pacific), Star Jam (encourages young people with disabilities to perform at a high level), Canteen, Habitat for Humanity and Bike NZ.

## KENSINGTON SWAN

"We value the development and experience pro bono work provides our lawyers," a spokesperson for Kensington Swan says.

"Voluntary support assists our communication and relationship skills, and we learn a lot about different cultures and groups within our community.

"Over the years, we have voluntarily assisted a number of individuals, charities, and community projects. We understand that for non-profit organisations, resources are scarce, and money saved on legal fees can be channelled towards making a real difference."

The firm has a formal pro bono programme

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## I really wanted to get involved

**Jenny Ryan, A SENIOR SOLICITOR FOR THE OFFICE OF Human Rights Proceedings** (an independent part of the Human Rights Commission), has volunteered at the Wellington Women's Boarding House since 2011. She has also volunteered for Amnesty International where she helps with the annual collection day, film nights and information stalls.

For the boarding house, she has been a member of the management committee and a volunteer co-ordinator.

"One morning in 2011 I went to work exceptionally early for some reason. I was walking along Lambton Quay and I saw quite a few homeless people sleeping outside Whitcoulls. I felt quite shocked because homelessness hadn't been, to me at least, that visible in Wellington. I realised I really wanted to get involved and help," she says.

Soon after, Ms Ryan stumbled upon a community newspaper advertisement on the Wellington Women's Boarding House, which happened to be close to where she lived.

The organisation provides short- to medium-term housing for women, to help them get back on their feet and find permanent housing.

Ms Ryan says volunteers help with a range of things at the boarding house, including delivering food donations from Kaibosh to the house, gardening, communications assistance, running training for staff and committee members, pro bono legal assistance and helping with funding applications.

"My colleagues at the commission are also very community minded and often organise volunteer activities. For example, staff have collected food and presents for the City Mission at Christmas and have helped with the breakfast club at Russell School in Cannons Creek."

Ms Ryan says volunteering and being involved in the community is something that is really important to her.

"My work life is an important part of me and what I do, but it's not the only thing. The things I do outside of work are just as defining and important."

Ms Ryan says she appreciates that volunteer work is not going to be for everyone.

"I've got some friends who have young children and they're retuning to work full-time so I can understand that that's going to be really difficult for them. But I think if someone is at a place in their life where they have a little bit of time and can contribute I think it's a really good thing to do."



## Pro bono work is an important part of what we do as a firm

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which targets and supports individuals in need, and community initiatives which assist the disadvantaged, the environment, and social/cultural initiatives, as well as industry thought leadership.

Some of the pro bono work the firm undertakes includes The Kiwi Trust, which is dedicated to the survival of kiwi in their natural habitat, and the Skylight Trust which offers counselling for loss, trauma and grief support and provides a crucial service in assisting people facing difficult situations.

Kensington Swan also provides advice on sponsorship agreements and general intellectual property advice to the National Collective of Independent Women's Refuges and has continued its 20-year association with the Auckland Theatre Company by assisting them to obtain their own theatre by providing contractual advice on construction, property and sponsorship arrangements for the Waterfront Theatre development.

The firm says the challenge presented by having a wide array of worthy causes it is either asked to support or wishes to sponsor, in the context of a commercial enterprise, is effectively managed though having a formal pro bono programme in place.

The programme provides a framework for its approach to this area, and is overseen by a Pro Bono Committee that includes a partner head from each of its offices as well as senior staff representation.

The committee assesses applications to the firm against its pro bono criteria to ensure it is appropriately focusing its efforts, as well as enabling the firm to keep track of all work being done.

### MINTER ELLISON RUDD WATTS

**MINTER ELLISON RUDD WATTS PLACES GREAT emphasis on community support, in particular through its youth and education initiatives. The firm, team members and the recipients of pro**

bono work all benefit from this contribution, says people and performance director Richard Blackburn.

Mr Blackburn says a reality of being a professional in a large firm is that there are always competing demands on one's time, priorities to juggle and timelines to meet.

"Pro bono work is an important part of what we do as a firm, but there are times when pro bono work needs to be scheduled around commercial projects and transactions."

Despite the challenges, Minter Ellison has a long-established mentoring programme with year 13 Kelston Girls' College students who are mentored by a junior lawyer. Mr Blackburn says the programme helps the students grow and prepare themselves for their careers.

More recently, the firm's real estate team spent a day planting trees at the Orakei Marae as part of their annual pro bono efforts.

The firm also engages in pro bono work for the SPCA, New Zealand Symphony Orchestra and a variety of other organisations.

"We believe supporting lawyers to engage in pro bono activity is the responsibility of the firms involved. Having a strategy and goals for pro bono activity helps us focus our effort and energy, and enables us to make a real difference in the community," Mr Blackburn says

### SIMPSON GRIERSON

**"CORPORATE RESPONSIBILITY IS A CORE PART of our brand reputation,"** according to Simpson Grierson.

The firm says it actively engages with community groups, not-for-profit and charitable organisations, providing assistance on a regular basis.

The firm has four focus areas, which benefit the communities it is involved with as well as aligning with its values and strategic objectives.

These include pro bono legal advice, meeting social obligations, valuing staff and taking environmental responsibilities seriously.

**Many of our lawyers are active on committees ... providing free legal advice**



## The fact you're a lawyer makes quite a difference

"Our commitment to serving our community was cemented by formalising our pro bono policy throughout the firm in 2008. This also involved the appointment of a pro bono partner."

The pro bono partner provides a contact point and makes decisions in line with the firm's pro bono policy and corporate social responsibility programme guidelines.

The firm's pro bono practice is aimed at disadvantaged people through the organisations which support them. Staff members are recognised for their pro bono work through employee review processes, and partners are

responsible for the supervision of all pro bono files.

Youthline is the firm's main charitable partner. Some of the other beneficiaries of the firm's pro bono work include: the Auckland division of the Cancer Society, Orakei School, Auckland ICT Cluster, Child Cancer Foundation, NZ Coastguard, ED&Co Charitable Trust, Wellington Community Law Centre, Grey Lynn Community Law Centre, Women With Gynaecological Cancer and several community law centres and citizens' advice bureaux.

"Many of our lawyers are active on committees and boards providing free legal advice, for example, The Committee for Auckland, Child Cancer Foundation, Refugee Family Reunification Trust and many others."

The firm is also a member of the Lex Mundi Pro Bono Foundation, which is a global foundation made up of firms that provide legal assistance to "social entrepreneurs".

The firm says having clear objectives means the work they take on is done to as high a level for pro bono clients as its paying clients.

"We have found that having strong board support and setting clear objectives ensures that there is wide acceptance of our role, enabling us to become much more effective in this area."

**R**owena Lewis, A PARTNER AT LEWIS Callanan, is a breast cancer survivor and active volunteer worker for Breast Cancer Aotearoa Coalition Incorporated where she has been the secretary for the past five years. She says she is volunteering as a former patient who happens to have a law degree.

"I think that as lawyers we have special skills and regardless of whether we recognise them or not, we have. I think those skills are to see issues as they actually are. We are often wary of things that pop up – we're able to add to the mix. I believe in giving back and helping where I can and generally that's what I think we should be doing as we are professional people and that's what you do."

"I've got lots of different roles, but one of them is to assist with contracts, sponsors' contracts particularly, and trademarking, which enables us to sponsor," says Ms Lewis.

She says pro bono work doesn't necessarily have to be in a legal sense.

"When I'm at usual committee meetings the fact that you're lawyer makes quite a difference because often we see things differently. You have a lawyers' perspective and I think it's really valuable because it's not confrontational or adversarial, it's more very co-operative and productive."

"I would probably still do it if I wasn't a lawyer but I am and I have those special skills."

Ms Lewis has volunteered on many boards for organisations and is currently also helping an Auckland squash club who she is now guiding through tricky contracts in an honorary solicitor role.

"There have been quite a lot of meetings on the lease and that has been work that if I didn't do it, they would have to then pay for."

"I want them to have a good result and save them money," she says.

### BELL GULLY

**"WE BELIEVE THAT SOCIAL RESPONSIBILITY** is an integral part of a successful and sustainable business, and are committed to working alongside charitable organisations and individuals to help those in need," says Bell Gully pro bono programme manager Rachel Gowing.

The firm supports local communities through a pro bono programme, which it considers an essential feature of a full legal service firm that is an engaged participant in society.

In 2009, it formalised a pro bono programme, establishing specific criteria to ensure its pro bono work reached those who need it most.

"Our policy provides structure and processes around how we source, manage and promote pro bono work, and every member of staff is encouraged to get involved. A minimum 25 hours full fee credit is afforded to each lawyer annually, but many are credited for significantly more."

Bell Gully's pro bono client base includes a number of charitable organisations.

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## Sense of injustice led to action

**CHAPMAN TRIPP PARTNER** Garth Gallaway was an integral part of helping clear the names of Bobbie Carroll, Julia Woodhouse and her son Henry Woodhouse who sheltered Iraena Asher in their west Auckland home before she disappeared in 2004.

The coroner's inquest concluded that they contributed to her death by not contacting police after she left their home. Ms Asher was last seen under a Piha Beach street lamp in the early hours of the next morning.

The day after the coroner made his finding, Mr Gallaway heard about the case while sitting in rush-hour Christchurch traffic listening to the radio.

He felt outrage that the coroner could make such a finding against people who

had tried to help Ms Asher, and decided to contact them and offer his services pro bono.

It took eight months to prepare for the one-day judicial review hearing, which took place in March this year. Mr Gallaway says he and his team spent hundreds of hours working on it – a process that would normally cost clients at least \$60,000 to \$70,000.

He was successful in getting the trio cleared, with High Court Justice Helen Winkelmann agreeing the coroner's findings were "unreasonable". In the judicial review, Mr Gallaway argued that the coroner's finding was purely speculative.

Mr Gallaway also said the trio should have been given notice that their behaviour was going to be cited as a contributing factor at the inquest so they could arrange a lawyer.

## CHAPMAN TRIPP

**CHAPMAN TRIPP SAYS** it was the first major law firm in New Zealand to set up a formal pro bono programme.

It has aligned a variety of relationships and sponsorships to support three main areas of focus including investing in a stronger community, supporting New Zealand's vibrant arts environment and contributing to New Zealand's economic future.

"Each year, our specific contributions depend on the needs of those we support."

Some examples of pro


bono work include the Foundation for Youth Development, Sir Peter Blake Trust, Auckland, Wellington and Christchurch City Missions, and the Sir Edmund Hillary Outdoor Pursuit Centre of New Zealand.

The firm has helped organisations working to promote better practice and increased capability in the New Zealand business community.

It has also pledged substantial funding over a five-year period to support the establishment of the Chapman Tripp Chair in Corporate and Commercial Law at Auckland University's law faculty.

"This is the first time that a New Zealand law firm has provided funding for a professorial chair. We see this opportunity as a way to make a tangible difference in an area of law where new thinking and application can have a direct impact on business growth."

The firm says it has also provided longstanding support to the arts in New Zealand including New Zealand Opera (the firm is naming sponsor of the Chapman Tripp Opera Chorus), Circa Theatre, the Wellington Chapman Tripp Theatre Awards, Vector Wellington Orchestra and Arts Access Aotearoa.

The challenge with a comprehensive community programme, according to the Chapman Tripp, is being able to measure the impact of its work and contribution. "The firm is currently looking at how we can expand our very successful pro bono programme to encompass broader corporate social responsibility (CSR) activities that align with our firm values." 

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The firm supports the Grey Lynn Neighbourhood Law Office, the Waitakere Community Law Service and Community Law Wellington and Hutt Valley by providing a secondeed lawyer to each centre for one day every week, among other free work.

For other pro bono clients, some of the specific matters that the firm has currently worked on, or have recently completed include: advising Red Cross New Zealand in connection with some of their Christchurch recovery efforts, the formation and settling of the GF Cares Trust for Goodman Fielder's bread donation programme, negotiating the return of a large sum of cash confiscated by customs from some New Zealand residents seeking to assist their families in Africa, a complicated tax issue associated with the activities of a large international aid organisation, and continuing to assist the Christchurch Earthquake Appeal Trust on funding arrangements for significant post-earthquake reconstruction projects.

The firm says when it established its formal programme with a stretch target of reaching \$1 million fee equivalent by 2012, its expectation was that the biggest challenge would be in sourcing enough pro bono work.

"The reality has been that there is plenty of great work out there, and we have now exceeded that target."

# Huge contribution to Community Law Centres

**DIRECT PRO BONO WORK UNDERTAKEN**  
through Community Law Centres (CLCs) equate to almost \$2 million a year.

This was clearly shown in a New Zealand Institute of Economic Research report published in July 2012. This report revealed that CLCs provided over 174,000 hours of legal service directly to over 144,000 clients in the July 2010 to June 2011 year.

In that year, the CLCs received 20,562 hours of donated legal time. Mainly qualified lawyers contributed 10,382 hours valued at \$955,129, and law student volunteers provided 10,180 at a value of \$732,982, across their casework, education, information and law reform work programmes.

The indirect contribution of pro bono lawyers equates to 1,024 hours and a value of \$108,544, with the total value of the contribution being \$1,796,655.

Community Law Centres o Aotearoa has an army of 1,200 lawyers who provide free assistance to their local community law centre, its chief executive Liz Tennet says.

The lawyers go into clinics and provide advice and assistance to clients on issues in their particular areas of expertise.

"That's an area of pro bono which is huge. In addition to that we do sometimes get clients who have got particularly sticky or interesting cases and that will be sent off to lawyers who are happy to take them on to what is traditionally known as a pro bono case," she says.

Law firms such as Bell Gully also provide assistance on projects or work undertaken by community law centres.

As for the legalities of pro bono work, Ms Tennet says the community law centres do have a supervisory structure which is required as part of the Lawyers and Conveyancers Act 2006.

"That requires that a [lawyer qualified to practise on own account] sit in the governance

board of each of our centres and also to be on the staff of our centres (or contracted), so that the supervision that is given to the lawyers who come in to provide their free services to our clinics is under this structure.

"We are thrilled by the support that we get from the legal profession and community law would not be as strong if we didn't have that support. It is huge that we get that from the profession. I think most of the lawyers who do it find that it is a great experience for them."

Law students are also active in providing pro bono work, according to Ms Tennet, as well as those from overseas who usually do a six- to 12-month exchange.

She says students come from as far as Germany, Italy and the United States.

"They come in and provide free work for the law centre and quite a few of our centres take on these students. That's a huge support to the centre as well. If one of our lawyers who works for the centre needs some research, the students will do that, and it's all supervised."

The 25 CLCs throughout the country provide clients with a number of services across approximately 40 different legal areas including case work (representation, assistance and advice), information, education and law reform. **LT**

**LAWYERS TAKE PART IN A WIDE RANGE OF PRO BONO** activities. If you intend to do pro bono work involving the provision of regulated services, such as legal services, to the public, you should bear the requirements of s9 of the Lawyers and Conveyancers Act 2006 in mind. In general terms, unless a lawyer is entitled to practise on own account, he or she should not provide regulated services to the public other than in the course of his or her employment. There are specific exceptions in the Act for lawyers providing legal services to the public under the auspices of a community law centre or citizens advice bureau.



# Substantial contribution to the people of New Zealand

By Frank Neill

**H**UNDREDS OF NEW ZEALAND LAWYERS spend many thousands of hours every year working for the benefit of the people of New Zealand as well as the profession.

Although a dollar cost has never been put on this work from well over 500 lawyers involved in New Zealand Law Society activities, it would amount to a multi-million dollar figure.

This substantial pro bono contribution to society is provided in three main streams.

Law reform work is one area. Another is voluntary activity to ensure lawyers are operating according to high professional standards and those who are not face sanctions.

and the Law Society branches.

The New Zealand Law Society is an important participant in law reform in this country.

A key focus is the Law Society's scrutiny of legislation. This scrutiny is provided by the Law Reform Committee, on which 33 lawyers serve, and the Society's 16 specialist committees, which have 121 lawyer members.

With input from these specialist committees and individual lawyers who have contacted the Law Society, the Law Reform Committee develops submissions on many of the bills that are referred to select committees.


The Law Society also comments on discussion papers from government agencies and the Law Commission, and on exposure drafts of proposed legislation. This input is highly valued by New Zealand's law makers.

"The Law Society's committees provide valuable input on a range of bills," the Attorney-General, Chris Finlayson, told *LawTalk*.

"Working to improve black letter law may not earn huge headlines, for either the profession or for politicians,

but it can have a major effect in improving the administration of the system and so the lot of those parties working within it.

"Input from experts, outside of a traditional advocacy role, at the select committee stage can be very useful."



**The Law Society's committees provide valuable input on a range of bills**

A third pro bono contribution is made by well over 100 lawyers for the benefit of the profession, or particular groups in the profession. This includes the contribution of people who serve on the Law Society Board, the Law Society Council, the Property and Family Law sections, CLANZ

The Law Society is responsible for the regulation of the legal profession in New Zealand.


This includes the admission and enrolment of lawyers. As part of this process, the Society has two Fitness for Practice Committees. These committees make recommendations for consideration and final approval by the NZLS Board. Upon acceptance, a person seeking to practise law is provided a Certificate of Character.

Regulation of lawyers also means the Law Society has a process to deal with complaints against lawyers, and does this through the Lawyers Complaints Service.

Complaints about lawyers go to one of the Society's 24 lawyers standards committees. A total of 144 lawyers serve on these 24 committees, alongside 48 lay members.

A total of 1,625 complaints were handled by the Lawyers Complaints Service in the last year (to 30 June 2012).

Assisting the Lawyers Complaints Service and the standards committees are the cost assessors, the vast majority of whom are voluntary. Lawyers also volunteer to undertake 30 interviews, part of the process of establishing a person is "fit and proper" to practise law.

Governance of all the Law Society's functions is provided by the Law Society's Council and Board who also serve voluntarily. 

## Watch this space

**PEOPLE WANTING TO BECOME ACTIVELY** involved in the Law Society's law reform activities will soon have the opportunity to do so.

The Law Society will soon be calling for applications from members and associate members interested in serving as convenors and members of the Society Law Reform Committee and 15 of the 16 specialist committees.

In the meantime, people interested in learning more about the work of the law reform and specialist committees can visit [www.lawsociety.org.nz/about-us/nzls-committees](http://www.lawsociety.org.nz/about-us/nzls-committees).

# By The Numbers

SOME OF THE VOLUNTARY CONTRIBUTIONS  
MADE BY LAWYERS THROUGH THE NEW  
ZEALAND LAW SOCIETY

<b>5</b>	Members of the Law Society Board	<b>24</b>	Members of the Law Society Council, plus the Law Society's Executive Director
<b>33</b>	Law Reform Committee members	<b>121</b>	Lawyers who sit on the specialist committees
<b>16</b>	Specialist committees	<b>100</b>	Almost 100 cost assessors
<b>24</b>	Lawyers Standards Committees	<b>144</b>	Lawyers who sit on the Lawyers Standards Committees
<b>8</b>	Practice Approval Committees members	<b>1,459</b>	Property Law Section members
<b>9</b>	Lawyers on PLS executive	<b>5</b>	PLS committees
<b>37</b>	Lawyers who sit on a PLS committee		
<b>5</b>	PLS working groups	<b>23</b>	Lawyers who sit on a PLS working group
<b>1,004</b>	Family Law Section members	<b>11</b>	Lawyers on FLS executive
<b>12</b>	FLS standing committees	<b>103</b>	FLS standing committee members
<b>3</b>	FLS working groups	<b>20</b>	Lawyers who sit on a FLS working group
<b>2,380</b>	CLANZ members	<b>8</b>	Members of the CLANZ executive committee
<b>13</b>	members the CLANZ committee	<b>5</b>	CLANZ committee work streams