

Collaborative Research Investigation into: Models and Quantifiable Benefits of Pro Bono and Social Justice Activities in Australian Law Schools



I Overview

This three-year multi institution study will investigate and provide national empirical data relating to four pivotal themes dealing with pro bono and social justice initiatives in Australian universities. The project will be supported and coordinated by leading academics under the leadership of the Australian Pro Bono Centre, which will administer the project funding and coordinate subcontracting agreements with theme leads from eight Australian universities, namely Bond University, La Trobe University, Monash University, Murdoch University, University of Adelaide, University of Queensland, University of South Australia and Western Sydney University.

The Australian Pro Bono Centre (APBC) is an independent centre of expertise that aims to grow the capacity of the Australian legal profession to provide pro bono legal services that are focused on increasing access to justice for socially disadvantaged and/or marginalised persons, and furthering the public interest.

The Centre works to achieve this by:

1. Strengthening the place of pro bono legal work within the Australian legal profession as an integral part of legal practice
2. Providing practical assistance to facilitate, and remove barriers to, the provision of pro bono legal services, and
3. Promoting the pro bono legal work of the Australian legal profession.

This collaborative model of research funding brings academia and legal firms together to better understand the benefits to the community of social justice activities in law schools, and to investigate ways in which these services can be improved. This model has been developed to lever the existing expertise in academia and leading Australian law firms, to assemble a world-class research team.

II Objectives of the Research Project

There exists little national empirical research on the diverse models and quantifiable benefits of pro bono and social justice activities in law schools to the community, as well as the use of technology in these initiatives. Law clinics and pro bono legal service can contribute significantly to the provision of access to justice to vulnerable, indigent and disadvantaged members of the community, and it is desirable that a culture of community service is encouraged and perpetuated in law schools and that best practices are followed in social justice initiatives. In addition, it is advantageous to the community that law firms support and actively encourage pro bono service within their practices.

Recently the Law Council of Australia identified 13 groups within Australian society – including Aboriginal and Torres Strait Islander people, rural, regional and remote Australians, children and young people, LGBTI+ people, older persons, migrants, people who are homeless or experiencing economic disadvantage, and people with disability – as facing significant hurdles to accessing justice. In addition, it was found that more than 13 per cent of Australians live under the poverty line, while legal aid is available to just eight per cent, and that ‘many impoverished people are considered too wealthy to get basic legal help’ (*Justice Project*, Final Report, <https://www.lawcouncil.asn.au/justice-project>). These findings echoed earlier findings by the Productivity Commission (Productivity Commission 2014, *Access to Justice Arrangements: Overview, Inquiry Report No. 72*, Canberra), where it was acknowledged that ‘More resources are required to better meet the legal needs of disadvantaged Australians’ and that ‘only 8 per cent of Australian households would likely meet income and asset tests for legal aid, leaving the majority of low and middle income earners with limited capacity for managing large and unexpected legal costs.’ In these areas of need, Australian law school social justice initiatives and law firms can make a significant contribution in addressing the lack of access to justice. Factors such as industry attitudes and the regulatory and systemic constraints involved should be investigated to determine ways of increasing effective student service delivery to alleviate the lack of access to justice. Quantifiable evidence of social justice initiatives in law schools and Best Practice Guidelines will assist in creating robust models for social justice activities and community service in Australian law schools.

This research is the first study to undertake a national investigation of pro bono¹ and social justice² models and quantifiable benefits of access to justice initiatives implemented in law schools. The project will – through empirical qualitative and quantitative research - examine the models and types of pro bono and social justice initiatives in law schools (including clinical models for academic

¹ In defining ‘pro bono’ the study will apply the definition of ‘legal advice provided for free or at a substantially reduced rate’, and will include any activities in Australian law schools which involve students in pro bono related activities, such as law clinics (including clinical subjects for academic credit, provided the clinic provides a pro bono service), internships at community legal centres and other pro bono work such as social justice projects. The study aims to take an inclusive, rather than limiting approach, to take account of various pro bono models (whether for academic credit or not) in order to obtain comprehensive data on the involvement of law students in pro bono activities.

² In defining ‘social justice’ the research relies on the discussion paper: *National Pro Bono Resource Centre Occasional Paper: What is Social Justice?*, October 2011, Sydney, accessible at https://probonocentre.org.au/wp-content/uploads/2015/09/Occ_1_What-is-Social-Justice_FINAL.pdf, which states: “The words or at least concepts of ‘social justice’ are used in contexts where people understand social justice to be about fairness beyond individual justice... To put it simply, the concept of social justice involves finding the optimum balance between our joint responsibilities as a society and our responsibilities as individuals to contribute to a just society. Many different ideas exist about where that optimum balance lies.” In the context of this study social justice initiatives in law schools may include diverse activities, including placements at community legal centers, law clinics and social justice projects.

credit, law clinics run on a volunteer basis, and student placements in community legal organisations), the use of technology in providing access to justice, the quantifiable benefits of pro bono services provided by law firms, the role of social justice initiatives in facilitating access to justice, and the sustainability of pro bono in practice. In doing so it will provide empirical evidence of the nature and structure of social justice models in Australian law schools and record the quantifiable benefits of social justice services contributed by law schools and industry partners. The research will also investigate the incidence of ongoing pro bono involvement in legal practice by alumni of university law schools who participated in pro bono and social justice initiatives during their law degree; as well as the factors motivating sustained pro bono involvement by law graduates.

The study will address four main themes in respect of pro bono and social justice initiatives and will provide a number of tangible outcomes, including: an end of project national *Social Justice Initiatives in Australian Law Schools* conference; a *National Report on Pro Bono and Social Justice Initiatives in Law Schools Report*; a publication: *Guidelines for Best Practices in University Social Justice Models for Australian law schools*; four PhD candidates to graduate as the next generation of law academics; an annual event at participating law schools where industry partners will receive introductions to PhD candidates and students participating in pro bono and social justice initiatives; a national book publication entitled *Establishing Successful Social Justice Initiatives in Law Schools*; a Special Issue of the *Australian Journal of Clinical Education*, a peer reviewed academic journal, based on the findings; and a *Pro Bono Toolkit* for partner law firms with visual resources to assist with promoting pro bono and social justice initiatives and informing staff members about the benefits of pro bono service.

III Research Themes

The research proposes to investigate and provide national empirical data relating to four pivotal themes dealing with pro bono and social justice initiatives in Australian universities:

1) Best Practices for pro bono and social justice models in law schools

Examine, compare and evaluate existing pro bono and social justice initiatives in law schools by investigating through surveys and interviews the diverse models and their use of technology, including:

- a) the nature and structures of social justice initiatives in Australian law schools;
- b) instruction and supervisory arrangements for students;
- c) resources required in respect of funding and staffing and the financial cost to law schools, and;
- d) the use of technology in the implementation of pro bono and social justice initiatives; and
- e) industry partnerships utilised in social justice initiatives.

Consider which models are most effective, the perceived challenges in pro bono and social justice initiatives, and how these may be solved based on identified best practices.

2) The role of university pro bono and social justice initiatives in providing access to justice

Investigate how university pro bono and social justice initiatives assist the community. Based on surveys of recipients of social justice services such as law clinics:

- a) record how many people were assisted in which areas of the law over a specific period, including the hours of volunteering provided by law students and academics; and the numbers and types of clients serviced. This data will provide insight into the fiscal value of pro bono and social justice initiatives in Australian law schools;
- b) identify areas of need where there is a lack of access to justice in the community (based on types of social justice initiatives in the context of the Law Commission's Justice Project 2018);
- c) investigate factors such as industry attitudes and the regulatory and systemic constraints to effective student involvement in service delivery to facilitate access to justice;
- d) the use of technology in the provision of access to justice; and
- e) provide recommendations on how pro bono and social justice activities, and student service delivery can be enhanced to facilitate access to justice.

3) The altruism effect – Sustaining social justice and pro bono activities in practice

Investigate the factors motivating law student and lawyer participation in pro bono and social justice initiatives by surveying current law students and alumni currently in practice at law firms, at universities nationally. This study will:

- a) Examine the perceived direct benefits of pro bono and social justice activities by law students and individual lawyers;

- b) Highlight the associated benefits of being involved in pro bono and social justice initiatives;
- b) Determine the incidence of ongoing pro bono involvement in legal practice by alumni of university law schools, who participated in social justice initiatives during their law degree; and
- c) Determine motivating factors for sustained pro bono involvement by students and early career lawyers.
- d) Identify aspects of pro bono and social justice service delivery that may be increased or improved on by law schools.

4) **The value of social justice activities and pro bono service to law firms**

This study will, through surveys and interviews record the perceived benefits of pro bono involvement by law firms in university social justice initiatives. It will:

- a) Investigate the factors that motivate law firms to participate in pro bono and social justice initiatives in collaboration with law students and law schools, including but not limited to: considerations of altruism, staff engagement, community expectations but also any business case reasons which might include networking and talent scouting opportunities, marketing and public image, government expectations.
- b) Record the hours of pro bono service provided to the community by legal practitioners in university pro bono and social justice initiatives at Australian law schools;
- c) Explore other cost-benefit considerations identified by small to medium size law firms, and ways in which participation in university law school pro bono and social justice initiatives can be encouraged in these firms.

IV Participants

RESEARCH TEAMS

Bond University: Associate Professor Francina Cantatore

La Trobe University: Associate Professor Lola Ojelabi

Monash University: Professor Jeff Giddings

Murdoch University: Associate Professor Anna Copeland

University of Adelaide: Senior Lecturer Margaret Castles

University of Queensland: Associate Professor Francesca Bartlett

University of South Australia: Professor Vicki Waye

Western Sydney University: Professor Anna Cody

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V Contributions

The three-year project will be funded by small annual research donations from leading law firms, paid directly to the APBC for allocation to the individual institutions; and in-kind support from Universities in the form of academic time and administrative support.

VI Proposed Timeline

- Anticipated date of project commencement: **June 2019**
- Anticipated completion date: **June 2022**

VII Research Outcomes

1. National *Social Justice Initiatives in Australian Law Schools* conference where the results will be presented.
2. A *National Report on Pro Bono and Social Justice Initiatives in Law Schools Report* to provide qualitative and quantitative data on university pro bono initiatives, to identify areas of strength and weakness, and to assist in facilitating increased access to justice through university law schools.
3. A publication: *Guidelines for Best Practices in University Social Justice Models* for Australian law schools to maximise benefits to students and the community through appropriate models and innovative use of technology, and to promote and sustain pro bono involvement in law graduates once they enter legal practice.
4. Universities to provide institutional support to four PhD candidates to graduate as the next generation of law academics.
5. A national book publication entitled *Establishing Successful Social Justice Initiatives in Law Schools*.
6. A Special Issue of the *Australian Journal of Clinical Education*, a peer reviewed academic journal, based on the findings from the four themes identified in the research.
7. A *Pro Bono Toolkit* for law firms with visual resources to assist with promoting pro bono and social justice initiatives and informing staff members about the benefits of pro bono service, to encourage pro bono service by legal practitioners.