

PRO BONO GUIDELINES

1. INTERPRETATION

In these Guidelines, unless expressed to the contrary:

Approved Causes is defined in clause 4(b).

Excluded Services is defined in clause 4(c).

Government means the State of Western Australia, including its departments and agencies.

Introduction Period is the period of 1 July 2020 – 30 June 2023 (inclusive).

Law Firm means a Service Provider that is contracted to provide Legal Services to Government.

Pro Bono Legal Services is defined in clause 4(a).

Pro Bono Hourly Rate is defined in clause 5.

2. GUIDING PRINCIPLES

- (a) The Government is committed to the provision of Pro Bono Legal Services as a means to contribute to the administration of justice.
- (b) The Government recognises that the provision of Pro Bono Legal Services complement, rather than substitute, Government funded legal aid and legal assistance services.
- (c) The Government seeks to strengthen the community legal sector through the provision of Pro Bono Legal Services.

3. REQUIREMENTS

- (a) Law Firms who provide Legal Services to Government must:
 - (i) be a signatory to the Australian Pro Bono Centre's National Pro Bono Target (www.probonocentre.org.au/provide-pro-bono/target/); and
 - (ii) undertake Pro Bono Legal Services for Approved Causes to the value of at least 10% of the total value of each Law Firm's contract for Legal Services with the Government

4. PRO BONO LEGAL SERVICES

- (a) Pro Bono Legal Services means:
 - (i) pro bono legal work provided according to the Australian Pro Bono Centre's 'National Pro Bono Target' definition;
 - (ii) services within the definition of 'Approved Causes' in clause 3(b) and otherwise within the terms of the Pro Bono Guidelines; or
 - (iii) services as approved from time to time by the Attorney General and notified in writing to the Service Provider by the Executive Contract Manager but does not include 'Excluded Services'.

- (b) Approved Causes means the provision of Pro Bono Legal Services:
 - (i) to individuals in Western Australia who cannot obtain Legal Aid or otherwise access the legal system without incurring significant financial or other hardship;
 - (ii) which will enhance access to justice for disadvantaged people in Western Australia;
 - (iii) to Law Access, a community legal centre in Western Australia, the Aboriginal Legal Services of Western Australia, and to bodies in Western Australia whose primary focus is representation of Aboriginal people; or
 - (iv) by way of secondment of legal staff to Law Access, a community legal centre in Western Australia, the Aboriginal Legal Services of Western Australia, or bodies in Western Australia whose primary focus is representation of Aboriginal people.
- (c) Excluded Services means any services which under the Pro Bono Guidelines are not recognised as Pro Bono Legal Services, and include:
 - (i) giving legal assistance to any person for free, or at a reduced fee, without reference to whether he/she can afford to pay for that legal assistance or whether his/her case raises an issue of public interest;
 - (ii) free first consultations with clients who are otherwise billed at a Law Firm's normal rates;
 - (iii) legal assistance provided under a grant of legal assistance from Legal Aid;
 - (iv) contingency fee arrangements, or other speculative work, which is undertaken with a commercial expectation of a fee;
 - (v) the sponsorship of cultural and sporting events, work undertaken for business development and other marketing opportunities; and
 - (vi) time spent by lawyers sitting on the board of a community organisation (including a community legal organisation) or a charity.

5. PRO BONO HOURLY RATE

- (a) The Pro Bono Hourly Rate for a Law Firm is calculated as an average of the Law Firm's hourly rate for lawyers under the relevant contract for Legal Services with Government.
- (b) To avoid doubt, and by way of illustration, if a Law Firm charges the following hourly rates under a contract for Legal Services with Government:

Partner:	\$700
Senior Associate:	\$550
Associate:	\$400
Restricted Practitioner:	\$250

then the Pro Bono Hourly Rate for that Law Firm is \$475.

- (c) To avoid doubt, the Pro Bono Hourly Rate applies to calculating the requirement set out in clause 3(a)(ii) only.

6. REPORTING

- (a) Law Firms are required to complete the Reporting Template at Table 1 for all contracts for Legal Services with the Government no later than 12 weeks from the end of the relevant financial year in respect of which the Pro Bono amount is calculated and send it to the State Solicitor's Office (SSO).
- (b) Law firms are not required to disclose the names of their pro bono clients in the Reporting Template.
- (c) A report using disaggregated data will be tabled in Parliament annually.

Table 1 – Pro Bono Reporting Template

	Category	Description
1.	Law Firm	
2.	Department	Every Department, agency or entity the Law Firm has a contract for Legal Services with. Law Firms are required to complete only one report for all contracts for Legal Services with Government agencies. (That is, if a Law Firm has two contracts for Legal Services, then both contracts are reported in the same report.)
3.	Signatory to the National Pro Bono Aspirational Target	Yes/No
4.	Total dollar value of each contract for Legal Services with each Department for the financial year.	The dollar amount over the relevant financial year for each contract for Legal Services with each Department, agency or entity (That is, if a Law Firm has

	Category	Description
		two contracts for Legal Services with Department A and Department B, it must report the total dollar value for the contract with Department A, and the dollar value for the contract with Department B)
5.	Total dollar value of all contracts for Legal Services for the financial year.	The sum of the dollar amount over the relevant financial year for all contracts for Legal Services with all Departments, agencies or entities.
6.	Total hours of Pro Bono Legal Services (on Approved Causes <u>AND</u> under the Australian Pro Bono Centre's National Pro Bono Target)	<p>The aggregate sum of hours the Law Firm's lawyers have provided Pro Bono Legal Services during the financial year.</p> <p>To avoid doubt, Pro Bono Legal Services on Approved Causes hours can be used to satisfy the requirements of the Australian Pro Bono Centre's National Pro Bono Target.</p>
7.	Total hours provided on Pro Bono Legal Services for Approved Causes	Aggregate sum of hours for the relevant Law Firm's lawyers during the financial year.
8.	Total dollar amount on Pro Bono Legal Services on Approved Causes	Calculated as the number of aggregate hours (listed in item 5) multiplied by the Pro Bono Hourly Rate
9.	Is the amount in item 7 at least 10% of the total value of Legal Services work provided to Government in the financial year the subject of this report (i.e. the amount listed in item 4)?	Yes/No

	Category	Description
10.	Total hours provided on Pro Bono Legal Services on Approved Causes for: a) individuals; and b) organisations.	Aggregate sum of hours for the relevant Law Firm's lawyers during the financial year, broken down into the categories of individuals and organisations (respectively).
11.	Total dollar amount on Pro Bono Legal Services on Approved Causes for: a) individuals; and b) organisations.	Calculated as the number of aggregate hours (listed in item 8) multiplied by the Pro Bono Hourly Rate, broken down into the categories of individuals and organisations (respectively).
12.	No. FTE lawyers (excluding paralegals)	
13.	Hours provided on Pro Bono Legal Services on Approved Causes per lawyer	
14.	Internal Pro Bono Legal Services hours per lawyer target	(if any)
15.	Brief overview of pro bono activities	Does not need to identify pro bono clients

7. CONFLICTS OF INTEREST

A Pro Bono Coordinator located at the State Solicitor's Office will manage conflicts of interest that may arise for law firms undertaking Pro Bono Legal Services where the Government is the counter-party.

8. PENALTIES

During the Introduction Period compliance will be strongly encouraged. Following the conclusion of the Introduction Period on 1 July 2023 penalties will be applied to Law Firms who do not comply with clause 4.