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MEDIA RELEASE

BARRISTERS WOULD RATHER DO IT FOR FREE

While most barristers do some form of pro bono legal work for disadvantaged people - working for free, less than half undertake paid legal aid work.

The finding is part of a survey released today by the National Pro Bono Resource Centre, which looked at the pro bono practice of 355 barristers from all States and Territories, covering a range of practice areas, ages, and levels of seniority.

The survey found that 87% of respondents had done pro bono legal work in the previous 12 months but only 43% had done paid legal aid work. Survey respondents spent an average of 44.5 hours doing pro bono work in the last year, with 59% undertaking more than 35 hours of pro bono work, which is the National Pro Bono Aspirational Target.

“This shows an impressive commitment to pro bono. Respondent barristers are giving more than a week of their time for free every year, providing access to justice to the disadvantaged and marginalised. It is particularly notable as barristers act as sole traders and the contribution is thus a personal one”, said John Corker, Director of the National Pro Bono Resource Centre.

Unfortunately a wealth of responses expressed barristers’ disenchantment and frustration with the Legal Aid system. Issues raised included inadequate government funding, the low rates of fees paid generally and as against legal aid staff salaries, and denial of fees for preparation, conferences, and other related activities. They also commented on the oppressive bureaucracy of some Legal Aid Commissions.

“It is disappointing that legal aid seems to have lost its allure.” said Corker. ...Like pro bono, legal aid should be seen as part of a lawyer’s professional responsibility to help those who wouldn’t otherwise get access and it should be a privilege to fulfil the duty. Even though there has been a recent rise in legal aid rates in some jurisdictions, the problem appears to be deep-seated and cultural change is required” said Corker.

Other key findings of the report were:

- 38% of respondents reported an increase in pro bono work compared with the previous year;
- 34% of respondents felt that they had reached their limit for doing pro bono, indicating that nothing could encourage them to do more;
- The main obstacle to pro bono work was lack of time, followed by lack of a solicitor to assist with the matter and insufficient expertise in the relevant area of law.

- The area of law in which the greatest percentage (31%) of barristers offered pro bono legal services was criminal law.
- Fewer than half (42%) of the barristers surveyed kept records of their pro bono work.

To access the report in full see www.nationalprobono.org.au

For further information please contact John Corker 0402 474 628 or 02 9385 7381