

GUIDELINES FOR QLS PRO BONO REFERRAL SERVICE

(Downloaded from

http://www.qls.com.au/For_the_community/You_your_solicitor/QLS_Pro_Bono_Referral_Service)

The QLS Pro Bono Referral Service aims to promote access to justice in civil matters. The scheme is managed byQPILCH.

Pro bono legal services involve legal work carried out by a legal practitioner on a free or substantially reduced fee basis for applicants who satisfy the eligibility criteria.

Objectives

The objectives of the QLS Pro Bono Referral Service are to provide:

- an efficient and structured referral service in civil law pro bono matters;
- a central point of contact for pro bono cases for both members of the public seeking assistance and participating members of the legal profession;
- a reduction in duplication and misdirection of referrals for pro bono legal services;
- a reduction in professional costs for participating firms through QPILCH's assessment of applications for assistance;
- a filter for pro bono referrals; and
- a clear explanation to applicants whose matters are assessed as lacking merit.

Eligibility Criteria

An applicant must meet the following criteria in order to be eligible for the QLS Pro Bono Referral Service:

1. The applicant is unable to obtain Legal Aid.
2. The applicant meets the 'means test'. The applicant meets the means test if the applicant is unable, to the satisfaction of QPILCH, to pay for the legal services at applicable charging rates required to resolve the matter. QPILCH focuses on applicants who are experiencing hardship.
3. The matter has 'legal merit'. The matter has legal merit if it has strong prospects of success. When assessing an application QPILCH will take the following into consideration: the factual and legal merits of the matter; whether the matter is likely to succeed if it goes to a court or tribunal; whether to the satisfaction of QPILCH it is justified applying limited available pro bono resources to the matter.
4. The matter requires legal intervention.
5. The matter does not concern family or criminal law.

If the matter complies with these criteria, QPILCH will seek to refer the matter to a law firm which provides legal assistance for free or at reduced cost. Legal assistance includes:

- advice and opinions;
- drafting of documents;
- alternative dispute resolution;
- research; and
- legal representation in courts and tribunals (representation can be for the full matter or for a discrete task).

Procedure

Application

1. QPILCH receives requests for assistance directly from individuals or is referred applications by other bodies such as Legal Aid, law firms, community legal centres, welfare agencies, community organisations, the Ombudsman, government departments, QLS, BAQ and the Office of the Attorney-General.
2. Applicants can make enquiries by telephone or visit our webpage.
3. An applicant is required to complete the QPILCH application form. Annexed to the application form is QPILCH's Self Representation Service terms and conditions and QPILCH's privacy policy.

4. The application form is available on the QPILCH website at www.qpilch.org.au. Alternatively, QPILCH can send a copy of the application form to the applicant. QPILCH assists applicants with completing applications if necessary.
5. Copies of any relevant documents must be attached to the application form. This includes court or tribunal documents, copies of any agreements which are the subject of the dispute and copies of any correspondence.
6. The applicant is required to post, fax or email the completed application form to QPILCH for assessment. QPILCH does not interview clients in person, but relies on the written application and accompanying documentation.

Assessment

7. On receipt of an application, QPILCH sends an acknowledgment letter to the applicant. QPILCH does not accept liability should a limitation period expire while the application is being assessed.
8. QPILCH opens a file for each application which is received and particulars of a matter are entered into a secure database.
9. QPILCH then assesses the application in accordance with the above eligibility criteria. At this stage QPILCH reviews documents and conducts any necessary legal research.
10. If insufficient information is provided, QPILCH will request more information from the applicant. If the applicant does not respond to a request for further information within a reasonable time, the applicant's file will be closed. QPILCH will advise the applicant in writing of the timeframe for providing the further information. The applicant can request that QPILCH re-open the application at any time but QPILCH is not responsible if a limitation period expires while the applicant's file is closed.
11. If the matter is eligible, QPILCH will invite participating firms by email to take up the matter. This email does not state the names of the parties involved in the dispute.

Participating law firms are not obliged to accept a referral and QPILCH cannot guarantee that all matters assessed as eligible will be taken up. Referral

12. If a law firm accepts a matter, QPILCH will email details of the parties involved to the law firm to enable it to run a conflict of interest check. If there is no conflict of interest QPILCH prepares a brief and a referral letter to the law firm.
13. At the same time QPILCH sends a referral letter to the applicant which provides contact details of the referred firm. The applicant can then approach the solicitor directly to arrange an appointment.
14. The applicant then becomes a client of the law firm. It is a matter for the firm and the applicant to negotiate the terms of the retainer. Applicants may be asked to pay costs at a reduced rate or to contribute towards disbursements. Applicant and law firm enter into a pro bono agreement.
15. QPILCH has established a limited disbursement fund which law firms can access for outlays when a client or firm cannot meet disbursement costs. Prior approval from the QPILCH director or management committee must be obtained before the disbursement is incurred.
16. Once a matter is concluded QPILCH asks the law firm to provide a closure report so QPILCH can report on the pro bono work of the profession.
17. The file is then closed and archived securely. The file will be held for seven years before destruction.
18. If a matter is ineligible for referral or no law firm is willing to accept the matter, QPILCH will send a letter to the applicant which sets out the reasons for QPILCH being unable to assist and makes suggestions or directs the applicant to alternative sources of legal or non-legal assistance.
19. QPILCH can, at its discretion and subject to capacity, apply to its management committee to take on a matter itself in the event that it is not taken up.

Standards and Risk Management

20. All assessments and correspondence from QPILCH to applicants are checked by the QPILCH Referral Service Coordinator and the QLS Pro Bono Referral Service Coordinator.
21. Student volunteers of QPILCH assist in the assessment of applications for assistance including conducting legal research on matters.