

PILnet

Tze-wei Ng



What do we do?

Overall goal:

- Promote the use of law for public interest

Two key pillars to our work:

- Capacity building for **public interest law** NGOs and public interest lawyers
- Promote **pro bono**



PILnet's Pro Bono Clearinghouses

Where?

- Hungary, Russia, Hong Kong
- Global

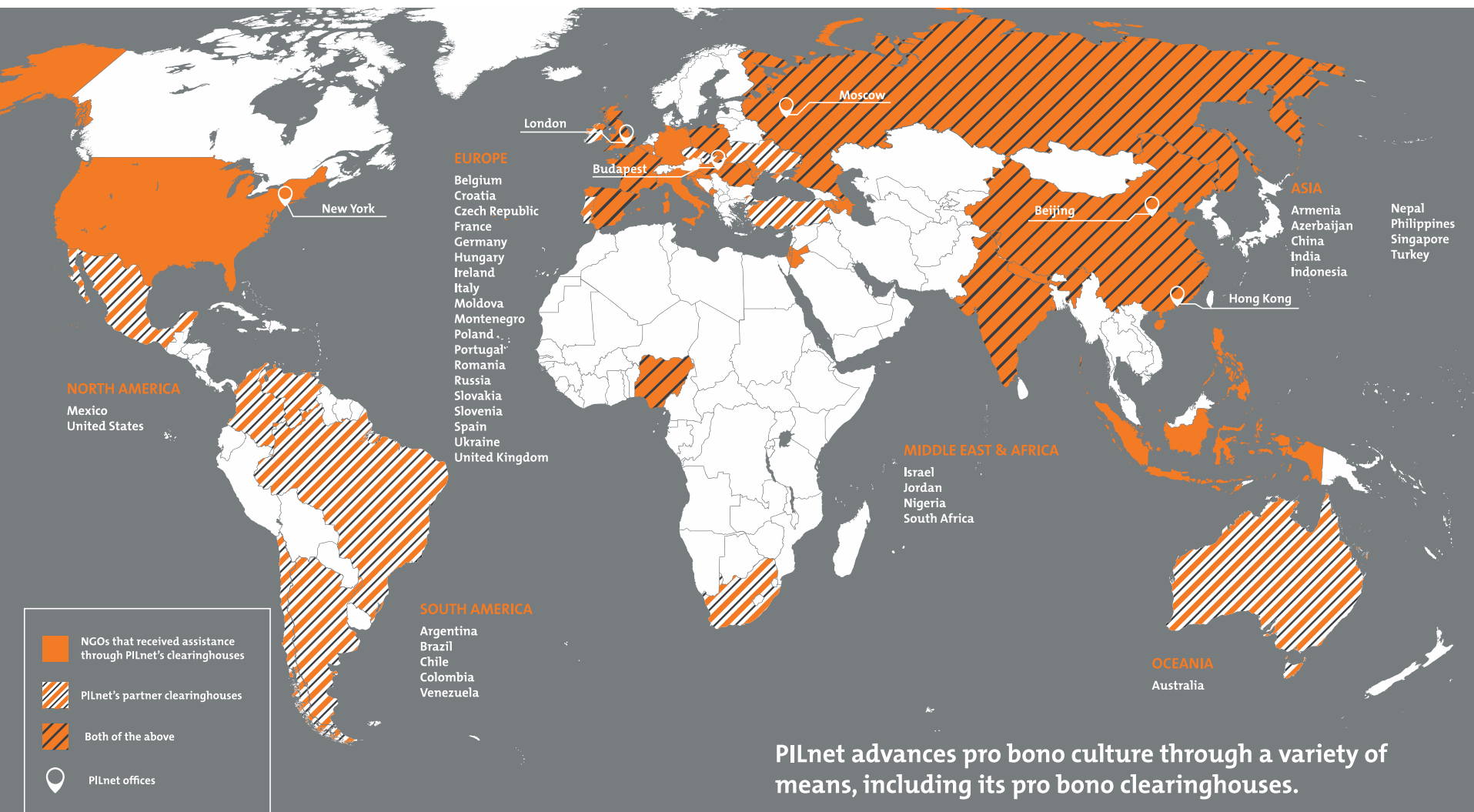
Who do we serve?

- Non-profit organisations in need of legal assistance

How?

- Mailing list to volunteer lawyers (bi-weekly/monthly)





PILnet advances pro bono culture through a variety of means, including its pro bono clearinghouses.

We connect:



Our “Matchmaking” Process:



What kind of needs?



Legal Health Check-up:

For charities / social enterprises

**Different things
to watch out for
at each stage:**

- **At birth**
- **Growing up**
- **Senior**



Legal Health Checkup Registration:

1. **Your Business:** _____
2. **Age:** _____
3. **Legal Structure (Please tick as appropriate):**
 - ☐ Company Limited by Shares
 - ☐ Company Limited by Guarantee (Charity)
 - ☐ Trust (Charity)
 - ☐ Others (Please Specify): _____

What to watch out for?

At Birth

- Incorporation
- Board Formation and Corporate Governance
- Regulatory Compliance
- Employment
- Liability and insurance
- Fundraising
- Website-related issues
- Intellectual property
- Privacy policy etc.

Growing Up

- Corporate Governance
- Intellectual Property
- Etc.

Senior

- Winding Up

**General
Prescription:**

CONTRACT

Quick facts

Operating since April 2014:

NGOs assisted: **51**

Total matches: **71**

Volunteer lawyers: **161**

Representing:

60 law firms

4 chambers

9 corporations



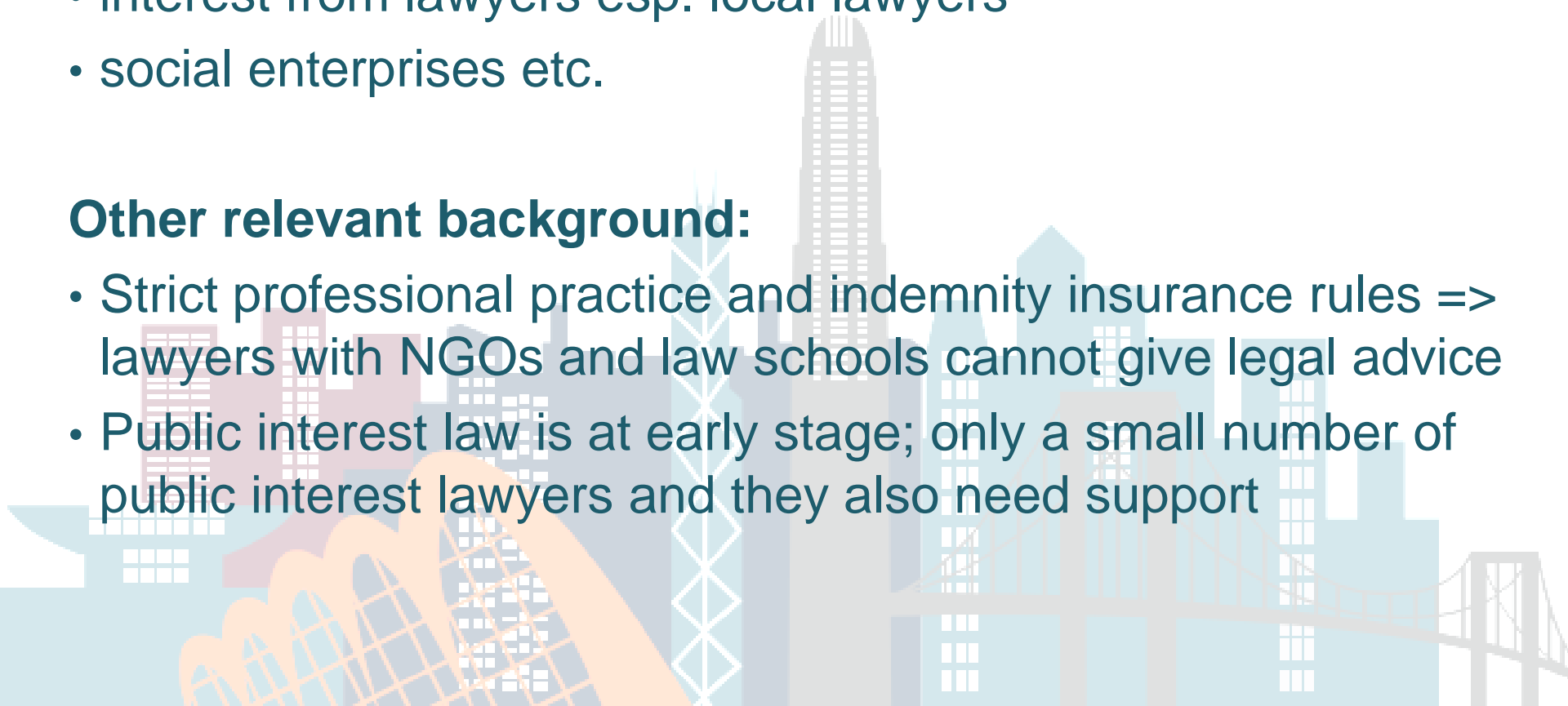
Challenges

Operational challenges:

- awareness amongst NGOs
- interest from lawyers esp. local lawyers
- social enterprises etc.

Other relevant background:

- Strict professional practice and indemnity insurance rules => lawyers with NGOs and law schools cannot give legal advice
- Public interest law is at early stage; only a small number of public interest lawyers and they also need support



How do we add value? (1)

- **Pro Bono Workshops** (interest, skills and network)
 - sometimes led by law firms
e.g. managing legal risks, corporate governance
 - sometimes led by NGOs
e.g. anti-discrimination law, children & youth issues
 - sometimes skills-specific
e.g. basics of juvenile justice
- Work with **law firms or corporations** to help build pro bono interest e.g. pro bono policy, tailor-made projects



How do we add value? (2)

- **Encourage collaboration** to meet more needs and maximise impact e.g.:
 - involve law schools
 - create materials / training for NGOs doing similar work
 - work with law firms or corporations to create projects serving individuals
 - encourage pro bono partnerships that involve both commercial law firms and full-time public interest lawyers
- Help with **overcoming regulatory hurdles** in order to grow pro bono and public interest law in general e.g. through awareness-raising, policy analysis, providing platform for discussions

Greater good

Edwin Rekosh and **Tze-wei Ng** say a more active pro bono culture in Hong Kong will serve the disadvantaged by improving their access to legal justice and will bring us in line with a wider trend

Hong Kong is well recognised as a global financial capital and is blessed with one of the world's most mature legal systems. However, a quick survey of law firms here will show that the amount of pro bono work carried out lags behind peer cities like New York, London and Singapore. Why is this, especially when, despite its glistening image, Hong Kong has one of the most severe wealth gaps among developed regions?

Pro bono derives from the Latin phrase, *pro bono publico*, or "for the public good". When it applies to lawyers, it means voluntary and free legal service by lawyers for the public good.

It is no replacement for legal aid, which is state-funded; but it can help identify and fill the gaps in legal needs. It also addresses a broader spectrum of needs than those covered by legal aid: it can serve a broader social purpose by supporting the work of non-governmental organisations, thus helping them better serve the disadvantaged in society.

There are various reasons why the culture of pro bono hasn't taken root in Hong Kong: the long working hours of a lawyer practising in Hong Kong, the culture of giving money rather than time, and the strict professional rules on liability insurance coverage, which deter lawyers from taking up pro bono cases unless they have their firm's support, and so on.

It is also hard to set up law school clinics in Hong Kong – which would enable law students to do and learn from pro bono



Globally / Regionally:

- Global Clearinghouse
- Pro Bono Task Forces
 - LGBTI
 - Anti-trafficking
- Pro Bono Roundtables
- European Pro Bono Alliance
- Pro Bono Clearinghouse Workshop (June 22, 2015, Bangkok)



Thank you

For more information

E-mail: hkprobono@pilnet.org

Website: www.pilnet.org



Annual Asia Pro Bono Conference, Myanmar 2015

Breakout Session A4: Showcasing Successful
Pro Bono Partnerships in the Region

3 September 2015

Participants:

- Michael Gill, DLA Piper/New Perimeter
- Archana Kotecha, Liberty Asia
- Kylie Kerin, WA Legal Aid
- Catriona Martin, DLA Piper
- Miriam Chinnappa, Advocats Sans Frontieres

Role Play

- Lawyers: Kylie & Cate
- NGO representatives: Archana & Miriam

Examples of Pro Bono Partnerships

Presenter	Partnerships
Catriona Martin	International Centre for Advocates Against Discrimination
Miriam Chinnappa	Rule of Law Centres Project in Myanmar
Archana Kotecha	From Every Angle: Using the law to combat human trafficking in South East Asia
Kylie Kerin	Burma Lawyers Council, Peace Law Academy

Violence Against Women in the Pacific

Catriona Martin, DLA Piper

- Partnership with International Centre for Advocates Against Discrimination to improve access to justice for victims of sexual and gender based violence in the Pacific
- **Objectives**
 - Improve local understanding of factors influencing the low prosecution, conviction and sentencing rates
 - Reduce the use of discriminatory and stereotypical cultural practices
 - Improve knowledge and legal skills of people involved in legal proceedings
- **Output**
 - Reports summarising legislative and cultural landscape and a case law review
 - Training workshops
- **Status**
 - 10 country reports prepared and 1,000 cases reviewed
 - 1 training workshop with local Fijian lawyers
- **Evaluation?**

Rule of Law Centres Project in Myanmar, September 2014 to present

Miriam Chinnappa, Advocats Sans Frontieres

- Outline of Project
- Channelling pro bono lawyers through ASF's International Legal Network (ILN)
- Impact of the pro bono assistance to the project

From Every Angle: Using the law to combat human trafficking in South East Asia

Archana Kotecha, Liberty Asia

- Tool launched in November 2014: 7 jurisdictions covered; 5 human trafficking profiles examined per jurisdiction; 7 partner law firms across the region involved.
- Purpose of tool: educate front line responders on human trafficking as a crime of many crimes including anti-money laundering and bribery and corruption elements.
- Law firms involved: Clifford Chance (Thailand); Morley, Chow & Seto (Hong Kong); White and Case (China); Rajah & Tann (Myanmar); Amauta Asia (Cambodia); Christopher Lee & Ong (Malaysia); and Grunkorn & Partner Law (Vietnam).
- A partnership facilitated by Trust Law.

- Challenges: sustained communication, language barriers; verifying poor quality translations, bridging the contextual knowledge gap; and quality of research.
- Successes: creation of a practical and educational tool that was very well received by a range of front line responders; flexibility and ability to respond very well to feedback from Liberty Asia; working to tight deadlines; and a clear understanding of intended outcomes and Liberty Asia's goals.

Peace Law Academy, Burma Lawyers Council

Mae Ku, Thailand, January 2015

Kylie Kerin, Western Australia Legal Aid

- Invitations and Preparations
- Myanmar's melting pot - first impressions
- Challenges and surprises - look, listen, laugh, learn
- Scale and Impact
- What's next?

Brainstorm

- Identification of the core elements needed to **DEVELOP** a successful pro bono partnership.
- Identification of the core elements needed to **MAINTAIN** a successful pro bono partnership.

Group Activity

- 4 groups including one of the presenters.
- Detailed consideration of one core thing needed to develop and/or maintain strong pro bono partnerships.
- How to make this happen?
- Overcoming the challenges.
- Capture on butcher's paper and add to wall gallery.
- Gallery walk.

Questions & Answers

- Participants and presenters
- Any unanswered questions?
- Any new ideas?
- Sharing of experiences not previously covered

Rule of Law Centers Project in Myanmar



Rule of Law Centers Project in Myanmar



Pro Bono Lawyers in the ROL Centres Project

“What I remember most is the laughter. Despite the tireless hours of work spent designing, editing and implementing curriculum, the Rule of Law team always managed to crack a joke or flash a smile. In this atmosphere, it was easy to make relationships.”

Larissa Dinsmoor, US Attorney of the California Bar Association



ASF –ILN

International Legal Network



DESCRIPTION	CONTENT	MATERIALS
<p>1. Introduce session and speaker</p> <p>(5 mins)</p>	<p>MG introduce self</p> <ul style="list-style-type: none"> • Archana Kotecha of Liberty Asia is a UK Barrister, previously worked at DLA Piper Corporate team, she is now based in HK and will be arriving Mandalay on Wednesday. • Kylie Kerin has been in Legal aid for 8 years, specialising in Criminal, Family, Civil and Aboriginal/Regional Law. Currently working at WA Legal Aid in the East Kimberley Regional Office • Cate Martin is Pro Bono Counsel for Asia Pac for DLA Piper, looking after 14 offices. • Miriam Chinnappa represents a NGO (Advocats Sans Frontieres - ASF), the English definition of the entity is 'lawyers without borders', she has been active in East Timor, Nepal, Mandalay and Myanmar <p>Outline of session/activities</p>	<p>1 x microphone for MG</p>
<p>2. Role play, using the participants who read the scripts, on a situation where a successful pro bono partnership occurs</p> <p>The role play should include positive things accomplished and some problematic things which occur.</p> <p>This should then be followed by an open discussion on some</p>	<p>MG: Session is a role play in two parts featuring two lawyers from a firm and two representatives of an NGO. In the first part they meet to establish a pro bono relationship focused on a project to inculcate pro bono work as part of the culture of the local legal profession. In the second part, they meet to evaluate the success or otherwise of the project.</p> <p>Lawyers are KK and CM. NGO representatives are AK and MC</p> <p>PART ONE (BEFORE)</p> <p>KK:-</p> <p><u>Law firm to share with NGO:</u></p> <ul style="list-style-type: none"> • Our understanding of what pro bono assistance means, and why our firm wants to be involved in this project (our goals) 	<p>3 x microphone (1 for MG, 1 for lawyers, 1 for NGO)</p>

<p>of the positive things and the problematic things.</p> <p>(20 mins)</p>	<ul style="list-style-type: none"> • We value communication as an important of the partnership achieving success. We value listening and clarifying matters openly when parties are unclear, and being flexible in order to communicate most effectively within the partnership. This may require an exchange of cultural learning to support effective and respectful communication and teaching. Our firm values cultural understanding in this context, for administrators, educators, and students, throughout the planning and implementation phases of the project. • Our firm has the following resources available generally: <ul style="list-style-type: none"> a. Internal program to train and release lawyer/s on rotation to the project b. External networks of lawyers and administrative resources to connect those lawyers directly with the NGO, or through our program c. Money – how much? d. Educational resources e. Administrative capacity to assist remotely • The scale of our resource commitment will depend on the scale of the project. <p><u>Law firm to learn from NGO:</u></p> <p>What do you want to achieve in this project?</p> <p>NGO goal is to have international lawyers teaching pro bono in Mexican Universities to change the culture of the legal profession in the future</p> <p>What resources do you have available to commit to the project?</p> <p>We have the following resources to commit to the project:</p>	
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	<ul style="list-style-type: none"> • Administrative resources to prepare materials, organise accommodation, support pro bono teachers • Mentor/Peer support program to assist pro bono teachers with language/cultural/social support in the initial stages of arrival and settling in • Money? • Mexican lawyers/teachers to assist international pro bono lawyers to develop effective program) <p>What are your views about communication and the best ways for us to do that effectively?</p> <p>NGO might agree with Law firm's approach, or may be controversial and raise a communication style that is quite different, or some cultural or language communication differences that lead to a discussion about how to overcome them</p> <p>CM:</p> <p><u>What we would like to share?</u></p> <ul style="list-style-type: none"> • Why we would like to partner with the organisation and undertake the pro bono work, and how the project fits into our firm's strategic objectives • The previous experience of our firm in providing the relevant pro bono advice (or alternatively, that our firm has no previous experience in that area) • The location of our offices including that in some of our offices, our firm does not have foreign registration and so our lawyers in those offices cannot provide legal advice • As part of the initial project design, it is important to us that we set out: <ul style="list-style-type: none"> ○ what is the objective of the project ○ how that objective will be achieved and the timeframes ○ how the parties will know when the objective has been achieved ○ how the project will be evaluated 	
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	<p><u>What we would like to learn?</u></p> <ul style="list-style-type: none"> • Is this your first pro bono project with a commercial law firm? What are your expectations of us as a commercial law firm partnering with you? • What are your strategic priorities? • What would you like to achieve from of the project and what does 'success' look like to you? <p>AK:</p> <p><u>Want to share:</u></p> <ul style="list-style-type: none"> • My organisation's needs and identify areas where support is required; • Our long term plans and goals and how the partnership fits in; and • The need for a sustainable and productive relationship with milestones/outcomes that reflect both partners' aspirations. <p><u>Want to learn:</u></p> <ul style="list-style-type: none"> • Their expectations and what they hope to achieve from this partnership; • Any potential constraints from their perspective e.g time, manpower etc; and • What they perceive to be their key strengths in terms of what they can contribute to the partnership. <p>MC:</p> <p><u>The NGO to share with the law firm:</u></p> <ul style="list-style-type: none"> • The NGOs' organisational, history, priorities and mandate. 	
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	<ul style="list-style-type: none"> • The projects implemented by the NGO where pro bono assistance could potentially add value. • The approach and methodology of the NGO to training, research, strategic litigation etc. and the short term and long terms goals that it seeks to achieve as an organisation and at the level of the project. <p><u>The NGO to learn from the law firm:</u></p> <ul style="list-style-type: none"> • What are the strategic priorities and commitment of the law firm to engage in pro bono? If there is any formal policy in place? • How does the law firm deal with a potential conflict of interest in forming this partnership? For example, a law firm's key client may not be adhering to human rights standards and practices in the context that the NGO is engaged in. • Previous pro bono projects that the law firm that has had successful partnerships or have failed; the lessons learnt from them <p>PART TWO (AFTER)</p> <p>KK:</p> <p><u>Law Firm Lessons:</u></p> <ul style="list-style-type: none"> • Compatible communication styles are an important part of achieving success in pro bono partnerships. Being able to <i>communicate about communicating</i> is a great thing to practise from the formation of the partnership! (Listen, Look and Learn might be a take-away motto or theme) • Pro bono assistance can take many forms, and partnerships can evolve and change during their lifetime. • The best way to approach challenges is to be flexible and creative in finding resolution, and to 	
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	<p>communicate effectively with your partners throughout.</p> <p><u>Law firm wants to hear from NGO:</u></p> <ul style="list-style-type: none"> • What worked well/what are the ways our firm supported the partnership effectively? • What didn't work so well/what can our firm change to support partnerships more effectively in the future? • What can we plan for the future to ensure this project's achievements/progress are maintained? <p>CM:</p> <p><u>What we learnt?</u></p> <ul style="list-style-type: none"> • The importance of regular communication so each party was keep up to date as to the other's progress and the appropriate approach to communication e.g. emails, teleconferences, meetings • The importance of setting timeframes so that the parties were accountable to each other and the project did not blow out • The importance of writing down the project objective and how that objective would be met so that the parties had something to refer back to <p><u>What we would like to know?</u></p> <ul style="list-style-type: none"> • What were the challenges for you - both in working with us and working on the project? • How could we have improved our communication/ engagement with you as our pro bono partner? • If you were to do the project again, what would you do differently? (Alternatively, what worked well that could be replicated in other projects?) <p>AK:</p>	
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	<p><u>What you learnt from the experience</u></p> <ul style="list-style-type: none"> • The importance of being flexible to accommodate differing work cultures and environment; • There has to be communication all the way through so both parties in the partnership feel supported by each other through the challenges presented by working together. • One achieves so much more by sharing as much as receiving. For all the skills and knowledge that the partner has to offer, our NGO offers specialist insight and allows the opportunity to professionals/students to better their understanding of the issue and of the different ways of app <p><u>What you want to hear from the other side</u></p> <ul style="list-style-type: none"> • What aspects of the partnership worked well; • What aspects of the partnership can be improved upon; and • How they anticipate the partnership should unfold in the foreseeable future. <p>MC:</p> <p><u>The NGO has a better understanding of:</u></p> <ul style="list-style-type: none"> • The opportunities of forming a pro bono partnership with a law firm for the NGO. • The limitations of such partnerships. • The resources available in the law firm notably the technical and thematic expertise. <p><u>The NGO would like to get a feedback from the law firm on:</u></p> <ul style="list-style-type: none"> • The support offered by the NGO at various levels (HQ, at the project site, the team, 	
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	<p>communication, security, briefing and orientation) to facilitate the pro bono engagement in a project.</p> <ul style="list-style-type: none"> • If there was a strong sense of shared goals and objectives with the NGO? • Would the partnership be fostered and continued with the NGO and why? 	
<p>3. Brain storm discussion on why it may be good and/or problematic to pro bono partnerships. A list should be drawn up</p> <p>(5 mins)</p>	<p>MG to engage all participants (with panel input) on key messages which were heard before and after.</p> <p>List written up.</p>	<p>2 x microphone (1 for MG, 1 for discussion/pass around)</p> <p>-paper/flip boards</p> <p>-markers (different colours)</p>
<p>4. Question and answer session on what “at scale” means and why it may be important to try to do work “at scale”.</p> <p>(5 mins)</p>	<p>KK : 'what is scale'</p> <p>This could be broken down into</p> <ol style="list-style-type: none"> 1. What does scale mean in terms of resources and commitment to a partnership? 2. What does scale mean in terms of concepts and goals in developing a partnership/project? <p>MC: The Different Understandings</p> <p>It would be important to discuss the different understandings of a law firm and a NGO on ‘scale up’ and ‘scale out’ of a project/partnership.</p> <p>What would be the various considerations by a law firms and a NGO to either “scale up” or “scale out” of a project/partnership?</p>	<p>2 x microphone (1 for MG, 1 for speaker)</p>

	<p>AK: Core Components</p> <p>what are the core components for a partnership to operate “at scale”?</p> <p>CM: How to measure</p> <p>How can scale be measured?</p> <ul style="list-style-type: none"> • There is no single quantitative measurement. It depends on what the parties decide the 'scale' will be, based on the objective of the project • Depending on the project, it could be: <ul style="list-style-type: none"> • the number of individuals or organisations who benefit from the project e.g. attendees at a training or organisations who are provided with a toolkit • the number of jurisdictions that are involved e.g. the number of countries where training is provided or the number of jurisdictions where research is undertaken • the number of different organisations/ people involved in the project e.g. law firms, universities, NGOs, advocacy groups etc • the number of times a report / toolkit is downloaded or cited • where a project is replicated by another organisation e.g. where an ethics training course is run by one law firm at one university, and the university then runs their own ethics course at another university 	
<p>5. Presenters provide examples of pro-bono partnerships that they have been involved in. This should include successful things and</p>	<p>CM to start (principle/theory based)</p> <p><u>Partnership with International Centre for Advocates Against Discrimination</u> to improve access to justice for victims of sexual and gender based violence in the Pacific</p> <p>Objectives</p> <ul style="list-style-type: none"> • Improve local understanding of factors influencing the low prosecution, conviction and 	<p>2 x microphones (1 for MG, 1 for speaker)</p>

<p>problematic things Throughout, they should refer to the list made in the previous step above about the positive and problems resulting BUT there should always be a focus on ways they overcame the problems</p> <p>(20 mins)</p>	<p>sentencing rates</p> <ul style="list-style-type: none"> • Reduce the use of discriminatory and stereotypical cultural practices • Improve knowledge and legal skills of people involved in legal proceedings <p>Output</p> <ul style="list-style-type: none"> • Reports summarising legislative and cultural landscape and a case law review • Training workshops <p>Status</p> <ul style="list-style-type: none"> • 10 country reports prepared and 1,000 cases reviewed • 1 training workshop with local Fijian lawyers <p>Evaluation?</p> <p>MC</p> <p>Rule of Law Centres Project in Myanmar, September 2014 to present</p> <ul style="list-style-type: none"> • Description of the Project (2 minutes) • Channelling Pro bono lawyers through ASF's International Legal Network (ILN) (1 minute) • Impact of the pro bono assistance to the project (2 minutes) • <p>AK</p> <p>From Every Angle: Using the law to combat human trafficking in South East Asia</p> <ul style="list-style-type: none"> • Tool launched in November 2014: 7 jurisdictions covered; 5 human trafficking profiles examined per jurisdiction; 7 partner law firms across the region involved. 	
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	<ul style="list-style-type: none"> • Purpose of tool: educate front line responders on human trafficking as a crime of many crimes including anti-money laundering and bribery and corruption elements. • Law firms involved: Clifford Chance (Thailand); Morley, Chow & Seto (Hong Kong); White and Case (China); Rajah & Tann (Myanmar); Amauta Asia (Cambodia); Christopher Lee & Ong (Malaysia); and Grunkorn & Partner Law (Vietnam). • A partnership facilitated by Trust Law. • Challenges: sustained communication, language barriers; verifying poor quality translations, bridging the contextual knowledge gap; and quality of research. • Successes: creation of a practical and educational tool that was very well received by a range of front line responders; flexibility and ability to respond very well to feedback from Liberty Asia; working to tight deadlines; and a clear understanding of intended outcomes and Liberty Asia's goals. • <p>KK</p> <p>Burma Lawyers Council, Peace Law Academy – January 2014, Mae Sot, Thailand</p> <ul style="list-style-type: none"> • Partnership formation – invitation, goals and fears • Preparation – ask questions! • Teaching in Thailand – the surprises and the challenges • Scale and impact • What's next? 	
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<p>6. Brain storm with large group and a list is drawn up from the information given during presentations on some of the core things needed to develop and maintain successful pro bono partnerships. After this, the presenters put up their own, pre-developed list on the things they believe are essential for developing and maintaining partnerships and the lists are compared</p> <p>(10 mins)</p>	<p>MG (with assistance of presenters) to explain session</p> <p>AK:</p> <ul style="list-style-type: none"> • Effective communication. • Flexibility. • Clear understanding of each partner's strengths and weaknesses. • Clear understanding of each partner's expectations, shared goals and intended outcomes from the partnership. • A relationship of give and take. • Management of an ongoing relationship to make the most of it. <p>CM:</p> <ul style="list-style-type: none"> • Understand your partner's objectives and share your objectives • Recognise the other party's strengths and expertise • Be open and honest about any inexperience • Get to know the individuals from your partner organisation • Prepare a clear project design, implementation strategy and evaluation methods before commencing work • Ask questions, listen and welcome constructive criticism • Maintain regular, open communication with your partner, including what is / is not working throughout the project • Be flexible as priorities and timeframes change and problems are encountered • Raise problems / issues as early as possible 	<p>3 x microphone (1 for MG, 1 for speaker, 1 for discussion/audience)</p> <p>- markers (different colours)</p> <p>- flipboards/papers</p>
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	<ul style="list-style-type: none"> • Be creative and innovative when solving problems • Cultural sensitivity <p>Others to input?</p>	
<p>7. Participants are divided into 4 groups and each group is given one core thing (each group should have a different thing) that is needed to develop and/or maintain and strong pro bono partnership and the group comes up with ways and means to make this happen. This should also include some of the challenges to doing this and ways to overcome the challenges. Facilitator and presenters should work with each group but not take over (don't be too</p>	<p>MG to explain the session; divide into groups and allocate one presenter to each group</p> <p>Finish with papers on the walls and gallery walk</p>	as above

<p>controlling) Groups should then post these ideas on the wall and a gallery walk, where each group goes and looks at the other groups work, occurs.</p> <p>(20 mins)</p>		
<p>8. Question and answer</p> <p>Presenters to prompt questions from their groups if discussion needs it.</p> <p>(10 mins)</p>	<p>MG to facilitate.</p>	<p>Microphones as above</p>