

# 4<sup>th</sup> Asia Pro Bono Conference and Legal Ethics Forum Session Presentation Plan Template

**Name of Session:** The role of Government in supporting and developing pro bono

**Session Description/Aim:**

*This session aims to discuss what role Government and laws can play to make it easier for pro bono work to be done.*

**Total Session Minutes:** (75 min)

**Facilitator:**

(John Corker), (Organization/Institution/Firm/Company), (Email)

**Co-Presenters:**

1. (Name), (Organization/Institution/Firm/Company), (Email)
2. (Name), (Organization/Institution/Firm/Company), (Email)
3. (Name), (Organization/Institution/Firm/Company), (Email)
4. (Name), (Organization/Institution/Firm/Company), (Email)

**Session Plan:**

Activity Step	Activity Description	Time (Min)	Presenters	Materials Needed
1	Introduce session and speakers	5		
2	Provide an inspiration quote that involves government supporting/encouraging pro bono. For instance, there are talking points given to judges to encourage lawyers to do pro bono at: <a href="http://www.courts.ca.gov/partners/documents/probono-talkingpoints.pdf">http://www.courts.ca.gov/partners/documents/probono-talkingpoints.pdf</a> . The quote can then be discussed by the participants	10		
3	Brainstorm on reasons why government should encourage pro bono and then have a discussion. This should also include, very clearly, the fact that pro bono should NOT replace a governments responsibility to provide legal aid	10		

4.	Participants pair and share (divide into groups of 2 persons) and discuss different ways government can support pro bono. Then an open discussion	15		
5	Presenters each provide examples of different ways that their governments are supporting and encouraging pro bono (make sure each example is different) Presenters identify some of the suggestions that were given in the pair and share	25		
6	Question and answer	15		
<b>Total Time:</b>				

# THE ROLE OF GOVERNMENT IN SUPPORTING AND DEVELOPING PRO BONO

Somchai Homlaor

Human Rights and Development Foundation

Thailand


# Basic Principle of Legal Aid

- ❑ People has the right to access to justice
  - ❑ The right to fair trial
  - ❑ The right to legal assistance
- ❑ The government has obligations to
  - ❑ Guarantee fair trial
  - ❑ Guarantee the legal aid in national legal system at the highest possible level
    - ❑ Accessible
    - ❑ Effective
    - ❑ Sustainable
    - ❑ Credible

# What the government can do to make it easier for pro bono

- ❑ The government should
  - ❑ Recognize and encourage the contribution of lawyer's associations, universities, civil society, groups and institutions in providing legal aid
  - ❑ Encourage legal and bar associations to support the provision of legal aid by offering a range of services, including those that are free (pro bono), in line with their professional calling and ethical duty.

# What the government can do to make it easier for pro bono



- Enact legal aid law or regulations
- Support university legal clinics
- Support lawyer's associations, civil society organizations, local administration
- Incentives and honor i.e. tax reduction, recognition
- Protection of pro bono lawyer
- What else and how?

# The role of government in supporting and developing pro bono

Helena Whalen-Bridge

Associate Professor, NUS Faculty of Law

# Role of government in pro bono

Government:

Financial: legal aid, or government funded legal representation for indigent persons

- Government should play this role
- But it's not the only role open to it

This financial role raises a question: should government take over indigent representation, so that lawyers don't have to do anything?

- What problems might this raise?



# Role of government in pro bono

Government:

Financial contributions: not the only role open to it

- Pro bono is matter of money and heart
- Sole emphasis on financial contributions means other opportunities not explored, and leaves out “heart”

***What are other ways in which government can support access to justice?***

# Role of government in pro bono

Government: ways to support access to justice other than financial

- Education
- Regulation of lawyers: practicing certificate for pro bono cases?  
Professional liability for pro bono cases? Continuing legal education for pro bono cases?
- Community education: rights and responsibilities?
- Dispute mechanisms that do not require/prohibit lawyers: mediation?  
Small claims courts?
- Setting example: government lawyers doing pro bono? (Australia requirement of pro bono for lawyers awarded government contract work)



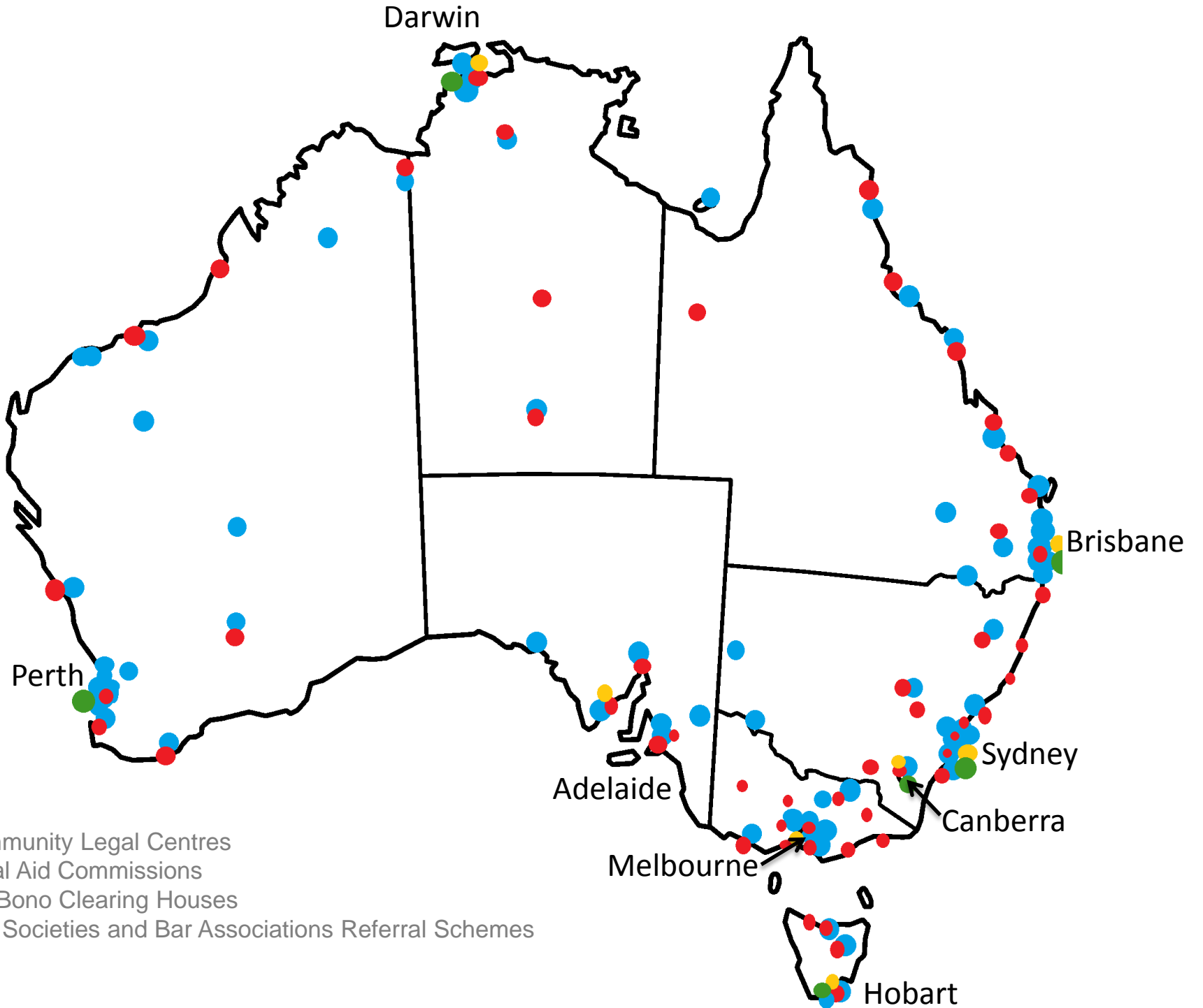
AUSTRALIAN  
PRO BONO CENTRE

# What is the role of Government in relation to Pro Bono

**John Corker, Director, APBC**

# Legal Assistance Sector in Australia

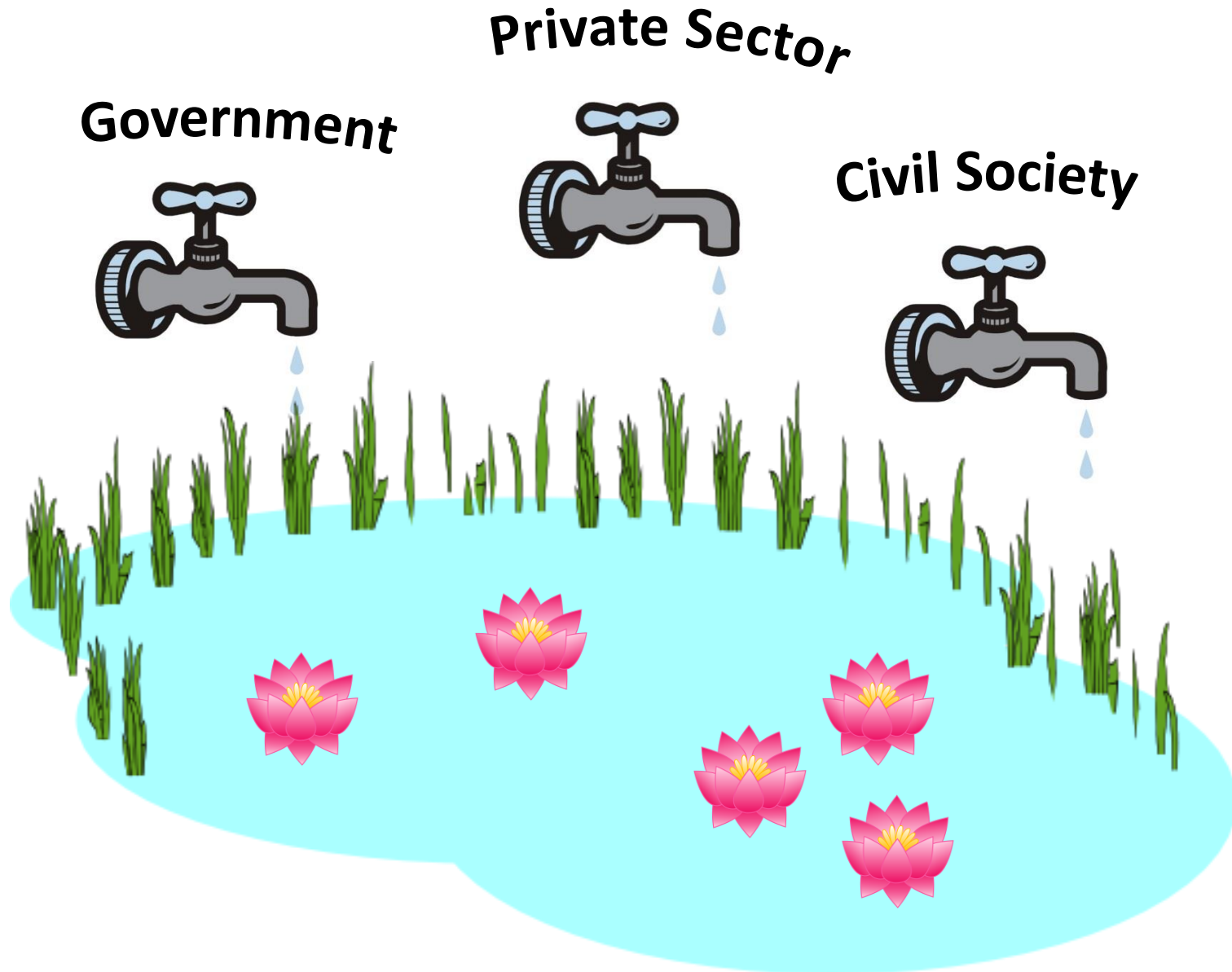
- Legal Aid Commissions
- Community Legal Centres
- Aboriginal and Torres Strait Islander Legal Services
- Pro Bono Clearing Houses and Referral Schemes
- Lawyers and Law firms as pro bono providers



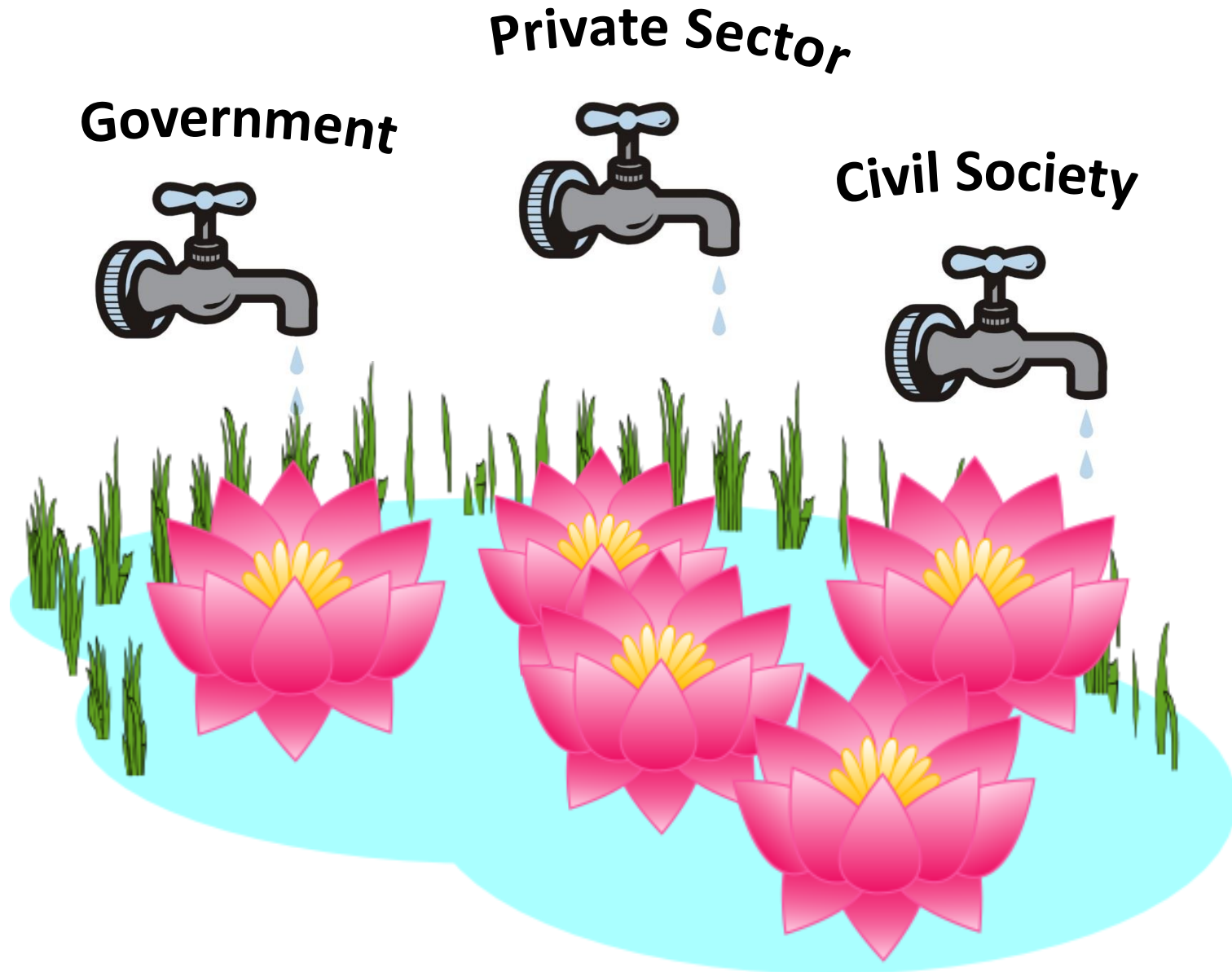
# Lawyers in Australia

- 99,700 practicing lawyers in Australia
- 15,326 businesses provide legal services in Australia
- Lawyers are 0.46% of the population, or 1 lawyer for 217 people.

# Legal Assistance Pond



# Legal Assistance Pond





# Thank You

