The 2012 Legal Australia-Wide Survey confirms that disadvantaged or socially excluded groups are more vulnerable to legal issues.

They are more likely to experience multiple legal problems, less likely to take action to resolve these problems, less capable of handling their problems alone, and more likely to suffer a variety of adverse consequences that may further entrench their social exclusion.

The findings duplicate the Law and Justice Foundation’s earlier research into the legal needs of homeless people and highlight that they are more likely to approach a community support worker, rather than a lawyer, for legal assistance.

QPILCH relied on this research to develop the Legal Health Check (LHC), which helps lawyers and community workers to diagnose multiple legal needs and to collaborate to address those needs for clients wherever possible. A series of simple questions are used to evaluate a client’s needs, rather than expecting the client to know what to ask for.

In plain terms, the LHC shows the client the menu. Training in the LHC and the related process are regularly provided by the HPLC.

Herbert Smith Freehills embraced the LHC in 2009 to develop a new HPLC at Roma House (a Mission Australia homelessness service in Spring Hill). Residents of Roma House have complicated histories of trauma, mental health and addictions, with some having spent decades sleeping rough in parks and squats. As confirmed in the Legal Needs Survey, they also have limited understanding of their legal need.

Lawyers from Herbert Smith Freehills attend the HPLC at Roma House for two hours every week to complete the LHC with new residents and take instructions. All other legal work is done back at the firm.

Lachlan Mitchell of Herbert Smith Freehills said many of the homeless clients had great difficulty identifying their legal issues.

“They typically associate a lawyer only with criminal or family law problems and are unaware of the assistance we can provide them with their other legal issues,” he said. “The Legal Health Check has been an extremely useful tool in helping to identify those problems, such as housing issues and SPER fines, and helping to facilitate discussions with the client on the assistance that HPLC lawyers can provide.”

“Often these issues are placing significant stress on the client and preventing them from obtaining secure long-term housing. It continues to amaze me how helping homeless people resolve some of these issues can really make a difference to their lives.”

Completing the LHC is one of the goals set with all Roma House residents, together with addressing their housing and health needs. In the three to nine months that residents stay at Roma House, they can look to address many legal problems, often for the first time.

Herbert Smith Freehills helped 67 new clients through the HPLC at Roma House in 2011-12, most of whom required assistance with multiple legal issues. Following the success of the LHC at Roma House, it is now also used by a number of community legal services and agencies in the provision of legal advice to people who are vulnerable.

Lachlan and Cassie Aprilie have been lawyers at Herbert Smith Freehills since 2010, and coordinate the HPLCs administered by Herbert Smith Freehills in Brisbane.

Tell us about the Legal Health Check.
Why is it necessary?

Cassie: “In my experience, the clients we see at the HPLCs are often very much in need of legal assistance but have significant difficulties articulating those needs. The Legal Health Check aims to remedy this by using a checklist of open-ended questions which highlight those areas in which we can assist.

“The client can then choose whether or not to instruct the lawyer in any of those areas. The Legal Health Check also serves as a useful tool for the lawyer. The lawyers from Herbert Smith Freehills and the Homeless Persons’ Legal Clinic (HPLC) have created innovative ways to address the legal needs of those suffering disadvantage. Report by Sue Garlick.
like HPLC

A ‘legal menu’ serves help for the homeless

Smith Freehills who volunteer their time at the HPLC clinics are accustomed to practising in the commercial sphere and aren’t readily familiar with the legal issues faced by homeless clients. The LHC can therefore act as a ‘prompt’ for the lawyer and allow for an interview with clear direction and structure.

What has been the most satisfying experience at Roma House?

Lachlan: “I had a client suffering severe depression, who had recently attempted suicide. He was disconnected from his family and struggling with alcohol abuse, evidenced by a long history of drink-driving offences which had already seen him serve time in prison. He came to see us after being charged with another drink-driving offence and was at significant risk of imprisonment. After telling me that if he went back inside that would be ‘the end’, we were able to false with the client’s social worker at Roma House and his psychologist in order to ensure he was sufficiently supported. We then represented him in a suburban court prior to Legal Aid accepting instructions and were successful in having the charge referred to the Special Circumstances Court, where he ultimately received a non-custodial sentence.

“In addition, we provided the client with advice in relation to a workers’ compensation payment, which was critical in the client funding long-term secure housing. It was an extremely rewarding outcome. The client’s mental state really improved during this time and with the support of Roma House he was able to put in place strategies to get his life back on track.

“When I saw the client a few months later he had made remarkable progress, having secured public housing, commenced rehabilitation for his alcohol issues and demonstrated genuine efforts to re-connect with his kids.”

Cassie: “I enjoy working with the HPLC clients to achieve practical solutions to their legal needs. I find it so rewarding when a client comes to me with what they perceive to be an insurmountable problem and I can assist them to navigate a world that is so unfamiliar to them. I also enjoy the unique and challenging opportunities that working with clients at Roma House presents. In particular, I have recently had to work with clients who were hearing impaired. We used whiteboards and diagrams to bridge the communication gap and it made for an interesting interview! I also recently assisted a lady who was seeking permanent housing. Her children had been placed in state care because she had no place to house them and she was finding it difficult to be considered for housing because she had significant debts and a poor rental history.

“There was no immediate solution to her legal needs, but we were able to develop a very clear five-step plan to get her back on the Department of Housing radar and we also helped her to complete a number of those steps. Her ultimate goal was to be reunited with her children and assisting her to find stable housing was one box we needed to tick in order to help this reach that goal.”

How does Herbert Smith Freehills view your HPLC work?

Lachlan: “Herbert Smith Freehills is extremely supportive of solicitors getting involved with QPLC and encourages a collaborative relationship with Roma House. All pro bono work is treated as ‘billable’ to ensure that it is given the same priority and care as any other client work.”

Cassie: “We couldn’t dedicate as much time as we do to the HPLC if Herbert Smith Freehills weren’t so supportive. We are supported in our work by a community committee in the Brisbane office and we also receive guidance from the national Herbert Smith Freehills pro bono team.”
Herbert Smith Freehills has initiated other independent pro bono projects. Why partner with QPILCH?

Cassie: "We wouldn't be able to do the HPLC without QPILCH. We are enthusiastic and willing, but lack the specialised knowledge to assess the need or find opportunities in this emerging area. QPILCH possesses the specialised skills; Herbert Smith Freehills has the resources; and the HPLC provides the platform for us to put both the skills and the resources to good use. Together, we make a great team!"

How do you view your pro bono involvement in terms of your career goals?

Lachlan: "As lawyers, I think we have a responsibility to use our skills for those less fortunate. The HPLC has provided me with the opportunity to undertake work that I would not otherwise be exposed to and provides great opportunities for junior lawyers to conduct files autonomously and really drive the outcomes."

"Through managing difficult client interviews, coordination of the HPLC program at Herbert Smith Freehills and engagement with QPILCH and Roma House, I have developed a number of skills that are transferrable to my everyday practice."

Cassie: "I hope to always maintain my involvement in pro bono legal work. I too believe that it is the duty of all lawyers to use those skills which are unique to our profession to help ease the burden on others and guide them through what is often unfamiliar and daunting territory. My work with the HPLC has been highly rewarding and has presented me with wonderful opportunities to use and develop my skills in a different capacity and expand my professional networks."

What new opportunities have there been for Herbert Smith Freehills with the HPLC?

Cassie: "The HPLC has enabled us to explore unique partnerships with some of our corporate clients (and prospective clients). These opportunities have arisen through our connections with Herbert Smith Freehills alumni who were previously involved in the HPLC while they worked at the firm. Many of these alumni now work in in-house roles and, by spreading the word among their new colleagues, they have planted the seed for relationships we hope to develop in the coming months (with the potential to share our HPLC roster)."

Early this year, Herbert Smith Freehills embraced a new challenge, by participating in a pilot drop-in space for residents at a social housing provider in Brisbane. Some 73 men live in small rooms in the Bric Housing complex at Spring Hill, waiting to move into long-term accommodation. New lunchtime sessions operate each Monday afternoon, enabling residents to get a hair cut, see a nurse, connect to other community services, and get a legal health check. Recognising and addressing issues such as unsustainable debt paved the way for a smoother transition to permanent housing.

The new legal clinic has seen two to three new clients most weeks, each with multiple issues. Herbert Smith Freehills hopes to assist most residents in the complex, and QPILCH has developed the strategies and resources to enable that.

Lachlan: "The Bric Housing clinic is another great initiative from QPILCH and is already achieving some wonderful outcomes. Our first few weeks at Bric Housing have also demonstrated the usefulness of the LHC.

"A resident at Bric Housing approached me last week and said he had heard we could help with accessing his superannuation. Once I sat down with him and went through the legal health check, he was so surprised and extremely grateful at the assistance we could provide him with his super.

"While often clients will attend the clinic with a legal issue in mind, the legal health check is a great way to ensure that the client is aware of the full breadth of advice we can offer."

Sue Garlick is a Senior Lawyer at the QPILCH Homeless Persons' Legal Clinic.

Notes

1. QPILCH was incorporated in 2004 as a service of the Queensland Public Interest Law Clearing House (QPILCH). QPILCH also runs the Homeless Persons Legal Clinic (now the QPILCH Homeless Persons' Legal Clinic). QPILCH was incorporated in 2004 as a service of the Queensland Public Interest Law Clearing House (QPILCH). QPILCH also runs the Homeless Persons Legal Clinic (now the QPILCH Homeless Persons' Legal Clinic).

