

briefcase



Victoria
Legal Aid

Lawyers And
Legal Services

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Working to reduce court delays

Victoria Legal Aid is helping tackle court delays with a number of initiatives targeting speedier resolution of cases and better outcomes for clients and the community.

Last month, we inducted 14 junior barristers into the Talented Junior Counsel Program (see story below) which is investing in the next generation of trial counsel to ensure trials are run in a time effective, focused and strategic way.

We are also collaborating with our partners in the sector to pilot programs which aim to directly reduce delays in criminal courts and provide timely justice for our clients.

The first trial of a block briefing was completed recently, in which a member of our Public Defenders Unit was briefed to conduct a block of legally aided cases in Bendigo.

Block briefing will be available for VLA and legally aided private defence lawyers.

Morwell Managing Lawyer Daniel Taylor, who is helping co-ordinate the pilot, said the system potentially has many benefits.

'If one defence counsel is working on a block of circuit matters there is a greater potential for matters to be resolved in a more efficient manner, and the resulting impact in reducing anxiety and uncertainty for our clients in circuit matters is obvious,' he said.

Another initiative is the introduction of a post-committal negotiation guideline and fee to keep skilled counsel in a case from committal through to the first directions hearing in the trial court.

By introducing this fee it is hoped that counsel will be better able to negotiate with the Office of Public Prosecutions (OPP) to determine if there are any matters that can be resolved before trial.

We have also been working closely with the County Court and the OPP in the trial of a super circuit which involves clearing backlogs of trials through a longer well-supported circuit.

Grooming tomorrow's legal eagles

Victoria Legal Aid has welcomed 14 promising advocates into its first intake of the Talented Junior Counsel Program.

The successful candidates, selected from a highly competitive field of more than 60 applicants, were welcomed to the program at the Lionel Murphy Centre on 4 July.

They are: Olivia Trumble, Rohan Lawrence, Samantha Poulton, Lynne Featonby, Mario Cennachi, Patrick Doyle, Sarah Keating, Michael Stanton, Zoe Broughton, Naomi Smith, Jacob Kantor, Erin Ramsay, Karen Argiropoulos and Cecily Hollingworth.

They will be supported in the program by 30 senior trial advocates, including Robert Richter QC, Philip Dunn QC, Ian Hill QC, Remy van de Wiel QC, Dr Gregory Lyon SC, Jane Dixon SC and

members of Victoria Legal Aid's Public Defenders Unit.

Each of the junior counsel selected for the program will work on three trials with the senior advocates and receive advocacy training. Leading counsel in the program will also receive mentoring training.

Program leader Arna Delle-Vergini says, 'The junior counsel selected for the program all show great promise and we believe they will make a big impact as trial barristers in the future.'

The Talented Junior Counsel Program aims to help reduce court delays by ensuring that trials are conducted in a time effective, focused and strategic way.

Launching the program earlier this year, Chief Justice of the Supreme Court of Victoria, Marilyn Warren, described it as 'extraordinary and potentially revolutionary' and flagged it as a model approach throughout the country.

For more information about the Talented Junior Counsel Program visit www.legalaid.vic.gov.au/tjcp.htm



First intake of the Talented Junior Counsel Program, L-R: (back row) Michael Stanton, Patrick Doyle, Karen Argiropoulos, Erin Ramsey, Zoe Broughton, Rohan Lawrence, Lynne Featonby and Mario Cennachi L-R: (front row) Cecily Hollingworth, Naomi Smith, Sarah Keating, Samantha Poulton and Olivia Trumble
Absent: Jacob Kantor



Postcards highlight VLA's 30 years of service

Real-life stories from Victoria Legal Aid clients and a bold new artwork are helping spread the message about VLA's work in the Victorian community over the past 30 years.

To commemorate our 30th anniversary, we have launched a series of postcards featuring real-life case studies of people we have helped.

The case studies – documented on the cards and on our website – have a strong focus on the work we do outside of the courtroom to help educate people about their legal rights and to help them resolve their legal problems without going to court.

One postcard tells the story of Brandon, a 14-year-old charged with a serious crime, who was able to turn his life around after we worked in partnership with the Department of Human Services and other welfare agencies to help him address the problems that caused his offending.

The postcards were launched at a 30th anniversary celebration on 9 June, attended by Commonwealth Attorney-General Robert McClelland and State Attorney-General Robert Clark.

Founding director Julian Gardner and the Honourable Haddon Storey QC, who were both at the official launch of the Legal Aid Commission of Victoria in 1981, also attended the event.

The celebration also featured the unveiling of the artwork 'Access to Justice for All' by Moonee Valley artist and mental health consumer advocate Sue. E Armstrong.

A third of all VLA clients are affected by mental illness or some kind of intellectual disability.

Accordingly, it was fitting that Sue's advocacy for mental health was consistent with our own mandate to prioritise services to people who are vulnerable to unfair treatment, such as those with mental illness.

For more information about VLA's 30th anniversary and to view the postcards series visit www.legalaid.vic.gov.au

Upholding **your right to justice** for **30** years



Busy times for commonwealth entitlements team

The Commonwealth Government's priorities under the National Partnership Agreement on Legal Assistance Services, signed with the states and territories, include assistance with social security matters and assistance to war veterans seeking entitlements from the Commonwealth government.

A recent VLA case study illustrates the significance of this work to the lives of clients on Commonwealth entitlements who are often already marginalised.

Mary (name changed) was charged with two counts of dishonestly and by deception obtaining Commonwealth property with the intent to permanently deprive. These charges related to Mary being overpaid just over

\$76,500 by Centrelink over a five year period, and the maximum penalty was 10 years for each count. After negotiation she pleaded guilty to two lesser counts of dishonestly obtaining a gain from the Commonwealth, charges that carried five years imprisonment.

It was alleged that Mary was overpaid because she failed to advise Centrelink that she was in a marriage-like relationship with her husband, who she married in 2004. Over the relevant period she received payments at the single rate, having advised Centrelink on a number of occasions in writing and orally that she was single.

At the time of the plea, Mary was 30 years old and a first offender. She had four children aged five and under, two of whom had

developmental difficulties. Her husband, with whom she still lived but was not in a relationship, had longstanding borderline personality disorder. The relationship during the debt period was fractious and difficult, and punctuated by separations and reconciliations. She had been diagnosed with depression, and was receiving treatment. There was no suitable alternative caregiver for her children if she was to be jailed. After a difficult plea, in which the sentencing judge seemed determined to jail Mary, a wholly suspended sentence was imposed.

The work of VLA lawyer Michael Freedman, and Cameron Horn, in-house counsel, delivered a positive result for a client who had heavy family responsibilities and a mental illness.

ATLAS+ hits its six months milestone

In July ATLAS+, Victoria Legal Aid's online system for practitioners to lodge and track legal aid applications, extensions and invoices, hit its six month milestone.

The transition has been a learning curve for practitioners and VLA staff alike with some frustrations along the way. We appreciate the support and patience of private practitioners who have provided feedback, especially those who have been subjected to delays as the new system beds down. We are committed to embracing new technologies that maximise the use of our resources and these new automated processes increase efficiencies.

In the six months since the introduction of ATLAS+:

- around 55,000 applications and extensions have been submitted
- 61 per cent of applications and 69 per cent of extensions submitted through the simplified process are now being processed and approved instantly without manual handling

- the Help Desk received an average of around 200-250 calls per day. This number has remained steady for some time, however we expect the number of calls to decrease as our backlogs reduce
- as at 1 July 2011, the only outstanding invoices are those where we require further information to substantiate the claim, or invoices received after 27 June 2011.

If you haven't already done so, register to use ATLAS+ at www.legalaid.vic.gov.au/forlawyers.htm You will also find useful updates at this address.

If you are experiencing problems using ATLAS+ contact the ATLAS+ Help Desk on 9269 0600 or atlashelpdesk@vla.vic.gov.au



Changes to whole of job fees

The 'whole of job' fees in bail applications and County Court appeals against sentence were removed following feedback from lawyers working on these cases. From 1 July 2011, the old fee scale will apply, but these fees will be increased by nine per cent in line with the increase for summary crime fees that was applied in January 2011.

As part of major changes to criminal law fees, VLA introduced a 'whole of job' fee in bail applications and County Court appeals against sentence in January 2011. The 'whole of job' fee for bail included increased fees for applications in indictable cases and where the accused had to show 'exceptional circumstances'.

Lawyers experienced problems with these 'whole of job' fees where cases are adjourned through no fault of the defence and the judge or magistrate would not issue an appeal costs certificate. VLA is committed to continuing to work with the private profession and the Bar on an agreed simplified fee structure, and to advocate for improvements to the criminal justice system to avoid unnecessary delays.

Planning for the future

Victoria Legal Aid's Strategic Plan 2011-2014 was recently launched as part of our 30th anniversary celebrations, and details our priorities, strategic direction and commitments over the next three years.

The plan commits us to achieving a number of important outcomes including:

- improving our service to regional and rural Victorians
- expanding our civil law service to ensure fairness and justice in social security and war veteran entitlements, mental health and disability, migration, equality, tenancy and infringements laws
- championing justice reform and good practice to reduce court delays
- helping to make courts more accessible, fair, simple and respectful.

Managing Director Bevan Warner believes the plan will play an integral role in ensuring VLAs

finances are managed responsibly, effectively and appropriately to meet community justice needs.

'As a publicly funded body we have finite resources and need to prioritise our services for disadvantaged groups.

'These include those who are poor and cannot afford the protection of the law, people who face detention by the state or having decisions made for them, groups exposed to risk of violence or harm, and the marginalised who are vulnerable to exploitation and unfair treatment.

'This plan will ensure that we continue to focus on services that uphold rights and due process, concentrate on early intervention and prevention, build the capacity of clients to resolve their future problems without legal assistance, and deliver a wide benefit to the community', he said.

The plan is consistent with the Council of Australian Governments (COAG) National Partnership Agreement on Legal Assistance Services (NPA).

To read more about VLAs Strategic Plan 2011-14 visit www.legalaid.vic.gov.au/strategic-plan.htm



New arrivals benefit from legal package

A free education kit developed and funded by National Legal Aid will help new arrivals in Australia learn about Australian law.

The legal education package, titled *What's the law? Australian law for new arrivals*, includes a DVD with stories in simple English, covering topics such as driving, contracts, tenancy, child protection and domestic violence. Each story reflects a legal issue that recent arrivals frequently encounter in their first 18 months of settlement. The package also includes activity sheets and notes for teachers, as well as information to refer students to places where they can get legal help or more information.

'There is a real need for basic information about the law for new arrivals, and it is well known that oral information and story telling work best in engaging recent arrivals,' said Monica Ferrari, manager of Community Legal Education at VLA.

Bevan Warner, Chair of the National CLE Working Group and Managing Director of Victoria Legal Aid also believes the kit will fulfil an important need.

'Preventative legal education is very effective in helping vulnerable people avoid legal issues or preventing them from developing and escalating. This reduces stress and costs for individuals and the community.'

The educational resource is now available and to download a copy visit www.legalaid.vic.gov.au



Family law guidelines update

Victoria Legal Aid is reviewing its guidelines for family law matters.

One aspect of the review was a proposal to remove the current quota placed on the funding of independent children's lawyers (ICLs) and to reinstate funding for ICLs to instruct at trial.

This proposal was approved in May and implemented from 1 June 2011.

Since 1 June 2011 we have been approving all requests from the Family and Federal Magistrates Courts for ICLs to assist them, and ICLs are able to seek funding for instruction at trial from that date.

Further changes to the guidelines will be announced and progressively rolled out over the remainder of the year.

Rugged up for a good cause

Managing Director, Bevan Warner, braved the elements on 16 June when he participated in the Vinnies CEO Sleepout.

The event challenges business and community leaders to experience homelessness first-hand for one night, and all money raised goes directly towards the ongoing provision of Vinnies' homeless services across Australia.

Bevan was joined by 175 other prominent business and community leaders, as well as members of the legal fraternity including Michael McGarvie, Legal Services Commissioner, Andrew Grech, Managing Director, Slater and Gordon and James Farrell, Principal Lawyer, PILCH Homeless Persons Legal Clinic.

His 'bed' for the night was the concrete concourse at Etihad Stadium.

'I was challenged by an anonymous staff member to take part through the CEO Sleepout website – and I agreed I should. Homelessness is a problem that has affected many of our clients and is often unfairly stereotyped – I thought I could at least play a small part in making a contribution to raising awareness about this important social issue.

'I also believe it is important to debunk some myths about homelessness and highlight that it doesn't just affect the old, the disadvantaged or those with mental illness.

Rather, many people can find themselves homeless due to a variety of circumstances, from a young child leaving home due to problems to a mother fleeing domestic abuse,' said Bevan.

At last count Bevan had raised almost \$3000 thanks to the fundraising and contributions of VLA staff.



Bevan Warner prepares for the Vinnies CEO Sleepout



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A free information and referral service operates
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