

Pro Bono Legal Assistance Referral Scheme

APPLICATION FORM

JusticeNet SA coordinates pro bono (free) legal assistance to eligible individuals and organisations who are unable to obtain legal assistance through other means.

To apply for assistance:

Step 1 **Complete** our online application at the following link:

www.justicenet.org.au/apply

Or, if you are unable to complete our online application form, then please complete this application form.

Step 2 **Enclose** with the application form copies of all relevant information and supporting documentation.

Step 3 **Return** the form to JusticeNet
by email to admin@justicenet.org.au
or via post at:
GPO Box 11024
Adelaide SA 5001

Am I eligible for legal assistance?

JusticeNet will try and find a pro bono lawyer for applicants who meet the following criteria:

- you are unable to afford essential legal services without undue hardship; and
- you are an individual or a not-for-profit organisation whose purpose(s) is primarily charitable; and
- you have a problem requiring a legal remedy for which:
 - there are reasonable prospects of a successful outcome; and
 - you would suffer significant injustice if not legally represented; or
 - your matter concerns an issue of public interest; and
- you are unable to obtain the requisite services from an alternative legal services provider, particularly the Legal Services Commission, a community legal centre or the Litigation Assistance Fund / Disbursements Only Fund; and
- the matter is of such a nature that you could not reasonably be expected to self-represent; and
- JusticeNet considers in all the circumstances that the matter would be an appropriate use of available pro bono legal resources.

JusticeNet, in its absolute discretion, may also provide assistance in exceptional circumstances to applicants who do not meet the above criteria.

What happens when I apply?

JusticeNet will acknowledge receipt of your application and assess your matter against our eligibility criteria (above).

- If eligible, we will endeavour to refer your matter to a lawyer for pro bono assistance, and notify you in writing of the outcome.
- If unsuccessful, or if we are unable to refer your matter, we will notify you and suggest other services which may be able to assist you.
- If you disagree with our decision, or wish to make a complaint about our service, we ask you to contact us in writing.
- After your file is closed it will be held for 7 years after which time it will be destroyed.

Do any fees apply?

The assessment of your application by JusticeNet is free. If successful, JusticeNet will refer your matter to a lawyer on a pro bono basis, that is, you will not be required to pay any fees for legal services provided.

In some cases your lawyer may reserve the right to charge you fees in certain circumstances. This can only occur by agreement between you and your lawyer. The agreement should be in writing and signed by both you and the lawyer.

The most common types of fee agreements are:

- no fee, regardless of the outcome of the case;
- reduced fee basis; or

- conditional basis, where you pay the lawyer an agreed fee if you are successful and the other party is ordered by a court or tribunal to pay legal costs.

Usually you are responsible for any out-of-pocket expenses (disbursements) that arise during your matter. These expenses include filing fees for documents, court or tribunal daily sitting fees, interpreters' fees, experts' fees, cost of transcripts and travel expenses.

If your matter is in a Court or Tribunal and you lose your case, the Court or Tribunal may order that you pay the other party's legal costs. These costs are your responsibility and are not covered by JusticeNet or your lawyer.

What sort of legal assistance is provided?

The legal assistance arranged by JusticeNet ranges from providing advice to representation in court. In some cases, the assistance JusticeNet is able to arrange may be limited in scope from the assistance requested in your application.

How long does a referral take?

Generally it will take at least two weeks for us to refer matters for pro bono legal assistance. It may take longer if we need to ask you for further information in order to complete the assessment of your application.

If you have informed us in your application of a court date or other important deadline that is less than two weeks from the date we received your application, we will endeavour to contact you before that date to discuss your options.

However, JusticeNet does not take responsibility for time constraints, deadlines or limitation dates.

Do JusticeNet staff provide legal advice?

No. JusticeNet itself does not provide legal advice or perform any type of legal work on your behalf. JusticeNet's staff do not act as your lawyer.

Do I have a right to obtain assistance?

JusticeNet provides pro bono assistance on a discretionary basis and there is no automatic right to assistance. Although we would like to assist every eligible applicant we are not in a position to do so as the demand for pro bono legal assistance far exceeds its availability.

Is my application confidential?

All information provided by you to JusticeNet will be kept confidential, subject to such disclosure as may be necessary for the purposes of assessing and referring your matter to a lawyer.

JusticeNet SA may be asked by other parties with an interest in your matter to make a referral. JusticeNet SA has put in place procedures to protect client confidentiality and to prevent any conflict of interest by ensuring that materials provided by different parties to the same issue or dispute are considered by different assessors and are stored separately, so that there is no possibility of any intermingling of information.

1. Contact Information

Name

Home address

Postal address

Phone

Fax

Email address

Other Contact Person (optional) *Completing this section authorises us to discuss your application with this person*

Name

Relationship

Postal address

Phone

Fax

Email address

2. Personal Information *Information will be kept confidential and used for statistical purposes only*

Date of birth

Gender

Country of birth

Marital status

Do you have any disabilities? *(please specify)*

Do you require an interpreter? *(please specify language)*

Do you identify yourself as an Aboriginal or Torres Strait Islander?

Yes

No

What is your highest level of Education?

Postgraduate

Undergraduate

Diploma

Certificate

Year 12

Other *(please specify)*

3. Referral Details

Who referred you to the JusticeNet Pro Bono Referral Service? Please mark one box

Friend or relative

Court / Registry staff

SA Bar Association

Member of Parliament

Colleague

Judge / Master

Legal Aid

Government agency

JusticeNet staff

JusticeNet website

Law Society SA

Community Legal Centre *(please specify)*

Law Firm / Private Lawyer *(please specify)*

Other *(please specify)*

4. Legal History of your Matter

Have you applied for Legal Aid for this matter?

Yes No

Aid granted

Aid refused – Merits

Aid refused – Financial

Aid refused – Guideline

Aid refused – Other (please specify)

Please specify outcome (including whether aid was granted or refused and the reasons for refusal)

Please attach a copy of your Legal Aid letter

Have you sought assistance from a Community Legal Centre for this matter?

Yes No

Please specify outcome (including contact name and details of why they are no longer assisting you)

Have you received advice or assistance from a Private Lawyer for this matter?

Yes No

For free

For reduced fee

For full fee

On contingency

Please provide details of your previous lawyer

Name

Firm name

Address

Phone

Fax

Email address

Please specify outcome (including details of why they are no longer assisting you)

Please attach copies of relevant legal advice about your matter

5. About your legal matter

Briefly describe your legal issue and what you hope to achieve with the help of a lawyer. Please include all of the relevant facts of your matter, all important dates and what outcome you seek.

List documents, letters, files, agreements, contracts, or reports which you think are relevant

| Date | Document type and author | Do you have it? | | |
|------|--------------------------|------------------------------|-----------------------------------|-----------------------------|
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> Attached | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> Attached | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> Attached | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> Attached | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> Attached | <input type="checkbox"/> No |
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| | | <input type="checkbox"/> Yes | <input type="checkbox"/> Attached | <input type="checkbox"/> No |

6. About your court case

Are there any current legal proceedings regarding your matter? Yes No

What court or tribunal are you in?

What is your court file number?

When is the next court date?

What is the type of hearing? (e.g. mentions, mediation, directions, status, trial)

Which party are you? (e.g. Plaintiff, Defendant, Appellant, Respondent)

Please provide names of other parties and their lawyers

Please provide details of any deadlines, limitation dates or trial or hearing dates for your proceedings

7. Financial Circumstances – Individuals *(Only to be completed by individual applicants)*

Your financial circumstances

What is your main source of income?

Full-time employment
 Part-time employment
 Casual employment
 Unemployed

Government benefit *(please specify type of benefit)*

Self-employed *(please detail your role and business)*

Your estimated income (before tax) for the **current** financial year

\$

Your income (before tax) for the **previous** financial year

\$

Your supporting person's financial circumstances

Do you have a financially supporting person?

Yes

No

Describe your relationship to the supporting person

Your supporting person's estimated income (before tax) for the **current** financial year

\$

Your supporting person's income (before tax) for the **previous** financial year

\$

Do you have any dependants? *(please specify details)*

Details of your assets and liabilities

Please detail **assets** you own or jointly own including houses, cars, cash and shares

| Asset | Owned by | Value |
|-------|----------|-------|
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |

Please detail **liabilities/debts** you owe or jointly owe including houses, cars, cash and shares

| Liability | Owed to | Value |
|-----------|---------|-------|
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |

Further information about financial circumstances may be required to assess your eligibility for assistance

8. Financial Circumstances – Organisations *(Only to be completed by organisation applicants)*

What is your main source of funding *(please specify)*

Is there a written funding agreement? *(If yes, please provide a copy)*

Yes

No

What is the amount of your annual funding?

\$

Please provide your Annual Report, Financial Statements, Constitution and details of your Management Committee

9. Declaration and Authority to obtain and disclose information



PRO BONO CONNECT

(08) 8410 2280

www.justicenet.org.au

admin@justicenet.org.au

GPO Box 11024, Adelaide SA 5001

I authorise JusticeNet SA Inc. to

- i. request, transfer and receive personal or financial information or documentation in relation to me for the purposes of assessing my eligibility for assistance; providing assistance and, obtaining feedback about the progress or outcome of a legal matter for which I have been referred for legal assistance, without waiving legal professional privilege;
- ii. discuss my case with, and disclose any personal or financial information or documentation to any lawyer, barrister or organisation for the purpose of assessing my eligibility for assistance and providing assistance;
- iii. use my personal information anonymously to compile statistical data for the purpose of evaluating JusticeNet services.

I understand that this authority continues until I withdraw it in writing.

I undertake to:

- i. notify JusticeNet of any change in my financial circumstances;
- ii. notify JusticeNet of any change in my address;
- iii. notify JusticeNet of any new matter which might affect my case; and
- iv. provide all additional information requested by JusticeNet.

I understand and accept:

- i. the conditions of receiving assistance from JusticeNet as outlined in the information accompanying this application;
- ii. JusticeNet reserves the right to suspend or cease providing assistance if it becomes aware that the information provided by me is false or misleading or incomplete;
- iii. that upon closure of the file it will be held for 7 years after which time it will be destroyed.

I declare that all information provided by me to JusticeNet is true and correct.

| | |
|--------------|------|
| Signature | Date |
| Print name | |
| Home address | |

Relevant Documents and Checklist

Please attach **copies** of any documents, letters, files, agreements, contracts or reports which you think are relevant to your legal problem. It is particularly important that you provide us with **copies** of any court documents which relate to your matter. **Please attach copies not originals.**

Have you:

- Signed this form and read the application information
- If you are an individual – provided documentation of your income eg Centrelink payments or payslips
- If you are an organisation – provided a copy of your funding agreement (if applicable)
- Provided copies of all relevant documents, including court or tribunal documents.