

# VLA MISSION IN PRACTICE

## TWO YOUNG LAWYERS DISCUSS THEIR WORK WITH VICTORIA LEGAL AID.

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**The statutory objectives of Victoria Legal Aid (VLA) are set out in s4 of the *Legal Aid Act 1978 (Vic) (the Act)*. One of VLA's objectives is to "provide to the community improved access to justice and legal remedies".<sup>1</sup>**

The VLA mission is to: "Provide disadvantaged people with access to justice, including access to courts and tribunals that protect individual rights and liberty and enforce individual responsibility".<sup>2</sup>

VLA provides a wide range of legal services as a means to achieving its mission in practice. "Legal aid" is defined very broadly in the Act and includes education and information about the law, dispute resolution services, duty lawyer services at courts and tribunals and any legal service that may be provided by a lawyer.<sup>3</sup>

VLA has the largest criminal law and family law practices in Victoria and has specialist practices in areas such as social security and Children's Court matters.

The *YLJ* interviewed two young lawyers at VLA – Bryony Horrocks (BH) and Eleanore Fritze (EF).

Bryony works in VLA's human rights and civil law service and Eleanore is from VLA's Preston office.

Bryony and Eleanore started at VLA as articled clerks in 2006 and are now in their second year of practice.

### WHAT SORT OF WORK DO YOU DO EACH DAY?

**BH** The work I do varies dramatically from day to day. I could be in a locked psychiatric ward advising patients on their rights to have their involuntary treatment orders reviewed by the Mental Health Review Board, representing tenants at the Victorian Civil and Administrative Tribunal who are

facing eviction and imminent homelessness, advising a newly arrived asylum seeker on how to apply for a protection visa and using an interpreter to prepare a statement about their horrific experience, or seeing someone who suffers from a drug addiction and has thousands and thousands of dollars of unpaid fines.

**EF** I am essentially a defence criminal lawyer. I also do a bit of civil law. My time is split between providing duty lawyer services – attending the Magistrates' Court to provide legal advice and representation to people without lawyers who have matters listed that day, providing advice to clients in the office and attending to case work. This involves liaising with police informants, prosecutors and other external agencies (such as clients' support workers), evaluating the evidence against the client and trying to resolve the charges against them in a way which will have the smallest impact on them.

### WHAT SORT OF DISADVANTAGES, BARRIERS AND OBSTACLES DO SOME OF YOUR CLIENTS FACE?

**EF** Most of my clients have some form of disability or disadvantage, such as an intellectual disability, mental illness, alcohol or other drug addiction, homelessness, financial hardship and a language barrier where English isn't their first language. Often these occur in combination. These forms of disadvantage are usually compounded by flow-on effects because they often create an obstacle for the client in forming links with the community. The client may be unable to work or not given the opportunity to work, causing financial hardship. They may not have family support or other social networks to draw on. These forms of disadvantage can also affect the ability of the client to access services because of lack of knowledge, transience, or because they find it difficult to engage.



**BH** Our clients face many barriers in dealing with the legal system and in receiving appropriate advice and representation.

For some it is the fact that they have no access even to the most basic human necessities, such as a home and food in their day-to-day life, which makes it almost impossible for them to have the time and head-space to deal with the complicated legal issues in their lives.

### HOW DO YOU HELP YOUR CLIENTS TO OVERCOME THEIR OBSTACLES?

**BH** We try our best to represent and advise clients in a way that is understandable and practical to them, no matter what issues they are facing or what the difficulties are in giving them this assistance.

Sometimes this means finding the time to hear someone talk through their story, particularly if they are very emotional and in the midst of a particularly difficult time in their lives. This way the client has then been heard, and sometimes only once they feel they have been listened to will they then feel able to focus in on what it is that I am able to help them with.

Other times it means patiently explaining with an interpreter a complicated aspect of Australia's immigration law to someone who has arrived from a country with a completely different legal system and cultural rules, and to whom what I am telling them sounds really crazy. I just try and try again, explaining the law and their options in different ways until the client is in a position to make an informed decision about their case. This often involves careful negotiation of complex cultural and language issues.

**EF** As a lawyer, there are significant limits as to what I can do to help my clients actually overcome these difficulties. It is important to remember that I must act on the client's instructions rather than in their best interests, and clients do not always want assistance when dealing with these issues.

There are some very simple, practical things we do to assist clients, for example using professional interpreters whenever we communicate with clients whose English is limited and making sure that we use clear and simple language to explain legal concepts and processes so that the client understands what is happening. I regularly refer clients to services that can give them more specialised assistance and support, such as drug/alcohol counsellors, housing services or support workers at court. Sometimes, a client feels so disenfranchised or disconnected from society that all they want is to have someone actually listen to their story, and whenever possible I make time for this.

### WHAT IS, OR ARE, THE MOST REWARDING ASPECT/S OF YOUR WORK HERE?

**BH** Helping to empower people who would otherwise get lost in our legal system and in their dealings with government departments. Achieving really practical outcomes for people, which will have a dramatic impact on their lives, such as being granted a permanent visa to stay in Australia instead of being forced to return to a country where they fear for their life, not being evicted and made homeless, being given back the opportunity to manage their own finances rather than

being under the control of an administrator and even just being someone's voice when they have to appear in court – an experience which is overwhelming and frightening for everyone, and particularly so for people who are having to confront other pressures, disabilities and obstacles at the same time.

**EF** You feel like you are making a difference working at VLA because almost every client you deal with starts off at a disadvantage when coming face to face with the legal system and needs every bit of assistance they can get. It is very rewarding when you are able to get a really good outcome for a client due to persistence and hard work.

It is immensely gratifying and humbling when a client tells you that you are the only person they can talk to about their situation or says that you have made a difference to their life. That's when you realise just how powerful your role as a lawyer can be for a client, particularly for clients with no prior contact with the legal system. It is particularly rewarding to see a change or development in a client when that's been brought about or assisted through your intervention in their life.

### HOW WOULD YOU DESCRIBE VLA'S MISSION IN DAILY PRACTICE?

**EF** To provide legal services of comparable quality to what a client would get if they were able to afford them, but at the same time ensuring that the services are tailored and adapted to the client's specific needs.

### SOME CONCLUDING THOUGHTS . . .

**Lisa Lee** The Honourable Justice Kirby dedicated a biographical note to Lionel Murphy in which he referred to the many "dissenting opinions"<sup>4</sup> delivered by Justice Murphy during his time on the High Court of Australia; said dissents often constituting calls for the adherence to and recognition of various human rights and civil liberties at the ultimate pinnacle of the Australian legal system. In his role as Attorney-General, Lionel Murphy imparted a legal aid legacy that remains to this day absolutely indelible.

Suffice it to say, assisting and implementing VLA's mission in practice in whatever medium is immensely rewarding and challenging work. In reality, VLA may present as the first or sole port of call for many disadvantaged, impoverished, disenfranchised and marginalised individuals. In turn, VLA is able to provide these people with a voice in a legal system where, too often, they are unrepresented and unheard.

**Editor's note** The views expressed in this article are the views of the respective contributors. ■

1. *Legal Aid Act 1978 (Vic)*, s4(c).
2. VLA, Strategic Plan 2005-08, July 2005, p3.
3. *Legal Aid Act 1978 (Vic)*, s2.
4. High Court Justice Michael Kirby, "Lionel Keith Murphy: A biographical note", Law and Justice Foundation of New South Wales, January 1995, speech accessible online at [www.lawfoundation.net.au/ljf/app/&id=D4E838CA1499D391CA2571A900023863](http://www.lawfoundation.net.au/ljf/app/&id=D4E838CA1499D391CA2571A900023863).