



A Helping Hand

Bell Gully's Pro Bono and Community Programme 2009/10

BELL GULLY

FRONT COVER

Bell Gully solicitor Sam Gunson lends a helping hand to the Leukaemia & Blood Foundation

For more information about Bell Gully's pro bono programme contact:

Rachel Gowing

PRO BONO MANAGER

rachel.gowing@bellgully.com

DDI: 64 9 916 8825

This publication is printed on Neo Satin paper made with fibre content sourced from recycled paper product, and fibre sourced from sustainable forest plantations, independently certified by an international stewardship authority.

© Bell Gully 2010

**“WE ARE THRILLED
THAT BELL GULLY
HAS STEPPED
IN AND IS USING
ITS RESOURCES
TO ASSIST A
VULNERABLE
MEMBER OF OUR
COMMUNITY.”**

**COLIN ROSS, COMMUNITY LAWYER
WELLINGTON COMMUNITY LAW CENTRE**

BELL GULLY

Overview

We have set a target of providing \$1 million annual fee equivalent pro bono legal work by 2011.

Many of New Zealand's non-profit organisations do an amazing job providing essential services at the grassroots level.



In 2009, we decided it was time we formalised our contribution to the sector by establishing a pro bono programme and setting some stretch targets. It turns out our timing couldn't have been better – non-profit organisations are working overtime to help recession-hit communities.

Our focus is on providing legal advice to those who can't afford to pay for it, and on supporting charities that help the community.

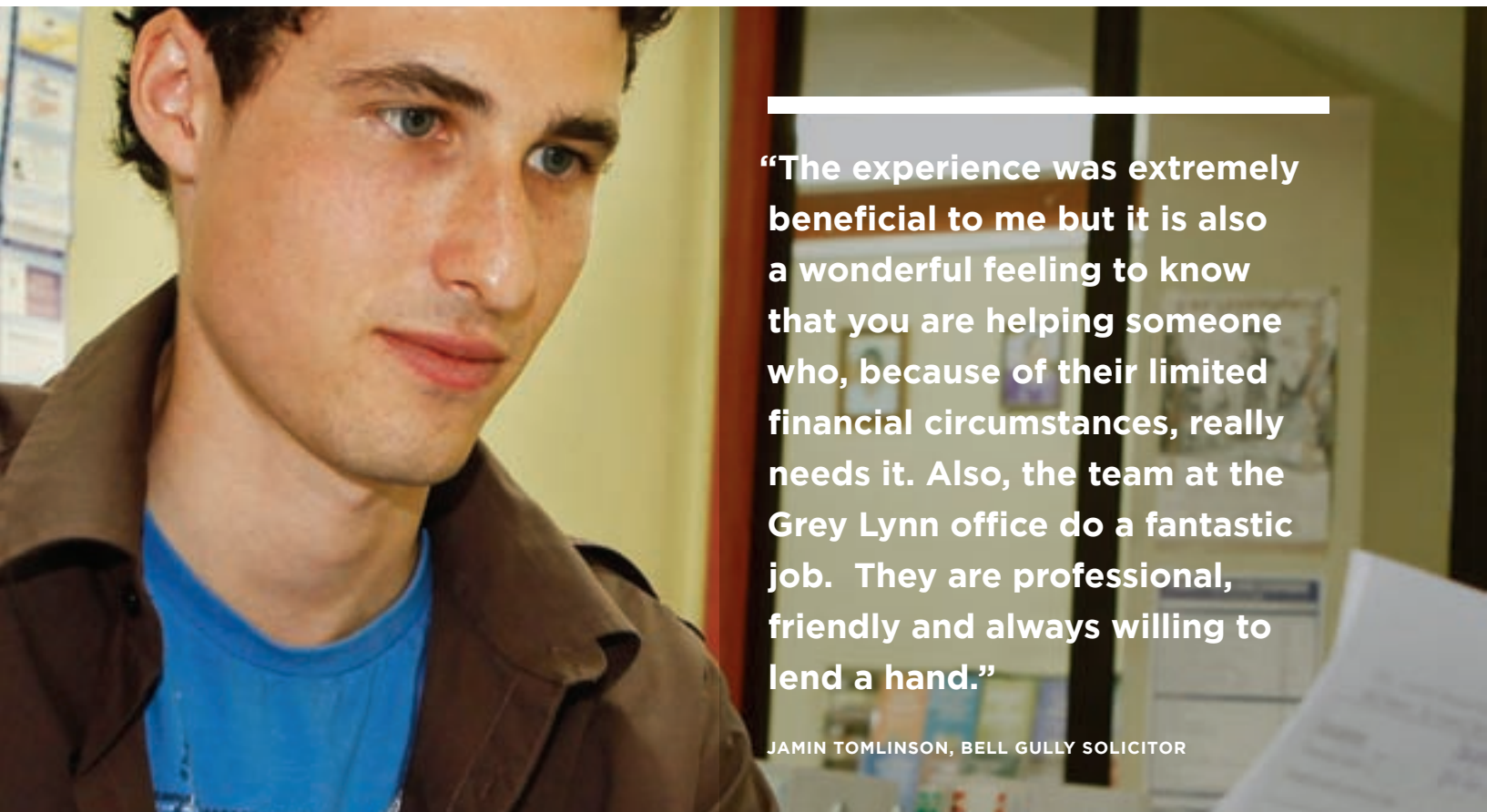
With Bell Gully lawyers lining up to get involved, we have been able to strengthen existing partnerships and strike up new ones with organisations that share this focus. Our aim is to help them to improve and expand their services throughout the community.

In return, our lawyers gain valuable practical experience dealing with people and issues outside the corporate environment. We're encouraging all staff to get involved, aspiring to have every staff member and partner complete 25 hours of pro-bono work each year.

We have set a target of providing \$1 million annual fee equivalent pro bono legal work by 2011. In 2009, the programme's first year, we managed to exceed our budget of \$330,000 by more than \$100,000.

A committee of five partners and three senior associates oversees the programme, and is led by pro bono programme manager Rachel Gowing. The other committee members are partners Ralph Simpson, Mark Todd, Brynn Gilbertson, Andrew Beatson and Hugh Kettle, and senior associates Hayley Miller and Kyra Vince.

This report highlights some of our key pro bono partnerships and community activities in 2009/10.



“The experience was extremely beneficial to me but it is also a wonderful feeling to know that you are helping someone who, because of their limited financial circumstances, really needs it. Also, the team at the Grey Lynn office do a fantastic job. They are professional, friendly and always willing to lend a hand.”

JAMIN TOMLINSON, BELL GULLY SOLICITOR

Total Pro-bono for 2009

Community Law Centres	\$201,831 (46%)
New Zealand Breast Cancer Foundation	\$78,543 (18%)
Business Mentors New Zealand	\$41,318 (9%)
Asia NZ Foundation	\$20,568 (5%)
Parents Inc.	\$18,070 (4%)
Salvation Army	\$15,619 (3%)
Plunket	\$9,784 (2%)
Other	\$56,310 (13%)
Total	\$442,043

Hours

The number of hours worked on pro bono matters totalled 1,802. This was in addition to the huge time commitment made by the pro bono committee in establishing and administering the programme.

People

46 staff and 23 partners worked on pro bono matters in 2009. Just some of the recipients of our pro bono work in 2009 were:

- Breast Cancer Research Trust
- Business Mentors New Zealand
- Grey Lynn Neighbourhood Law Office
- La Leche League
- New Zealand Breast Cancer Foundation
- Parents Inc.
- Royal New Zealand Plunket Society
- The Salvation Army
- Waitakere Community Law Service
- Wellington Community Law Centre

Programme in action

Community law offices provide legal advice and services to those without the means to pay for them. In 2009, with the recession etching a hole in our pockets, many local law offices reported a huge spike in demand, especially for advice on employment, consumer credit and tenancy matters.



SOME OF BELL GULLY'S LAWYERS WHO VOLUNTEERED AT GREY LYNN NEIGHBOURHOOD LAW OFFICE IN 2009:

*Back from left – Tracey Preston, Jamin Tomlinson, Louise Connell, Clare Reeve. Front – Richard Jenson, Kelly McMath
Absent – Ben Thompson, Elena Chang, Iona Misheva*

Grey Lynn Neighbourhood Law Office

The Grey Lynn Neighbourhood Law Office (GLNLO) provides legal advice to people with low incomes. Not surprisingly, 2009 was one of its busiest years ever. During the year, Bell Gully had a lawyer seconded to the office four days a week so it could maintain its services while it recruited new staff. In 2010, now its staffing levels have stabilised, we have a lawyer at the GLNO one day a week. Bell Gully also takes referrals of matters on a pro bono basis and provides ad-hoc training and support to staff.

Helen Twentyman, head solicitor, GLNLO: *"The GLNLO's lawyers will also benefit through ongoing support from Bell Gully as they will be able to participate in some of the training that Bell Gully provides to its own lawyers...in addition Bell Gully is able to take on some pro bono work for the GLNLO."*

Waitakere Community Law Service

Last year, Bell Gully provided a solicitor to the office for a three week secondment, and has accepted several referrals of pro bono work. Pro bono committee member Hayley Miller is a member of the Board of Governors.

Waitakere Community Law Service, Annual Report, 2009:
"WCLS is delighted to be developing a pro bono partnership with Bell Gully...to date Bell Gully has provided a secondment lawyer when staff were on leave...his presence enabled us to maintain the same level of service without interruption...We are confident our relationship with Bell Gully will go from strength to strength."



Wellington Community Law Centre

Bell Gully has enjoyed a long-standing relationship with the Wellington Community Law Centre (WCLC), with solicitors encouraged to volunteer their time at the centre during working hours. We are currently developing a mentoring programme where WCLC staff meet with Bell Gully solicitors one day a week to discuss difficult cases and good practice management.

WELLINGTON COMMUNITY LAW CENTRE, COMMUNITY NEWSLETTER,

OCTOBER-DECEMBER 2009: In an article, *"Big Guy Bell Gully helps the Little Guy"*, WCLC Community Lawyer Colin Ross reports on an employment case we assisted with.

Big Guy Bell Gully helps the Little Guy

Colin Ross, WCLC Community Lawyer, reports on a partnership in action

A new partnership with the Wellington office of the law firm Bell Gully has already borne fruit.

WCLC has been acting for a client in an employment case, in which our client was awarded compensation by the Employment Relations Authority, for unpaid holiday pay, lost remuneration and compensation for hurt and humiliation. The outcome for our client was significant, but that was not the end of the story. The case was reported in *The Dominion Post* on 21 October, and quoted our client's former employer: "I told [the client's] lawyer to tell him not to go on a spendup thinking he's going to get \$10,000, because he's not."

WCLC decided to ask Bell Gully whether they would consider taking further action against our client's former employer, to try and secure the money owed to him. Bell Gully agreed, and they have issued a Statutory Demand on the employer's company. If this is unsuccessful, they may then apply to put the employer's company into liquidation.

What is a statutory demand? It is an economic and effective means of extracting payment of a debt from a company.

Once a statutory demand is served, the debtor company has 15 working days to pay the debt, or to enter into an arrangement with the creditor to pay the debt. If it does not do this, after another 30 working days, non-compliance with the statutory demand can be taken as evidence of insolvency, and the creditor can begin liquidation proceedings against the debtor company. The liquidation process involves asking the court to appoint a person to take over the running of a company and to ensure payment of as much as possible to all of the company's creditors (our client being one of them).

Clearly, this kind of action is beyond the scope of a community law centre, and for this reason we are thrilled that Bell Gully has stepped in and is using its resources to assist a vulnerable member of our community. Such a partnership in action can serve as a warning bell to dishonourable employers who not only mistreat their workers, but also flout decisions of the Employment Relations Authority on the basis that those same workers won't have the resources to pursue their claims for what is rightfully theirs.

PRO BONO



Parents Inc.

We provide pro bono legal advice to Parents Inc., a not-for-profit organisation whose vision is to positively impact every family by offering seminars, family coaches and workshops to equip parents with practical skills and strategies.



New Zealand Breast Cancer Foundation

Bell Gully is a strategic partner of the New Zealand Breast Cancer Foundation. A non-government funded charitable trust, the foundation promotes awareness of breast cancer, provides information and education, and raises funds to support breast cancer-related initiatives including research, scholarships, medical grants, community education and a breast cancer patient register. Bell Gully provides legal advice pro bono.



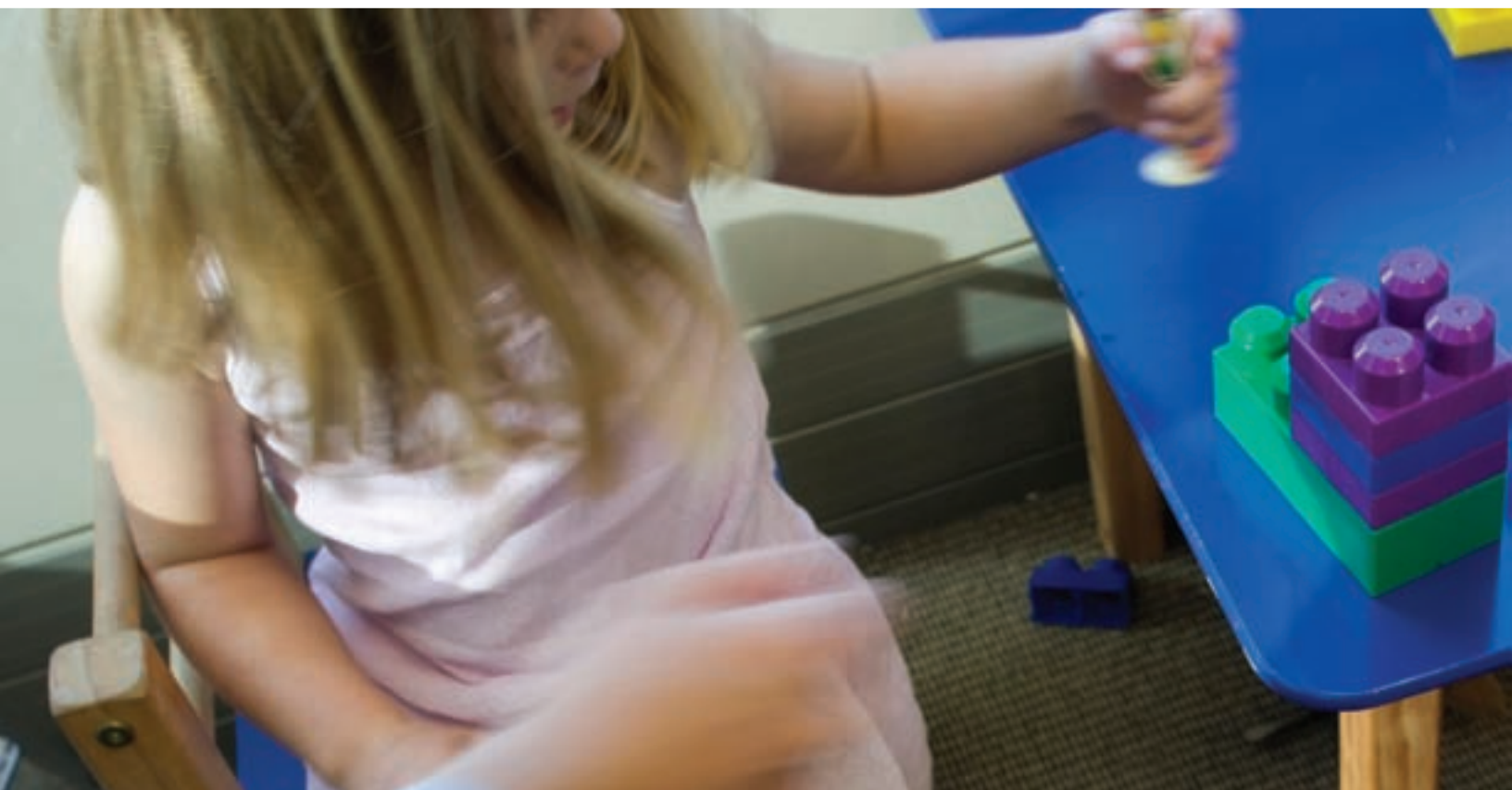
Project Litefoot

We have recently established a relationship with the Project Litefoot Trust, which is launching an exciting new initiative to promote environmental sustainability among New Zealanders. The campaign is led by seven of the country's most prominent sports people, including All Black Conrad Smith and windsurfer Barbara Kendall. It is hoped that this group of Project Litefoot ambassadors will inspire and encourage other New Zealanders to build environmental discipline into their lives and businesses, and we are doing our bit by providing pro bono legal advice.



Business Mentors

Business Mentors provides support to help small and medium sized New Zealand businesses prosper and grow through a volunteer business mentoring service. Bell Gully has been assisting this not-for-profit organisation with a range of issues for several years. Most recently we assisted Business Mentors with a contract it has now entered into with the Ministry of Foreign Affairs and Trade for NZAID to provide mentoring services to Pacific countries.

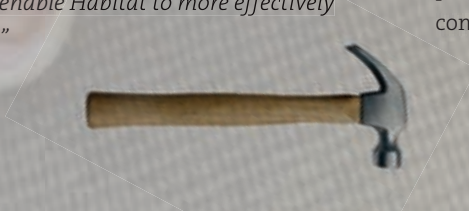


Habitat for Humanity

Habitat for Humanity is a not-for-profit organisation that works in partnership with people of goodwill and families in housing need, to eliminate sub-standard housing by building, renovating and selling simple, decent houses on an affordable basis. Having contributed the requisite number of hours to the build, families are required to pay for the house over a period of time, commensurate with their financial position and recognising that Habitat does not seek to make a profit.

We have prepared submissions to Government requesting law changes to accommodate Habitat's particular requirements.

Grant L Cathro, Habitat for Humanity, Chairman: *"Ultimately Habitat for Humanity seeks to see families transformed through knowing they have a safe secure dwelling which they can call their own. A dream all of them never thought possible. Your assistance has enabled us to seek changes to legislation which, if successful, will enable Habitat to more effectively undertake that mission."*



Auckland Regional Charity Hospital Trust

The Auckland Regional Charity Hospital Trust (ARCH) provides free elective surgery and medical outpatient clinics to patients who have been removed from public hospital waiting lists (due to rationalisations) and who are in immediate need but without the financial ability to 'go private'. The surgery and clinics operate in established private facilities which allow use of their operating theatres at no or reduced cost. However, ARCH aims to raise sufficient funds to build its own facility. As a charitable trust, the hospital is entirely dependent upon donations and the voluntary services of all of its supporters including doctors and nurses.

In the initial pilot stage, by early 2010, ARCH had carried out its first 12 operations and it is continuing to develop in the Auckland region. Bell Gully has provided pro bono assistance to the hospital on various aspects to enable its establishment, including assisting with charity registration, preparing a trust deed and advising on general legislative compliance.





Climate change and Bangladesh

The people of Bangladesh, a country bordered by India, Myanmar, the Himalayas and the Bay of Bengal, have long been vulnerable to flooding and other natural disasters. Now the country is also living with the effects of climate change and facing further significant risks from rising temperatures, sea levels and the intensity of climate events. These changes are already having major impacts on the lives and livelihoods of millions of already poor people and on the wider economy of Bangladesh.

Bell Gully has been working with the Bangladesh Parliament to provide advice on climate change and broader issues, with the backing of the World Bank, and independently.

In 2009 Bell Gully consultant Rt Hon Paul East QC travelled to Bangladesh to provide guidance to the country's MPs on how to run Parliamentary inquiries as part of a World Bank-funded workshop. The MPs were considering how an inquiry might help as they sought to address a range of issues, including climate change.

The MPs became aware of Bell Gully's expertise in climate change issues. The firm is ranked by international legal publisher Chambers Global as one of only 12 leading law firms globally in the climate change area and also names Bell Gully's climate change practice leader, partner Simon Watt, as one of just seven lawyers world-wide that are leading legal experts in climate change.

Soon after the Parliamentary workshop, Simon began leading a project to provide pro bono advice to Bangladesh Parliament's All Party Parliamentary Group on Climate Change & Environment.

The focus was primarily around climate change and human rights issues, in particular the extent to which international human rights law provides any remedies for nationals of a country affected by climate change, and how human rights arguments could be best-advanced in the context of international climate change treaty mechanisms.



They also looked at the issue of the status of “climate change refugees”, where, as is the case in Bangladesh, millions of people in low-lying coastal areas are being forced by rising sea-levels to migrate inland and in some cases may attempt to migrate by sea to other countries.

A number of Bell Gully solicitors and summer clerks were involved in significant research behind the advice provided.

The Chair of the All Party Parliamentary Group, Hon Saber Chowdhury MP, drew on the advice for a speech he gave in the Danish Parliament during the Copenhagen climate change conference in December 2009, and more generally in the context of leading the Bangladeshi delegation to the Copenhagen conference.

The World Bank has now also offered practical assistance to support the work given that it is being provided pro bono, including facilitating travel by Rt Hon Paul East QC and Simon Watt to Bangladesh later in 2010 to progress the advice further.



Partner Simon Watt and solicitor Sophie Atkinson

COMMUNITY



We contribute to community organisations through a range of initiatives.

Leukaemia & Blood Foundation

Bell Gully raised over \$21,000 in the 2009 Shave for a Cure campaign to support the Leukaemia & Blood Foundation. Over the last five years we have raised over \$116,000 through Shave for a Cure.

Our summer clerks also spent time helping patients with a range of tasks as part of their annual community leadership initiative and we have assisted the foundation with pro bono legal advice.

Plunket and the Salvation Army

As well as providing pro bono assistance to these long-standing community-based organisations, we donate \$5000 to each of them at what is probably the most challenging time of year – Christmas.

Mentoring (Taita College)

Bell Gully lawyers provide mentoring and practical assistance to students at Wellington's Taita College, supporting them in learning, development and career choices.





“It might sound clichéd but I got involved in Shave for a Cure because it was for a great cause. Giving up the (little) hair I had on my head was a very small sacrifice to make when I thought about what leukaemia patients and their families face.”

OGY KABZAMALOV, BELL GULLY SOLICITOR

Our 2010 programme

This year we have set an even more ambitious target for our pro bono programme. We aim to provide \$670,000 equivalent in legal fees. This is more than double our 2009 target but we are pleased to report we are on track to meet it. Next year, our target increases to \$1 million.

We are continuing to do plenty of very rewarding work for the organisations mentioned in this publication and we expect to build relationships with new ones as the year progresses. So far this year we have already established partnerships with two organisations doing quite diverse and valuable work in the community: Habitat for Humanity and Project Litefoot.

This year another highlight is shaping up in the form of a strengthening relationship with the Grey Lynn Neighbourhood Law Office (GLNLO) and its clients. In addition to our existing arrangements to second lawyers to the office we are also providing:

- lawyers for regular evening clinics for the local community, focusing on employment and consumer issues;
- senior lawyers as mentors for each of the more junior GLNLO lawyers; and
- training sessions for the more junior GLNLO lawyers.

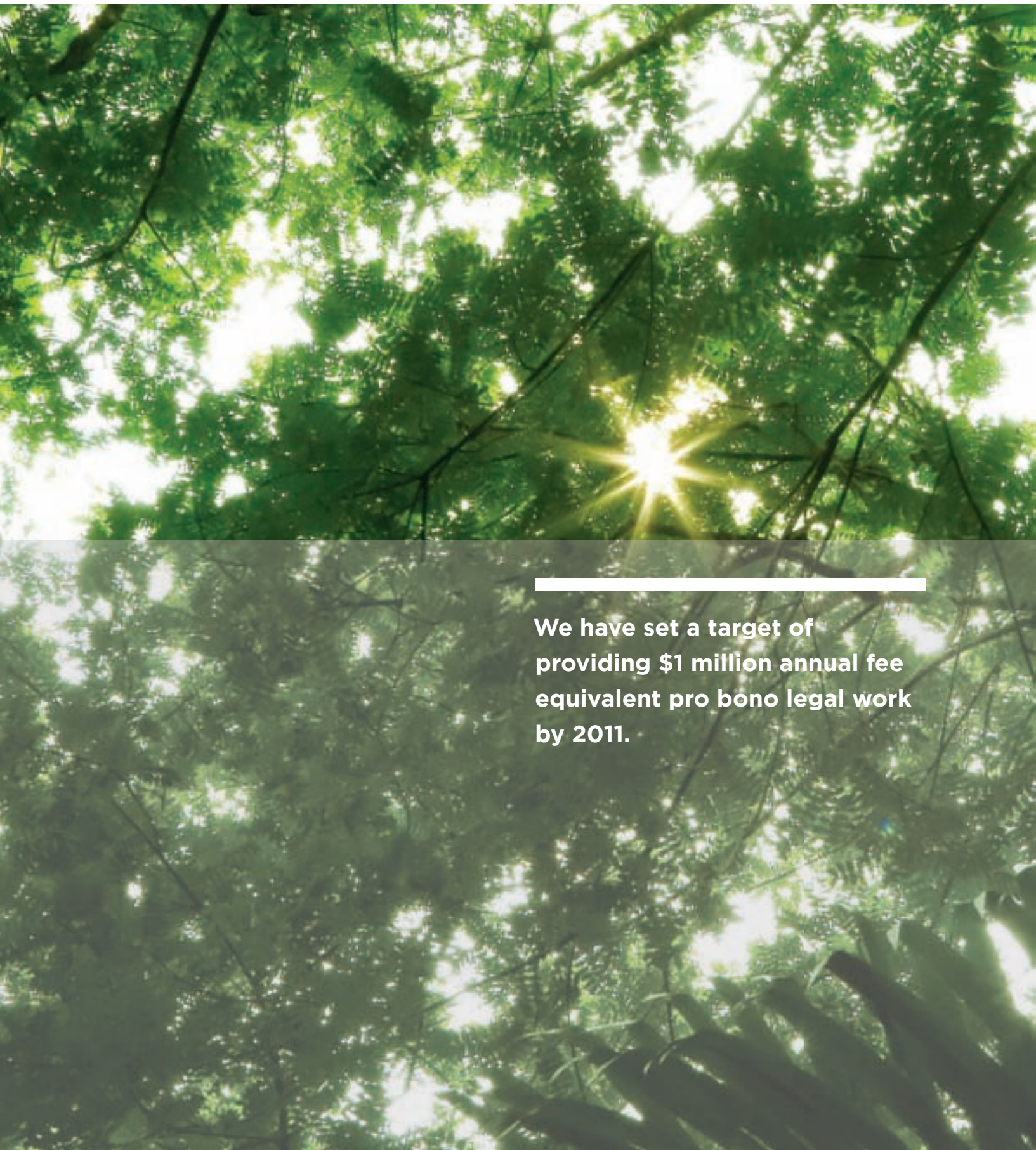
In addition, we are assisting all 26 Community Law Centres on the review, negotiation and amendment of their funding agreements with the Legal Services Agency.

We have again committed to supporting the work of the Leukaemia & Blood Foundation and will be taking part in our sixth annual Shave for a Cure later in the year.

Finally, we would like to acknowledge the many people who have provided a helping hand in delivering results through our work together and this programme, in particular the organisations, many of whom are mentioned in this report, and their people. We value the opportunity to work alongside you, and the trust you place in us to be on your team helping you make the difference you do.

BELL GULLY PRO BONO COMMITTEE





**We have set a target of
providing \$1 million annual fee
equivalent pro bono legal work
by 2011.**

*For more information
about Bell Gully's pro bono
programme contact:*

Rachel Gowing

PRO BONO MANAGER

rachel.gowing@bellgully.com

DDI: 64 9 916 8825

