

“EVERYONE,
NO MATTER
WHAT THEIR
CIRCUMSTANCE,
GETS FREE
ADVICE.”

An Interview with Luke Geary:

**Founder and Managing
Partner of Salvos Legal**

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Salvos Legal, a new not-for-profit law firm which opened in December 2010, offers a unique self-sustaining model allowing legal services to be provided for both commercial clients and humanitarian clients. The model of the legal practice includes a commercial arm, offering transactional property services, conveyancing, wills and estates, and general commercial legal services to fee-paying clients.¹ The profits generated from this arm funds the work undertaken by the humanitarian arm. The humanitarian clients are provided pro bono legal services, including court representation and advocacy, in a broad range of areas including migration and refugee law, centrelink law, housing, debt, family and children's law and criminal law.²

The Salvation Army, one of Australia's largest non-government organisations, owns Salvos Legal.³ The practice is influenced by the writings of the founder of the Salvation Army in *The Poor Man's Lawyer*, and *In Darkest England and the Way Out*.⁴ In particular, Salvos Legal attempts to provide holistic legal assistance that complements the social services that the Salvation Army provides to disadvantaged members of the community. At the same time, the service also endeavors to provide high quality legal services to commercial clients at competitive market rates. Salvos Legal has offices up and running in Surry Hills, Parramatta, Auburn, Campsie and Miranda, and is in the process of expanding into Queensland.

Luke Geary, the managing partner of Salvos Legal agreed to be interviewed about Salvos Legal for *Court of Conscience*. Luke was previously a partner at Mills Oakley, when

he began a part-time pro bono legal service in Auburn, Courtyard Legal.⁵ This service continued to grow, and in early 2010 Luke left his partnership at Mills Oakley to become the managing partner of Salvos Legal. Luke received the Anzac of the Year Award in 2010 for his contribution to the community. During the interview Luke discussed the model, and inspiration for Salvos Legal, as well as areas of legal disadvantage he is seeing in his practice.

What led to you establishing Salvos Legal?

Six years ago I set up a law firm called Courtyard Legal, which was a free, very simple practice, which I ran on the side of my commercial practice. Over 5 years, we saw and were able to represent over 750 cases for free. Towards the end of 2009, the Salvos said they want us to do this on a large scale...

How is the service funded?

We're completely free of state and Commonwealth government funding. If we asked the Salvation Army for money, we're still going to have this huge issue of other social services saying 'we don't have enough money'. The Salvation Army has never had a commercial law firm, but it doesn't mean that it could never have a commercial law firm...

We couldn't do a full-range commercial practice... those disputes [building litigation] get really messy, so I had to think of what was not controversial. There's a series of transactions you can do, that everyone needs, that have nothing to do with court. Buying and selling

the family home, wills and estates, assisting business in the drafting of documents. For us, that sits quite comfortably, because we're not involving ourselves in a fight. We've had quite a lot of people come to us for their personal Conveyancing, we've had a couple of really big clients come to us and say they want us to help with their commercial leasing, so getting big clients, big corporate's and government is really critical to this taking off, because it's that sense of steady volume of work.

We commenced practice in this model on the 1 December last year, so we've just finished our 8th month, and we've made budget, which is great.

What do you see as the advantages of this model?

[The funding model] gives us freedom. We're an independent law firm in every sense. We're not required to do anything for anyone. Of course though, the Salvation Army has a position in society as the most trusted charity. We only practice in our humanitarian area in the areas of criminal law, family and children's law, debt, housing, centrelink, and migration/refugee law.

How do you determine who can access your humanitarian legal assistance?

Everyone, no matter what their circumstance, gets free advice. Not everyone gets free representation. And we do have a fairly comprehensive means and merit test. Representation is given in circumstances where effectively there is a three-pronged test. The first is, is it a legal need and are these people coming

to us with an area of law that we can practice in, and can they afford a lawyer? Secondly, we have to decide whether we think we can make any positive difference for this person – that might be winning a case, that might be negotiating a settlement, that might be getting them out of a really bad loss, to make it a less bad loss. The third part is determining whether this a case the Salvation Army can support.

How is Salvos Legal different to a community legal service?

I think there are two really significant differences. Firstly, we don't do a lot of policy work. Our lawyers are here to run cases; we do start to finish legal representation. The second thing, and I think equally as important as full-time representation, is that we look at many needs of a client, not just the legal need.

Are there certain groups you have encountered in the community who seem the most disadvantaged in regards to obtaining legal assistance?

I think there are huge immigration issues. The funding for migration assistance is extremely limited, and the number of services that are around in NSW that are able and willing to assist for free can be counted on one hand. You take people who can barely speak English, may not be able to read and write, who have no friends or family, and may have come from trauma, or at least isolation and desperation. I think that is probably the most complex area of clients having access to justice – migration-refugee law.



Luke Geary in consultation
Salvos Legal

There's this incredible lack of access to representation. It's not a lack of advice – I think there's plenty of advice, but it's a lack of comprehension of that advice. Because it is an area where it is complex. If you were to come to Australia by boat, and get intercepted, you are almost certain to get representation. But if you come here on a plane, or another visa and disappear into the community or your circumstances change, you get no Medicare, no housing, no centrelink, no lawyer, you've got nothing. And it's those people, I think, that are the complex cases.

Are there other areas of disadvantage you have encountered?

Driving matters are becoming increasingly severe. People with high-range drink driving, there is a court of criminal appeal judgment that says you should go to jail. So traffic matters in the scheme of things might seem to people to be at the lighter end of criminal law, but practically to people they're at a very severe end.

In what ways do you attempt to provide an effective and legal service to these disadvantaged groups?

We work a lot with many community-based services, and together I think we're able to keep a hold of the client. Having a caseworker in a community-based organisation, a doctor or a social worker, can help us gather all the other bits of information. And then we can write a letter to a judge telling all the good things they're doing for this person, all the support services they have engaged with. We try very proactively to engage other services – so drug and alcohol,

financial management, crisis accommodation, welfare services, counseling services, all those other things.

It would be a very common day for a client to come in here, and immediately be referred to, for example, the Bridge program – a 10 month full-time residential Drug and Alcohol services program. We also get a lot of people here who are completely homeless.

A lot of our referrals come from the Department of Immigration, or other government services that hear of us because we've got a bit of a name for immigration work. And the people that come to us are in some of the most hopeless of situations. They have zero government or other non-government benefits, nowhere to stay, no physical belongings, usually no papers, but they're in the community. So the access we have to crisis accommodation and welfare services, that's irreplaceable. As a law practice, you can't help the legal problem if they've got nowhere to sleep at night.

REFERENCES

1. Salvos Legal, About Us (2010) <<http://salvos.org.au/salvoslegal/about-us/>>.
2. Salvos Legal, Salvos Legal Humanitarian (2010) <<http://salvos.org.au/salvoslegal/salvos-legal-humanitarian/>>.
3. The Salvation Army – Eastern Territory, Annual Review 2010 (December 2010) <<http://salvos.org.au/about-us/annual-report-and-funding/documents/TSAAR10-REVIEWweb2.pdf>>.
4. Booth, William, In Darkest England and the Way Out (Funk & Wagnalls, 1890).
5. Salvos Legal, Our People (2010) <<http://salvos.org.au/salvoslegal/our-people/>>.



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