

**Speech of Jacqueline Lethbridge, Chairperson of Auckland
Community Law Centre Board for the Commemorative Sitting of the
High Court at Auckland to celebrate the 150th year of the
New Zealand Law Society presided over by the Chief Justice Helen
Winkelmann on Friday, 25 October 2019.**

*E nga mana, e nga reo e nga rangatira
Tena koutou, tena koutou, tena koutou katoa
Tenei te mihi ki a koutou katoa e haere mai ana
Tena koutou, tena koutou, tena koutou katoa*

Chief Justice Winkelmann, Chief High Court Judge, Your Honours, Queen's Counsel, learned colleagues and guests it is my privilege to address you today in my role as Chair of the Auckland Community Law Centre Board on behalf of community law.

To open I recite the words of US Supreme Court, Justice Lewis Powell who said:

Equal justice under law... it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists... it is fundamental that justice should be the same, in substance and availability, without regard to economic status.

In addressing this Court I speak to the converted when I say that equal access to justice underpins the rule of law. This was recognised in the earliest foundations of our legal system dating back as far as the Magna Carta, long before the legal profession was established in Aotearoa.

150 years on from the establishment of our legal profession, our role as lawyers remains to champion and strive to uphold the rule of law and that most fundamental of its tenets namely achieving access to justice. The "justice gap" which has been recognisable across the ages cannot be bridged or changed without proper availability by those least able to afford it, to the services of lawyers.

The first formalisation of this idea in New Zealand, came about 42 years ago with the establishment of our first community law centre above a Butcher's shop in Grey Lynn in 1977. It was then named the Grey Lynn Neighbourhood Law Office and is now named the Auckland Community Law Centre after it was moved into the central city and is now housed in modern premises.

The drive to establish the law centre came from within the profession, with a number of Auckland practitioners recognising the need to locate a law office to provide free legal services in deprived communities. Grey Lynn was not prosperous in 1977 and the community that lived there a far cry from the well healed, flat-white-belt it is in 2019.

There was not universal agreement within the profession as to the wisdom of establishing a community law centre. Some quarters of the profession objected on the basis law centres were competing with private firms and lawyers.

Common sense prevailed with pilot funding coming from the law society and over the succeeding years, funding sources including a levy agreed to by Auckland practitioners in

1987, and the passage of the *Legal Services Act 1993*, which led to money being diverted from the Special Fund to the more recent model of formal government funding.

From those humblest of beginnings, the community law service movement has spread across the country so that in 2019:

- There are 24 independent community law centres across the country;
- A national organisation, Community Law Centres of Aotearoa, that coordinates law centre resource and strategy at a national level and lobbies government on a collective basis;
- There over 1 million hits annually on the national information website;
- 53,000 casework clients are attended to annually; and
- an annual return of \$50 million in value is provided to the government for an input of \$13m in funding.

It is a testament to those Auckland lawyers who founded the movement and those who then spread it across the country that today to mark the legal profession's 150 year history, community law is given a voice before this Honourable Court.

Indeed former lawyers who have worked for law centres or served on their boards have made it to the highest ranks of the profession, judiciary and government with these people including Judges of the District Court and High Court, Queen's Counsel, a Governor General and the current Attorney General.

Those leaders who have moved up from within the community law movement will need to use those positions to show leadership in assisting how it is the legal profession fulfils its role in upholding the rule of law by filling the ever increasing justice gap that arises in our society of 2019.

In fact, every lawyer in this profession must make it their business now and into the future to improve the accessibility, affordability and availability of our skills and services to our community.

This great need can not be plugged by the meagre resources currently provided to community law centres alone. While the sector is better funded than it has ever been before it remains grossly underfunded to meet the current shortfalls in providing core legal services and representation.

The sector survives on the goodwill of those staff working for centres taking often less than market rates and volunteer board members freely giving of their time. Without the thousands of hours of free legal services provided by lawyers and law firms around the country community law centres would have little impact.

Innovation is often driven where the greatest need exists and that has been true of those initiatives which are being driven by the community law centres.

The reforms that led to capped funding for law centres after the collapse of the special fund, policy changes limiting the amount of litigation community law centres could undertake and the retraction generally in legal aid funding since 2009 have had dire consequences on justice being available on an equal basis.

This meant a burgeoning number of self represented litigants especially before our civil Courts (including the family and employment courts) with a matched burden on the staffing and judicial resourcing of those courts. While successful initiatives like the Public Defence Service

has provided some relief in the criminal justice system, the availability of free or low cost legal services in the civil Courts is non-existent.

Despite calls from the NZLS and judiciary, including from Your Honour Chief Justice Winkelmann and Justice Venning, the innovation to address these access to justice issues has largely come from the community law movement where the realities of them are felt most keenly and seen on a daily basis.

ACLC took up the call to arms and with support from the Auckland profession, the New Zealand Law Society and New Zealand Law Foundation has achieved two notable goals:

1. Successfully developing a pro bono pilot with funding and support from the New Zealand Law Foundation and the New Zealand Law Society in the bankruptcy and employment jurisdictions. An independent evaluation of the services showed unanimous agreement they:
 - (a) were extremely valuable
 - (b) reduced barriers to justice
 - (c) should be continued and extended

This model has been adopted at a national level and funding has been sought from the Ministry of Justice to expand it in Auckland with a view to expanding it across the country.

2. Dramatically increasing the volunteer and pro bono relationships with ACLC from the Auckland profession by growing them from 20 individuals and 1 firm 4 years ago to 100 individuals, 4 large law firms and a number of leading QCs and senior Barristers who regularly provide volunteer legal services through ACLC.

At a national level, CLCA is looking to the future of delivery of free legal services including being involved in exploring an artificial intelligence project called ChatBots. These are automated, machine learning pieces of software that allow people to have questions answered in real time from an internet browser.

Whatever the future will hold for this profession, including the possibility that robots, as well as humans, may assist in delivery of legal services, the responsibility for ensuring equitable access to justice will continue to rest with the legal profession and those lawyers who make it up.

The community law movement has become an essential avenue to ensuring that the rule of law is upheld for the good of New Zealand's society. The partnership between the New Zealand Law Society and legal profession with community law centres will continue to be central to ensuring that this resource remains available as a voice for those most in need.

If the Court pleases, that is my address.