

LIVLAS APPLICATION INFORMATION



**Law
Institute
Victoria**

LIV Legal Assistance Scheme

What does LIVLAS do?

The Law Institute of Victoria Legal Assistance Scheme (**LIVLAS**) arranges pro bono (free) legal assistance for members of the Victorian community who in need of legal assistance and are unable to pay for the legal services they require.

Am I eligible for legal assistance?

To be eligible for assistance, you must demonstrate to LIVLAS that you:

- are a resident of Victoria or have a legal dispute which arose in Victoria;
- have a legal issue which requires the assistance of a solicitor;
- your case has legal merit (a reasonable prospect of success);
- you cannot afford to pay for legal assistance from a solicitor;
- you cannot obtain legal assistance from any other source (including Victoria Legal Aid and community legal centres); and
- the matter is appropriate for pro bono assistance.

Do I have a right to assistance?

LIVLAS 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.

How do I apply to LIVLAS?

You must complete an Application Form and provide LIVLAS with any further relevant information requested. If you need help to complete the Application Form, please contact LIVLAS.

Is my application confidential?

All information you provide to LIVLAS will be kept confidential subject to such disclosure as may be necessary for the purposes of assessing and referring your matter to a solicitor.

What happens when I apply?

A LIVLAS Manager will assess your application to determine whether you meet the scheme's acceptance criteria (see above: "**Am I Eligible for Legal Assistance?**").

If eligible, we will contact a solicitor who practises in the area of law in which you require assistance and, if possible, who practises in your local area. If the solicitor accepts the referral, we will inform you either by telephone or in writing. It is then up to you to telephone the solicitor and make an appointment. After interviewing you, the solicitor will explain the extent to which he or she is able to assist you.

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.

What sort of assistance is provided under the Scheme?

LIVLAS arranges all aspects of legal assistance provided by solicitors from advice to representation in Court. We are happy to consider applications in most areas of law.

LIVLAS does not take responsibility for compliance with any time limits in connection with your case.

Do LIVLAS staff provide legal advice?

No, LIVLAS cannot provide legal advice or perform any type of legal work on your behalf. LIVLAS staff do not act as your solicitor.

Who provides the legal assistance under the Scheme?

Legal assistance is provided by volunteer solicitors in private practice who are members of the Law Institute of Victoria.

LIVLAS administrators maintain a database of solicitors practising in a wide range of areas who are willing to work on a voluntary basis.

Do any fees apply?

The assessment of your application by LIVLAS is free. If successful, LIVLAS will refer your matter to a lawyer on a pro bono basis.

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.

Will there be costs if I lose my case?

If you lose your case, the Court/Tribunal may order that you pay the other party's legal costs. These costs are your responsibility and are not covered by LIVLAS or the solicitor.

Can I appeal a decision by LIVLAS?

Yes. If you do not accept the decision of the LIVLAS Manager, you may request that your matter be considered by the Access to Justice Committee of the Law Institute of Victoria. Such requests should be made within 30 days of the date of the refusal letter and must be in writing to the LIVLAS Manager.

The Committee's decision is final, there is no further appeal.

What is the role of the Public Interest Law Clearing House (PILCH)?

PILCH administers LIVLAS on behalf of the Law Institute of Victoria. PILCH is the major facilitator of pro bono legal assistance for the community by the private legal profession in Victoria. PILCH also coordinates the delivery of pro bono legal services through five other schemes.

For more information, please visit PILCH's website at www.pilch.org.au, call LIVLAS on (03) 8636 4425 or email at livlas@pilch.org.au