

**Report on the IV Asia Pro-bono Conference at Mandalay, Myanmar from  
September 3-5, 2015**

The theme of the conference was ‘**Pro Bono and Ethics Build a Noble Legal Profession**’. The following officials attended the above conference:

- (i) Sh.A.N.Saxena, Deputy Secretary
- (ii) Smt.Prem Lata Kaushik, Under Secretary
- (iii) Mr.Mangyang Lima, District & Sessions Judge, Mon, Nagaland
- (iv) Prof. Mohammad Ayub Dar, Dean & Dean, Faculty of Law, University of Kashmir.

2. The delegation reached Mandalay on 2<sup>nd</sup> September 2015. In the evening, there was a **pre-conference welcome reception**, wherein participants from around 19 countries were present. There were more than 200 participants. A general welcome was given by Mr. John Corker of Australian Pro Bono Centre and Ms Thip Nouansyong of Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE).

Some clips from a number of episodes of a popular TV programme, ‘**The Sun, the Moon and the Truth**’, produced by the Myanmar Legal Aid Corporation, were shown, where an attempt has been made to highlight the various ills of the society, the legal rights of the citizens, by weaving the concept in a story format in a very interestingly manner. Ms Grace Swe Zin Htaik, who was an actress earlier but is now devoted to the social cause and has produced the above serial, spoke very passionately about her venture. (She is now going to start production of Part II or sequel of the above serial). A skit ‘**Human Drama**’ which was a product of a joint partnership between the British Council and Francois-Xavier Bagnoud, was also shown, which aimed to raise awareness and change behavior on various issues like health and social issues within the community. Young, highly skilled Burmese actors delivered the entertainment programme through direct audience participation.

3. On 3<sup>rd</sup> September, the conference started. The welcome address was given by Mr.Bruce A. Lasky and Ms Wendy Morrish, both from BABSEA CLE. Mr.Bruce quoted from Mr. Auther Ashe, the famous Afro-American tennis player, who won Wimbledon thrice and had quoted ‘you should start from where you are, use what you have and do what you can’. Mr. Bruce cajoled everyone to do his/her best, even within the limited means available. Various topics discussed during the day were as under:

<b>Topic</b>	<b>Speaker</b>
<b>Key note address:</b> The role that pro bono and ethics play in building a noble legal profession	Mr.U Hila Ko (Mandalay Law firm)
What do we mean by pro bone and what are its ethics	Mr. Adian Evans (Monash University, Australia) Ms Miriam Chinnappa (ASF) Ms Panarairat Srichaiyarat (Centre for ASEAN Studies, Thailand)
Law student pop-up session	Ms Charmaine Yap (student of National University of Singapore)
Identifying the legal needs and the challenges facing access to justice and legal aid in Asia and how pro bono might help overcome these challenges	Bruce. A Lasky (BABSEA CLE) Katie Robertson (Maurice Blackburn) Nicholas Booth (UNDP) Sumaiya Islam (Open Society Foundations)
Overcoming challenges of replicating pro bono programme success	Ms Annetee Bain (International Pro Bono consultant) Mr.Dan Creasey (Colin Biggers & Paisley Lawyers, Australia) Helena Whalen-Bridge (Faculty of Law, National University of Singapore) Kathryn Thornton (Allen & Overy, Yangon)

4. The sessions were interactive. It was highlighted that pro-bono is an effort which requires time and skill to achieve justice for all. Further, it is **not that voluntary work is always good or ethical**. For being ethical, there are three qualifiers viz.

- (i) Are the intentions of the people taking action good (virtue ethics)
- (ii) Are the methods used fair to all involved, especially to women (Kantianism)
- (iii) It will not cause any adverse consequences (consequentialism)

If the reply to all the three is 'yes', then proposed action can be categorized as 'Pro-Bono'. Pro bono is a skill to achieve justice. Pro bono is not philanthropic activity, but it is professional responsibility.

5. Ms Miriam Chinnappa highlighted as to how after the Genocide in Burundi, a group of lawyers came together and provided help to the needy on pro-bono basis (Advocats Sans Frontiers or ASF). It was emphasized that under pro-bono, quality service should be given. For providing access to justice to the vulnerable group, the steps/initiative involved can be indicated as (i) equal access to legal service (ii) correcting structural irregularities (iii) improving court processes (iv) focus on policies and (v) emphasis on informal justice.

But there are challenges also for Pro-Bono, viz. the marginalized section of the society do not have equal access to justice. According to Dr. Amartya Sen, Development is Freedom and Freedom is the capacity to lead the life we choose and do the things we value. For development people need to have liberty, health, security, land, education, jobs, family etc. Pro bono is relevant to development. Pro bono may be done in various fields such as right to education, gender equality, protection from domestic violence, land rights, migrant working rights, LGBT rights. At present there are no goals for rule of Law. It was also informed that **UNDP is going to adopt Goal 16 i.e. to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels** in its coming session from 25-27 September 2015, which will also provide necessary impetus, importance and push to the above project..

It was mentioned that in some cases, **as a pro bono measure, PILs have been moved which has triggered social change**. The case of Christmas Island in Australia was highlighted, where the asylum seekers are sent. But some pro-bono lawyers, through PIL highlighted the conditions in which the children born to asylum seekers (in Australia) are forced to live in Christmas Island where there is no schooling, no place to play. After the PIL, the Government was forced to take note of the situation and the children concerned got the help. A number of speakers highlighted the fact that in their countries Bar Councils play a major role in promoting pro-bono lawyering, apart from community based Para Legal Volunteers (PLVs), University based law schools and law clinics. Good initiatives have been taken for pro bono in Asia by students in migrant workers rights Though South Asia and South East Asia is working a lot on pro bono concept but still there is lack of networking among these countries. A lot more cross border initiatives need to be taken, so that the problem of migrant workers can be tackled effectively.

Mr. Bruce emphasized that **Legal Ethics, Legal Aid, Pro Bono and Legal Education** are four important areas which have to work together and for which law firms, teachers and students have to hold hands.

In the break out session relating to 'Overcoming challenges of replicating pro bono programme success', it was highlighted as to how Singapore made use of the Australian model/**website**, chose the right people for the work and customized it as per the requirements of Singapore i.e. language, tone, the target group, the environment etc. Some tips were also shared like invest more time than you think you can devote, review the situation, if it is not working find out what needs to be changed, the targets/planning should be well in advance and transition period has to be taken care of, so that the work is not affected. For legal empowerment of marginalized sections we should build skills, capacity, infrastructure for NGOs so that they are capable of providing pro bono lawyering.

6. On day 2 that is 4<sup>th</sup> September, the following were the sessions:

<b>Topic</b>	<b>Speaker</b>
<b>Key note address:</b> Further developing the pro bono legal culture and structure in the region	Ms Malathi Das, Immediate Past President LAWASIA (Joyce A Tan and Partners)
<b>Break out session:</b> How do we improve awareness of the availability of pro bono legal service in Asian countries	Katie Swatman (K&L Gates, Melbourne) Lynn McMahon (Herbert Smith Freehills) Sarah Morton-Ramwell (Ashurst)
<b>Break out session:</b> How we built our culture	Speakers from Singapore, Myanmar and Vietnam
<b>Break out session:</b> The social and ethical role of lawyers in access to justice and social change	Mr. Bruno Langhendries (ASF) Ms Caltriona Martin (DLA Piper) Ms Debrah Mercurio (Mawlamyine Justice Centre/MLaw) Ms Minh Ngugen (Gide Loyrettee Novel AARPI) Mr. Sunil Pokhrel (Nepal Bar Association)

The speakers spoke of pro bono as a pro bono tree, which needs to have a structure (instead of haphazard manner, it has to be systematic, logistic arrangements), needs to be nurtured (preserving, defending, due diligence, honesty, hard work, ethics & values) and culture (and not vulture, how to adapt to changing social scene and technology). It was emphasized that like one of the four Maori cosmologies, one should proceed from conception to increase, to thought, to remembrance, to consciousness and to desire. Thus Pro bono work is a tangible manifestation of legal professional's humanity.

The speakers spoke of the challenges faced by them in their efforts to start pro bono initiatives in their country and gave a number real cases, real examples where they were able to help the needy, with no cost or minimal cost (Lo bono) to them. One speaker spoke of pro bono initiative where heart, Head and Hand come together. Further, some initiative also need to be taken to spread awareness about pro bono by using media, social networking sites etc. The common man needs to be told about such initiatives taken by some lawyers, law firms, law students etc. Some lawyers practicing pro bono lawyering also highlighted the need for providing the service to the deserving cases only, as injudicious pro bono service may also lead to commitment of more offences by some unworthy people, as had been experienced by some of them. Further, like human right activists, some protection also needs to be there for pro bono lawyers dealing with sensitive cases.

The unmet legal needs were highlighted again and again. The effort should thus be to bridge the gap between those in need and those willing to provide it. Bar Associations have to ensure quality legal service. Some have advocated for development of institutional legal aid system. Civil society may also play an important role in increase of pro bono activity. Some pro-bono lawyers helped the needy people in their community in Indonesia (mostly migrant workers) by making them aware of the documentation required in their cases, provided pocket manual to them in local language, so that they do not face any problem and all their documentation is complete.

The need for senior lawyers taking up pro bono lawyering, mentoring the young lawyers/ law students was also highlighted so that it gets groomed and becomes part of the culture for the future generations of the lawyers. This culture will need to be nurtured. Empathy is necessary for all concerned in this field.

7. On day 3 that is 5<sup>th</sup> September, the following were the sessions:

<b>Topic</b>	<b>Speaker</b>
<b>Key note address:</b> Pro bono and legal education	Ms Panarairat Srichaiyarat, Centre for ASEAN Studies, Khon Kaen University, Thailand
Pro bono in the life of a law student	Balawyn Jones (Student, University of Queensland) Bounthy Xaechao (Student, Faculty of Law & Pol Sc, National University of Laos) Rebecca Morrison (Student-University of Queensland) William Lee (Student, University of Queensland)
Should law professors do pro bono (is this option available in your country)	Ms Helena Whalen-Bridge(National University of Singapore NUS) Ms Monica Taylor (Pro Bono Centre, University of Queensland)
A debate on whether student pro bono should be made mandatory	Douglas Leow Yun Tek (National University of Singapore, Pro Bono Group) Maxwell Abbott (BABSEA CLE) Shawn Teo Kai Jie (National University of Singapore, Pro bono group) Tracey Atkinson (BABSEA CLE) Vidjia Phun (Pannasastra University of Cambodia)
Tracking student pro bon initiatives	Kimpao Mao (Student, Pannasastra University of Cambodia) Pavina Thephithuck (BABSEA CLE) Suphamat Phonphra (BABSEA CLE/SEACLEA)
Effective student-lawyer pro bono: strategies for making the most of the student-lawyer relationship	Bruce A Lasky (BABSEA CLE) Preeda Saiupparat (Upparat Law Office) Sue Garlick (QPILCH)

8. The day was devoted mostly to the students. Some of the students had taken a year off from their studies, to take up pro bono work. They propose to work in community legal clinics and help their poor countrymen, want to nourish compassion and work in the direction of justice to all. They shared their individual experiences. It was informed that in South Africa, there are four universities in which pro bono work is mandatory. In New York students should do 45 hours mandatory pro bono work per year and in Singapore 25 hours of pro bono work is mandatory. Students also narrated the difficulties/challenges faced while performing pro bono activities. They sometimes even do not get support from their teachers. They have to go to remote places and face socio economic difficulties. The sessions were held in very interesting manner, where the participants and even speakers were divided in groups i.e. pro pro bono and anti pro bono. Both the sides presented their arguments/counter arguments. While one side debated that there should be no pro bono for law professors and law students, since the time they should spend on studying will get wasted, they will lose on their studies and will turn out lawyers of poor quality. What benefit their future clients can think of, by taking services of a lawyer who is not excellent at his/her craft. The other side maintained that it is the mental block, which is responsible for such a view. It is not that the entire time and energies are proposed to be devoted for pro bono work, but only for a small period, so as not to affect the studies of the students. Further, apart from theory, they get practical education alongside, which is only going to benefit them, excel them in their craft.

9. In Vietnam, as per law there is an obligation on lawyers to undertake legal aid work but the requirement is not enforced. Some law firms also indicated some challenges (in Singapore) like stress, heavy & long working hours, billing targets set up by the firms for individual lawyers, high cost of living, lack of appropriate communication skill to reach out to local poor people, lack of suitable legal knowledge required for addressing the local issues, restrictions on lawyers in offshore firms, licensing restrictions, mindset of people, background of lawyers as most of them are generally from privileged families with little or no knowledge about issues of man of street, the rat race for material enjoyment.

But despite the above challenges, Singapore has been able to achieve in lot in pro bono lawyering initiative. It is because the Government is supportive, the law firms and the lawyers have understood to keep the lawyers happy, they have the trust of their employers, have learnt effective time management & plan ahead, the seed of pro bono is being planted early in schools, colleges, pro bono manuals are there to guide the lawyers, system and infrastructure has been set up to organize pro bono activities. All participants were encouraged to undertake pro bono activity, not only in the legal field but in other areas as well, as some help is better than nothing. PRO BONO was defined as under:

P: Profit  
R: Remaining  
O: On  
B: Boundary  
O: of  
N: Non Selfish  
O: Of your own good

10. All presentations and sessions were interactive, very interesting and inspiring. The conference brought together lawyers, judges, professors, students, law firms, government officers, representatives of international NGOs and members of local civil society organizations and enabled them to share their ideas, experiences for the benefit of all. It was a great and unique opportunity to learn as to how pro bono initiatives can be used to meet the needs of the common man, as well as promote legal empowerment of common man/marginalized sections of society through legal education and other public participation methods/mechanisms such as media, TV serials, social networking sites, recognition of good initiatives being taken in different parts of the world by committed people and by holding such sessions where all concerned are brought together.

The next session (5<sup>th</sup> Pro Bono conference) will be held in Bali, Indonesia.

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