

**A PIONEER IN
DRUG AND
ALCOHOL
TREATMENT IN
THE HEART OF
ST KILDA**



**First Step Legal
Annual Update
2014 - 2015**



OVERVIEW

First Step Legal is pleased to report on our busiest year yet. Over the past twelve months we have:

- Operated the legal service four days per week with the addition of a Legal Case Manager three days a week,
- More than doubled the number of files managed,
- Been awarded the largest grant ever received by the legal service by the Victorian Legal Services Board + Commissioner (**LSB**) in their 2014 Major Grants round,
- Successfully implemented the LSB grant project: expanding the legal offering and introducing a new client intake, case management and follow up program,
- Become a practice that can offer the services of an Accredited Criminal Specialist,
- Created a new legal database and commenced transferring all historical and file data,
- Continued to participate in events and contributed to wider discussion regarding Health Justice Partnerships,
- Contributed to the recently launched Health Justice Partnership Tool Kit,
- Maintained our commitment to policy reform in the therapeutic justice and justice re-investment space and our involvement with the Smart Justice Steering Committee and Smart Justice for Youth,
- Presented a TED (style) Talk at the NACLC Conference in Melbourne,
- Inducted and managed five new legal service volunteers,
- Received new funding from new supporters,
- Continued to deliver our high standard legal service and support to complex, high needs clients in a range of criminal and other legal matters.

QUICK REFRESHER ON FIRST STEP LEGAL AND HOW WE ARE DIFFERENT

First Step Legal has been operating since 2008. It offers pro-bono and/or low cost legal services to clients of First Step who are actively engaged in rehabilitative treatment. First Step is a multidisciplinary mental health and drug and alcohol rehabilitation clinic.

Recognising the link between stress from legal matters and relapse and reoffending, First Step Legal is a specialist, predominantly criminal law practice, which, in addition, now supports clients with a range of legal matters from housing and tenancy, infringements, intervention orders, VOCAT applications, civil debt and family law applications. Where we do not have the resources to directly handle the matter ourselves, we make referrals to practitioners who are experienced in practice in the relevant area of law.

First Step Legal is different in a few key aspects:

- We offer *pro bono* legal services to clients who are among the most disadvantaged and disenfranchised members of the community yet receive no state or federal funding;
- We are embedded within a mental health and drug and alcohol treatment and rehabilitation clinic;
- Our methodology of practice centres on allowing the client sufficient time to progress in their rehabilitation prior to the final hearing; this often necessitates matters to be adjourned several times before they are ready to proceed to final hearing;
- The current legal aid funding structures do not allow for this type of practice method to be funded, as a result, First Step and First Step Legal have sought private, corporate and philanthropic funding to ensure the continuity of its operations;
- The legal team works closely with allied health professionals through regular case conferencing and communication in supporting our clients achieve an ultimate disposition/ resolution which will support their continued rehabilitation and recovery in the community;
- The positioning of the legal service within First Step facilitates a more trusting relationship between the lawyer and the clients, such that the lawyer becomes part of a triangular rehabilitation model of care.

WE CAN'T DO IT ALONE

Thanks to funding received from the LSB, this year we continued to operate a four day per week practice. As the graph at the end of the report illustrates, we almost doubled the numbers of clients we have been able to assist. This achievement has been largely attributable to our new team of enthusiastic volunteers and our new Legal Case Manager whose role includes resource intensive administration and practice management as well as client liaison with the healthcare professionals and the Courts.

Our success is also attributable to the assistance and support we get from external legal practitioners who generously give of their time and skill.

We thank and acknowledge the support and assistance which Anton Hermann and his team at Minter Ellison Lawyers continue to provide to the increasing numbers of our clients whom we refer with their infringements court matters.

We also acknowledge the assistance of Gideon Super of Super & Super Lawyers for his many hours of work, advice and representation, all pro bono, in helping us with our first application for Parenting Orders. We also acknowledge DLA Piper for their ongoing support and look forward to working closer with DLA in the future.

CASES

An overview of the cases for the relevant period (1/07/14-30/06/15), indicates that the majority of clients progressed in their overall rehabilitation while engaged with the legal service in conjunction with the First Step treatment team.

We have dealt with a range of criminal matters, including: thefts (including of a motor vehicle) and other dishonesty offences, assaults, criminal damage, various drug related offending (including trafficking), breaching Intervention Orders and Community Corrections Orders, suspended sentences, possession of prohibited and dangerous weapons and/ or other driving offending including as drive while suspended, drive while drug impaired, over the prescribed BAC and to such a state as incapable of having proper control of a vehicle. We also represented a client in relation to a charge of drive in a manner dangerous causing death. This year we briefed Queen's Counsel in a contested assault matter for a long-term client at risk of imprisonment, leading to a complete acquittal and an award of costs.

Once again, we are proud of the Court outcomes achieved by the First Step Legal for our clients that enabled them to continue their rehabilitative programs. Matters do not need to be rushed through due to the flexibility in our current funding model. If additional time is required to achieve a desired outcome, matters are adjourned (sometimes on several occasions) until such a time that our clients have progressed in their rehabilitative efforts and there is sufficient probative evidence to illustrate to the Court that the client has transitioned from a life marked by offending and chronic addiction to one which is functional and constructive. Time and again the value of this approach has been reflected in the court outcome.

This year, we successfully applied to have a number of our clients' matters referred to and finalized by the Assessment and Referral Court List (a Specialist Mental Health List at the Melbourne Magistrates' Court). Within that specialist Court list, our clients are supported by ARC professionals, with regular judicial monitoring by empathetic Magistrates, and referred to service providers including treating professionals of First Step over an extended period. This has assisted a number of our clients struggling with challenges including fluctuating mental health, housing, addiction and relapse issues, in enhancing their ability to comply with orders and prevent re-offending.

We also assisted with more Infringements matters through Special Circumstances applications than any previous year. We made applications and assisted with preparing court materials for numerous clients with more than 100 outstanding infringements. With the assistance of Anton Hermann from Minter Ellison, and through our own work, we have had great success in significantly reducing or revoking entirely large numbers of infringements and

subsequent sums of fines owed by our clients. In early 2015 we made our first application for Parenting Orders on behalf of a client and with the invaluable advice and assistance generously provided by Gideon Super from Super & Super Lawyers.

CLIENT STORIES AND TESTIMONIALS

“Sue” - is a 23-year-old young woman who came to First Step Legal with a number of charges flowing from an incident of careless driving where she had a BAC of over 0.19 and caused significant damage to other vehicles. Despite her youth, she had a long history of addiction with both alcohol and amphetamines. Like so many of our clients, Sue’s childhood was impacted by the complete absence of appropriate role modeling: with her mother spending long periods in prison and her father dealing with his own struggles with alcoholism. Sue engaged regularly in treatment with her mental health nurse and a psychologist at First Step and by the time her matter came to Court, we were able to persuade the Magistrate of her commitment to her rehabilitation resulting in the Magistrate not exceeding the minimum licence disqualification and disposing of her charges by way of an adjourned undertaking.

“First Step Legal has helped me focus on my recovery by not having to stress and worry about my criminal charges. That was very important and helpful to me, because stress like that and constant worrying can trigger my delusions and have a really bad effect on my mental health. I felt very supported from the beginning and throughout the process. I knew everything would be alright because Tania and Bess were always on top of everything and looking after it for me. I felt great about my result, I was so happy to receive a good behaviour bond, because it would have been very hard for me to complete a Community Corrections Order. Thanks to the legal service for all your help.” – “Mark”

“John” – is a 26 year old male who was raised by his single parent mother. He had ADHD as a child and struggled with school. His introduction to drugs came early, being prescribed Ritalin at the age of two and then himself dabbling with his mother’s medications in his early teens. In his late teens he became enmeshed in the club scene and his drug use a daily occurrence. John sought treatment at First Step in relation to an ice addiction when he was in the early stages of ice withdrawal. He had large number of criminal charges including driving charges (excessive speed, driving under the influence of drugs, etc), possession of offensive weapons and drug trafficking.

We applied to have all John’s matters moved to the ARC list (a specialist court list dealing with Mental Health issues). Over the course of nearly two years he attended weekly appointments at First Step, engaged with other treating professionals, appeared monthly at Court mention dates and ceased all drug use. His matters were finalised in Court in February. Our ultimate submission was that his charges should be discharged entirely, i.e. wiped clean as a consequence of his compliance and commitment to his recovery and rehabilitation and the work he had done while on the ARC list. It was a bold submission, but, the Magistrate, thankfully, acceded to it.

Significantly, at the end of the sentence (which discharged all charges including a number of fines) the Magistrate addressed him personally and directly. She complimented him on what he had achieved and remarked that he had a number of strengths and qualities that she had observed in him which he probably didn’t realise he had. It was an extraordinary and moving moment to witness. Her engagement with John directly was encouraging and validating. He had never heard those words said about him before, let alone from someone who he admires and who is held in such high esteem. For a young man who had felt invisible and unexceptional most of his life, to be told that he was impressive, and that he had gifts even he was unaware of, will be something none of us who were in Court at the time will ever forget.

“Billy” – Billy is an 18 year old male, referred to First Step Legal with significant drug trafficking charges following a police search of his home. Due to the significant quantity of drugs found during the search, he was facing a real possibility of immediate imprisonment.

Billy had been struggling with addiction issues for over a year and had been unable to maintain any extended period of abstinence on his own. He was also at risk of not being bailed, as he had no surety and residence to which he could be bailed. Following frantic efforts to organise for him an immediate detox hospital bed and longer term place in residential rehabilitation, we were able to arrange that he be bailed immediately after his police interview to a hospital for detox followed by immediate transfer to Windana Therapeutic Community at Maryknoll. We adjourned his matter twice, stayed in regular contact with Billy and his treatment team, and to his credit, Billy remained engaged and committed to his rehabilitation program. Prior to his court matter being determined at end of June, he had completed nearly 6 months of residential treatment and abstinence.

In a lengthy plea, all references, reports and evidence of Billy's rehabilitation and commitment to his recovery were presented to the Court and ultimately formed a compelling justification for the Magistrate to allow him to continue his recovery in the community. The Magistrate went to great lengths to explain that this was an unusual exercise of his sentencing discretion in cases involving such high quantities of drugs. Billy was ultimately sentenced to an 18 month Community Corrections Order, without conviction, and ordered to continue treatment and rehabilitation as directed and to perform 200 hours of unpaid community work. This was an exceptional result under the circumstances and a credit to Billy's own determination towards his recovery, as well as the efforts and concern of our staff and that of Windana, in particular Clare Davies. Billy continues to do very well.

"I was very happy with First Step. I had dealt with Legal Aid a few times and they couldn't help me so they referred me to First Step Legal. They were amazing, always completely professional – they listened, took notes and for somebody like me it was an absolute godsend... I couldn't speak more highly of them. They work really close with the doctors and share vital information. They got me to speak to a counselor and they were in constant communication about my case which helped me so much in the end. They were very nice and I was very happy with them – and I could not believe that they weren't government funded!" – "Charles"

"Gabe" – Gabe came to the legal service with charges emanating from an alleged assault as well as a driving while suspended charge. Gabe was on parole. A finding of guilt in relation to either of these charges would have breached his parole, resulting in his parole being revoked. Gabe emphatically denied the alleged assault. In addition, the driving whilst suspended charge had resulted from a failure to nominate the actual driver in the appropriate manner. A significant amount of work was required to have the driving whilst suspended charge withdrawn, which we were able to achieve after some 6 months of effort; coordinating and collating our case including the collection of considerable documentation to provide firstly to Civic Compliance and subsequently to the Court.

In relation to the alleged assault, after a Contested Hearing in April, Gabe was acquitted of the charge with costs awarded against the Prosecution. This was not only an exceptional outcome but a huge relief to Gabe, who has worked very hard to turn his life around over the past several years through prolonged abstinence and sustained employment, and faced a real risk of losing everything he had achieved. Since the hearing of his criminal charge, together with support of a specialist family lawyer, we have been assisting Gabe through a Federal Circuit Court proceeding to re-connect with and spend time with his children, from whom he has been separated for two years.

STAFFING, NEWS AND ACHIEVEMENTS

Staffing – This year, as a result of the LSB grant, we have been able to offer a 4 day a week practice managed by two fully qualified, experienced criminal law practitioners and expanded service offering to our ever-increasing client demand. Janine Perlman continues to assist clients with her unique blend of compassion and legal skill. We welcomed Bess Smallwood, a final year law student from La Trobe University, firstly as a volunteer and subsequently as Legal

Case Manager in January 2015. Bess has been an invaluable addition to the legal team whose professionalism and dedication is appreciated by our clients and staff.

Volunteer Program – In February 2015, we inducted five new legal volunteers to assist us in a range of capacities. Tom Creedon and William Kelly, both second year law students, have taken on legal administrative roles. Alex Hewitt, a fourth year law student, created and oversees a new First Step Legal blog. Shanee Lia is an admitted solicitor currently completing her Master of Laws, who has provided us with legal updates and research. Dylan Dexter, a third year law/commerce student has been assisting us with our LSB report. We are very grateful for their donation of time and effort to the legal service.

Grants –We are thrilled to be a recipient of the 2014 Victorian Legal Services Board + Commissioner (LSB) Major Grants Program and the Ross E Trust Grant. The LSB grant has facilitated the much needed expansion of the legal service to provide a new assistance, advice and referral program and to introduce the role of a legal case manager. The Legal Case Manager (co- funded with the Ross E Trust) has provided intake assistance, case management, and follow up for legal clients, and assisted in the evaluation of the efficacy of the First Step integrated legal-health service model. We also thank Rysia Rozen, Kate Ashmor and Caulfield Park Community Bank Branch Bendigo Bank for their efforts and support of us this year.

Legal database – we are very grateful to Patrick Lawrence for the many hours he has patiently and skillfully devoted towards setting up a unique and specifically tailored legal database. We hope to have all historical and current file information input by the end of this year.

ACKNOWLEDGEMENTS

We thank and acknowledge Jane Tewson of Igniting Change who has been steadfast and unflinching in her support of First Step and First Step Legal. Together with our long time friend and supporter Suzi Carp, (who generously hosted a lunch at River Capital), Jane was instrumental in introducing new supporters to the legal service just when we needed it most.

We welcome Talya Masel of Humanity Foundation and Natalie and Andrew Bassat who join the supporters of the legal service we are so fortunate to be able to count on. We thank and acknowledge Laini Liberman who has encouraged, championed and generously supported us from the outset, enabling us to keep improving our services. We also thank all past and present donors for their generosity and support, which has been critical and which has allowed us to continue helping our clients make and sustain changes in their lives.

MEMBERSHIPS AND ASSOCIATIONS

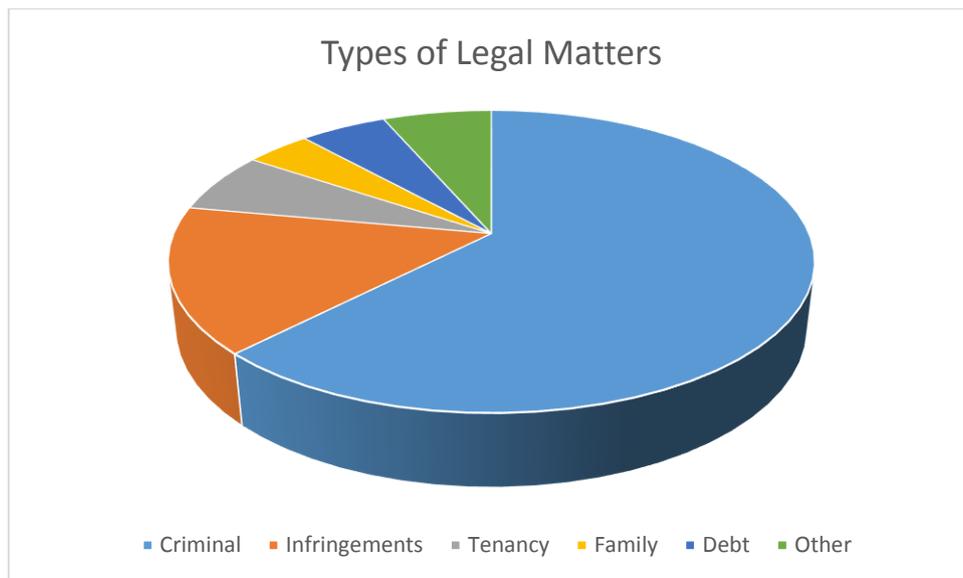
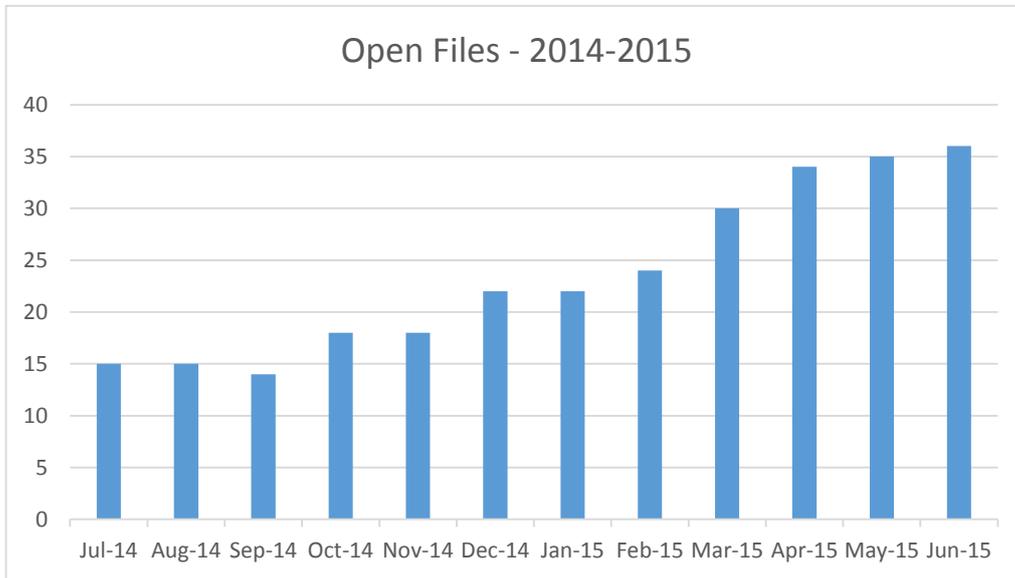
First Step Legal continues to enjoy membership with the Federation of Community Legal Centres (FCLC). Other memberships include the Law Institute of Victoria (LIV) and the National Association of Community Legal Centres (NACLC).

We remain committed to and involved in the growing area of medical-legal partnerships/ health justice partnerships and hope to make a meaningful contribution to its expansion and improvement in Victoria through the LSB grant project. Breaking down the barriers to accessible legal services to people experiencing health issues has always underpinned the philosophy of the establishment of First Step Legal within First Step and we are excited to be part of the development and the expansion of these partnerships in Australia.

We have continued our involvement in the Smart Justice Steering Committee and Smart Justice for Youth Committee, underscoring our commitment to therapeutic justice and justice reinvestment initiatives and policy reform in this area.

LEGAL SERVICE ACTIVITY 1 JULY 2014 – 30 JUNE 2015

	FILES MANAGED	CASES OPENED	CASES CLOSED	ADVICE AND REFERRALS MATTERS
1 JULY 2014 – 30 JULY 2015	70	58	41	24



CONCLUSION

This year has been a year of new initiatives, expansion and achievement. Our continued success in terms of service delivery and Court outcomes is attributable to the hard work and dedication of all of professionals at First Step and the legal service, and most significantly, the courageous and tenacious efforts of our clients who continue to struggle to overcome difficult personal, physical, emotional and mental conditions to rebuild and restore their lives.

Tania Wolff,
Principal Lawyer
Accredited Criminal Specialist

SUPPORTING US

First Step has Deductible Gift Recipient status with the Australian Taxation Office; all donations are fully tax deductible. Please contact the clinic if you would like to learn more about First Step or are interested in supporting the valuable work that we do.

We gratefully acknowledge the generous assistance of our supporters including:

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