

**A health justice
partnership in
the heart of
St Kilda**



**First Step Legal
Annual Update
2015 – 2016**



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,
- Dramatically increased the number of files managed,
- Received a generous distribution by the Trustees of the Collier Charitable Fund for 2015,
- Progressed with Year 2 of the Victorian Legal Services Board + Commissioner (**VSLB**) grant project, continuing our expanded legal services and refining the client intake, case management and follow up program,
- Produced a 42-page interim report on the results of the first year of our two-year grant from the VLSB showing an **increase in the number of files by 50% and number of clients by 44%** in the first year of the grant,
- Successfully re-accredited under the National Association of Community Legal Centres (**NACLC**),
- Refined our purpose-built legal database and completed inputting historical file details,
- Been accepted to present at the NACLC Conference in Freemantle on Health Justice Partnerships in August 2016,
- 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,
- Been engaged and involved in policy submissions to government regarding access to justice and criminal law issues through our principal lawyer who is a council member of the Law Institute of Victoria,
- Achieved Victoria Legal Aid (VLA) Summary and Indicatable Panel certifier status, enabling us to receive reimbursement grants for eligible matters,
- Inducted and managed new legal service volunteers,
- Received funding from new supporters and retained continued commitment from our long term 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 VLSB, in the past year we have been able to continue to operate a four day per week practice. We are also indebted to Ross E Trust who has supported us in part-funding the now essential Legal Case Manager role.

As the graph at the end of the report illustrates, we continue to build on the doubling of client numbers from the 2014-2015 financial year. This achievement has been largely attributable to the support of our team of volunteers and our 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. In the past year, Anton and his team assisted and supported us with 20 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 assistance with a number of debt matters and general advice in relation to our policies and practice management and Clayton Utz, through their pro bono team who we are keen to work with over the coming months.

CASES

An overview of the cases for the relevant period (1/07/15-30/06/16), 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.

Over this period we have dealt with a total of **95** matters, including criminal law matters (45 matters), financial, tenancy, family, infringement (20 matters) and other matters, including advice only files.

We have dealt with a large number of dishonesty offending in this past year: predominantly theft, shop theft and theft of motor vehicle, some violent offending including assaults but many more resist arrest and obstruct matters, various drug related offending (including two significant methylamphetamine trafficking matters), matters involving breaches of suspended sentences, CCOs and bonds as well as breaches of Intervention Orders, 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.

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 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.

Since the beginning of 2016, we have implemented a rigorous and continual client follow up and feedback process that can be easily recorded and captured on the Legal Database. From the files for which we have results so far this year, the *average* for the eight questions asked, where '1' was strongly disagree and '5' was strongly agree, were as follows:

- I was satisfied with my legal outcome: 4.7
- I was satisfied with the assistance provided by my lawyer: 4.4
- I was satisfied with the extra help provided by the case manager: 4.7
- I felt supported and listened to by the legal team: 4.5
- Having my legal and health teams in the one place made it easier to deal with my legal issue: 4.6
- Dealing with my legal issues had made me feel more able to deal with other problems (eg relationships, health, employment, housing or other circumstances): 4.3.
- The support provided by the First Step medical staff together with First Step Legal makes me feel more hopeful about my future: 4.5
- I am using less than I did before coming to First Step Legal: 4.

Of the clients surveyed who had received legal advice before, 85% said the FSL service was better or equivalent.

CLIENT STORIES AND TESTIMONIALS

“Anthony” is a 33-year-old man with a long-standing addiction to heroin and benzodiazepines. He presented to First Step Legal with charges relating to theft. His significant prior relevant criminal history had the potential to lead to a far more serious sentence. We were able to have his matters heard in the Assessment Referral Court (ARC) List with monthly hearings before a Magistrate. These hearings consistently showed Anthony's progress, compliance with treatment and continued attendance at meetings at First Step and with other service providers, as well as court dates. Over this extended period, Anthony was able to for the first time interrupt his long-standing pattern of relapse and re-offending; a significant achievement. Anthony's situation has improved so to such an extent that he has completed work-related courses and job interviews, found employment and entered a relationship for the first time in a long period. Anthony has a positive forward focus and is genuinely optimistic about his future.

“Tom” was referred to First Step Legal as a 26-year-old man with significant drug-trafficking charges following a police search of his home, and later was charged with contravening an intervention order. Tom had been struggling with methamphetamine addiction since he was 21. He was also suffering from an undiagnosed and untreated post-traumatic stress disorder and major depression, after finding his mother who had committed suicide by hanging herself in the family garage.

We successfully applied for Tom’s matters to be heard in the Assessment and Referral Court (ARC) list of the Melbourne Magistrates’ Court; a specialist mental health list of the Court. The first few months of ARC were challenging for Tom, as he was struggling with active addiction, the breakdown of his relationship and significant mental health issues and risk of suicide and self-harm. He followed a familiar pattern of stabilising, relapsing and stabilising again. However, there was gradual but significant positive change over the course of the year. Tom completed an in-patient stay at Malvern Private Rehabilitation program in January 2016 and then decided to move to live with his extended family, after identifying that returning to his father’s home increased his risk of drug use.

In a lengthy plea, all references, reports and evidence of Tom’s rehabilitation and commitment to his recovery were presented to the Court and ultimately formed a compelling justification for submission to the Magistrate to discharge all charges against Tom. This was an exceptional result for Tom, who now truly has a clean slate. Tom is employed full-time and spends his weekends playing footy.

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– “C”

“Ben” was referred to First Step Legal in relation to assault charges following a domestic violence incident with his long-term partner. Ben had been a regular methamphetamine user for four years with a history of alcohol abuse from the age of 10.

We were able to adjourn his matters to enable Ben to begin treatment and make some changes in his life. He enrolled in a men’s behavioural change program and engaged in regular sessions with his mental health nurse and a psychologist at First Step. This time allowed Ben to reflect on what he wanted for the future, and he commenced a lease on a family-sized home with the goal of spending more time with his kids and partner.

When his matter was ultimately heard in Court, the Magistrate was able to take into account the sincerity of his efforts to change and ordered Ben undertake a 12-month community corrections order to continue the work he had already been undertaking at First Step and at the men’s behavioural change program.

Ben remains engaged in drug and alcohol treatment, and spends most of his time – when he’s not at work – with his partner and their two kids.

*Thank you so much for all you help with [...]. He is now so good and if not for your efforts on his behalf he may well have fallen through the cracks. **Mother of client***

I love working with these guys they are all helpful, friendly, supportive and I will always recommend them to anyone that need help. Biggs Tania and Janine saved my life literally along with Sally -
Thankyou Very HAPPY ☺

STAFFING, NEWS AND ACHIEVEMENTS

Staffing – We are thankful to have been able to continue to offer a 4 day a week practice managed by two fully qualified, experienced criminal law practitioners and an 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 Emma Buckley-Lennox, a third year law student from Monash University as Legal Case Manager in January 2016. Emma has been an invaluable addition to the legal team, whose professionalism, dedication, humour and sensitivity is appreciated by all our clients and staff. We have also continued to induct, train and supervise a team of dedicated volunteers who assist us on a weekly basis with a range of projects and tasks. We remain indebted to Gayle Wood and all the administration team for all the help they offer.

Grants – We are halfway through year 2 of the project for which we were a recipient in the 2014 VLBSB Major Grants Program which will conclude in February 2017 and the Ross E Trust Grant. The VLBSB 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 are also thrilled to be successful in our application for a distribution from the Collier Charitable Fund this year.

Presentations – We are excited to be presenting and profiling our unique Health Justice Partnership model at two important upcoming events together with First Step Manager of Clinical Nursing Services, Joe Fishburn. The first will be at the LIV Annual Criminal Law Conference at the Grand Hyatt in Melbourne at the end of July where our Principal Lawyer Tania Wolff will chair a panel discussion on therapeutic jurisprudence in the criminal justice system. The second will be a joint presentation (legal and clinical) on the benefits and challenges of effective health justice partnerships in August in Freemantle at the NALC annual conference.

Legal database – We sincerely thank First Step Senior Project Manager Patrick Lawrence for the many hours he has patiently and skillfully devoted towards setting up and finessing of a unique and specifically tailored legal database which has been an invaluable tool and resource for us in our practice.

ACKNOWLEDGEMENTS

We thank and acknowledge Jane Tewson and the team at Igniting Change for their steadfast and unflinching support of First Step and First Step Legal. We thank Paul Benveniste, (even though he balks at any kind of acknowledgement), for his friendship and continued support of our work (and for rallying his associates together to do the same). We are thrilled to welcome this year Emma Harrison and the Gourlay Charitable Trust to our close family of friends and supporters and look forward to a long association.

We feel very privileged to be able to count on the continuing support and encouragement of our incredibly generous long term and more recent supporters and friends: Suzi Carp and the George and Freda Castan Family Charitable Foundation, Laini Liberman and Jagen Nominees, Talya Masel and the Humanity Foundation and Natalie and Andrew Bassat. We also acknowledge all past and present donors for their generosity and support, which has been critical and has allowed us to continue to help our clients make and sustain changes in their lives.

MEMBERSHIPS AND ASSOCIATIONS

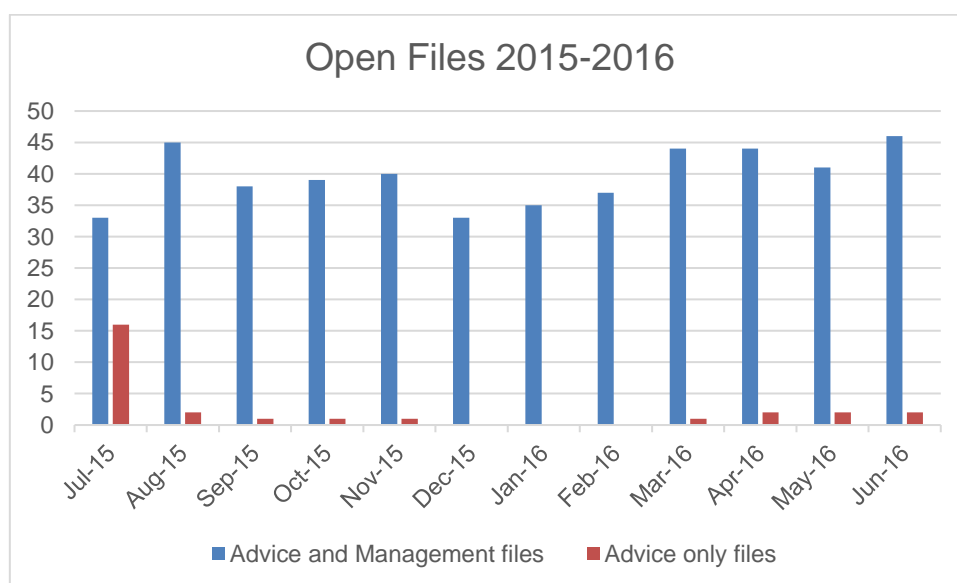
We remain committed to and involved in the growing area of medical-legal partnerships/ health justice partnerships and hope to make a meaningful contribution to its expansion and improvement in Victoria through the VLSB grant project. Breaking down the barriers to accessible legal services to people 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. Through our Principal Lawyer's election as a board member of the Law Institute of Victoria we hope to increase our involvement in this space.

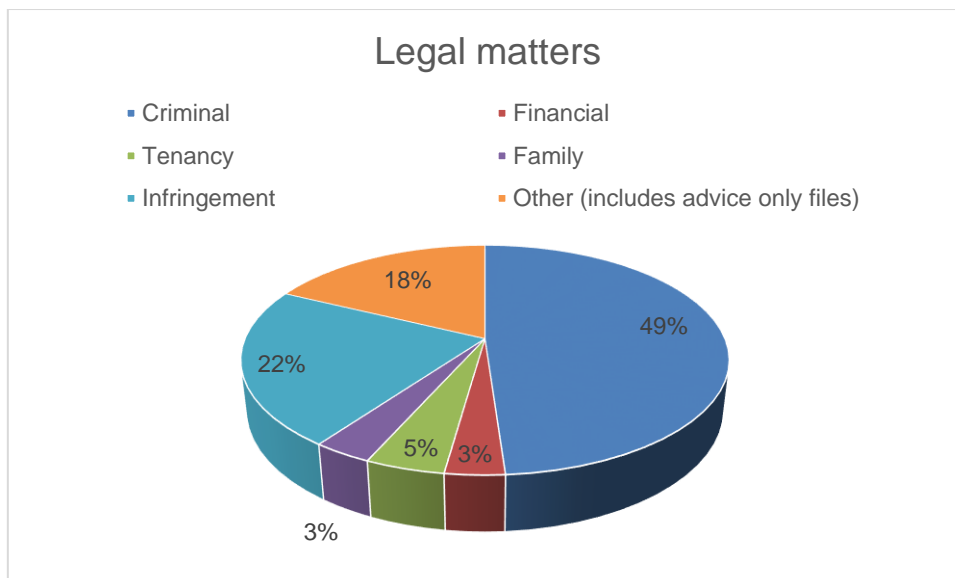
We have joined the network through the newly-formed National Centre for Health Justice Partnerships, we have continued our involvement in the Smart Justice Steering Committee and Smart Justice for Youth Committee, underscoring our commitment to therapeutic justice and justice reinvestment initiatives and policy reform in this area.

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

LEGAL SERVICE ACTIVITY 1 JULY 2015 – 30 JUNE 2016

	FILES MANAGED	CASES OPENED	CASES CLOSED	ADVICE AND REFERRALS MATTERS
1 JULY 2015 – 30 JULY 2016	78	44	33	16





CONCLUSION

This year has been a year of unprecedented activity. 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 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 Law 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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