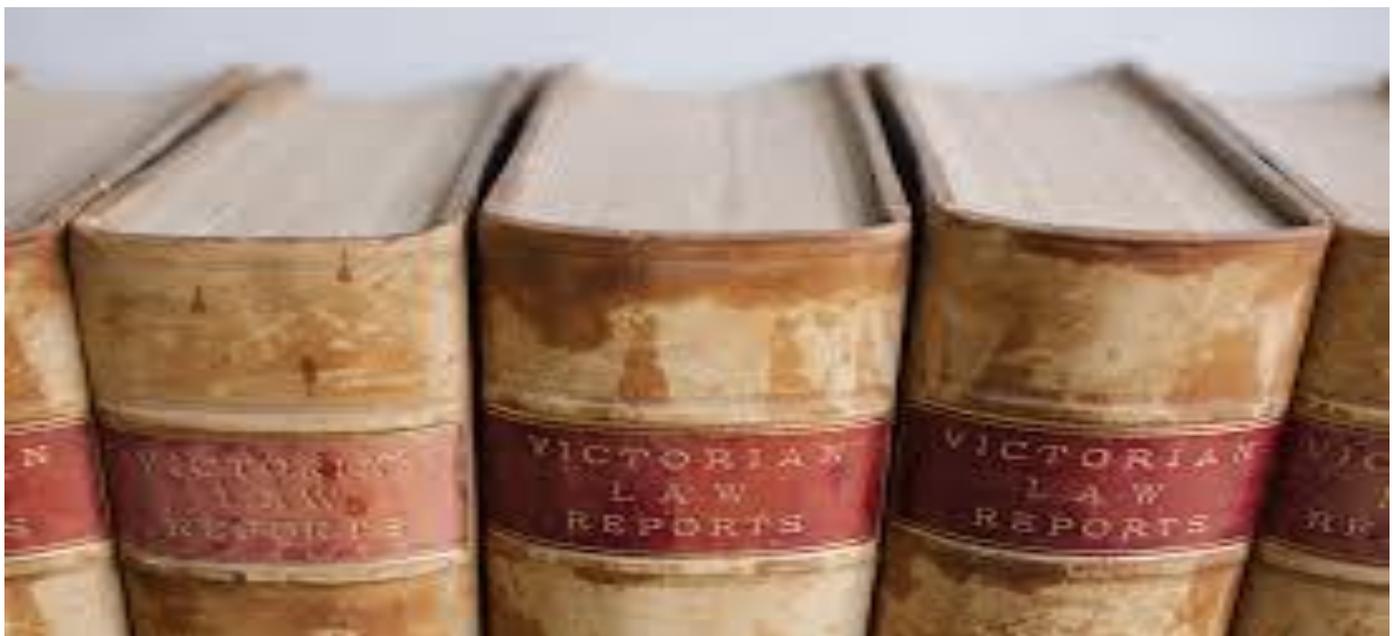




*A unique health justice partnership.*

*We walk beside our clients in an integrated team with clinicians and therapists, providing support within a framework of compassionate legal practice.*

# First Step Legal Annual Update 2017 – 2018



## OVERVIEW

**First Step Legal** is pleased to report on another successful year, building on the achievements and continuing the trajectory of the past three years. Over the past twelve months we:

- Successfully applied for two grants funding us over two years through the Attorney General's department - to commence a family violence program and continue our case manager program.
- Successfully applied for a two year grant to the VSLB allowing us to staff and manage an outreach legal clinic at Windana Therapeutic Community.
- Welcomed Michelle Goldberg from Victorian Legal Aid in early 2018 as a new senior lawyer on our team to manage the family violence program.
- Continued to operate the legal service four days per week with a Legal Case Manager three days a week
- Inducted and managed four new legal service volunteers
- Continued to dramatically increase the number of files managed as a result of having a legal case manager and additional lawyer – **215** legal matters and **178** clients.
- Successfully re-accredited under the National Association of Community Legal Centres (NACLC),
- Presented and chaired at various events across Australia including LIV Criminal Law Conferences and the NACLC conference in Sydney, promoting integrated service delivery, therapeutic jurisprudence, justice reinvestment and compassionate legal practice.
- Engaged in print and radio media on the topics of therapeutic justice and justice reinvestment and fair sentencing policy.
- Assisted in policy submissions to government regarding access to justice and current criminal law issues through our involvement the Law Institute of Victoria.
- Inspired support from new supporters and retained ongoing (and very much appreciated) support and commitment from our valued long term supporters
- Continued to deliver our high standard legal service and support to complex, high needs clients.

## QUICK REFRESHER ON FIRST STEP LEGAL AND HOW WE ARE DIFFERENT

**First Step Legal** has been operating for over a decade. It offers pro bono and/or low cost legal services to clients of First Step and clients who are actively engaged in rehabilitative treatment. First Step is a multidisciplinary addiction and mental health services hub in St Kilda.

First Step Legal is **different** in a few key aspects:

- We are embedded within a mental health and drug and alcohol treatment and rehabilitation clinic;
- The legal team works closely with allied health professionals to facilitate a legal outcome for our clients which will support continued rehabilitation and recovery in the community;
- Positioning the legal service within First Step facilitates a more trusting relationship between lawyer and clients, such that the lawyer becomes part of a triangular therapeutic model of care;
- Our methodology of practice involves allowing the client time to progress in their rehabilitation and recovery goals *prior* to the final hearing; this often necessitates matters being adjourned several times before they are ready to proceed to final hearing;
- We offer *pro bono* legal advice and representation to clients facing criminal law proceedings;
- We support those who are among the most disadvantaged and disenfranchised members of the community, yet receive no ongoing state or federal government funding;
- The current legal aid funding structures do not allow for this type of practice method to be funded, as a result, First Step Legal for nearly a decade has funded the practice with the generous support of private, corporate and philanthropic funding to ensure the continuity of its operations.

Recognising the link between stress from legal matters and relapse and reoffending, First Step Legal is a specialist, predominantly criminal law practice. In addition however, we now support clients with a range of legal matters including family violence matters, housing and tenancy, and where we have capacity, infringements, intervention orders, VOCAT applications and civil debt. 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.

## OUR PEOPLE

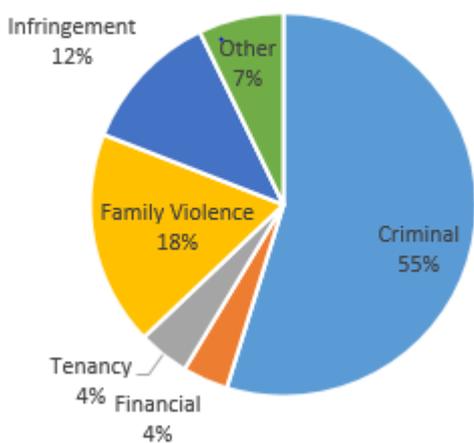
We continue to build on the doubling of client numbers achieved following the piloting of the legal case manager role in 2015 with a further additional 65% increase in files managed in 2018. This remarkable achievement has been largely attributable to the addition of our new part time lawyer Michelle Goldberg to our team. It has also resulted from the critical support facilitated by a three day per week legal case manager whose role has proven invaluable and includes resource-intensive client liaison with the healthcare professionals and the Courts as well as administration and practice management support.

Our success is also attributable to the assistance and support we receive from our team of volunteers who generously give of their time and skill.

We make special mention of our legal outreach volunteer (dream) team, Danielle McKeown and Laini Liberman (who wears several hats in our First Step Legal family). Both Danielle and Laini have been generously giving their time and skill for more than two years to this initiative and we and thank them for their continued dedication to this project.

## CASES

Breakdown of files managed by type



Over this period we have dealt with a total of **215** matters, consisting of **178** clients and **169** new client files including criminal law matters, financial, tenancy, family violence, infringement and other matters, including advice only files.

We continue to deal with a large number of driving offending matters including driving while suspended, while drug impaired, over the prescribed BAC and to such a state as incapable of having proper control of a vehicle. We have also dealt with a significant number of matters involving dishonesty offending including aggravated burglary and burglary, obtaining property by deception, thefts, shop-theft. We have managed some violent offending matters as well as several resist and

assault police and other assault related charges. We have continued to assist with a large number of drug related offending (possession and traffick) and others involving breaches of CCOs and offences while on bail as well as breaches of Intervention Orders, possession of prohibited and dangerous weapons.

***Overwhelmingly, the most punitive court outcome ordered for our clients was the imposition of a community corrections order (CCO). The CCOs ordered have almost all been with requirements to engage, or continue to engage with treatment and rehabilitation. Putting aside the cost to the health system and the social cost aside, given that the cost of incarceration per prisoner per year is in excess of \$110,000 and with a recidivism rate of 43.6%<sup>1</sup>, the benefit to the community is significant.***

<sup>1</sup> <http://www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/corrections+statistics+quick+reference>

In addition, First Step Legal has achieved for our clients a number of adjourned undertakings, predominantly articulated as requiring the client to be of good behaviour and continue treatment at First Step. It is not uncommon for Magistrates to commend our clients in open court on their recovery commenting on the unusual and comprehensive suite of services available at First Step. We have also supported many clients pre and post engagement in seeking out and pursuing residential rehabilitation programs.

Our outcomes are in line with our objective to assist clients struggling with mental health and addiction issues to achieve court outcomes supportive of their continued recovery and rehabilitation in the community.

In addition to criminal law matters, which form the bulk of our practice, we have also assisted clients in relation to various other legal matters which cause significant stress and can threaten to derail recovery.

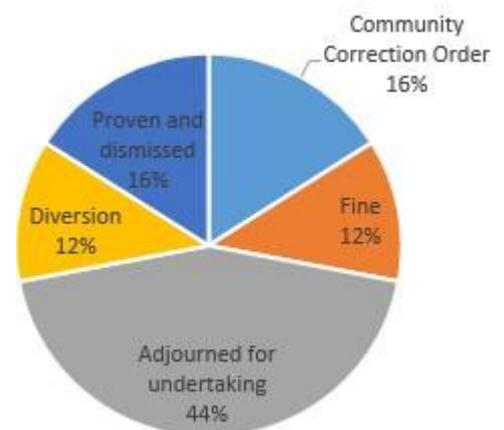
These include family violence matters, VOCAT applications, and financial debt and infringement matters. In one case, we successfully applied to the Court to have a client's debt in excess of \$40,000, which was incurred in circumstances of active addiction and homelessness, completely discharged. This enabled the client to continue with their recovery and rehabilitation without the stress of overwhelming and crushing debt. We have also assisted in relation to housing issues, successfully supporting two clients at VCAT with threatened eviction.

Again 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 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.

"It's support that I haven't had elsewhere - ever. It means I can reach out to someone 'in the know' in a safe and supportive way."

Sentencing Outcomes



## CLIENT STORIES

*"I am brave. I am bruised. I am who I'm meant to be. This is me" -  
The Greatest Showman*

**Amanda\*** is a woman in her 30s and the mother of a six-month-old child. She was referred to FS Legal by her Care Co-ordinator at First Step after she was threatened by her ex-partner with a weapon whilst he was drug affected. She was also the victim of emotional and psychological abuse via text message. There was a current

intervention order in place to prevent family violence and the use of drugs around her or the child. Amanda initially attended the St Kilda police station to report breaches of the order alone. Upon visiting, the police would not agree to prosecute the breach of family violence or assist Amanda in having the current order amended to prevent contact. We advocated to the police on Amanda's behalf, following which the police took a statement from Amanda. We also provided a referral to Safe Steps and, following further breaches of the order, Amanda was placed in a refuge. Amanda had all available legal safeguards explained to her by our legal team which also helped Amanda gain clarity in relation to her right to safety. Our family violence lawyer then represented Amanda in Court where the perpetrator agreed to a full order. We liaised with the Office of Housing to ensure repairs were made to Amanda's house so that she was able to return from the refuge to a safe and secure place. Amanda was then referred to a Family Lawyer to begin negotiations in relation to the father spending time with their child. At all stages, Amanda continued to be encouraged and supported by the Family Lawyer to consider what would keep her and the child safe. Amanda was supported through further contact breaches and escalations in emotional and psychological abuse, all of which she was encouraged to report to police for action. Throughout the process, Amanda remained engaged with a Mental Health Nurse, Care Co-ordinator, General Practitioner and Psychologist at First Step who work in connection with our legal team to facilitate positive outcomes for the client.

**Andrew\*** a man in his late 20s, was charged with offences in relation to assaulting his boyfriend. Andrew had a traumatic past including exposure to physical family violence as a child and a history of prostitution and drug dependency. He was being treated for anxiety disorder and ADHD at First Step and was referred to FS Legal. Through a process of integrated consultation, Andrew was initially provided a referral to a Men's Behaviour Change Program with further ongoing psychological therapeutic support. Upon further analysis and discussions with Andrew, an excessive self-defence case was proceeded with and following negotiations and case conferencing with the prosecution, the charges against Andrew were withdrawn as evidence of his experience of family violence and the fuller context of the assault in Andrew's home was able to be provided to the prosecution. Andrew continues to engage with a specialist psychiatrist in the area of Asperger's Syndrome and has a better understanding of why this is important in preventing further conflict in the future based on his experiences, illicit substance use and mental health challenges.

**Steven\*** a 19 year old was introduced to First Step through his mother who attended the drop in Women's Space at First Step after noticing the sign on the street as she passed by. His mother was not feeling safe at home because of the people that Steven was bringing into her home. She had been a victim of family violence in her marriage which ended seven years before. Steven's mother was also in the midst of a challenging family law dispute with the father. She was referred to a treating psychologist and Victoria Aid Legal Help to obtain her own legal advice in relation to a Personal Safety Intervention Order in order to ensure her own safety at home.

Subsequently, FS Legal was requested to provide assistance to Steven, who was charged with driving offending on two separate occasions, one which resulted in him being taken by ambulance to hospital. The offending occurred in the context of substance use which was confirmed in his hospital discharge summaries. Steven was highly anxious and the legal team identified that early intervention with Steven was likely to be important to avert further offending, improve relationship skills and communication and reduce further substance use. Steven's criminal matters were negotiated and consolidated and he undertook to continue to engage with First Step's treating team for a period of 12 months.

A few months later, Steven sought further help from First Step when he was kicked out of his girlfriend's home following an incident where he was drunk and caused significant criminal damage. The catalyst to the drinking was his estranged father's overtures to reconnect which were ultimately proven to be disingenuous and manipulative. Following this, the incident at his girlfriend's home occurred. Steven had no memory of the incident and was told by police that he assaulted them. After advice from our Family Violence Lawyer Steven apologised, took responsibility for his actions and confirmed in his police interview that he couldn't recall the incident at all. He is yet to be charged. Steven was also represented at Court in relation to the incident where it was negotiated that he be allowed to return to living at his girlfriend's home so long as he does not drink alcohol or take drugs. Steven continues to comply with this order. Steven continues to engage with the multidisciplinary supports provided to him through First Step and First Step Legal.

\* not their real name.

## ACKNOWLEDGEMENTS

We thank and acknowledge Jane Tewson and the team at Igniting Change for their passionate and unflagging support of First Step and First Step Legal. We welcome back Virgin Unite to our close family of supporters and thank Emma Harrison and the Gourlay Charitable Trust for her continued support of our work this year and look forward in both cases to a long association.

We feel very privileged to be able to count on the long standing support and encouragement of our incredibly generous supporters and friends: Suzi Carp, Laini Liberman and Jagen Nominees and Talya Masel and the Humanity Foundation. 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.

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*“There’s a crack in everything. That’s how the light gets in”- Leonard Cohen*

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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 all our supporters including:

Victorian Legal Services  
**BOARD + COMMISSIONER**  
Funded through the Grants Program



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**IGNITING CHANGE**

by combining extraordinary lives