

# FIRST ..... STEP LEGAL

**ANNUAL UPDATE  
2019-2020**



A compassionate and innovative approach to legal services  
within a health-justice partnership

Located at First Step, a mental health + addiction services hub in the heart of St Kilda

# OUR APPROACH

Since 2008, **First Step Legal** has provided pro bono legal services to clients actively engaged in treatment at First Step, a multidisciplinary mental health and addiction services clinic. Assisting some of the most disadvantaged and disenfranchised members of our community, **our objective is to ensure that the stress of dealing with a legal matter does not derail our clients' rehabilitative efforts.**

Ours is a unique model. As one of the earliest health justice partnerships in Australia, we embed a legal practice within the clinic at First Step and the legal team forms part of an integrated therapeutic team. Working with our clients' doctor, therapist, or mental health nurse means that our legal staff become part of a triangular therapeutic model of care, facilitating a strong sense of trust with clients.

The **First Step Legal** team works closely with the client and allied health professionals, towards an outcome that promotes client wellbeing, which often involves several court adjournments to allow clients to progress in their rehabilitation and recovery prior to their final hearing.

Whilst predominantly focused on criminal law, **First Step Legal** also assists clients with family violence matters, infringements, tenancy issues, and VOCAT applications. Current legal aid structures do not provide funding for our practice method, and we therefore rely on private, corporate and philanthropic funding.

With **client wellbeing** sitting at the heart of our service provision, **First Step Legal** also aims to identify key opportunities to contribute to **law reform and system improvements.**

# OVERVIEW OF OPERATIONS

2019-2020 was another successful twelve months for **First Step Legal**. Over the year, we:



assisted  
**151**  
clients



managed  
**188**  
matters



promoted  
our unique  
partnership  
in Australia  
and overseas



trained  
four new  
volunteers



operated  
four days  
per week



received new  
funding to  
support our  
operations



helped 32  
clients with  
multiple  
matters



achieved  
outcomes  
mainly allowing  
recovery in the  
community

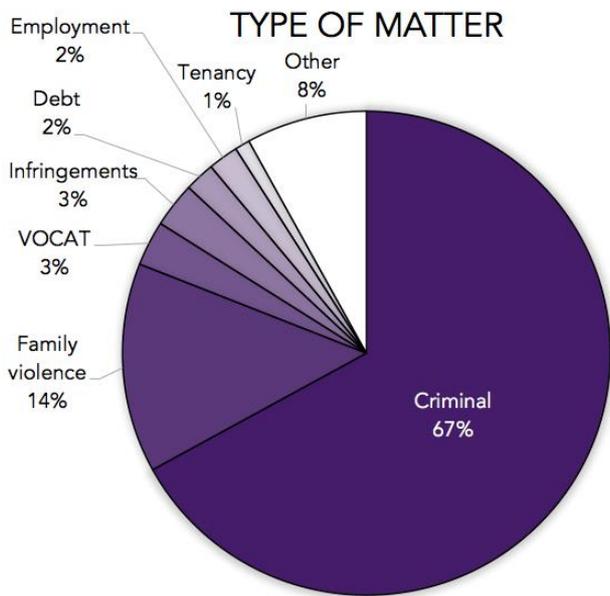


provided  
family  
violence  
education to  
clinicians

Most importantly, **First Step Legal** has continued to provide **high quality, wellbeing-focused legal assistance to clients with complex needs.**

# OUR IMPACT

In 2019-2020, **First Step Legal** assisted **151 clients** with **188 legal matters**, including 99 casework files and 89 offers of legal advice and information. Overwhelmingly, the service has dealt with criminal law and family violence matters; however, we have continued to assist clients with a range of other legal issues. As well as assisting clients engaged in treatment at First Step, we have also continued to provide assistance to clients in residential treatment at the Windana Therapeutic Community.



Over 2019-2020, nearly **two-thirds of our clients were male**, and **84% of all clients were aged 25-44 years**.

This year, the bulk of our clients' matters concerned **driving offences** (including driving whilst suspended and driving whilst impaired by drugs or alcohol) and **dishonesty offences** (such as theft, burglary and robbery). As in the past, a significant proportion of our clients have sought assistance regarding **drug charges** at both the lower end of possession and more serious trafficking charges. We have also provided advice and assistance to several clients facing **assault and weapons charges**.

As in previous years, we had several clients successfully referred to the Assessment and Referral Court (ARC) List at the Magistrates' Court. This specialised list **facilitates intensive case management** designed to prevent recidivism and appropriately manage clients' complex needs.

## CASE STUDY #1

Rani\* was introduced to First Step Legal while staying at the Windana Therapeutic Community. A victim of childhood sexual abuse, Rani developed addiction issues in her early teens. Rani was charged with assaulting a relative and her former housemate, offences resulting from Rani's ice use and influenced by her PTSD. She had no prior criminal history. We assisted Rani in preparing a statement of apology, which she read at her plea hearing. Rani received a treatment-focused CCO. We encouraged Rani to remain at Windana for as long as possible, and when Rani felt she needed further support for her mental health, we assisted in her transfer to Delmont Hospital where she underwent psychiatric review and made changes to her medication.

Rani returned to live with her mother but relapsed and became noncompliant with her medication, resulting in a significant deterioration in her relationship with her mother. We assisted Rani in getting a referral to a detox and returning to Windana, to ensure continued engagement with her CCO. We also liaised with corrections staff to facilitate an open dialogue about Rani's relapse and re-engagement with supports.

Rani and her mother now have a very positive relationship and are living together. Rani has recommenced working as a hairdresser, regularly goes to the gym, and contacts First Step about once a month. Over 100 days clean, Rani now understands the importance of compliance with her mental health medication to ensure sustained good health and to avoid relapse.

## CASE STUDY #2

Bob's\* GP at First Step referred him to First Step Legal when he was charged with dishonesty offences committed to support his ice addiction. Bob's family described a period of deterioration in his health over two to three years, and their difficulties in obtaining clear medical advice. Bob was fixated with naturopathic treatment and obsessive in his use of ice, describing it as the only reason he could get up each day. Upon seeing a GP and mental health nurse at First Step, as well as a psychiatrist, Bob was diagnosed with adult ADHD and, after a period marked by intense psychotic episodes and chronic delusions, schizophrenia. We were able to secure a diversion in relation to his initial offences, but during this time Bob incurred a number of serious traffic offences that placed himself and others at risk.

After his worst psychotic episode, Bob was admitted to hospital as an involuntary patient. We were able to provide a detailed history, and the four-week admission provided much needed respite for Bob's family. Bob detoxed in hospital but continued to resist treatment with anti-psychotic medications, so he was released on a community treatment order to supported accommodation. We successfully had his criminal matters referred to the ARC List, where he received judicial monitoring, while he continued to engage with his case manager and psychiatrist.

During this period, we had regular contact with Bob and his family, who slowly came to accept his diagnosis of schizophrenia. Bob now understands the connection between his drug use and ill health, as well as his decisions to offend. Ultimately, following his participation in the ARC List, Bob received a good behaviour bond with the condition that he continue to engage in treatment. This motivates Bob to persist with his rehabilitation and we hope it helps him to continue to reimagine his future with the support of his family.



### Holistic legal practice

Whilst **First Step Legal** specialises in criminal law, it is our experience that clients are often experiencing other legal difficulties on the periphery. This year, 19% of work conducted by **First Step Legal** consisted of advising clients in relation to various other legal issues, including tenancy and housing disputes, child protection and family law, and debt matters.

Often these matters are directly related to and exacerbated by a client's mental health or addiction issues. Like criminal or family violence matters, dealing with these legal issues can create significant stress and derail recovery efforts. When we have capacity and the requisite expertise, we endeavour to provide holistic legal support to our clients with the aim of reducing clients' risk factors.

Many of our clients have multiple risk factors as listed numerically in the chart above. Whilst clearly risk of substance abuse and mental health are the main risks linked to our client cohorts, these are often layered with other risks.

## Family violence

Aside from criminal law matters, the most common issue faced by our clients is family violence.

**First Step Legal** supports applicants in an empowerment and agency-based approach and work collaboratively with clinicians to identify their fundamental wishes to maintain their safety and welfare. Applicants with complex mental health and addiction issues often struggle with the intimidating court system, so we assist them in navigating the process and having their voice and perspective heard by the court.

An equally important part of this work is helping respondents develop insight into their relationships and behaviours to prevent further family violence. We assist respondents to family violence intervention orders and defendants charged with family violence offending to hold themselves personally accountable for their conduct, and engage in therapeutic relationships that foster increased awareness and identification of factors that contributed to their offending and commission of family violence conduct. In doing so, we improve the safety and welfare of our clients and their partners, as well as children of the relationship.

## Sentencing outcomes

In line with our principles of achieving non-custodial outcomes and supporting our clients to continue their recovery in the community, **First Step Legal** successfully achieved this in relation to the overwhelming majority of our clients.

Disproportionately for more serious offending, we were able to support our clients to achieve community corrections orders with therapeutic conditions. Our early intervention strategies ensured that clients with chronic mental health and addiction issues received the appropriate support to address these underlying challenges and reduce the likelihood of reoffending.

### CASE STUDY #3

Amber\* was referred to First Step Legal during her transition between Windana and Bridgehaven Therapeutic Communities. Amber's relationship with her partner and the father of her son was physically and emotionally abusive, and in this context, she began to misuse the benzodiazepines she had been prescribed for a serious and chronic anxiety disorder. Following the breakdown of her relationship, during which Amber sought a family violence intervention order against her ex-partner, Amber was charged with serious driving offences. As a result of these offences and Amber's addiction, her young son was placed in the care of his father, who claimed Amber was unsafe and limited her time with their son.

Amber began to address her substance dependence issues with the help of a GP, who prescribed her alternative medication for her anxiety disorder, but Amber still felt significant shame connected with her lack of capacity to care for her son. We assisted Amber in extending the intervention order against her ex-partner and having her criminal matters referred to the ARC List. She participated in the ARC List for 18 months, with no further offending, and received a good behaviour bond with the condition that she continue treatment. Amber experienced further family violence at the hands of a new partner, so we assisted her in obtaining a family violence intervention order, a no interest loan for dental work, and making an application to VOCAT.

Since this time, Amber's use of benzodiazepines has reduced significantly. She is now in a new relationship with a partner who treats her respectfully, supports her desire to see her son, and is understanding of her anxiety disorder.

*\*Names in all case studies have been changed.*

## Our response to the COVID-19 pandemic

The advent of COVID-19 has demanded a radical shift in the way we operate and service our clients. Not only has carrying out our service in the usual way become difficult, but our clients are also facing new and increasing challenges as a result of the economic, social, and medical implications of the pandemic. We have managed to support clients with increased distress over this period through increased contact over the phone, and also by facilitating contact with support services and engaging with family and other sources of support. We have transitioned to a paperless system, managed new online systems for court appearances, and navigated various service closures, all with the objective of maximising support for our clients.

## SUPPORTING OUR CLIENTS INTO THE FUTURE

As part of our ongoing commitment to clients, we keep in regular contact once their matter has resolved by obtaining feedback at the close of their matter and 3, 6, 12 and 24 months afterwards. Our questions focus on clients' wellbeing, access to appropriate services, and new or ongoing legal needs. This allows us to promptly address any legal issues that arise and ensure our clients are connected to the relevant practitioners at First Step if they are struggling with underlying issues. **Of clients surveyed in 2020:**

**95%**

had not  
committed any  
further offences

**100%**

felt more hopeful  
and positive than  
before working with  
us

## WHAT OUR CLIENTS SAY

*"THE WHOLE PREMISE OF ME GETTING MENTAL HEALTH SUPPORT, ADDICTION SUPPORT AND LEGAL SUPPORT ALL UNDER THE SAME UMBRELLA IS INCREDIBLY BENEFICIAL AND IT'S CHANGED MY LIFE...I'M REALLY SO GRATEFUL FOR MY EXPERIENCE WITH FIRST STEP LEGAL. MY ACTUAL VISION FOR MYSELF HAS NEVER BEEN MORE CLEAR...I FEEL LIKE IT'S DOABLE. I'M NOT JUST CLUTCHING AT STRAWS, **I FEEL LIKE I CAN ACHIEVE IT.**"*

*"Everything just felt so comfortable. **I felt secure even though things around me were not stable.** I was able to sort my legal, mental health and whole life all in one place. They lead me on a new path which I would not have been able to take otherwise. Would have been totally stuffed without FSL, but instead I gained the skills I needed to get a job, got my friends back etc. **Everything in my life is coming together.**"*

**"I DON'T KNOW WHAT I WOULD HAVE DONE WITHOUT FSL – I WOULD HAVE BEEN LOST."**

*"They are such a great team. They care and they listen. They are really good lawyers and **they go above and beyond to help.** They kept calling me when I left [the treatment centre] and helped me realise I needed to go back."*

## ADVOCATING FOR OUR COMMUNITY

**First Step Legal** has been invited to speak on panels and at conferences in Australia and overseas on the topics of health justice partnerships, therapeutic jurisprudence, and the intersection between criminal law and mental health.

In 2020, we were invited to participate in round table consultations for the Royal Commission into Mental Health. **First Step Legal** has also contributed a witness statement to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and we expect to give evidence in November 2020. Given that many of our clients experience cognitive and/or psychosocial disabilities, and often have difficulty in accessing legal and other services as a result, we hope to make a valuable contribution to the Royal Commission.

We continue to engage in law reform and submissions to government in relation to issues relevant to our clients, their welfare, and their treatment under the law through our membership on the Law Institute of Victoria Criminal Law Executive Section.

## OUR PEOPLE

**'We are what we repeatedly do, therefore excellence is not an act but a habit.' —Aristotle**

The outcomes we have achieved this year would be impossible without our staff and volunteers.

The dedication, commitment and compassion of our **Senior Lawyer**, Michelle Goldberg, is fundamental to what we do at **First Step Legal**, and we thank her for her crucial work.

The **Legal Case Manager** role has become critical in ensuring ongoing communication with clients, healthcare professionals, police and the Courts, as well as providing administrative and management support. This year we farewelled outgoing Legal Case Manager Adam Barrington and welcomed Madeline Kelly to the role, both of whom we thank for their hard work and adaptability.

We also thank our **team of student volunteers** for their time and enthusiasm. We make special mention of the extraordinary Laini Liberman, who for years, originally in company, but more recently on her own, has so generously given of her time to support our Windana TC outreach legal service. We would also like to acknowledge and thank Janine Perlman, barrister, for her continued fearless advocacy for our clients.

### ONGOING EDUCATION

Over the course of 2020, Michelle Goldberg has run several training sessions to provide volunteers with practical skills to improve their ability and confidence in assisting our clients. In particular, these training sessions have focused on confidentiality, drug and alcohol addiction, suicide and self-harm, and interacting with vulnerable and traumatised clients.

As in previous years, the legal service has also been a valuable source of legal information to assist First Step's clinicians in supporting their clients and identifying potential legal issues they may be facing, by providing secondary consultations and informal training. Additionally, in late 2019, our Principal, Tania Wolff, conducted community legal education at Windana Therapeutic Community, focusing on sentencing principles and report writing.

# THANK YOU

We wish to thank and acknowledge Jane Tewson and Igniting Change for continuing to walk beside us every step of the way. We once again thank Sonja Reja and Virgin Unite, Susan Ball and the VLSB+C, Emma Harrison and the Gourlay Charitable Trust and Paula Thomson and the Portland House Foundation for their generous support and championing of us and our work.

We are also incredibly grateful for the continued support of our very generous friends: Suzi Carp and Modara Pines; Laini Liberman and Jagen Nominees; Nicky Carp and the HUG Foundation; Dahlia Sable at Spotlight Foundation and Talya Masel and the Humanity Foundation. Particularly during this very challenging COVID-19 year, we were overwhelmed by the generosity and concern of so many generous individuals who wanted to assist in any way with food vouchers, masks and sanitisers, care packages and funds to support us continue to provide our services throughout this period.

Our ongoing success can also be attributed to the dedicated work of all staff at First Step, who we thank for their continued support.

Finally - and most importantly - we would like to thank our clients and acknowledge the extraordinary effort by each and every one of you to improve your lives.

Tania Wolff  
Legal Director  
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 we do.

**We gratefully acknowledge the generous assistance of all of our supporters, including:**



The humanity foundation



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

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**FIRST STEP**

42 Carlisle Street, St Kilda 3182

[www.firststep.org.au](http://www.firststep.org.au)

(03) 9537 3177

[info@firststep.org.au](mailto:info@firststep.org.au)