

# **LAW AID SCHEME TRUSTEE POSITION**

## **POSITION DESCRIPTION**

The Law Aid Scheme is a non-profit charitable trust fund established in 1996 to provide litigation assistance in civil proceedings to members of the public who are unable to afford to engage in litigation, where the applicant lives in Victoria or the proceedings fall within the legal jurisdiction of Victoria.

The Scheme's operation is governed by:

1. A Memorandum of Understanding dated 26 November 1996;
2. A Deed of Trust dated 6 December 1996 and amended on 25 September 1997, and
3. Part VIA of the Legal Aid Act 1978.

Assistance consists of the payment of various disbursements necessary in civil litigation, such as court fees and the costs of obtaining FOI material and expert opinions, but does not include professional costs/counsel's fees as, under the Scheme, the lawyers representing the applicant/assisted person must agree not to charge unless there is a successful conclusion to the litigation. Funding is extended on the proviso that the applicant/assisted person and his/her solicitors enter into an agreement pursuant to which, amongst other things, it is agreed that in the event of a successful outcome to the litigation (usually an award of monetary damages), the assisted person will reimburse Law Aid any amounts paid for disbursements and will also pay a fund fee currently set at 5% of the net amount recovered by the assisted person.

Subject to the trustees' obligation to ensure that the Scheme remains financially viable and self-sustaining, the Scheme has power to fund, and does fund, some matters which otherwise meet funding criteria, but which may not result in payment of a fund fee, or even repayment of disbursements, if successful.

The Law Institute of Victoria and the Bar Council each appoint four trustees who assist on a voluntary basis.

The Law Institute's current appointees are:

Sally Sheppard (Chair)  
Danny Frigerio  
H.E.P. (Chinka) Steel  
Anna Vadaketh

The Victorian Bar's current appointees are

James Mighell QC  
Michelle Britbart QC  
Fiona Ryan

The Scheme employs four part time staff who receive, process and summarise new applications for assistance as well as preparing reports and recommendations on applications for assistance, and for extensions of funding in matters where there has been an earlier grant. Material prepared by staff is circulated to trustees via Dropbox prior to each of the 11 scheduled meetings per year. Three to four hours should be allowed for reading time. The trustees' meetings are scheduled on Monday evenings, commencing at 5 pm, and usually last about 1.5 to 2 hours. Additionally, there will be material circulated between scheduled meetings to consider the merit of urgent applications for funding or extensions of funding (material emailed or circulated via Dropbox). Whilst varying from month to month, urgent requests generally add a further 1- 2 hours reading and response time between meetings. Trustees also have oversight of/involvement in matters pertaining to the general running of the Scheme such as staffing, approval of monthly management accounts and ensuring audit compliance, overseeing management of investments and premises.

The Scheme's preferred matter types were originally

- professional negligence claims
- substantial personal injuries claims
- claims against institutions involving oppressive behaviour
- loss or destruction of property claims
- wills and estates matters

The majority of applications for assistance received by the Scheme are in the areas of medical negligence and personal injuries. There are also a considerable number of applications in the area of work and transport accidents, and the consequent common law actions for damages, as well as in the area of public liability. Recent cases supported by the Scheme also include professional negligence claims, VCAT appeals, sexual harassment and sexual assault claims and false imprisonment claims.

The Scheme is not permitted to provide assistance in criminal law or family law matters.

Applicants will ideally have at least 8 post admission years' experience in at least some of the above fields. Familiarity with the areas of general commercial law is also helpful.

Nominees are appointed for a term of two years but it is hoped that newly appointed trustees would be prepared re-nominate for at least one further term to maintain continuity of any particular projects/reviews being undertaken, and to retain experience generally.

A group of trustees with diverse backgrounds and experience is also desired.

Further information can be obtained from Law Aid's website [www.lawaid.com.au](http://www.lawaid.com.au)