

SUPPORTING JUSTICE II
A REPORT ON THE PRO BONO WORK
OF AMERICA'S LAWYERS

THE ABA STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE
FEBRUARY 2009



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Supporting Justice II

Executive Summary

Introduction

The results of the second national pro bono data collection study are in and the results are positive and encouraging. The American Bar Association Standing Committee on Pro Bono and Public Service (hereinafter “the Committee”) is charged with the responsibility to review, evaluate and encourage pro bono activity by attorneys, law firms, bar associations, corporate law departments and other legal providers. As part of its mission, the Committee supports pro bono publico programs, develops legislation, provides resources and undertakes initiatives that enhance the ability of lawyers to provide pro bono services. This report is a product of the Committee’s ongoing efforts to assess the level of pro bono participation in America and to identify strategies for growing the culture of pro bono legal services in the country.

The findings of the present study reflect increasing levels of attorney pro bono interest and participation. Both the overall percentage of pro bono participation and the average number of pro bono hours are on the rise. Valuable information about participation by various attorney demographic criteria is also provided. The study also provides new insight into how to recruit new pro bono attorneys and how to support them in their work.

Background and Objectives

The Committee commissioned a national pro bono survey in 2004 to establish an accurate and credible baseline for tracking and measuring individual attorney pro bono activity on a national basis. One goal of the Committee in undertaking this survey was to develop a valid and consistent methodology and set of tools for gathering pro bono data that could be used as a benchmark for future national and state studies. The Committee then used the results of this survey to promote and encourage pro bono activity around the country, and to create resources and materials for use on the state and local levels.

After the publication of the first study, the Committee determined that it was necessary to replicate the study in order to further clarify some of the original findings and to obtain a sense of whether pro bono participation has increased over time. In order to test specific questions, the Committee conducted a qualitative study that interviewed 40 attorneys about their definition of pro bono and the particulars of their pro bono practice. Once this was completed and the results analyzed, a second quantitative study was developed. This quantitative study, along with its 2004 counterpart, are the only statistically-valid national studies of their kind in the country and have been used as part of a larger effort to systematically assess the state of *pro bono* in the legal profession, develop a strategic plan to increase *pro bono*, and regularly measure progress in attorney pro bono participation

Based on the findings in the 2004 study and the subsequent qualitative study, new objectives for the 2008 study were defined. These objectives were as follows:

- 1) Quantify the amount of pro bono work done by attorneys, particularly work classified as Tier 1: provided at no cost to persons of limited means or to organizations that address the needs of persons of limited means.
- 2) Improve the ABA's understanding of how attorneys define pro bono work.
- 3) Obtain reactions to ABA initiatives that could encourage pro bono work.
- 4) Identify the characteristics of recent pro bono service (e.g. nature of the client, referral source, tasks done, consistency with expectations, etc.) that can be used to guide development of new pro bono initiatives and communication surrounding those initiatives.
- 5) Obtain demographic and work environment data (age, race, gender, work setting, etc.) that will permit analysis of the findings by subgroups of the attorney population.

Methodology

To ensure consistency with the 2004 quantitative and 2007 qualitative studies, the Committee hired the consultant that had completed those studies, Calo Research Services, Inc., to interview 1,100 attorneys nationwide. This national attorney sample was developed as a "representative sample." Attorneys from every state in the nation participated in the 2008 study, with the distribution of lawyers by state reflecting attorney populations therein.

The attorney sample for this survey was distributed over three practice settings: Private Practice (83%), Corporate Counsel (9%), and Government (8%). Within the private practice segment, the sample of 914 attorneys was further stratified by firm size.

The format of the survey outlined a series of general questions followed by more specific ones. In particular, the attorneys were asked general questions about their demographics, their definitions of pro bono service and the amount of pro bono they did within the last year. These general questions were followed up with more specific inquiries asking about the attributes of an attorney's most recent (i.e. typical) pro bono case. The purpose of this format was to assess whether attorneys' general perceptions about pro bono translated to their particular practice.

Key Findings

Defining Pro Bono Service

The majority of attorneys interviewed (64%) indicated that legal work had to be delivered free to be considered pro bono. When attorneys were asked about their most recent case in the past year, however, 90% of the attorneys indicated that they had provided legal services for free. When serving a person, more than two-thirds of the attorneys agreed that the person had to be of limited means. If the client is an organization, most of the attorneys (72%) believed that only some not-for-profit organizations qualify for pro bono representation. About one third of the attorneys felt that a for-profit organization could also qualify for pro bono representation. Responding to a provided list of activities that were not legal services, most of the attorneys were

willing to accept that some activities other than the direct provision of legal services could be considered pro bono.

Past Year Pro Bono Service

The survey found that during the twelve months preceding the survey, 73% of respondents provided free legal services to persons of limited means or to organizations that address the needs of persons of limited means (i.e. Tier 1 service). The study findings indicate that the average attorney reported providing 41 hours of Tier 1 service during this time period. Overall, approximately one-fourth of the sample indicated that they had provided 50 hours or more of free legal services to persons of limited means or to organizations that support the needs of persons of limited means. Approximately one-third of the attorneys indicated that they performed some form of pro bono service in the last year that did not meet the Tier 1 definition. Approximately one-fifth of the attorneys participating in the study stated that they did not do any form of pro bono work in the past year.

Attributes of Most Recent Pro Bono Service

In describing their most recent pro bono service, the vast majority of attorneys who had provided pro bono in the past year reported that their most recent work was provided for free. Notably, 82% of these attorneys indicated that the number of hours provided and the tasks that they performed were consistent with their expectations (94%).

Two-thirds of the attorneys who had provided pro bono service in the past year indicated that the entity served was a person rather than an organization. Slightly fewer than half indicated that the client was referred to them, with a legal aid organization clearly being the number one source of referrals. Overwhelmingly, attorneys receiving a referral were familiar with the referral source before accepting the client. Forty-three (43%) percent of those who had indicated some pre-existing familiarity with the referral source or the client believed that they would have accepted the engagement on a pro bono basis even if both parties had been unknown to them.

Encouraging Pro Bono Activity

More than three-fourths of those who had performed pro bono service in the past year indicated that they do not seek out pro bono opportunities: the opportunities find them. Both providers and non-providers of pro bono identified that providing free training or CLE credit for pro bono and giving the attorney the ability to define the scope of the engagement were the most powerful incentives to encourage greater pro bono activity.

Discouraging Pro Bono Activity

Non-providers identified a lack of time as the primary reason for not providing pro bono service. Also, the findings indicate that the employer's attitude towards pro bono activity seems to have a significant impact on attorney willingness to do pro bono. Attorneys who provided pro bono were significantly more likely to indicate that their employers encourage pro bono service (72%) than were the non-providers (36%). Non-providers were significantly more likely than the providers to feel that their employer had no clear pro bono policy or that their employer discouraged pro bono service. Notably, 27% of non-providers in the private practice setting indicated that no one had asked them to provide pro bono.

Implications for Moving Forward

From the results it is clear that pro bono participation continues to improve both in terms of number of individuals providing service and the number of hours individuals contribute. In addition to demonstrating trends over time, the 2008 study also demonstrates how attorneys' general perceptions of pro bono translate to their particular practice. The results also indicate that attorneys do not feel overwhelmed by the number of pro bono hours their pro bono work involves. Interviewees also reported that their tasks did not involve work outside their expectations.

The findings of this study reflect that a large number of lawyers have a profound sense of responsibility to do pro bono work and gain personal satisfaction from doing so. The great majority of lawyers provide pro bono service of some nature. The Committee recognizes the need for developing valid and credible tools for understanding the level and substance of attorney pro bono activity on national, state and local levels. The Committee views this study as a step in designing and making available such tools. This study is a statistically-based attempt to comprehensively evaluate the state of *pro bono* work in the legal profession, not just work performed through *pro bono* programs or law firms. As such, it is a tremendous step towards formalizing and rationalizing understanding of *pro bono* practices and what concrete steps may be taken to increase the level of pro bono activity nationally.

Conclusion

Based on the results of the 2008 study the Committee is positioned to create new, effective strategies for helping its constituents increase pro bono opportunities and participation. Some initiatives that the Committee expects to pursue include: 1) Increasing employer policies that encourage pro bono practice; 2) Cooperating with constituents on developing their own data collection tools to replicate this study on a statewide or local level and 3) Providing strategies to pro bono organizations and bar associations on how to best recruit attorneys as volunteers. The Committee also hopes to continually improve the survey used in the study to obtain more information about particular demographic groups and continue to track pro bono participation over time.

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Introduction

Pro Bono Publico is fundamental to the culture of the legal profession and has long been viewed as an ethical responsibility of attorneys – both informally and formally – since the beginning of the profession. Ample evidence demonstrates pro bono’s growth in the last 25 years. Information about the development and current national picture of pro bono can be found in Appendix A.

Until recently there has been little national quantitative data to help illuminate the extent of this growth and the nature of the pro bono work done by individual attorneys. In 2004, the American Bar Association (ABA) Standing Committee on Pro Bono and Public Service conducted a study to develop a national, comprehensive profile of attorneys doing pro bono to enable the ABA to better support their efforts and to help others provide pro bono service. The 2005 report that was published from the 2004 data is entitled: **Supporting Justice: A Report on the Pro Bono Work of America’s Lawyers.**¹

Since the time of its publication, the Committee has been involved in several initiatives to support pro bono that arose from the findings of this first study. A description of these initiatives can be found at the end of the report in Appendix B. The Committee determined early on that it was necessary to replicate the original study in order to further clarify some of the original findings and to obtain a sense of whether pro bono participation has increased over time. The results of this new study are described below.

Overview

This report is a result of a one year study measuring the amount of pro bono work being done by attorneys in the United States, how attorneys are defining pro bono, and the reasons why attorneys provide, or choose not to provide, free legal assistance to people of limited means. The survey consisted of telephone conversations with 1,100 attorneys throughout the country in private practice, corporate counsel and government settings.²

This survey inquired about practicing attorneys’ pro bono contributions over a one-year period from approximately April 2007 to April 2008, asking how much and what kind of volunteer legal services they provided, from whom they received their cases, how they defined pro bono and descriptions of their most recent pro bono experience. Key findings of the National Pro Bono Survey include:

- ▶ Pro bono service provided by attorneys has increased since the 2005 study. Approximately three-fourths of the attorneys (73%) provided some amount of pro bono to persons of limited means or to organizations in matters which are designed primarily to address the needs of persons of limited means (hereinafter referred to as Tier 1 pro bono) – an increase from the 66% reported in 2005. Also, attorneys on average reported providing 41 hours of Tier 1 pro bono service in the past year, up from 39 hours reported in 2005.³

¹ To review a copy of the report, see www.abaprobono.org/report.pdf.

² For more information, see the Methodology section at page 7.

³ This is a directional, but not statistically significant, increase.

- ▶ The vast majority of reported pro bono service was provided for free rather than at a substantially reduced rate.
- ▶ The number of pro bono hours that attorneys provide, and the tasks that they perform, are typically consistent with their expectations and skills. Additionally, most attorneys do not express concern about their pro bono matter being outside of their usual practice field.
- ▶ The employer's attitude towards pro bono activity has a significant impact on the attorney's behavior.
- ▶ Most attorneys do not look for pro bono opportunities—the opportunities find them.
- ▶ Private practitioners do a larger amount of pro bono hours than attorneys in the corporate and government sectors.

In order to have some perspective on these national findings, it is important to review how other organizations and entities have evaluated pro bono. As a direct result of the growth of pro bono over time, there has been an increasing interest in recent years in measuring how much pro bono work lawyers are performing. Measurement of pro bono participation has been adopted by state bar associations, law firms and the legal media.

For the past few years, state bars have been measuring the amount of pro bono being done through surveys and voluntary or mandatory reporting. Individual organizations are also collecting and reporting information. For example, Mississippi adopted a required pro bono reporting rule in March 2005 and reported that attorneys provided 179,285 hours of pro bono in 2007 (approximately 38 hours per attorney). Hawaii completed its first year of mandatory pro bono reporting for calendar year 2007 and approximately 47% of respondents indicated doing some pro bono service during the year, for a total of 204,540 hours (approximately 62 hours per attorney).⁴

Findings can also be reviewed in the context of large law firms. Each year *American Lawyer Magazine (AmLaw)* surveys what it identifies as the top firms about the amount of pro bono performed during the prior year and the number of lawyers in each firm who participate. According to *AmLaw*, 2007 was a notable year for pro bono work nationally. The average *AmLaw* 100 firm provided 25,893 hours, up 13.2 percent from 2006. Total hours grew to 4.8 million -- a record -- and the number of lawyers doing more than 20 hours of pro bono work rose 12 percent, to 38,196. On average, pro bono hours per lawyer rose 7.7 percent to 53.6 hours.⁵ To put it into perspective, those large law firms represent approximately only 16% of practicing attorneys nationwide⁶, meaning the figures do not include any of the pro bono being done by solo practitioners and those in small and medium firms.

⁴ When looking only at attorneys who did pro bono, the ABA study found that the average number of hours per attorney was 55. Although this number is within the range of other state findings related to the average number of hours of pro bono per reporting attorney, comparisons must be interpreted with caution as states may have broader definitions of pro bono than the Tier 1 measurement that was the primary focus of this report.

⁵ Information obtained from the *American Lawyer Magazine*- July, 2008.

⁶ The 2005 American Bar Foundation Lawyer Statistical Report identifies that 16.2% of attorneys work in law firms of 100+ attorneys.

Looking at volunteerism more generally, the percentage of the United States population who did volunteer work from September 2006 – September 2007 was 26.2%.⁷ Volunteers spent a median of 52 hours on volunteer activities. These statistics encompass both lawyers and non-lawyers, and include all types of volunteer activities, but offer a comparative perspective for the analysis of pro bono work done by attorneys.

A History of the Pro Bono Committee's Data Collection Project

The ABA Standing Committee on Pro Bono and Public Service is charged with the responsibility to review, evaluate and encourage pro bono activity by attorneys, law firms, bar associations, corporate law departments, and other legal providers. As part of its mission, the Pro Bono Committee, and its project the Center for Pro Bono, support pro bono publico programs, provide resources and undertake initiatives that enhance the ability of lawyers to provide pro bono services.

The Pro Bono Committee conducted its data collection study in 2004 to establish an accurate and credible baseline for tracking and measuring individual attorney pro bono activity on a national basis. The Committee commissioned Calo Research Services, Inc. of Cincinnati, Ohio to administer the survey. One goal of the Committee in undertaking the survey was to develop a model methodology and set of tools for gathering pro bono data that could be used as a benchmark for consistent future national and state studies.

The methodology employed in the 2008 study was similar to that used in 2004. One difference is that the information obtained for the current study, about the proportion of attorneys in private practice, corporate and government settings, was taken from the American Bar Foundation's *2005 Lawyer Statistical Report* publication.⁸ Sampling guidance from the 2004 study was drawn from the *2000 Lawyer Statistical Report*.

A Brief Summary of the Results of the 2004 Data Collection Study

In 2004, 66% of the respondents reported providing some level of free pro bono services to people of limited means and/or to organizations serving the poor. Considering all attorneys interviewed (i.e., providers and non-providers of pro bono service) the attorneys reported, on average, providing approximately 39 hours of free pro bono service to persons of limited means or to organizations serving the poor. Forty six percent (46%) of the attorneys surveyed met the ABA's aspirational goal of providing at least 50 hours of free pro bono services.

There was a direct correlation between age and incidence of providing pro bono. Older attorneys were more likely to report doing pro bono than younger attorneys. The prime motivator for attorneys who did pro bono was the combined sense of professional duty and personal satisfaction derived from the work. The main discouragement from doing pro bono work, or doing more, was lack of time (69%).

⁷ The Corporation for National and Community Service reports a similar finding of 27.2% of individuals in America who volunteered each year from 2005 to 2007. These statistics are focused on the provision of all types of volunteer services, however, as opposed to just the provision of pro bono services which is the focus of this study.

⁸ This report has not yet been published and the data are preliminary.

The results also indicated that providing pro bono work by substantially reducing legal fees was much less common than providing free legal services. Only 33% of the attorneys indicated doing any “substantially reduced fee” pro bono work. And, in terms of client source, 40% of clients were referred by a friend or family member and 36% were referred by some type of organized pro bono program.

Issues within the 2004 Data Collection Study that Merited Further Investigation

As a result of the 2004 findings, the Committee wished to explore further the relationship between attorneys and their pro bono service. For example, the Committee desired more detailed information on how attorneys were defining pro bono – in particular, whether they classified certain activities (e.g., representing a non-indigent government official, serving on the board of a nonprofit) as pro bono activities. Correspondingly, the Committee wanted to ascertain how attorneys were defining “a person of limited means” and what information they were relying on to make this assessment. Other issues the Committee wanted to explore further included:

- 1) Attributes of the most recent pro bono work that had been performed (obtaining clarifying information on the referral source of the client, consistency of expectations, etc.).
- 2) Attorney attitudes toward pro bono work (being reactive vs. proactive in response to opportunities, factors encouraging/discouraging pro bono work, etc.) and
- 3) Demographic distinctions across the different variables measuring pro bono.

Development of an Interim *Qualitative* Data Collection Study

In order to obtain more detailed information and explore new areas of questioning in depth, the Pro Bono Committee commissioned Calo Research Services, Inc. to formulate and perform a qualitative study in 2007 which consisted of 40 comprehensive telephone interviews with attorneys inquiring about their pro bono service.⁹ The purpose of this study was to both illuminate the findings of the 2004 quantitative research and to provide guidance for a follow-up study. The qualitative format allowed for more open-ended questions and a richer information base from which to draw in developing a subsequent quantitative questionnaire. The attorney sample consisted of private practice, government, and corporate attorneys.

The study found that attorneys’ initial definitions of pro bono service, offered without any guidelines from the interviewers, focused on the services being free (95%) or delivered at a reduced cost (30%) to a deserving client. Among the respondents who described a typical pro bono engagement in the previous five years, the referral source for the client was most often identified as family/friends or a legal aid organization or program.

Exactly half of those who provided pro bono service within the previous five years indicated that for their most recent (typical) pro bono experience, they knew the client before the legal

⁹ Calo Research Services also conducted the Committee’s 2004 study.

representation began.¹⁰ Slightly more than half of those who knew the client beforehand indicated they would have accepted the client on a pro bono basis without the pre-existing relationship.

Respondents reported that the client's inability to pay for representation was the key determinant in assessing whether the prospective client deserved pro bono representation. Services were typically delivered for free, with that agreement made before the services were rendered.

There was little substantive commonality to the legal matters handled by those who had provided pro bono service within the previous five years, but there was a cluster of common tasks. The majority of respondents also indicated that the length of the engagement was consistent with their expectations.

Most of the attorneys indicated that they were more reactive than proactive concerning pro bono opportunities – the opportunities tended to find them. Key motivators of pro bono service among pro bono providers were an awareness of needs, the personal satisfaction of giving back to the community, and the belief that attorneys have an obligation to give back to the community. The key factors discouraging pro bono service among all attorneys were a perceived lack of time and concerns about the potential for a mismatch between opportunities and skills. Attorneys indicated that matching an attorney with co-counsel specializing in the legal matter and allowing the attorney to define the scope of the engagement would be two factors that would encourage attorneys to do more pro bono.

Objectives and Design of the ABA's 2008 National Pro Bono Study

To ensure consistency with the 2004 quantitative and 2007 qualitative studies, the Pro Bono Committee again commissioned Calo Research Services, Inc. to formulate and perform the survey. Based on the findings in the 2004 study and the subsequent qualitative study, new objectives were defined. The objectives for the 2008 study were as follows:

- 1) Quantify the amount of pro bono work done by attorneys, particularly work classified as Tier 1: provided at no cost to persons of limited means or to organizations that address the needs of persons of limited means.
- 2) Improve the ABA's understanding of how attorneys define pro bono work.
- 3) Obtain reactions to ABA initiatives that could encourage pro bono work.
- 4) Identify the characteristics of recent pro bono service (e.g., nature of the client, referral source, tasks done, consistency with expectations, etc.) that can be used to guide development of new pro bono initiatives and communication surrounding those initiatives.
- 5) Obtain demographic and work environment data (age, race, gender, work setting, etc.) that will permit analysis of the findings by subgroups of the attorney population.

¹⁰ Our studies have shown that for approximately nine out of ten attorneys, the "most recent" pro bono engagement was typical of their pro bono experiences. The few who felt it was not were asked to think of a more typical engagement. Therefore, "most recent" and "typical" can be viewed as synonymous.

The findings of the qualitative study led the Committee to develop a quantitative questionnaire that was somewhat different in focus than the questionnaire used for the 2004 study. For example, the Committee decided not to ask about motivating factors or disincentives for the second round of the quantitative study because these findings were generally consistent across the initial quantitative study and the subsequent qualitative study. The Committee decided to ask questions focusing solely on the provision of free legal services to mirror the true intent of ABA Model Rule 6.1 and to reflect that this was already the majority of the pro bono work being conducted. In addition, questions about monetary contributions were not replicated as the findings indicated few significant relationships between monetary contribution and amount/type of pro bono service provided. Finally, questions about an attorney’s most recent pro bono experience were included in the revised questionnaire in order to determine whether findings obtained in the qualitative study would be replicated when measured using a more statistically valid sample.

Research Methodology

Calo conducted telephone interviews with 1,100 attorneys, producing survey results with a statistical accuracy of +/-3 percentage points, at the 95% confidence level. The national attorney sample was developed as a “representative sample” using a stratified sampling design with proportional allocations based on estimates of the U.S. attorney population in private practice, corporate and government settings provided in the American Bar Foundation’s *2005 Lawyer Statistical Report* publication. The sample itself was randomly drawn from a combination of Martindale-Hubbell and American Bar Association databases, with screening used to produce an ending sample consistent with ABA membership levels. Attorneys from every state in the nation participated in the study, with the distribution of lawyers by state reflecting attorney populations therein.

The attorney sample for this survey was distributed over three practice settings: Private Practice (83%), Corporate Counsel (9%), and Government (8%). The academic setting was not included in this study as it was in the 2005 report due to its representing only a small proportion of the overall population of attorneys. Also, since the purpose of the survey was to focus on practicing attorneys, judges and retired and inactive lawyers were intentionally excluded from the sample. Legal aid/public defender lawyers were also excluded.

Within the private practice segment, the sample of 914 attorneys was further stratified by firm size to match population figures as provided in the 2005 Lawyer Statistical Report. The breakdown of the attorney population by firm size is as follows:

	Solo	2-10 Attorneys	11-50 Attorneys	51-100 Attorneys	101 or More Attorneys
Per ABF Report	48%	20%	12%	4%	16%
Ending Sample	48% (439)	20% (184)	12% (106)	4% (36)	16% (149)

Respondent interviews averaged 18 minutes in length, and covered information about the respondent's type of legal practice and demographics such as age, gender, ethnicity, number of years in practice, office locations (e.g., urban, rural, suburban), work environment, practice area of concentration, number of coworkers and ABA membership.¹¹

In the telephone interviews, attorneys were instructed to focus only on the activities they had personally performed, not on activities that might have been performed by a coworker. They were also asked not to consider as pro bono service free initial consultations to a prospective paying client. Finally, they were asked not to consider a situation as pro bono in which a service was provided for free because a client failed to pay the bill.

The format of the survey outlined a series of general questions followed by more specific ones.¹² In particular, the attorneys were asked general questions about their definition of pro bono service and the amount of pro bono they did within the last year. The questions then became more specific, asking about the attributes of an attorney's most recent (i.e., typical) pro bono case. The purpose of this format was to assess whether attorneys' general perceptions about pro bono translated to their particular practice. The questions covered the following topic areas:

- How Do Attorneys Define Pro Bono?
- What Percentage of Attorneys Are Doing Pro Bono?
- How Many Hours of Pro Bono Work Are Attorneys Doing?
- What Are the Characteristics of Attorneys' Most Recent Pro Bono Service?
- What Factors Encourage or Discourage Pro Bono Service?

¹¹ Study participants self-classified their office locations as: 1) Urban (65%); 2) Suburban (27%); and 3) Rural (8%). The overall sample was 89% Caucasian. The age distribution of the sample was: 21-30 (5%); 31-40 (10%); 41-50 (28%); 51-60 (36%); 61-70 (16%); Over 70 (5%). The ending sample of 1,100 attorneys was 77% male and 23% female.

¹² The survey used the ABA's Model Rule 6.1 as the basic foundation for the questions about pro bono. Model Rule 6.1 states:

“A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.”

Key Findings of the Survey

Throughout this report results are compared across the three practice settings of private practice, corporate counsel and government. Also, the private practice setting is broken down into the following four attorney subgroups: 1) solo practitioners; 2) firms of 2-10 attorneys; 3) firms of 11-100 attorneys and 4) firms of 101+ attorneys. Significant differences in findings across these subgroups are highlighted. It was not possible to compare variables between the various corporate and government subgroups because of the small number of respondents in those subgroups.

Noted differences are also highlighted between attorneys who practice in different office locations (e.g. urban, suburban, rural), attorneys of different ages, and male versus female attorneys. Although specific findings are provided based on attorneys' ethnicity, these differences must be interpreted with caution due to the small number of non-Caucasian attorneys interviewed.¹³

How do Attorneys Define Pro Bono?

Does Pro Bono Mean Free Legal Services or Reduced Fee Legal Services?

Sixty four percent (64%) of the attorneys indicated that legal services had to be free to be considered pro bono. As indicated later in the report, however, when attorneys were asked about their most recent case in the past year, 90% of the attorneys indicated that they had provided legal services for free. Of the 364 attorneys who believed that a substantially reduced fee would be acceptable, the average fee reduction mentioned was 57%.¹⁴

Must the Person Receiving Pro Bono Services be a Person of Limited Means?

Seventy percent (70%) of the attorneys indicated that a person receiving pro bono had to be of limited means. Attorneys used a variety of sources in determining whether individuals were of limited means including: 1) relying on the referral source (51%); 2) relying on their own knowledge of the client's situation (47%); 3) accepting the client's word (36%) and 4) requesting financial evidence (27%).¹⁵

What Are the Characteristics of Not-for-Profit Organizations that Qualify for Pro Bono?

Most attorneys indicated that only some not-for-profit organizations should qualify for pro bono. Attorneys in the government setting were most likely to perceive that all not-for-profit organizations should qualify.¹⁶ In order to make this assessment, attorneys relied on factors such as the organization's purpose (85%), the population in which it serves (80%), and the organization's budget (80%).

¹³ Eighty four (84) non-Caucasian attorneys were interviewed for this study. Eighty nine percent (89%) of the study participants classified themselves as Caucasian, which approximates 2000 U.S. Census data.

¹⁴ In the private practice setting, solo practitioners (36%) were significantly more likely than the attorneys working in the largest firms (26%) to feel that a reduced fee arrangement could still qualify as pro bono service.

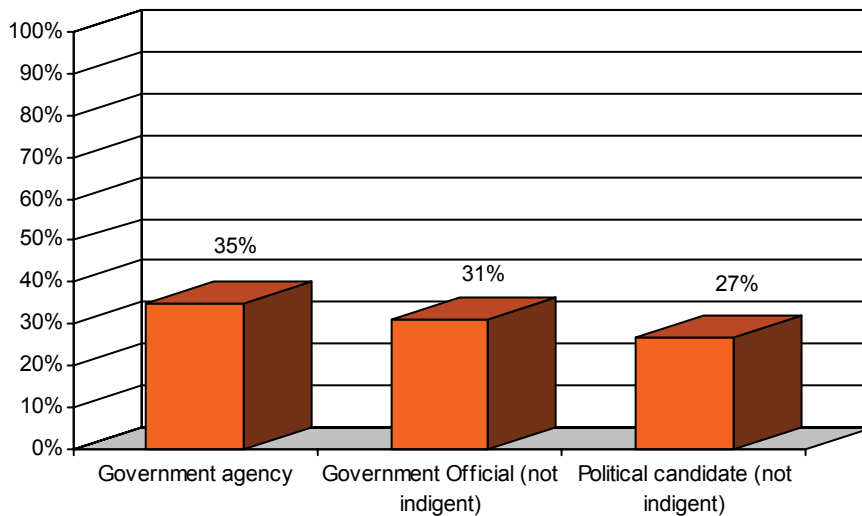
¹⁵ In the private practice setting, attorneys in the largest firms relied more heavily on the referral source for guidance in determining "limited means" than those in smaller firms. Also, smaller firm attorneys showed a greater likelihood than the larger firm attorneys to rely on their knowledge of the client's situation in making this judgment or just accepting the client's word for it - perhaps due to smaller firms having more direct contact with the prospective pro bono client.

¹⁶ In the private practice setting, solo practitioners (77%) were more likely than those in the larger firms to feel that just some, rather than all, not-for-profits qualify for pro bono representation.

Do Other Entities Qualify for Pro Bono Service?

Thirty five percent (35%) of the attorneys felt that it was acceptable to provide pro bono services to government agencies. Attorneys in the largest firms were more likely than those in the smaller firms to feel that a government agency could qualify as a pro bono client. Thirty one percent (31%) of the attorneys also felt that it was acceptable to provide pro bono services to a government official¹⁷ and 27% of the attorneys felt that it was acceptable to provide pro bono services to a political candidate.

Percent Indicating that a Given Entity Could Qualify
(Base: Total Sample - 1,100)



*Are There Activities Other than Legal Services that Can Qualify as Pro Bono?*¹⁸

When asked whether sitting on a board of a not-for-profit legal services organization is pro bono, 61% of the attorneys responded affirmatively.¹⁹ Attorneys also felt that providing legal training to legal colleagues and citizens could be a pro bono activity (60%).²⁰ In addition, attorneys felt that speaking on substantive legal issues for a legal or lay audience could be considered pro bono (50%).²¹

¹⁷ Government attorneys were more likely to feel that a current or former government official who is not indigent would qualify for pro bono (42%) than those in private practice (30%).

¹⁸ Before the respondents were presented with non-legal examples, 57% of them responded that an attorney must provide legal services for the activity to be considered pro bono. After being presented with examples of non-legal activities, however, attorneys felt that several of these could be considered pro bono.

¹⁹ This finding was highest in the corporate counsel setting (70%). Also, in the private practice setting, attorneys in mid-size firms (11-100 attorneys – 53%) were more likely than the largest firm attorneys (101+ -- 40%) to feel that sitting on the board of a not-for-profit organization that does not provide legal services would qualify as pro bono.

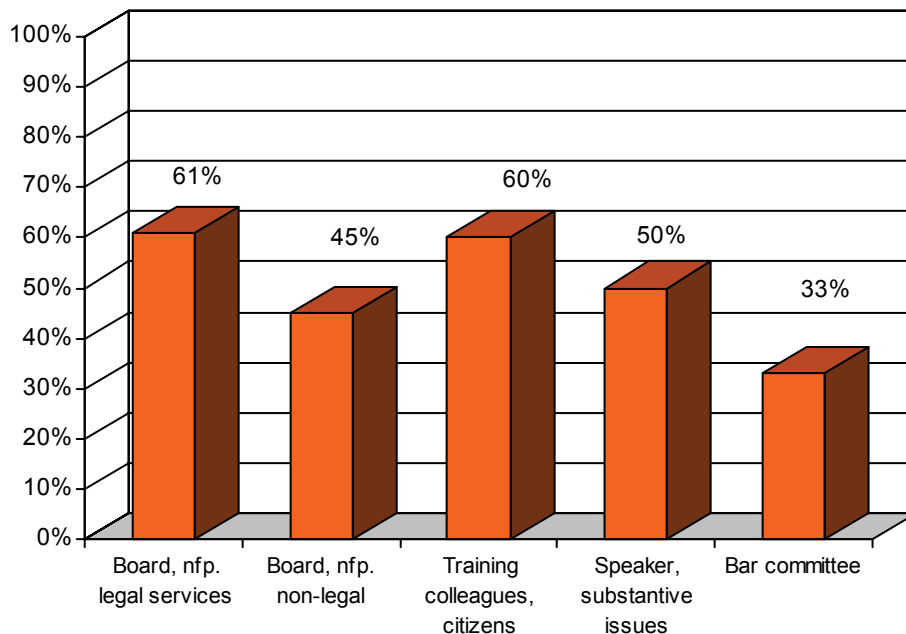
²⁰ Particularly for government attorneys (76%).

²¹ Particularly for government attorneys (65%).

Within the private practice sector, attorneys in firms of 100 or fewer attorneys were significantly more likely than those in firms of more than 100 attorneys to believe that speaking on substantive legal issues for a legal or lay audience would qualify as pro bono. (Solo – 50%; 2-10 attorneys – 53%; 11-100 attorneys – 51% versus 101+ attorneys – 34%).

Older attorneys were more likely than the youngest attorneys to feel that sitting on the board of either a not-for-profit legal services organization or a not-for-profit non-legal services organization would qualify as pro bono service.

Percent Indicating that a Given Activity Could Qualify
(Base: Total Sample - 1,100)



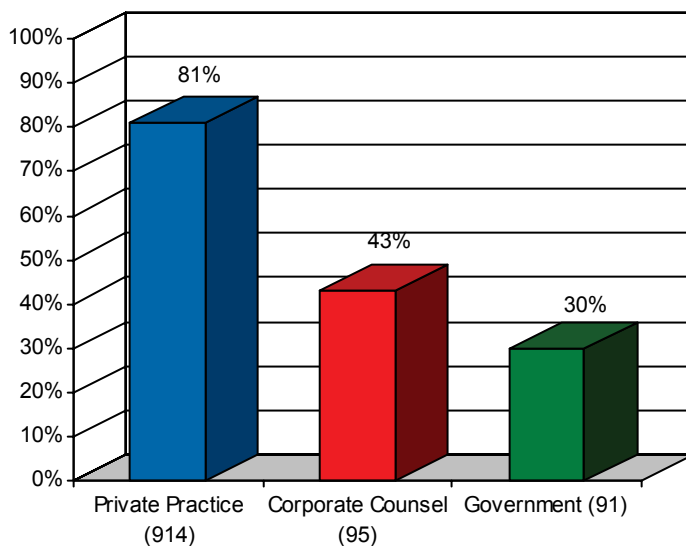
What Percentage of Attorneys are Doing Pro Bono?

How Many Attorneys Did Tier 1 Pro Bono in the Last Year?

During the 12 month period prior to the survey, 73% of the attorneys provided some type of Tier 1 service. This percentage was significantly higher in the private practice (81%) setting than in the corporate (43%) and government (30%) settings.²²

²² Non-Caucasian attorneys in private practice (90%) were more likely to report providing Tier 1 services in the past year than did the Caucasian attorneys in private practice (80%).

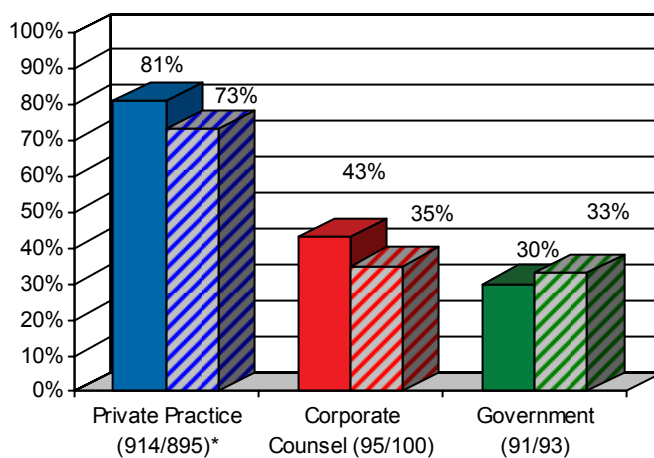
Percent of Attorneys Providing Tier 1 Service



How Does this Finding Compare to the 2004 Finding?

The percentage of private practitioners who reported doing pro bono work in 2008 represented an increase over the percentage who reported doing pro bono in 2004. Although not statistically significant, the percentage of corporate attorneys reporting Tier 1 pro bono service was higher in 2008 than in 2004 (+8%).

Comparison - 2008 vs. 2004 Percent of Attorneys Providing Tier 1 Service

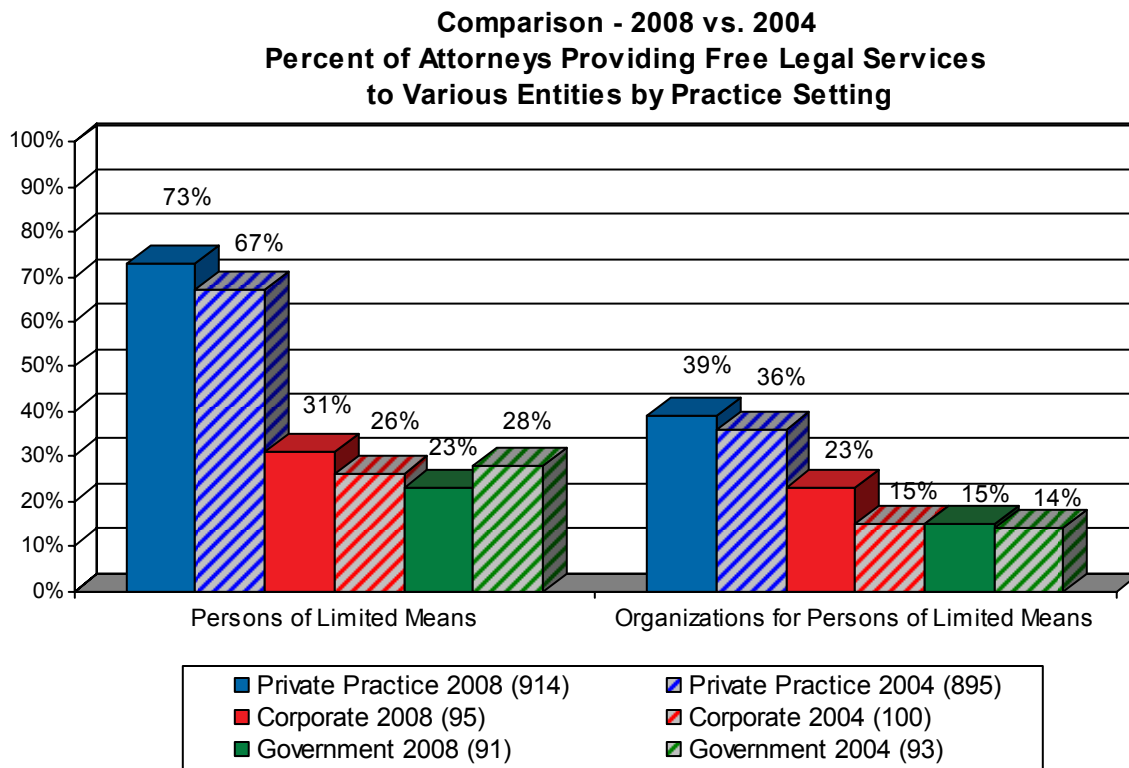


* Indicates sample sizes, 2008/2004.

What Is the Percentage of Attorneys Providing Free Legal Services to Individuals or Organizations by Practice Setting?

When comparing segments within the private practice setting, those in smaller law practices who provided services to individuals reported a higher incidence of service.²³ Conversely, attorneys in the larger law firms who provided services to organizations reported a higher incidence of service.²⁴ In regards to their most recent pro bono experience, those in smaller firms were more likely to have served a person rather than an organization than were attorneys working in larger firms.

The incidence of Tier 1 service was significantly greater for those in the two smaller firm segments (solo, 84%; 2-10 attorneys, 84%) than in the 11-100 attorney segment (73%). In addition, it was significantly greater among solo practitioners (84%) than it was for those in the largest firms (101+ attorneys, 76%).



How Many Hours of Pro Bono Work are Attorneys Doing?

What Is the Estimate of the Average Amount of Pro Bono Service Provided?

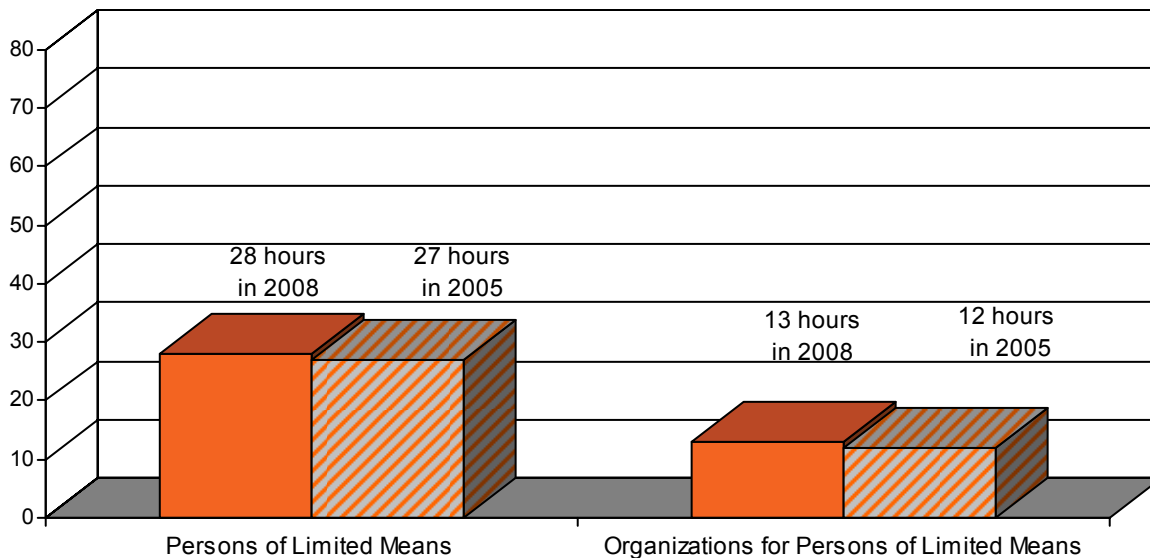
The average number of hours of pro bono an attorney provided was determined by considering the number of attorneys who stated they provided free service to a given entity, the average number of hours spent on that activity, and dividing it by the total sample of 1,100 attorneys. The number of

²³ Solo – 80%; 2-10 attorneys 80%; 11-100 attorneys – 59%; 101+ attorneys – 59%

²⁴ Solo – 38%; 2-10 attorneys – 36%; 11-100 attorneys – 40%; 101+ attorneys – 48%

hours the average attorney spends providing free legal services to persons of limited means and to organizations that serve persons of limited means increased from a total of 39 hours in 2004 to 41 hours in 2008.²⁵ This number increases to 55 hours when looking only at those attorneys who did Tier 1 pro bono work (i.e., when not including non-providers).²⁶ Commonly accepted statistical techniques were employed to limit the impact of outliers on the computed average.

Comparison - 2008 vs. 2004
Estimate of the Average Hours of Free Services the Average Attorney Provides to Various Entities (Base: 1,100/study)



What Is the Percentage of Attorneys Providing 50+ Hours of Tier 1 Pro Bono Service by Practice Setting?

Twenty seven percent (27%) of attorneys provided 50 or more hours of Tier 1 pro bono service during the 12-month period prior to the survey. This number was significantly higher for those in the private practice setting. In private practice, attorney’s in the largest firms provided the largest number of hours of pro bono service to persons of limited means (101+ - 62 hours; Solo – 43 hours; 2-10 attorneys – 37 hours; 11-100 attorneys – 34 hours).

²⁵ This figure includes attorneys who reported doing zero hours of pro bono activity. When looking at the median number of hours of pro bono performed, the amount is 24.5 hours, meaning that half the sample reported Tier 1 hours below 24.5 and half reported hours above 24.5.

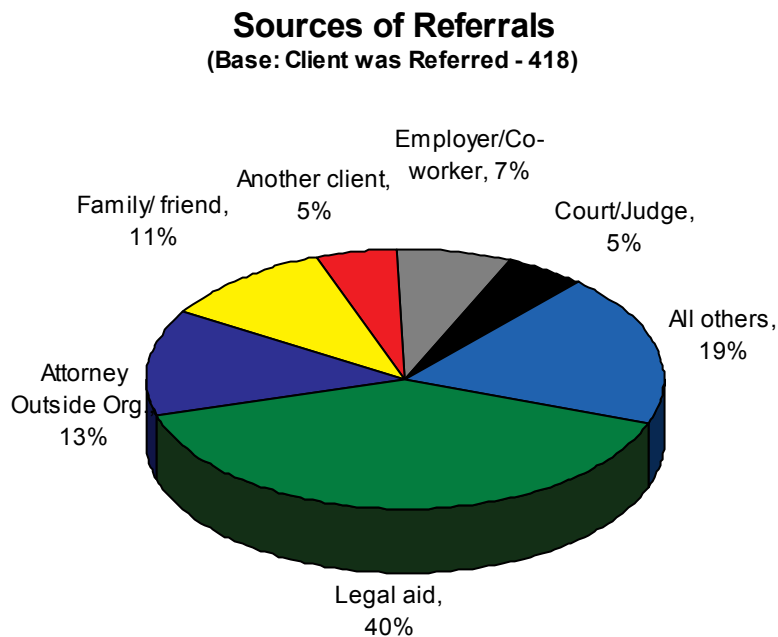
²⁶ Concerning total Tier 1 hours, the “average” (including non-providers) non-Caucasian attorney provided more pro bono in the past year than did the average Caucasian attorney (61 versus 45 hours).

²⁷ Averages by firm size are based on attorneys who reported providing pro bono service to persons of limited means. The only significant difference between the number of hours that men and women devoted to pro bono related to doing some level of other pro bono activity – Men (52 hours); Women (37 hours).

What Are the Characteristics of Attorneys' Most Recent Pro Bono Service?²⁸

What are the Sources of Pro Bono Referrals and Attorneys' Familiarity with Them?

Within the 12-month period prior to the survey, 48% of the attorneys who provided pro bono indicated that their most recent client was referred to them.²⁹ Legal aid and pro bono organizations were the number one source of referrals. Among those attorneys receiving a client from a referral source, those in the largest firm segment were more likely to have received that referral from a legal aid or pro bono organization than were those in smaller firms. Solo practitioners, in contrast, were more likely to receive referrals from another attorney outside of their firm or from a family member or friend than were those in large firms.³⁰ Of the attorneys who received a client via referral, 88% of them indicated that they were familiar with the referral source before accepting the client.



How Familiar Are the Attorneys with the Client for Whom the Work is Being Performed?

Forty one percent (41%) of the attorneys knew the client before accepting the work on a pro

²⁸ Respondents were asked about their most recent pro bono experience. They were asked to exclude cases in which they provided services for free or at a reduced cost because a client failed to pay all or part of a bill. They were then asked if this experience was “typical” of the pro bono service they have provided in recent years. If they answered “no,” they were then asked to think of a more typical pro bono experience when answering the questions.

²⁹ For those in private practice, receiving the client via referral was more common – 50% in private practice versus 32% in corporate. Also, on the high and low ends of firm size in private practice, attorneys were more likely to indicate that the client was referred to them than were those in other firm size segments.

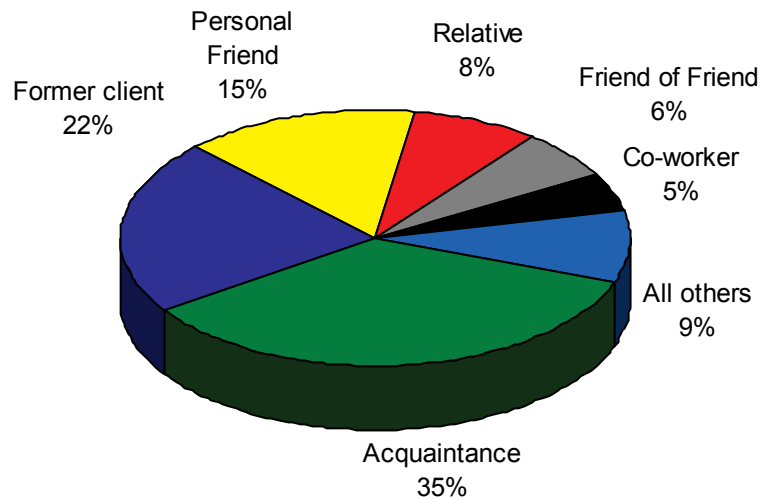
³⁰ This finding was true for those in urban, suburban and rural settings. Although in the rural group, there were a higher proportion of referrals coming from an attorney outside of one’s organization and from judges than in the urban and suburban settings.

bono basis.³¹ Attorneys were more likely to indicate knowledge of the client if the client was an organization (72%) rather than a person (27%).

What Is the Prior Relationship with the Person Served?

Among the attorneys who indicated knowing the person before accepting the client, the relationship was characterized as an acquaintance (35%) or former client (22%) as opposed to a personal friend (15%) or relative (8%).

Nature of Relationship with Person Served
(Base: Knew Person being Served - 157)



What Is the Prior Relationship with the Organization Served?

Among the attorneys who provided pro bono service to an organization and indicated knowing the organization before accepting the engagement, most (86%) stated they had some level of personal relationship with the organization.

What Is the Likelihood of the Attorneys Accepting the Client if the Referral Source and Client Are Unknown?

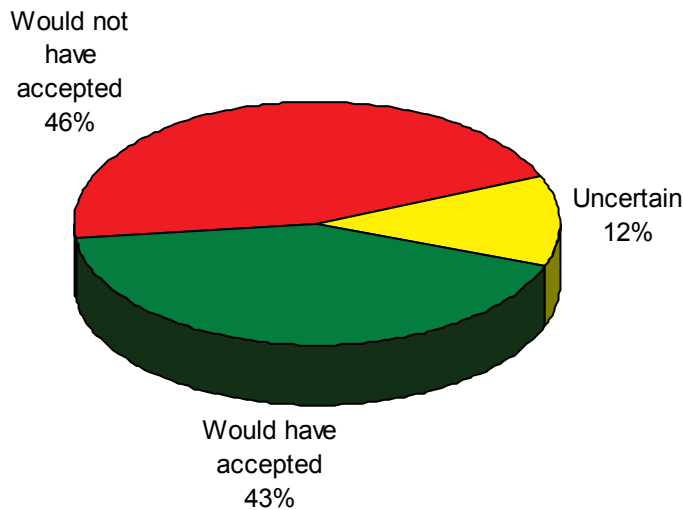
Among those who knew the referral source or client prior to accepting the engagement, if both the referral source and the client were unknown to the attorney, 43% indicated that they still would

³¹ Attorneys in the corporate (66%) and government (60%) settings were more likely to indicate knowing the client before the representation began than those in private practice (38%). Also, within the private practice setting, attorneys in one of the larger firm sizes (11-100 attorneys) indicated a significantly higher likelihood of knowing the client before accepting the work on a pro bono basis (50%), than did the solo practitioners (34%).

have accepted the engagement.³² The youngest attorneys, ages 21-40 (60%), were more likely than the older attorneys, ages 41-60 (42%) and ages 61+ (37%), to indicate that they would have still accepted the client if both the referral source and the client were unknown to them.

Willingness to Accept an Unfamiliar Client from an Unfamiliar Referral Source

(Base: Knew Client and/or Referral Source - 669)



What Are the Factors Causing the Attorneys to View the Client as Deserving Pro Bono Representation?

For attorneys who provided pro bono to an individual, the client's being low income or in poverty was the most cited factor as to whether a client deserved pro bono representation.³³ For attorneys who provided pro bono to an organization, familiarity was the most cited factor as to whether the organization deserved pro bono representation.

What Is the Method of Determining the Income Level of the Client?

Among attorneys who accepted a client for pro bono because the client was low income or in poverty, only 6% obtained some form of proof of income. Most attorneys used a more

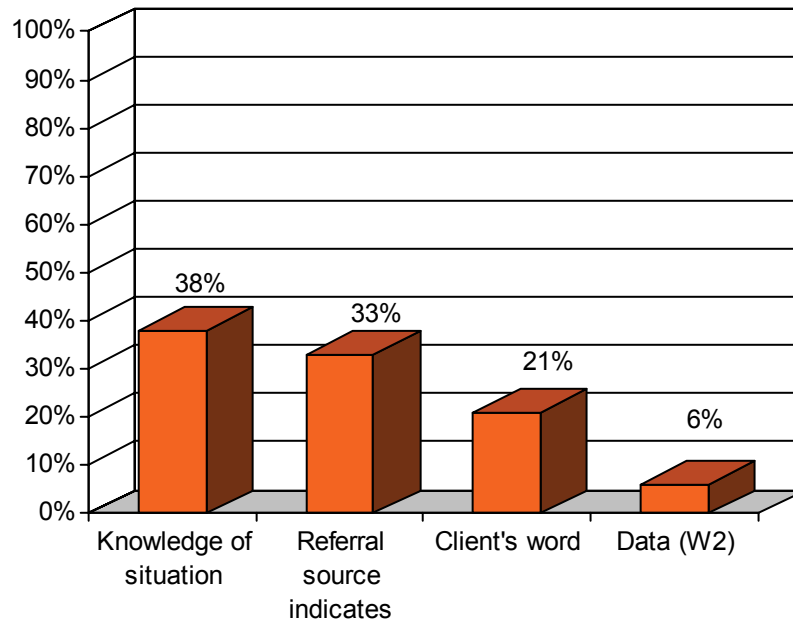
³² There were no significant differences by gender, ethnicity or practice size on this question.

³³ The solo practitioners (40%) were more likely than attorneys working in 2-10 attorney firms (27%) or 101+ attorney firms (30%) to reference low income or poverty of the client as the reason to accept the client on a pro bono basis. Those in smaller firms were also more likely to indicate that they empathized with the client as a reason for accepting them.

impressionistic method of determining a client's income. The referral source was also seen as an important indicator of eligibility.

Determinants of Low Income/Poverty

(Base: Asked to Identify Determinant: 279)



Do Attorneys Classify the Client According to ABA Model Rule 6.1 Guidelines?

Among the 587 attorneys who had provided pro bono service to a person, more than 90% provided a response that was very consistent with the ABA definition of a qualified recipient. Eighty four percent (84%) said they provided services to a person of limited means, and 7% said that they provided services to a person seeking to secure or protect civil rights, civil liberties or public rights. The remaining respondents (9%) stated that they provided services to an individual for whom the attorney felt some level of empathy, but was not indigent (e.g., parents of a disabled child, a person who was having trouble understanding the legal system, etc.). Responses were less consistent with the ABA Model Rule 6.1 classifications among the 270 attorneys who indicated that they provided services to organizations.

To What Extent Do Attorneys Seek Fees For Their Most Recent Pro Bono Engagement?

More than 90% of attorneys providing pro bono services in the 12-month period in question indicated that their most recent work was provided for free.³⁴ This finding demonstrates that in practice, attorneys are primarily providing pro bono for free, rather than for a reduced fee.

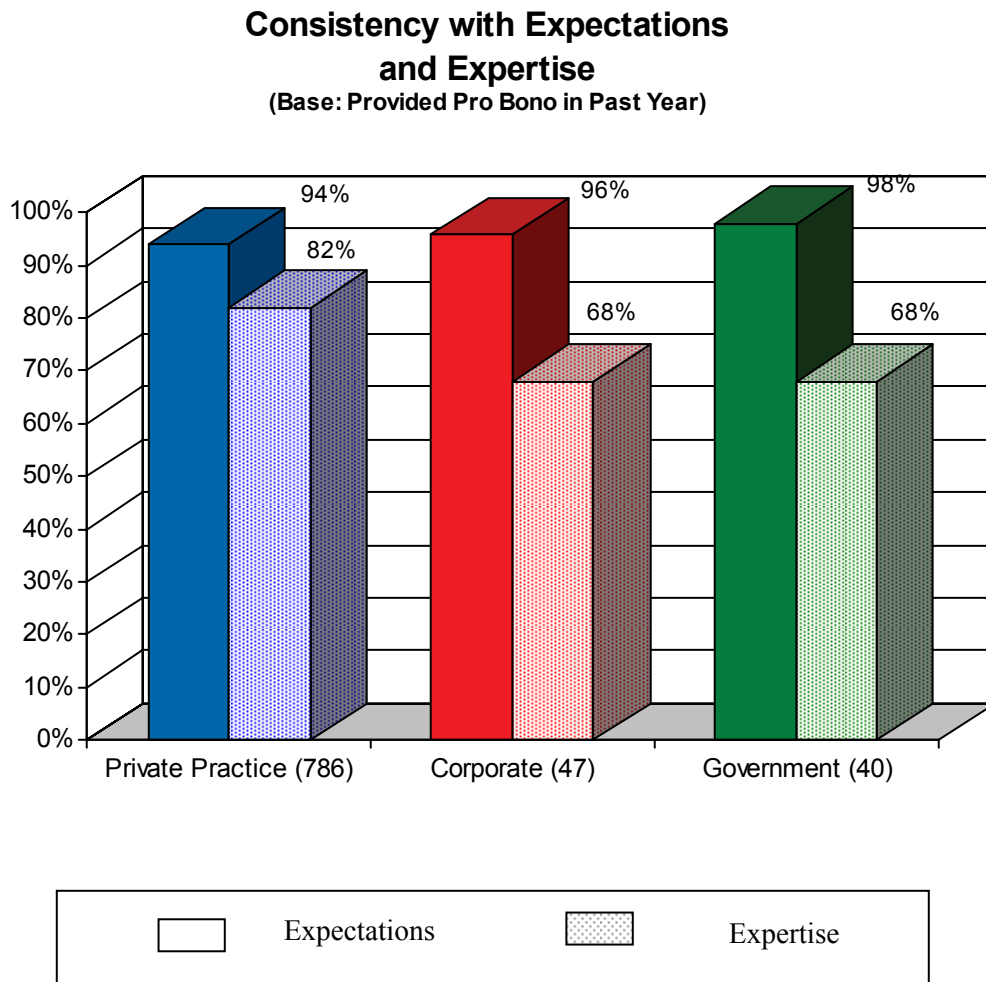
³⁴ The determination that the service would be provided for free was overwhelmingly made prior to the service being delivered (84%). Also, there was near unanimity on this issue among the 101+ attorney group (98%).

What Are the Legal Tasks Performed as Part of the Attorneys' Most Recent Pro Bono Experience?

The most frequently reported pro bono legal tasks consisted of providing advice, reviewing and drafting legal documents and representing the client in court.³⁵ While almost all parties felt that the tasks they performed were consistent with their expectations, this perceived consistency was even greater for those in the largest firms than among solo practitioners.

Are the Tasks Consistent with the Attorneys' Expectations and Expertise?

Across settings, most attorneys (94%) reported that they performed tasks that were consistent with their expectations when accepting the engagement. Within the private practice setting, 82% of attorneys felt the matter was within their practice scope, while only 68% of corporate counsel and government attorneys felt that the tasks were within their expertise.³⁶



³⁵ Attorneys in private practice were more likely to be involved in tasks that involved representing the client in court or meeting with the client.

³⁶ Only 27% of the 161 attorneys who reported that the matter was outside their practice scope or expertise indicated that this caused them concern.

How Many Hours Do Attorneys Spend on Their Most Recent Pro Bono Case?

Attorneys estimated an average of 24 hours spent on their most recent pro bono case. The youngest attorneys in private practice (ages 21-40/35 hours) reported a higher average number of hours than did either of the older age segments in private practice (ages 41-60/24 hours; ages 61+/25 hours).³⁷ Most of the attorneys (82%) felt that the number of hours they provided was consistent with their expectations. This applied even for attorneys in the private practice setting who did more hours.³⁸

What Factors Encourage or Discourage Pro Bono Service?

Are Attorneys Working with Other Attorneys on the Engagement?

The data shows that working alone on a pro bono engagement is the norm (68%).³⁹ Among 591 attorneys who indicated they worked alone on the assignment, only 16% felt that working with another attorney would have been helpful.⁴⁰

Are Attorneys Reactive or Proactive Concerning Pro Bono Opportunities?

A clear majority of attorneys who had provided pro bono service in the past year (77%) said that they do not go looking for pro bono work – the opportunities find them. Women surveyed were more likely to seek opportunities than men although this doesn't translate to more hours. Younger attorneys (21-40) were more likely to seek opportunities than older attorneys. In the private practice setting, attorneys in the largest firms (101+ attorneys; 34%) were more likely to seek opportunities (or both seek opportunities and react to those that are presented to them) than those in the smaller firms.⁴¹

What Are the Main Incentives for Attorneys to Increase Pro Bono Work?

All attorneys were asked to rate a list of factors by how strongly they agreed with the statement, "I think lawyers would be more inclined to do pro bono work if they:"

- Had a wide range of volunteer opportunities from which to select
- Were offered free training and CLE credit for services performed
- Were encouraged by a judge to take a pro bono case
- Were asked by a colleague to take a pro bono case
- Received administrative support for the engagement

³⁷ A possible explanation for this finding is that the data shows that the youngest attorneys are in the largest firms. In addition, the data indicates that large law practices are more likely to encourage pro bono activity than smaller practices. So, when taken together, one can hypothesize that younger attorneys are more likely to work in a practice setting that encourages pro bono activity – separate and apart from whatever intrinsic motivation exists.

³⁸ Although the percentage of attorneys who felt this way was highest for attorneys who did a lower number of hours – up to 30 – the percentage remained high even for those attorneys who did a higher number of hours – e.g. for the 49 attorneys who did 100+ hours, 61% of those attorneys indicated that this was consistent with their expectations.

³⁹ Working with other attorneys in one's organization was significantly higher for those attorneys in the private practice setting, but was still relatively uncommon.

⁴⁰ Except for those attorneys in the government setting, 33% of whom thought it would be helpful.

⁴¹ There were no ethnicity or age differences for this question.

- Received research support concerning the legal matter
- Were matched with another attorney to share the work
- Were mentored by an attorney specializing in the legal matter
- Were permitted to define the scope of the engagement, such as handling a specific task, instead of a total representation of the client
- Were approached by a pro bono organization to take a case
- Received free malpractice insurance for work related to the case

These factors were identified because they would translate to reasonably achievable activities. The respondents were given a 5 to 1 scale, with 5 meaning “strongly agree” and 1 meaning “do not agree at all.” Among providers of pro bono, potential motivators receiving the highest agreement scores were, in rank order, free training/CLE credit for service provided, the ability to define the scope of the engagement and encouragement by a judge. Among non-providers of pro bono, potential motivators receiving the highest agreement scores were, in rank order, free training/CLE credit for service provided, free malpractice insurance and the ability to define the scope of the engagement.

The responses to this question were quite similar to those found in the 2004 data. For example, free training/CLE was the most powerful incentive cited in each study, with free malpractice insurance also being near the top of the list. One factor in which there was a clear difference concerned encouragement by a judge. Although this factor was important in both studies, it received considerably higher ratings in 2008 than it did in 2004. (3.9 versus 3.3 among pro bono providers; 3.6 versus 3.2 among non-providers).⁴²

In the private practice setting, large firms provided significantly higher ratings than the other firm segments in areas such as providing a wide range of opportunities from which to select, being encouraged by a judge to take a case and being asked by a colleague to take a case. Compared to attorneys in larger firms, solo practitioners rated significantly higher those factors that dealt with giving them some form of help such as free malpractice insurance, administrative and research support, and free training/CLE credit.⁴³

The only significant difference found comparing ethnicities concerned mentoring. Non-Caucasian attorneys rated the influence of mentoring by an attorney specializing in the legal matter significantly higher than the Caucasian attorneys. This factor was also rated significantly higher by younger attorneys than by older attorneys.

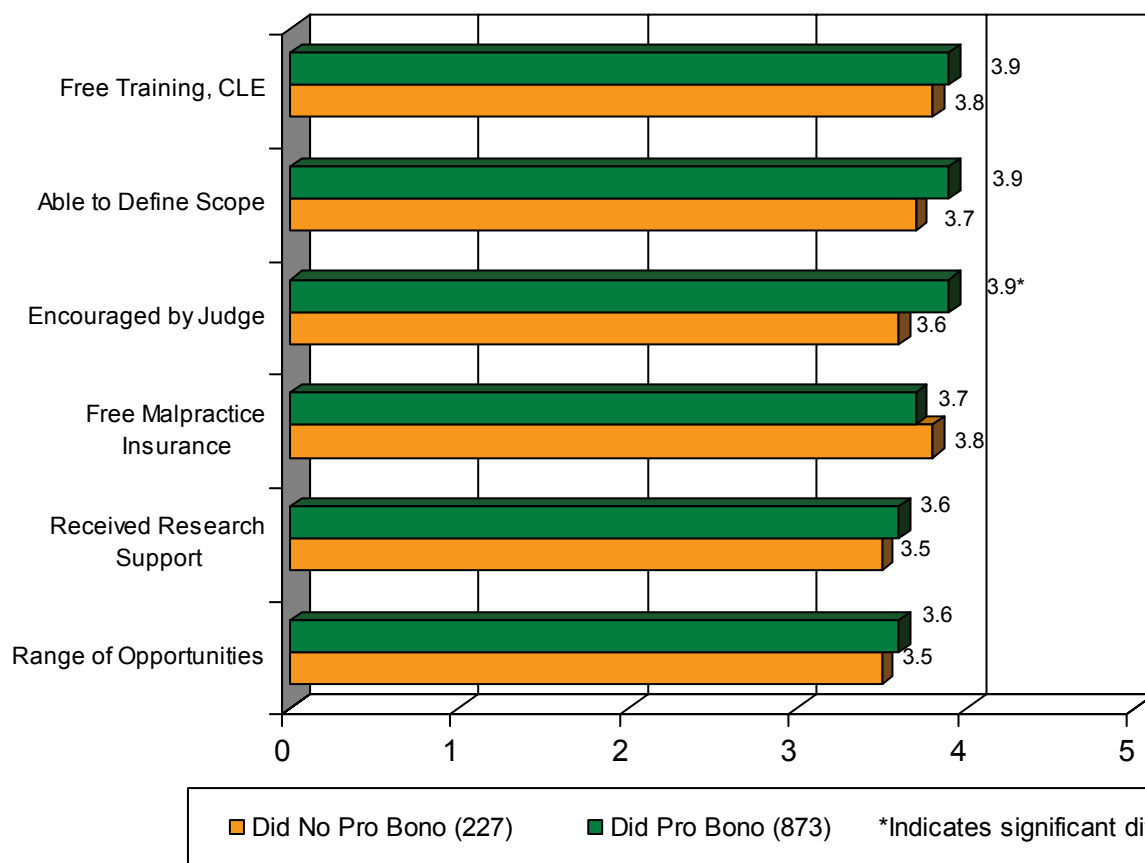
Women rated several factors significantly higher than did men. The top three factors for women on which they gave significantly higher ratings than men were: 1) Free training/ CLE credit; 2) Free malpractice insurance; and 3) Had a wide range of opportunities from which to select. There were no factors on which men rated a specific motivator higher than women.

⁴² There were no differences in how individuals rated these incentives according to the number of pro bono hours they provided.

⁴³ For the total sample, the only factor for which a significant difference existed for practice location was mentoring. Rural attorneys were less inclined than those who work in urban or suburban settings to view mentoring as a motivator. For attorneys who were non-providers, there were no significant differences for these factors by practice location.

Agreement that Factor Would Encourage Pro Bono Work

(Average Ratings: 5-pt Agreement Scale) (Base: 1,100)



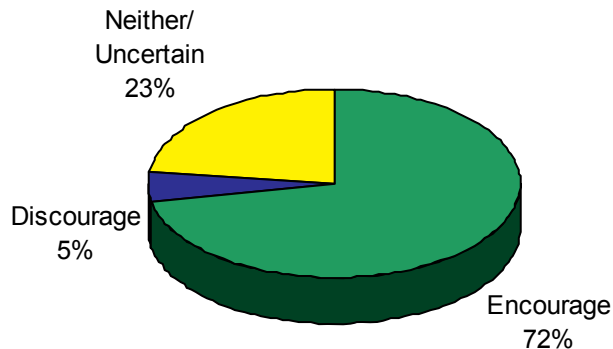
What Impact Does Employer Attitude Have on Encouraging or Discouraging Pro Bono Service?

Attorneys who provided pro bono were significantly more likely to indicate that their employers encourage pro bono service (72%) than were the non-providers (36%). This encouragement was reported significantly more often among attorneys in the private practice setting (76%) than among those working in corporate (60%) or government (50%) settings. Also, attorneys working in the largest firms (97%) felt that their employers encouraged pro bono service – much more than those in smaller firms. In addition, a significantly higher percentage of the younger attorneys than the older attorneys indicated that their employers encourage pro bono activity.

Non-providers were significantly more likely than the providers to feel that their employer had no clear pro bono policy (45% versus 23%), or that their employer discouraged pro bono service (19% versus 5%). Non-providers in government (33%) or corporate (23%) settings were significantly more likely to indicate that their employers discouraged pro bono work than were those working in private practice.

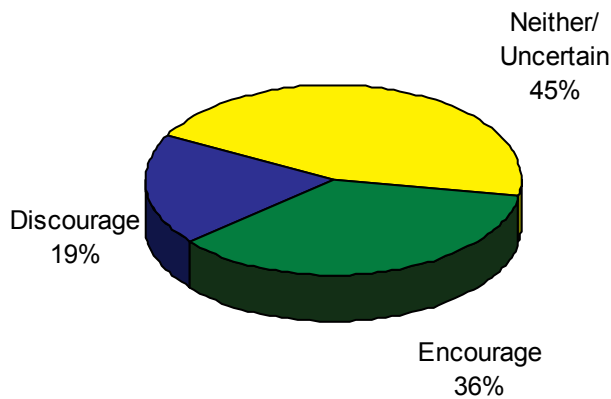
Attitude of Employer: Providers

(Base: Providers, not Solos - 488)



Attitude of Employer: Non-Providers

(Base: Non-providers, not Solos - 173)



What are the Top Factors that Most Discouraged Pro Bono Work in the Past Year?

Non-providers of Pro Bono were asked what the top two factors were that discouraged them from providing pro bono service in the past year. The top two factors mentioned were lack of time and employer related issues. Notably, 27% of non-providers in the private practice setting indicated that no one had asked them to provide pro bono.⁴⁴ Other factors mentioned included the cost of doing pro bono and a perception of a lack of expertise.

Non-providers were also asked to rate specific factors that discouraged them from performing pro bono in the 12 months preceding the survey. The rating was on a 5 to 1 scale in which a 5 means

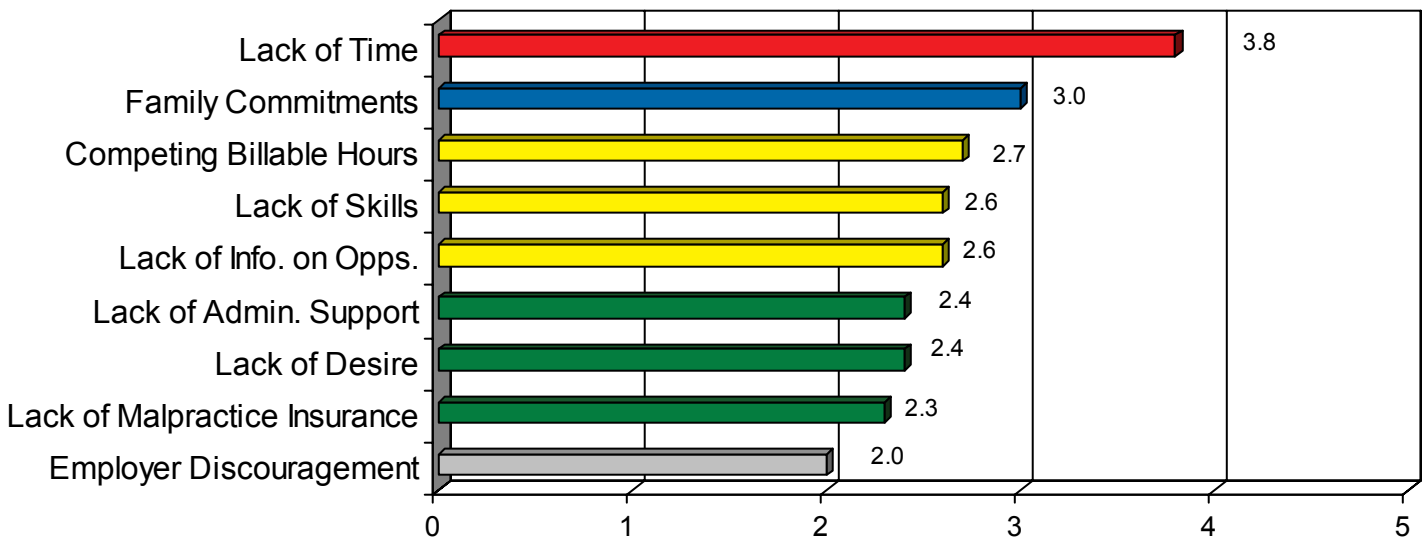
⁴⁴ An analysis between ethnicities could not be conducted because of the small number of non-Caucasian (22) non-providers. Practice location comparisons could only be done between urban and suburban locations, because there were only 10 rural non-providers. Gender comparisons within non-providers could be made because there were a sufficient number of female non-providers in the total sample (61). There were too few women non-providers in the private practice setting (23), however, to address gender issues among non-providers within this group.

“very influential” and 1 means “not at all influential.” The following factors were reviewed for their level of influence:

- A lack of time
- Competing billable hour expectations and policies
- A commitment to family obligations
- A lack of skills or experience in the practice areas needed by pro bono clients
- A lack of information about opportunities
- Discouragement from your employer
- A lack of administrative support or resources
- A lack of malpractice insurance
- A lack of desire

Non-providers identified the top two factors that discouraged pro bono work as 1) A lack of time and 2) Family commitments. The only significant difference between genders was that men rated the commitment to family obligations as a more significant discouraging factor than women did. In the various practice locations, “a lack of administrative support or resources” was rated as a more significant discouraging factor by attorneys in suburban locations than those in urban locations.⁴⁵

Factors Discouraging Pro Bono Work
(Average Ratings: 5-pt Scale) (Base: Non-providers - 227)



* In the table above, same colored bars are statistically equal.

⁴⁵ Non-providers in rural practice locations were too small of a group against which to be compared.

Do Non-Providers Try to Identify Pro Bono Opportunities?

Most attorneys reported not having taken any specific action to identify pro bono opportunities. This finding corresponds with the previous finding that most attorneys do not look for pro bono work—rather, the opportunities find them.⁴⁶

How Many Non-Providers Receive Unsolicited Contacts from Third-Parties Concerning Pro Bono Opportunities?

Twenty nine percent (29%) of non-providers indicated that they had received an unsolicited request from a state or local bar association to do pro bono work. Twenty four percent (24%) of non-providers indicated that they received such a request from a legal aid or pro bono organization.⁴⁷

What is the Incidence of Non-Providers of Pro Bono Within the Last Year Providing Pro Bono Service Sometime in the Past Five Years?

Among 227 non-providers of pro bono service in the past year, less than half (43%) had provided pro bono service in the past five years.

What is the Non-Providers' Response to Unsolicited Requests to Take Pro Bono Cases from Third-Parties?

Of the 92 non-providers who had received some form of unsolicited request from a third-party, slightly less than one-third (31%) indicated that they responded by accepting the opportunity. There were also no significant differences when comparing gender or office location.⁴⁸

Imperatives and Recommendations for Policy and Planning

The Value of the 2008 Study and What Has Been Learned Since the 2004 Study

In the 2004 report, the Committee stated that it hoped to analyze the strengths and weaknesses of the study as a “pilot” in order to put the ABA in a stronger position to assess the state of and improve participation in pro bono legal services over time. Through implementation of the 2008 study, this goal has been realized. The Committee took several steps in refining its survey instrument. It analyzed which areas of inquiry needed further clarification and exploration, and tested various questions through the use of a qualitative study. Using the current study the Committee has both replicated and improved upon the information of the 2004 initiative enabling the comparison of results over time.

⁴⁶ There were no significant differences for this factor among attorneys in different practice locations.

⁴⁷ Attorneys in private practice (27%) were significantly more likely to receive these requests than were those in government (14%).

⁴⁸ Although it appears from the findings that a large percentage of rural providers were contacted by a state or local bar association to take pro bono cases (60%), the finding is not statistically significant because of the small rural sample size of non-providers (10).

It is clear from the 2008 findings that pro bono participation continues to improve both in terms of the number of individuals providing service and the number of hours individuals contribute.⁴⁹ Most attorneys are also defining individuals as deserving of pro bono services according to definitions outlined in ABA Model Rule 6.1. In addition to demonstrating trends over time, the 2008 study also demonstrates how attorneys' general perceptions of pro bono translate to their particular practice.

Strikingly, although a significant percentage of attorneys felt that a reduced fee arrangement would be an acceptable method of providing pro bono, 90% of the attorneys provided free legal services in their most recent (i.e. "typical") pro bono case. The results indicate that attorneys do not feel overwhelmed by the number of pro bono hours they take on. Attorneys also reported that the tasks involved met the expectations they had when they took on the matter. In addition to these study-specific findings that were not obtained in 2004, the study also obtained more detailed information on trends for attorneys in different demographic groups.

Committee Initiatives in 2004 and How They Have Been Realized

The report of the 2004 study outlined strategies for future policy and programming in the area of pro bono. With the understanding that this list was not meant to be exhaustive, the Standing Committee on Pro Bono and Public Service took on the responsibility for following through on those suggestions. Several examples of how the Committee addressed these initiatives since the last study's publication are addressed below.

An important first objective was to immediately develop a plan for replicating the survey. As already discussed, the Committee focused its efforts on exploring the initial findings by way of a qualitative study and, from that, designing the present study. Of particular note, the Committee expanded the 2008 survey to include more demographic information.

Second, the Committee developed data collection tools that are replicable on a state and local level to track attorney pro bono activity and better understand how to increase support for, and diminish obstacles to, participation. Several states, including Wisconsin, and Georgia, have utilized the 2004 study model to obtain information on the pro bono participation of their attorneys.⁵⁰

The third initiative was to refine educational and public awareness materials in order to reduce the impact of demotivators and increase the influence of motivators to encourage more pro bono activity by attorneys. The Committee has made efforts to update and expand the educational materials provided in its Clearinghouse library pertaining to pro bono related matters. In addition, the Committee has developed programs for its annual Equal Justice Conference on how to motivate attorneys to do more pro bono.

⁴⁹ For example, in the private practice sector, 73% of attorneys provided Tier 1 Service in 2004, and 81% of attorneys provided Tier 1 service in 2008. And, overall, the number of hours the average attorney spent providing free services to persons of limited means and to organizations that serve persons of limited means increased from a total of 39 hours in 2004 to 41 hours in 2008.

⁵⁰ In October 2005, the State Bar of Wisconsin conducted a survey of Wisconsin attorneys' pro bono contributions in order to develop a better picture of the different types of pro bono contributions made by members. Attorneys who provided free or reduced fee legal services to individuals of limited means and organizations that serve the poor reported an average of 116 pro bono hours. (Approximately 10% of attorney bar members participated in the study.)

The fourth initiative was to develop a national online resource center for pro bono opportunities that would help inform attorneys about the full range of programs and resources available for those who want to volunteer. In 2007, the National Pro Bono Opportunities Guide was developed by the Committee, its project, the ABA Center for Pro Bono, and Pro Bono Net. The Guide provides attorneys with a listing of pro bono opportunities in every state.⁵¹

The fifth initiative was to improve recruitment tools, to develop models for engaging the judiciary, and to expand resources for other components of the legal profession. In the law school context, for example, the ABA Center for Pro Bono has helped law schools successfully implement several effective recruitment strategies including, at one law school, encouraging the dean to feature the pro bono program prominently in his greetings to 1Ls at orientation. The Center has also helped student organizations recruit students for new pro bono projects and shown others how to collaborate with local legal services programs, law firms, and alumni. The Center also provided input on the revision of the ABA law school accreditation standards, which mandates that law schools provide law students the opportunity to participate in pro bono activities.

In the judicial context, several states have developed local, judicially-led, pro bono committees that focus on the particular pro bono needs of individuals in different parts of the state.⁵² In 2007, the ABA also modified its Code of Judicial Conduct, which, as a result of input from the Pro Bono Committee, now includes specific language allowing judges to encourage attorneys to participate in programs providing pro bono legal services. The commentary also encourages judges to train attorneys to do pro bono legal work and to recognize pro bono attorneys who do pro bono work.⁵³ The Pro Bono Committee has also provided information on best practices to government agencies about pro bono policies which encourage government attorney participation in pro bono.

Finally, the Committee has strived to advance CLE and pro bono training modules that would target specific demographic groups and areas of legal need. Since the time of the last study, states have continued to adopt CLE credit for pro bono models, in which attorneys are provided with CLE credit for contributing a certain number of hours of pro bono work. Furthermore, states have continued to develop pro bono training models in substantive areas such as domestic violence, immigration, and human rights.

Proposed Committee Initiatives Resulting from the 2008 Study

Based on the results of the 2008 study, the ABA's Pro Bono Committee is positioned to create new, effective strategies for helping its constituents increase pro bono opportunities and participation. Some initiatives that the Committee expects to pursue include:

- Reporting to interested stakeholders specific findings about various demographic groups surveyed in the study such as women, attorneys of different ethnicities, and attorneys of different ages.
- Developing materials and resources to help states reach out to different attorney demographic groups.

⁵¹ See http://www.probono.net/aba_oppsguide/

⁵² See <http://www.abanet.org/legalservices/probono/judiciary.html> for more information about these efforts.

⁵³ See http://www.abanet.org/judicialethics/approved_MCJC.html for more information on the Model Code.

- Educating attorneys about the availability of malpractice insurance through organized pro bono programs.
- Cooperating with constituents on developing their own data collection tools to replicate this study on a statewide or local level.
- Focusing on increasing employer policies that encourage pro bono practice, particularly in the corporate and government arenas.
- Providing strategies to pro bono organizations and bar associations on how to best recruit attorneys as volunteers and on how to best reach out to them to get them to accept a pro bono matter.⁵⁴
- Increasing awareness of referral sources by providing tools and strategies programs can use to publicize what they do.⁵⁵
- Educating attorneys on what activities constitute pro bono under Model Rule 6.1.
- Educating attorneys that they will be working within the realm of their competency when accepting pro bono engagements.⁵⁶
- Developing strategies for increasing corporate pro bono so that it approaches the level of private practice pro bono.
- Developing national models for pro bono attorney recruitment, retention and recognition.
- Disseminating the information gathered from the study about sources of pro bono and pro bono outreach to create strategies for recruitment to be used by participants in the Pro Bono Committee's National Pro Bono Celebration.

Conclusion

This survey demonstrates that since the 2004 study, pro bono participation among the nation's attorneys is trending upwards both in terms of more lawyers doing pro bono work and their average pro bono hours. A majority of attorneys define pro bono as legal work that is delivered for free, and indicate that when serving a person, the person has to be of limited means. Incentives that should be offered to attorneys to increase pro bono participation include the provision of free training/CLE and giving the attorney the ability to define the scope of the engagement. The top disincentive identified by attorneys who do not provide pro bono is a lack of time. In addition, employer attitudes toward pro bono activity seem to have a significant impact on attorney behavior.

⁵⁴ Based on the finding that attorneys are reactive as opposed to proactive regarding pro bono opportunities.

⁵⁵ Based on the finding that attorneys are resistance to accepting an unknown client from an unknown referral source.

⁵⁶ Based on the finding that attorneys feel that their pro bono tasks and hours are consistent with their expectations.

More than three fourths of attorneys who performed pro bono service in the past year indicated that they do not seek pro bono opportunities; rather, the opportunities find them. Also, less than half of the attorneys who indicated some pre-existing familiarity with the referral source or the client believed they would have accepted the engagement on a pro bono basis if both parties had been unknown to them. The implication of these findings is that attorneys are more reactive than proactive in seeking pro bono opportunities. Therefore, the ABA Standing Committee on Pro Bono and Public Service, in its efforts to further increase the number of attorneys who do pro bono and the number of hours they provide, must work with programs to reach out to these attorneys and encourage them to take on pro bono cases. It must work to increase the visibility of programs that refer pro bono cases to prospective providers, to increase the probability that those referral sources are recognized by contacted attorneys.

The survey shows that lawyers are committed to access to justice through the provision of pro bono legal services. The study celebrates the efforts of these attorneys to contribute to the administration of justice by providing pro bono to individuals of limited means and organizations that serve the poor while also recognizing that more can be done to expand pro bono in the years to come. More efforts are needed by the organized bar to recruit and support their members' volunteer services, law firms and other legal employers can do more to support and facilitate pro bono within their culture, law schools can provide more opportunities for their students, and the judiciary can take an increased leadership role regarding pro bono in the legal community. The ABA will continue to actively promote best practices and assist in the creation of policies to support these efforts.

Appendix A

The National Picture of Pro Bono

Pro Bono has been an inherent aspect of the legal profession's culture for a long time. The tradition of providing free legal services for those who cannot pay has rested at the core of maintaining a fair and equitable legal system. Over the past 25 years, pro bono work for civil legal matters has grown in scope and visibility

Establishing a widely-accepted definition for what constitutes pro bono work has always been a challenge. State bar associations, private organizations, courts, law firms and many other organizations have considered various aspects of the definition of pro bono work. Common to all definitions is the recognition that representation of low-income people in civil cases is an essential element. Some broader characterizations include representation of charitable organizations, civil rights work, activities for improving the legal system, and legal services for religious, civic, community, governmental and educational organizations. The broad range of pro bono definitions that exist at the local level may reveal a need for greater definitional consistency, a need that could be addressed by the national perspective of this survey.

Since the adoption of the modern ABA Model Rule 6.1 in 2002 – which provides a definition of pro bono and sets an aspirational standard for attorneys - ten states have adopted the rule word-for-word or with minor modifications,⁵⁷ focusing on attorneys' professional responsibility to provide pro bono legal services to the poor. Another 15 states have adopted a version of the 1993 Model Rule 6.1, with a focus on the 50 hour aspirational goal and more specific ways to discharge one's pro bono responsibility.⁵⁸ Seventeen (17) states and the District of Columbia have adopted a version of the original 1983 Model Rule 6.1, using a more generic definition of pro bono.⁵⁹ In addition to, or instead of, Model Rule 6.1, some state and local bar associations have adopted policies or resolutions setting forth their pro bono commitment, with a few local bars making pro bono service a condition of membership.⁶⁰

In addition to various definitions and states adoption of pro bono rules, law firms, law schools, corporate counsel offices and government law offices have worked toward integrating pro bono functions and policies into their environments. Law schools have focused on instilling the importance of pro bono contributions as a part of students' perception of their legal career. One hundred and eleven (111) law schools have formal voluntary pro bono programs. Thirty five (35) law schools have graduation requirement programs that require students to engage in pro bono,

⁵⁷ Alabama, Arkansas, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, Tennessee and Wyoming.

⁵⁸ Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Mexico, Utah, Vermont, Virginia.

⁵⁹ Connecticut, Delaware, District of Columbia, Indiana, Kansas, Maine, Michigan, Missouri, New Hampshire, New Jersey, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, West Virginia, Wisconsin.

⁶⁰ Saratoga County Bar Association, New York; Orange county Bar Association, Florida; El Paso Bar Association, Texas; McDonough County Bar Association, Illinois; Tallahassee Bar Association, Florida.

public service, or community service as a condition of graduation.⁶¹ To attain or maintain accreditation, law schools must offer students the opportunity to participate in pro bono activity. In addition, pro bono opportunities should at a minimum involve the provision of meaningful law-related service to persons of limited means or organizations that serve the poor.⁶²

The growth of organized pro bono programs in bar associations, legal services organizations or as independent entities is another example of integrating pro bono into the legal profession. In 1980 there were approximately 83 organized pro bono programs dedicated to referring civil matters for low-income clients to private attorneys. Now, 28 years later, there are close to 1000 such programs which serve increasingly diverse legal needs of clients and target an equally varied volunteer pool.

Large law firms measure themselves against their peers by the strength of their pro bono programs. In 1989, with a grant from the Ford Foundation, the ABA Standing Committee on Pro Bono and Public Service formed the Law Firm Pro Bono Project and in 1993 challenged large firms around the country to contribute 3% or 5% of their total billable hours to the provision of pro bono legal services. Today, 149 law firms are signatories to that challenge, contributing hundreds of thousands of hours of pro bono legal services.⁶³ Increasingly many of these and other law firms are hiring full-time lawyers and staff to coordinate their pro bono work. There is even a national membership organization that has been developed to support these coordinators called The Association of Pro Bono Counsel (APBCO).⁶⁴

Some medium and small law firms, government law offices, and corporate legal departments are also increasing their level of pro bono participation in an organized way. For example, in 2006, at the request of many Chief Legal Officers, the Pro Bono Institute and the Association of Corporate Counsel, through their joint project Corporate Pro Bono (CPBO), developed the Corporate Challenge to empower corporate legal departments to identify, benchmark, and communicate their commitment to pro bono service. Since the time of its enactment, 82 Corporations are signatories to that challenge, contributing hundreds of thousands of hours of pro bono legal services.⁶⁵

Some states have adopted rules that encourage pro bono contributions. Seven states – Florida, Hawaii, Illinois, Maryland, Mississippi, Nevada and New Mexico – have mandated the reporting of pro bono hours on an annual basis, with a range of sanctions for failure to report hours (but not for

⁶¹ For detailed information about law school pro bono and public service efforts, see the ABA Directory of Law School Public Interest and Pro Bono Programs at www.abanet.org/legalservices/probono/lawschools.

⁶² ABA Standards for Approval of Law Schools and Interpretations 2007-2008, Standard 302(b)(2). In February 2005, the ABA amended the language of its Pro Bono Accreditation Standard 302(b)(2) from an aspirational to a mandatory standard. As it now reads, all ABA approved law schools “shall offer substantial opportunities for student participation in pro bono activities.” At the 2007 ABA Annual Meeting, the ABA House of Delegates adopted new Interpretation 302-10 to provide guidance for determining compliance with the requirements of Law School Accreditation Standard 302(b)(2). That standard requires all ABA approved law schools to offer “substantial opportunities for . . . student participation in pro bono activities.” New Interpretation 302-10 provides, in part, that “pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school’s overall program.

⁶³ The Law Firm Pro Bono Project is now operated by the Pro Bono Institute. For more information about the Project, see www.probonoinst.org.

⁶⁴ For more information, see www.probonocounsel.net.

⁶⁵ Language taken from the Corporate Pro Bono website. For more information about the project, see www.corporateprobono.org.

failure to perform pro bono work).⁶⁶ Twenty nine (29) states have adopted pro bono emeritus rules allowing retired or inactive lawyers to continue to practice law when providing pro bono legal services to the poor.⁶⁷

In addition to mandatory reporting and emeritus rules, several states with mandatory continuing education requirements have developed policies that allow lawyers performing pro bono to receive continuing legal education (CLE) credit for doing so. Of the 46 states which mandate continuing legal education, seven permit credit toward that obligation for pro bono service, and several more are considering the issue.⁶⁸ Although the states vary in terms of how much CLE credit they provide for a given number of pro bono hours, most of the states have found this to be a positive step in encouraging additional attorneys to participate in pro bono.

States have also attempted to increase participation in pro bono by creating policy implementing judicial committees. These committees have been instrumental in coordinating efforts within a state to deliver and develop pro bono services locally. For example, Florida, Nevada, Indiana, Maryland, and New Mexico involve judges in this “hands on” approach. In these states, court rules establish a system in which pro bono efforts are organized into regional districts with local judges responsible for the efforts of each district. The involvement of judges at the local level in these states has increased local bar support for pro bono and the recruitment of pro bono attorneys.

Other policies developed by states to increase pro bono participation of all attorneys reflect openness to the idea of judges participating in pro bono. For example, four—Nevada, Florida, Indiana, and Colorado—include commentary in their Codes of Judicial Conduct that specifically addresses judicial involvement in pro bono. Nevada’s commentary clarifies that judges can assist organizations in recruiting attorneys to provide pro bono legal services as long as the recruitment is not perceived as coercive. The Nevada commentary also states that judges can provide an organization with solicitation material for use in its recruitment materials and can request that attorneys accept pro bono representation of cases before them. The Florida, Indiana and Colorado codes have commentary which states that judges may engage in activities intended to encourage attorneys to perform pro bono services, including participating in events that recognize attorneys for doing pro bono work. Colorado’s commentary also allows judges to make scheduling accommodations for pro bono attorneys and to act as advisors.

One of the most systemic ways that states have demonstrated a commitment to pro bono had been by the formation in recent years of Statewide Access to Justice Commissions (or their equivalent). These Commissions are used as a strategy for developing and implementing initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income people. Although the work of these groups varies from state-to-state there are a broad range of issues on which they can be found to be involved. Members and staff of Access to Justice Commissions have a critical role in ensuring that pro bono is an essential element of fully integrated legal services delivery systems.

⁶⁶ See <http://www.abanet.org/legalservices/probono/reporting.html> for more information.

⁶⁷ See <http://www.abanet.org/legalservices/probono/emeritus.html> for a list of the states that have these rules.

⁶⁸ Colorado, Delaware, Minnesota, New York, Tennessee, Washington, Wyoming

Appendix B

ABA Pro Bono Initiatives Since the 2004 Study

In addition to state efforts, the ABA has taken significant steps since the 2004 study to expand pro bono service nationwide. In 2005-2006, the ABA Commission on the Renaissance of Idealism in the Legal Profession encouraged attorneys to conduct pro bono and public service activities.⁶⁹ Also during this time, the ABA Task Force on Hurricane Katrina developed, in partnership with other organizations, web-based resources that, among other things, provide important information and resources for pro bono volunteers to use to meet the legal needs of victims of disaster.⁷⁰

At the 2006 ABA Annual Meeting, the House of Delegates approved several reports with resolutions of relevance to the development of pro bono initiatives throughout the profession. These resolutions include:

- 1) *Report 118 – Pro Bono Limited Practice Rules* which encourages the adoption of pro bono practice rules by qualified, retired or otherwise inactive lawyers;
- 2) *Report 121A – Supporting and Promoting Pro Bono in Law Practice Settings* which encourages solo and small firm attorneys, larger law firms, corporate law departments and government and military offices to encourage their lawyers to service their communities through pro bono and public service activities and to develop policies to support that work;
- 3) *Report 121B – Law School Support and Promotion of Pro bono* which encourages law schools to require legal employers that recruit on campus to disclose specific information regarding the employer’s pro bono policies and practices and
- 4) *Report 121C – Judicial Support and Promotion of Pro Bono* which urges all types of courts to develop programs in collaboration with others to encourage, facilitate and recognize pro bono representation.

Also at the 2006 meeting, the ABA’s Board of Governors approved a dues waiver program for retired and inactive members who have provided 500 hours of pro bono service in the prior year.

At the 2007 ABA Annual Meeting, the House of Delegates approved the following reports with resolutions pertaining to pro bono:

- 1) *Report 104 – A Model Court Rule on Provision of Legal Services Following Determination of a Major Disaster* which allows out-of-state lawyers to provide pro bono legal services in an affected jurisdiction and lawyers in the affected jurisdiction whose legal practices have been disrupted by a major disaster to practice law on a temporary basis in an unaffected jurisdiction;

⁶⁹ See www.abanet.org/renaissance/home.html for more information.

⁷⁰ See www.katrinalegalaid.org for more information.

- 2) *Report 10C – Regarding Pro Bono Services to Unpopular Clients and Causes* which affirms the ABA’s commitment to the independence of lawyers and commends lawyers who provide pro bono services to unpopular clients and causes and
- 3) *Report 200 – Revisions to the Model Code of Judicial Conduct* – which includes new language making it clear that judges can engage in certain activities to support pro bono.⁷¹

In 2007, the ABA also developed the Second Season of Service Commission which recognized that retiring lawyers may still wish to continue practicing law potentially in the form of pro bono or public service and provided support for these efforts.⁷²

In addition to the passage of resolutions, the ABA developed the ABA Business Law Pro Bono Project. The Project is a joint effort between the ABA Standing Committee on Pro Bono and Public Service and the Section of Business Law. The Project provides resources, technical assistance, training and other information to business lawyers and legal service providers in order to enhance and expand the delivery of a variety of business law pro bono legal services programs.⁷³

At the 2008 ABA Midyear Meeting, the ABA House of Delegates adopted Report 102B, which urges national, federal, state, tribal, territorial, and local bar associations, in cooperation with state and local pro bono, lawyer referral, and legal aid programs, to establish programs to assist or provide legal representation for victims of identity theft who need recovery from the crime.⁷⁴ The ABA House of Delegates also adopted Resolution 112A at that meeting which provides a model rule for the registration of in-house counsel. Of note is the section of the rule which allows for counsel registered under the rule to provide pro bono legal services through an established not-for-profit pro bono program, or not-for-profit legal services program.⁷⁵

The ABA has also developed the Military Pro Bono Project. This project is uniquely focused on the provision of pro bono services to active-duty service members, many of whom remain deployed to areas of conflict. The project focuses on legal needs in such areas as consumer law, family law, landlord-tenant law, and employment law.⁷⁶

In addition, the ABA has developed the Medical-Legal Partnerships Pro Bono Support Project. This project is a partnership of the ABA Standing Committee on Pro Bono and Public Service, the Health Law Section, the AIDS Coordinating Committee and the ABA Center on Children and the Law, funded by ABA Enterprise Fund resources to coordinate an ABA-based national medical-legal partnership pro bono support initiative. Medical-legal partnerships integrate lawyers in a healthcare setting to help patients navigate the complex legal system that often holds solutions to many social determinants of health--income supports for food insecure families, utility shut-off protection during cold winter months, and mold removal from the home of asthmatic children. The Project will develop a national support center to further extend the reach of this legal services delivery model both in terms of targeted patient populations and the variety of medical and legal partners involved.

⁷¹ See http://www.abanet.org/judicialethics/approved_MCJC.html for more information.

⁷² This Commission has been sunseted.

⁷³ See <http://www.abanet.org/legalservices/probono/businesslaw/home.html> for more information about this project.

⁷⁴ See www.abanet.org/leadership/2008/midyear for more information.

⁷⁵ See http://abajournal.com/files/112A_Revised.pdf for more information.

⁷⁶ See <http://www.militaryprobono.org> for more information.

Finally, the ABA is developing the first National Pro Bono Celebration for October 25 – 31, 2009. Being planned by the ABA Standing Committee on Pro Bono and Public Service, the National Pro Bono Celebration is designed to be a coordinated national effort to showcase the incredible difference that pro bono lawyers make to our nation, to our system of justice, to our communities and, most of all, to the clients they serve. The legal needs of the poor are local issues, and this nationwide celebration is intended to be local in its focus and impact as well. The goals of the celebration are to: 1) Recognize the pro bono efforts of America's lawyers; 2) Recruit more pro bono volunteers and 3) Mobilize community support for pro bono.⁷⁷

⁷⁷ See www.celebrateprobono.org for more information.

