



SUPPORTING JUSTICE III

A Report on the Pro Bono Work of America's Lawyers

The ABA Standing Committee on Pro Bono and Public Service



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

AMERICAN BAR ASSOCIATION
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Executive Summary

Introduction

The American Bar Association’s Standing Committee on Pro Bono and Public Service (referred to as “the Committee”) is charged with the responsibility to review, evaluate and foster development of pro bono publico programs and activity by law firms, bar associations, corporate law departments and other legal practitioners. The Committee works to analyze and define the appropriate scope, function and objectives of pro bono publico programs; to establish an interest in such programs; and to review and propose policy that has an impact on the ability of lawyers to provide pro bono service. Toward that end, the Committee has conducted three national pro bono empirical studies. Presenting and analyzing the results of the third study, 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 expanding pro bono legal services in the country.

Background and Objectives

In 2004, the Committee commissioned the first ever pro bono empirical study to measure attorney pro bono activity on a national basis. In 2008, the Committee replicated that study to clarify further some of the original study’s findings and to obtain a sense of whether pro bono participation had increased over time. The present initiative continues the Committee’s empirical efforts to measure pro bono across the country. Using a different methodology than with the previous two studies (Internet-based as opposed to telephone surveys), the study was designed to assess the state of pro bono in the legal profession, to identify strategies for increasing pro bono and to measure progress in attorney pro bono participation.¹

The following specific objectives were defined for the data collection and analysis presented in this report:

1. To quantify the amount of pro bono work done by attorneys;
2. To identify the characteristics of recent pro bono service (e.g., the 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;
3. To obtain demographic and work environment data (age, race, gender, work setting, etc.) that will permit analysis of the findings by subgroup of the attorney population; and
4. To identify factors which either encourage or discourage pro bono service.

The Executive Summary provides an overview of the findings and conclusions of the four major objectives identified above. Further detail on the individual questions asked, the survey methodology and analysis, and the findings can be found in the body of the report.

¹ The differing methodologies used preclude meaningful quantitative comparisons as the statistical significance of the differences cannot be determined. However, where it is possible to make approximate comparisons between the current findings and previous findings, such comparisons will be footnoted.

Defining Pro Bono

It was clear from the results of the 2008 study that there was some disagreement among those surveyed regarding which services qualified as pro bono and which did not. In order to capture a range of definitions, this study presents findings for both a conventional definition of pro bono and a definition that captures more indirect and less-conventionally included services. Questions were carefully developed to specifically exclude lawyer community service activities (volunteer work that is not law-related, e.g., coaching Little League or volunteering for a soup kitchen). Throughout this report, results are presented in terms of *Category 1* and *Category 2* pro bono,² defined as follows:

- *Category 1* pro bono is defined as direct legal representation provided to persons of limited means or organizations that support the needs of persons of limited means for which no compensation was received or expected.
- *Category 2* pro bono is defined as any other law-related service provided for a reduced fee or no cost (without expectation of fee) to any type of client, not including activities performed to develop a paying client or anything that is part of paying job responsibilities.

Key Findings

The results of this study reflect American lawyers' continued awareness of pro bono as a professional responsibility and their strong ongoing commitment to volunteering their legal services to meet the legal needs of the poor. This study was conducted during a period of economic uncertainty across the country, which led to an increase in poverty, new challenges for clients (e.g., rampant foreclosures affecting both owners and tenants of property), and increased financial pressure on lawyers and law firms. Yet the majority of respondents indicated that the state of the economy did not have an impact on the amount of pro bono they provided in 2011; the data reflect lawyers doing more pro bono rather than less. For example, those who provided at least 50 hours of Category 1 pro bono reported that the economy led them to do more.

How Much Pro Bono Are America's Attorneys Providing?

Category 1 Service

Rule 6.1 of the ABA Model Rules of Professional Conduct states that "a lawyer should aspire to render at least 50 hours of pro bono public legal services per year" and that "a substantial majority of the 50 hours" should be to persons of limited means or to organizations that support the needs of persons of limited means.³ A notable finding of the *Supporting Justice III* study is that the average annual amount of service provided by attorneys in 2011 was 56.5 hours, with a median of 30 hours.⁴

With regard to the Category 1 pro bono participation provided by all survey respondents in 2011:

- 20% reported not having done any of such service
- 18% reported having provided 1-19 hours of such service;

² See Table 1 on p. 4 for more detail, including examples.

³ The full text of Model Rule 6.1 can be found at:

http://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1.html.

⁴ This includes lawyers who did no pro bono. The average for those attorneys who did some amount of pro bono in 2011 was 70.91 hours.

- 26% reported having provided 20-49 hours of such service; and
- 36% of those surveyed provided at least 50 hours of such service (61 percent of this group provided over 80 hours of such service).

A significant majority of Category 1 pro bono legal service performed in 2011 was provided to persons of limited means (72 percent) rather than to organizations that address the needs of persons of limited means.

Category 2 Service

Sixty eight percent of attorneys surveyed indicated that they performed some form of pro bono service in the last year that met the broader definition of Category 2 pro bono. Reduced fee representation was the most common type of Category 2 service provided (32 percent of all respondents and 39 percent of private practitioners), with an average reduction in fees of about 48 percent.

What Are the Characteristics of Most Recent Pro Bono Service?

When reporting on their most recent pro bono matters, 63 percent of respondents who had done some pro bono in 2011 reported that they provided the types of services that address the everyday legal problems of persons of limited means.⁵ Of those, 52 percent provided 1 to 10 hours, 19 percent provided 11-20 hours, and 29 percent provided more than 20 hours. The average amount of service of this type in 2011 was 27 hours, and the median was 10 hours.

Of the attorneys who provided Category 1 pro bono, 60 percent indicated that their most recent client was referred to them. Yet just under half (48 percent) of these cases were referred by an organized bar association, legal services or independent pro bono program. Approximately 13 percent were referred by an attorney outside their organization, and 11 percent were referred by a family member or friend. For the cases that were not referred, many of the clients were organizations with which the respondents were personally involved, an acquaintance or a former client.

For both Category 1 and Category 2 pro bono, private practice attorneys provided significantly more pro bono hours than did corporate or government attorneys. Nearly all of the attorneys who provided at least one type of pro bono service in 2011 to clients of limited means indicated that at least one of those services was “typical” of the pro bono they had provided in previous years. Among the specific Category 1 activities provided, legal advice was most prevalent (55 percent), followed by full case representation to an individual or individuals (41 percent), followed by limited scope representation to an individual or individuals (37 percent). Among those who provided any pro bono service in 2011 (Category 1 or Category 2), family law was the most common practice area served.

What Factors Encourage or Discourage Pro Bono Service?

Approximately three-quarters 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. Notably, when contacted by their state or local bar association or a legal aid or pro bono organization, seven in 10 took advantage of the opportunity, especially among private practice attorneys.

Fifty-nine percent of all respondents believed that being offered opportunities to provide limited scope representation would encourage lawyers to do more pro bono. Respondents also indicated that being

⁵ See footnote 21 on page 12 for a detailed definition of “everyday legal problems of persons of limited means.”

provided with a wide range of volunteer opportunities and malpractice insurance would help to encourage pro bono. Corporate and government attorneys were especially likely to agree with these statements.

In terms of barriers to pro bono participation, attorneys overwhelmingly mentioned time constraints as the top factor discouraging them from providing more pro bono service in 2011. This was especially a factor for corporate attorneys. Second and third were commitment to family obligations (another time-related factor) and lack of skills or experience in the practice areas needed. Lack of desire or interest in doing pro bono was not a highly discouraging factor.

In general, study results show that pro bono activity was encouraged by employers or that employers were neutral about attorneys spending time on pro bono. However, attorneys who provided at least 50 hours of pro bono were significantly more likely to report that their employer encouraged pro bono activities (64 percent).

Conclusion

The results of the ABA Pro Bono Committee's 2012 empirical study of pro bono summarized here reflect the legal profession's longstanding and ongoing commitment to pro bono legal services as a core value. The data showcases the depth of that commitment but also highlights multiple opportunities for growth.

Across the profession there are significant opportunities for expanding pro bono on a variety of fronts. As will be discussed further, building and ensuring institutional support for pro bono is one of the key strategies most likely to result in increasing the number of lawyers who do pro bono, the number of hours they provide and, ultimately, the positive impact they have for their clients and the communities in which they live and practice. In particular, organized and supported employer pro bono initiatives are essential as is ensuring strong and effective infrastructure for independent programs, bar association initiatives and legal services-based pro bono projects.

Educating the profession about the challenges faced by those living in poverty and the legal needs that arise as a result will also help to engage more lawyers with pro bono work. In addition, finding creative ways to package pro bono for lawyers will increase participation. For example, providing limited scope representation, arranging co-counsel opportunities and offering mentoring will help many lawyers overcome their pro bono inhibitions.

Much can be learned about how to expand pro bono by focusing on what motivates those lawyers who provide 50 or more hours of pro bono each year. These are the lawyers who are more inclined to do pro bono during economic downturns, who are more likely to do pro bono in the future, who work for an employer that supports pro bono and who are more likely to seek out pro bono cases rather than wait to be called. It does not need to be the goal of a legal community, bar association or legal employer to make every lawyer a 50-plus-hour pro bono volunteer. However, reflecting on the work of those attorneys, and their motivations, offers important insight into the most effective means of maximizing the level of pro bono by America's lawyers.

Finally, this report does not intend to examine or answer the challenging and important question about how best to address the vast, unmet legal needs of low- and moderate-income individuals across the country. Rather, the study presumes that a mix of resources is necessary, and that pro bono is just one of many components of a strong and effective legal services delivery system. Legal services offices

staffed by lawyer and paralegal advocates are particularly essential. In addition to those programs, pro bono projects, hotlines, court-based resource centers, online self-help systems and more should be developed as part of an overall, comprehensive legal services delivery strategy.

Supporting Justice III

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I. Introduction

The American Bar Association Standing Committee on Pro Bono and Public Service is charged with the responsibility to review, evaluate and foster development of pro bono publico programs and activity by law firms, bar associations, corporate law departments and other legal practitioners to analyze and define the appropriate scope, function and objectives of pro bono publico programs, to establish an interest in such programs and to propose and review legislation that has an impact on the ability of lawyers to provide pro bono publico service.

In this capacity, the Standing Committee seeks to establish an accurate and credible national data collection methodology that measures the level of pro bono activity of attorneys in the U.S. In addition, the Standing Committee believes that it is important to develop a consistent pro bono data collection model that serves as a benchmark for national and state studies. With the release of *Supporting Justice III*, the Committee is building a model for measuring pro bono participation that can be replicated on a statewide or local level. Most important, the lessons learned from the results of this survey can be used to promote and encourage pro bono activity around the country.

II. Overview

This report is the result of a one-year effort to measure the amount of pro bono work being done by attorneys in the United States and the reasons that attorneys provide, or choose not to provide, free legal assistance to people of limited means. The Pro Bono Committee conducted its initial pro bono empirical study in 2004 to establish an accurate and credible baseline for tracking and measuring individual attorney pro bono activity on a national basis. Then, in 2008, the Committee employed another study to update and further explore the relationship between attorneys and their pro bono service.

A. Objectives and Research Design of the 2012 National Pro Bono Study

The following specific objectives were defined for the data collection and analysis presented in this report:

1. To quantify the amount of pro bono work done by attorneys;
2. To identify the characteristics of recent pro bono service (e.g., the 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;
3. To obtain demographic and work environment data (age, race, gender, work setting, etc.) that will permit analysis of the findings by subgroup of the attorney population; and
4. To identify factors which either encourage or discourage pro bono service.

B. Research Methodology

The ABA's Pro Bono Committee retained The Research Intelligence Group (TRIG)⁶ to conduct its 2012 empirical research. In designing the study, a decision was made to deviate from and improve upon the methodologies used in the previous two related studies. Specifically, the Committee selected a Web-based data collection methodology, rather than the phone-based approach used in 2004 and 2008. The Web-based data collection was selected because it represented the most cost-efficient and effective means of obtaining a representative sample of American attorneys. It was hoped that online administration would allow busy attorneys the opportunity to take the survey at the time and place of their choosing and to more thoughtfully consider their answers to the important questions posed in this study. The Web-based approach produced nearly three times the number of surveys as the phone-based approach. Additionally, a different sample source was used to maximize the representativeness of the sample. And improvements were made to the survey questions to obtain more detailed information.

Because the methodology of the present study differs from that of the previous two studies, only limited comparisons of findings can be made. The differing methodologies preclude meaningful quantitative comparisons as the statistical significance of the differences cannot be determined. However, where it is possible to make approximate comparisons between the current findings and previous findings, such comparisons will be footnoted.

1. Sampling Sources and Process

A total of 2,876 surveys were completed. This sample was produced by two sources: the ABA member list and Lawyer-411 database⁷. From both of these sources, the following records were removed: records with missing emails, non-U.S. records, restricted contact and any records that were either duplicates within the lists or duplicates between the lists. After these records were removed, the Lawyer-411 database provided 178,386 email contacts to which the survey was sent, and the ABA member list provided 201,369 contacts. In total, the survey was sent to 379,755 attorneys. Quotas were set by practice setting to achieve a distribution of survey responses that matches the actual distribution of America's attorneys. The response rate to the survey was 0.8 percent, which is a rate consistent with industry expectations for a study of this nature. See the Appendix for further detail about the sample sources and sampling processⁱ as well as a note about interpreting survey resultsⁱⁱ.

2. Survey Process

The ABA sent an initial pre-notification email to the entire available sample, alerting individuals that they might be invited to participate in a survey about pro bono practice, the importance of the survey and from where the email invitation would be coming. Respondents were offered two types of incentives: entry into a drawing for one of two \$500 American Express gift cards and a 30 percent discount for ABA books. Study administrators then sent initial email invitations and reminder follow-up emails until all quotas were met or it was established that the sample had been fully exhausted, and it was no longer possible to yield further completed surveys.

⁶ The Research Intelligence Group is a full-service global marketing research organization with extensive experience in conducting studies with and about attorneys, legal markets and legal products.

⁷ Lawyer-411 is a commercial sample source that consists of about 287,000 lawyers across all firm sizes in the U.S. and Canada, with the bulk of the list in the U.S. Only U.S. lawyers were contacted for this study.

3. Survey Format

The survey contained a series of general questions followed by more specific ones. The general questions asked about work environment, position, firm/office size and ABA member status. The specific questions covered the following topic areas: hours and type of pro bono in the past year, characteristics of the most recent pro bono experience and factors that could encourage or discourage pro bono service.

4. Weighting

In the sample collected, it was found that the demographics fairly closely matched the U.S. attorney demographics supplied by the ABA, with the exception of ABA membership and solo practice. Thus, statistical weighting was applied to the data for the purpose of allowing the analysis to be adjusted to better represent the population. Weighting is a standard practice that addresses inconsistencies in distributions between survey responses collected compared with the actual distributions of the population being studied. The weight does not change a respondent's answer; rather, it gives appropriate relative importance to the answer. See the Appendix for further detail about the weighting process.ⁱⁱⁱ

5. Final Weighted Respondent Distributions

Among private practitioners, half were solo practitioners, 31 percent were partners, 13 percent described themselves as associates/senior associates, and 6 percent classified themselves as of counsel. Within the corporate setting, about half were staff attorneys, corporate counsel or corporate attorneys. Government sector respondents most often classified themselves as counsel for an administrative agency, attorney-other, district attorney/assistant district attorney, state/county/city attorney or law clerk.

The tables in the Appendix to this report show the distribution of the final weighted sample by age, ethnicity, gender, geography, years practicing, legal aid/ pro bono program status and ABA member status.^{iv} Additional tables provide the distribution for private practitioners,^v the corporate setting^{vi} and the government sector^{vii}.

6. Definition of Pro Bono

Throughout this report, results are presented in terms of two categories of pro bono services. Category 1 pro bono is defined as direct legal representation provided to persons of limited means or organizations that supported the needs of persons of limited means for which no compensation was received or expected.⁸ It was clear from the results of the 2009 report that there was some disagreement among those surveyed regarding which services qualified as pro bono and which did not.⁹ Therefore, for the current study, Category 2 pro bono represents an expanded definition of pro

⁸ Rule 6.1 of the ABA Model Rules of Professional Conduct states that "a lawyer should aspire to render at least 50 hours of pro bono publico legal services per year." It indicates further that "a substantial majority of the 50 hours" should be to persons of limited means or to organizations that support the needs of persons of limited means. The survey qualified that the following activities be considered Category 1: Free legal services to persons of limited means or organizations that address the needs of persons of limited means through full case representation, limited scope representation, legal advice or representation in mediation.

⁹ Sixty four percent of attorneys in the 2008 study indicated that legal services had to be free to be considered pro bono and 70 percent indicated that a person receiving pro bono had to be of limited means.

bono that encompasses activities performed for a reduced fee or unpaid activities for the benefit of an organization that supports legal services for the poor or for the general public. In all cases, the services provided are law-related. Table 1 further explains this distinction.

Pro Bono Category Definition		Types of Activities
Category 1	Free (without expectation of fee) legal services to persons of limited means or organizations that address the needs of persons of limited means.	<ul style="list-style-type: none"> • Full case representation • Limited scope representation • Legal advice • Representation in mediation
Category 2	Any other service provided for a reduced fee or no cost (without expectation of fee) to any type of client, not including activities performed to develop a paying client or anything that is part of paying job responsibilities.	<ul style="list-style-type: none"> • Legal services for a reduced fee • Mediator • Speaker on legal issues • Trainer or teacher on legal issues • Supervising another attorney in providing pro bono representation • Lobbying on behalf of a pro bono organization • Policy advocacy • Grassroots community advocacy • Member of board of legal services or pro bono organizations • Member of bar committee related to pro bono or access to justice

Table 1. Defining Pro Bono Services

III. Findings

Throughout this report, results were compared between private practice, corporate counsel and government attorneys. Where significant¹⁰ differences exist, private practice, corporate counsel or governments were further broken down into subgroups. The private practice type was broken down into the following five attorney subgroups: 1) solo practitioners; 2) firms of 2-10 attorneys; 3) firms of 11-50 attorneys; 4) firms of 51-100 attorneys; and 5) firms of 101+ attorneys. The corporate counsel setting was broken down into two subgroups: companies with fewer than 10 attorneys and companies with 10 or more attorneys. The government setting was also broken down into two sub-segments: federal and state/local. Significant differences in findings across these subgroups were either noted within the text or shown in a graph/chart with differences noted using letters.¹¹

¹⁰ All significant results noted throughout this report are at the 95 percent confidence level.

¹¹ Each letter represents a respondent group. A letter shown next to a percentage indicates that percentage is significantly higher than the percentage of the respondent group it represents. See, for example, Figure 2.

A. Category 1 Pro Bono Service

1. How Many Category 1 Hours Were Provided?

Most attorneys surveyed reported having done at least some (one hour or more) of Category 1 pro bono in 2011. However, the amount varied considerably, with 18 percent having provided 1-19 hours, 26 percent having provided 20-49 hours, 14 percent having provided 50-79 hours and 22 percent having provided over 80 hours (Fig. 1 and Fig. 2). Over one-third of the attorneys surveyed provided 50-plus hours of legal services to persons of limited means or to organizations that address the needs of persons of limited means in the preceding year.¹² Overall, the average annual amount of service provided by attorneys in 2011 was 56.5 hours,¹³ with a median of 30 hours. This average increases to 70.1 when looking only at those attorneys who did Category 1 pro bono work (i.e., when not including non-providers). Twenty percent of those surveyed did not provide any Category 1 pro bono services in 2011.¹⁴

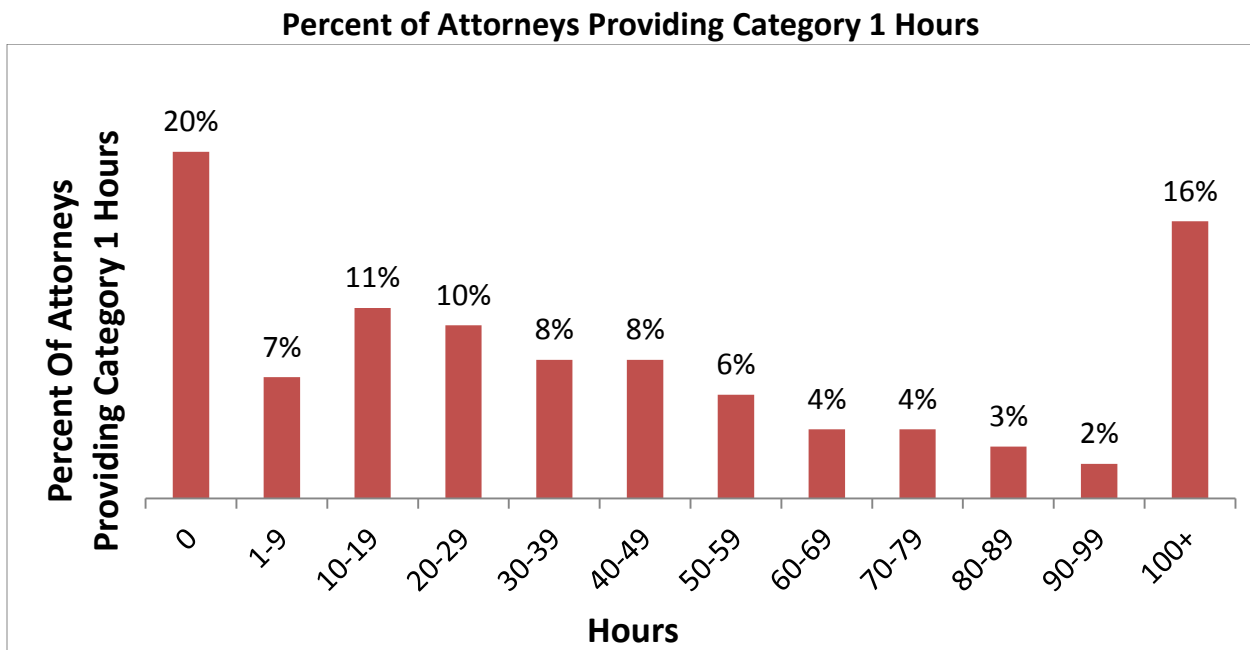


Figure 1. Percent of attorneys having provided specific ranges of Category 1 hours in 2011.

Private practice attorneys provided significantly more pro bono hours than did corporate attorneys¹⁵ and a significantly larger proportion of private practice attorneys provided 80-plus hours than did corporate or government attorneys (Fig. 2). Within private practice, attorneys from large firms (101-plus attorneys) provided the highest number of Category 1 pro bono hours (77.7 hours). Lawyers in firms with 51-100 attorneys provided 39.9 hours of Category 1 pro bono; lawyers in firms of 11-50 provided 45.1 hours; lawyers in firms of 2-10 provided 58.5 hours; and solo practitioners provided 62.7 hours.

¹² This compares to 27 percent, as found in 2008 and 46 percent in 2004.

¹³ This compares to 41 hours in 2008 and 39 in 2004.

¹⁴ This compares to 27 percent in 2008 and 34 percent in 2004 not having provided any Tier 1 services during the 12-month period before the survey.

¹⁵ This trend continues from the findings in 2004 and 2008.

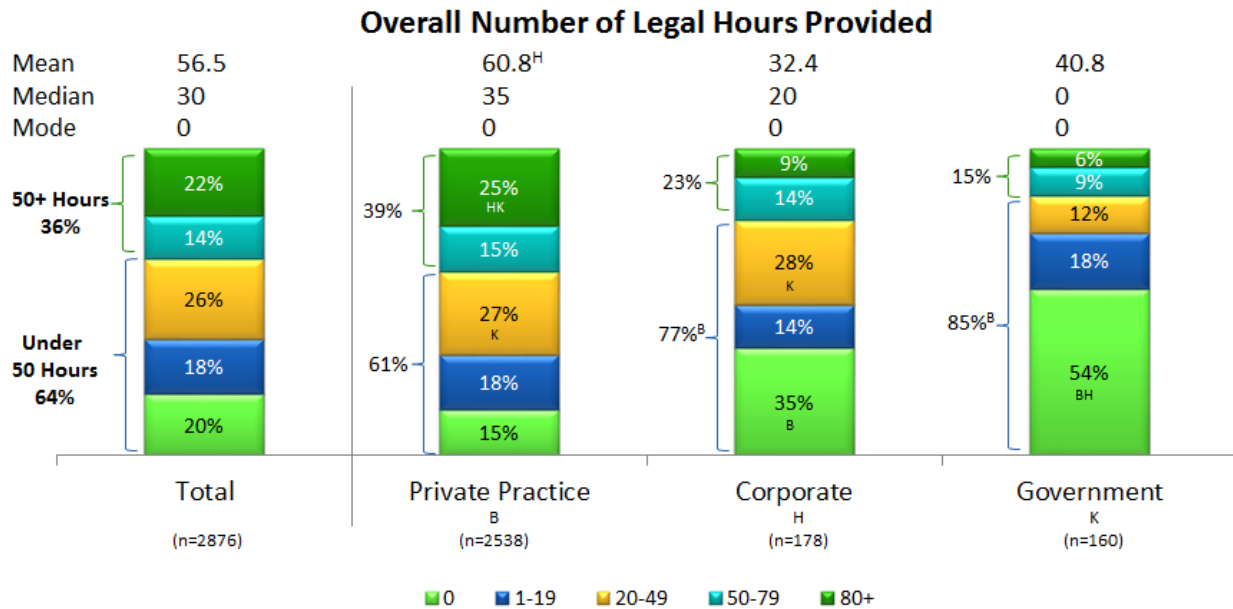


Figure 2: Overall number of legal hours provided, broken down by practice type. This figure is based on the results of Q2b: If you did provide the form of pro bono service listed, please indicate how many legal matters you handled for that type of activity and *approximately* how many hours that you spent in 2011. The letters represent respondent groups. See footnote 12 for explanation.

2. To Whom Were Category 1 Pro Bono Activities Provided?

Nearly all of Category 1 pro bono service performed in 2011 was service to persons of limited means (72 percent) as compared with service to organizations that address the needs of persons of limited means. The average hours provided to persons of limited means was 42.8, while the average hours provided to organizations was 13.7 (Fig. 3). Private practice lawyers were the most likely to provide service to persons of limited means (78 percent) and were much more likely than government attorneys to provide service to organizations that address the needs of persons of limited means (39 percent among private practice versus 23 percent among government). Private practice attorneys spent an average of 46.8 hours serving persons of limited means as compared with 13.9 hours serving organizations in 2011. Corporate attorneys were more likely than government attorneys to provide Category 1 services to persons of limited means (55 percent among corporate versus 37 percent among government).

Average Number of Legal Hours Provided

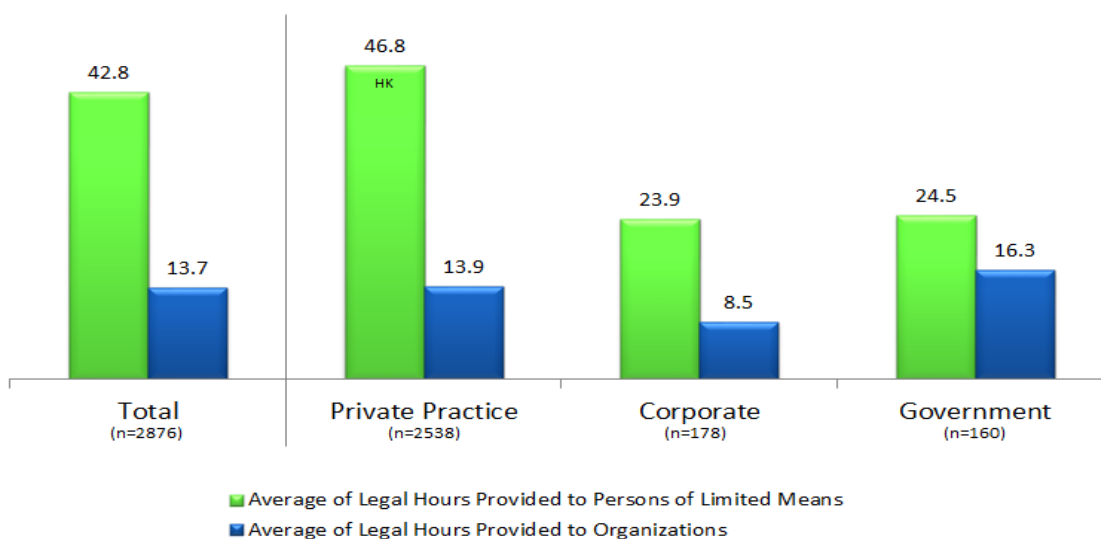


Figure 3: The average number of legal hours provided in 2011, broken down by practice type and to whom the services were provided. This figure is based on the results of Q2b: If you did provide the form of pro bono service listed, please indicate how many legal matters you handled for that type of activity and approximately how many hours that you spent in 2011. The letters represent respondent groups. See footnote 12 for explanation.

3. What Category 1 Pro Bono Services Were Provided?

Among the specific Category 1 activities provided, legal advice was most prevalent (55 percent), followed by full case representation to an individual or individuals (41 percent), and limited scope representation to an individual or individuals (37 percent). These represented the top three free legal services provided to persons of limited means across all practice types and sub-segments.^{ix}

4. How Many Category 1 Legal Matters Were Provided?

The majority of America's attorneys provided Category 1 pro bono service for three or more legal matters in 2011. Attorneys in private practice provided Category 1 service for significantly more legal matters than did either corporate or government attorneys. See Appendix for detailed table^x.

B. Category 2 Pro Bono Service

1. How Many Category 2 Hours Were Provided?

Overall, the attorneys surveyed provided an average of 35 hours of Category 2 pro bono activities in 2011 (Fig. 4). Eighteen percent of the attorneys surveyed provided 50-plus hours of Category 2 pro bono. Thirty-two percent did not provide Category 2 pro bono services in 2011. Private practice attorneys provided significantly more hours than corporate or government hours (38.5 hours versus 11.2 hours and 27 hours, respectively).

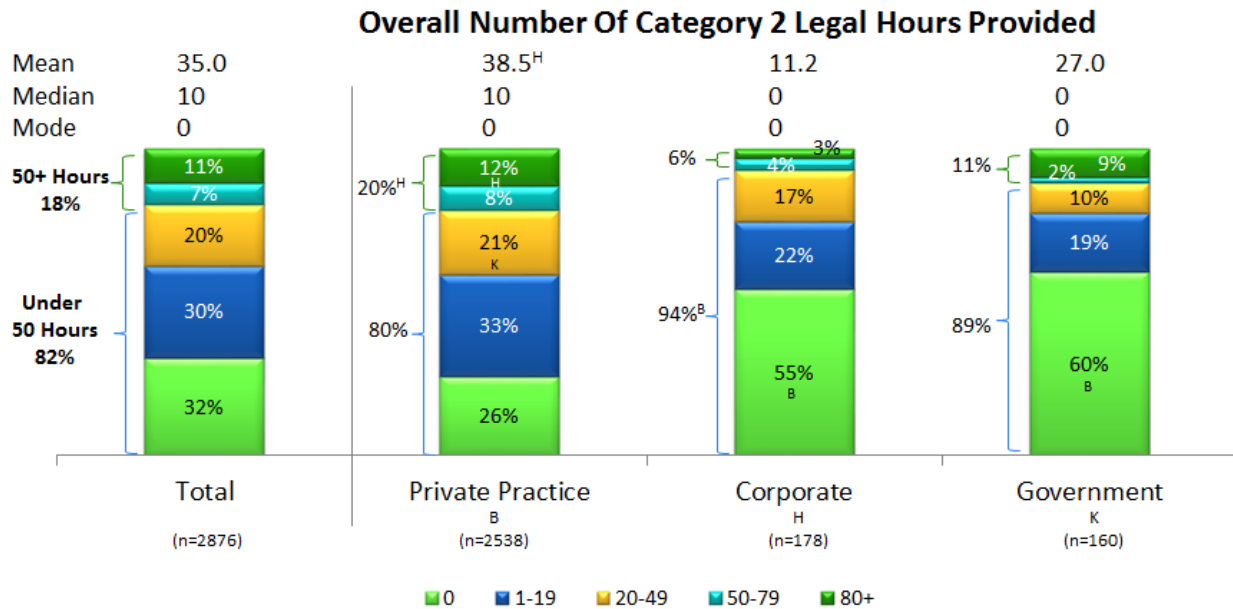


Figure 4: Number of Category 2 hours provided in 2011, broken down by practice type. This figure is based on the results for Q5a: For this other type of pro bono work, please indicate how many legal matters you handled for this type of pro bono work and how many hours you spent in 2011. The letters represent respondent groups. See footnote 12 for explanation.

2. Which Lawyers Were Most Likely to Perform Category 2 Pro Bono Activities?

About seven in 10 of the attorneys surveyed provided Category 2 pro bono services in 2011, especially within the private practice segment (74 percent). Among corporate attorneys, 45 percent reported having done Category 2 pro bono in 2011 as compared with 40 percent of government attorneys.^{xi}

3. What Category 2 Pro Bono Services Were Provided?

A range of services were reported among those who provided Category 2 pro bono (Fig. 5). Most often, legal services for a reduced fee or speaking on legal issues (particularly among private practice¹⁶) were provided. Among those that provided reduced fee legal services, the average reduction in fees was about 48 percent.¹⁷

¹⁶ Forty-nine percent of solos provided legal services for a reduced fee versus 41 percent of attorneys from 2-10, 29 percent of 11-50, 21 percent of 51-100 and 13 percent of 101+. Attorneys from large firms (101+) were most likely to supervise another attorney in providing pro bono representation (38 percent among attorneys from large firms, 5 percent among solos, 16 percent among 2-10, 19 percent among 11-50 and 14 percent among 51-100).

¹⁷ Thirty-seven percent of those surveyed provided at least 51 percent reduction in their fees. Forty-six percent provided a 26-50 percent reduction. Sixteen percent provided a 25 percent or less reduction.

Category 2 Activities Provided

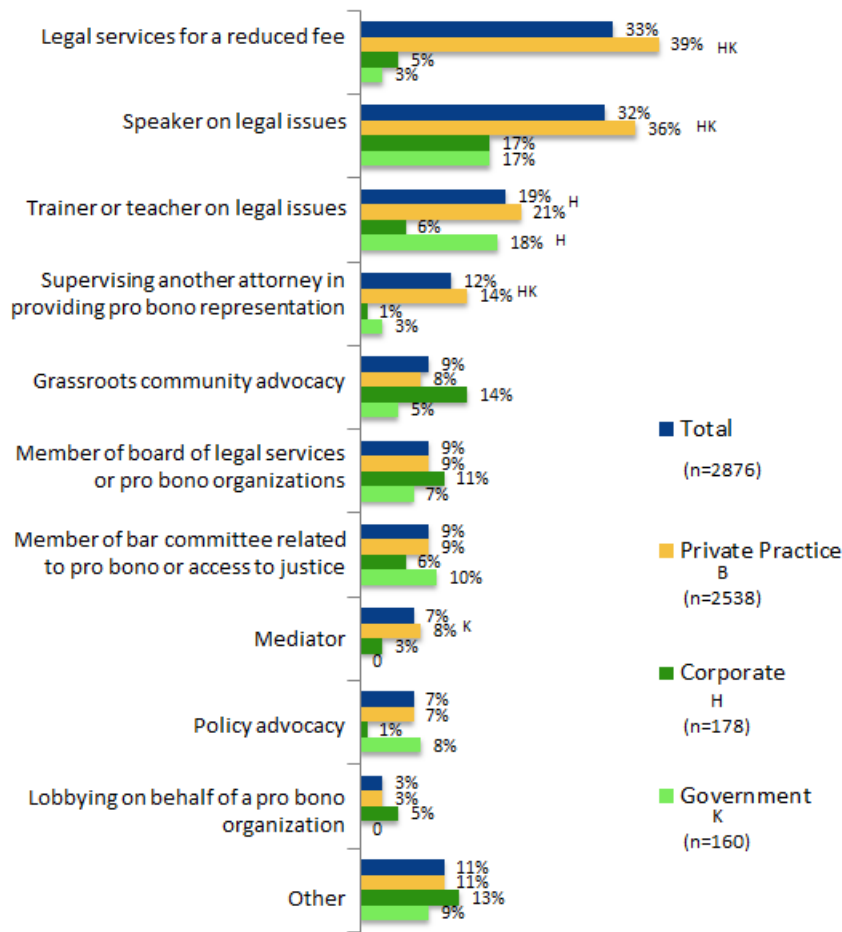


Figure 5: Percent of attorneys reporting having done specific Category 2 pro bono services in 2011, broken down by practice type. This figure is based on results from Q5: Other than the activities listed in the previous question, did you perform any of the following other types of pro bono in 2011? The letters represent respondent groups. See footnote 12 for explanation.

4. How Many Category 2 Legal Matters Were Provided?

In 2011, attorneys who provided Category 2 pro bono services handled about five Category 2 legal matters on average. Over two-fifths (43 percent) of attorneys in private practice handled at least three Category 2 legal matters compared with only 12 percent of corporate and 17 percent of government attorneys.

C. Category 1 and Category 2 Pro Bono Service

The majority of those surveyed performed at least some pro bono service whether that activity was regarded as Category 1 (see Fig. 2) or Category 2 (see Fig. 4). Among lawyers who did not provide any type of pro bono service in 2011 (11 percent), most (56 percent) had not yet provided any pro bono service in their career. About a quarter (23 percent) indicated they had provided pro bono in 2005 or prior and another one-fifth (21 percent) indicated they had provided pro bono at some point between 2006-2010.

1. Which Activities Provide the Most Personal Satisfaction?¹⁸

Overall, attorneys obtained the most personal satisfaction from providing free legal advice to persons of limited means, followed by full case representation to an individual or individuals of limited means. Full case representation was especially satisfying among private practice attorneys as was the Category 2 activity of providing legal services for a reduced fee, while government attorneys received a higher degree of satisfaction from the Category 2 activity of training or teaching on legal issues.

Asked what was particularly satisfying about the one most satisfying activity, most attorneys mentioned being able to help people who cannot afford legal services. Other mentions included the ability to teach others/laymen about legal issues and helping people in need with their legal issues. See Appendix for detailed tables.^{xii}

2. Which Practice Areas Were Served?

Among those who provided any pro bono service in 2011 (Category 1 or Category 2), family law was the most common practice area served, followed by contracts (especially among corporate attorneys), estate planning/probate/wills, nonprofit organizations, real estate (especially among private practice attorneys), consumer and criminal (Fig. 6). For detail by practice setting, see Appendix.^{xiii}

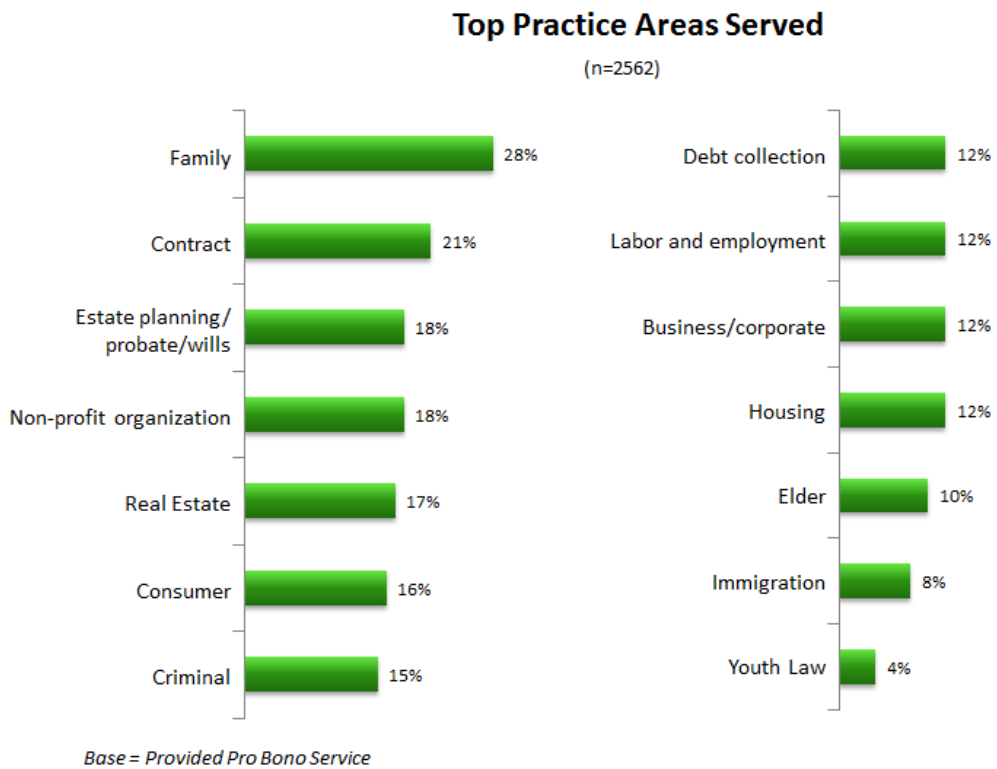


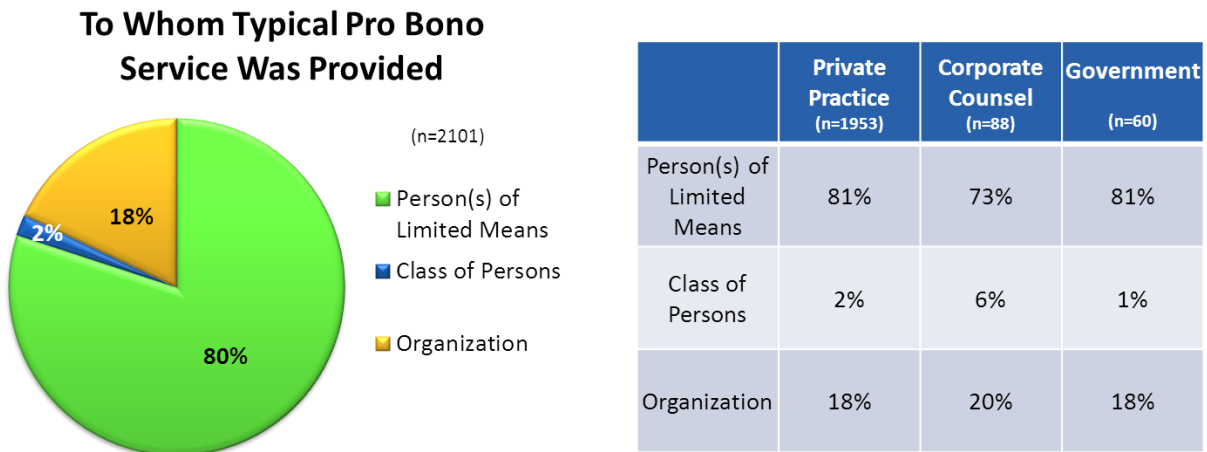
Figure 6. Percent of attorneys reporting having provided pro bono services in specific practice areas in 2011. This figure is based on results from Q8: In what practice areas did you do pro bono legal services in 2011?

¹⁸ Q6. From which of the following pro bono activities did you receive the most personal satisfaction? Possible response choices were all the Category 1 and Category 2 activities the respondent selected in previous questions.

D. Characteristics of Attorneys' Most Recent Category 1 Pro Bono Service¹⁹

1. Which Type of Category 1 Pro Bono Is Typical?

Over 90 percent of the attorneys that provided at least one type of Category 1 pro bono service in 2011 indicated that at least one of those services was “typical” of the pro bono they had provided in previous years. As Figure 7 demonstrates, the vast majority of those typical services fell into the category of free legal services to persons of limited means (80 percent overall) as opposed to a class of persons (2 percent) or an organization (18 percent). There was little variation between practice settings. However, solos and attorneys in firms with 2-10 attorneys were less likely to serve organizations than those in firms with 11-plus attorneys²⁰.



Base = Provided Category 1 Pro Bono Service

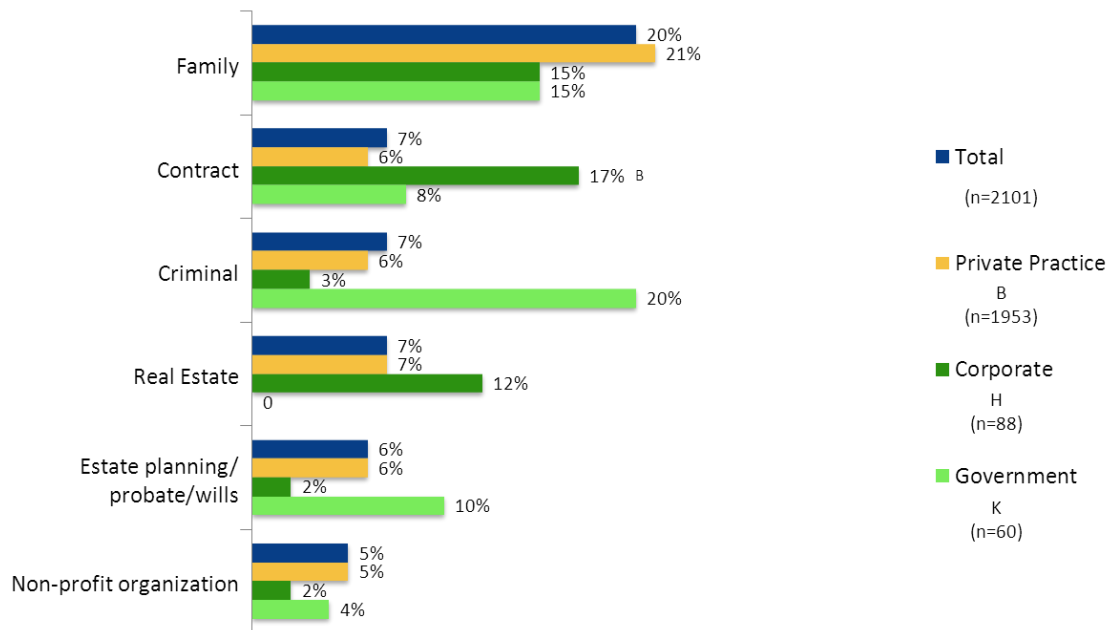
Figure 7: Percent of attorneys having provided their most recent, typical pro bono service to persons of limited means, a class of persons or an organization. This figure is based on the results of Q10: To confirm, in this pro bono experience, was the client a person(s), a class of persons or organization? By client, we mean the recipient of the pro bono service you provided. Q10 was preceded by a question in which respondents were asked for responses about their most typical type of pro bono service provided in 2011.

Overall, family law pro bono services accounted for one-fifth of the typical Category 1 pro bono service provided in 2011 (Fig. 8). Corporate attorneys were more likely to have taken on contracts cases, while government attorneys were more likely to have taken on criminal law cases. Real estate, estate planning/ probate/wills and nonprofit organizations rounded out the other top practice areas typically served.

¹⁹ Respondents were asked about their most typical Category 1 pro bono experience provided in 2011. If they provided more than one type of Category 1 pro bono that were equally typical, they were asked to select the most recent.

²⁰ An organization was a typical client among 12 percent of solos and 18 percent of lawyers in firms with 2-10 attorneys whereas 26 percent of those in firms with 11-50, 22 percent in firms with 51-100 and 32 percent in firms with 101-plus attorneys typically served an organization.

Practice Area Of Typical Pro Bono Service



Base = Provided Category 1 Pro Bono Service

Figure 8: Percent of attorneys' recent, typical pro bono service by practice area. This figure is based on the results of Q24: In what practice area was this engagement? The letters represent respondent groups. See footnote 12 for explanation.

2. How Many Attorneys Provided Pro Bono for the Everyday Legal Problems of Individuals of Limited Means?

Of the attorneys who had provided pro bono, 63 percent of their most recent experiences qualified as everyday legal services to individuals of limited means.²¹ Of those, 52 percent provided 1-10 hours, 19 percent provided 11-20 hours, and 29 percent provided more than 20 hours. The mean was 27 hours and the median was 10.

3. What Are the Sources of Category 1 Pro Bono Referrals and What Assistance Did the Referral Sources Provide?

Of the attorneys who provided pro bono, 60 percent indicated that their most recent client was referred to them (Fig. 9).²² This was true across all practice settings, but geography made a difference in referrals.

²¹ Common, everyday legal problems were determined to be those that included the following practice areas: family, contracts, estate planning/probate/wills, real estate, consumer, debt collection, housing, labor and employment, elder, bankruptcy, domestic violence, immigration, personal injury, disability rights, intellectual property, tax, health care, public benefits, youth law, banking, medical malpractice, securities, technology and other. And the legal tasks that were included were: reviewing/drafting documents, writing letters, speaking with other attorneys, providing advice, representing the client in court (trial or appellate), negotiating a settlement with other parties and representing the client in administrative proceedings. Practice areas excluded were nonprofit/organization, criminal, business/corporate and civil rights. Legal tasks excluded were interviewing/meeting with the client, referring to other organizations, representing the client before a legislative body and other.

²² This compares to 48 percent in 2008.

Attorneys located in an urban setting were the most likely to receive their pro bono service through a referral (66 percent) compared with those in a suburban setting (54 percent) or in a rural setting (41 percent).

Legal aid and pro bono organizations were the number one source of referrals.²³ Of those attorneys who did receive a referral, just under half (48 percent) received the referral from a pro bono program.²⁴ Approximately 13 percent were referred by an attorney outside their organization and 11 percent were referred by a family member or friend. The largest firms (101-plus attorneys) were especially likely to have accepted referrals from a legal aid/services pro bono program (45 percent).

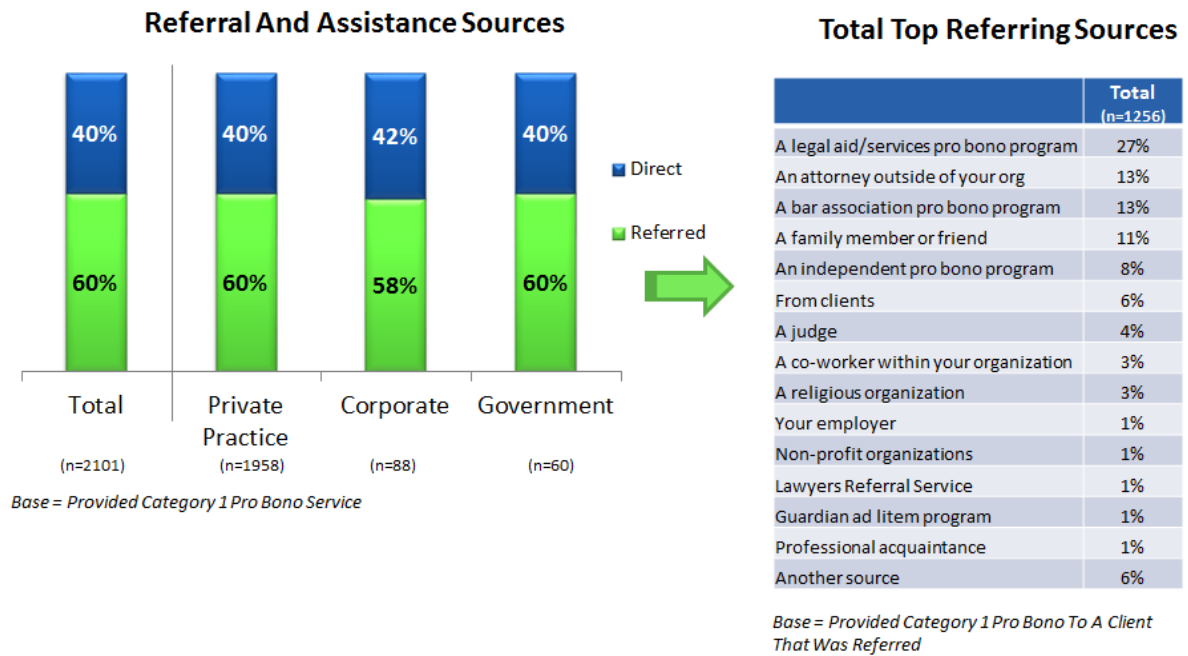


Figure 9: Referral and assistance sources of attorneys' recent, typical pro bono experience. This figure is based on results of Q11: Was the [client] referred to you, or did he or she come directly to you without a referral? / Q12. Was the referring party...? (Response choices were as shown above.)

More than two-fifths (43 percent) indicated that most of the background information (information about client needs, legal issues, time involved, etc.) provided by legal aid or bar association referral was accurate, complete and consistent (Fig. 10). Just under two-fifths (38 percent) indicated that all of the information was accurate, complete and consistent. There were no significant differences between the experiences of those receiving a referral from legal aid compared with those receiving a referral from a state/local bar association pro bono program.

Legal aid and bar association pro bono programs most often supported attorneys by supplying forms/document samples (21 percent), CLE (16 percent), sample pleadings (15 percent) and regular check-ins (15 percent). However, two-fifths (39 percent) of those receiving a referral from legal aid or bar association pro bono programs reported receiving no support. Respondents reported that bar association pro bono programs more often provided troubleshooting of issues that arose between the attorney and the client than did legal aid (15 percent versus 4 percent). The vast majority (79 percent)

²³ This trend continues from 2008, while in 2004 family/friend was the largest referral category.

²⁴ Here, pro bono programs include legal aid/services pro bono programs, bar association pro bono programs and independent pro bono programs.

did not report any other areas in which they could have used more support from either the legal aid or the bar association pro bono program.

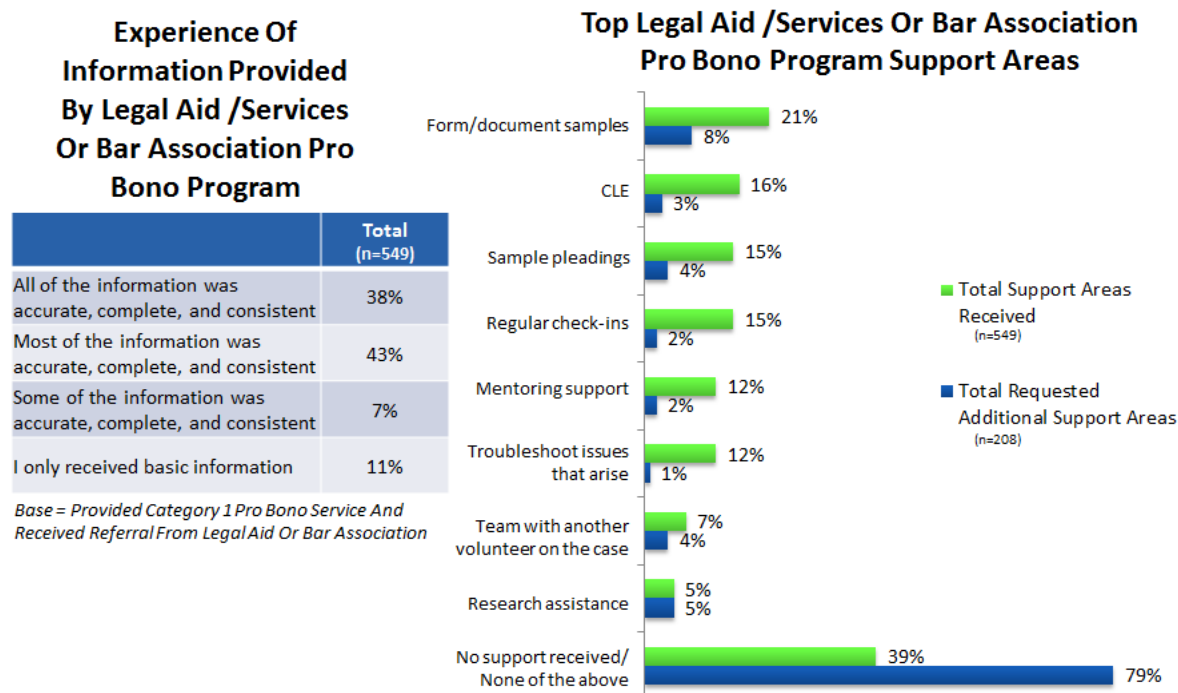


Figure 10. Experience of information provided by legal aid/services or bar association pro bono program and to support areas for most recent, typical pro bono experience. This figure is based on Q35: How well did the [] prepare you with background information (information about client needs, legal issues, time involved, etc.) for the case? /Q37: What support did you receive from the [] for this legal matter?/ Q39: In which areas could you have used more support from the []?

4. What Are the Sources of Category 1 Pro Bono Cases That Are Not Referred?

The clients in the 40 percent of cases that were not referred (see Fig. 9) were categorized in a number of ways. Of these cases, many of the clients (23 percent) were an organization with which the respondent or the respondent’s employer had been personally involved. Another 13 percent were acquaintances, 8 percent were former clients, and 9 percent were personal friends or relatives. Ten percent were categorized as “another relationship,” and 37 percent of these respondents indicated “no prior relationship.”

5. How Familiar Are the Attorneys With the Client for Whom the Work Is Being Performed?

While the majority of attorneys had no prior relationship with their pro bono client before the legal engagement began, approximately one-third of the attorneys knew the client before accepting the work on a pro bono basis.²⁵ When the client was a person (as opposed to an organization), the attorneys who knew the client characterized the relationship most often as an acquaintance followed by former client, personal friend and relative.

Among private practice, in particular, clients who were individuals were especially likely to have had no prior relationship with the attorney. Among the attorneys who provided pro bono to an organization

²⁵ This compares to 41 percent in 2008.

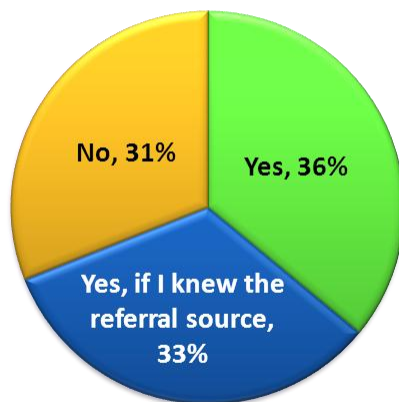
and indicated knowing the organization before accepting the engagement, most stated that they were personally involved with the organization.^{iv}

6. When the Client Is Unknown, What Is the Likelihood of the Attorneys Accepting the Referral Source?

Among those who knew the referral source or client before accepting the engagement, more than a third indicated they would still have accepted the matter if the client was unknown to them, and another third indicated they would accept it if they knew the referral source. Yet, just under a third (31 percent) would not have accepted their particular case had they not known the client, even if they knew the referral source (Fig. 11).

Willingness to Accept Unfamiliar Client

(n=685)



Base = Provided Category 1 Pro Bono Service And Had A Prior Relationship With The Client Before The Engagement Began

Figure 11: Percent of attorneys indicating whether they would accept an unfamiliar client. This figure is based on results from Q42: You indicated that you knew the client before the legal engagement began. Let’s assume that the client was unknown to you, but the legal matter was the same. Do you think that you would have still accepted the matter on a pro bono basis?

7. What Are the Factors Motivating the Attorney to View the Client as Deserving Pro Bono Representation?

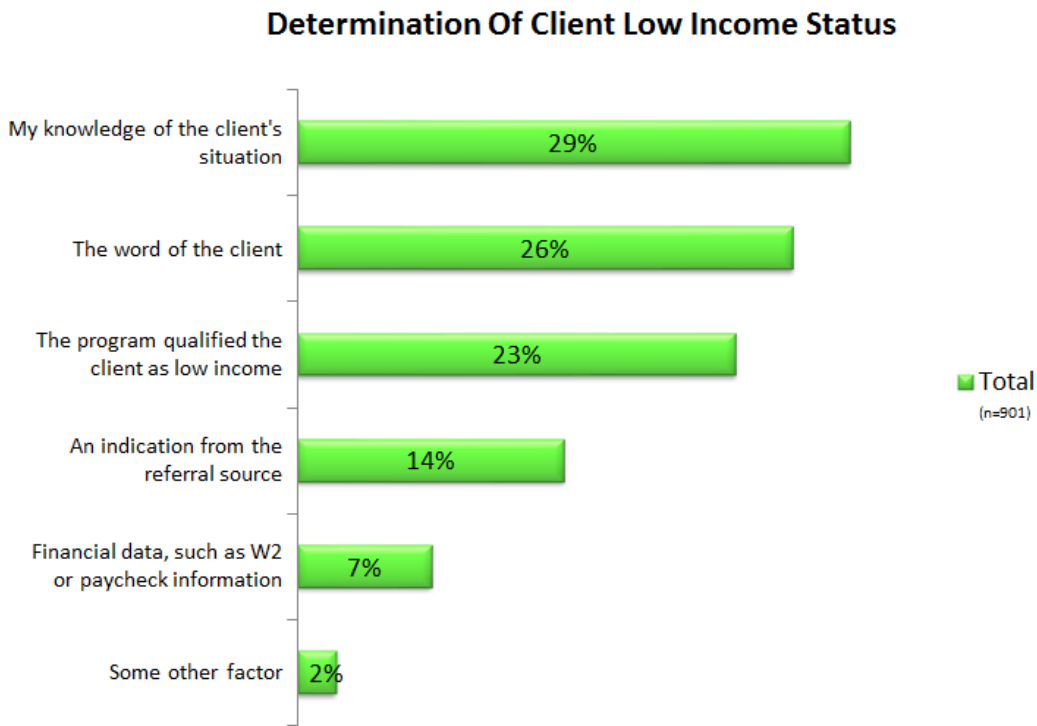
A top reason motivating pro bono representation is the fact that the client was low income/of limited means and the specific nature of the client’s legal problem. Women were especially likely to report that the specific nature of the client’s legal problem motivated them to provide pro bono (47 percent versus 38 percent among men).^{xv}

8. 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 of limited means, only 7 percent obtained some form of proof of income (Fig. 12).²⁶ Most attorneys used a more impressionistic method of determining a client’s income. Attorneys primarily determined a client’s low-

²⁶ This compares to 6 percent in 2008.

income status through their own knowledge of the client (29 percent), the client’s word (26 percent) or the qualification of the referral program (23 percent).



Base = Provided Category 1 Pro Bono Service To A Low Income/Poverty Client

Figure 12: Percent of attorneys indicating how they determined a client’s low-income status for most recent, typical pro bono experience. This figure is based on the results of Q17: Which of the following best describes how the client was determined to be low income?

9. What Tasks Were Performed and What Was the Scope of the Work?

The most frequently reported pro bono legal tasks consisted of providing advice, reviewing and drafting legal documents and interviewing/meeting with the client (Fig. 13). Private practice and government attorneys most often provided pro bono legal advice. Government attorneys were more likely to have reviewed/ drafted documents.

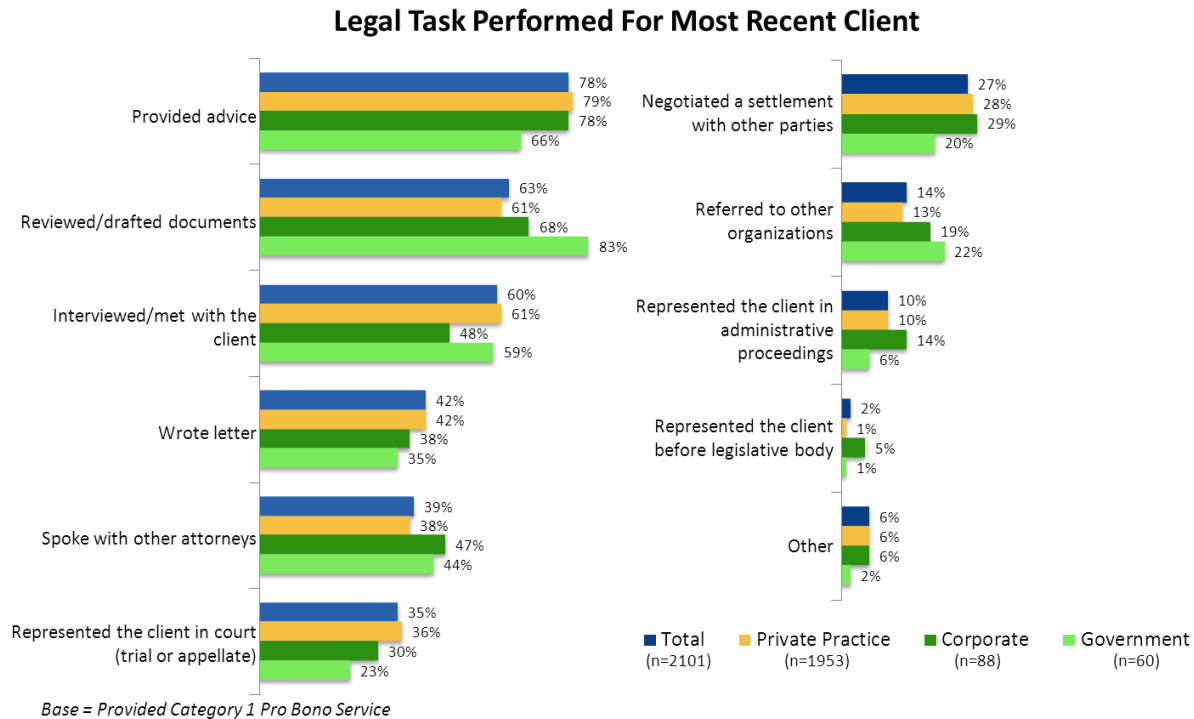


Figure 13: Percent indicating having performed specific legal tasks for their most recent, typical pro bono client. This figure is based on the results of Q23: What specific legal tasks did you perform for this client?

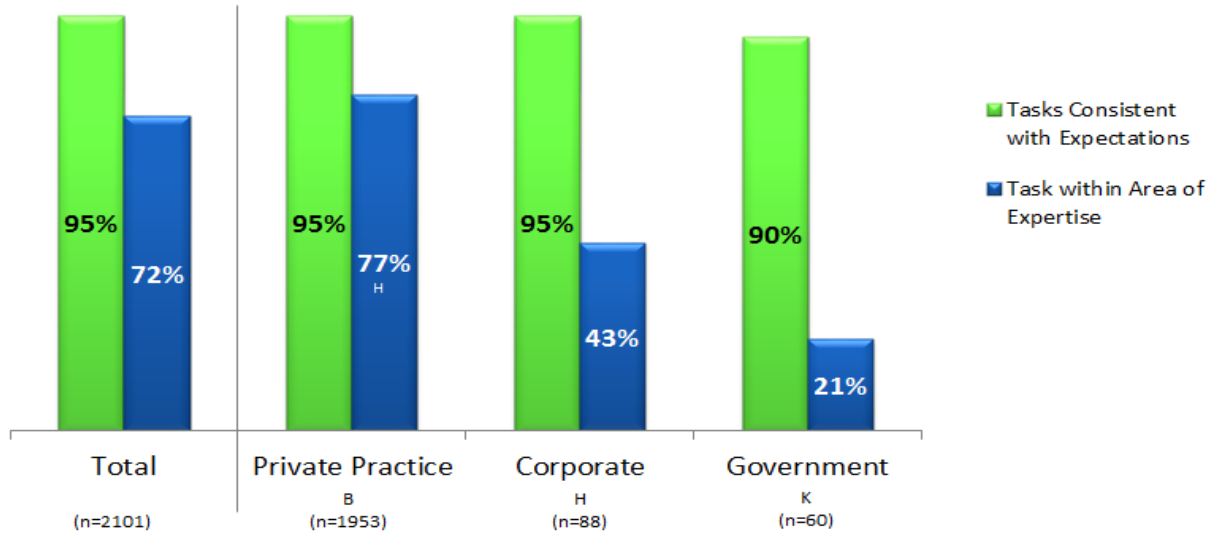
10. Are the Tasks Consistent with the Attorneys' Expectations and Expertise?

Tasks performed were consistent with attorneys' expectations for nearly all (95 percent) of the typical pro bono matters provided in 2011 (Fig. 14).²⁷ Attorneys ages 35 and up were more likely than those under 35 to indicate that the tasks were consistent with their expectations (96 percent among those 35 and up versus 85 percent among those under 35). White attorneys were more likely than non-white attorneys to have performed tasks that were consistent with their expectations (95 percent versus 89 percent).

Tasks were generally within the area of expertise overall, especially among private practice attorneys (77 percent indicated the tasks were within the area of expertise versus 43 percent among corporate and 21 percent among government). Several demographic differences existed in this regard. Specifically, older attorneys were more likely to perform tasks within their area of expertise than younger attorneys (78 percent among 45 and up versus 58 percent among 35 to 44 and 48 percent among those under 35). Likewise, in terms of being likely to perform tasks within their expertise, white attorneys were more likely than non-white attorneys (73 percent versus 59 percent), attorneys from rural areas (90 percent) were more likely than urban (69 percent) or suburban (73 percent) areas, and men (74 percent) were more likely than women (66 percent).

²⁷ This compares to 94 percent in 2008.

Expectations & Expertise Related To Scope Of Work



Base = Provided Category 1 Pro Bono Service

Figure 14: Percent of attorneys indicating that the tasks provided for their most recent, typical pro bono experience were consistent with their expectations and within their area of expertise. This figure is based on the results of Q23a: Were the tasks that you provided consistent with your expectations when you accepted the engagement?/ Q25: Was the pro bono legal matter within the scope of your regular paying practice/area of expertise? The letters represent respondent groups. See footnote 12 for explanation.

Among those that performed tasks outside their area of expertise, most indicated that this did not create any concerns for them (Fig. 15). Overall, about a third (35 percent) were concerned, and corporate attorneys (64 percent) expressed more concern than private or government attorneys. To address concerns, attorneys most often worked with a more knowledgeable attorney (65 percent).

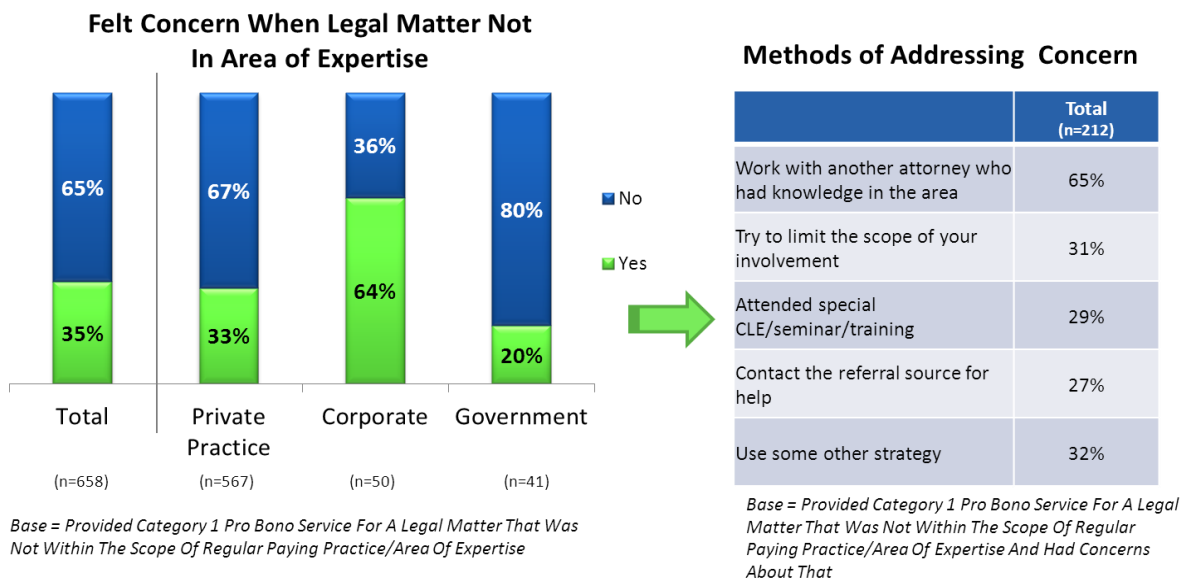


Figure 15: Percent of attorneys indicating concern when legal matter of most recent, typical pro bono experience was not within their area of expertise. This figure is based on the results of Q27: Did the fact that this legal matter was not within the scope of your practice/area of expertise create any concerns for you?/ Q28. To address those concerns, did you ... (response choices were as shown above)?

11. How Many Hours Did Attorneys Spend on Their Most Recent Pro Bono Case?

Overall, attorneys reported an average of 32.7 hours spent on their most recent pro bono legal matter.²⁸ The hours spent were generally within the range of what attorneys had expected. Very rarely did they spend fewer hours than they expected (Table 2).^{xvi}

Hours Consistent With Expectation

	Total (n=2101)	Private Practice (n=1953)	Corporate Counsel (n=88)	Government (n=60)
Yes, expected	67%	66%	70%	78%
No, more than expected	29%	30%	27%	15%
No, less than expected	3%	3%	2%	6%

Base = Provided Category 1 Pro Bono Service

Table 2. Percent of attorneys indicating whether the hours spent on their most recent, typical pro bono case was consistent with their expectations. This chart is based on the results of Q30: Were [] hours consistent with your expectation when you accepted the engagement?

12. How Satisfied Were Attorneys Overall With the Pro Bono Experience?

Attorneys who provided Category 1 service in 2011 reported high levels of satisfaction with the pro bono experience (Fig. 16). The majority across all practice settings indicated they were very satisfied with the experience of offering pro bono service. Women reported a higher degree of satisfaction than men (63 percent very satisfied versus 54 percent among men).

²⁸ This compares to an average of 24 hours in 2008

Satisfaction Level With Pro Bono Experience

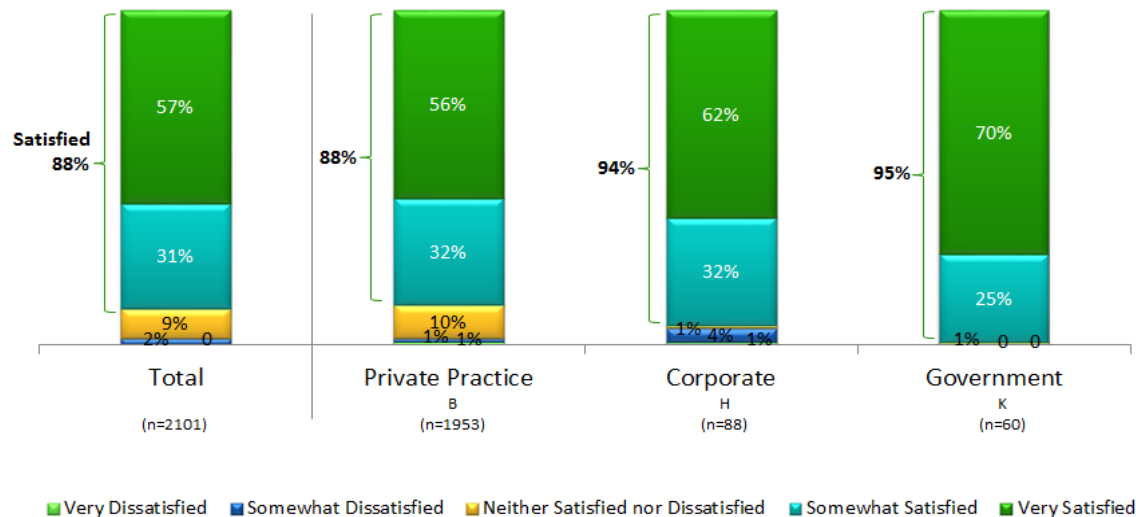


Figure 16: Percent of attorneys indicating specific levels of satisfaction with their most recent, typical pro bono experience. This figure is based on the results of Q40: Overall, how satisfied are you with your experience in offering pro bono service for this legal matter? The letters represent respondent groups. See footnote 12 for explanation.

E. Factors that Encourage or Discourage Pro Bono Service

1. What Are Attorneys' Overall Views About Pro Bono?

Overall, among all attorneys responding, the majority believed that pro bono clients really needed their help and that doing pro bono work was extremely gratifying (Fig. 17). About two-fifths agreed that they would take on more pro bono cases if they could, that their firm has a culture of volunteering and that they would take on more cases in areas outside their expertise, but they worry that they will not do the best job possible (especially among corporate and government attorneys). Almost no one agreed with the statements that they only do pro bono work because it is a firm requirement, that pro bono is a way to get publicity and that they do not take on pro bono cases because they don't understand how to connect with organizations to get pro bono cases.

Agreement With Specific Positions Regarding Pro Bono Work

(Varying base due to excluding 'not applicable' responses)

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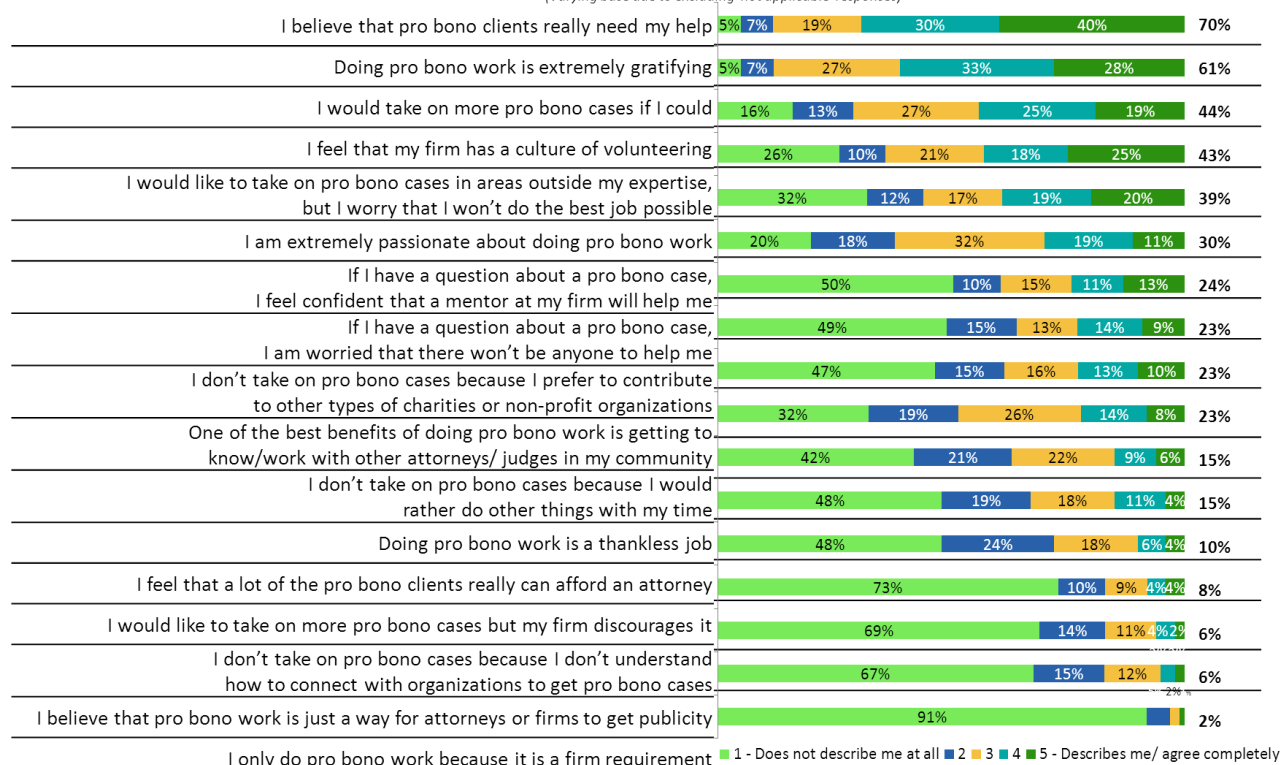


Figure 17: Ratings of agreement or disagreement with specific positions regarding pro bono. This figure is based on the results of Q66: Please rate how well each of the following characteristics describes you. Please use a scale of 1 to 5, where 1 means "does not describe you at all" and 5 means it "describes you completely."

The attorneys who provided at least 50 hours of Category 1 pro bono in 2011 were more likely than those who provided fewer than 50 hours (including no Category 1 pro bono) to agree with the following statements:

- I believe that pro bono clients really need my help (50+hours, 83%; less/none, 62%)
- Doing pro bono work is extremely gratifying (50+hours, 76%; less/none, 52%)
- I am extremely passionate about doing pro bono work (50+hours, 48%; less/none, 20%)
- I feel that my firm has a culture of volunteering (50+hours, 55%; less/none, 36%)
- I would take on more pro bono cases if I could (50+hours, 50%; less/none, 41%)
- If I have a question about a pro bono case, I feel confident that a mentor at my firm will help me (50+hours, 30%; less/none, 21%)

Corporate and government attorneys were likely to agree that they are concerned that if they take on a case outside of their expertise that there won't be anyone to help them (38 percent and 44 percent agree, respectively). Private practice attorneys were more likely than corporate and government attorneys to agree that if they take a case outside of their expertise they are confident that a mentor at their firm would help them (27 percent agree). See Appendix for detailed table of these findings.^{xvii}

There were some demographic differences as well. Younger attorneys, women and non-whites were all more likely to indicate that they would take on more pro bono cases if they could and that they would like to take on pro bono cases outside their area of expertise, but worry that they would not do the best job possible.

2. How Important Do Attorneys Believe Pro Bono Work Is to Improving Equal Justice Under the Law?

Overall, nine in 10 attorneys indicated that they believed it was either somewhat or extremely important for attorneys to offer pro bono services, consistent across practice settings (Fig. 18). Further, nearly all attorneys believed that pro bono made a difference (at least some of the time) in improving equal justice under the law. In fact, at least seven in 10 believed it made a difference at least most or all of the time. Over eight in 10 (82 percent) of those providing at least 50 hours of pro bono believed it made a difference at least most of the time. Demographic differences are provided in the Appendix.^{xviii}

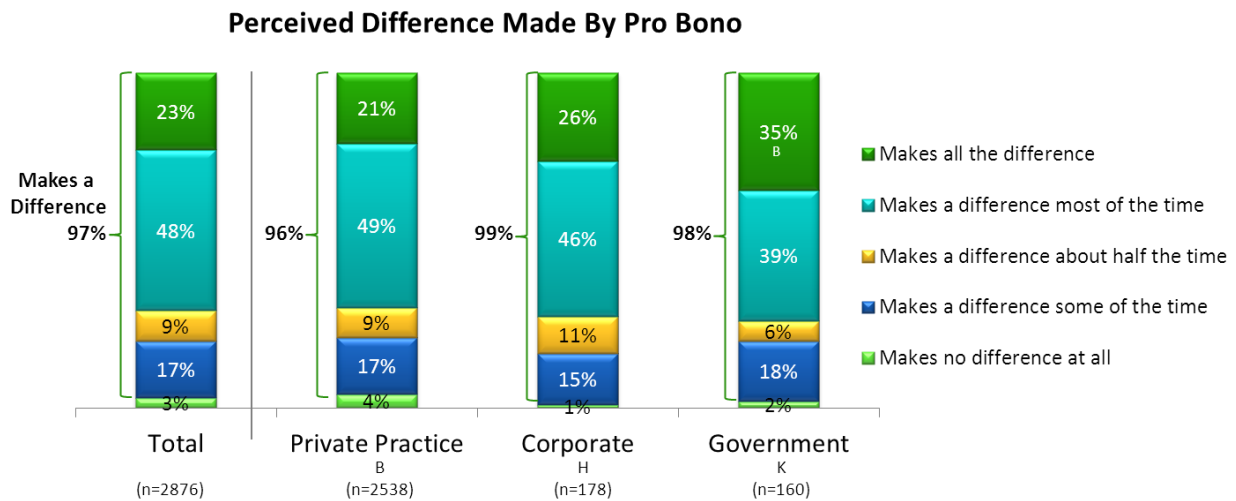


Figure 18: Percent of attorneys indicating agreement with specific beliefs about how much of a difference is made by pro bono. This figure is based on the results of Q47: How much of a difference do you think doing pro bono makes in improving equal justice under the law? The letters represent respondent groups. See footnote 12 for explanation.

3. Are Attorneys Reactive or Proactive Concerning Pro Bono Opportunities?

Among the attorneys that have ever provided pro bono service, three-quarters indicated that those opportunities found them rather than seeking out those opportunities themselves (Fig. 19).²⁹ Those in private practice were significantly more likely to report that pro bono opportunities found them (77 percent) compared with corporate (64 percent) and government (59 percent). The majority of each group had never contacted either the state or local bar association or a legal aid or pro bono organization to identify pro bono opportunities.

The groups most likely to seek out pro bono opportunities were younger attorneys,³⁰ women,³¹ attorneys in large firms³² and attorneys who provided 50-plus hours³³ of Category 1 pro bono in 2011.

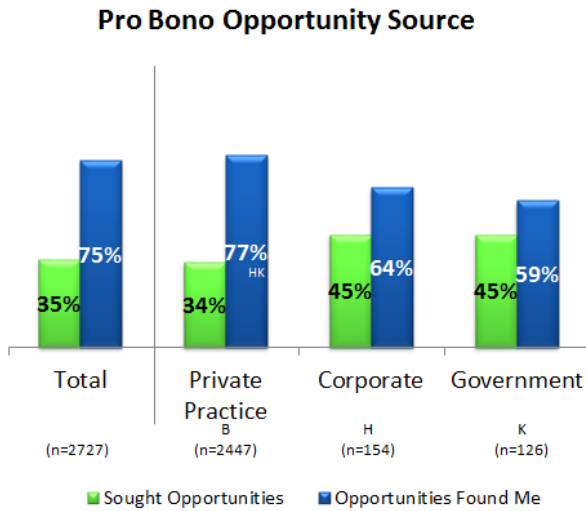
²⁹ This compares to 77 percent in 2008.

³⁰ 46 percent of those under 45 sought an opportunity, while 31 percent of those 45 and up sought an opportunity.

³¹ 40 percent of women sought an opportunity versus 32 percent of men.

³² 48 percent of those in firms with 101-plus attorneys sought an opportunity compared with 32 percent among solos, 32 percent among 2-10, 31 percent among 11-50 and 22 percent among 51-100 attorney-sized firms.

³³ 41 percent of attorneys providing 50-plus hours of Category 1 pro bono in 2011 sought an opportunity compared with 32 percent of those that did not provide 50 hours of Category 1 pro bono.



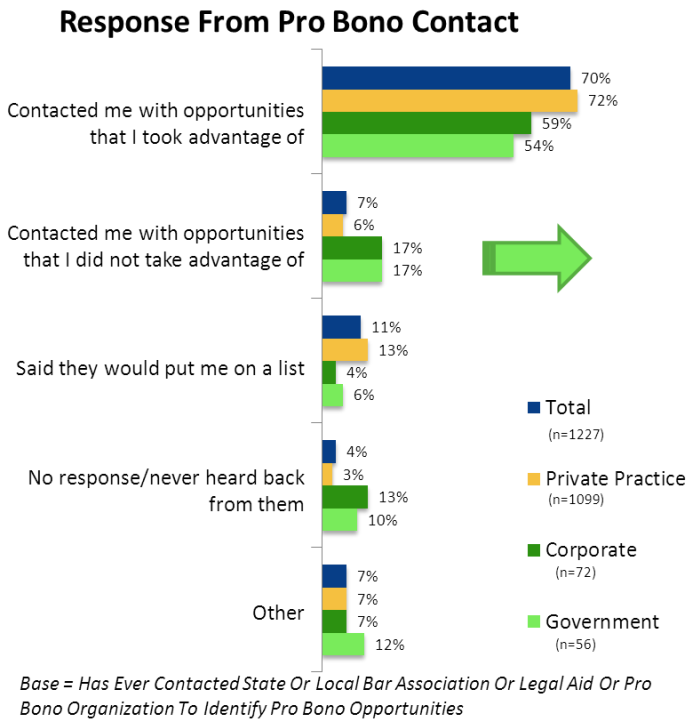
Base = Has Ever Provided Pro Bono Service

Contacted to Identify Pro Bono Opportunities

	Total (n=2876)	Private Practice (n=2538)	Corporate Counsel (n=178)	Government (n=160)
Your state or local bar association	20%	20%	19%	20%
A legal aid or pro bono organization	34%	36%	32%	25%
Neither of the above	57%	56%	58%	63%

Figure 19: Percent of attorneys reporting that pro bono opportunities found them versus that they sought out the opportunities. This figure is based on the results of Q48: Concerning legal matters that you have handled on a pro bono basis, in general, have you actively sought out those pro bono opportunities or did the opportunities find you?/ Q49. To identify pro bono opportunities, have you ever contacted... (response choices were as shown above). The letters represent respondent groups. See footnote 12 for explanation.

In response to their most recent contact from their state or local bar association or a legal aid or pro bono organization, seven in 10 took advantage of the opportunity, especially among private practice attorneys (Fig. 20). For those that did not take advantage of the opportunity, the majority indicated that they did not have the time when the bar association or pro bono organization reached back with an opportunity. Another third indicated they did not take the case because it was for a legal matter that was inconsistent with their expertise. Just over one in 10 (12 percent) indicated that their personal situation had changed, and less than one in 10 had a business issue or conflict, felt the matter was unattractive to them or had a client conflict.



Reasons For Not Taking Advantage Of Opportunities

	Total (n=123)
Did not have the time when they contacted me	54%
Matter inconsistent with my expertise	32%
My personal situation had changed	12%
Issue or business conflict	8%
Matter was unattractive to me	7%
Client conflict	2%
Other	12%

Base = Has Ever Contacted State Or Local Bar Association Or Legal Aid Or Pro Bono Organization To Identify Pro Bono Opportunities, But Did Not Take Advantage Of Those Opportunities

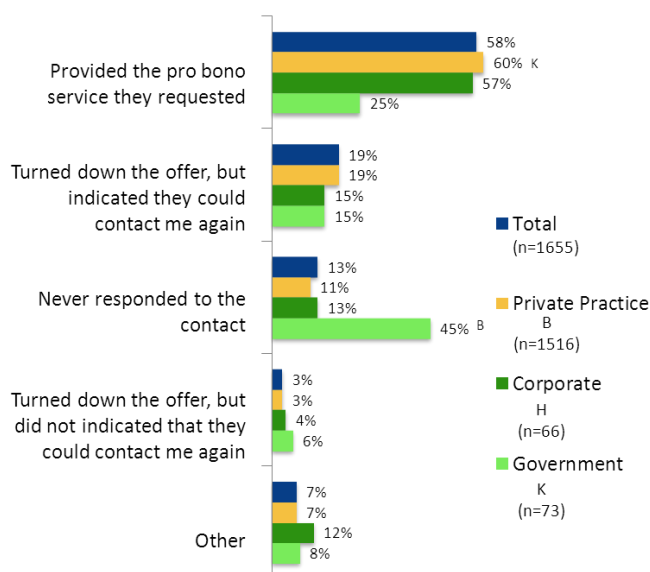
Figure 20: Percent of attorneys indicating various responses from their most recent inquiry regarding pro bono and reasons for not taking advantage of opportunities. This figure is based on the results of Q50: From your most recent inquiry, what response did you receive? (response choices were as shown above)/ Q51: Why did you not take advantage of those opportunities? (response choices were as shown above)

State or local bar associations or legal aid pro bono organizations were more likely to have reached out to private practice attorneys with pro bono opportunities than any other referral group (Fig. 21). The most common response to those opportunities was to provide the pro bono service requested (58 percent overall). Government attorneys were more likely than private or corporate attorneys to never respond to the contact (45 percent). For those who did not provide the pro bono service offered to them, the main reason was that they did not have the time and secondarily, that the matter was inconsistent with their area of expertise. About a fifth typed in a reason “other” than those shown.

Groups That Reached Out With Pro Bono Opportunities

	Total (n=2876)	Private Practice B (n=2538)	Corporate Counsel H (n=178)	Government K (n=160)
Your state or local bar association	30%	31% ^H	19%	32%
A legal aid or pro bono organization	41%	44% ^{HK}	32%	24%
Neither of the above	44%	41%	57% ^B	58% ^B

Attorney Responses



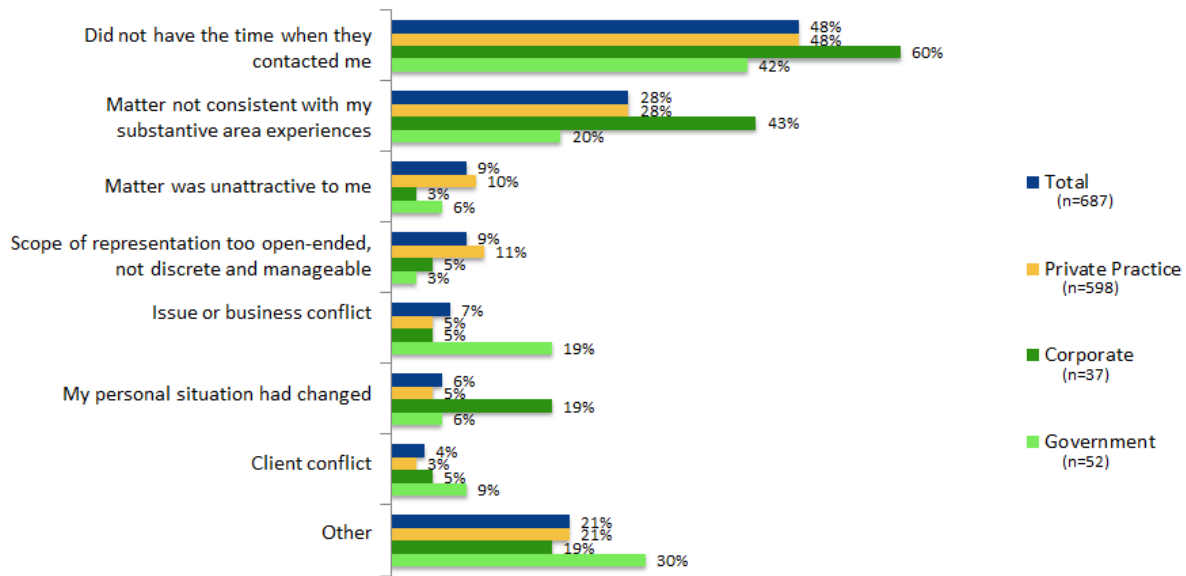
Base = Has Been Contacted By State Or Local Bar Association Or Legal Aid Or Pro Bono Organization With A Pro Bono Opportunity

Figure 21. Percent of attorneys indicating various groups having reached out with pro bono opportunities and when a group reached out, how attorneys responded. This figure is based on the results of Q52: Which of the following groups have ever contacted you (without you contacting them first) with a pro bono opportunity? (response choices were as shown above)/ Q53: What was your response to that most recent contact? (response choices were as shown above). The letters represent respondent groups. See footnote 12 for explanation.

4. What Were the Primary Reasons Provided for Not Taking Advantage of a Pro Bono Opportunity?

Non-providers of pro bono were asked why they did not take advantage of pro bono opportunities that were presented to them. The most highly rated reason given was a lack of time (Fig. 22). The second most highly rated reason given was that the matter was not consistent with the attorney’s substantive law experience. Other reasons that prevented attorneys from taking advantage of pro bono opportunities include the matter not being attractive to the attorney, the scope of representation being too open-ended, an issue or business conflict, a change in the attorney’s personal situation and a client conflict.

Reasons for Not Taking Advantage of Pro Bono Opportunity



Base = Has Been Contacted By State Or Local Bar Association Or Legal Aid Or Pro Bono Organization With A Pro Bono Opportunity, But Did Not Provide The Pro Bono Service

Figure 22. Percent of attorneys indicating specific reasons for not taking advantage of a pro bono opportunity. This figure is based on the results of Q54: Why did you not take advantage of this opportunity to provide pro bono services? (response choices were as shown above)

5. How Can Referral Organizations Influence Pro Bono?^{xix}

Attorneys surveyed were asked to rate how influential they believed specific statements about actions referral organizations could take to encourage pro bono were. The majority of attorneys (59 percent) believed that providing limited scope representation opportunities was highly influential (Fig. 23). The second and third most influential actions indicated were providing a wide range of volunteer opportunities and providing malpractice insurance (48 percent and 46 percent). These top three were especially influential among corporate and government attorneys. Corporate and government attorneys would also be more influenced than private practice attorneys by providing free or reduced cost CLE, research support, a mentor/ supervisor specializing in the legal matter, technology so they can do pro bono remotely and matching them with another attorney to share the work. Overall, providing formal recognition of past volunteer efforts was not considered highly influential; however, government attorneys would be more influenced by this than would private practice attorneys. For detail by practice setting and demographics, see table in the Appendix.^{xx}

Influence of Referral Organization Actions

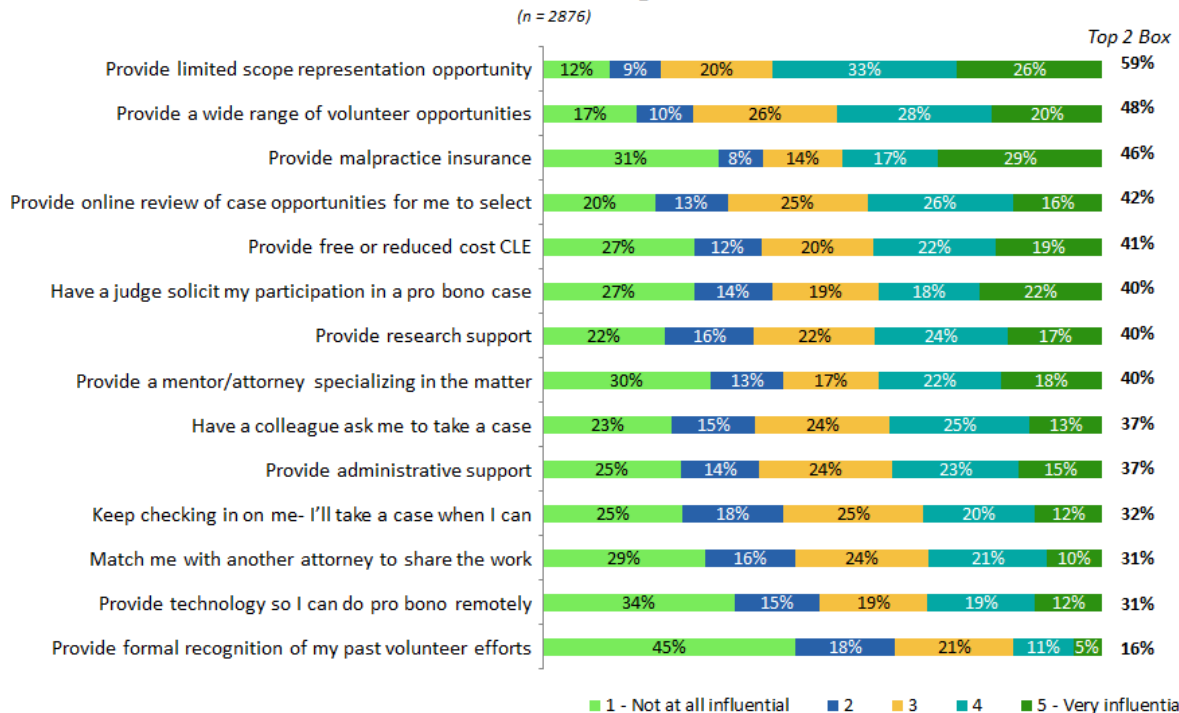


Figure 23. Percent of attorneys indicating levels of influence of referral organization actions. This figure is based on the results of Q55: We are interested in learning what referral organizations can do to encourage attorneys to take on more pro bono cases. How much influence would each of the following referral organization actions have in encouraging you to take a pro bono case?

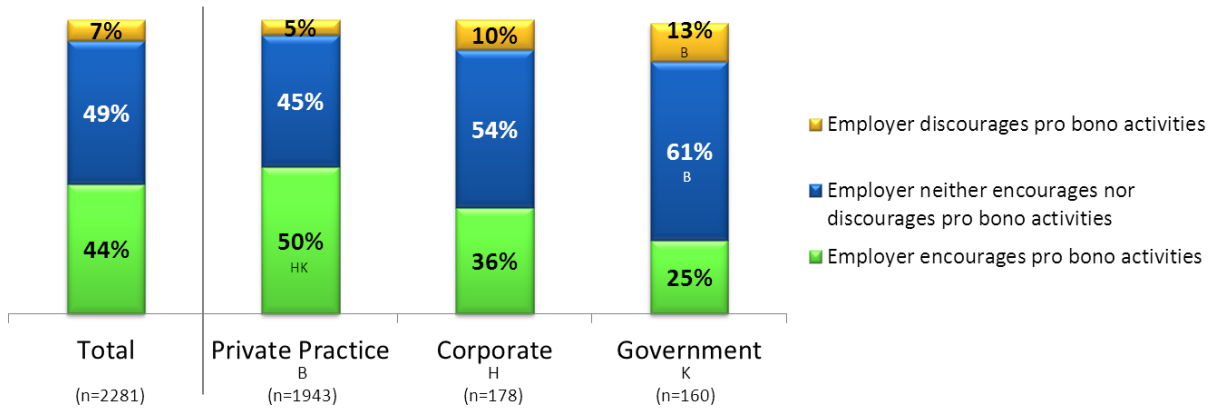
The attorneys who provided at least 50 hours of Category 1 pro bono in 2011 were more likely than those who provided less than 50 hours (including no Category 1 pro bono) to believe the following referral organization actions would be influential in encouraging more pro bono:

- Have a colleague ask me to take a case (50+hours, 42%, less/none, 35%)
- Keep checking in on me- I'll take a case when I can (50+hours, 37%, less/none, 30%)
- Provide formal recognition of my past volunteer efforts (50+hours, 19%, less/none, 14%).

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

Attorneys who provided at least 50 hours of pro bono were significantly more likely than those who provided fewer than 50 hours of pro bono to report that their employer encouraged pro bono activities (64 percent). In general, however, pro bono activity was either encouraged or neither encouraged or discouraged by employers (Fig. 24). Within private practice, there was a higher degree of encouragement from employers as compared with corporate or government settings. Within private practice, the highest degree of encouragement was among firms with 101-plus attorneys (83 percent indicated their firm encourages pro bono versus 37 percent among 2-10, 37 percent among 11-50, and 41 percent among 51-100). Corporate organizations with 10-plus attorneys were more likely to encourage pro bono (54 percent) than companies with less than 10 attorneys (17 percent indicate their employer encourages pro bono).

Employer Encouragement of Pro Bono Activities



Base = Not Solo

Figure 24: Percent of attorneys indicating agreement with specified levels of employer encouragement of pro bono activities. This figure is based on the results of Q57: Which of the following best describes your firm's or employer's attitude toward pro bono? (response choices were as shown above). The letters represent respondent groups. See footnote 12 for explanation.

Private practice attorneys reported the most encouragement by their firm, while government attorneys reported the most discouraging actions (Fig. 25). Specifically, the most common encouraging action by a firm was allowing the use of internal resources (68 percent of private practice attorneys reported their firm did this). Two-fifths of private practice attorneys also reported that their firm has a policy that supports pro bono activity (and 84 percent among large firms with 101-plus attorneys). The main discouraging actions reported by government attorneys were not being allowed to do pro bono activities during business hours and not being able to use internal resources for pro bono activities.

Firm/Employer Actions Relating to Pro Bono Work

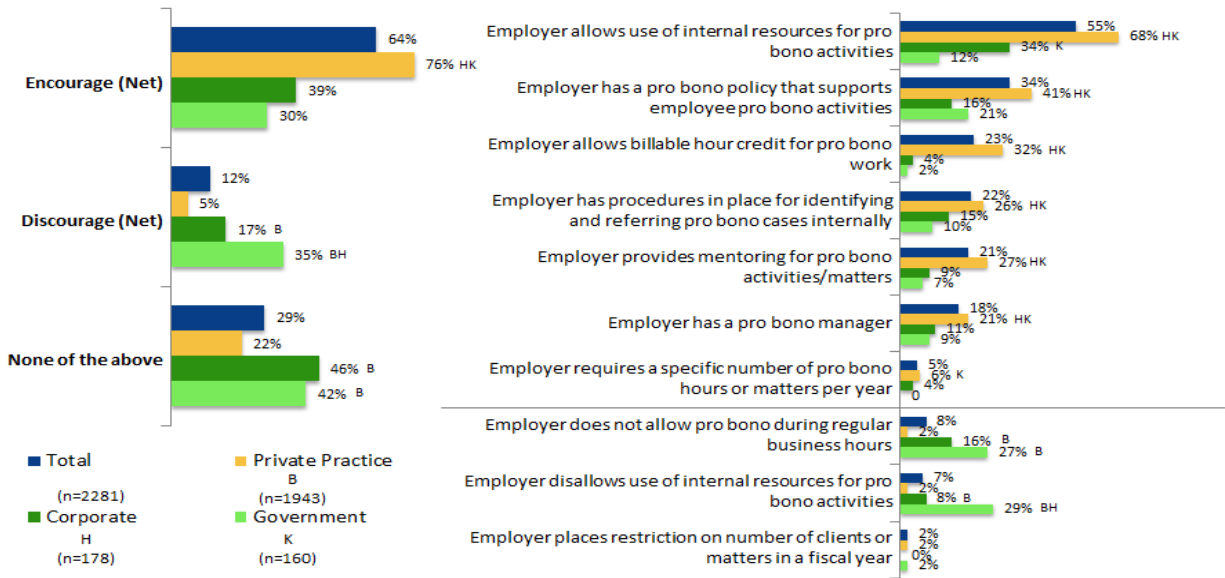


Figure 25: Percent of attorneys indicating various firm/employer actions relating to pro bono work. This figure is based on the results of Q58: And, specifically, does your firm or employer do any of the following as it relates to pro bono? (response choices were as shown above). The letters represent respondent groups. See footnote 12 for explanation.

7. What Are the Top Factors That Most Discouraged Pro Bono Work in the Past Year?

Attorneys overwhelmingly mentioned time constraints³⁴ as the top factor that most discouraged them from providing more pro bono service in 2011, especially among corporate attorneys (Fig. 26). Second and third were commitment to family obligations (especially among attorneys ages 35 to 44³⁵) and lack of skills or experience in the practice areas needed. Lack of desire or interest in doing pro bono was not a highly discouraging factor.^{xxi}

³⁴ This trend continues from 2004 and 2008.

³⁵ 67 percent of those ages 35-44 indicated commitment to family obligations was discouraging.

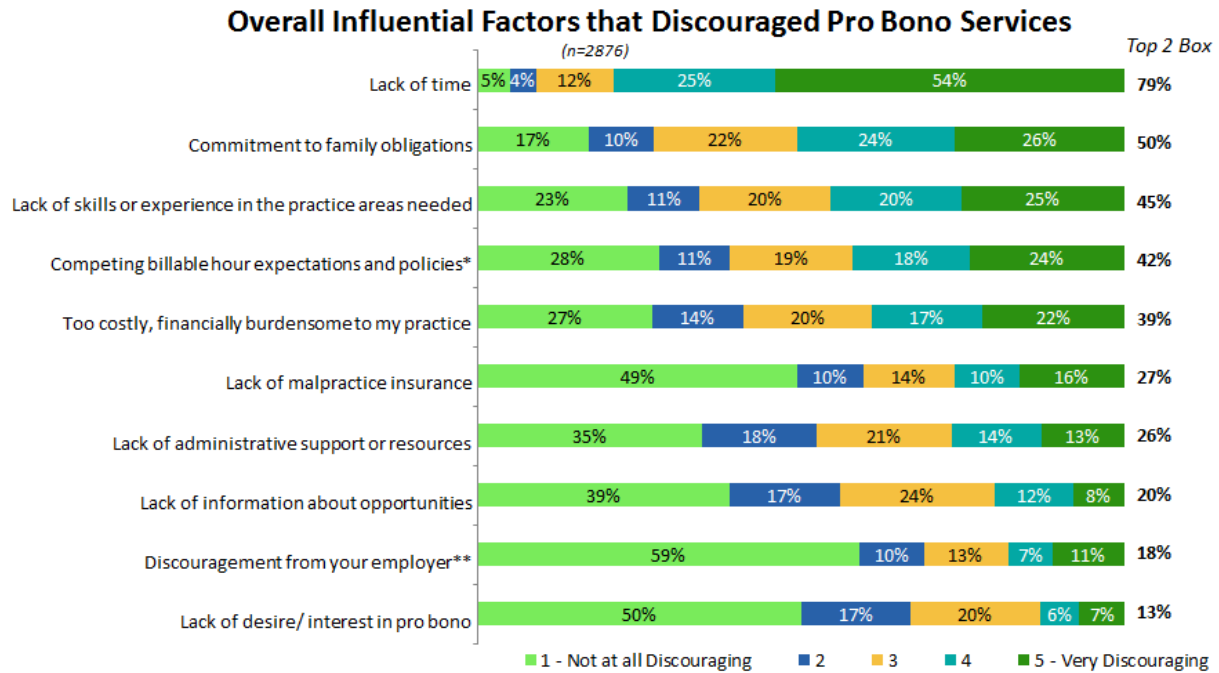


Figure 26: Percent of attorneys indicating various levels of discouragement of pro bono services associated with specific factors. This figure is based on the results of Q60: The following are a list of factors that might discourage an attorney from doing pro bono (or more pro bono). How influential was each factor to you personally, in discouraging you from doing more pro bono in 2011?

Corporate and government attorneys were more discouraged by lack of malpractice insurance, lack of administrative support or resources and lack of information about opportunities than were private practice attorneys. Government attorneys reported more discouragement from their employer than both private practice and corporate attorneys, while private practice attorneys felt cost was more of a discouraging factor. For detail by practice setting and demographics, see table in the Appendix.^{xxii}

8. What Is the Impact of Limited Scope Representation?

Attorneys reported uncertainty regarding whether their state allows unbundling or limited scope representation, especially within the corporate and government settings. Overall, about two-fifths were aware that their state does allow bundling or limited scope representation (Fig. 27). Of those that were aware, more than half had provided limited scope representation at some point in their career, and of those, more than three-quarters indicated that the availability of limited scope influenced their decision to take the pro bono case.

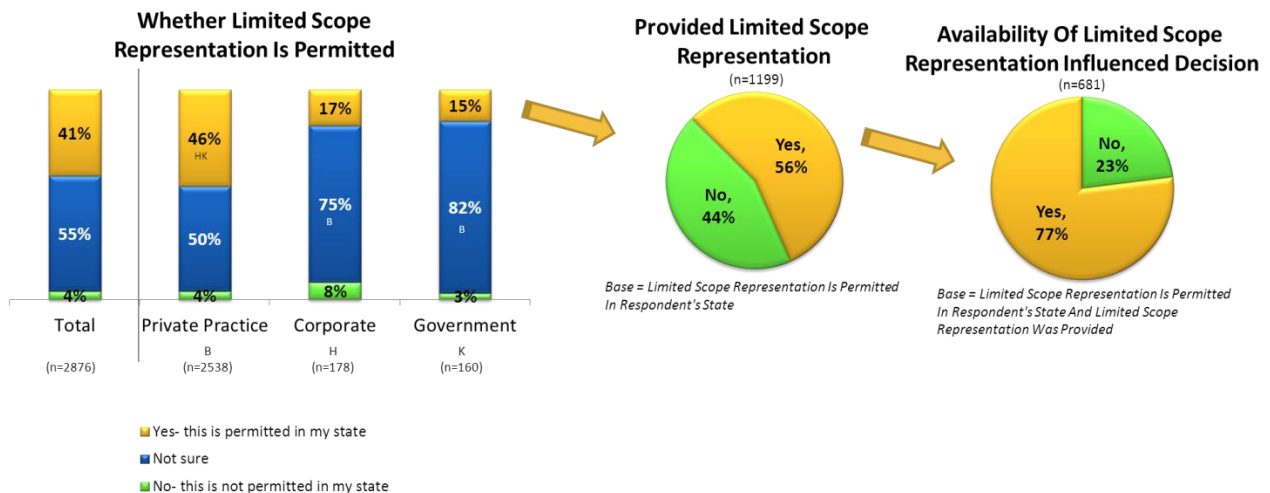


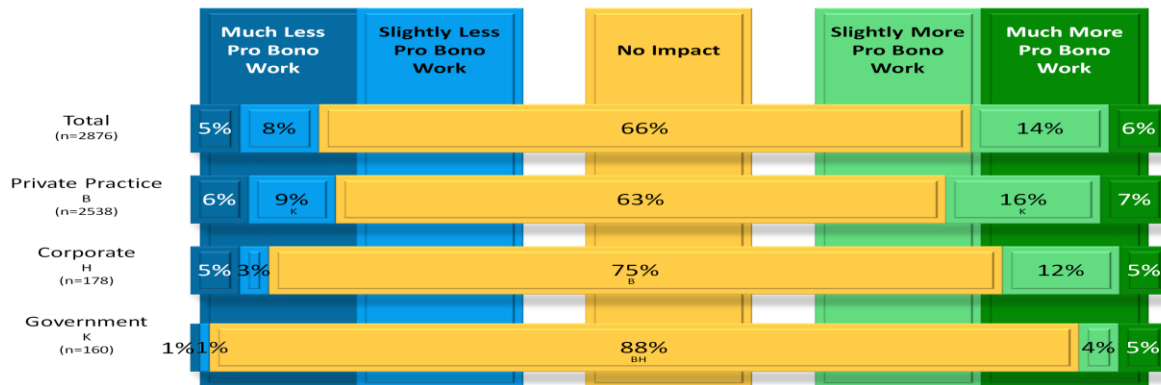
Figure 27. Percent of attorneys indicating knowledge about unbundling rules in their state and whether they have provided such services. This figure is based on the results of Q61: Is unbundling or limited scope representation permitted in your state? By unbundling or limited scope representation, we mean an agreement by the lawyer and client that the lawyer will perform only certain tasks for the client as specified./ Q62: Have you ever provided limited scope representation in a pro bono case?/ Q63: Did the availability of limited scope representation influence your decision to take a pro bono case? The letters represent respondent groups. See footnote 12 for explanation.

9. What Has Been the Impact of the Economy?

While the majority indicated that the state of the economy did not have an impact on the amount of pro bono they provided in 2011, there was a skew³⁶ toward doing more rather than less, even among government attorneys who were most likely to indicate the economy had no impact (Fig. 28). Non-white attorneys were most likely to believe the economy has caused them to do more pro bono in 2011 (32 percent among non-whites versus 20 percent among whites). Additionally, those who provided at least 50 hours of Category 1 pro bono were more likely than those providing none or less than 50 hours to believe the economy caused them to do more (34 percent versus 13 percent).

³⁶ 20 percent reported slightly more/much more pro bono work compared with 13 percent reporting slightly less/much less.

Impact Of Economy On Amount Of Pro Bono Work Provided



2

Figure 28: Percent indicating various impacts of the economy on amount of pro bono work provided. This figure is based on the results of Q64: How, if at all, do you believe the state of the economy has affected the amount of pro bono work you provided in 2011? Please do not include work that was done for a client who was expected to pay for legal services. The letters represent respondent groups. See footnote 12 for explanation.

10. What Is the Likelihood of Providing Pro Bono in the Future?

The majority of attorneys overall indicated being very likely to offer pro bono in the subsequent year (Fig. 29). Corporate and government attorneys are more likely than unlikely but significantly larger proportions are very unlikely as compared with those in private practice.

Likelihood of Offering Pro Bono Services in 2012

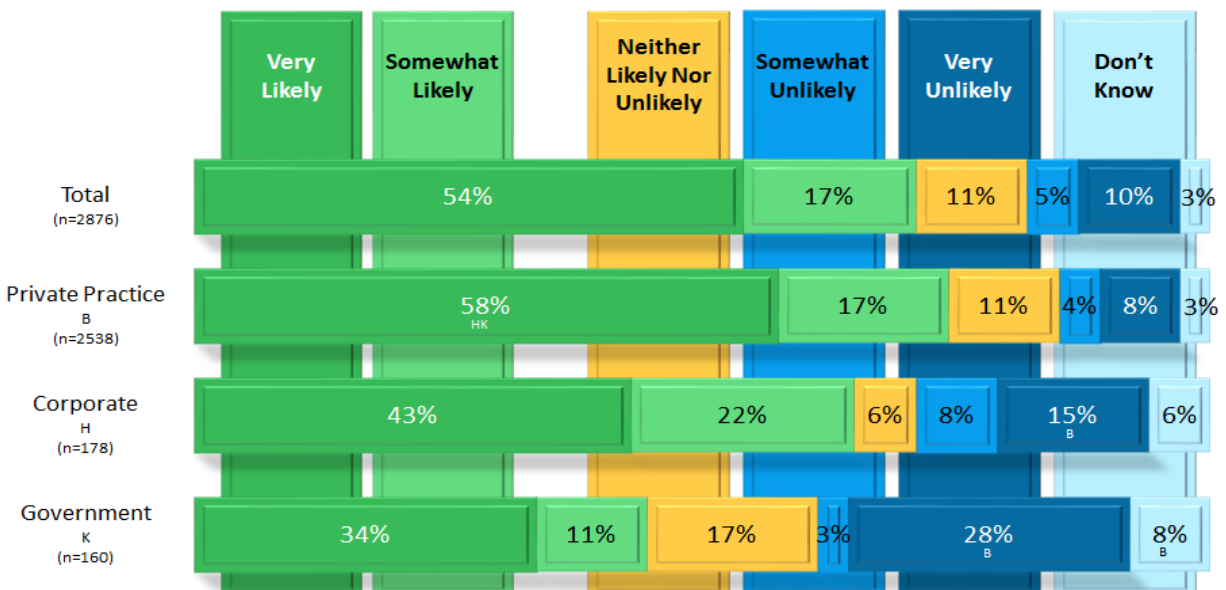


Figure 29: Indicated agreement with levels of likelihood of offering pro bono services in 2012. This figure is based on the results of Q65: How likely are you to offer pro bono services in 2012? The letters represent respondent groups. See footnote 12 for explanation.

IV. Implications

An essential finding that repeats itself throughout the research is that most attorneys understand the need for doing pro bono and that they generally have the interest in and desire to do pro bono work. Nonetheless, there is substantial opportunity to broaden pro bono opportunities and to enlist a larger number of lawyers in doing the types of pro bono that most directly benefit poor clients.

Organized pro bono programs should note that fewer than 50 percent of the pro bono work done by lawyers came from program referrals. The groups most likely to seek out pro bono opportunities from programs were younger attorneys, women and large firm attorneys. Attorneys who provide 50 hours or more of service were most likely to be those who received their referrals from an organized pro bono program

Organized pro bono programs should also be aware that many volunteer lawyers need more services than they are getting. Fewer than 40 percent of those who accepted referrals from a program reported that all of the information they received about the client or the case was accurate, complete and consistent. In addition, 20 percent of attorneys who accepted referrals from an organized pro bono program reported that they did not get all of the support they needed.

The study's findings regarding what motivates and what discourages participation are particularly important. The findings give guidance to legal employers, pro bono programs, bar associations, legal services office, law schools and others who work to "activate" more pro bono service. A review and analysis of the data suggests numerous strategies that should be considered as means for increasing pro bono participation by lawyers. Particular suggestions that will clearly have the most impact include:

- Providing ongoing education about the definition of pro bono and continuing to emphasize in both policy and programs the importance of lawyers doing Category 1 pro bono.
- Increasing education to lawyers, in all practice settings, about the legal needs of the poor and the impact those needs have on communities, the courts and the legal system at large.
- Developing more mentoring resources and opportunities for attorneys to co-counsel (e.g., sharing the responsibility for a case).
- Increasing employer encouragement and support including allowing the use of workday time and resources for pro bono activities.
- Developing rules and policies that allow for the referral of limited representation matters and screening cases to identify limited scope pro bono opportunities.
- Increasing support to government attorneys and corporate lawyers to help them provide more Category 1 pro bono service.
- Expanding the range of case-type and representational options available to prospective volunteers.
- Increasing outreach by organized pro bono programs to individual lawyers and to the offices in which they work and being persistent with follow-up.

- Educating lawyers about the opportunities, resources and support services that organized pro bono referral programs provide to volunteers. This is especially true with respect to the availability of malpractice insurance; the study indicates that many lawyers do not seem to be aware that organized pro bono programs provide malpractice insurance to all their volunteers.
- Offering free or reduced-fee continuing legal education as an incentive to providing pro bono service.
- Ensuring that cases match the expertise of the attorney to whom they are being referred or that the attorneys know that the support is there to help overcome the expertise gap.

V. Conclusion

The findings of Supporting Justice III provide a snapshot of the extent to which America’s lawyers are committed to fulfilling their professional responsibility to provide pro bono legal services to those in need and some invaluable insight into how to further engage lawyers with providing pro bono service.

One of the key purposes of this study is to establish a baseline against which can be measured the impact of future policy changes, changes to the pro bono system and other efforts to stimulate pro bono. The ABA has now conducted three national pro bono data collection efforts, in 2005, 2009 and 2012. Although the studies used somewhat different methodologies, it is clear that participation continues to trend positive and the number of pro bono hours provided remains high. Analyzing, understanding and acting on the results of Supporting Justice III will enable the legal profession to fulfill its responsibility to provide pro bono legal services to those most in need.

It is incumbent on the leaders of the legal profession in all quarters to reflect on the roles they can play to be advocates for expanding pro bono. Institutional leadership needs to come from access to justice commissions, bar associations, law schools, corporate law departments, government attorney offices, national organizations, legal services programs, pro bono projects law firms and other entities. And, of course, individual leadership is essential from judges, managing partners, executive directors, commission members, general counsel and others in a position to influence institutional and cultural pro bono commitments.

The legal profession should strive to enlist the 11 percent of lawyers who provided no pro bono work at all during the year examined in this study. It is notable that 50 percent of those who did not do any pro bono had never done any at all in their careers. While all types of pro bono legal work are important contributions, in these difficult economic times the profession should strive to devote more of its efforts to providing service to low-income people with everyday legal problems; currently only 63 percent of pro bono is devoted to such efforts. With the ABA and more than 25 states having adopted aspirational goals calling for lawyers to provide 50 hours of services a year — just one hour a week — it is surprising that only one-third of lawyers reach that goal. This study’s findings should serve as a stimulus for broad and swift action by the profession to address these shortcomings.

The Standing Committee on Pro Bono and Public Service will spearhead efforts nationally to facilitate growing the pro bono movement. It will increase its own efforts to equip each of its many constituents with the resources they need to expand pro bono. The Committee will also work closely with the Legal

Services Corporation as it moves to implement the recently released recommendations of its Pro Bono Task Force,³⁷ collaborate with other national organizations engaged with building strong pro bono initiatives, explore new and innovative pro bono policy strategies and support the implementation of statewide and local empirical studies of pro bono to help local programs identify the strategies that will work best in their communities.

³⁷ Information about the report of the Legal Services Corporation's Pro Bono Task Force can be found at <http://www.lsc.gov/report-pro-bono-task-force-released-washington-boston-and-chicago>.

VI. APPENDIX

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i. //from page 2) *Sampling Sources and Process*

Two sources comprised the sample source for the 2012 Pro Bono Study: the ABA member list and Lawyer-411 database. Together these sample sources provided a comprehensive nationwide list of attorneys.

The Lawyer-411 database as purchased contained 319,153 records. To clean the database, first records with missing emails were deleted (a total of 55,022 deleted records.) A total of 19,961 Canadian records were then removed. Next, duplicate emails within the Lawyer-411 database were identified and the first record found in the database was kept and the others were deleted so that another 20,963 were deleted during this step.

The ABA member list as received contained 271,321 records, including five with no e-mail address. The 69,316 restricted contacts were removed and separated for later comparison with the Lawyer-411 list. A total of 631 duplicate records were deleted, leaving 201,369 valid and available records within the ABA member list that could be used in this study.

To combine the Lawyer-411 list and the ABA member list into one sample file, duplicate emails were first located and records were deleted from the Lawyer-411 sample if they already appeared in the ABA member list. 36,065 records met this criterion. Finally, restricted emails from the ABA member list were compared against the Lawyer-411 list and removed if found. 8,756 records were deleted, leaving 178,386 valid records in the Lawyer-411 list. Combining the two sources, a total of 379,755 records became the sample source for the 2012 ABA Pro Bono Study.

The following table summarizes the process described above:

File Name	Total sample received	Missing Email	Non-US	ABA RESTRICTED Contacts	DUPLICATE Emails Within	DUPLICATE Emails Between Lists	Restricted ABA contacts found within Lawyer-411	Valid records
ABA Member List	271,321	5	-	69,316	631	-	-	201,369
Lawyer 411 List	319,153	55,022	19,961		20,963	36,065	8,756	178,386
Grand Total	590,474	55,027	19,961	69,316	21,594	36,065	8,756	379,755



ii. // (from page 2) Interpreting Survey Results

In making an informed assessment of the findings, one should be aware of two potential sources of bias that exist in all surveys that measure individual attitudes. First, in all surveys there exist concerns regarding self-selection effects, meaning the extent to which survey respondents are representative of the population. It is possible, for example, that those who responded to this survey may be more inclined to participate in pro bono than non-respondents, which could skew the findings towards increased reports of pro bono participation. It is also possible that those who are particularly interested in the issue – both supportive and unsupportive of pro bono – are more likely to self-select into the survey. If this were the case, the findings may be skewed not in favor of pro bono, but rather in favor of polarized views on the topic.

A second potential bias is that respondents may provide what they perceive as socially desirable responses in favor of pro bono. As with self-selection effects mentioned above, it is not possible to quantify whether and to what extent a social-desirability bias exists. In this case, there is reason to believe that its impact may be minimal, since the surveys were conducted online rather than by telephone or in-person. It is widely accepted that there is less potential for social-desirability in surveys where the interviewer is not present.



iii. // (from page 3) Weighting Process

Weighting is the process whereby a sample is statistically adjusted to make it mirror the larger population it is intended to represent. Such methods are a standard practice in research such as the present study, and are used by private research firms and the U.S. Census Bureau alike.

In the present study, weights were applied to the sample so that its composition matched that of the US attorneys on the dimensions of practice setting and ABA membership. With the exception of solo

practice setting and ABA membership, the pre-weighted sample very closely resembled the general population. The chart below shows the un-weighted and weighted percentages.

Practice Setting	Unweighted Percentage	Weighted Percentage
Private Practice	88.2%	82.2%
Solo	18.6%	40.0%
2-10 attorneys	29.2%	17.8%
11-50 attorneys	16.5%	10.0%
51-100 attorneys	5.6%	3.3%
101 or more attorneys	18.4%	11.1%
Corporate Counsel	6.2%	8.9%
Government	5.6%	8.9%
Federal	1.6%	3.3%
State/Local	4.0%	5.56%
ABA member	67.6%	25.0%
Non-member	32.4%	75.0%

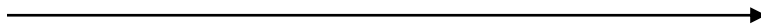
Although the use of weighting is standard in research studies like this one, its use raises the question of whether there may be bias or misrepresentation in the results. The statistical issue of representativeness is related to the issue of bias only if we can assume that the results are representative of one group (members) but not of another group (non-members). The extent to which such biases may exist is quite difficult to ascertain, especially when overall response rates are low as it happens in most association surveys. In this case there is no reason to believe that a member survey is any more or less biased than a non-member survey based on the response rate.



iv. (from page 3) Final Weighted Respondent Distribution Tables

	Total (n=2876)	Private Practice B (n=2538)	Corporate Counsel H (n=178)	Government K (n=160)
Age				
Under 35 (Net)	13%	8%	19% ^B	47% ^{BH}
35 to 44 (Net)	16%	16%	20%	17%
45+ (Net)	70%	75% ^{HK}	60% ^K	35%
Average Age	51	53 ^{HK}	47 ^K	41
Ethnicity				
White, not Hispanic	83%	86% ^H	66%	79%
Non-White (Net)	10%	7%	26% ^B	17% ^B
Black, not Hispanic	2%	2%	3%	8% ^B
Hispanic	3%	2%	13% ^B	5%
Asian Pacific American, not Hispanic	2%	1%	6% ^B	3%
Mixed race/ethnicity	2%	2%	5%	2%
Prefer not to answer/Not Answered	7%	7%	7%	4%
Gender				
Male	61%	65% ^{HK}	45%	40%
Female	37%	33%	52% ^B	58% ^B
Prefer not to answer/Not Answered	2%	2%	3%	3%

The letters represent respondent groups. See footnote 12 for explanation.



Private Practice Setting

	Private Practice B (n=2538)	Solo Practitioners C (n=535)	2-10 Attorneys D (n=840)	11-50 Attorneys E (n=474)	51-100 Attorneys F (n=161)	101+ Attorneys G (n=528)
Position						
Solo Practitioner	50%	99% ^{DEFG}	7% ^{EFG}	0	0	0
Associate /Senior Associate	13%	0	23% ^C	27% ^C	18% ^C	26% ^C
Partner/Senior Partner	31%	0	64% ^C	59% ^C	66% ^C	58% ^C
Of Counsel	6%	1%	6% ^C	14% ^{CD}	16% ^{CD}	16% ^{CD}
#Attorneys in Private Practice						
1 attorney only	49%	100% ^{DEFG}	0	0	0	0
2-10 Attorneys	22%	0	100% ^{CEFG}	0	0	0
11-50 Attorneys	12%	0	0	100% ^{CDFG}	0	0
51 to 100 attorneys	4%	0	0	0	100% ^{CDEG}	0
101 or more attorneys	14%	0	0	0	0	100% ^{CDEF}
Type of Practice						
General Practice	24%	30% ^{EFG}	29% ^{EFG}	11%	7%	8%
Concentrate in one or more areas	76%	70%	71%	89% ^{CD}	93% ^{CD}	92% ^{CD}
Top Practice Areas						
Business/corporate	21%	19%	22%	24%	23%	24%
Contract	19%	17%	23%	20%	13%	22%
Estate planning/probate/wills	17%	22% ^{EG}	18% ^G	14% ^G	14%	7%
Real Estate	17%	16%	18%	22% ^G	15%	14%
Family	14%	22% ^{EFG}	15% ^{EFG}	3%	5% ^G	1%
Personal Injury	14%	12% ^G	18% ^{CG}	21% ^{CG}	26% ^{CG}	5%
Criminal	9%	16% ^{DEFG}	9% ^{EG}	1%	5% ^{EG}	1%
Labor and employment	9%	6%	12% ^C	12% ^C	9%	9%
Bankruptcy	8%	10%	7%	5%	8%	6%
Intellectual property/ Patent/ Trademarks	7%	5%	6%	12% ^{CD}	6%	14% ^{CD}
Tax	7%	8%	5%	9%	7%	7%
Elder	6%	10% ^{EG}	5% ^G	3% ^G	5% ^G	0
Medical Malpractice	5%	3%	8% ^{CG}	5%	8% ^G	2%
Non-profit organization	5%	4%	5%	7%	6%	6%

The letters represent respondent groups. See footnote 12 for explanation.

	Total (n=2876)	Private Practice B (n=2538)	Corporate Counsel H (n=178)	Government K (n=160)
Region				
Northeast	21%	21%	26% ^K	11%
Midwest	22%	21%	30%	21%
South	31%	30%	24%	56% ^{BH}
West	26%	28% ^K	19%	11%
Office Location				
Urban	62%	60%	59%	77% ^{BH}
Suburban	32%	33% ^K	37% ^K	17%
Rural	6%	6%	4%	5%
Average Years Practicing Law	23	24 ^{HK}	17 ^K	12
Employment				
A legal aid or legal services program	1%	1%	0	2%
A bar association pro bono program	1%	0	0	3%
An independent pro bono program	1%	1%	0	0
None of the above	98%	98%	99%	95%
ABA Member Status				
ABA Member	25%	21%	43% ^B	41% ^B
Non-Member	75%	79% ^{HK}	57%	59%

The letters represent respondent groups. See footnote 12 for explanation.

vi. (from page 3) Corporate Weighted Distribution Table

Corporate Setting

	Corporate H (n=178)	Under 10 Attorneys I (n=87)	10+ Attorneys J (n=91)
Professional Title			
Staff Attorney or Corporate Counsel or Corporate Attorney	47%	25%	68% ^I
General Counsel	18%	37% ^J	1%
Assistant general counsel/Associate General Counsel	16%	22%	11%
Head Compliance Officer/ Chief Compliance Officer	5%	5%	6%
Chief Litigation Officer/Chief or Lead Litigation Counsel	4%	6%	2%
Deputy General, Assistant or Associate Deputy General	3%	1%	6%
Chief Legal Officer	0	1%	0
Other (none of the above describes what I do)	5%	3%	7%
#Attorneys in Company			
1 attorney only	20%	42% ^J	0
2 to 9 attorneys	28%	58% ^J	0
10 to 30 attorneys	13%	0	25% ^I
More than 30 attorneys	39%	0	75% ^I
#Attorneys at Location			
1 attorney only	24%	49% ^J	1%
2 to 9 attorneys	42%	51%	35%
10 to 30 attorneys	14%	0	26% ^I
More than 30 attorneys	20%	0	38% ^I

The letters represent respondent groups. See footnote 12 for explanation.

vii. /(from page 3) Government Setting Weighted Distribution Table

Government Setting

	Government K (n=160)	Federal L (n=46)	State/Local M (n=114)
Nature of Work			
Federal	37%	100%	0
State/Commonwealth	33%	0	53%
County/Parish	20%	0	32%
Municipality/City/Local	9%	0	15%
Role			
Counsel for Administrative Agency	19%	27%	14%
Other Attorney	16%	12%	18%
District Attorney/Assistant District Attorney	12%	0	19%
State/County/City Attorney	11%	1%	17%
Law Clerk	11%	16%	8%
Attorney General	8%	3%	11%
US Attorney/ Assistant US Attorney	6%	16%	0
Counsel for Legislative Branch	5%	11%	1%
Counsel for Executive Branch	4%	8%	1%
Other (none of the above describes what I do)	9%	5%	12%
Top Work Setting			
Executive agency	50%	59%	45%
Other government entity	14%	16%	13%
Court/judiciary	8%	5%	10%
Legislative body	6%	11%	2%
Prosecution	5%	0	8%
#Attorneys at Location			
Under 10 Attorneys	34%	24%	40%
10+ Attorneys	66%	76%	60%

The letters represent respondent groups. See footnote 12 for explanation.

viii. /(from page 6) Pro Bono Provided to Persons and Organizations

Pro Bono Provided To Persons Vs. Organizations



The letters represent respondent groups. See footnote 12 for explanation.

ix. (from page 7) Category 1 Services Provided

	Total	Private practice	Solo Practitioners	2-10 Attorneys	11-50 Attorneys	51-100 Attorneys	101+ Attorneys	Corporate Counsel	Under 10 Attorneys	10 or more Attorneys	Government	Federal	State/Local
	(A) N=2876	(B) N=2538	(C) N=535	(D) n=840	(E) N=474	(F) N=161	(G) N=528	(H) N=178	(I) N=87	(J) N=91	(K) N=160	(L) N=46	(M) N=114
Provided Any Category 1 Service (Net)	80%	85% ^{HK}	89% ^{EF}	86% ^{EF}	74%	69%	83% ^{EF}	65% ^K	57%	72%	46%	50%	43%
Free Legal Services To Persons Of Limited Means (SubNet)	72%	78% ^{HK}	84% ^{EF}	79% ^{EF}	66%	59%	70%	55% ^K	46%	63%	37%	35%	38%
Legal advice	55%	59% ^{HK}	68% ^{EF}	63% ^{EF}	48% ^G	40%	37%	39%	32%	45%	29%	15%	37%
Full case representation to an individual(s)	41%	46% ^{HK}	50% ^{EF}	51% ^{EF}	31%	25%	44% ^{EF}	21%	18%	24%	11%	19%	6%
Limited scope representation to an individual(s)	37%	40% ^{HK}	42%	43% ^G	35%	36%	33%	26%	22%	29%	21%	15%	25%
Representation in Mediation	4%	4%	5%	5%	4%	4%	2%	3%	0	6%	4%	11%	0
Limited scope representation to a class of individuals	3%	3%	4%	2%	3%	2%	1%	3%	1%	6%	1%	1%	1%
Full case representation to a class of individuals	1%	1%	1%	1%	2%	1%	1%	0	0	0	0	0	0
Provided Free Legal Services To Organizations (SubNet)	37%	39% ^K	39%	39%	35%	34%	42%	33%	25%	41%	23%	31%	18%
Legal advice	28%	31% ^{HK}	31%	33% ^E	26%	28%	32%	18%	18%	18%	14%	8%	18%
Limited scope representation	17%	17%	17%	18%	16%	13%	20%	20%	5%	34% ^I	10%	14%	8%
Full case representation	9%	10%	11%	11% ^F	11% ^F	3%	9%	6%	5%	7%	5%	12%	0
Representation in Mediation	1%	1%	1%	1%	1%	2%	0	0	0	1%	0	0	0
Did Not Provide Any Category 1 Service (Net)	20%	15%	11%	14%	26% ^{CDG}	31% ^{CDG}	17%	35% ^B	43%	28%	54% ^{BH}	50%	57%

x. (from page 7) Category 1 Legal Matters

Average Number of Category 1 Legal Matters Handled

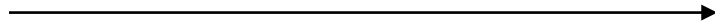
	Total	Private Practice	Corporate Counsel	Government
	(n=2876)	B (n=2538)	H (n=178)	K (n=160)
Free Legal Services To Persons Of Limited Means (Net)	10.4	11.8 ^{HK}	3.7	4.8
Legal advice	6.4	7.3 ^{HK}	1.8	2.6
Limited scope representation to an individual(s)	2.1	2.3	1.4	0.9
Full case representation to an individual(s)	1.6	1.8	0.5	1.1
Limited scope representation to a class of individuals	0.1	0.2	0	0
Representation in Mediation	0.1	0.1	0	0
Full case representation to a class of individuals	0	0	0	0
Provided Free Legal Services To Organizations (Net)	2.5	2.7	1.2	2.0
Legal advice	1.5	1.7	0.6	0.8
Limited scope representation	0.7	0.7	0.4	1.1
Full case representation	0.2	0.3	0.1	0.1
Representation in Mediation	0	0.1	0	0

The letters represent respondent groups. See footnote 12 for explanation.

Average Number Of Category 1 Legal Hours Provided

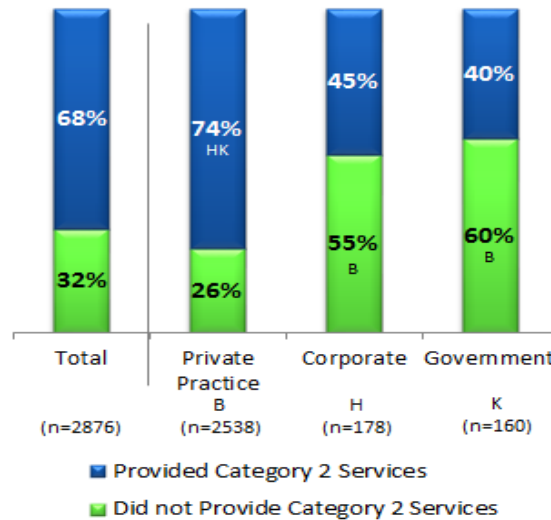
	Total	Private Practice	Corporate Counsel	Government
	(n=2876)	B (n=2538)	H (n=178)	K (n=160)
Free Legal Services To Persons Of Limited Means (Net)	42.8	46.8 ^{HK}	23.9	24.5
Full case representation to an individual(s)	24.2	26.3 ^H	11.4	17.4
Full case representation to a class of individuals	0.7	0.9	0	0
Limited scope representation to an individual(s)	8.2	9.1 ^K	5.4	3.0
Limited scope representation to a class of individuals	0.5	0.5	0.7	0.1
Legal advice	8.7	9.5 ^K	6.1	4.0
Representation in Mediation	0.6	0.6	0.4	0.1
Provided Free Legal Services To Organizations (Net)	13.7	13.9	8.5	16.3
Full case representation	3.5	3.6	1.9	4.7
Limited scope representation	4.0	3.9	2.7	6.8
Legal advice	5.9	6.3	4.0	4.8
Representation in Mediation	0.2	0.2	0	0

The letters represent respondent groups. See footnote 12 for explanation.



xi. / (from page 8) **Category 2 Activities**

Category 2 Activities Provided



The letters represent respondent groups. See footnote 12 for explanation.



Most Personal Satisfaction Activities

	Total	Private Practice	Corporate Counsel	Government
	(n=2562)	B (n=2333)	H (n=124)	K (n=105)
Free Legal Services To Persons Of Limited Means				
Legal advice	30%	31%	25%	29%
Full case representation to an individual(s)	26%	28% ^K	20%	8%
Limited scope representation to an individual(s)	18%	18%	15%	23%
Provided Free Legal Services To Organizations				
Legal advice	17%	18%	7%	10%
Limited scope representation	10%	9%	17%	15%
Full case representation	6%	5%	5%	8%
Non-Tier 1 Activities				
Speaker on legal issues	22%	23%	13%	16%
Legal services for a reduced fee	14%	16% ^{HK}	0	1%
Trainer or teacher on legal issues	13%	13%	6%	20% ^H
Member of board of legal services or pro bono org	6%	6%	13%	4%

Base = Provided Pro Bono Service

The letters represent respondent groups. See footnote 12 for explanation.

Top Personal Satisfaction Activity

	Total	Private Practice	Corporate Counsel	Government
	(n=2461)	B (n=2240)	H (n=121)	K (n=100)
Free Legal Services To Persons Of Limited Means				
Full case representation to an individual(s)	19%	20% ^K	19% ^K	5%
Legal advice	16%	17%	10%	19%
Limited scope representation to an individual(s)	9%	8%	7%	12%
Provided Free Legal Services To Organizations				
Legal advice	5%	6%	4%	3%
Limited scope representation	4%	3%	13% ^B	7%
Full case representation	3%	3%	1%	7%
Non-Tier 1 Activities				
Speaker on legal issues	11%	12%	7%	5%
Legal services for a reduced fee	7%	8% ^H	0	0
Trainer or teacher on legal issues	6%	5%	3%	18% ^{BH}
Member of board of legal services or pro bono org	4%	3%	12% ^B	3%
Mediator	3%	3%	1%	0
Grassroots community advocacy	2%	1%	7% ^B	1%

Base = Provided Pro Bono Service

The letters represent respondent groups. See footnote 12 for explanation.

Top Personal Satisfaction Reasons

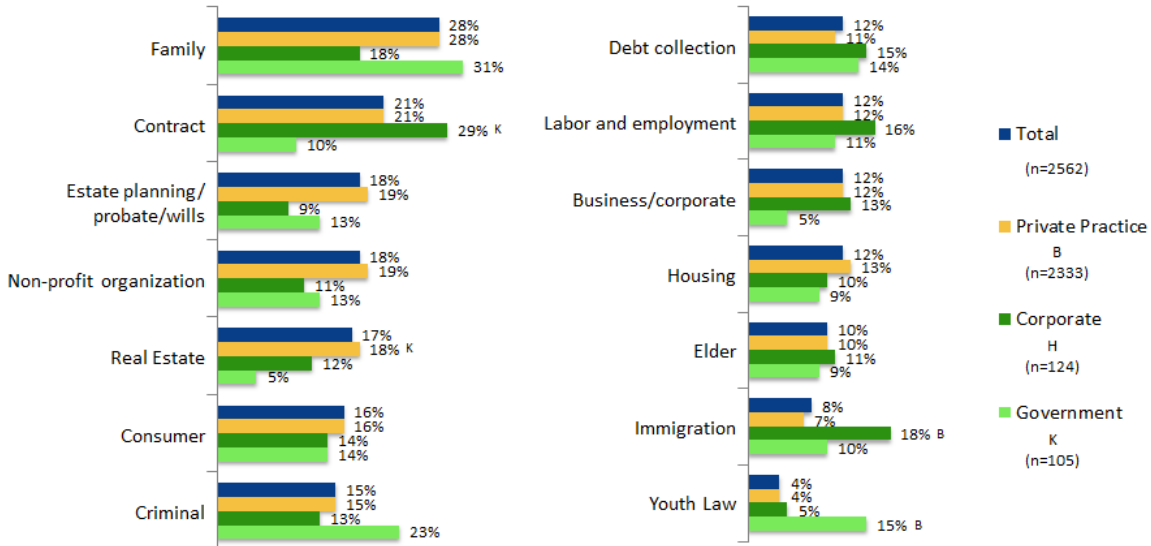
	Total (n=2461)	Private Practice (n=2240)	Corporate Counsel (n=121)	Government (n=100)
Helping people who cannot afford legal services	11%	11%	7%	8%
Ability to teach others/ability to tell a layman about the legal issues	8%	8%	6%	10%
Helping people/ability to assist a person in need for legal issues	8%	8%	7%	8%
Winning the case for client/relieving the mind of client/pleased client	7%	8%	5%	0
Sharing knowledge/experience with young lawyers/students	6%	5%	9%	9%
Resolving issues/conflicts	6%	5%	9%	4%
Helping organizations involved in community services	5%	5%	11%	4%
Ability to make a difference/impact on client's life	5%	4%	9%	5%
Helping someone when they feel they are in hopeless situation	5%	5%	5%	7%
Appreciation/gratitude from the client	5%	6%	1%	0

Base = Provided Pro Bono Service

xiii. /(from page 10)

Category 1 and 2 Practice Areas Served

Top Practice Areas Served



Base = Provided Pro Bono Service

xiv. / (from page 15)

Familiarity with Client Based on Most Recent Category 1 Experience

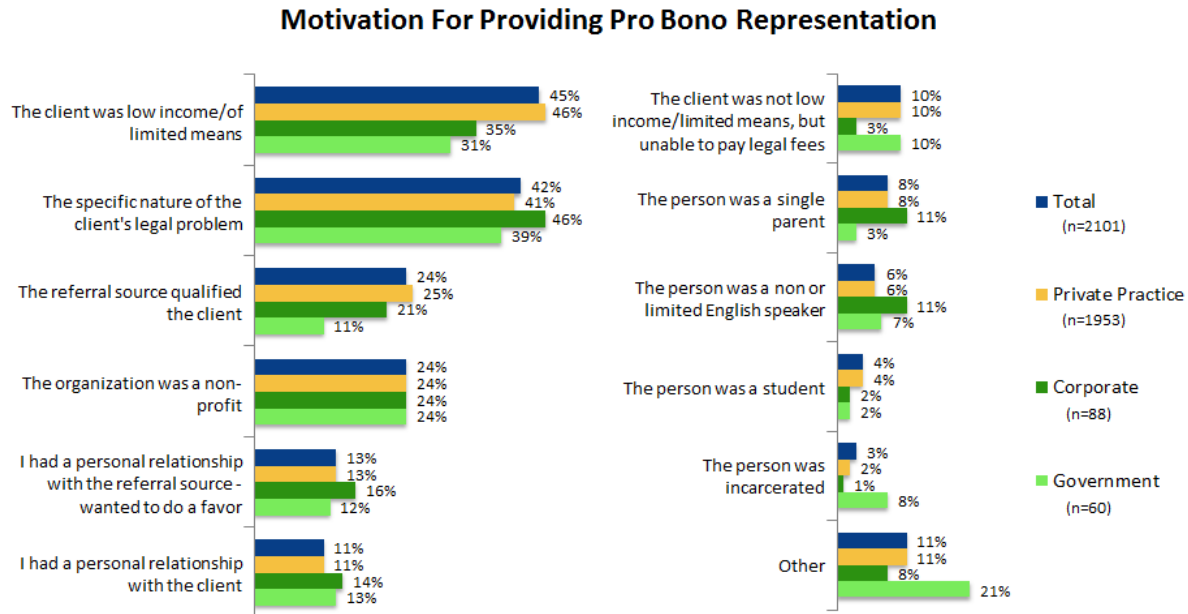
Relationship with client before legal engagement began...	Total (n=2101)	Private Practice B (n=1953)	Corporate Counsel H (n=88)	Government K (n=60)
If Person Was Client (Net)	80%	81%	73%	81%
An acquaintance	6%	5%	18% ^B	8%
A former client	4%	4%	4%	5%
A personal friend	2%	2%	3%	12%
A relative	2%	1%	2%	5%
A co-worker	0	0	1%	0
Another relationship	3%	3%	1%	9%
None of the above- no prior relationship	62%	65% ^H	45%	43%
If Class Of Persons Was Client (Net)	2%	2%	6%	1%
A class of persons - relationship with at least one member	0	0	1%	0
None of the above- no prior relationship	1%	1%	6% ^B	2%
If Organization Was Client (Net)	18%	18%	20%	18%
An organization with which you were personally involved	10%	10%	11%	5%
An organization with which your employer was involved	1%	1%	4% ^B	0
Another relationship	2%	2%	1%	1%
None of the above- no prior relationship	5%	5%	4%	12%

Base = Provided Category 1 Pro Bono Service

The letters represent respondent groups. See footnote 12 for explanation.

xv. / (from page 15)

Motivation for Providing Pro Bono



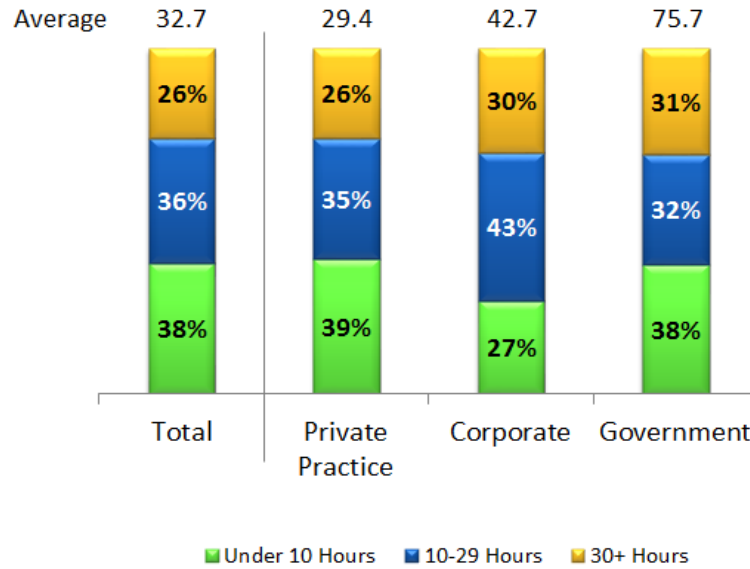
Base = Provided Category 1 Pro Bono Service

This figure is based on the results of Q16: What characteristics of the individual(s) or organizational client motivated you to provide pro bono representation? (response choices were as shown)

xvi. (from page 19)

Category 1 Hours Provided on Recent Legal Matter

Number Of Hours Provided On Legal Matter



Base = Provided Category 1 Pro Bono Service

This figure is based on the results of Q29: About how many hours of pro bono service did you personally provide on this legal matter?

xvii. (from page 21)

Positions Regarding Pro Bono

Specific Positions Regarding Pro Bono Work

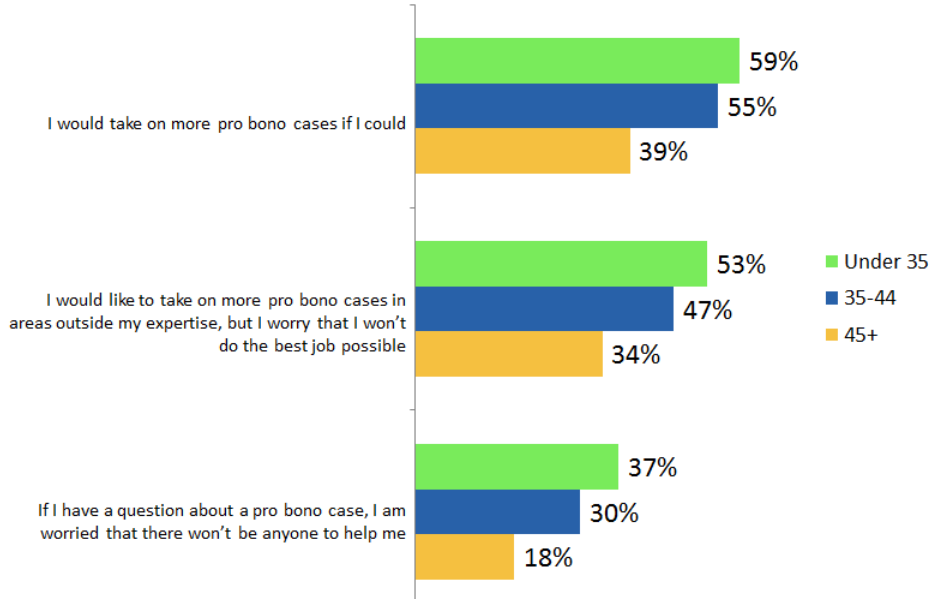
Top 2 Box Summary

	Total (n=2876)	Private Practice B (n=2538)	Corporate H (n=178)	Government K (n=160)
I believe that pro bono clients really need my help	70%	70%	67%	70%
Doing pro bono work is extremely gratifying	61%	59%	64%	69%
I would take on more pro bono cases if I could	44%	42%	51%	61% ^B
I feel that my firm has a culture of volunteering	43%	47% ^{HK}	32%	23%
I would like to take on pro bono cases in areas outside my expertise, but I worry that I won't do the best job possible	39%	34%	54% ^B	68% ^B
I am extremely passionate about doing pro bono work	30%	31%	26%	27%
If I have a question about a pro bono case, I feel confident that a mentor at my firm will help me	24%	27% ^H	12%	16%
If I have a question about a pro bono case, I am worried that there won't be anyone to help me	23%	19%	38% ^B	44% ^B
I don't take on pro bono cases because I prefer to contribute to other types of charities or non-profit organizations	23%	22%	33% ^B	20%
One of the best benefits of doing pro bono work is getting to know or work with other attorneys and judges in my community	23%	21%	23%	37% ^B
I don't take on pro bono cases because I would rather do other things with my time	15%	15%	17%	19%
Doing pro bono work is a thankless job	15%	15%	8%	18%
I feel that a lot of the pro bono clients really can afford an attorney	10%	11%	3%	10%
I would like to take on more pro bono cases but my firm discourages it	8%	5%	16% ^B	22% ^B
I don't take on pro bono cases because I don't understand how to connect with organizations to get pro bono cases	6%	5%	18% ^B	7%
I believe that pro bono work is just a way for attorneys or firms to get publicity	6%	6%	5%	3%
I only do pro bono work because it is a firm requirement	2%	2%	2%	1%

The letters represent respondent groups. See footnote 12 for explanation.

Age Differences In Specific Positions Regarding Pro Bono Work

(Varying base due to excluding 'not applicable' responses)

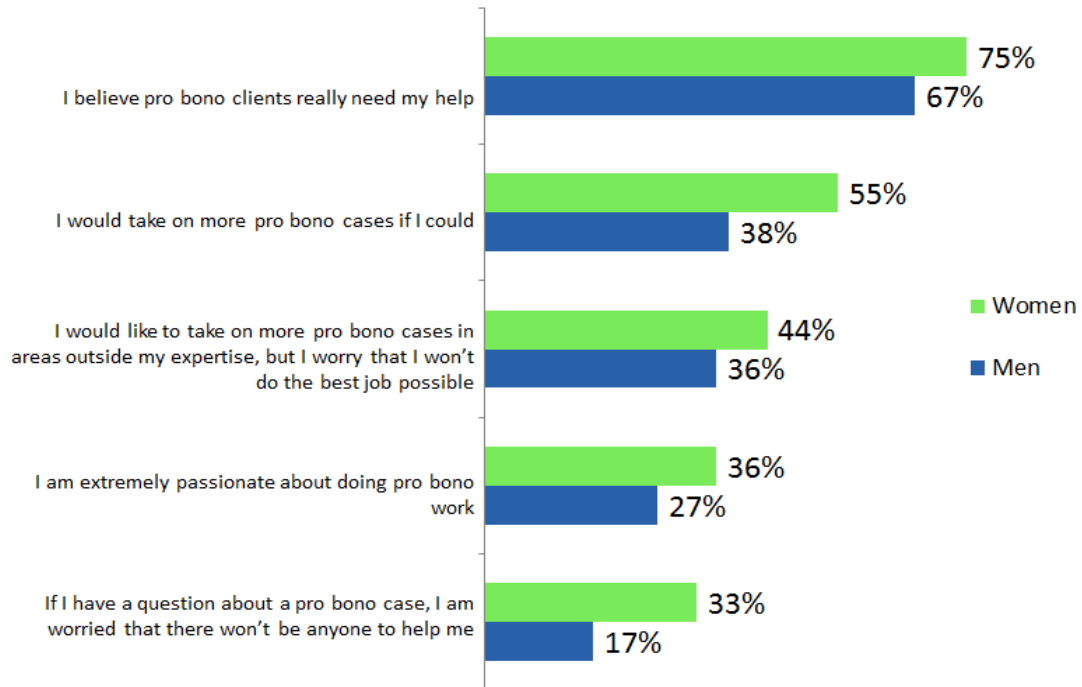


This figure is based on the results of Q66. Please rate how well each of the following characteristics describes you. Please use a scale of 1 to 5, where 1 means "does not describe you at all" and 5 means it "describes you completely".

This figure is based on the results of Q66. Please rate how well each of the following characteristics describes you. Please use a scale of 1 to 5, where 1 means "does not describe you at all" and 5 means it "describes you completely".

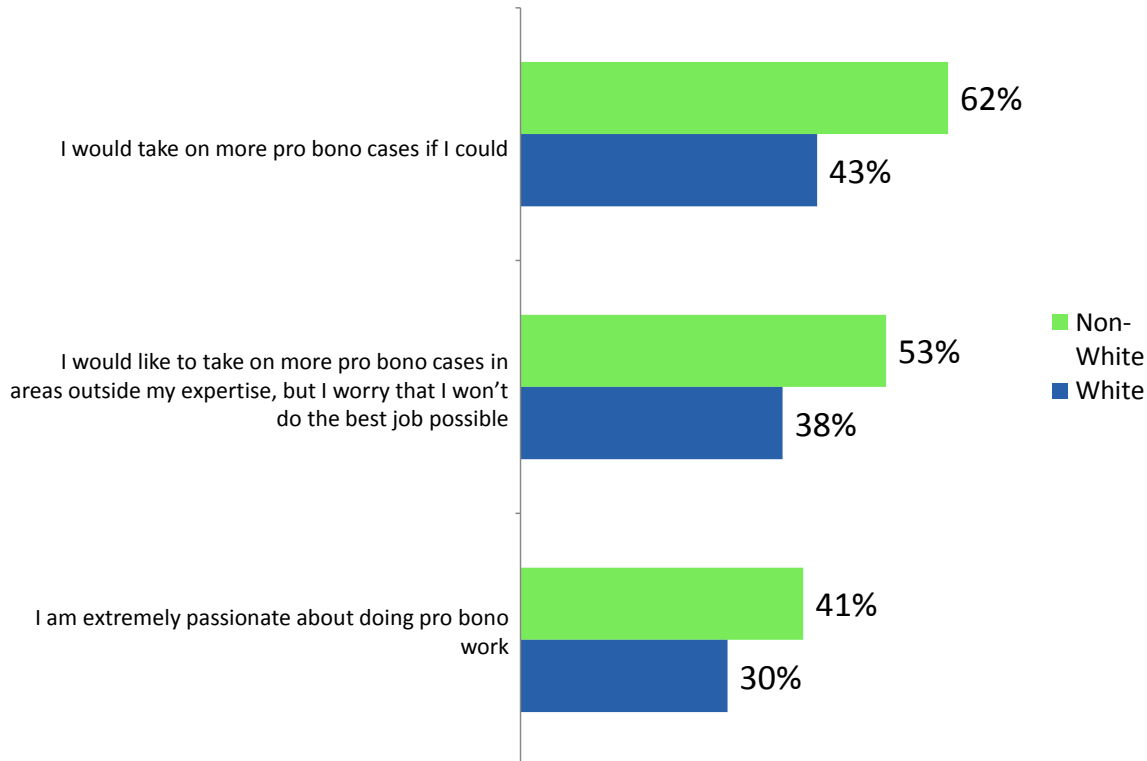
Gender Differences In Specific Positions Regarding Pro Bono Work

(Varying base due to excluding 'not applicable' responses)



Race Differences In Specific Positions Regarding Pro Bono Work

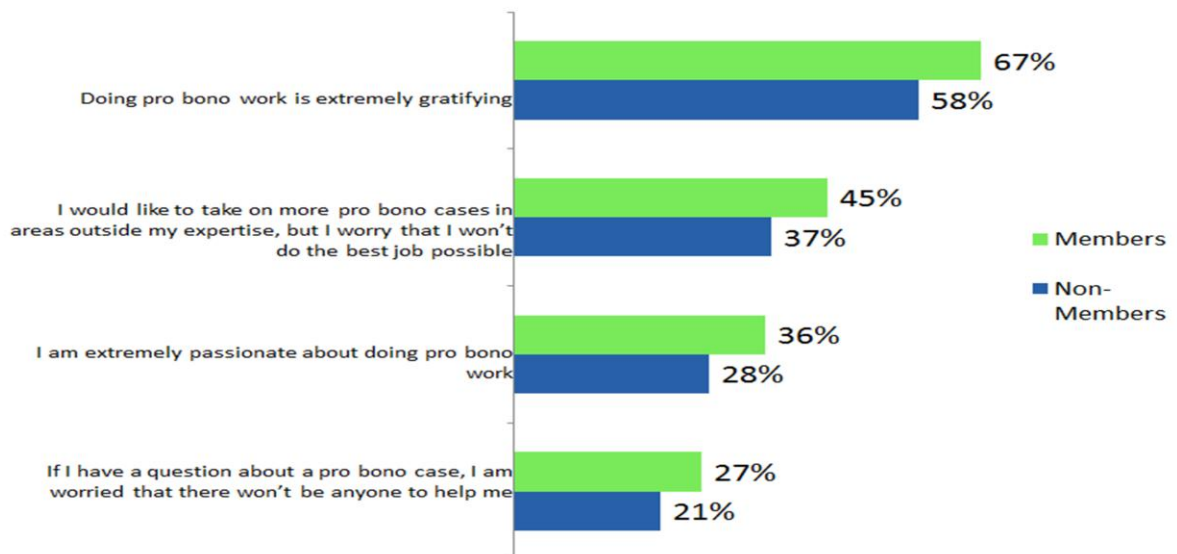
(Varying base due to excluding 'not applicable' responses)



This figure is based on the results of Q66. Please rate how well each of the following characteristics describes you. Please use a scale of 1 to 5, where 1 means "does not describe you at all" and 5 means it "describes you completely."

ABA Membership Differences In Specific Positions Regarding Pro Bono Work

(Varying base due to excluding 'not applicable' responses)



This figure is based on the results of Q66. Please rate how well each of the following characteristics describes you. Please use a scale of 1 to 5, where 1 means "does not describe you at all" and 5 means it "describes you completely".

xix. // (from page 26)

Influence of Referral Organization Actions

Influence Of Referral Organization Actions

Top 2 Box Summary

	Total (n=2876)	Private Practice B (n=2538)	Corporate H (n=178)	Government K (n=160)
Provide limited scope representation opportunity, such as handling a specific task	59%	57%	72% ^B	72% ^B
Provide a wide range of volunteer opportunities from which to select	48%	43%	71% ^B	63% ^B
Provide malpractice insurance	46%	40%	73% ^B	76% ^B
Provide online review of case opportunities for me to select	42%	40%	53% ^B	49%
Provide free or reduced cost CLE	41%	39%	51% ^B	52% ^B
Have a judge solicit my participation in a pro bono case	40%	42% ^H	27%	31%
Provide research support	40%	37%	51% ^B	61% ^B
Provide a mentor/supervision by an attorney specializing in the legal matter	40%	34%	62% ^B	75% ^B
Have a colleague ask me to take a case	37%	38%	33%	40%
Provide administrative support	37%	35%	42%	50% ^B
Keep checking in on me- I'll take a case when I can	32%	31%	38%	41%
Match me with another attorney to share the work	31%	27%	43% ^B	59% ^B
Provide technology so I can do pro bono remotely	31%	28%	47% ^B	48% ^B
Provide formal recognition of my past volunteer efforts	16%	15%	19%	24% ^B

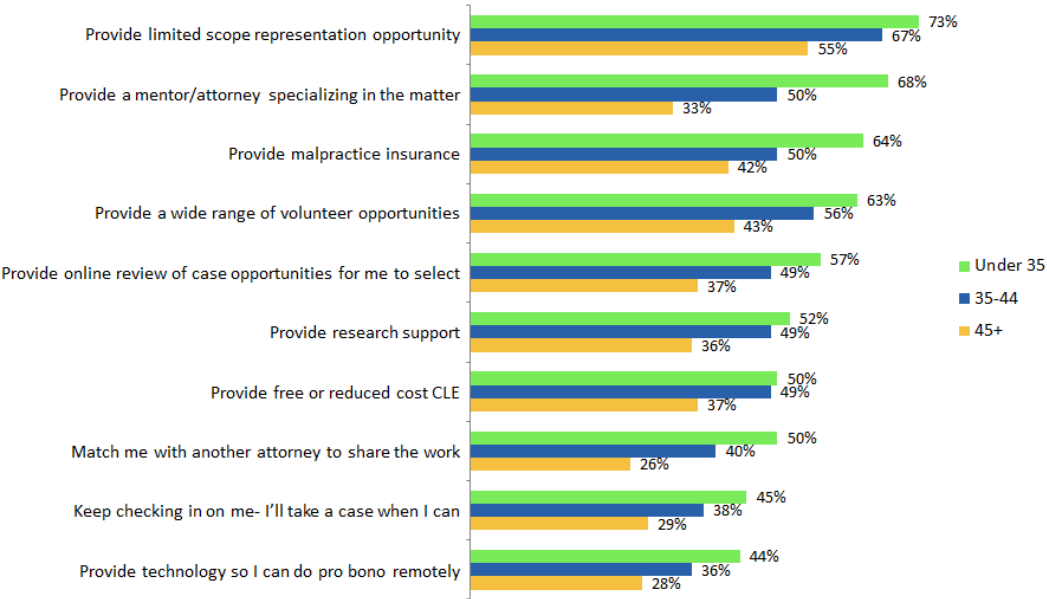
This figure is based on the results of Q55. We are interested in learning what referral organizations can do to encourage attorneys to take on more pro bono cases. How much influence would each of the following referral organization actions have in encouraging you to take a pro bono case? The letters represent respondent groups. See footnote 12 for explanation.

xx. // (from page 26)

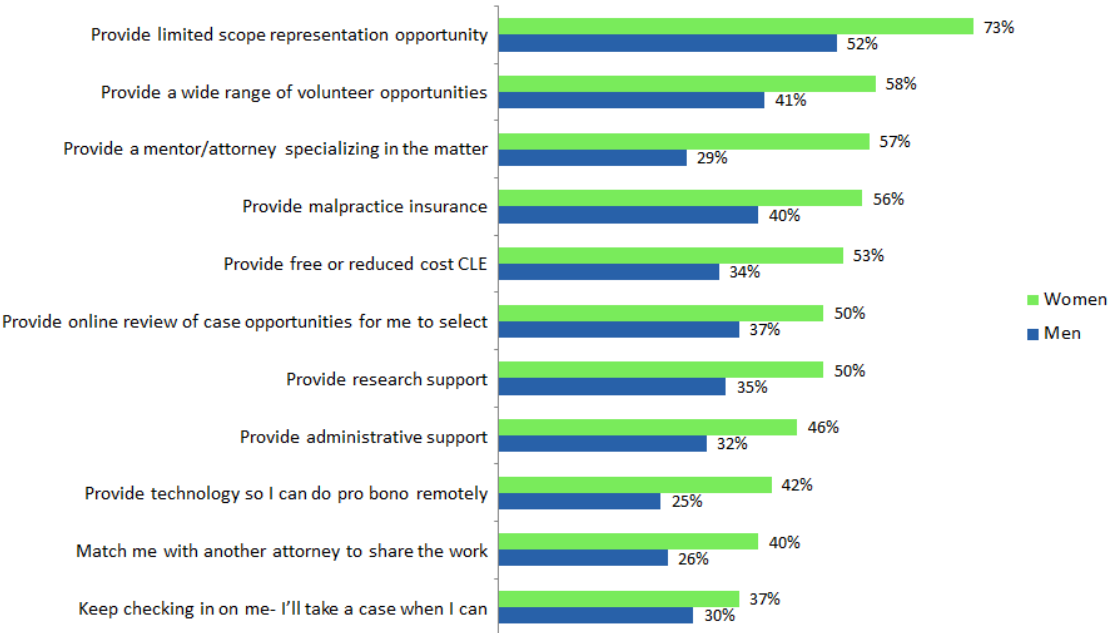
Demographic Differences for Influence of Referral Organization Actions

The following four figures are based on the results of Q55. We are interested in learning what referral organizations can do to encourage attorneys to take on more pro bono cases. How much influence would each of the following referral organization actions have in encouraging you to take a pro bono case? The letters represent respondent groups. See footnote 12 for explanation.

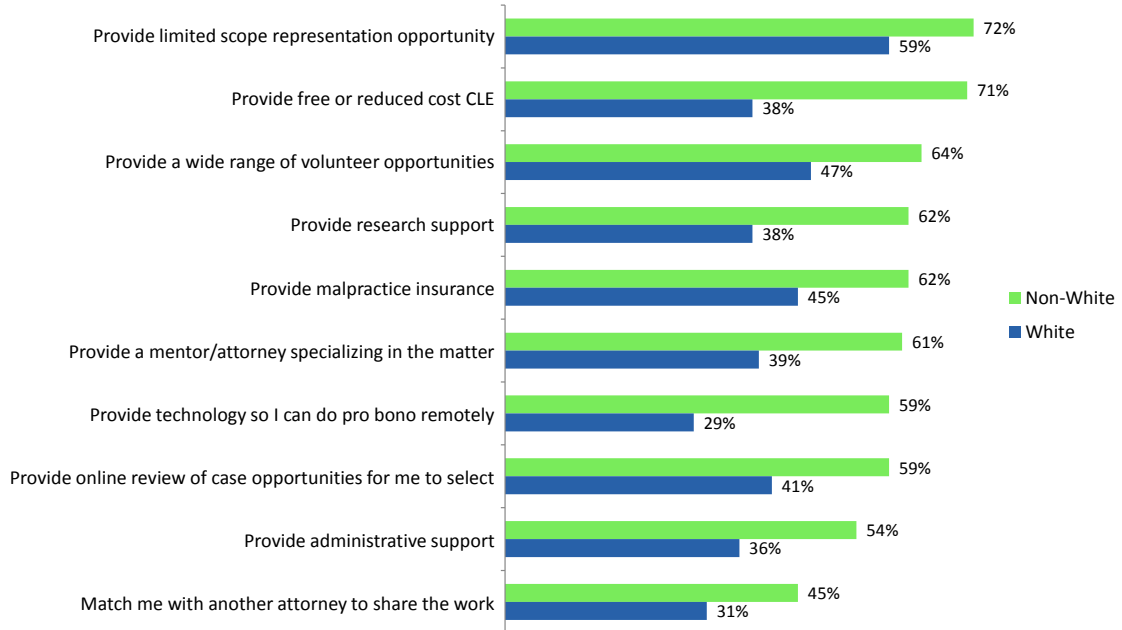
Age Differences In Influence Of Referral Organization Actions



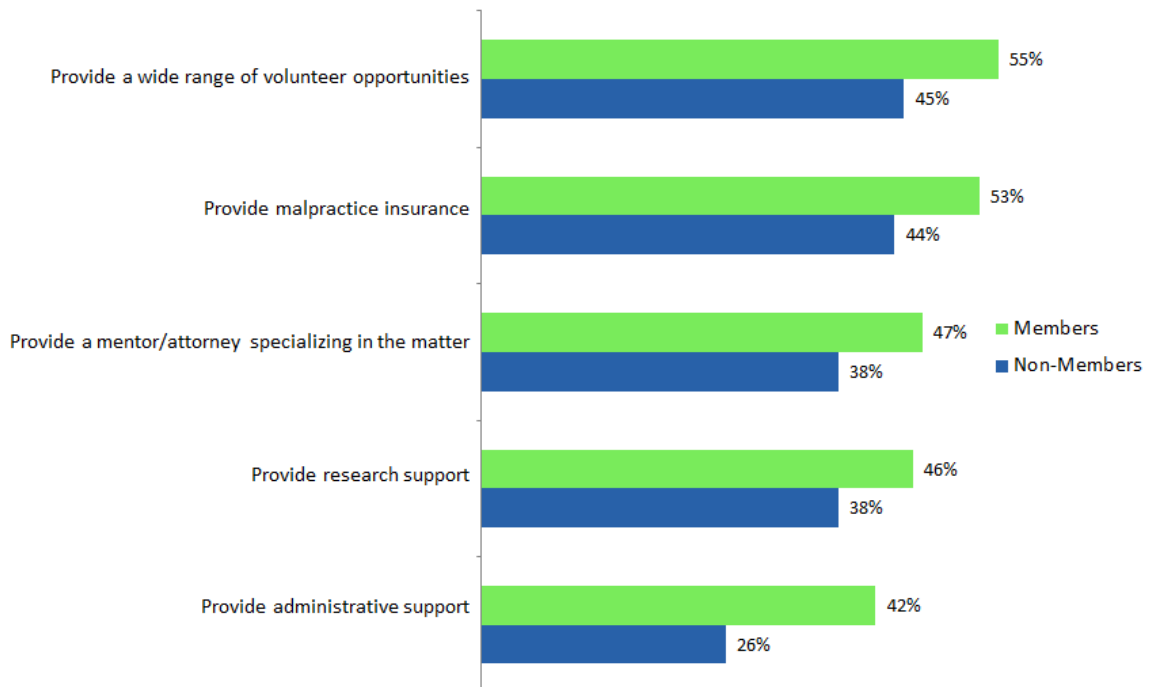
Gender Differences In Influence Of Referral Organization Actions



Race Differences In Influence Of Referral Organization Actions



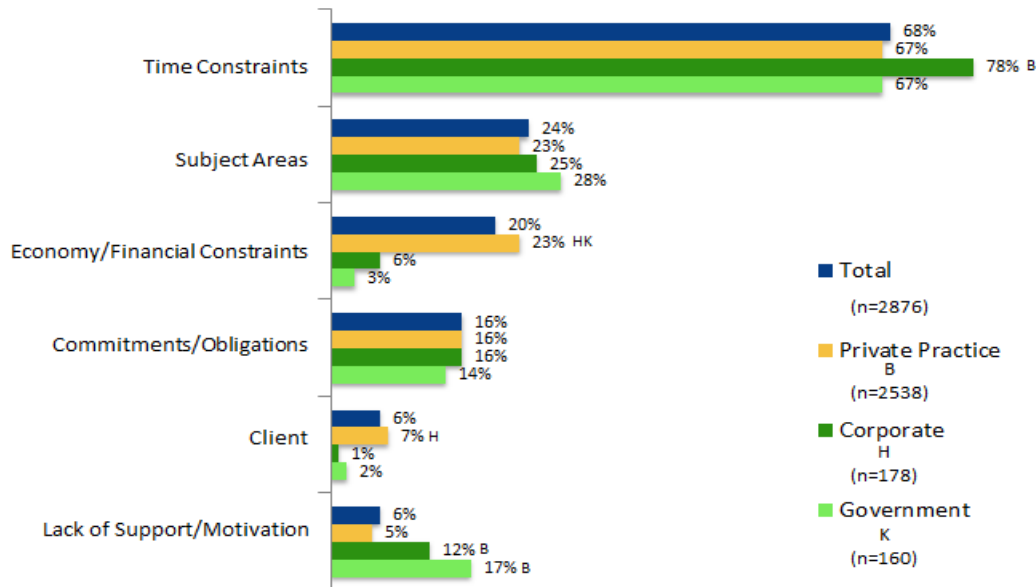
ABA Membership Differences In Influence Of Referral Organization Actions



xxi. // (from page 29)

Top Factors That Discouraged Pro Bono Services

Top Factors that Discouraged Pro Bono Services
Combined Top & Second Factors



xxii. // (from page 30)

Influential Factors That Discouraged Pro Bono Services

Influential Factors That Discouraged Pro Bono Services
Top 2 Box Summary

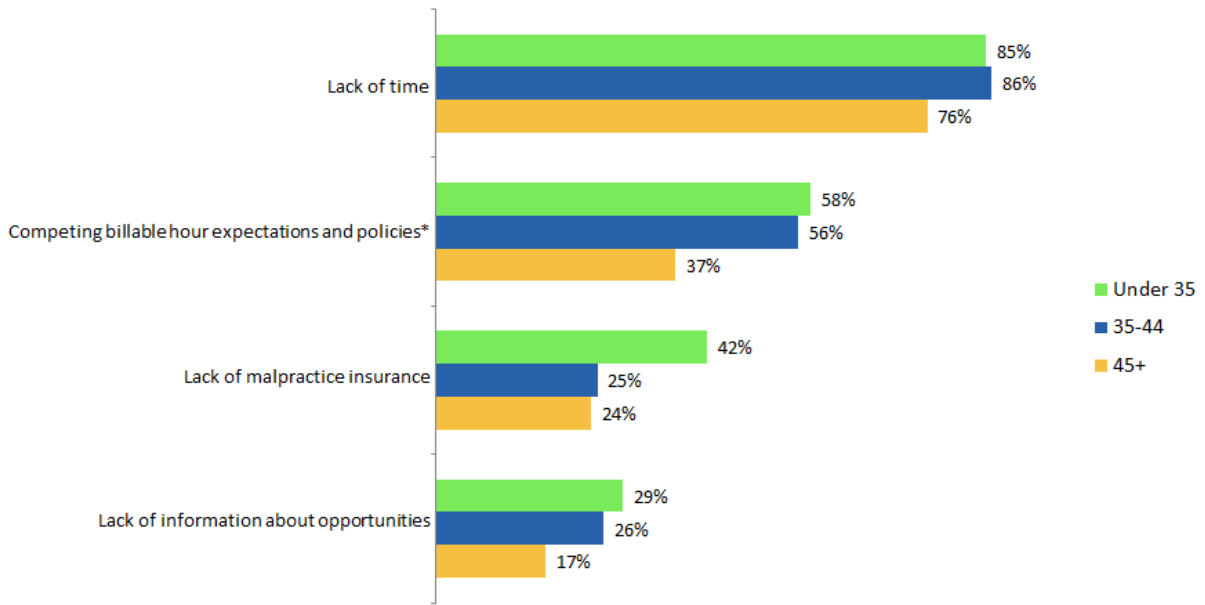
	Total (n=2876)	Private Practice B (n=2538)	Corporate H (n=178)	Government K (n=160)
Lack of time	79%	78%	86%	81%
Commitment to family obligations	50%	50%	59%	50%
Lack of skills or experience in the practice areas needed	45%	42%	63% ^B	54%
Competing billable hour expectations and policies*	42%	42%	NA	NA
Too costly, financially burdensome to my practice	39%	43% ^{HK}	23%	22%
Lack of malpractice insurance	27%	21%	43% ^B	58% ^B
Lack of administrative support or resources	26%	23%	40% ^B	38% ^B
Lack of information about opportunities	20%	17%	37% ^B	28% ^B
Discouragement from your employer**	18%	13%	18%	38% ^{BH}
Lack of desire/ interest in pro bono	13%	14%	8%	14%

*Only asked among private practice

**Not asked among solos

The letters represent respondent groups. See footnote 12 for explanation.

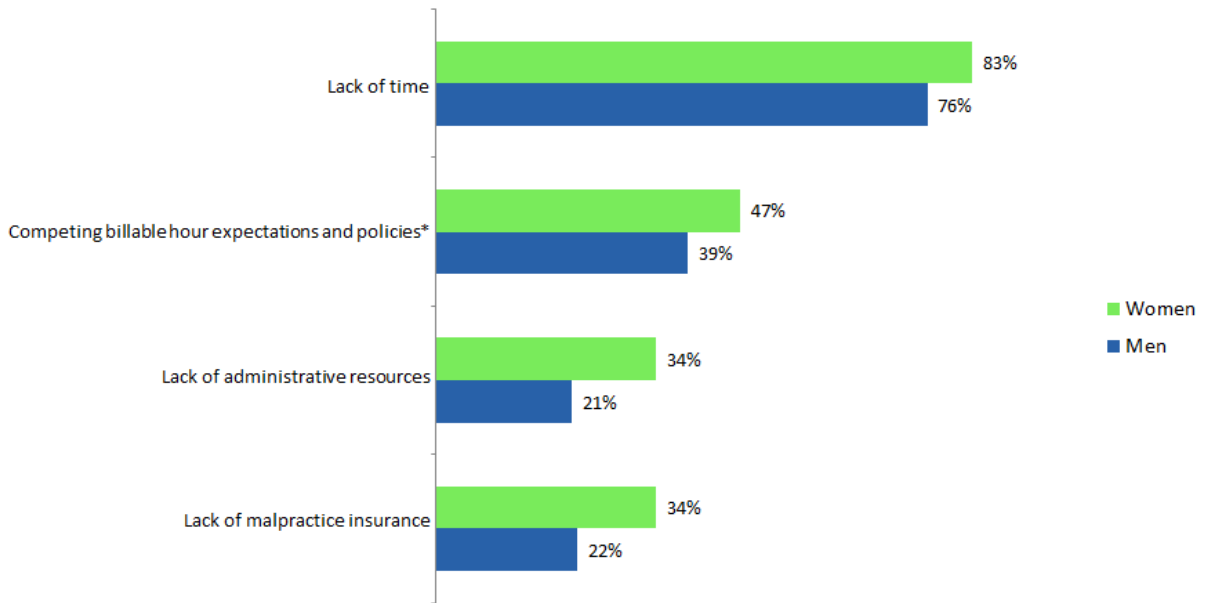
Age Differences In Overall Influential Factors That Discouraged Pro Bono Services



**Only asked among private practice*

This figure is based on the results of Q60. The following are a list of factors that might discourage an attorney from doing pro bono (or more pro bono). How influential was each factor to you personally, in discouraging you from doing more pro bono in 2011?

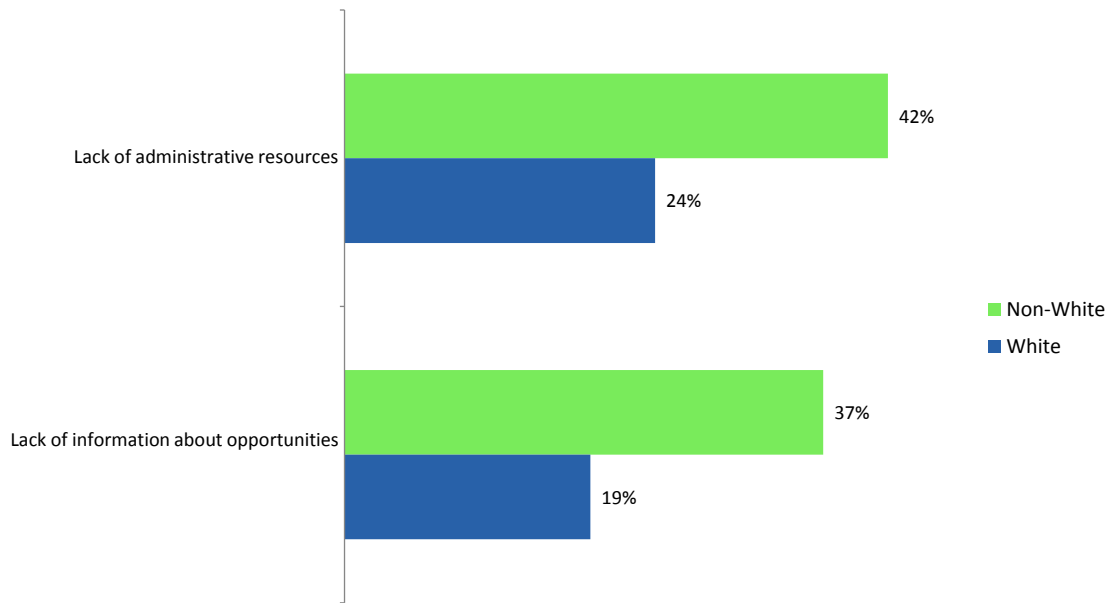
Gender Differences In Overall Influential Factors That Discouraged Pro Bono Services



**Only asked among private practice*

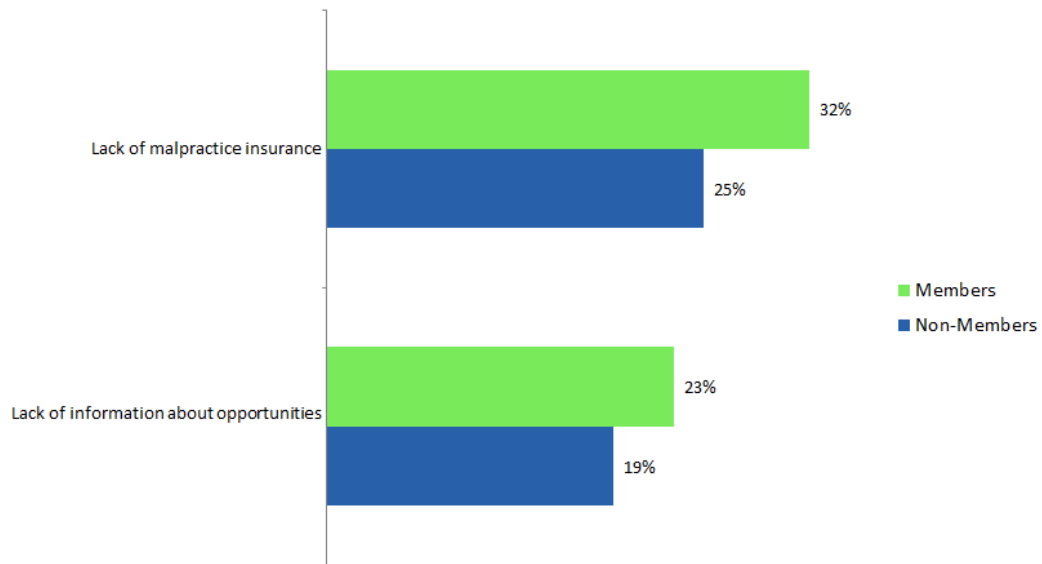
This figure is based on the results of Q60. The following are a list of factors that might discourage an attorney from doing pro bono (or more pro bono). How influential was each factor to you personally, in discouraging you from doing more pro bono in 2011?

Race Differences In Overall Influential Factors That Discouraged Pro Bono Services



This figure is based on the results of Q60. The following are a list of factors that might discourage an attorney from doing pro bono (or more pro bono). How influential was each factor to you personally, in discouraging you from doing more pro bono in 2011?

ABA Membership Differences In Overall Influential Factors That Discouraged Pro Bono Services



This figure is based on the results of Q60. The following are a list of factors that might discourage an attorney from doing pro bono (or more pro bono). How influential was each factor to you personally, in discouraging you from doing more pro bono in 2011?

