

Report on the 2009 Pro Bono Institute Law Firm Pro Bono Challenge[®] Statistics

Introduction

The Pro Bono Institute's Law Firm Pro Bono Challenge,[®] launched in 1993 and implemented in 1995, is a unique, aspirational pro bono standard. Developed by law firm leaders and corporate general counsel, the Challenge articulates a voluntary, single, standard for one key segment of the legal profession – major law firms. (A copy of the Challenge language and principles may be found at www.probonoinst.org/challenge.text.php.) Challenge Signatories publicly acknowledge their institutional, firm-wide commitment to provide pro bono legal services to low-income and disadvantaged individuals and families and nonprofit groups. The Challenge includes a narrow, but thoughtful, definition of pro bono, as well as an accountability mechanism and measurement tool through its performance benchmarks and on annual reporting requirement.

In a year that saw a world-wide economic recession, significant lay-offs in the legal sector, dropping law firm revenues, deferred associate classes, shrinking staff at public interest organizations, and untold pressures on in-house legal departments to hold down costs that significantly reduced client demand for legal services, the pro bono performance of firms participating in the Law Firm Pro Bono Challenge is a bright spot.

The Institute's Law Firm Pro Bono Project is pleased to present the following summary of the 2009 performance of the Signatory Law Firms.

Challenge Performance

The legal profession, and particularly larger law firms, continued to experience profound changes in 2009, most notably the layoffs of over 14,690 people, including 5,662 lawyers, and the deferral of numerous first year associates. Despite the uncertainties and depressing economic conclusion to the calendar year 2009, Challenge Signatory firms once again donated a record number of hours of legal services to the poor and disadvantaged.

In 2009, 134 of the nation's largest law firms reported their pro bono statistics to the Pro Bono Institute. Not all respondents provided information on every question. These firms performed a combined 4,867,820 total hours of pro bono work, as compared to 134 firms that performed 4,844,098 hours in 2008, an increase of 0.5% in pro bono time contributed by Challenge firms. While this percentage increase is statistically insignificant, it speaks volumes for the commitment to pro bono made by Challenge firms at a time when law firms and, indeed the world, were experiencing untold changes. There were 11 firms, or 7.5% of all Challenge firms, who did not report their 2009 numbers in time to be included in this summary.

Service to Persons of Limited Means

In addition to establishing ambitious progressive benchmarks – 3 or 5% of total billable hours – for overall pro bono participation, the Challenge asks firms to devote a majority

of their pro bono time to persons of limited means or to “charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means.” In 2009, firms donated 2,962,028 hours of pro bono service to individuals of limited means or organizations serving them, over 60% of total pro bono hours, as compared to 3,761,722 hours (77% of total pro bono hours) in 2008.

There could be a multitude of reasons for the decline in providing service to individuals of limited means, most notable the deep cuts at public interest organizations and the resulting impact on those organizations’ abilities to screen clients and effectively utilize pro bono resources. One year’s data does not provide enough information from which to base an opinion as to cause. This is not, in fact, the first time there has been a decline in the number of hours donated to individuals of limited means or organizations serving them. A similar decline also occurred in 2004 followed by an increase of almost 100,000 hours the following year. However, at a moment when the number of low-income people has increased substantially, this drop certainly raises concerns. The Pro Bono Institute will continue to track this metric and will address systemic issues related to representation of low-income clients.

Participation

The number of firm attorneys participating at Challenge firms in pro bono declined slightly in 2009 – an unsurprising decrease in light of the substantial reduction in law firm headcount, smaller incoming new associate classes, and the deferred associate phenomenon. However, the number of partners participating increased by over 800 partners. In 2009, 19,934 partners and 32,936 associates or a total of 52,871 attorneys

participated in pro bono as compared to 2008, where 19,111 partners and 33,920 associates, or a total of 52,912 participating attorneys (a decrease of .07% overall).

Litigation/Non-Litigation Hours

For the second year, firms were asked to report how many hours they spent on litigation-related pro bono matters as opposed to non-litigation pro bono hours. Of the 134 firms reporting, 87 firms provided a statistical breakdown: 1,527,633 hours were spent on litigation-related matters for the poor, a decrease of 38,953 hours from what was reported in 2008. Time spent on non-litigation related matters for individuals of limited means and organizations that serve them was reported by 85 firms who spent 661,487 hours in 2009 as compared to the 703,367 hours that were spent on non-litigation-related matters for individuals of limited means and organizations that serve them in 2008.

Service to Organizations/Individuals

Signatory firms were also asked to report how many of the pro bono hours they spent serving the poor were to organizational clients (i.e., nonprofit groups) and how many to individual clients. Again, not all firms reported these figures, but 84 firms reported that they donated 667,544 hours to organizations that serve those of limited means, an increase of 87,535 hours over 2008, while the same 84 firms reported that they spent over 1,408,932 hours serving individuals, a decrease of 40,862 hours from 2008. The numbers reflect that while the majority of pro bono work continues to be litigation-oriented, there is a significant amount of non-litigation transactional pro bono being undertaken.

Regional Analysis¹

The Law Firm Project assures firms that data provided to the Project will not be released in a disaggregated manner which limits some of the data we can report. However, additional analysis of 2009 Challenge data on a regional basis reveals the following:

- Firms in the West (18 total) had the highest average percentage of pro bono to billable hours at 4.47%. This equates to each firm, on average spending 51,052 hours on pro bono matters in 2009. These same firms were second in the percentage of pro bono hours spent on work for those of limited means – 2.76% of the pro bono hours was spent on this type of work. They were also second in average donations to legal services organizations, with each firm donating, on average, \$237,939.
- Firms in the Northeast (42 firms, by far the most numerous region) had the second highest percentage of pro bono hours. On average, each firm donated 4.28% of its billable hours to pro bono, an average of 36,763 hours per firm. Firms in the Northeast were far in the lead in the percentage of pro bono hours delivered to those of limited means or organizations serving them. Their average was 3.14% or 27,143 hours. Firms in this region donated, on average \$355,735, to legal services organizations.

¹ While it is now rare to find a firm claiming a particular city as its headquarters, historically firms have made that designation. The regional breakdown included in this analysis classifies the Challenge Signatory firms by their historical headquarters. With the globalization of the practice of law, categorizing firms in this manner may cause some inaccuracies, but still provides a snapshot of pro bono among Challenge firms in different parts of the United States.

The Mid-Atlantic Region is composed of firms in Maryland, New Jersey, Virginia and Washington, DC.

The Midwest Region is composed of firms in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

The Northeast Region is composed of firms in Connecticut, Massachusetts, New York, and Pennsylvania.

The Northwest Region is made up of firms in Oregon and Washington.

The Southeast Region is made up of firms in Alabama, Florida, Georgia, South Carolina, and North Carolina.

The Southwest Region is composed of firms in Arizona, New Mexico, and Texas.

The West Region is composed of firms in California, Colorado, and Utah.

- Firms in the Mid-Atlantic states (29 firms) were third in the ranking of percentage of pro bono hours, with an average of 4.26% or 56,713 hours. They ranked second in percentage of hours donated to those of limited means with an average of 2.62% or 19,306 hours. Donations to legal services organizations were, on average, \$140,532 per firm.
- The Midwest states with 15 firms donated an average of 3.49% of billable hours to pro bono, or 30,015 pro bono hours on average. At 2.61%, Midwest firms donated on average 20,335 pro bono hours to those of limited means. Legal services donations averaged \$120,440 per firm.
- The Northwest (5 firms), Southeast (12 firms) and Southwest (8 firms) performance ranged from averages of 2.80% to 2.49% to 2.45% of billable hours spent on pro bono service. Firms in these three regions spent 1.15%, 1.62% and 1.51%, respectively, of their pro bono time providing service to those of limited means. On average, they gave \$83,900, \$145,277, and \$2,150, respectively, in donations to legal services organizations.

Uniqueness of the Challenge

As discussed above, the Law Firm Pro Bono Challenge[®], developed by law firm leaders and corporate general counsel, articulates a single standard for one critical segment of the legal profession – firms ranging in size from 50 to over 3,500 lawyers. The Challenge has become the definitive aspirational pro bono standard for large law firms throughout the world. It is unique for several reasons:

- It uses a progressive standard – i.e., a target of either 3 or 5 percent of a firm's billable hours (equivalent to 60 or 100 hours per attorney) which ties pro bono performance to firm productivity and profitability.
- It calls for an institutional commitment, rather than an individual lawyer goal, in recognition of the reality that the policies and practices of law firms are keys to the ability and willingness of firm lawyers to undertake pro bono work.
- It creates goals not only with respect to the amount of pro bono work to be undertaken, but also with regard to the structural and policy elements that are essential for the creation and maintenance of a pro bono-friendly firm culture.
- It links Challenge firms to the extensive technical assistance resources available from the Pro Bono Institute and its Law Firm Pro Bono Project.
- It includes an accountability mechanism and an outcome measurement through its annual reporting requirement.

In 2009, over 58% or 85 of the Challenge Signatory firms met or exceeded their commitment to the Challenge; a 3% increase over the 80 firms who did so in 2008. Indeed, 24 firms surpassed their goal by more than 2% (down slightly from the 23 firms who reached that distinction in 2008). Of the remaining firms, 13 firms, or just under 9%, came within .5% of their goal, while 36 firms failed to reach their 3 or 5% goal by a factor of 1% or more (down from 44), and 11 firms failed to report at all.

In addition to the statistical information that Challenge firms are required to report, the firms also have an opportunity to respond to several optional questions, including providing certain supplemental information regarding their financial contributions to legal services organizations. In 1996 (the first year in which this information is available), 81 firms reported that they had donated a total of \$6,800,902 (an average donation of \$83,961 per firm) to legal services organizations. In 2009, 66 firms reported that they had donated \$27,609,877 an increase of \$1,991,205 over 2008's donation of \$25,618,672. In 2009, the average firm donated \$418,331, as compared to 2008 when 74 firms donated \$25,618,672 (an average donation of \$346,198 per firm).

While statistics are an important measurement tool, the Challenge is not limited to quantifiable goals. Rather, it provides a framework, set of expectations, and operational and policy elements that are the keys to major law firms' ability to institutionalize and strengthen the culture and operations of their pro bono programs. Since the inception of the Challenge, the Pro Bono Institute has worked with law firms to promulgate pro bono policies, enhance their relationships with public interest, legal services, pro bono programs and other groups, including the courts, improve the oversight and staffing of the firm's pro bono work, design and implement pro bono partnerships with corporate legal departments, improve processes for planning and evaluating pro bono efforts, create more accurate time-keeping mechanisms, incorporate a number of innovative pro bono models – including signature projects, rotation/externship programs, global efforts, integration with other firm goals including professional development, talent management, diversity, and associate satisfaction, and more, and successfully encouraged many firms

to expand the breadth and depth of their pro bono docket. Indeed, the Challenge's success in enhancing pro bono culture and performance has led our sister project, Corporate Pro Bono, a joint initiative of the Association of Corporate Counsel and the Pro Bono Institute, to launch the Corporate Pro Bono ChallengeSM in 2005.

With only minimal changes made in the language and principles of the Challenge since its creation, the Law Firm Pro Bono Challenge has become the industry "gold standard" by which firms define, measure, and assess their pro bono achievements. It has also become a rallying point and a catalyst that enables firms to contribute meaningfully to their local communities, to the national justice system, and to communities around the world despite economic cycles and other pressures. We thank and congratulate the 134 Challenge Signatory Firms whose commitment to pro bono, even in the darkest of times, is positively reflected in this report, and we look forward to a reinvigorated and productive level of commitment in 2010.

*Akin Gump Strauss Hauer & Feld LLP
Alston & Bird LLP
*Arent Fox LLP
Armstrong Teasdale LLP
Arnall Golden Gregory LLP
*Arnold & Porter LLP
Baker & Daniels LLP
Baker & McKenzie
Baker Botts L.L.P.
Ballard Spahr, LLP
Barnes & Thornburg LLP
Beveridge & Diamond PC
*Bingham McCutchen LLP
Blank Rome LLP
Bradley Arant Boult Cummings LLP
Briggs and Morgan, PA
Brown Rudnick LLP
*Bryan Cave LLP
Buchanan Ingersoll & Rooney PC

*Carlton Fields, P.A.
Chadbourne & Parke LLP
*Cleary Gottlieb Steen & Hamilton LLP
Coblentz, Patch, Duffy, and Bass LLP
Cohen Milstein Sellers
& Toll PLLC
Cooley Godward Kronish LLP
*Covington & Burling LLP
Cozen O'Connor
Crowell & Moring LLP
Davis Wright Tremaine LLP
Day Pitney LLP
*Debevoise & Plimpton LLP
Dechert LLP
Dewey & LeBoeuf LLP
Dickstein Shapiro LLP
*DLA Piper LLP (US)
*Dorsey & Whitney LLP
Dow Lohnes PLLC

*Drinker Biddle & Reath LLP
 Dykema Gossett PLLC
 Edwards Angell Palmer & Dodge LLP
 Epstein Becker & Green, P.C.
Washington, DC Office Only
 Faegre & Benson LLP
 Farella Braun + Martel LLP
 Fenwick & West LLP
 Finnegan, Henderson, Farabow, Garrett &
 Dunner, L.L.P.
 Foley & Lardner LLP
 Foley Hoag LLP
 Foster Pepper PLLC
 *Fredrikson & Byron P.A.
 Fried, Frank, Harris, Shriver
 & Jacobson LLP
 Fulbright & Jaworski L.L.P.
 *Garvey Schubert Barer
 Gibson, Dunn & Crutcher LLP
 Goodwin Procter LLP
 Graves, Dougherty, Hearon
 & Moody, P.C.
 *Hogan & Hartson LLP (*now Hogan Lovells*)
 *Holland & Hart LLP
 *Holland & Knight LLP
 Howard Rice Nemerovski Canady Falk
 & Rabkin
 Hughes Hubbard & Reed LLP
 *Hunton & Williams LLP
 Husch Blackwell Sanders LLP
 *Jenner & Block LLP
 K&L Gates LLP
 Kaye Scholer LLP
 Kilpatrick Stockton LLP
 King & Spalding LLP
Washington, DC Office Only
 Kirkland & Ellis LLP
 Kramer Levin Naftalis & Frankel LLP
 Latham & Watkins LLP
 Leonard, Street and Deinard
 Lindquist & Vennum PLLP
 Linklaters LLP
New York Office Only
 Loeb & Loeb LLP
 Lowenstein Sandler PC
 Manatt, Phelps & Phillips, LLP
 Maslon Edelman Borman & Brand, LLP

Mayer Brown LLP
 McCarter & English, LLP
 McDermott Will & Emery
 McGuireWoods LLP
 McKenna Long & Aldridge LLP
 Milbank, Tweed, Hadley & McCloy LLP
 Miller Nash LLP
 Mintz Levin Cohn Ferris Glovsky
 and Popeo P.C.
 Morgan, Lewis & Bockius LLP
 *Morrison & Foerster LLP
 *Munger, Tolles & Olson LLP
 *Nelson Mullins Riley
 & Scarborough LLP
 Nixon Peabody LLP
 Nutter McClennen & Fish LLP
 O'Melveny & Myers LLP
 Oppenheimer Wolff & Donnelly LLP
 *Orrick, Herrington & Sutcliffe LLP
 Patterson, Belknap, Webb & Tyler LLP
 Patton Boggs LLP
 Paul, Hastings, Janofsky & Walker LLP
 *Paul, Weiss, Rifkind, Wharton
 & Garrison LLP
 Pepper Hamilton LLP
 Perkins Coie LLP
 Pillsbury Winthrop Shaw Pittman LLP
 *Proskauer Rose LLP
 Quarles & Brady LLP
 *Reed Smith LLP
 Robins, Kaplan, Miller & Ciresi L.L.P.
 Robinson & Cole LLP
 Saul Ewing LLP
 Schiff Hardin LLP
 Schnader Harrison Segal & Lewis LLP
 Seyfarth Shaw LLP
 *Shearman & Sterling LLP
 *Shipman & Goodwin LLP
 Sidley Austin LLP
 Simpson Thacher & Bartlett LLP
 *Skadden, Arps, Slate, Meagher
 & Flom LLP
 Snell & Wilmer L.L.P.
 *Sonnenschein Nath & Rosenthal LLP
 *Steptoe & Johnson LLP
 Strasburger & Price, LLP

Sutherland Asbill & Brennan LLP
Thompson Coburn LLP
Troutman Sanders LLP
*Venable LLP
Vinson & Elkins L.L.P.
Vorys, Sater, Seymour and Pease LLP
Weil, Gotshal & Manges LLP
White & Case LLP

Wiley Rein LLP
Williams & Connolly LLP
*Wilmer Cutler Pickering Hale
and Dorr LLP
Wilson Sonsini Goodrich & Rosati
*Winston & Strawn LLP
Womble Carlyle Sandridge & Rice, PLLC
Zuckerman Spaeder LLP

These firms did not report in 2009:

Carrington, Coleman, Sloman
& Blumenthal, L.L.P.
*Gibbons P.C.
Goulston & Storrs PC
Howrey LLP
Michael Best & Friedrich LLP
Miller & Chevalier Chartered
*Miller, Canfield, Paddock
and Stone, P.L.C.
Rodey, Dickason, Sloan, Akin
& Robb, P.A.
Smith, Gambrell & Russell, LLP
Van Cott, Bagley, Cornwall
& McCarthy
Wildman, Harrold, Allen & Dixon LLP

** denotes Charter Signatories to the Challenge*

Law Firm Pro Bono Project
Pro Bono Institute
1025 Connecticut Avenue, NW
Suite 205
Washington, DC 20036
202.729.6699
probono@probonoinst.org
www.probonoinst.org

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