

Law Firm Pro Bono Hours in 2010

Survey Report

Introduction

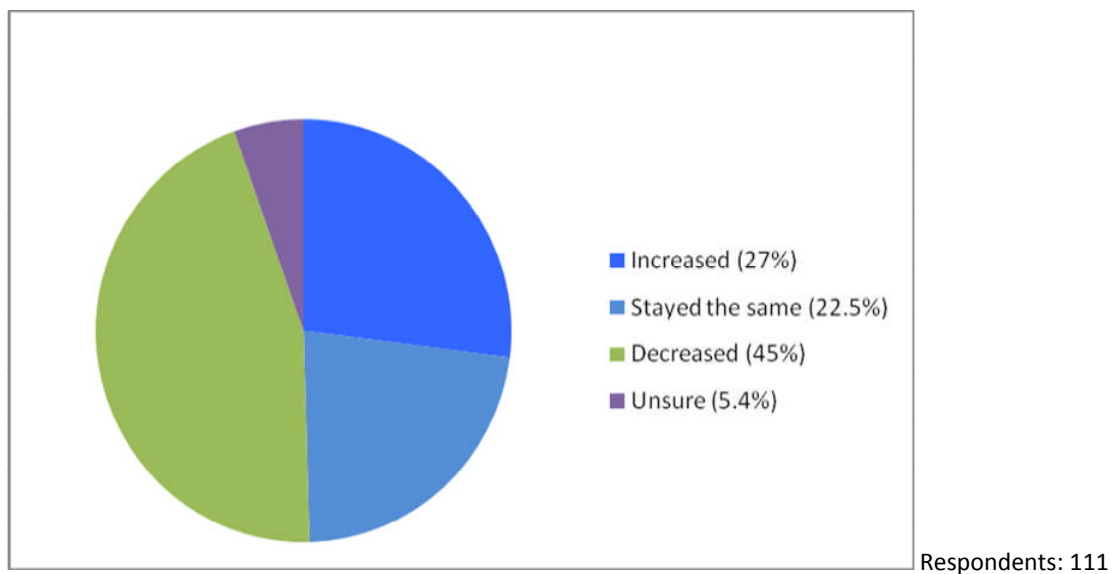
This summer the Law Firm Pro Bono Project again conducted a brief survey regarding pro bono hours to detect trends at the mid-year point and to preview where 2010 may be headed, based on the impressions and estimates of respondents from major law firms. The Project distributed a five-question survey to its pro bono contacts at Member and Law Firm Pro Bono Challenge Signatory[®] Firms. The response rate was 34 percent (as compared to 26 percent to a similar survey in May 2009). Approximately 110 firms, which range in location and size, responded to at least some portion of the survey. Because participants were not required to respond to all questions, response rates varied by question, many respondents provided only partial responses, and the survey results may not be statistically valid. It is also possible that more than one individual from a firm responded to the survey. The Project guaranteed that all responses would remain confidential and would not be disclosed in a disaggregated form that identifies individuals or individual law firms. The findings in this report represent analysis based on the information provided as of July 30, 2010.

The results appear to be mixed. For the first six months of 2010 (January-June), 45 percent of respondents indicate that their firms' total number of pro bono hours (as compared to the same time frame in 2009) decreased; 49.5% of respondents indicate that their firms' total number of pro bono hours increased or stayed the same. Fifty-seven percent report an increased or unchanged number of lawyers participating in pro bono at their firms, 32.4 percent note a decrease in lawyer participation. Respondents are more optimistic about pro bono hours for July-December 2010: 67.6 percent predict their firms' hours will increase or stay the same for the last six months of 2010 (as compared to the last six months of 2009), and 25.9 percent

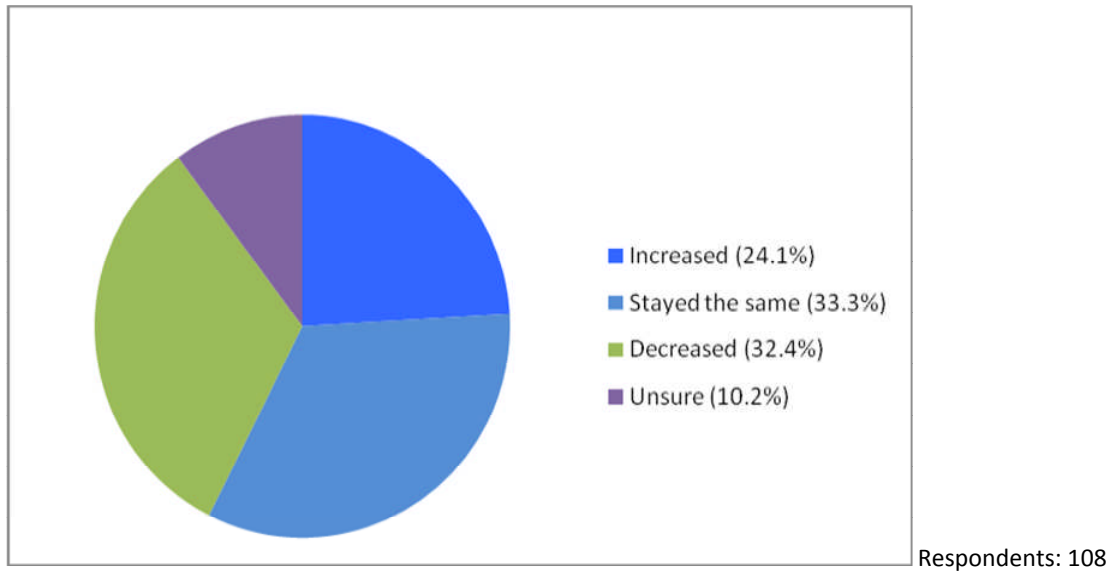
foresee a decrease in pro bono hours, which indicates a more promising outlook for law firm pro bono in the second half of the year.

Results

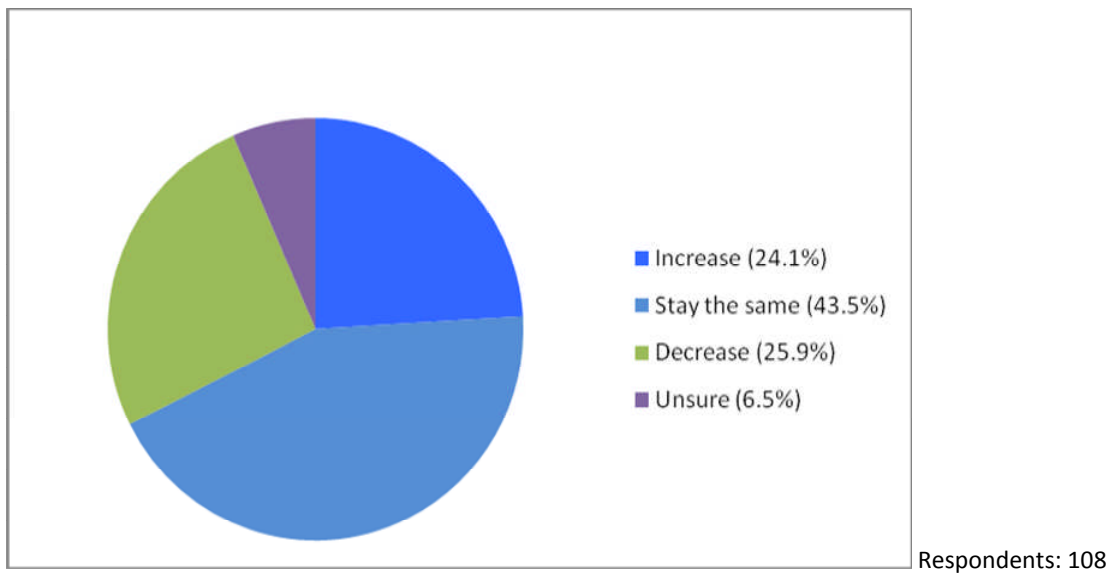
1. Since January 1, 2010 (compared to the same time period in 2009) has your firm's total number of pro bono hours ____?



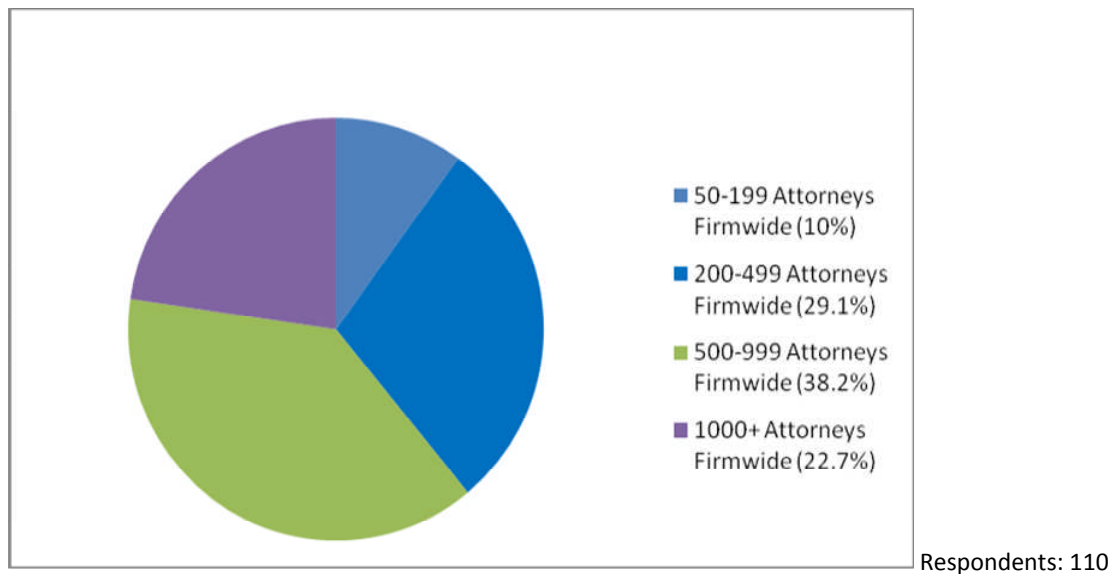
2. Since January 1, 2010 (compared to the same time period in 2009) has the number of lawyers at your firm participating in pro bono ____?



3. Do you anticipate your firm's pro bono hours for the last six months of 2010 (July-December) compared to the last six months of 2009 will ____?



4. What is the size of your entire firm?



Additional Comments

Participants were given the opportunity to anonymously provide additional comments or observations about the answers they provided. There were common trends in the responses and they have been organized by topic below.

Some respondents noted little change in their pro bono hours, and offered their explanations:

- “Nothing feels different this year.”
- “We had an extremely large pro bono matter last year which resulted in unusually high pro bono hours.”
- “There's a real uptick in pro bono work, which I think is linked to greater optimism about the economy and the feeling that layoffs are over. The layoff environment was deadly to pro bono...”

Other respondents reported their total overall hours dropping as a result of reduced number of attorneys at their firms, not necessarily because of a drop in per-attorney pro bono work, and a return to historic pro bono levels after a spike in hours due to extra capacity:

- “Decreases [are] solely due to our significantly diminished total number of lawyers.”
- “Combination of reduced head count and return to prior pro bono levels mean less pro bono time this year than last.”
- “My unscientific impression is that our litigation matters are getting harder to place, probably because the 2009 layoffs and smaller incoming class have increased the time pressures on the litigation associates. I am not experiencing the same difficulty with business matters.”
- “Hours have generally held steady and in fact average hours per attorney have increased somewhat. However, the first is smaller so total hours are down.”
- “Other billable hours have increased so pro bono hours [have] decreased as a result of overcapacity; mid-year, we found ourselves having to hire more attorneys to fulfill all the work that needed to be done, so it will be interesting to see what the second half of the year will hold for pro bono hours.”
- “With significantly smaller summer programs, we have fewer summer associates doing pro bono. Pressure to keep billable hours up in a down economy is probably negatively impacting the capacity and willingness for the busiest lawyers (who still found time to do pro bono in past years) to do pro bono now. And most law firms have down-sized and are staffed more leanly which means that pro bono hours and the number of lawyers doing pro bono have gone down and will continue to do so, although the demand from pro bono clients has gone up.”
- “Our overall hours are the same, but the number of lawyers has decreased, which means we had an 11 [percent] increase in average pro bono hours per full-time equivalent lawyer this financial year over last financial year.”
- “Like most firms, the [number] of attorneys decreased in the past 12 months which in large part resulted in the decreased hours.”
- “Decrease in hours is due to reduced size in workforce over same period in previous year. Hours as percentage of total firm billable hours and breadth of participation are about the same.”

- “We anticipate a slight decrease in the number of total pro bono hours by year's end as we have lost 64 attorneys overall from the end of 2009 until now. Some of these attorneys were huge pro bono attorneys. That plus the fact our new fall class is not starting until next January 2011, will reduce the total number of pro bono hours compared to last year.”
- In 2009, there was increased participation firm wide in pro bono, particularly amongst transactional attorneys. In 2010, with the rebounding of the economy, corporate attorneys in particular are busier than last year. Although we have not checked the figures, we are assuming this will lead to less participation and hours from that department.”
- “Most firms will have a reduced [head count] relative to last year and thus total hours likely will be lower but pro bono output per attorney may be similar. Regrettably, our firm will experience decreases in both [head count] and [pro bono] aggregate and per/ [attorney].”

When firms did suspect lower pro bono hours, they provided their reasoning on why hours were down, and action plans to address the dip in performance:

- “Our Pro Bono Committee is concerned about the downturn in pro bono hours and we are attempting to address it. We have plans to conduct an all-attorney survey...to prepare a memo for our Executive Committee outlining the problem...with recommendations for change.”
- “We have just introduced new projects that we hope will boost hours. We are also focused on saying ‘thanks’ to the pro bono doers while encouraging those who've only done a little to do a little more.”
- “As of 2010, we changed the pro bono policy to generally give unlimited creditable hours to associates.”

Now is the time to rigorously assess the strengths and weaknesses of your firm’s pro bono programs and policies. Pro bono must adapt to the changing law firm environment in a strategic, practical, responsive, and creative way. Pro bono leaders should be working closely with the

firm's professional development, recruitment and retention, general counsel, marketing, and business development leaders to integrate pro bono into these important firm goals.

One respondent cited mixed messaging from firm leadership as having a negative effect on the firm's pro bono hours:

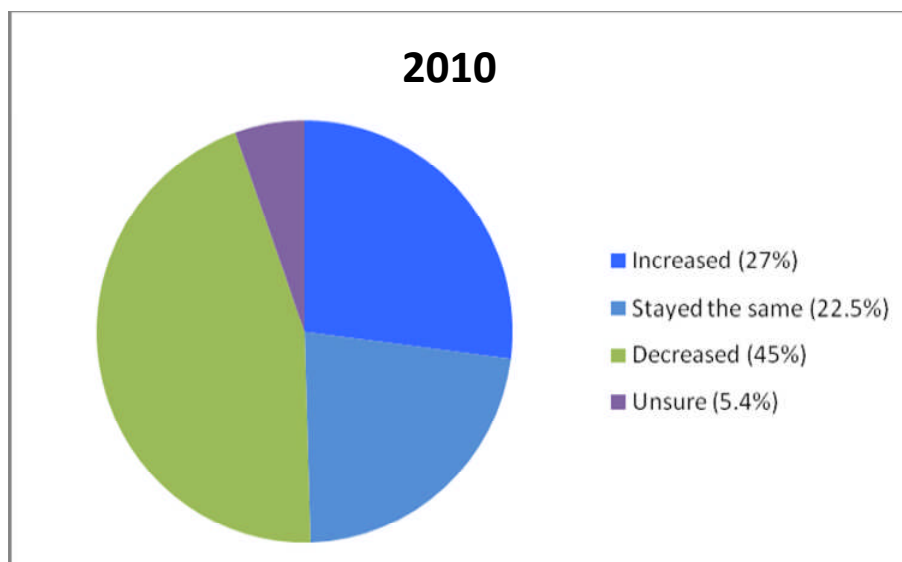
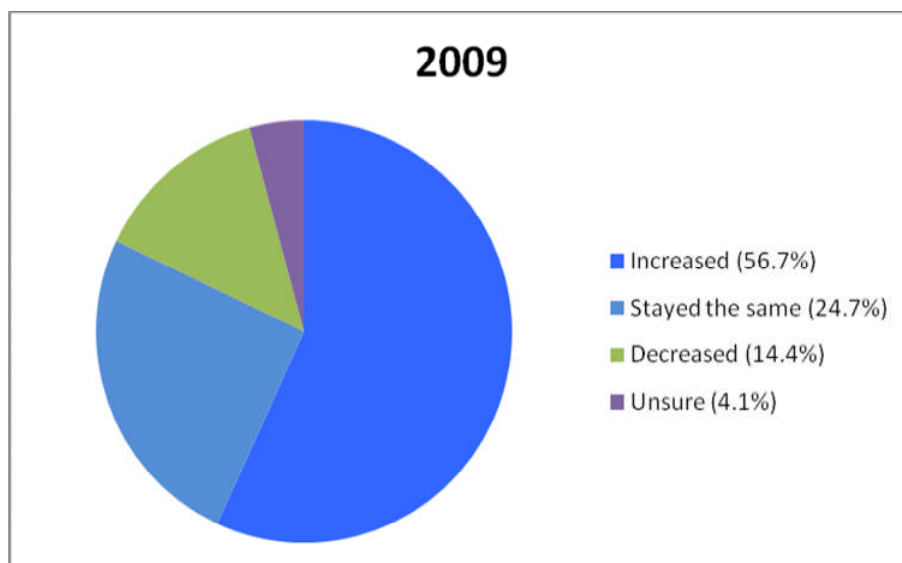
- “In economic uncertainty and where the firm has not publicly said a lot on pro bono (message is focused on increased productivity and profitability), attorneys at all levels are interpreting messages and applying those to pro bono. Some of those interpretations are positive and some are not. While I am sure the management stands behind pro bono, I am not confident that all professionals uniformly agree with me. That...is what caused the decrease in the hours.”

This is a reminder that clear, consistent messaging from all levels of firm leadership plays a crucial role in combating attorneys' reluctance to take on pro bono work, and encouraging firm-wide participation in pro bono. Now is the time for firm management to prominently reaffirm its commitment to pro bono and act in accordance with its stated commitment. Top leaders must also ensure that office heads, practice group leaders, non-lawyer managers, and others are sending the same positive pro bono message.

Comparison of Estimated Pro Bono Hours in 2009 to 2010

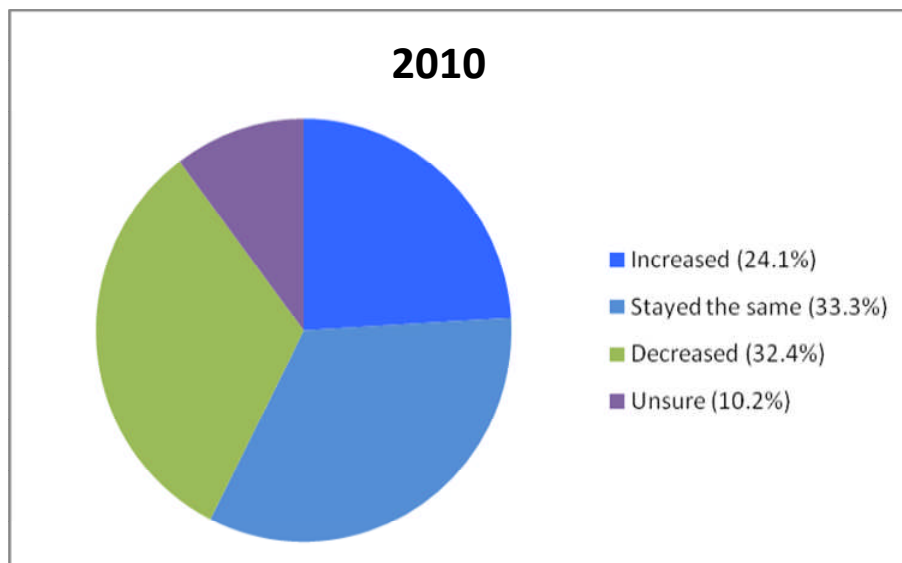
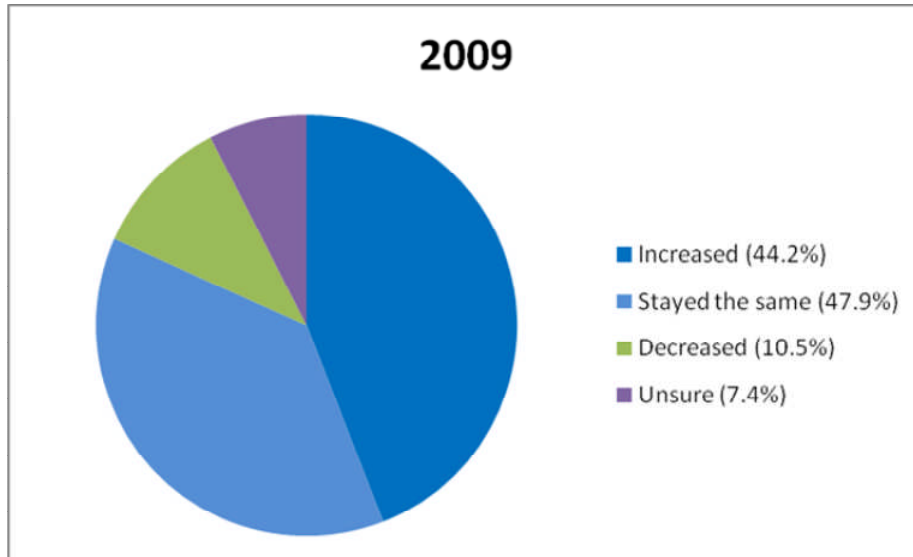
The graphs below compare the survey results of 2009 to those of 2010:

1. Since January, has your firm's total number of pro bono hours ____?



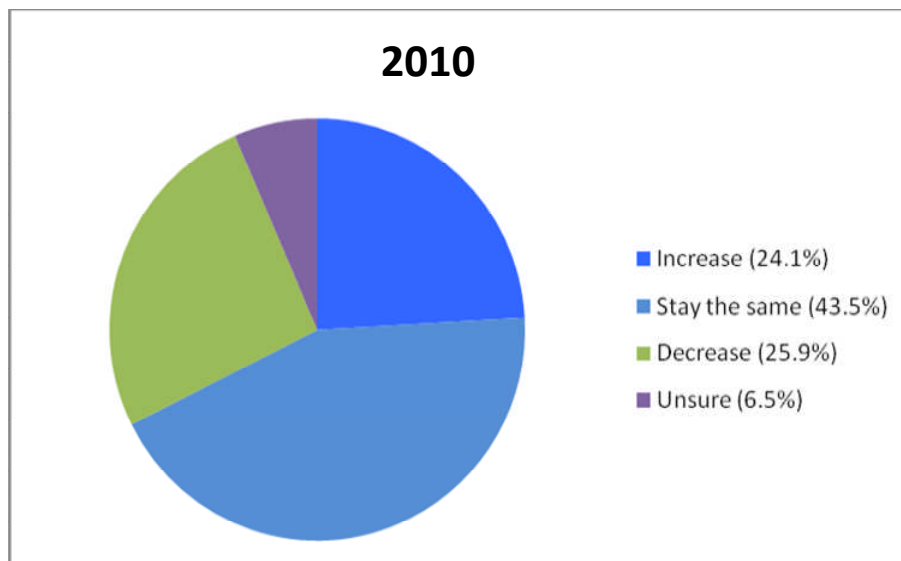
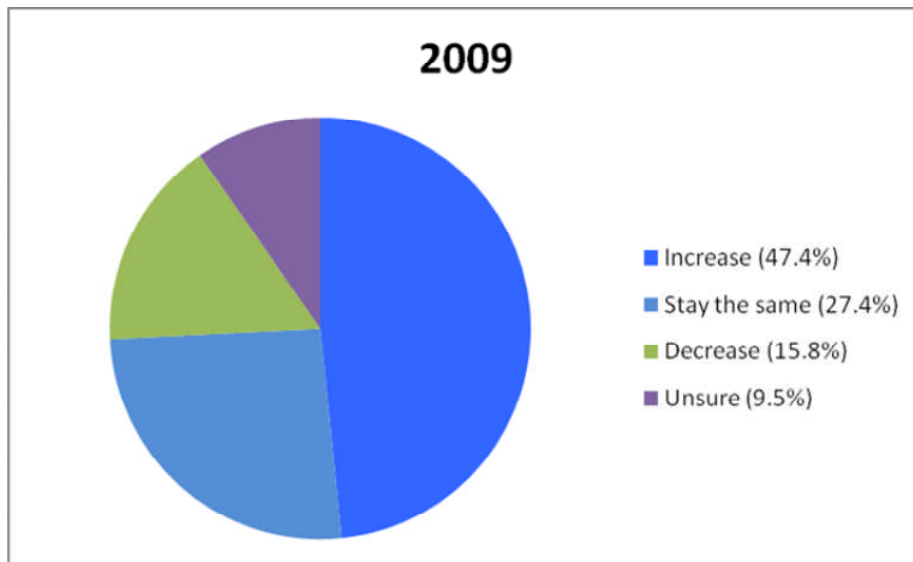
Number of respondents in 2009: 97; in 2010: 111

2. Since January 1 has the number of lawyers at your firm participating in pro bono ____ ?



Number of respondents in 2009: 93; in 2010: 108

3. Do you anticipate your firm's pro bono hours for the next six months compared to the last six months will _____?



Number of respondents in 2009: 93; in 2010: 108

Conclusion

We are committed to strengthening pro bono by providing law firms with the tools, best practices, and guidance they need to build on the momentum and success we have created together over the past years. For confidential consulting and technical assistance, or if you have questions about the survey results, please contact the Law Firm Pro Bono Project.

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