

DEFERRED ASSOCIATES SURVEY RESPONSE SUMMARY

August 2020 Survey
80 LSC Grantees and NLADA Members
Responding

OVERVIEW

- During the Great Recession in the late 2000s, when the supply of billable work for associates at major law firms was low but the need for pro bono legal assistance was great, Pro Bono Institute (PBI) championed the Deferred Associate Program concept. This entailed law firms partnering with public interest organizations to lend new associates (whose start dates were being deferred by law firms) to those organizations for a mutually agreeable period of time. A stipend was paid by the loaning law firms to the lent associates to support the associates' work for the public interest organizations. Numerous law firms successfully implemented such programs at that time.
- In light of the current pandemic, which has also negatively impacted associate utilization at law firms and created an overwhelming need for pro bono legal services, PBI is examining whether the Deferred Associate Program concept would prove valuable once more.
- As an initial step PBI Law Firm Pro Bono Project® staff undertook to identify the needs of Public Interest Organizations in the current situation to help law firms understand how a successful Deferred Associate Program would need to be structured. As part of this effort, Project staff collaborated with the Legal Services Corporation (LSC) and the National Legal Aid and Defender Association (NLADA) to conduct a 10-question survey of LSC grantees and NLADA members (collectively, Legal Services Providers or LSPs).
- The questions sought information about such organizations' requirements for accepting assistance from deferred and loaned associates (e.g., commitment period, admission status, working location), the anticipated value of such help, and considerations governing best practices.
- Responses from 80 organizations were received and analyzed.

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KEY CONCLUSIONS



LENGTH

There was significant interest (~1/3 of respondents) in programs as short as three months, and six-month programs were of interest to over 80 percent of respondents.



LOCATION

More than half of Legal Services Organizations either preferred or were indifferent about obtaining assistance remotely, rather than in their offices. Public Defenders have a greater need for in-person work.



WHERE ADMITTED

About 2/3 of Legal Services Organizations and 1/3 of Public Defenders need attorneys who are admitted locally.



USEFULNESS

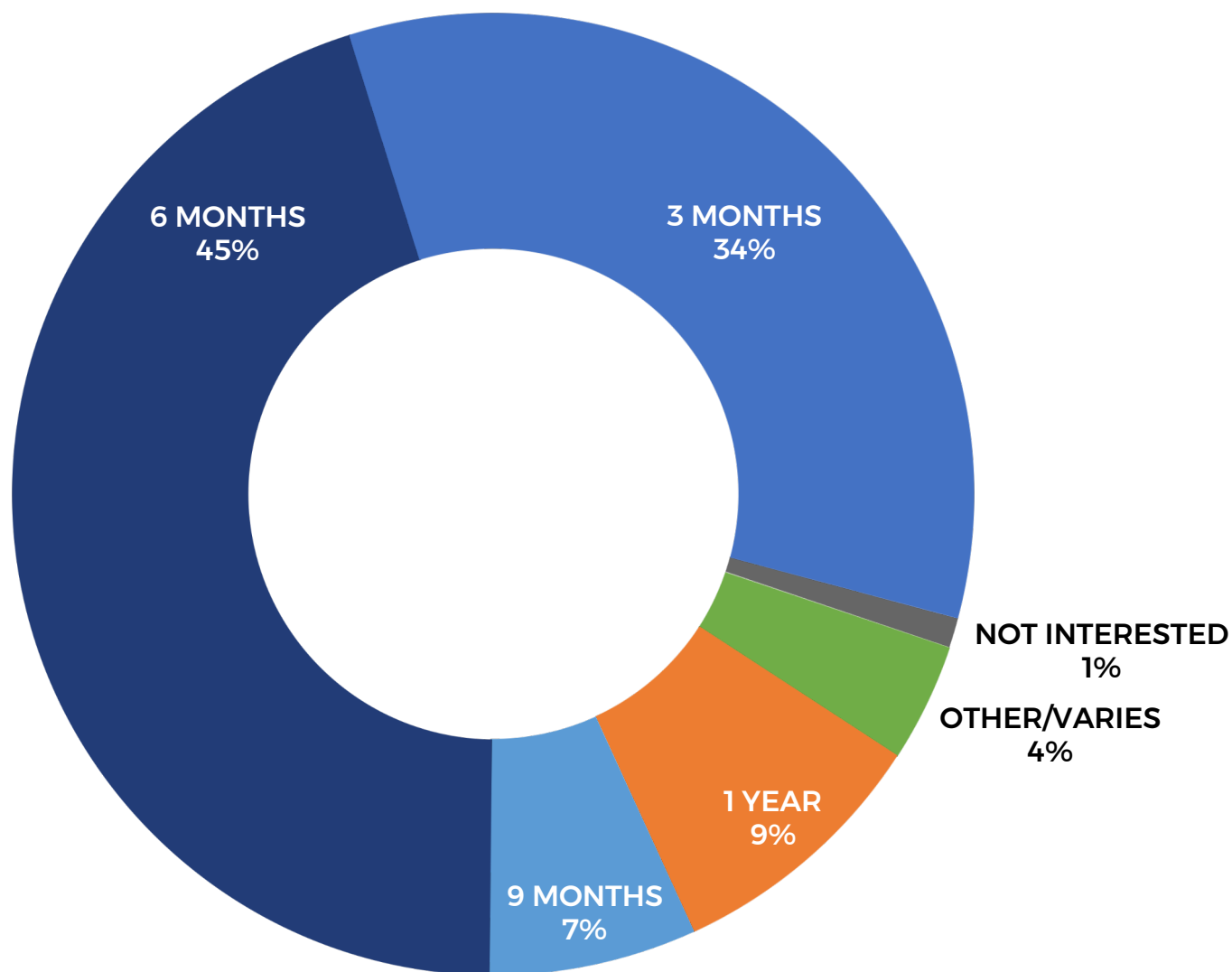
Deferred associates were judged to be very useful overall.



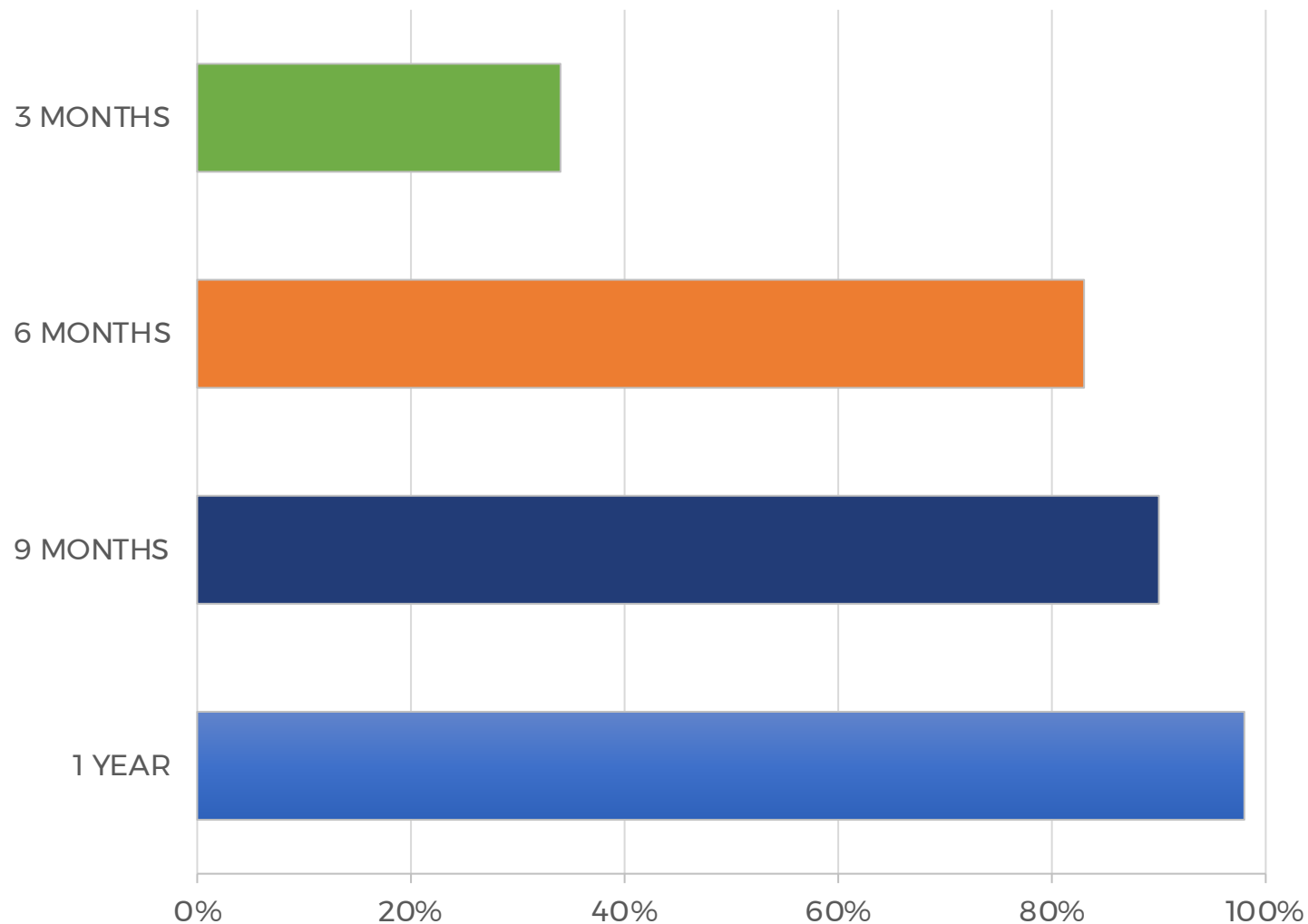
NUMBER NEEDED

Legal Services Providers most frequently requested the help of two deferred associates, but the average request size was more than three.

Minimum Program Length Required for Legal Services Providers to Have Serious Interest in Utilizing a "Deferred Associate" (N=80)

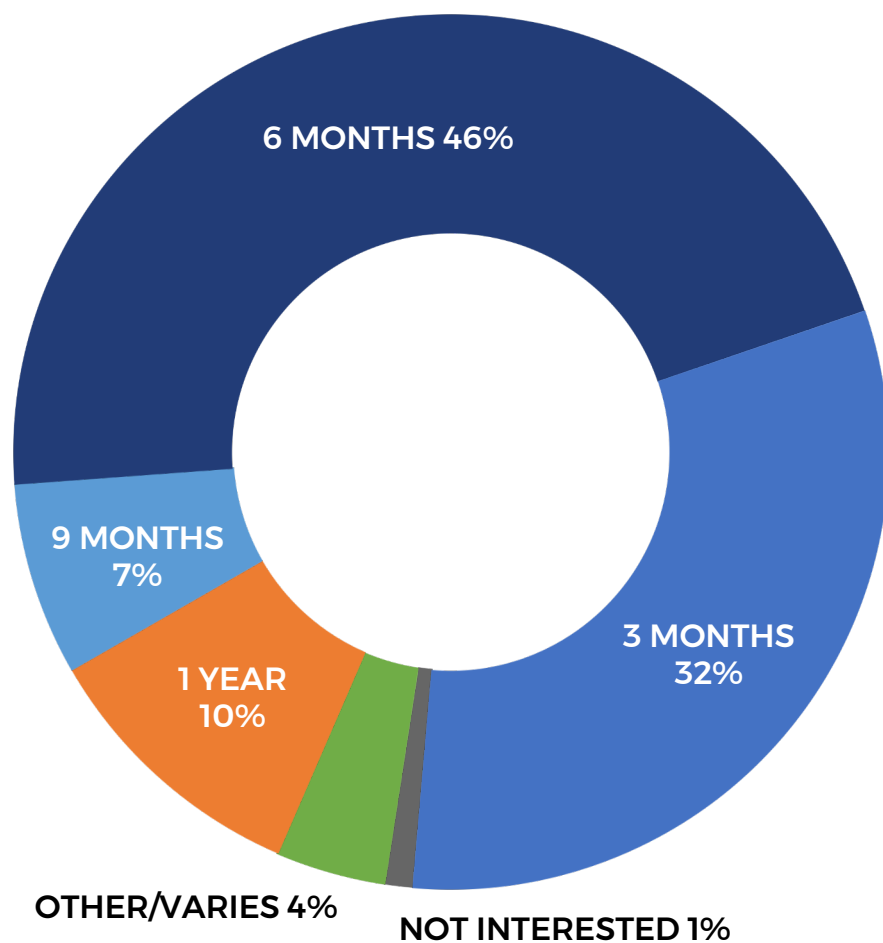


Cumulative Percent Interested in Deferred Associates Based on Minimum Term of Commitment

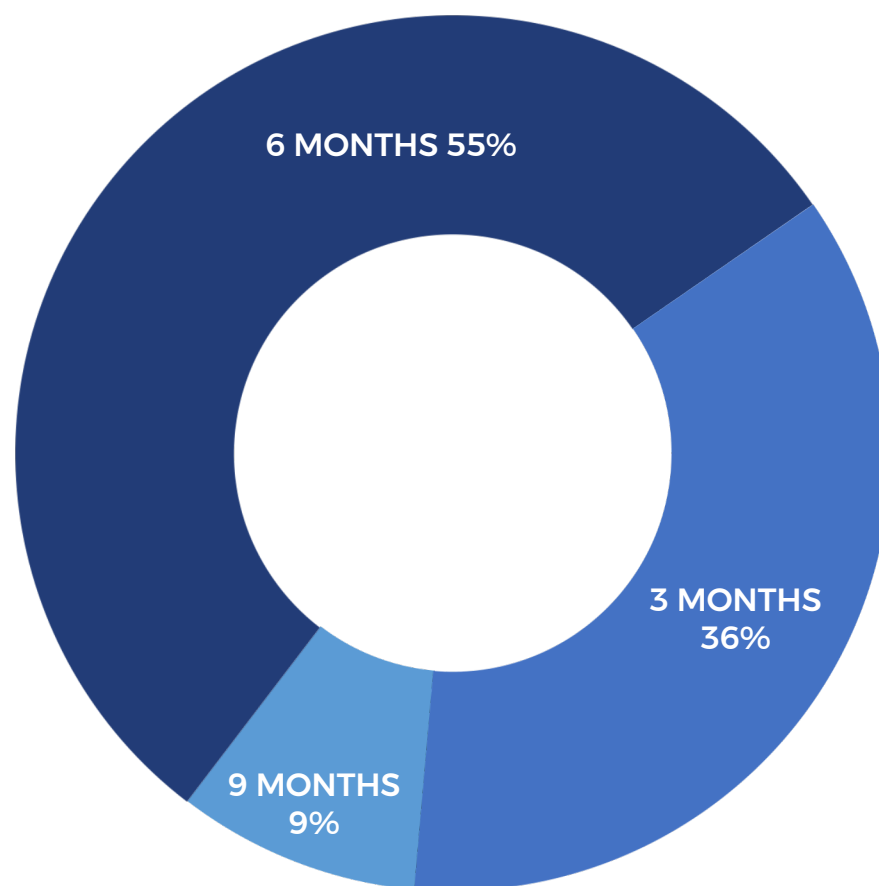


Public Defenders Open to Shorter Term of Commitment

LEGAL SERVICES ORGANIZATIONS

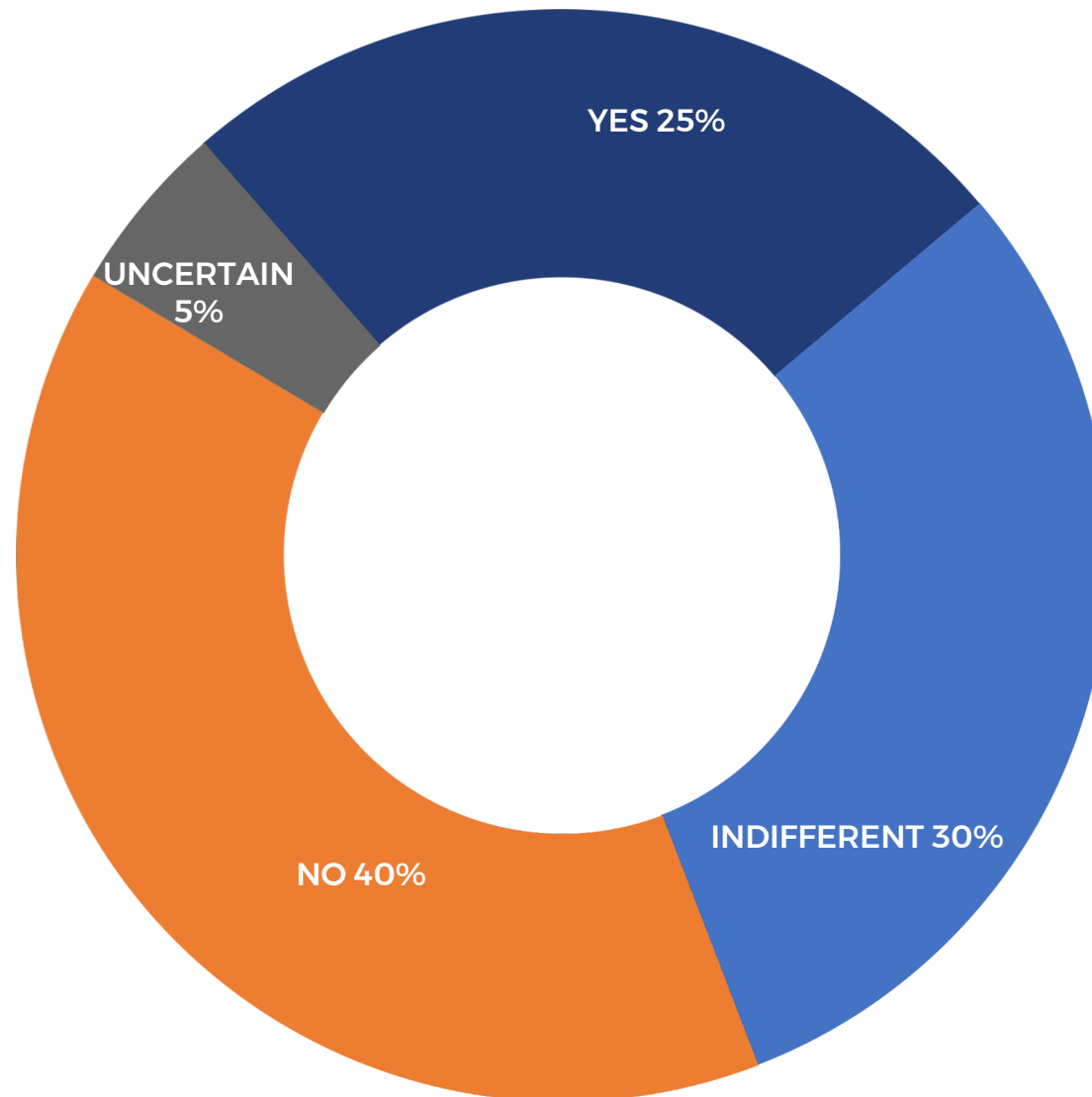


PUBLIC DEFENDERS



Legal Services Providers Preferring Remote Assistance

(e.g., deferred associate working at home or in law offices)

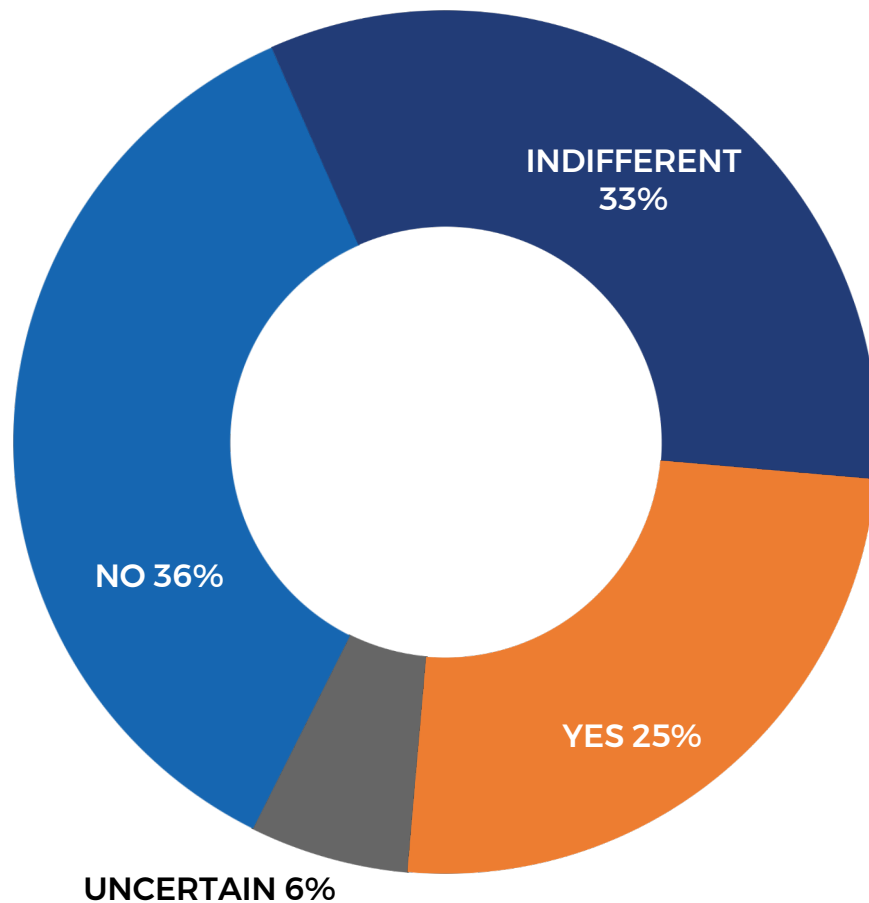


One quarter of respondents indicated they would prefer the associate not work in their offices. An additional 30% were indifferent.

It is possible that some of the organizations answering "No" were expressing a lack of preference for remote associates. However, some clearly wanted the associates in their offices. Also, there was a concern that partners would pre-empt the time of associates who remain at their firms.

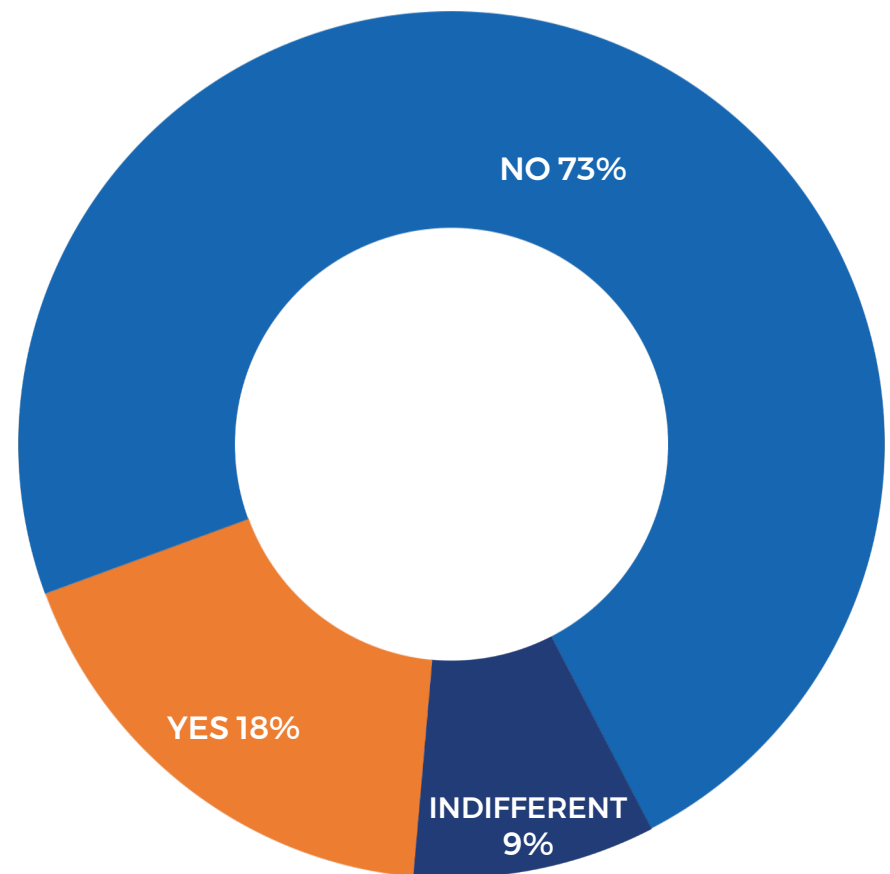
Legal Services Providers Do Not Prefer Remote Help Overall

LEGAL SERVICES ORGANIZATIONS ARE EVENLY SPLIT



Legal Services Organizations have no clear preference for on-site help, and most would readily accept remote assistance.

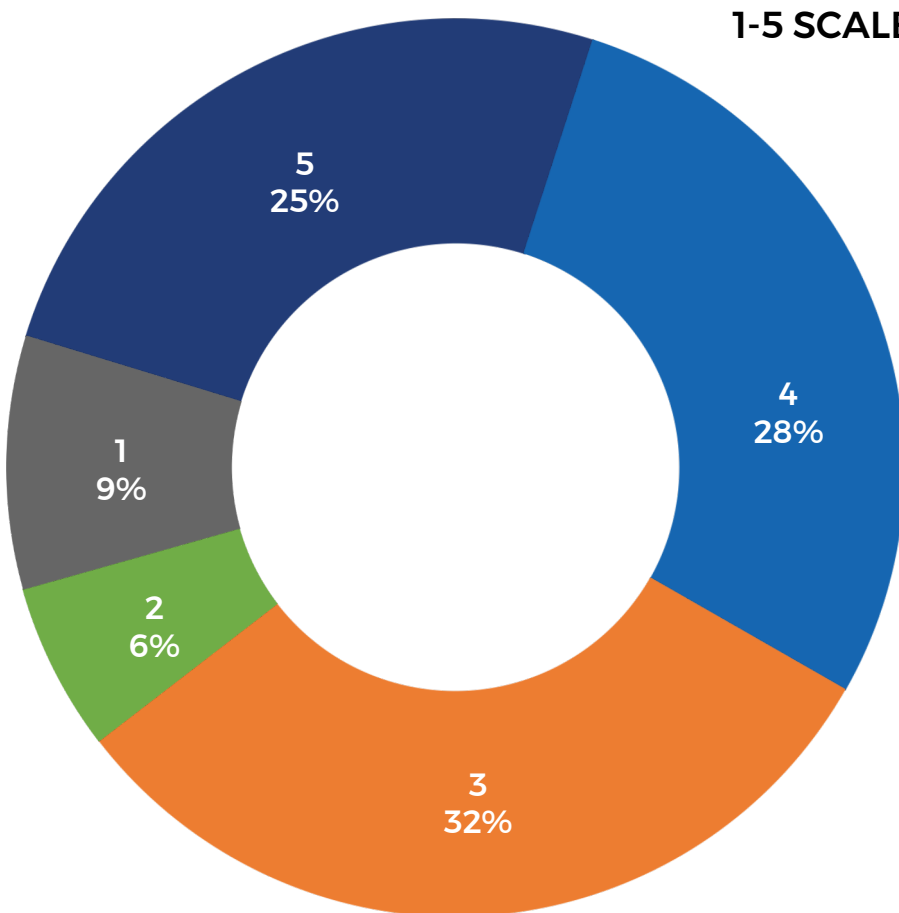
PUBLIC DEFENDERS DO NOT PREFER REMOTE HELP



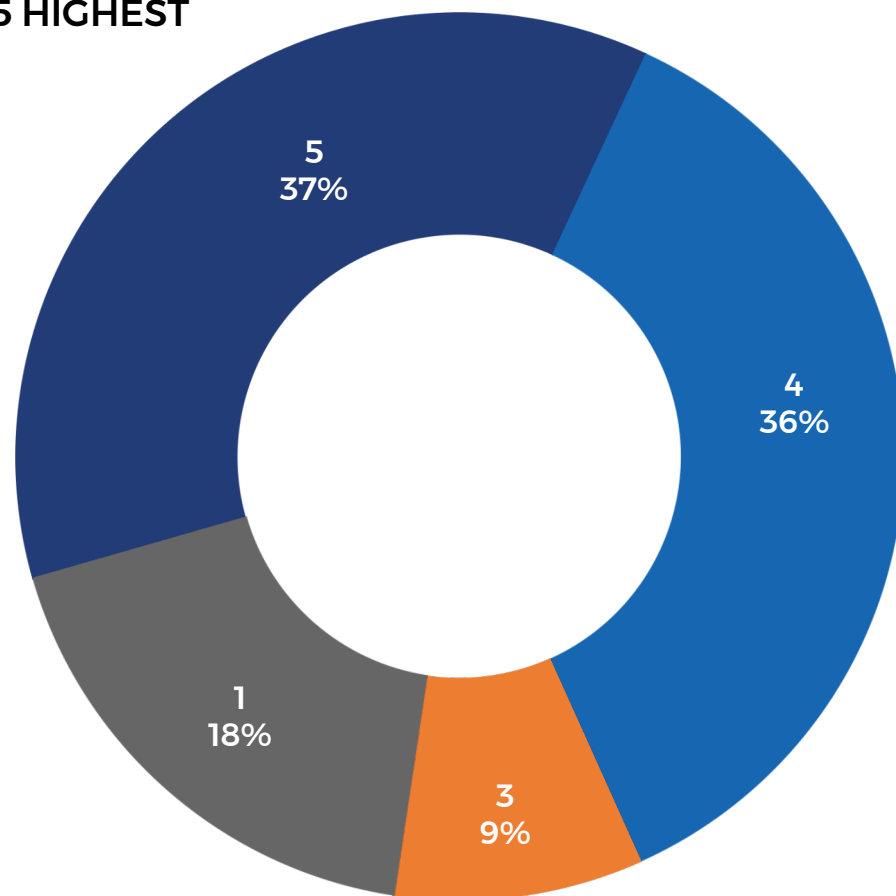
In contrast, Public Defenders clearly prefer on-site help. The need to make court appearances seemed to play a part.

Relative Importance of Embedded Associates

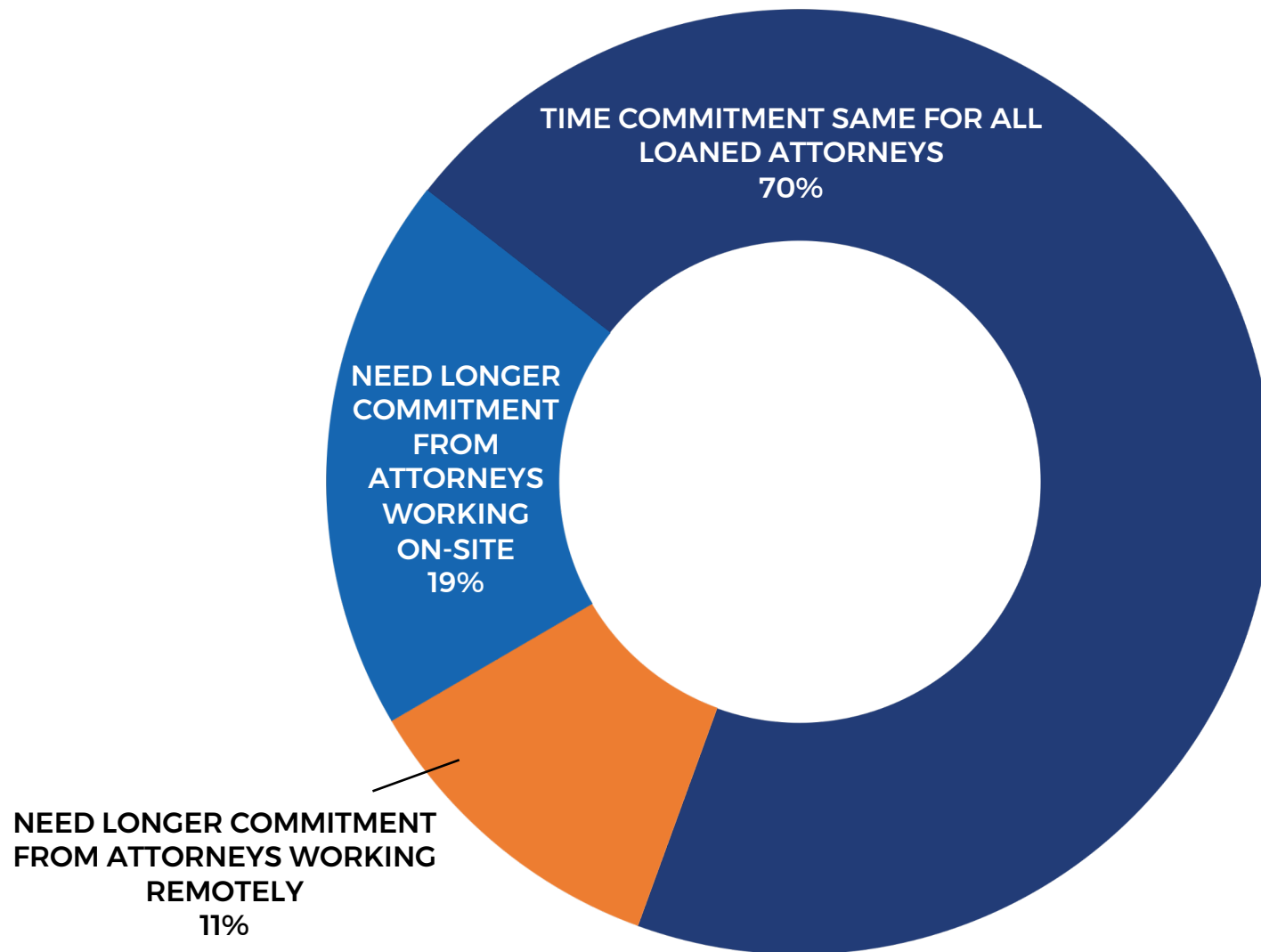
LEGAL SERVICES ORGANIZATIONS



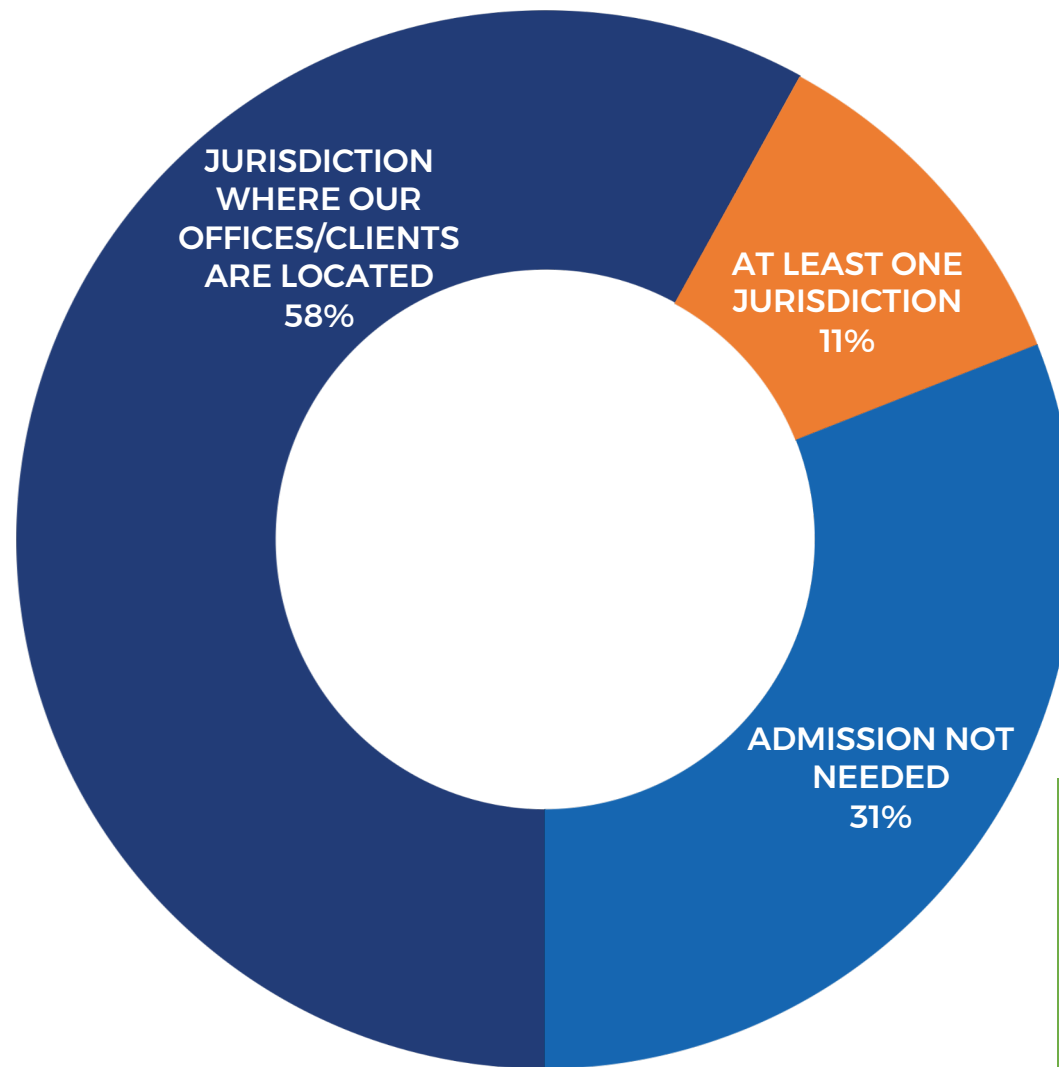
PUBLIC DEFENDERS



Time Commitment Required for Remote Attorneys Versus Attorneys Placed in the Legal Services Provider



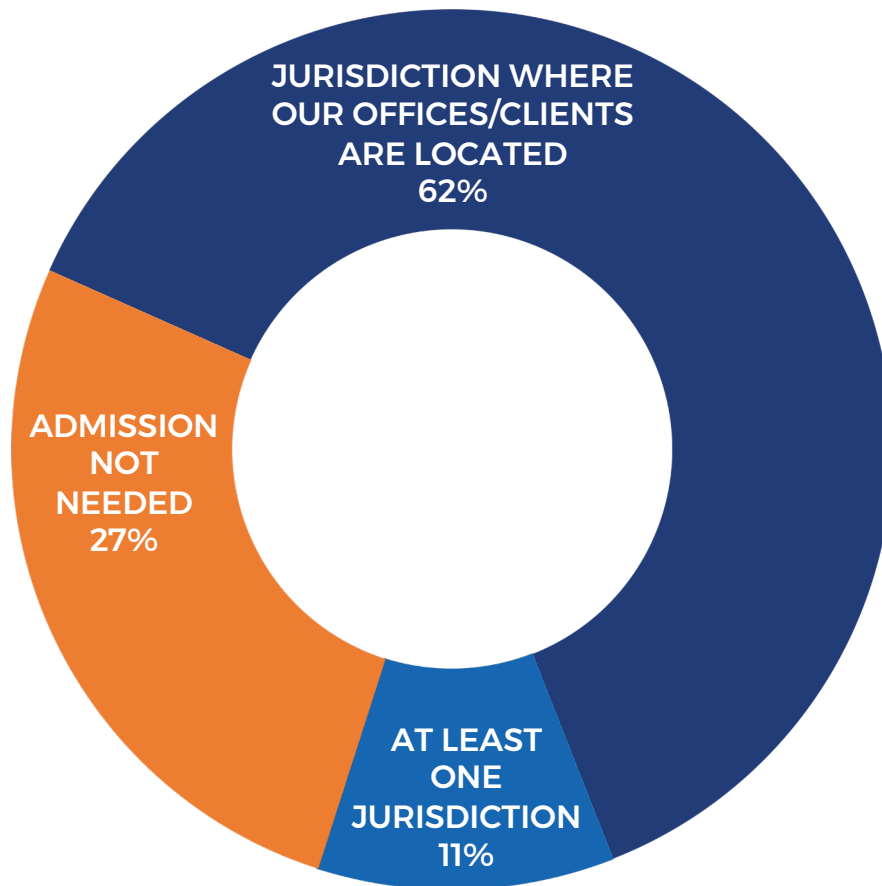
Where Does the Associate Need to be Admitted to Practice Law?



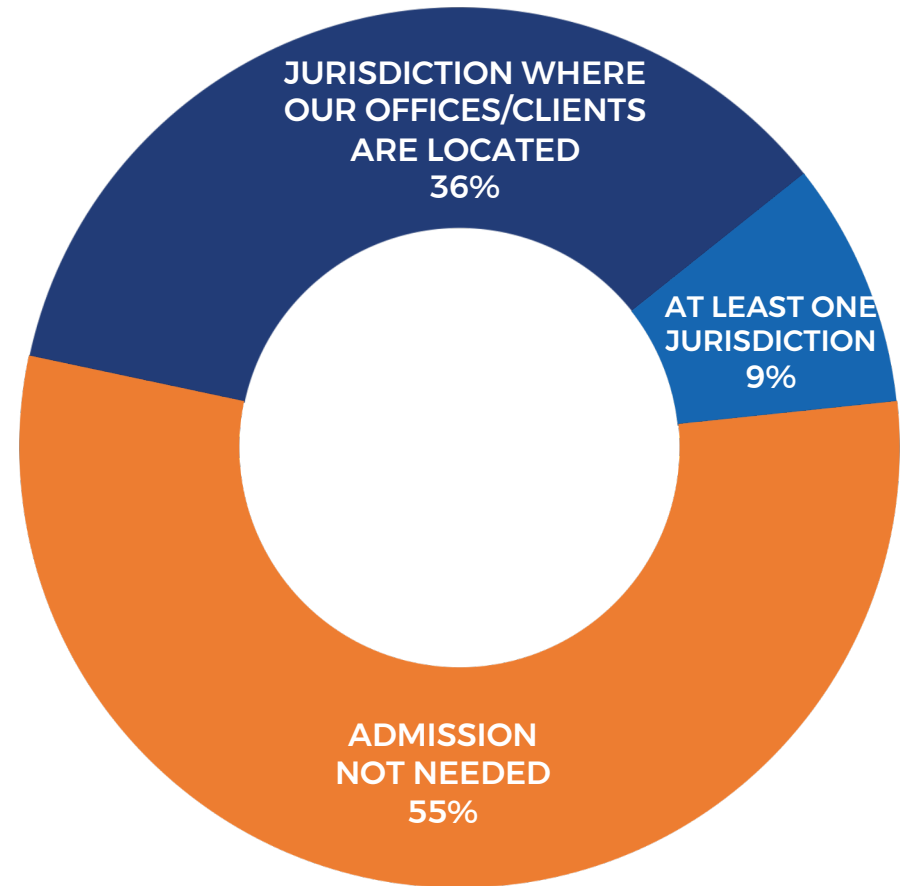
If bar admission matters, where the attorney is admitted also tends to matter, but almost a third of the organizations responding indicated that admission is not required.

Admission Details Less Important for Associate Opportunities at Public Defenders

WHERE DO LSOs NEED ASSOCIATES TO BE ADMITTED?



WHERE DO PUBLIC DEFENDERS NEED ASSOCIATES TO BE ADMITTED?



DEMAND LEVELS

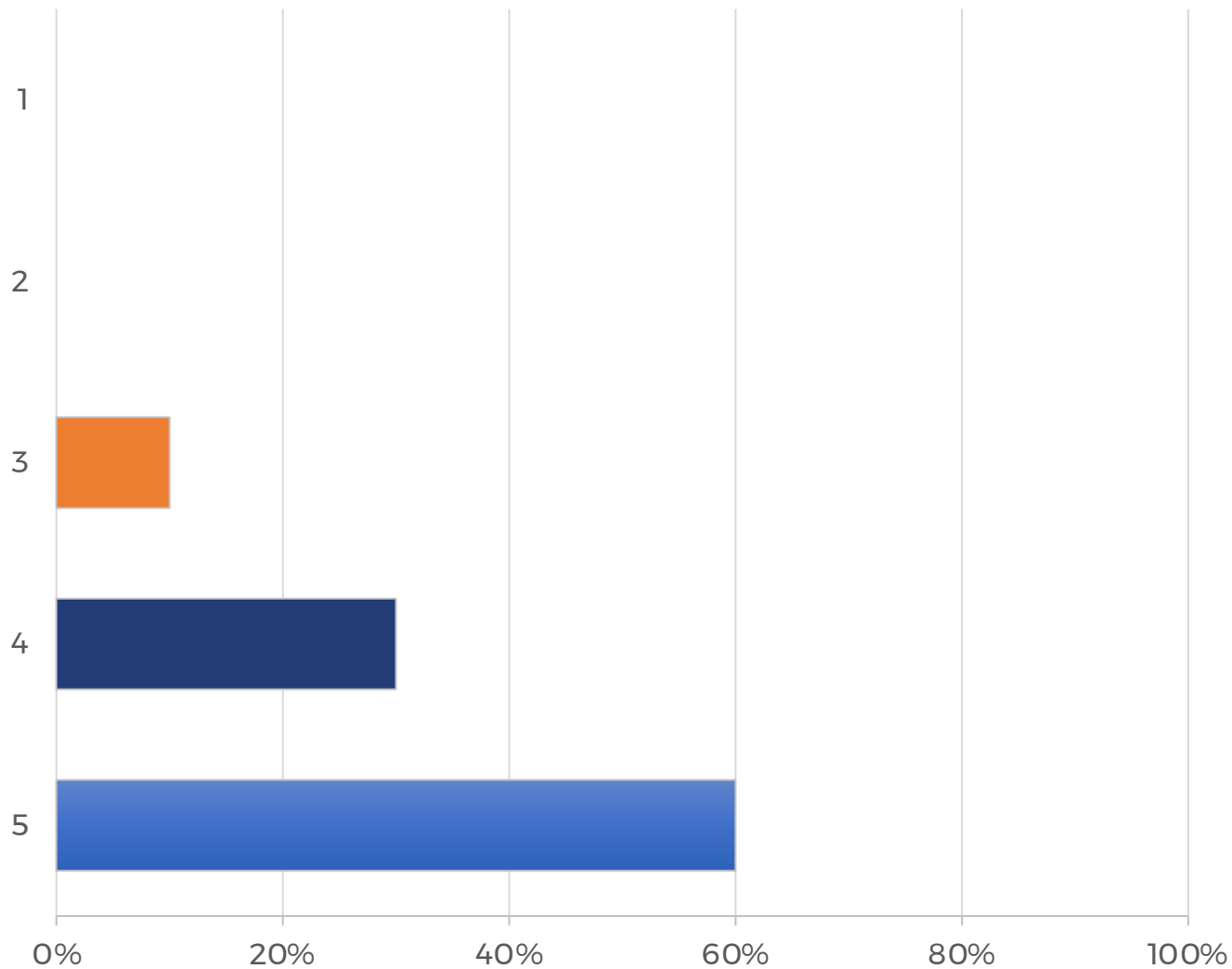
- On average, each Legal Services Provider could use the assistance of 3.4 deferred associates.
- The total specified demand from the 80 survey respondents was 236, but some responders also showed great interest but did not provide a quantifiable response (i.e., “as many as are willing to do pro bono client work” and “as many as you have”).
- The most frequent request was for the support of two associates, but the requests ranged from 0 to more than 13.

BIGGEST CONCERNS EXPRESSED ABOUT USING DEFERRED ASSOCIATES

- Remote work
- Conflicts
- Matching work schedules
- Travel requirements
- Flexibility on the part of associates to deal with changing landscape
- Subject matter competency
- Participant expectations
- Cultural incompatibility/salary disparities
- Dependability (retention)
- Limited technical resources
- Term relative to training period
- Training capacity and orientation
- Understanding clients and org.'s mission
- Commitment to high quality work
- Coordination, communications & reporting
- Program expiration before need abates
- Short-term loaned associates may tend to stretch cases out (leaving them for others to handle later), rather than resolve their cases
- Training wealthy law firms' attorneys at the expense of the organization's clients

Enthusiasm for a Deferred Associate Program

Ratings were made on a 1-5 scale with 5 being highest and the rating premised on loaned associates meeting the LSP's duration, location and admission requirements.



SAMPLING OF RESPONDENT COMMENTS



CONTACT US

To express interest, provide other feedback or submit questions, please contact Pro Bono Institute Law Firm Project staff:
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