



Embargoed till 5 pm 4 October 2012

4 October 2012

## **Firm commitment to pro bono remains steadfast in times of uncertainty**

Large Australian law firms have continued to increase the amount of pro bono legal assistance they provide, despite the significant structural change that has taken place in the law firm sector over the past two years.

These findings come from the [National Law Firm Pro Bono Survey](#) (“the Survey”), which is conducted every two years by the National Pro Bono Resource Centre (“the Centre”), and the [fifth annual performance report on the National Pro Bono Aspirational Target](#), also released today. Thirty-six of the 51 Australian firms with more than 50 FTE lawyers, including all of the large national firms, responded to the Survey.

Between them, 11,460 FTE lawyers in Australia undertook more than 343,058 hours of pro bono legal work in the 2011/2012 financial year, or an average of 29.9 hours per lawyer per annum, up 0.9 hours per lawyer from 2010. “That’s equivalent to 191 lawyers working pro bono full-time for a year”, said John Corker, Director of the National Pro Bono Resource Centre.

However, performance across the 36 firms surveyed was quite uneven ranging from 1.8 to 64.2 hours per lawyer per year. “There is clearly room for growth in pro bono legal work in a number of firms. These results will allow firms to benchmark themselves against their peers.” Corker said.

Key findings from the Survey are:

- Seven of the nine largest law firms (above 450 lawyers) still lead the sector, all performing pro bono legal work above the Centre’s aspirational target figure of 35 pro bono hours per lawyer per year (the average across the group was 38 hours/lawyer) with the top firm in this group providing 57 hours/lawyer per year. Overall, pro bono performance amongst these firms is slightly down on what it was two years ago.
- In the mid-tier sector (250–450 lawyers), where the firms within it have changed considerably since 2010, the average was 20.4 hours/lawyer but notably, amongst the eight mid-tier firms who responded to the survey in 2010, pro bono hours per lawyer per year had risen 16.7% to 21.7 hours/lawyer with the pro bono participation rates of lawyers rising 20% to 53.9% of lawyers.
- The smaller firms (50-250 lawyers) reported an average of 15.7 pro bono hours per lawyer per year but amongst this group was the firm with the highest performance of the survey of 64.2 pro bono hours per lawyer per annum. This group has grown considerably since 2010 with their being 31 firms of this size as at 30 June 2012 (up from 22 in 2010). Half the firms in this Group did not provide survey data providing reasons such as their pro bono practice was not well developed, their lawyers did little or no pro bono work or that their

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emphasis was on community rather than legal work. However, an analysis of data from six firms who reported in 2010 showed an increase of 21.6 percent in their pro bono hours per lawyer since then.

- Eighteen firms reported on their pro bono legal work as a percentage of total practice income. This varied from 0.7 per cent to 5.45 per cent with the average being 2.3% up from 2% in 2010. The highest figure reported in 2010 was 3.47%.
- Overall there were more firms with organised pro bono practices than there were in 2010 with a record rise in the number of Aspirational Target signatories up from 66 to 95. The number of full time equivalent (FTE) legal professionals covered by the Target is now 7,636.5, which is an increase of 44 per cent since 30 June 2011, the largest yearly increase since the Target was introduced in 2007. The Target now covers approximately 12.9 per cent of the Australian legal profession.
- Target signatory firms generally performed better than non-signatory firms which suggests that signatory firms generally have a stronger pro bono culture evidenced by significantly higher participation rates (59.3% v 43%) and pro bono hours/lawyer (36.6 v 20.1).
- Many of the new signatories are small or mid-tier firms, some of whom told the Centre that their decision to sign up to the Target was influenced by the Commonwealth Attorney General Department's current process of seeking applications from firms for inclusion on the 'legal services multi-use list' (LSMUL), which is being used by Australian Government departments, agencies and bodies to purchase legal services.<sup>1</sup>
- With few exceptions, all firms reported doing more pro bono work for organisations than individuals, the average across all firms being 63:37 with this proportion being 55:45 amongst the top nine firms.
- On average 16% of firm's pro bono work (by hours) originated from Community Legal Centres, 31.5% from pro bono referral schemes and clearing houses and 52.5% from other sources, notably from existing clients and the firm's own projects and initiatives.

"It is encouraging to see that even in a time of great upheaval and uncertainty for the legal sector, with some firms operating with a reduced number of FTE lawyers as a result of the GFC and 12 of the 36 reporting firms having merged or joined with another firm in the period, the pro bono work undertaken by firms with more than 50 FTE continues to grow. It is testament to their ongoing commitment to the professional ethic of pro bono," Corker said.

"The firms that continue to make the most significant contributions have dedicated pro bono partners and pro bono coordinators in each office who help to ensure that a pro bono culture is fully integrated into the firm's practice". The need for development in mid-tier firms was commented on in 2010 and so it is very heartening to see a number of mid tier and smaller firms have significantly developed their pro bono practices over the past two years," Corker said.

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<sup>1</sup> Applicants for the LSMUL are required to either indicate that they subscribe to the Target, or nominate a target value of Pro Bono Legal Work (as defined in the Target) over a financial year.

### **National Pro Bono Aspirational Target**

The Centre developed the National Pro Bono Aspirational Target in 2006, setting a voluntary goal for lawyers of at least 35 hours per lawyer per year.

Collectively, the reporting signatories provided more than 262,662 hours of pro bono legal work, up 19 percent from 220,497 hours in 2010/2011, which equates to an average of 34.2 hrs per lawyer for the 2011/2012 financial year. This is down from 39.8 hours per lawyer last year. The percentage of reporting signatories who indicated that they had met the 35 hour Target is down to 47 percent from 52 percent last year and 65 percent in 2010. Both the drop in the average number of hours per lawyer and the decline in the number of reporting signatories indicating that they have met the Target can be attributed to the number of new signatories to the Target.

“Since the publication of the First Annual Performance Report on the Aspirational Target in September 2008, the number of legal professionals covered by the Target and the number of hours of pro bono legal work undertaken has more than doubled”, said Corker.

“The Target aims to raise the profile of a lawyer’s professional responsibility to enhance access to justice for those who would not otherwise access legal assistance, to highlight the shared nature of that responsibility across the legal profession, and to provide a benchmark for the conduct of pro bono work” he said.

“The Target is a helpful tool for new signatories with developing pro bono practices who are starting to build their pro bono contributions. Firms wanting to develop their pro bono practices should talk to a pro bono clearing house or the Centre. It’s a free service!”, said Corker.

Solicitors, Barristers and Law Firms are encouraged to sign up to the Target online on the [Centre’s website](#).

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